

Students Who Are Displaced Persons, Refugees, or Asylum Seekers

This resource aims to help school psychologists navigate working with youth with varying immigration statuses in schools by providing practice recommendations consistent with the National Association of School Psychologists' (NASP) Practice Model, ethical standards, and position statement "Child Rights" (NASP, 2010a, 2010b, 2012), as well as federal policies and legislation. Potentially relevant state laws and examples of school-level policies are also included. These resources and recommendations are offered as a starting point to help practitioners address these complex challenges and should be reviewed in conjunction with guidelines included in NASP's Policy Brief: "Students Who Are Displaced Persons, Refugees, or Asylum Seekers" (hereafter referred to as the Policy Brief; NASP, 2019a) and the position statement "Students Who Are Displaced Persons, Refugees, or Asylum Seekers" (NASP, 2019b). Recommendations are organized according to how students might progress through their education: pre-enrollment/enrollment, active student status, and transitioning. Systemic practices that align with these standards and enhance the capacity of the system to address the needs of displaced persons, refugees, and asylum seekers are outlined.

PRE-ENROLLMENT/ENROLLMENT

What are school employees' roles in determining citizenship status of families who are seeking to enroll their children in school?

As noted in the Policy Brief, school personnel are not required to determine the status of families or to seek any type of documentation (e.g., driver's license, social security card) that might place a family in a position of needing to disclose their citizenship status.

Practice Recommendations:

1. In order to help families understand their rights, posting this information on school and district websites may be helpful to educate families, school staff, and the broader citizenry regarding the responsibility of schools to provide education to students regardless of their citizenship status. School psychologists can work with their administrators and IT departments on getting accurate information posted. One example of this practice is in the [Madison Metropolitan School District](#).
2. School administrative staff should be educated about these policies and can be essential to supporting families and reassuring them that no official immigration documentation is required to enroll their children in school. Encourage your school or district leadership to send a formal document to all employees that outlines these guidelines and helps school personnel to understand their role in supporting all families regardless of their immigration status. An example of this type of document is provided by the [Superintendent of the Boston Public Schools \(2018\)](#).

ACTIVE STUDENT STATUS

Should schools seek or store citizenship information about students or their families? Furthermore, can school districts and their employees report students or their families to U.S. Immigration and Customs Enforcement (ICE) or U.S. Customs and Border Patrol (CBP)?

Schools should not seek or store citizenship information about students or their families. Under exceptional circumstances (e.g., immediate public safety, valid judicial warrant, subpoena, or court order), schools may be required to release information about students in the absence of parent consent. However, as stated in the Policy Brief, this should occur only if district administration and legal counsel deem it unavoidable legally. In addition, unsolicited reporting of students' or families' actual or perceived immigration statuses to ICE or CBP could be considered a violation of their rights to privacy, especially as legislated by the Family Educational Rights and Privacy Act (FERPA) and may result in harm to students and their families.

Practice Recommendations:

1. Should school psychologists be approached by ICE or CBP, they should refer representatives of these agencies to district administration. Release of information about students should only occur following review of requests/orders by district administration and legal counsel in order to evaluate the need to comply. Schools should inform families about receipt of and compliance with such requests/orders prior to compliance whenever possible. Some school districts have developed resolutions or step-by-step procedures for responding to ICE and CBP requests/orders (e.g., [Boston Public Schools](#), 2018; [Madison Metropolitan School District Resolution](#), n.d.).
2. School psychologists can assist districts in the development of resolutions that expressly prohibit school district employees from volunteering such information and initiating such reports to ICE or CBP (e.g., [Madison Metropolitan School District Resolution](#)).
3. School psychologists can advocate for the development and distribution of policies and resolutions such as those referenced to school staff and promote adherence to them.
4. School psychologists can help families develop a “[Family Preparedness Plan](#)” (Immigrant Legal Resource Center, n.d.) for an unexpected separation, detention, or deportation. School psychologists should educate families on the importance of this document and where it will be housed for safe keeping, and they can offer additional community resources to assist with the development of this plan as needed.

What if there is ICE and/or CBP activity in and around our school(s)?

ICE (2018) and CBP have named schools among “sensitive locations” where they are supposed to avoid “apprehensions, arrests, interviews, or searches, and for purposes of immigration enforcement only, surveillance” However, ICE and CBP activity may still occur in or near schools in exceptional circumstances and in nearby and surrounding communities.

Practice Recommendations:

1. Some school districts have developed resolutions and emergency response plans for how to respond to ICE and CBP activity in and near schools and in the surrounding communities due to the potentially traumatizing effects on students and families and simultaneous disruption to learning (e.g., [Madison Metropolitan School District Resolution](#); [Madison Metropolitan School District FAQs](#)). School psychologists can advocate for the development and distribution of such resolutions and crisis response plans to school staff and promote adherence to them.
2. Furthermore, school psychologists can advocate for districts to inform parents and students of schools' efforts to help protect parents and families from harm.
3. School psychologists can assist families with understanding their rights related to ICE and CBP enforcement activities and can help families gather resources to plan for related emergencies such as separation or deportation. Guidance for helping families plan can be found in the following linked resources from the [American Federation of Teachers](#), [The Immigrant Legal Resource Center \(n.d.\)](#), and various school districts (e.g., [Boston Public Schools](#), [Madison Metropolitan School District](#)).

4. School psychologists may provide counseling services to students struggling with fear of immigration raids, or with emotions related to the detention or deportation of a loved one. They can also help determine the need for English as a second language services as well as teach children and families about local cultural norms. Helping families connect with pro bono attorneys and immigration advocates/agencies can be helpful. Similarly, school psychologists may provide referrals to community-based mental health service providers, who are culturally responsive, for students and their families who are suffering from mental health challenges surrounding these stressors.

What rights do students and families have related to language?

Title VI of the Civil Rights Act of 1964 and subsequent Civil Rights Act policy documents, as well as *Lau v. Nichols*, 414 U.S. 563, have established school districts' requirements to help students who are English language learners (ELL) to access educational programming. Responsibility to students to reduce language barriers is independent of their immigration status. Similarly, legal requirements provided in Individuals with Disabilities Education Improvement Act (IDEIA) to communicate with parents in their preferred/most proficient language and to assess students using their native language continue to be applicable regardless of students' or parents' immigration statuses.

Practice Recommendations:

1. Family–school partnerships will be best facilitated when language needs for clear and accurate communication are met through translation and interpretation as needed.
2. In addition to providing interpretation services, some school districts provide family-focused communications to parents in multiple languages (e.g., [Boston Public Schools](#); [Madison Metropolitan School District](#)).
3. Not only can school psychologists advocate for effective interpretation services when working with parents, and for translation of family-focused communications into multiple languages, they can also follow best practices for [providing services to linguistically diverse learners \(NASP, 2015\)](#).

TRANSITIONING

How can school psychologists assist DACA recipients and Dreamers with graduation and postsecondary educational/vocational planning?

School psychologists can assist students whose immigration statuses are undocumented to know their immigration status and rights, and to access resources. School psychologists should support students with Deferred Action for Childhood Arrivals (DACA) status, who will face potential deportation when their status expires and/or when the program ends in 2020 (U.S. Citizenship and Immigration Services, 2018). In addition, school psychologists should support other students without documentation, often referred to collectively as Dreamers in reference to the Dream Act that failed to pass in Congress in 2010. The Dream Act was designed to create a path to citizenship for children whose parents brought them to the United States without documentation necessary for legally approved entry (American Immigration Council, 2017). Also, students who enter school districts at older ages, with or without documentation, may benefit from school psychologists' support to maximize their educational opportunities.

Practice Recommendations:

1. School psychologists can collaborate with school counselors to assist DACA recipients and other Dreamers as they consider postsecondary educational and vocational plans, especially. Regarding postsecondary education, school psychologists can work with school counselors to help students apply to technical institutions, colleges, and universities.
2. School psychologists can help students identify financial aid resources. Some states and institutions allow in-state tuition for Dreamers. In addition, scholarships specifically for Dreamers are available.

3. Some school districts, and the Boston Teachers Union (BTU), have published helpful FAQ documents and brochures on their respective websites to assist educators, parents, and students in planning for postsecondary life (e.g., [BPS: We Dream Together](#); [BTU Unafraid Educators](#); [Madison Metropolitan School District](#)). School psychologists can share these resources.
4. For students who have entered the school system as adolescents, completing all requirements needed to obtain a high school diploma by the age of 18 or 19 can be daunting. Each state can set the parameters for what constitutes a free and appropriate public education, which means some students may “age out” of the system prior to completing their coursework. Therefore, some states have implemented legislation to extend schooling in similar ways as they do for students whose families are in the military, children in foster care, and others who might have difficulty completing all requirements in a typical time frame. Currently, only one state caps its free appropriate public education at age 19. Nine states allow students to attend until age 20, and another 29 have extended their maximum age to 21. California has recently enacted this type of [policy](#). School psychologists can work with their districts and states to ensure that families are aware of their child’s rights to attend school until the maximum age.

SYSTEMIC APPROACHES

How can school psychologists cultivate culturally responsive attitudes, social justice perspectives, and the empathy of school staff and students?

Consistent with the Policy Brief, school psychologists must advocate for policies that keep families together and enable children to remain in a supportive and safe environment. To accomplish this, school psychologists can work with their administration and school teams to implement systemic policies and practices that enhance the entire school community. School psychologists can help school staff understand students in their schools and build relationships with community agencies dedicated to supporting displaced persons, refugees, and asylum seekers in particular.

Practice Recommendations:

1. School psychologists can work with school leadership teams to assess the needs of the school staff related to understanding and working with their diverse populations. By organizing inservice trainings and professional learning groups, or by disseminating resources specific to the newcomer groups, school psychologists can help teachers and other school staff build their competence and confidence in working with new student groups in culturally responsive and trauma sensitive ways (e.g., [BPS: We Dream Together](#)).
2. In some cases, creating a strong statement from school leadership that outlines the importance of educating all students heightens the awareness of school staff as to the relationship of their role in supporting all students and disseminating information to them that will help students be successful. As an example, Madison Public Schools (n.d.) has posted a [resolution](#) outlining their position. School psychologists can advocate for the development and distribution of such resolutions and crisis response plans to school staff and promote adherence to them.

How can school psychologists help create safer school environments and support the rights of students and their families as related to identity (e.g., religion, culture)?

As noted in the position statement, [Students Who Are Displaced Persons, Refugees, or Asylum Seekers](#) (NASP, 2019b), studies consistently indicate that prohibiting bullying and harassment based on specific, enumerated aspects of personal identity has contributed to improvement of perceived and actual safety among the majority of students in schools that have implemented these policies.

Practice Recommendations:

1. School psychologists should advocate for nondiscrimination statements and reporting policies that state bullying and harassment based on immigration status, national origin/birthplace, language, religion, and culture are prohibited and reportable according to clearly identified processes.
2. In developing these policies, school psychologists can work with diverse families, cultural liaisons, and other community stakeholders to understand specific cultural nuances that might be added to existing codes. For example, explicit wording might be added, such as prohibiting pulling on another student's head covering or conversations/visuals suggesting that students/families should be on the other side of a wall.

How can school psychologists collaborate within districts and across community service providers?

School psychologists are critical team members for supporting students and parents in accessing resources and should be a part of any team assembled to help students and families access the services they need. The diverse cultural and linguistic needs of students and parents may be novel for some school personnel, while others may have critical community connections to help families access the variety of resources they may need. School psychologists can help coordinate a systemic approach to collaboration and problem-solving to meet these needs.

Practice Recommendations:

1. School psychologists can reach out to community agencies that serve individuals who have been displaced, are refugees, or are asylum seekers. Through these contacts, school psychologists can learn about the services provided by the agencies and potentially work with staff from these agencies to provide needed support to the school.
2. School psychologists can work with the school district's web design team to ensure community resources are available on school and district websites. Current examples include those from the Boston Public Schools Resources for Supporting Immigrant Students and Families [website](#).

REFERENCES

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ADDITIONAL SCHOOL DISTRICT RESOURCES FOR PROTECTING STUDENTS WHO ARE IMMIGRANTS

- [Boston Public Schools: We Dream Together](#)
- [Boston Teachers Union: Unafraid Educators](#)
- [Durham Public Schools \(NC\)](#)
- [Madison Metropolitan School District \(WI\)](#)
- [Montgomery County Public Schools \(MD\)](#)
- [San Francisco Unified School District \(CA\)](#)

ADDITIONAL RESOURCES

- American Civil Liberties Union. (n.d.). *FAQ for educators on immigrant students in public schools*. <https://www.aclu.org/other/faq-educators-immigrant-students-public-schools>
- U.S. Department of Education, Office for Civil Rights. (2018, September 25). Developing Programs for English Language Learners: Legal Background <https://www2.ed.gov/about/offices/list/ocr/ell/legal.html>
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