



Understanding Legal Requirements and Best Practices to Support Immigrant Students Experiencing Homelessness

Thursday, May 8, 2025



5 Minute Survey on FAFSA
bit.ly/SHC-FAFSA



ABOUT SCHOOLHOUSE CONNECTION

SchoolHouse Connection works to overcome homelessness, from prenatal to postsecondary, through strategic advocacy and practical assistance in partnership with youth, families, schools, early childhood programs, institutions of higher education, and service providers.

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AGENDA

1. Data and Terminology
2. Federal Updates
3. Educational Rights of Immigrant Students
4. Strategies to Support Immigrant Students Experiencing Homelessness
5. Strategies to Protect Immigrant Children and Youth
6. Access to Higher Education
7. Discussion and Questions



LEARNING OBJECTIVES

- Participants will learn important contextual information, including data, terminology, and key federal updates.
- Participants will increase their understanding of the educational rights of immigrant students.
- Participants will gain additional strategies to support immigrant students experiencing homelessness.



DATA AND TERMINOLOGY



IMPORTANT DATA

- 2021 Data from Center for Immigration Studies
- Note that this data does not reflect recent increases in newly arriving children, youth, and families.
- Source: Center for Immigration Studies
- There were 11 million public school students from immigrant-headed households (documented and undocumented) accounting for nearly 1 out of 4 (**23%**) of **students in public schools**.
- Of these students in immigrant-headed households, **83% were born in the U.S.**
- It is estimated that 3.2 million (29%) of public school students from immigrant-headed households were from households headed by an undocumented immigrant.
- **21% of public school students from immigrant households lived in poverty** and accounted for 29% of all students living below the poverty line.



IMPORTANT DATA

- 2022-23 Data from ED Data Express
- Note that this data does not reflect recent increases in newly arriving children, youth, and families.
- Source: Ed Data Express
- There were a total of **1,374,537 (2.8%)** of students enrolled in public schools identified as experiencing homelessness under McKinney-Vento
- There were 301,043 students (25%) identified as both English Learners (ELs) under McKinney-Vento
- There were 17,850 students (1.5%) identified as both migrant students and McKinney-Vento students.



IMPORTANT DATA: PROVIDING CONTEXT

Source: Migration Policy Institute
~~Recent Immigrant Children A Profile of~~
~~New Arrivals to U.S. Schools~~

- Accurate data on immigrant students is hard to come by because LEAs track students by English proficiency and time in U.S. schools, not by immigration status which is protected information.
- Few states track graduation rates for immigrant students or similar groups such as students with limited or interrupted formal education.
- 8% of recent arrivals (in 2023) were not enrolled in and had not completed high school.
- 16% of recent arrivals (about 5,300 youth) not living with a parent were not enrolled and had not completed high school.
- There are gaps in the data.
- There are very likely more immigrant students who are eligible under McKinney-Vento that are not identified.



IMPORTANT TERMINOLOGY

Multilingual Learner

Students who come from non-English-speaking homes and backgrounds and are learning English as a second (or third) language.

Immigrant

A person who moves to a country and plans to stay permanently

Migrant

Someone who moves because the student or family are involved in seasonal agricultural or fishing work



IMPORTANT TERMINOLOGY

Refugees

People who have fled their home country due to fear of persecution for reasons of race, religion, nationality, membership in a particular social group, or political opinion, and are not in the U.S. while they are going through the initial immigration process.

- Asylees: Refugees who are in the U.S. when going through the initial immigration process.

Unaccompanied Alien Minors

Youth under age 18 who come to the U.S. without an accompanying parent or guardian. The term “unaccompanied” in this context refers to their immigration status, not their McKinney-Vento status.

- Unaccompanied homeless youth as defined by the McKinney-Vento Act are children and youth who lack fixed, regular, and adequate nighttime residence and are also not under the care of a parent or legal guardian.



FEDERAL UPDATES



NEWLY ARRIVED IMMIGRANT STUDENTS

- There were more immigrant encounters at the U.S.-Mexico border in **2023** than in any previous year. (Source: Migration Policy Institute)
- Changes in immigrant policy in **2024** led to a 14 percent decrease in encounters at and between ports of entry along the Southwest border. (Source: Migration Policy Institute)
- Rural, suburban, and urban communities are experiencing significant increases in immigrant students
- Changes in federal administration in **2025** has brought about additional changes.



FEDERAL UPDATES

Laken Riley Act	Mandates detention of undocumented immigrants charged with theft, even without conviction. (Signed into law 1/29/25)
Expedited Removal Expansion	Allows rapid deportation of suspected undocumented individuals without a court hearing.
Humanitarian Parole Programs for Cubans, Haitians, Nicaraguans, and Venezuelans (CHNV) Terminated	<p>Over 530,000 people from these countries with a U.S.-based supporter will lose their parole status that was previously granted.</p> <ul style="list-style-type: none">• Without a new immigration status, they will be placed in removal proceedings.• Parole status - temporarily allows non-citizens to enter or remain in the U.S. if they are applying for admission (Resource: American Immigration Council The Use of Parole Under Immigration Law)

FEDERAL UPDATES

Sensitive Locations Memo Rescinded	Immigration enforcement can now enter schools (including preschools and higher ed), hospitals, shelters, playgrounds, bus stops, disaster response sites, and places of worship with a judicial warrant.
	Remember that student information is protected under FERPA. Do not share student directory information without first consulting legal counsel.
	It is recommended that LEAs have policies and procedures in place in case of immigration enforcement action.
	<p>Resources:</p> <ul style="list-style-type: none">• National Immigration Law Center <u>Fact Sheet: Trump's Rescission of Protected Areas Policies Undermines Safety for All</u>• <u>FERPA Overview</u>• SHC <u>6 Things to Know About Privacy, FERPA, and Homelessness</u>

EDUCATIONAL RIGHTS OF IMMIGRANT STUDENTS



EDUCATIONAL RIGHTS OF IMMIGRANT/MIGRANT CHILDREN AND YOUTH

- Children and youth living in the United States **have the right to enroll in and attend** public schools, regardless of their immigration status.
- Schools and LEA-administered preschool programs **cannot ask about a student's or family's immigration status** or take other actions that could discourage students from seeking enrollment.
- Schools and LEA-administered preschool programs **cannot require Social Security numbers** or immigration or citizenship documentation.
- **Schools and LEA-administered preschool programs cannot contact Immigration and Customs Enforcement (ICE) or other law enforcement officials** about a student's or family's immigration status. **Schools and LEAs must follow FERPA.**



EDUCATIONAL RIGHTS OF UNDOCUMENTED CHILDREN AND YOUTH

- Undocumented children and youth living in the United States have **the right to participate fully in school, regardless of immigration status. Including in preschool programs** run by LEAs and/or state agencies.
- **Families may enroll their children in Head Start and Early Head Start programs** regardless of their immigration status.
- For all McKinney-Vento eligible students, **regardless of immigration status**, schools must address barriers to full participation in school activities, including transportation.
 - Career and Technical Education (CTE) services may require Social Security numbers or employment authorization if required for an employment or internship opportunity.
 - Foreign travel as part of an activity is not advisable for undocumented students, as their ability to reenter the U.S. is not guaranteed.



THE MCKINNEY-VENTO ACT

- Covers children and youth who lack **fixed**, **regular**, and **adequate** nighttime residence
- Sharing the housing of others due to loss of housing, economic hardship, or similar reason
- Living in motels, hotels, trailer parks, or camping grounds due to a lack of alternative adequate accommodations
- Living in emergency or transitional shelters
- Living in a public or private place not designed for or regularly used as accommodations
- Living in cars, parks, abandoned buildings, substandard housing, bus or train stations, or similar settings
- Includes unaccompanied youth and migrant students living in those situations



McKINNEY-VENTO ELIGIBILITY OF IMMIGRANT CHILDREN AND YOUTH

- As with all McKinney-Vento eligibility determinations, each situation should be evaluated individually.
- Immigration or documentation status does not affect McKinney-Vento eligibility.
- The right to public education for immigrant children, including undocumented children, extends to preschool programs run by LEAs and/or state agencies.
 - Families may enroll their children in Head Start and Early Head Start programs regardless of their immigration status.
- Unaccompanied minors who are living with a sponsor do not necessarily have fixed, regular, and adequate housing. Sponsors are not legal guardians.



UNACCOMPANIED YOUTH UNDER MCKINNEY-VENTO

- A child or youth without a fixed, regular, and adequate nighttime residence and not in the physical custody of a parent or legal guardian.

Youth run away from home due to abuse or neglect.

- 40-60% of unaccompanied youth were abused physically at home.
- 17-25% of unaccompanied youth were abused sexually at home.
- Research links parental substance abuse and youth running away from home.

Parents force youth out of the home due to conflicts.

- Sexual orientation and gender identity
- Pregnancy

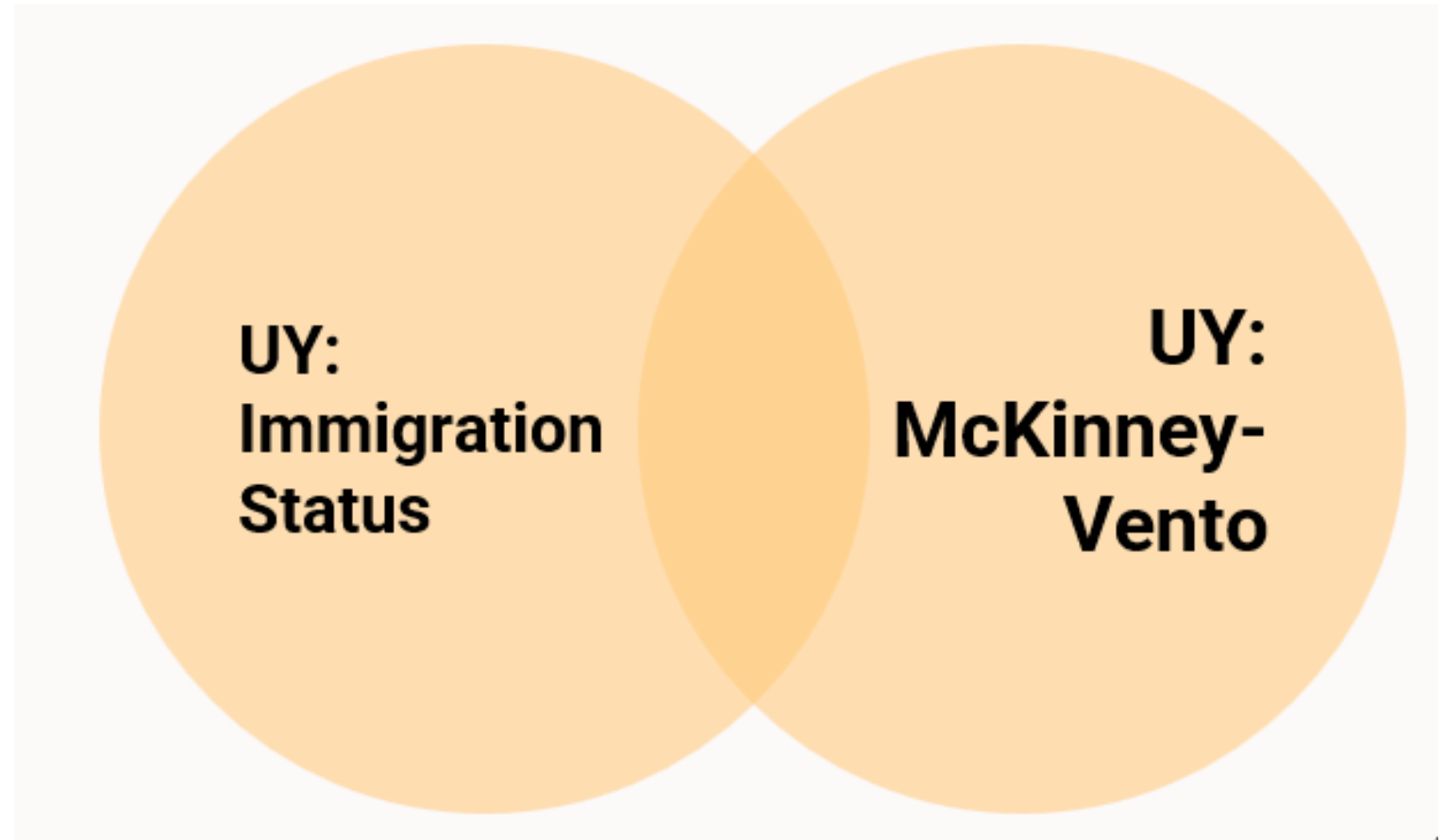


UNACCOMPANIED YOUTH AS AN IMMIGRATION STATUS

- Children or youth coming to the U.S. alone, living with relatives, friends, or others.
- Some stay with a sponsor
- Sponsors do not have legal guardianship
- Living with a sponsor does not automatically mean fixed, regular, and adequate nighttime residence
- Often sponsors allow youth to stay with them under certain conditions such as paying back immigration expenses, contributing to household expenses, etc.
- Financial obligations may make it difficult for unaccompanied youth to attend and engage in school.



UNACCOMPANIED YOUTH



“SHARING THE HOUSING OF OTHERS”

To ask or not to ask:

- Determining eligibility requires information about the student's housing situation.
 - Federal law says schools cannot ask any questions that might “chill” the right to enrollment for an undocumented student.
 - Balance!
- Is it due to loss of housing, economic hardship, or a similar reason, whether in the US or another country?
 - Family lost housing due to natural disaster, violence (war, gangs, coup), loss of employment or subsistence
 - Where would they go if they had to leave where they are staying?
 - Do they have any right to be there?
 - Is the housing adequate?
 - “Sponsors” don't change the analysis



CULTURAL CONSIDERATIONS OF DOUBLED UP

- Shared housing or multigenerational living situations:
 - Who is included on the lease?
 - Who is contributing to household costs?
 - Does everyone have adequate space to sleep?
 - Is the living arrangement for everyone's mutual benefit?
 - Are any members of the household looking for their own place to live?
 - Was one family already living in the space and another family moved in?
- Just because multigenerational families may be cultural, homeless liaisons still must evaluate each situation individually.
- Circumstance supported by cultural norms.



STRATEGIES TO SUPPORT IMMIGRANT STUDENTS EXPERIENCING HOMELESSNESS



STRATEGIES AND BEST PRACTICE TO SUPPORT IMMIGRANT AND MIGRANT CHILDREN AND YOUTH

- Identify immigrant families experiencing homelessness
- Collaborate across programs to provide wrap-around services
- Provide families with information and support they can access
- Remove barriers for immigrant children, youth, and families
- Build relationships with community partners

Examples:

New Philadelphia City Schools, Ohio

Metro Nashville Public Schools, Tennessee

Shakopee Public Schools, Minnesota



STRATEGIES AND BEST PRACTICE TO SUPPORT IMMIGRANT AND MIGRANT CHILDREN AND YOUTH

- Building trust is essential
- Identification
- Accommodate unique circumstances

Example: New Philadelphia City Schools, Ohio

Additional Resources by Colorín Colorado:

- [How to Build Relationships with Immigrant Families](#)
- [How Immigration Status Affects Students, Families, & Schools](#)
- [Helping Students Heal Through Love and Trust: A Social Worker's Perspective on Serving Immigrant Youth](#)



STRATEGIES TO PROTECT IMMIGRANT CHILDREN AND YOUTH



IMMIGRATION ENFORCEMENT AT SCHOOL

If ICE shows up at school:

- ALL people, including undocumented immigrants, have certain rights:
 - To leave if not arrested or detained
 - To remain silent if arrested or detained
- Know and follow your LEA's policies and procedures.
 - Be a part of the creation of those policies and procedures to advocate for immigrant students experiencing homelessness
- Federal and state privacy laws remain in place for sharing student information.



IMMIGRATION ENFORCEMENT AT SCHOOL

School staff can:

- Ask for the officer's name, identification, and supervisor information.
- Determine the purpose of the visit.
- Make a copy of the warrant.
- Ask law enforcement to wait in an area away from students.
- Limit contact until LEA administrators or legal counsel provides further instruction.
- Let parents or caregivers know that law enforcement asked about them or their children.



HELPING CHILDREN, YOUTH, AND FAMILIES TO BE PREPARED

DO NOT:

- Promise to keep a child or youth safe.
- Share information if you are not 100% sure it is accurate.
- Share student information without first consulting LEA administrators.
- Give legal advice.

DO:

- Communicate care and support.
- Keep up-to-date on what is happening in the community and nationally.
- Provide referrals to reputable community partners.
- Share resources, such as:
- Know Your Rights Mobile App
- Know Your Rights Cards
- Family Preparedness Plan
- UnidosUS Resource List
- Provide mental health and other trauma-informed supports.
- Ensure that children, youth, and families understand their McKinney-Vento rights.

Diving Deep Into Implementation



ACCESS TO HIGHER EDUCATION



HIGHER EDUCATION OPPORTUNITIES FOR UNDOCUMENTED YOUTH

Please note that states are frequently updating and changing in-state tuition and financial aid information for undocumented youth. Please make sure to remain up-to-date when working with students.

- Alabama, Georgia and South Carolina prevent undocumented students from enrolling in all or some public colleges. (Source: Higher Ed Immigration Portal). Nine states actively block access to in-state tuition for undocumented students.
- 24 states provide in-state tuition to the states' undocumented students. Of those, 19 states and D.C. also provide access to state financial aid
- Some states provide undocumented students with access to in-state tuition for some but not all universities, while others only provide access for DACA recipients.
- **See what your state offers:**
 - National Immigration Law Center
 - Higher Ed Immigration Portal



HIGHER EDUCATION OPPORTUNITIES FOR UNDOCUMENTED YOUTH

- Youth with legal immigration status can apply for federal aid, even if their parents are undocumented, but undocumented youth are not eligible for federal financial aid.
- FAFSA Hub for Mixed-Status Families



HIGHER EDUCATION OPPORTUNITIES FOR UNDOCUMENTED YOUTH: SCHOLARSHIP RESOURCES

- SchoolHouse Connection Scholarship Program
- Mexican American Legal Defense and Education Fund (MALDEF)
- League of United Latin American Citizens (LULAC)
- National Immigration Law Center
- TheDream.US



DISCUSSION: WHAT STRATEGIES ARE YOU CURRENTLY USING IN YOUR LEA?



QUESTIONS?



ADDITIONAL RESOURCES

- SchoolHouse Connection: Strategies for Supporting Immigrant and Migrant Students Experiencing Homelessness
- SchoolHouse Connection: Immigrant Students Experiencing Homelessness: Liaisons' Strategies
- SchoolHouse Connection: Immigrant Students: How Schools Can Help
- How School Districts Can Take Action to Protect Their Immigrant Students
- Flowchart for Protecting Immigrant Students' Rights and Privacy
- Sesame Street In Communities: Supporting Families Resettling in the U.S.
- Colorín Colorado: Guides and Toolkits
- National Immigration Law Center: Toolkit Higher Education for Immigrant Students
- Immigrant Connections: What to do if ICE Visits Your School: Sample Policies and Guidance from School Districts and States



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