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Mobility and Invisibility on the Margins: The Social and Educational Challenges Faced by
Undocumented K-12 Students in New York State

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Dedication

*This thesis is dedicated to the memory of my father, Alejandro Rodrigo Herrera Valbuena,
Who trekked thousands of miles, from Chile to Guatemala to Mexico to America,
Who lived with the shame, poverty, and stigma of life as an undocumented immigrant,
Who came knowing no English and having no high school diploma,
Who worked tirelessly and relentlessly to become an engineering technician.
For the injustice and discrimination he faced,
For the trauma that stayed with him long after he gained legal residency,
His sacrifices will never be forgotten.
He will be loved and missed forever.*

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PART I: INTRODUCTION

Eduardo¹ was just a child when his parents crossed the Mexican border to reach the inner city of San Diego. They left in the late nineties, when the Southern border had tightened dramatically and one of the few ways over the border was through rough mountainous terrain with expert guidance from local smugglers known as *coyotes*. The very real threat of being detained by border patrol, or worse, dying of exposure and starvation, did little to hinder them. There was too much at stake. Poverty, escalating drug wars, and a crumbling education system gave his parents enough incentive to take their family of six and start anew in America. Soon after arriving in the United States, Eduardo was enrolled in middle school, placed in English as a Second Language (ESL) courses, and left largely to his own devices. Eduardo, who had had little schooling prior to crossing the border, found the transition overwhelming and the lessons incomprehensible. His parents had both been compelled to abandon their education prematurely out of economic necessity and could offer little guidance on English, math and science, humanities, or even local cultural norms.

Aside from academics, Eduardo was also plagued by untreated dental issues, leaving him with constant, distracting toothaches; low self-esteem over his race and immigration status; a deep-seated fear that he or his parents would be deported; poverty; and subsequently, food and housing insecurity. His school, a low-performing public institution in a high poverty district, had neither the funds nor services to compensate for the personal and academic challenges that hindered his educational success. By senior year of high school, his English literacy and mathematics scores were not up to the state proficiency levels needed to pass standardized tests and graduate from high school. He worried about getting into college and how he would fund his

¹ Names and details have been changed to protect identities.

education, given his blocked access to federal or state financial aid. But his problems went far deeper than that: Eduardo was simply not ready to take on the rigors of more advanced college coursework. His primary and secondary education had failed him.

For most undocumented immigrants (UDIs), the United States appears to hold tangible economic and educational opportunities that are otherwise unavailable to them and their children in their native country. Further spurred by internal socio-political factors, an external demand for cheap migrant labor, and a highly competitive visa process, it is no surprise that thousands of immigrants enter the U.S. illegally each year. For undocumented youth, this transition can be incredibly complex and challenging. They have very little agency in their residence or immigration status, and their basic human rights and aspirations for the future are systematically denied, undermined, and ignored. While education is often considered the best mechanism for youth to develop and achieve upward social mobility, studies reveal that educational outcomes are widely disparate based on social background. By three years old, poor and minority students are already behind their white, middle-class counterparts in average academic potential and cognitive performance (Rothstein, 2004). These differences only become more pronounced as time goes on due to less time spent in out-of-school learning programs, less access to adequate and routine health care (particularly in regards to vision, dental, lead poisoning, and asthma treatment), housing instability, and language barriers. The implications of unequal learning opportunities have far-reaching consequences, affecting marginalized populations' ability to transition into higher education, participate competitively in the labor market, engage in civil society, and obtain a high standard of living (Rebell, 2007).

The discourse on educational achievement gaps have primarily focused broadly on minority groups as a whole, but less attention has been paid to the particular issues of

undocumented immigrant students in elementary and secondary school. Approximately 11 million undocumented immigrants live in the United States, making up around 4% of the total population (Passel and Cohn, 2014;). Of those, an estimated 1.8 million are children, 7% of which are children in primary and secondary school (Passel and Cohn, 2014; Crusnoe & Turley, 2011). New York State is home to around 867,000 undocumented immigrants, the third largest percentage of such immigrants in the United States, following California (at 3,034,000) and Texas (at 1,605,000). Among those in New York, 66,000 are children between the ages of three to seventeen. Although ninety percent (59,000) are enrolled in school, undocumented students have the second highest high school dropout rate behind Native Americans (McArdle, 2015). According to Harvard Professor Robert G. Gonzales' longitudinal study of about 2,700 undocumented youth, the largest study of this population yet, 40 percent of undocumented immigrants between 18 to 24 years old did not graduate high school (McArdle, 2015). The reasons for this are complex, but a key explanatory factor could be that undocumented individuals in the U.S. live on the margins of society and consequently face a host of unique social and economic challenges, including access to schooling, basic resources, and legal rights.

U.S. policies have historically had a bipolar relationship with irregular immigration; on one hand, they have tacitly allowed businesses to exploit undocumented laborers, while on the other hand rhetorically condemning it as a source of economic drain and as a national security threat. Immigration remains a divisive topic, representing both a liability and boon to a nation's aggregate economy and social-ethnic identity. Many federal and state efforts have been made to fast-track deportation procedures or ramp up border security, yet significantly less emphasis has been placed on implementing school programs, health centers, or poverty alleviation schemes that directly target undocumented children on a systematic level. Undocumented children

and adolescents face an incredibly uncertain future, compounded by the fact they must rapidly learn to communicate in English and adapt to the cultural parameters of American society. Many must contend with past physical and psychological trauma, loss of family and social networks, and impoverished socio-economic circumstances. Some undocumented immigrants, such as unaccompanied minors, are indebted to smugglers and must quickly learn vocational and income-generating skills to pay back these costs and support themselves or their families. Families frequently live at or below the poverty line, working menial jobs to sustain themselves and their extended families. If undocumented youth are expected to positively contribute to society, policymakers must give more attention to their educational attainment, mental health, self-esteem, sense of belonging, and language acquisition (Camarota, 2012).

This essay seeks to assess the educational disparities undocumented students in K-12 education in New York State face, the root causes of these disparities, and the effectiveness of New York policy in mitigating these achievement gaps. I argue that New York's policies have a more rhetorical than substantive impact due to the ineffective implementation and funding of 1) bilingual language programs, 2) social benefits and programs to temper the effects of poverty on educational attainment, 3) health services for undocumented immigrants, and 4) accessible and linguistically appropriate mental health counseling for those suffering from trauma. Policies and programs only provide benefits to undocumented immigrant youth when schools and institutions are adequately funded, provide well-resourced bilingual language programs, improved access to routine mental health care, state or federal protections from deportation, and broader policies that allay the effects of low socioeconomic status on in-school readiness. The current sociopolitical system in New York State does not meet the needs of the students nor of the society at large,

which should aim integrate youth, cultivate their cultural capital, and provide meaningful opportunities to develop into their full human potential.

When the state and society fail to integrate immigrants undocumented and provide them with equitable opportunities for personal and economic achievement, disastrous consequences can occur as result. Without legitimate pathways toward upward social mobility, undocumented immigrants youth are at risk of entering into exploitative informal markets and criminal networks, internalizing their marginalization, or turning to violence. Given the continuous waves of immigration, the rootedness of current undocumented populations, and the fundamental human right to equitable educational opportunities, these issues need to be prioritized by policymakers and school administrators.

DEFINITIONS AND TERMINOLOGY

Undocumented immigrants are referred to in a number of ways, such as “unauthorized”, “irregular”, or “illegal” in conjunction with “alien” or “immigrant” (Woodrow-Lafield, 2014). Although these terms refer to the same phenomenon, each phrase is laden with cultural meaning. Terming migrants “illegals” is particularly contentious, as it is often used pejoratively with the intention dehumanize and marginalize. Moreover, residing in the U.S. without legal permission is a civil, not criminal offense, thereby making the term “illegal” technically inaccurate (Woodrow-Lafield, 2014). Given these facts, as well as the growing campaigns to “Drop the I-Word”, many academics, journalists, and demographers choose to instead use “unauthorized” or “undocumented” to describe non-citizens who live in a country without official papers (Woodrow-Lafield, 2014). For example, in 2013 the *AP Stylebook* made a statement announcing that they would only refer to illegal immigration as an *action*, but no longer describe any *person*

as illegal (Colford, 2013). For the purposes of this essay, migrants who enter the United States without authority of the government will be called undocumented or unauthorized immigrants or UDIs. Unaccompanied minors refer to children under the age of 18 who entered the U.S. without immigration papers, and without a guardian or parent.

METHODOLOGY

Using the theoretical frameworks of social exclusion and segmented assimilation theory, I will conduct qualitative research on primary legislation and programs that impact undocumented immigrants access to primary and secondary education and social services, as well as analysis on secondary qualitative and quantitative analysis on best practices for educational attainment. Historical documents, UN treaties, and scholarly sources will be used to ground the overarching human rights framework. I will also look at the discourse on immigration in politics and media, demonstrating how public opinion functions to influence policy and contribute to the psychosocial effects of social exclusion. Poverty, immigrant status, and ethnicity are all strongly correlated with poor educational outcomes, but this paper aims to analyze way in which *undocumented* status has particular effects on potential educational outcomes based on federal and states policies in the areas of welfare, health care, housing and deportation.

HUMAN RIGHTS FRAMEWORK & NYS OBLIGATIONS

Within U.S. domestic law, unauthorized immigrants have virtually no civil and political rights. The Universal Declaration of Human Rights, of which the U.S. is a signatory, details many fundamental human rights that they are entitled to, including the right to life, liberty, and security (Article 3), the right to non-discrimination before the law (Article 7), the right to family life

(Article 16), the right to political participation (Article 21), the right to just and favorable conditions of work (Article 23), the right to a standard of living adequate for health and well-being (Article 25), and the right to a free education (Article 26). Similar rights are also outlined in the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention on the Rights of the Child (CRC), though the latter has not been ratified by the United States. How does the human rights framework influence immigration policy? Does it function to constrain xenophobic policies or advance universal rights for migrants in a substantive way? Freeman and Birrell (2001) argue that international human rights regimes did act to curb the rise in demand for restrictionist policies in the mid-1990s. They argue that citizens, migrants, and interest-groups embrace the human rights discourse and seek to hold the state accountable for arbitrary mistreatment of migrants or overtly restrictive measures. Similarly, Hollifield (1992) and Cornelius and Tsuda (2004) argue that liberal states have a rhetorical commitment to human rights norms and face pressure from NGOs, advocacy groups, civil society groups, employer associations, and ethnic and religious organizations. These organizations have increasingly called for policy reforms and normative shifts that would strengthen the rights of undocumented immigrants and provide them access to equitable education opportunities. The immigrant rights movement in the U.S. have used a variety of tactics to advocate for immigration reform and broader norm changes toward migrants, including mass protests, boycotts, marches, occupations, artwork, lobbying, media, and storytelling. Undoubtedly, the immigrant rights movement has influenced the outcomes of specific policies in many states. Andrew Thangasamy (2010) argues that grassroots movements led several successful campaigns toward passing legislation allowing in-state tuition rates and other rights for undocumented immigrants in Washington, Kansas, New Mexico, New York and

other states. The immigrant's rights movement in New York has been a powerful force in advocating for an enhanced legal framework to protect immigrants. In response, the New York Department of Labor created the Division of Immigrant Policies and Affairs, designed to protect workers' rights, provide services, and uphold anti-discrimination laws (DIPA, n.d). In 2011, Governor Andrew Cuomo issued Executive Order 26, mandating that state agencies provide translation and interpretation services to non-English speakers (EO26). New York City has a department called The Mayor's Office of Immigrant Affairs (MOIA), designed to promote the "the well-being of immigrant communities by recommending policies and programs that facilitate successful integration of immigrant New Yorkers into the civic, economic, and cultural life of the City" (n.d.). As such, Mayor Bloomberg signed Executive Orders 34 and 41 in 2003 to provide specific protections to undocumented immigrants that ensure access to city services and protect the confidentiality of their immigration status. Furthermore, New York State has the Division of Human Rights, designed to enforce their Human Rights Law, which prohibits discriminatory practices. While it does not explicitly mention immigrants, it does state that "equality of opportunity" is a civil and human right. It reads:

The legislature hereby finds and declares that the state has the responsibility to act to assure that every individual within this state is afforded an equal opportunity to enjoy a full and productive life and that the failure to provide such equal opportunity, whether because of discrimination, prejudice, intolerance or inadequate education, training, housing or health care not only threatens the rights and proper privileges of its inhabitants but menaces the institutions and foundation of a free democratic state and threatens the peace, order, health, safety and general welfare of the state and its inhabitants (§ 290, n.d)

While human rights covenants and state laws provide a useful framework for undocumented immigrants to become empowered, there has been a continuous gap in policy and enforcement. In practice, undocumented immigrants face persistent discrimination and denial of fundamental entitlements. The 1990s saw a rise in anti-migrant rhetoric resulting in legislation that denied social services to undocumented immigrants. In 1996, dramatic reforms to the welfare system caused many low-income groups to lose benefits, such as Temporary Assistance for Needy Families (TANF), SSI, Medicaid, and other social programs (Gonzales, 2009). The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) ended cash assistance to qualifying families with children and restricted undocumented immigrants from receiving food stamps (Gonzales, 2009). While adult undocumented immigrants lack access to virtually all basic civil and political rights, undocumented children are entitled to a free primary and secondary education. The 5-4 1982 US. Supreme Court ruling in *Plyler v. Doe* struck down state and municipal statutes that attempted to charge undocumented immigrants tuition fees or deny funding for undocumented students under the legal provision of the Equal Protection Clause of the Fourteenth Amendment.

New York State has a constitutional obligation to provide all students with a “sound, basic education”, allowing students to have meaningful opportunities to develop the knowledge and skills needed to be productive members of society (Huerta, 2006). In *Campaign for Fiscal Equity, Inc. v. State of New York*, the New York Court of Appeals found that the state’s school funding system was unconstitutional because it failed to provide the minimum standards of educational offerings, such as the opportunity to acquire basic literacy skills necessary for civic participation (Huerta, 2006). Justice DeGrasse ordered the state to implement funding increases and education-finance reforms that would provide all schools with the following:

adequate number of qualified staff; high quality teaching; appropriate class sizes; school buildings equipped with sufficient space; adequate educational resources, textbooks, technology and laboratories; effective and rigorous curricula; appropriate resources for at-risk, English learning, and special need students; and a safe, welcoming environment. Despite these constitutional obligations, funding cuts have left the educational system with \$5 billion less than necessary to provide all students the opportunity for a sound basic education (CEE, 2015)

Government officials readily acknowledge that education is an intrinsic component of human development, social progress, and economic empowerment. They recognize that without building literacy, critical thinking skills, or basic knowledge of arithmetic and science, it becomes increasingly unlikely that individuals will be able to achieve a decent standard of living or a legitimate opportunity for upward mobility. A strong legal and normative framework has been put in place to ensure that students in New York, regardless of legal status, income level, or racial background, receive an equitable education. Unfortunately, the state has failed to provide full funding or alternative education-finance system so that student will be given with the vital resources needed for effective learning. As is too often the case, political leaders will champion immigrant's rights and educational rights on paper, but continue to treat implementation as a peripheral concern.

PART II: HISTORICAL & THEORETICAL

BACKGROUND

U.S. immigration policies have long been dominated by ethnocentric biases and xenophobic anxiety (Alba & Nee, 2003). Naturalization was initially only granted to free whites, while openly racist quota systems put severe constraints on non-Western European migrants. Prior to the mid-1800s, the entrance of Western European migrants was left virtually unregulated and unrestricted, however these groups were framed as “settlers” or “colonizers”, rather than immigrants (Ngai, 2014). The late 1800s saw a rise in nativism and the idea that the “degraded races” were unassimilable and contributed to social unrest (Ngai, 2014). As such, numerical and ethnic restrictions were adopted by Congress, the first being the Page Act of 1875 (forbidding “undesirables” from Asia) followed by the 1882 Chinese Exclusion Act (Ngai, 2014). This sentiment, heightened by increased job scarcity and antiradicalism, eventually pushed Congress to pass the Immigration Act of 1924. This created a numerical ceiling on admissions, a visa requirement for entry, border inspection, and the creation of a land border patrol (Ngai, 2014). The 1924 act functioned to create undocumented migrants where there had been none before. Mexican laborers who crossed the border seasonally to work in the agricultural sector now had to contend with costly visa fees, taxes, invasive inspections, and interrogation (Ngai, 2014). They chose to cross informally instead. At the same time, the Immigration Bureau developed a more robust deportation system, significantly increasing the number of deportees. The Immigration and Nationality Act of 1965 eventually revised the quota systems of the 1920s to be more uniform and less strictly tied to national origin. Nevertheless, racial desirability is still deeply

embedded in the discourse on who should be allowed to enter the U.S. and naturalize, through it is now framed in terms of “selectivity” and immigrants' ability to assimilate.

Castles (2014) describes assimilation as a migrant's absorption into the receiving country, measured by primary benchmarks of adaptation, such as socioeconomic status, residential concentration, language acquisition, and intermarriage. Waters and Jimenez (2005) argue that most sociological research points to modern immigrants assimilating into American society as successfully as European migrants in past centuries. They note important differences between past migration and present day migration patterns, such as the current pattern of continuing replenishment of immigrants. This replenishment serves to blur the lines between generations and foster more cultural transmission between natives and later generations (Waters & Jimenez, 2005). The ongoing arrival of new migrants explains why public perception of immigrants can often be skewed since they view the newly arrived immigrants undeveloped language skills and socioeconomic status as an indication of the population's overall failure to adapt. Ultimately, migrant integration and upward mobility do take place over the long term, though this process is greatly helped by high self-selection of immigrants and states policies that give immigrants permanent status and create more equitable opportunities to access to education, housing, and the labor market (Water & Jimenez, 2005). As postulated by Borjas in *Self Selection and the Earning of Immigrants* (1987), self-selection is a prominent concept in migration theory and labor economics referring to the rational choices migrants make in emigrating, based on their human capital, earning potential and the socioeconomic landscape of the receiving country. Chiswick (1978) compares native born citizens to immigrants, and economic immigrants to refugees, noting wage differentials from generation to generation. He finds two key determinants of economic progress: (1) Whether or not migrants have transferable

skills from their country of origin to their destination country; and (2) self-selection based on high motivation, productivity, and skill in resource management. Chiswick finds that nearly all immigrants will earn less wages than their native-born counterparts upon arrival, but this differential changes over time depending on education, skill-level, native language, ethnic group, and migrant type. There are also large differences among first and second generations ethnic groups, with second generation migrants narrowing or eliminating the wage gap. Chiswick's primary hypothesis is that foreign-born men compare favorably to native-born men of the same demographic group based on their transferable skills and positive self-selection. He notes "for the same schooling, age, and other demographic characteristics immigrants to the United States have more innate ability or motivation to the labour market than native-born persons" (Chiswick 1978).

In *Heaven's Door*, Borjas (1999) looks at the wage differentials of migrants from the 1960s-1990s, but has a decidedly less optimistic view on current US immigration patterns. Borjas argues that waves of immigrants were more skilled in previous generations and had greater earning potential. He contends that US immigration policy attracts primarily unskilled labor from countries with highly unequal income distributions and few social protections, like Mexico and Central America, whose immigrants have less human capital and less ability to culturally assimilate. Borjas argues that low-skilled labor from Latin America has a high cost to U.S. jobs and resources. Borjas concludes that a point system favoring migrants who meet a certain skill criteria to qualify for an entry visa would be a more effective policy. He concedes that the point system carries serious racial and ethnic implications as it would be biased towards migrants from Western, industrialized countries, yet argues that a large unskilled labor force is not in America's national interest. Yet immigration policy perspective on purely on economic

interests reduces immigration issues down to a mere cost-benefit analysis and fails to see the human dimension of policies. As much as US immigration policy functions as a mechanism of economic development and prosperity, targeting human capital entirely at the expense of other considerations has dangerous implication for the basic human rights of immigrants. Despite the criticism, his views have been echoed by vocal nativists who argue vehemently for stricter immigration controls.

Though many people often broadly characterize immigrants' assimilatory patterns as linear, many factors influence their outcome. Their social and spatial mobility is strongly tied to ethnic origins, educational background, and the socio-political factors creating different levels of integration or stratification. This is referred to as segmented assimilation theory, first described by Portes and Zhou (1993). This lens deviates from the traditional assimilation theory, in that it acknowledges how structural inequalities create distinct and unequal outcomes. This has a large impact on determining if groups will remain marginalized or effectively merge into the middle class strata (Castles et al, 2014). As the authors note, "The process of growing up American oscillates between smooth acceptance and traumatic confrontation depending on the characteristics that immigrants and their children bring along and the social context that receives them" (Portes & Zhou, 1993, p.75). Consciousness of discrimination can foster an adversarial attitude towards education, rule of law, and American society, while institutional barriers cement social and economic disadvantages (Portes and Zhou, 1993). Systemic disparities in education, health, and the labor market are endogenous variables in immigrants' long-term integration process. As such, important policy and institutional considerations must be made in the development of comprehensive and supportive education, healthcare, and social service reform

that will enable for equitable opportunities for social mobility, particularly for undocumented children, who will very likely settle in the U.S. permanently.

CURRENT FEDERAL AND STATE IMMIGRATION POLICY

Immigration discourse in the United States still serves to be both inclusive and exclusive, juxtaposing the classic vision of America as a nation of immigrants with the racialized and reactionary conception of a "war" being waged on the Southern border. It stands as one of the most contentious areas of the political arena, representing complex weaving of historical precedent, ideology, and economic priorities, as well as the fears and aspirations of millions. Policy regarding undocumented migrants is particularly polarized, though activists and policymakers have increasingly called for reform that embraces human rights approaches. Results from exit polls in November 2014 show that 57 percent of voters support a path to citizenship for undocumented immigrants, while 38 percent believe they should all be deported (Chishti & Hipsman, 2014). These numbers are subject to large fluctuations, depending on the state of the economy, current events, and the popularity of demagogues.

Broadly speaking, there are two primary dimensions of immigration policy: immigration control and immigrant integration (Thangasamy, 2010). The Immigration Reform and Control Act (IRCA) of 1986 sought to target both dimensions by legalizing 2 million eligible immigrants with unlawful status, while also creating greater sanctions for employer hiring unauthorized immigrants. The Immigration Act of 1990 (IMMACT90) brought forth comprehensive immigration reform to the Immigration and Nationality Act resulting in an increased quota, revising admissions categories, and changing the political and ideological grounds for exclusion and deportation, granted temporary protected status to some undocumented immigrants, new

naturalization requirements, and more enforcement activities. In 1996, Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIR), bringing significant changes to immigration regulation and deportation procedures. Since then, the U.S. policy response to undocumented migration has typically centered around the control dimension: border security, removal proceedings, and penalties for employers and immigrants. Extensive resources have been put into the Department of Homeland Security's border patrol, as demonstrated by the 20,700 agents (the largest amount in its 87 year history and double from 2004), the 649 miles of fencing along the Southern border, and unmanned aerial patrolling (White House, n.d.). The Bush Administration targeted undocumented immigrants through brutal home raids in what was deemed "Operation Return of Sender" (Schwarz, 2013). The Obama administration expanded the federal Secure Communities (S-Comm) program, which has been responsible for 1.4 million deportations in 4 years (Schwarz, 2013). S-Comm used local law enforcement agencies to report undocumented immigrants and lawful permanent immigrants for prolonged detention and deportation. Though border security has grown significantly since the 1980s, it has served more to increase the human cost of migrating than to deter potential emigrants. The U.S. Border Patrol reported nearly 6,000 deaths along the Southwest between 1998-2013, though many fatalities go unreported or undiscovered (2014). The Government Office of Accountability cited the most common causes of death as being traffic-related, homicide, drowning, accidents, or due to exposure (2006). Despite the high risks, the number of undocumented immigrants continued to increase throughout the 1980s, 1990s, and 2000s, reaching a peak in 2007 before dropping off. The result has been an increase in internal enforcement measures leading to more monitoring, policing, mass deportations and greater restriction on public benefits (Waters, 2015).

States and cities have also increasingly passed policies that directly target undocumented immigrants. The 1996 passage of the IIRIR Bill of 1996, allowed sub-national governments to restrict or expand services to UDIs. Only Congress has the authority to control migrants streams or provide pathways to citizenship, but states can determine if UDIs have access to integrative services such as driver's licenses, in-state tuition rate or financial aid for higher education, and medical care (Thangasamy, 2010; Money 1999) Depending on how limiting or integrative their policies are, states can attempt to attract or deter UDIs from settling in their jurisdiction. Over the past two decades, over a third of the 50 states have focused on undocumented immigrants in policymaking (Thangasamy, 2010). Some states have passed increasingly restrictionist measures, while others have broadened rights and services to UDIs (Thangasamy, 2010).

New York has been heralded as a particularly progressive state for undocumented immigrants. New York City in particular has been described as a sanctuary city, referring to de facto and de jure laws that protect and aid UDIs. In the 1980s, Mayor Edward Koch issued executive orders banning schools, health care, social services, and other protective institutions from releasing confidential immigration information to the federal government (Executive Order No. 124, 1989). Mayor Bloomberg similarly barred the New York City Police Department from investigating anyone solely based on their immigration status, or inquiring about the immigration status of victims or witnesses of crimes (Executive Order No. 41, 2003). New York City Human Rights Law, Title 8 of the Administrative Code of the City of New York, protects individuals against discrimination relating to housing, employment, public accommodations, retaliation, discriminatory harassment, and bias-based profiling by law enforcement. Specific protected classes include "the citizenship of any person" or "the immigration status of any person who is

not a citizen or national of the United States” (§ 8-102). In June 1989, Mayor Koch ordered the Commission on Human Rights to conduct an audit on discriminatory practices against immigrants, and amended the statute to note, “It has come to the City's attention that such people have been asked to document their citizenship status when such documentation was not required by law. Inquiries of this nature indicate that not only aliens, but those suspected of being aliens, face the threat of discrimination. Such intolerance harms the City and aggravates the difficult adjustment to American life which every newcomer must make” (Local Law No. 52 [1989]; Schill, 1995). In *Recalde v. Bae Cleaner*, a New York State Supreme Court judge ruled that a landlord had violated the New York State Human Rights law by attempting to evict him based on his undocumented status. This marked the first decision of its kind in the country, setting an important precedent (Schwarz, 2013). New York City courts in general have been more hospitable to immigrants compared to many other parts of the nation. Records show that over fifty percent of New York City's immigration judges granted seventy-five percent or more of the asylum between 2007 and 2012, the highest rate in all U.S. jurisdictions (Schwarz, 2013).

Former Mayor Rudy Giuliani defended undocumented immigrants against hostile policies. During a 1996 conference, Giuliani stated, “There are times when undocumented immigrants must have a substantial degree of protection. The reality is that they are here, and they're going to remain here. The choice becomes for a city what do you do? Allow them to stay on the streets or allow them to be educated? The preferred choice from the point of view of New York City is to be educated,”(ABC News). In 2014, Mayor Bloomberg described New York as “the most immigrant-friendly city in the world”. This was during the signing of legislation (982 and 989) which barred the New York Police and Department and Department of Corrections

from providing information to immigration officials about undocumented immigrants that have committed minor infractions.

A 2001 referendum in New York City established the Mayor's Office of Immigrant Affairs (MOIA), designed to assist immigrants education, disaster relief, health, housing, and domestic violence, and other services (Schwarz, 2013). Children's Services has an Immigrant Services department, with staff trained to attend to the needs of undocumented families or mixed status and advocate to legalize undocumented children in the care of social services. A number of policies also address the specific needs of immigrant students. The New York Department of Education also has regulations against any inquiry regarding the immigration status of a student or their parents. Schools systems are also designed to account for high immigrant populations through newcomer school in four boroughs and Comprehensive Night and Day School, which allows high school students to work while also obtaining their diploma (Schwarz, 2013).

To a large extent, New York officials are required to be pro-immigrant, not out of ideology, but out of political expediency; New York City has some of the largest Latino, Asian, and Caribbean constituencies in the country and carry significant voting power (Schwarz, 2013). The question remains, how do these policies play out on the ground, and how do they affect educational outcome for undocumented youth?

EDUCATION POLICY

The American education system is plagued with deep, long-standing disparities in academic performance, funding, quality of schools and teachers, and retention rates. Reducing this educational gap has been a part of federal and state policy since Lyndon B. Johnson administration's War on Poverty and the passage of The Elementary and Secondary Education

Act of 1965 (ESEA) (Farkas & Hall, 2000). This Act sought to provide federal funding to low-income schools, mitigating inequalities that arose from low property values, resulting in significantly less tax revenue being channeled back into schools. ESEA remains the largest source of federal funding for elementary and secondary education. Between 1965 and 2000, the federal government spent \$118 billion later on primary schools in an attempt to bridge the achievement gap (Farkas & Hall, 2000). This funding is divided into various program, but the largest portion goes to Services for Educationally Disadvantaged Children (Title I), a provision created to help schools that with high proportions of low-income children (Farkas & Hall, 2000). Since its enactment, ESEA has been reauthorized every five years under new titles, such as the Improving America's Schools Act of 1994 under the Clinton Administration

Until December 2015, schools had been led by the 2002 law, No Child Left Behind (NCLB), which tested school annual on reading and math in third through eighth grades. The goal was to hold failing school accountable and improve poor and minority schools. If schools did not meet their yearly adequate progress goals in reading and math proficiency, the federal government could enact penalties against districts after certain deadlines. These consequences include firing administration and teachers and closing schools. It cost the federal government around \$14 billion dollars each year (Nelson, 2015). While it did marginally improve the reading test scores of fourth through eighth graders for low-income and black students, it was widely lambasted for many failings. President Obama an initial supporter of the act, criticized NCLB for its negative unintended consequences, including punishing schools and teachers for not meeting goals over rewarding success, narrowing curriculum to only focus on tested subjects, encouraging teachers to “teach to the test” rather than promote critical thinking skills, and creating incentives for states to lower scoring standards to avoid punishments (Au, 2009).

After harsh bipartisan criticism, Senate voted for a new education bill, the Every Student Succeeds Act (ESSA), signed by President Obama on December 10, 2015 (DOE, n.d.). This bill keeps the standardized testing, but reduces the role of the federal government in deciding the standards each state must meet (Nelson, 2015). This marks the first time that the federal government's control over K-12 education has been reduced since the 1980s (Nelson, 2015). ESSA requires that students still take standardized tests in elementary school. The tests would be reported and analyzed by high risk groups, such as racial minorities, ESL students, and students with disabilities. Previously, federal policy determined many requirements, but this new act allows states to design their own system based on flexible guidelines (Nelson, 2015). States would be in charge of holding schools accountable if they fail to meet performance target, particularly those performing in the bottom five percent. These schools at the bottom would receive dedicated funding to enhance program that would raise achievement levels. The federal government must approve the final accountability plans, though their capacity to change the specific academic standards is limited (Nelson, 2015)

In New York, it is up to the NY State Education Department to set academic standards for what skills and knowledge that student should gain, provided they adhere to the federal Department of Education basic guidelines (NYSED, n.d.). Each local school district is then required to develop their own curricula based on New York State's Learning Standards, assign textbooks and other instructional materials, develop the scope and sequence of their curricula, and provide professional development and training to teachers and staff (NYSED, n.d.). These standards are guided by the Commissioner of Education's Part 100 Regulations and include information of policy and recommendation for assessment, academic interventions, students with disabilities, transfer students, and school accountability. To graduate from high school with a

diploma, students must pass twenty-two mandatory high school units, including English-language arts (ELA), mathematics, science, social studies, and physical education, as well as five Regents Examinations (NYSED, n.d.). The New York Department of Education website states, “Schools and parents are encouraged to collaborate to ensure that all students graduate from high school ready for work, higher education, and citizenship” (n.d.). Despite the noble goal of both federal and state department in their effort to provide equitable education opportunities for all students, the skill gap in reading, writing, and mathematics between low-income, minority children and Anglo, middle-class children has remained largely immutable (Farkas & Hall, 2000).

In part, this is due to the ideology that education policy has been premised on: that *schools* are responsible for academic achievement, and that it is through *schools* that educational gaps can be reduced. For that reason, government administrations have focused rather narrowly on improving core standards, accountability testing, and teacher performance. While these are certainly important elements, both the source and solutions to educational inequities are far more complex and layered, requiring nuanced interventions that address the specific needs of marginalized populations. For undocumented immigrants, the main attention to the multifaceted issues that impact their social and education progress: A) Language attainment and access to bilingual education; B) Poverty and access to programs that mitigates its effects; C) Poor health and its impact on learning outcomes; and D) Trauma and psychosocial impacts. These four themes will be discussed in the following sections, evaluating the usefulness and limitations of New York policy relating to each.

PART III: ROOT CAUSES OF EDUCATIONAL

INEQUALITIES

“Education in the broadest sense is a process that is continuous, ubiquitous, pervasive, and all-powerful.”

— Lawrence Cremin, *Public Education and Education of the Public*

America’s achievement gap has been a huge topic of dissection, debate, and intervention in recent decades. This achievement gap refers to the persistent academic gap between minority and white students. Trends in Latino immigrant education patterns demonstrate significant disparities in standardized test scores, drop-out rates, high school graduation rates, and college enrollment. Given the additional socioeconomic barriers that undocumented immigrants face, it follows that undocumented schoolchildren will face similar, if not worse educational and social outcomes. What are the roots causes of these inequalities? Can we the government and public sector mitigate these effects? The following literature review explores these issues.

A. LITERATURE REVIEW

Crosnoe and Turley (2011) assess the educational outcomes of immigrant youth in primary and secondary, noting the systemic and social inequalities that bolster the inter-generational mobility of some populations, while stratifying others. They analyze subsets of immigrant groups and determine disparities by nationality, gender, language, and generational status. Following the selectivity perspective, they hypothesize that “academic disparities between immigrant groups

likely reflect national differences in the kinds of people who 'select' into emigrating from another country to the United States" (Crosnoe & Turley, 2011, p.131). They explore the idea of the "immigrant paradox", in which immigrants, even with lower socio-economic status, have higher academic indicators on achievement tests than their native-born peers. They find that this is more evident in Asian and African immigrant populations however, demonstrating that school readiness, parents' education level, and other cultural factors appear a significant factor in helping or hindering immigrant students' success. School readiness, defined as "the degree to which very young children are prepared to actively and independently meet the academic and social demands of school", plays a large role in educational outcomes, yet children of Latino immigrants are often at a disadvantage (p. 139). Data from the Early Childhood Longitudinal Study Kindergarten Cohort (ECLS-K) found that children of Mexican immigrant parents scored eight points lower on a kindergarten math test compared to an average white child and three points lower than their U.S.-born Latino peers. What is the reason for this apparent disparity? The authors point to less exposure to preschool and center care than the children of U.S.-born parents, as well family background and home-life. Mexican immigrants, particularly undocumented immigrants, generally enter the United States with few socioeconomic resources and have fewer opportunities to achieve economic mobility due to issues such as discrimination, segregation, and low education level. A negative consequence is that Latinos suffer from negative stereotypes from teachers and administrators who dismiss them more readily and make less investments into their learning outcomes. Because their entry-level skills are generally lower than other groups, they are tracked into low-achieving classes, which is continuously reinforced by low expectations from teachers and peers, and eventually, by the low expectation they set for themselves. Crosnoe and Turley state, "Latin American immigrants' children are hampered not

only by the greater socioeconomic disadvantages that characterize the Latin American immigration stream but also by related stereotypes that marginalize them in schools” (p.132).

The authors note that their social and economic status is one of a variety of factors that affect children's educational outcomes. English language proficiency serves a major tool of integration into social and economic institutions, yet teachers and policymakers often misunderstand the best practices for language acquisition and learning. Rather than instituting English immersion programs in schools, research suggestions that bilingual instruction improves grades, test scores, and cognitive function. Furthermore, children of Latin American immigrants have less access to routine medical care and, as a result, have more physical health problems, contributing to lower school attendance and greater inability to focus and engage in learning activities.

The authors conclude by discussing policy efforts that can help bolster Latino immigrants' achievement levels, such as more parental support programs, college gateway programs, and the DREAM act, legislation that could provide a pathway to citizenship. The Development, Relief, and Education for Alien Minors (DREAM) Act, is a federal legislative proposal that seeks to allow for legalization of undocumented students who entered the United States before the age of sixteen, have been in the United States for at least five consecutive years, and have completed two years of college or military service. It would also protect middle and high school students from deportation if they are over the age of twelve and are of “good moral character”. The DREAM act intends to enhance the social and economic benefits of immigration, increase college enrollment of undocumented immigrants, and reduce the negative impacts of a stratified and poorly educated class. While Crosnoe and Turley provide a useful overview of general K-12 educational trends for immigrant groups, they tend to skim the surface of these

disparities, without a substantive discussion of *how* and *why* school readiness, parental background, health issues, and language acquisition affects outcomes. Likewise, they provide generic policy recommendations without a critical analysis of how these policies should be implemented or might look on the ground. Another drawback from this article was the limited data specially relevant to undocumented K-12 students. Privacy and safety concerns account for the limited data on undocumented immigrant, so low-income Latino immigrants will have to serve as a proxy for many of these educational social indicators.

In *No Undocumented Child Left Behind*, Michael Olivas (2012) directly tackles the issues of undocumented students. He details the landmark Supreme Court case that gave equal protection guarantees to undocumented immigrants in primary and secondary school. He outlines the educational, political, and legal context of the case, the legislative regime involved in the decision, and subsequent challenges and changes to the immigration debate. The 5-4 1982 US Supreme Court ruling in *Plyler v. Doe*, 457 U.S. 202 struck down state and municipal statutes that attempted to charge undocumented immigrants tuition fees or deny funding for undocumented students under the legal provision of the Equal Protection Clause of the Fourteenth Amendment. It set a national legal obligation to provide full instruction in core subjects five days a week to all children regardless of their documentation status. Justice Brennan's majority opinion stated, "[W]ithout an education, these undocumented children, already disadvantaged as a result of poverty, lack of English-speaking ability, and undeniable racial prejudices...will become permanently locked into the lowest socio-economic class" (*Plyler v. Doe*, 457 U.S. 202). Though the state tried to argue it needed to preserve its resources for its lawful residents and to deter incoming migrants, the court struck down these down as both ineffectual and "not comport with fundamental definitions of justice" (Olivas, 2012, p.21).

While *Plyler* established that public schools were required to be accessible to all people under U.S. jurisdiction, Olivas notes the continued struggle for Latino immigrant children to achieve high educational outcomes is largely due to “Anglo racial intransigence and the failure of integration's promise” (Olivas, 2012, p.30). There have been many direct challenges to the *Plyler* ruling in state ballot initiatives and legislation, though it has withstood attempts to overturn it. For example, Proposition 187 in California sought to deny all social benefits, including public education, to undocumented immigrants. Aside from simply excluding undocumented immigrants from social welfare programs and public education, Proposition 187 would have required districts to report any undocumented students, parents, or guardians to federal immigration authorities. Though the initiative was seen as xenophobic and racist, it still passed by 60% of voters in 1994. In 1997, however, the federal court struck it down stating that California was “powerless to enact its own legislative scheme to regulate alien access to public benefits” (Olivas, 2012, p.42).

Olivas argues, however, that it is at the quotidian, school level policies and practices that bring more harm to undocumented students than sweeping state and federal legislation. In practice, many districts have used discriminatory measures to bar children without legal paperwork from enrolling. This includes requiring birth certificates, Social Security numbers, state-issued driver's licenses, visas, “safety notifications” for parents, or other roundabout mechanisms of exclusion. In a report conducted by the New York Civil Liberties Union, 20% of schools in New York State were found to be turning away undocumented minors (NYCLU, 2014). In May 2014, Attorney General Eric Holder held a press conference acknowledging the “troubling reports of action by school districts around the country that have a chilling effect on student enrollment, raising barriers for undocumented children.” He went on to explicitly state,

"Such actions and policies not only harm innocent children, they also markedly weaken our nation...by leaving young people unprepared and ill-equipped to succeed and contribute" (2014).

Olivas also points to issues arising from language policy, building, zoning, and housing policies, student over-achievement or involvement in extracurricular activities (thereby drawing unwanted attention), racial and school segregation, and a variety of other issues. Many undocumented minors have little to no formal education before entering in the American public school system, but must undergo the difficult process of learning the K through 12 curriculum in a shortened time frame. They are placed in an environment with more difficult subject matter (children are generally placed in grades based on age rather than ability) and limited parent or peer support. English and its nuanced grammatical structures, abstract math and science theories, American taxonomies, and local cultural norms often prove to be overwhelming and intangible. Without this foundational knowledge, however, undocumented youth face limited pathways toward upward mobility. Schooling in the U.S. is, in theory, free and accessible, yet the lack of adequate support structures and resources at has made it very difficult for migrants to reach educational parity with their American peers.

Lopez and Lopez (2010) discuss these issues in depth in *Persistent Inequality*, using critical race theory (CRT) as a theoretical framework to discuss the legal and policy problems that have created and perpetuated deep disparities in both the immigration and education systems. They describe this as the “crossfire of harsh law, policy, and rhetoric” (Lopez & Lopez, 2010, 1). From CRT perspective, Lopez and Lopez highlight the ways that racism in the U.S. operates to shape the insidious systemic inequalities that have and continue to subordinate racial minority groups. A prominent theme is that of interest convergence, in which the elevation of minorities is predicated upon the mutual interest of the dominant majority. They also use

intersectionality to analyze how undocumented immigrants face the interplay of issues imbedded in race, ethnicity, socioeconomic status, and immigration status. Lastly, they point to counter-storytelling as a mechanism of giving voice to the unheard voices in undocumented immigrant communities. One of their main contentions is that K-12 educational failures stemming from inadequate language policy and ineffective standards-based reform are worsened by immigration enforcement that fosters fear and humiliation. In some instances, school officials have been encouraged to report parents to the Immigration and Naturalization Services. Arrests have occurred when parents were taking their children to school or at the time of registration. Aside from the burden of being in the constant shadow of law enforcement, undocumented immigrants generally live in highly segregated neighborhoods characterized by crime and poverty. The authors cite note that in 2001, 76.3 percent of Latino children attended schools with a minority majority, a trend that has been increasing in the last 40 years (p.7). Segregated public schools face highly unequal funding strategies based on property values, resulting in larger class sizes, fewer certified teachers, and inferior learning opportunities. A recent longitudinal study of eighth-grade students concluded, “Latino youth face an upward struggle. The impact of these forces is to suppress the educational opportunity for these youth and lead them to a future that requires more effort to keep on current standing with other students, much less than trying to climb up the ladder of opportunity” (Lopez & Lopez, 2010, p. 8).

The authors critique language policy and they way it has both created and reinforced the perception of a deficit problem among immigrant students. There has been a rise in “English-only” mandates and English immersion classroom, which explicitly ban the use of other languages. Spanish has been the main target of these policies (even outside of an academic setting), since it is represents a threat to nativists and their idea of American identity. Lopez and

Lopez argue that initiatives to provide more language rights have actually served to foster more backlash against bilingual education and deepen the idea that undocumented immigrants suffer from a language “problem”. Bilingual education aims to develop literacy and fluency in both their mother-tongue language and a second language. Extensive research by Thomas and Collier (2014) has shown that bilingual education programs are more effective for cognition, school retention, and narrowing achievement gaps. English immersion programs, on the other hand, aims to reduce native language use by transitioning rapidly to an English dominant classroom and providing limited support for first language maintenance. Arizona has enacted strict initiatives against bilingual education, effectively placing English learners in a “sink or swim” environment (Lopez & Lopez, 2010, p.93). The authors argue that the assimilationist view is not just held by the conservative political groups, but that it is also held, perhaps subconsciously, by progressive circles. Lopez and Lopez state, “They have internalized its poisonous logic by unconsciously subscribing to a language rights discourse that regards non-English speakers as having specific deficiencies or shortcoming” (p.94) They go on to argue that English acquisition is portrayed too frequently as the vehicle by which immigrants can gain access to social mobility, ignoring the other racial, political, and structural impediments that disempower them. The authors use the example of second-generation or third generation Latinos whose fluency in English has largely failed to translate into socio-economic gain. To counter this “falsity of American idealism”, Lopez and Lopez feel that educators and policymakers need to change the discourse on language as a deficiency and a problem (p. 95).

Equally problematic is the trend toward standards-based reform and the adoption of the No Child Left Behind Act (NCLB) in 2001. NCLB, backed by bipartisan support, promised to “improve the education achievement of the disadvantaged by providing funds to improve basic

programs at the local level” (Lopez & Lopez, 2010, p. 101). These funds hinged on a system of accountability based on meeting state standards on a yearly basis. States must make Adequate Yearly Progress, known as AYP, demonstrating the students met certain benchmarks of academic improvement in standardized exams. While this sounds good in theory, the movement towards high-stakes accountability testing has further disadvantaged low-income and minority schools and their students. English-learning and disabled students are particularly hurt by NCLB, since high-stakes testing reduces their ability to obtain a high school diploma. Moreover, critics have noted that the overemphasis on standardized tests has narrowed curriculum to focus intensely on testing-taking skills in an attempt for districts to make their Adequate Yearly Progress score. This “teach the test” approach reduces comprehensive learning, critical thinking skills, and dynamic classroom interaction (Lopez & Lopez, 2010, p.106). Research has found that minority children attend schools that are “racially isolated, severely overcrowded, structurally inadequate, and academically poor” (p.105). As such, they tend to fail the test at higher rates, making poor school district liable to federal sanctions. At the same time, widespread state and federal funding cuts have limited these districts' power to provide the crucial supplementary support needed to help disabled, ELL, minority, and low-SES pass the exam.

Research has demonstrated that high stakes testing has disproportionate adverse effects on low-income and minority students by creating higher retention rates and fewer high school diplomas, a crucial resource in today's hyper-competitive and increasingly high-skilled labor market (Levin & Belfield, 2007). In an effort to make AYP, some schools “push out” underperforming students by placing them in high school equivalency program. Furthermore, NCLB requires that teachers are not required to be certified in the subject they teach (only that they are “highly qualified” in their core subject) meaning that many low-achieving and English learning

students are not taught by teachers who are pedagogically or linguistically able to sufficiently address their needs (p. 109). Moreover, many low income schools do not have the resources to hire trained teachers, develop adequate curriculum, and effectively prepare students to meet state proficiency levels in Math, Reading, and Science. While it is important to drive teachers and students toward higher performance levels in core skills, high-stakes testing only serves to produce more failure rates without addressing various strategies that actually help student overcome achievement gaps. Unfortunately, many policymakers, legislators, parents, and school officials see accountability measures and retention as a mechanism of making the U.S. more competitive with international standards (McLaughlin & Shepard, 1995). It is important that decision-makers are made aware that goal-setting without strategic and well-resourced reform will do little to promote excellence in education (McLaughlin & Shepard, 1995). These groups face numerous barriers to an equitable education, yet the issues have long been ignored by policymakers that are more concerned with the rhetoric of accountability than actually altering the socio-economic landscape that consistently fails disadvantaged students. In order for undocumented students to meet high standards, they must given the tools or instruction to do so, particularly in the realm of language instruction, poverty-mitigated social services, healthcare, and and trauma care.

B. LANGUAGE POLICY & ATTAINMENT

Language policy is loaded arena. It has enormous social, cultural, and economic capital, raising the stakes for English-learning students who benefit from bilingual programs and nativists who seek English-only instruction. Students who begin primary education in a foreign

language often have trouble fully understanding and engaging with the material. As such, they experience higher rates of dropping out, grade repetition, and failure. “In large metropolitan areas, Latino students are not linguistically or culturally engaged by an educational system that replicates the dominant culture and its rigid understanding of subcultures, yet this population is an ever-growing section of the national student body.” (Orphanides & Bursztyn, 2015, p. 39). This section will explore policy shifts in language programs (federally and in New York State), bilingual education versus immersion language programs, as well as the correlation between language and social mobility. Bilingual education involves instructing students in their native language (L1), in addition to a second language (L2). I argue that, based on the interdependence hypothesis, bilingual programs are essential to English-learning undocumented students’ learning outcomes and they will provide long-term benefits in retention rates, overall enjoyment of school, understanding of core skills, cognitive ability, and social integration.

BILINGUAL POLICY

Linguistic and cultural assimilation has been a long-standing part of U.S. history, dating back from early waves of immigrants and continuing to be part of current policy discourse (Nieto, 2009). Urban & Wagoner (2009) describe the assimilation process as “...neither completely painless nor evenly or eagerly embraced by all groups,” (p. 388). In the 1880s, the U.S. government forcefully repressed Native American culture and indigenous languages by sending children to Anglo schools which imposed the use of English and sought to eradicate their language through suppression and shame (Nieto, 2009). Different states sought various tactics to undermine other languages, including the adoption of laws. For example, Texas passed the Nationality Act in 1906 mandating the use of English-only instruction in schools and requiring

English fluency to apply for naturalization. all that migrants (Nieto, 2009). In 1907, Theodore Roosevelt famously stated, “We have room for but one language in this country and that is the English language, for we intend to see that the crucible turns our people out as Americans, of American nationality, and not as dwellers in a polyglot boarding house,” (Nieto, 2009, p. 62). Widespread xenophobia and the belief that bilingualism was correlated with inferior intelligence allowed policymakers and school administrators to easily justify suppressing other languages (Schmid, 2001). This began to change in the 20th century, however, as Supreme Court cases affirming language rights and burgeoning social movements gained momentum. For example, *Farrington v. Tokushige* (1927) overturned a Hawaii statute that banned schools from teaching foreign languages without a permit, citing the right of parents to “direct the education of his own child without unreasonable restrictions” under the Due Process Clause. *Lau v. Nichols* (1974) expanded language rights further by establishing that San Francisco had discriminated against Chinese students by failing to provide adequate language instruction to the children, thereby effectively denying them meaningful educational opportunities. The Supreme Court ruled in favor of the plaintiffs and ordered the city to remedy its language provisions to provide linguistically appropriate classes for English-learning students. The Court used Title VI of the Civil Rights Act as the basis of their argument, which bans discrimination based "on the ground of race, color, or national origin" in "any program or activity receiving Federal financial assistance” (Lau v. Nichols, 1974). In addition to paramount judicial decisions, Congress passed the Bilingual Education Act of 1968 (or Title VII of the Elementary and Secondary Education Act), encouraging schools to offer bilingual programs by providing supplemental funding for districts that developed specialized pedagogical approaches for English-learning students (Schmid, 2001). Initially, Title VII did not come with much federal guidance, but amendments

were made in 1974 that laid out explicit definitions, goals, and evaluation requirements of bilingual programs (Nieto, 2009). The intention was primarily to provide a “transitional” approach to language learning, allowing students to receive instruction in their native language before moving on to mainstream classes (Del Valle, 2003).

During that same time period, Latino sociopolitical activism grew, increasing the number and strength of groups advocating for the rights of ethno-linguistic minorities (Fowler & Burszty, 2015). Organizations such as the Mexican American Legal Defense Fund (MALDEF) and Association of Mexican-American Educators (AMAE), fought for language rights in the education system, desegregation of Mexican-American students, and greater acceptance of multiculturalism (Cohen, 1984). Activists argue that the lack of acknowledgment and respect for fundamental language and cultural differences demoralized and demeaned non-English, non-white students, fostering low academic achievement and high dropout rates (Urban & Wagoner, 2003). Despite the growth of ethno-linguistic minorities and increased awareness of the benefits of multilingual education, the Supreme Court never established a *constitutional* right for schools to provide bilingual classes (Nieto, 2009). For that reason, many policymakers have been able to lead initiatives that explicitly condemn bilingual education and push for English-dominated programs.

The Reagan administration demonstrated their ideological opposition to bilingual education by pushing for more English-intensive instruction, requiring that students transition into mainstream classes at a rapid pace (Cohen, 1984). They sought to discredit the effectiveness of bilingual education, while also pushing for “New Federalism”, giving states the power to ignore language education guidelines set by the Department of Education in 1980 (Cohen, 1984). While not outright banning bilingual education, it allowed school districts more latitude in

dismissing the cultural and linguistic needs of English-learning students. The Clinton administration, on the other hand, affirmed the language rights of English-learning students by reauthorizing the Bilingual Education Act, noting its importance in helping immigrants' educational outcomes, improving multicultural understanding, and "promoting our Nation's competitiveness in the global economy" (Nieto, 2009). Nevertheless, many states have attempted to undermine bilingual education. California's Proposition 228 was adopted by constituents in 1998, eliminating bilingual education programs and replacing them with English-only instruction models (Nieto, 2009). Arizona, Colorado, and other states followed suit in subsequent years (Nieto, 2009).

As one of the most linguistically diverse states in the U.S., New York has had a history of supporting bilingual education, at least rhetorically. The New York State Education Department's Language Allocation Program mandates that schools offer transitional bilingual, dual language bilingual education, or English as a Second Language programs to English-learning students, though the schools may choose which specific program they want to use (Menken & Solorza, 2011; New York State Department of Education, n.d). An agreement between the New York City Board of Education and the ASPIRA Consent Decree established the New York Commissioner's Regulations Part 154 which requires that schools with twenty or more English-learning students have bilingual or free-standing English as a second language programs (Menken & Solorza, 2011; New York State Department of Education, n.d). It also mandates "appropriate support services needed by such students to achieve and maintain a satisfactory level of academic performance" (New York State Department of Education, n.d). This includes individual counseling or group counseling, home visits, and parental counseling. In recent years, however, bilingual education programs in New York schools have been eliminated in favor of English-

only policies, demonstrating how written policies can differ widely from on the ground realities (Menken & Solorza, 2011). The primary reason for this shift is the pressure of meeting accountability measures imposed by high-stakes testing, such as those from the now-defunct No Child Left Behind Act (NCLB). The overemphasis on standardized testing creates a disincentive for bilingual education as it is seen as taking away time, attention, and resources from test-based classes (Menken & Solorza, 2011). English-learning students are required to take high-stakes tests in English, yet they have significantly higher rates of failure, which schools are then punished for (Menken & Solorza, 2011; Menken, 2009). Similarly, President Obama's Race to the Top initiative offers New York competitive grants based on teacher and student performance using Common Core Standards. It imposes penalties for underperforming schools, much like NCLB. Though, NCLB was replaced by Every Child Succeeds Act (ESSA), the imposition of high-stakes testing makes it likely that the number of bilingual programs will continue to decline. Furthermore, New York schools have a dearth of leaders and administrators who have the training and awareness to properly implement educational programming for English-learning students. In a study by Menken and Solorza, school administrators blamed their school's poor standardized test results on bilingual programs and English learning students (2011). Since schools are under the threat of closure if they are not able to meet adequate yearly progress, the administrators felt that English-only instruction would better serve the school's need for high English Language Arts score. Furthermore, many administrators lack basic knowledge about bilingual education since no state certification or courses on language learning or theory are required (Menken & Solorza, 2011). The New York Department of Education is officially responsible for ensuring that English-language learners are provided with appropriate and equitable language courses. They are also in charge of instituting appropriate repercussions when schools ignore policy and

implement English-only courses over bilingual programs. Unfortunately, the combination of state inadequate oversight, ignorance on the part of school administrators, and the preeminence of high-stakes testing and accountability has led to a decline in bilingual programs. This is dangerous trend for emergent bilingual students, whose academic achievement levels have been strongly correlated with bilingual education.

THE BENEFITS OF BILINGUAL EDUCATION & THE INTERDEPENDENCE HYPOTHESIS

Significant research continues to demonstrate that by allowing students to learn in their native language (L1), they are able to more effectively transfer their skills onto a second language (L2), resulting in stronger and more sustained academic achievement. This is referred as the Interdependence Hypothesis, first postulated by Cummins (1979). Cummins argues that there are two types of language proficiency: basic interpersonal communicative skills (BICS) and cognitive academic language proficiency (CALP). The former refers to the surface level fluency involved in social interactions, while the latter refers to a deeper level of cognitive understanding, such as the ability to think abstractly in the L2 (1979). BICS is often conflated with CALP by teachers and counselors, but CALP functions at a greater depth of critical understanding. Cummins argues, “academic language proficiency transfers across languages such that students who have developed literacy in their L1 will tend to make stronger progress in acquiring literacy in L2” (Cummins, 2000). While many policymakers and school administrators have seen bilingualism to be a source of “academic retardation and cognitive confusion, and actively sought to rid bilingual students of the encumbrance of their mother tongue”, bilingualism actually serves to strengthen cognitive and academic outcomes (Cummins, 2000).

Students who lack academic proficiency in their L2 cannot comprehend lessons or participate constructively. If they are instead allowed to develop academic proficiency in both the L1 and the L2 simultaneously, students will be able to gain many linguistic, academic, and cognitive advantages (Cummins, 2000). In the three and a half decades since this theory was proposed, numerous peer-reviewed studies have empirically supported Cummins' hypothesis (Cummins, 2000, Krashen & McField, 2005; Thomas & Collier, 1997). The California State Department of Education (1985) studied the implementation of the Theoretical Framework for the Education of Language Minority in five schools and found consistently higher correlations between English (L2) and Spanish (L1) reading skills than between English reading (L2) and oral language (L2) skills (Cummins, 2000). Similarly, the gradual loss of the L1 is associated with worse educational outcomes and school performance (Menken & Kley, 2010; Baker, 2011, Cummins, 2000; Valenzuela, 2005). Aside from academic benefits, encouraging the use of a student's native language rather than suppressing it will nourish their sense of self-esteem, their cultural connection, and their unique contributions to society.

UNDOCUMENTED IMMIGRANTS AND LANGUAGE

The number of English-learning students in New York State has increased by 20% over the past decade, currently making up around 8.9% of the public school population (Dickson & Korn-Bursztyn, 2015). These figures are expected to rise as immigrants continue to make New York a destination state. This population struggles to perform well academically, with only 31.4% completing high school (Dickson & Korn-Bursztyn, 2015). The vast majority of America's

eleven million undocumented immigrants are not native English speakers. According to the Migration Policy Institute, around 77% come from Spanish-speaking countries (n.d.). In New York State, 67% of undocumented immigrants speak only or primarily Spanish at home, while a mere 14% speak English at home (Migration Policy Institute, n.d.). Over half of those surveyed in New York describe their English speaking abilities as “not well” or “not at all” (Migration Policy Institute, n.d.). This fact has, in part, fueled xenophobic discourse and deep-seated fear that American identity will be diluted and polluted by foreign influence and culture. Noted historian Arthur Schlesinger Jr. agreed with this premise, stating:

In recent years the combination of the ethnicity cult with a flood of immigration from Spanish-speaking countries has given bilingualism new impetus...Bilingualism shuts doors. It nourishes self-ghettoization, and ghettoization nourishes racial antagonism... Using some language other than English dooms people to second-class citizenship in American society...Monolingual education opens doors to the larger world... institutionalized bilingualism remains another source of the fragmentation of America, another threat to the dream of “one people”. (1991, p. 108-109)

This sentiment hurts undocumented immigrants on multiple levels. It fosters policies that dismantle bilingual education, denying English-learning students equitable educational opportunities and leading to lower academic performance and higher dropout rates (Crawford, 2004). It detracts from strengthening the social, cognitive, and academic benefits associated with bilingualism. It creates a conflict between the language spoken at home and the “acceptable” mainstream language, fostering ambivalence towards their own cultural identity. The use of English-only instruction propagates inequalities. For example, Mohanty notes that “minority groups are driven to further poverty – culturally and economically – because their languages, as

resources for educational achievement and, through it, for equal access to economic and other benefits in a competitive society, are rendered powerless” (1990, p. 54). Effective implementation of bilingual programs can help promote linguistic identity, increased self-confidence, higher rates of high school graduation, and greater participation and success in school, civil society, and in the local workforce. For undocumented immigrants to have meaningful academic opportunities, bilingual programs must be supported on both a policy and practical level. In New York, this means strengthening government institutions so that schools will be held accountable for failing to institute the state-mandated bilingual or ESL programs; providing sufficient curriculum guides, learning materials, and supplementary support; requiring that school administrators have some basic training in language theory; and lower penalties for failing to meet testing standards so that bilingual programs are not de incentivized.

C. THE POVERTY-EDUCATION NEXUS

Poverty has major impact on school performance. Poor students, on average, have lower grades, test scores, graduation rates, and participation in extracurricular activities than higher income students (Reardon, 2013). Research by the Pew Hispanic Center has shown that 30% of children from undocumented households live below the poverty line, which is nearly twice the poverty rate of American children, who measure around 18% (Passel & Cohn, 2014). As such, many students experience food insecurity, unstable or overcrowded housing conditions, limited access to enrichment resources, and other deprivations that impact their schooling. Many

undocumented adolescents must also take on financial responsibilities and work obligations to support their families, greatly impacting the time and energy that can devote to academics.

ACCESS TO BENEFITS & SOCIAL SERVICES

Unfortunately, there is little economic relief for undocumented immigrants. The 1990s saw a rise in anti-migrant rhetoric causing legislation that denied social services to undocumented immigrants to increase. In 1996, dramatic reforms to the welfare system caused many low-income groups to lose benefits, such as Temporary Assistance for Needy Families (TANF), SSI, and Medicaid (Gonzales, 2009). The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) ended cash assistance to qualifying families with children and restricted undocumented immigrants from receiving foods stamps (Gonzales, 2009). New York State blocks access to the following safety net social service programs: Supplemental Nutrition Assistance Program (SNAP), which issues monthly electronic benefits that can be used like cash at authorized retail food stores; Temporary Assistance for Needy Families (TANF), which provides short-term cash assistance for a needy men, women, and children; Home Energy Assistance Program (HEAP), which helps low-income people pay the cost of heating their homes; and State Supplemental Program (SSP), which provides state-funded financial assistance to aged, blind and disabled individuals. Undocumented immigrants are eligible for School Meals and Special Supplemental Nutrition Program for Women, Infants and Children (WIC), which offers nutrition education, referrals and nutritious foods to low-income pregnant or breastfeeding women, infants and children up to age five. School Meals, are composed of three programs: School Breakfast, Lunch Program, and Summer Meal Program. These are federal programs that provide school children with free, reduced-price or full-priced breakfast and lunch at

participating schools in New York State. Student who meet the income and family size threshold qualify for free or reduced meals, regardless of immigration status (OTDA, n.d). Families must fill out confidential documentation on their financial status which can be submitted at any time during the school year. The Summer Meal program, offered beginning in June, requires no registration or qualification. All children under 18 years old may stop by designated sites and have meals and snack for free.

Though these programs cannot ameliorate all of the effects of poverty, WIC and School Meals provide essential nutrition to families that face high rates of food insecurity. Data shows that Latino households are disproportionately food insecure at around 23.3%, meaning they experienced food-access limitations, anxiety over food sufficiency, shortages of food in the house, reduced quality of diet, disrupted eating patterns, and reduced food intake (Munger et al, 2014). While the exact figure of food insecure undocumented immigrants is not known, the prevalence is likely higher for this population given their high rates of poverty (Munger et al, 2014). A consistent lack of access to sufficient food has devastating consequences. Food insecure adults suffer higher rates of, malnutrition, physical pain, depression, and anxiety, while children experience nutritional deficiencies (particularly iron deficiency), low energy and concentration, and poor overall physical and mental functioning (Munger et al, 2014). Despite the availability of some food programs, undocumented immigrants are hesitant to engage with any government institutions and fill out any necessary paperwork due to fear that their immigration status will be disclosed. They also avoid these services due to experiences of discrimination or misinformation by staff members, and limited lingual and cultural knowledge. Studies have indicated that immigrant and minority families in the welfare system receive inferior service and outcomes, in part because there is no federal reimbursement for welfare services directed toward this

population and less resources to support their needs (Lincroft et al, 2006). Research from the American Humane Association and Loyola University also showed many deficiencies in the welfare system toward migrant children, such as lack of culturally competent services, limited knowledge on immigration law, poor funding, and the need for more research on best practices for all child welfare agencies, courts, and other professionals (Velasquez, et al, 2006). Social services systems require more reassessment of cultural competence and culturally sensitive training, technical assistance, and practices, in addition to measuring and addressing racial discrimination in agencies.

Because of the lack of support services, undocumented teenagers often feel the need to take on household responsibilities and financial burdens of the family. This includes giving their parents cash or paying their mortgage, rent, food, and other bills, or working for little to no wages in their parents' business. While most undocumented parents work, they are generally in low-wage sectors. This can often mean the choice between staying in school and dropping out to bring in more income for the family. The decision to leave school for immediate financial opportunities can mean the difference between homelessness and paying rent, or going hungry and being able to afford groceries. It is a difficult choice, but the immediacy of the family's needs often takes precedent over students' long-term goals. This is particularly true of undocumented male youths with absent fathers, who were reported they felt a pressing obligation to be "the man who takes care of things" (Orphanides & Bursztyn , 2015). In study on family obligations among first and second generational immigrant families, Mexican and Central/South American youths from single parent families were found to have higher self-expectations of assisting their families than those of dual parents families or families with Asian or European background (Fuligni et al, 2009). Mexican and Central/South American youths were also

reported to have the lowest grades, demonstrating the difference in their life priorities (Fuligni et al, 2009). Undocumented youth also help parents in non-financial ways, such as translating or writing documents, making phone calls, translating for them at appointments, as well as other tasks that may take time away from academic investments (Rumbaut & Komaie, 2010)

Furthermore, a serious issue faced by low-income undocumented immigrants is overcrowded and poor housing. Studies show that immigrant youth are more likely to live in conditions of high household density and low-quality housing, plagued by issues such as mold, pest infestation, lead paint, unsafe drinking water, and so on (Standish et al, 2010). Immigrant residents in New York City in particular live in overcrowded housing with poor maintenance (Standish et al, 2010). A study of undocumented immigrants in New York City found that 82.5% lived with more than one person per room, 37.6% lived with more than two people per room, and 27.7% lived with six other people or more (Standish et al, 2010). High household density is correlated with poor long-term in children and more communicable diseases, leading to less time spent in school and worse academic outcomes, as will be discussed in further detail in the following section, §Health and Learning Outcomes. Due to strained finances, ineligibility for government housing or subsidies, and difficulty finding private housing due to lack of credit scores or formal employment, undocumented immigrants have significantly less options to improve their housing conditions (Standish et al, 2010). Undocumented and low socioeconomic status are compounding issues, both serving to exacerbate the severity of problems and limit options for betterment.

INCOME DISPARITIES AND ACADEMIC TRENDS

In 1966, the Coleman Report was released, debunking long-held beliefs about why performance gaps between minority and white students persisted a decade after racial desegregation of schools. Coleman's results countered the widespread belief that poorly financed schools were to blame for academic differences between students, and instead determined that family background and poor socioeconomic conditions were the main culprit (Rothstein, 2014). In the decades since, income inequalities, both national and international, have only grown wider. Reardon (2013) found that the rich-poor gap in academic performance is now forty percent larger than it was in 1980. Family income serves to be the best predictor of how well a child will do in school (Reardon, 2013). This connection can be explained by several factors, but one large part is that wealthier students enter kindergarten better prepared than lower income children. On average, higher income children grow up in better health, have more stable housing and home environments, are more likely to frequently read and be read to, and receive more educational resources from birth (Reardon, 2013). These children also have high rates of enrollment in early education programs, providing them with important enrichment activities and socialization. On the other hand, low-income immigrant families, particularly those from Latin America, have the lowest rates of enrolling their children in early education, in part due to lack of funds for enrollment fees or lack of awareness about the benefits (Capps et al, 2005). Even if children are enrolled in pre-K education programs, there are large disparities in the quality of educational programming. Many state-funded early childhood program rely on funding from local districts, creating large resource gaps between wealthy and poor districts. Likewise, the quality of primary and secondary school in low-income neighborhoods is significantly worse than middle-class

areas, impacting crucial educational elements such as the class size, qualifications of teachers, school resources, quality of buildings, and extracurricular activities.

In addition to these issues, Lareau (2002) argues that differences in childrearing between low-income and middle-class families provide children with differential resources, impacting their long-term success. In a qualitative study with 88 families, she observes that middle-class parents foster their children's social and cognitive abilities through "concerted cultivation", involving organized enrichment activities and more communicative engagement and reasoning. Low income families engage in a parenting style Lareau terms "accomplishment of natural growth", in which their children's development is more spontaneous, less scheduled, and results in a lower sense of entitlement (2002). Of working-class and poor families, she writes, "Implicitly and explicitly, parents taught their children to keep their distance from people in positions of authority...Children seemed to absorb the adults' feelings of powerlessness in their institutional relationships" (Lareau, 2002, p 773). This subservient relationship with authority figures and institutions can translate negatively once children enter school and the labor market, as they are less confident and likely able to negotiate positive outcomes (Lareau, 2002).

While it may be difficult for policymakers to change family dynamics that may detract from valuable long-term societal interactions, they can seek to implement more supplementary education programs that target low-income children's social and academic development (Gordon et al, 2005). These include afterschool, youth development, summer, and early education programs. These programs provide a range of activities, content, and goals, but should be founded on "...developing and implementing cooperative and supportive learning experiences, explicating, and mediating the critical demands of learning situations, organizing tutorial and study groups, using mentoring and athletic coaching models, and creating ubiquitously high

expectations,” (Gordon et al, 2005, p. 43). If properly staffed, funded, and planned, supplementary education programs can provide invaluable opportunities for personal and academic growth, such as development of positive self-image, high aspirations, improved engagement with the school system, and raised social consciousness (Gordon et al, 2005). These programs are also effective when they engage parents and encourage them to participate in parent-family workshops, events, and forums (Gordon et al, 2005).

A significant issue in assessing both the poverty level and subsequent needs of undocumented children is the lack of national data available and standards for services affecting and directed towards undocumented minors. It is essential that empirical tracking mechanisms are available to determine the effectiveness of services, gaps in coverage, and the precise volume of children that should be taken into account. Without long-term evaluation systems, it becomes difficult to understand how undocumented children compare to native children, and how public institutions should adapt to handle their particular needs. It is equally important that this data does not compromise the identity or safety of unauthorized families who face deportation. It is important that agencies, school staff, and community organizations provide enough outreach to that student and their parents so they are aware of existing resources mitigate the effects harmful effects of poverty, while also protecting the delicate legal position they are in.

D. HEALTH & LEARNING OUTCOMES

Poor mental and physical health play an insidious, but crucial role in undermining students' abilities to achieve positive academic results, stay engaged in school, and effectively integrate into American society. High drop-out rates, absenteeism, lack of school connectedness, poor cognition, and other obstacles to educational success are deeply connected to health factors

(Rothstein, 2004). Many undocumented immigrants are plagued with longstanding vision and dental issues, asthma, high teen pregnancy rates, and other health complications. Furthermore, a significant portion of undocumented students suffer from psychological and developmental problems, moderately or severely impairing their ability to function in school, adapt to American life, and socialize with other children (Velasquez et al, 2006). Nationally, 7% of immigrants children are in fair or poor health, twice as many as native-born children (Lincroft et al, 2006). They are also shown to lack routine health care and are 50% less likely to have health insurance (14% vs. 6%) (Lincroft et al, 2006). An estimated 60% of undocumented Latino immigrants are uninsured, and the majority receive do not regular preventive medical care, though these rates have been difficult to measure (Sommers, 2013). They compose around 25% of the total uninsured population after the Affordable Care Act (ACA) expanded insurance coverage around 30 million American residents (Buettgens et al, 2011). Within New York City, approximately half of city's 500,000 undocumented immigrant are uninsured, as they are ineligible for ACA marketplace coverage, private insurance, or insurance through their job (Berlinger et al, 2015). Some of these are eligible for Deferred Action for Parents of Americans (DAPA) or Deferred Action for Childhood Arrivals (DACA) allowing them to apply for Medicaid (Berlinger et al, 2015). This, however, still leaves 200,000 undocumented adults and children uninsured and likely to permanently remain so (Berlinger et al, 2015). Many undocumented children who qualify for health coverage, such as New York's Child Health Plus, do not access healthcare because of social, cultural, or lingual barriers, lack of knowledge, or administrative errors in enrolling children. The lack of access to routine medical care poses serious short and long term consequences for UDIs. Instead, many avoid medical treatment until their issues become acute and require immediate attention. This pattern of avoidance (and in turn, intensification of

medical problems) could be prevented if more federally and state funded school-based health centers (SBHCs) were available to address medical concerns on a consistent basis, preventing many of the negative educational and physiological consequences associated with poor health care.

ACCESS AND BARRIERS TO HEALTH SERVICES

Undocumented immigrants are generally blocked from access to publicly funded health services, such as the Affordable Care Act, Medicare, or non-emergency Medicaid and often cannot afford private health insurance. While the vast majority of undocumented adults are employed, they generally work in low-wage or informal sectors where health coverage is not offered by employers, such as contract labor, day labor, janitorial work, or informal work (Sommers, 2013). While 62% of citizens are insured through their employer, only 35% of non-citizens have employer-sponsored insurance, though this number is likely much lower for UDIs (Scherzer et al, 2010) .While some state and local governments provide services to undocumented minors (such as DACA-eligible youth), they often lack the knowledge, transportation, and language skills to effectively seek medical care. In New York, all children, regardless of immigration status, are eligible for Child Health Plus so long as they are a state resident and meet the income requirements (Barrios-Paoli, 2015). This health care program provides a number of crucial services to children under the age of nineteen, including well-child care, medication, dental, vision, and immunizations. Aside from Child Health Plus, uninsured UDIs in New York State rely on safety-net health care systems or emergency room treatment for their medical needs. The Emergency Medical Treatment and Labor Act of 1986 (EMTALA) requires that medical providers treat all people suffering from life-threatening conditions, regardless of immigration

status (Sommers, 2013). It does not require that hospital treat patients after they have been stabilized and patients will still be charged for their treatment (Sommers, 2013). Emergency care is unsustainable for long-term treatment and often prohibitively expensive for undocumented immigrants (Sommers, 2013). A more comprehensive form of healthcare are safety-net care systems, defined as programs or institutions that “organize and deliver a significant level of health care and other related services to uninsured, Medicaid, and other vulnerable patients.” (Berlinger et al, 2015). These include community health centers, officially known as Federally Qualified Health Centers (FQHCs), which provide primary and preventive care to the uninsured and are mainly funded through Medicaid and Medicare reimbursements, federal Disproportionate Share Hospital (DSH) funding, and state Indigent Care Pool (ICP) funding (Berlinger, 2015). Within New York City, undocumented immigrants can also use NYC Health + Hospitals (formerly known as New York City Health and Hospitals Corporation HHC) and community clinics. Under certain condition, UDIs may qualify for Medicaid if that are recognized as “permanently residing under color of law” (PRUCOL) or have a temporary dire medical emergency (Barrios-Paoli, 2015). Furthermore, the New York State Hospital Financial Assistance Law allows uninsured UDIs to seek financial assistance from public and private hospitals for non-emergency care (Barrios-Paoli, 2015).

Though these resources exists, many undocumented immigrants still do not understand how to navigate the complex medical and bureaucratic system. The reluctance to utilize health services is often due to lack understanding about the healthcare system, language barriers, fear that healthcare providers will disclose their immigration status, lack of culturally competent staff, and perceptions of discrimination by healthcare providers (Vaughn et al., 2009). Nandi (2008) found that immigrants who had experienced derogatory insults and discrimination were less

likely to seek health services. Similarly, those that did not have proper translations of medical services also had lower rates of accessing health care on a regular basis (Nandi, 2008). The cultural, linguistic and navigational barriers that immigrants confront in the health insurance system should be more rigorously addressed. New York State's public health law requires that all hospitals provide free interpretation services by a qualified provider, such as a bilingual staff member or contracted in-person or telephonic interpreters (Scherzer et al., 2010). New York City also has rigorous laws and executive orders requiring city agencies, emergency rooms, and pharmacies to have language assistance services, yet these rules have not been strictly monitored or enforced (Scherzer et al., 2010). These communication barriers contribute to poor care and less engagement with vulnerable populations. The state is obligated to implement existing laws. In addition, they should create more translated resources, health care information, applications, and outreach materials, and ensure that these are available online). It may also crucial to hire or certify more staff to meet the demand for bilingual healthcare providers (Scherzer et al., 2010).

Another large hindrance to accessing care was anxiety related to disclosure of their immigration status by government officials (Nandi, 2008; Bustamante et al., 2012). The New York Immigration Coalition reported two cases in 2008 where immigration authorities were notified about a patient's undocumented status after they had received treatment (Scherzer et al., 2010). While the aforementioned cases are rare, many UDIs feel that the potential threat of having personnel disclose their personal data and immigration status to government officials is too large of a risk to take. For this reason, undocumented parents frequently fail to enroll their children in Child Health Plus (CHP), the New York's health coverage for children under eighteen. While many state-sponsored insurance plans for children block access to non-citizens, New York submitted a State Plan Amendment to the federal government in 2009, allowing them

to extend coverage to non-citizen children and pregnant women by using state funds (Scherzer et al, 2010). Despite this resource, many undocumented immigrants are uninformed about their eligibility, afraid of confidentiality leaks, or were wrongfully excluded from CHP due to misinformation from administrative staff (Scherzer et al., 2010). The administrative procedures and eligibility requirements for state programs are complex and require various types of documentation. Many federal provision are also at odds with state provisions making the process confusing when trying to process matching funds (Scherzer et al., 2010). It is no surprise that staff members from the human resources administrations and local service and health agencies confuse procedures and misinform undocumented immigrants that are trying to apply. The complex insurance applications system is also a hindrance to immigrants who may not have the knowledge, language skills, or frame of reference to understand and complete all the steps.

The New York State Department of Health should provide consistent and in-depth training to enrollment staff on immigrant eligibility, immigrant concerns, and cultural and linguistic sensitivity. Efforts in New York State must be made to provide to simplify and streamline the process, provide material in other language, train staff members on the services that undocumented immigrants can access, and also ensure that their immigration status information is confidential. While there are rules in New York against both disseminating patients' information and reporting it to immigration authorities, officials need to make sure that these rules are better enforces and penalized when broken.

The safety net healthcare systems faces other issues as well, such as a high volume of patients, long wait times, funding cuts, limited resources and staff, lack of culturally competent services (including translators), and related issues (Berlinger et al, 2015) Many state or locally funded programs for immigrants are politically and financially precarious and often suffer large

budget cuts, downsizes, and closures (Sommers, 2013). Much public support for community health programs has been rerouted into ACA-related coverage, taking away crucial resources from low-income populations (Sommers, 2013). Berlinger et al (2015) found that expanded ACA coverage resulted in a sharp increase in primary care, resulting in an insufficient number of primary care physicians and dentists at FQHCs. In addition, undocumented immigrants may face a lack of transportation to health centers due to issues of mobility or geographical distance (Shanafelt, 2013). To the largest extent possible, FQHCs and other healthcare centers should be evenly distributed geographically so that certain populations are not neglected. While funding shortages may always be an issue for the high volume and substantial needs of low-income and uninsured people, it is essential that these services and facilities are not neglected by policymakers.

LINKAGES BETWEEN HEALTH AND EDUCATIONAL ATTAINMENT

Good physical and mental health and educational outcomes are deeply intertwined. A student that is persistently distracted by illness, discomfort, poor vision and hearing, or emotional turmoil will not have the capacity to engage with learning on a meaningful level. Basche notes, “No matter how well teachers are prepared to teach, no matter what accountability measures are put in place, no matter what governing structures are established for schools, educational progress will be profoundly limited if students are not motivated and able to learn (2011, p. 4). A number of studies have documented the strong causal link between the poor health of low-income minority students and America’s steep educational achievement gap (Basche, 2011). Public health officials, educators, and researchers have highlighted vision, asthma, teen pregnancy, aggression and violence, physical activity, food insecurity, and inattention and

hyperactivity as the main health concerns that create educational disparities (Basche, 2011). These maladies impact a significant number of youth in the United States, many of them undocumented immigrants with no access to a regular health provider.

For example, studies show that around that one in five children has some kind of vision problem, including nearsightedness, farsightedness, astigmatism, misaligned or lazy eyes, and problems with visual sensory perception and the brain (Basche, 2011). These visual impairments can easily be corrected through prescriptive lenses, medication, or vision therapy (Cotter et al., 2007). Despite suffering from higher rates of vision problems, low-income and minority children are less likely to be receive treatment or eyeglasses (Ganz et al., 2006). These issues pose a significant barrier to effective learning, resulting in shortened attention spans, avoidance of reading, frequent headaches, seeing double, and discomfort (American Optometric Association, 2008). Similarly, asthma is a chronic respiratory illness that disproportionately impacts children of low socioeconomic status. Nearly ten million children under eighteen suffer from asthma, characterized by attacks of wheezing, coughing, and shortness of breath and can sometimes require serious medical care (Basche, 2011). Poor urban, minority youth experience disproportionately high rates of severe asthma and are academically impaired by this disease due to absenteeism, sleep disruption, connectedness, cognition, and other disruptive symptoms (Basche, 2011). In addition to chronic health issues, undocumented immigrants are also at-risk of high rates of teenage pregnancy, chronic hunger, disruptive behavior, lack of attention, and socioemotional problems. These are all educationally relevant health disparities, linked to the academic underachievement to due to lowered sensory perceptions, reduced cognition, less engagement with school, more absenteeism, and motivation to drop out of school (Basche, 2011). To mitigate these impacts, health programs should bring care and attention to these issues

in the early stages of development. School-based programs that can identify and help provide feasible treatments would serve to greatly improve the ability of affected children to focus in school and learn.

SCHOOL-LINKED SERVICES

Due to *Plyler vs Doe*, the school context offers a relatively protective environment for undocumented youth. Unlike many doctor's offices, social service agencies, or similar governmental institutions, UDIs cannot be explicitly discriminated against, denied any services, or live in fear that their legal status will be reported to ICE officials. Because of this, school-based health centers (SBHCs) would serve as an excellent way to provide crucial medical care to undocumented children who would not be able to access it otherwise. SBHCs provide a variety of crucial medical services including, but not limited to: vaccinations; physicals; vision screenings; mental health screening and counseling; asthma care; diabetes treatment nutrition awareness and obesity prevention; dental care; education and screening for sexually transmitted diseases; and routine wellness visits (Sisselman et al, 2012). Studies have demonstrated that SBHCs are correlated with higher attendance rates, better learning outcomes, increased physical activity, lower rates of teenage pregnancy, and more attachment to school (Sisselman et al, 2012).

Since gaining traction in the 1980s, SBHCs have served low-income, underprivileged areas, providing access to essential care for uninsured families. The benefits are numerous. Because SBHC provide children and adolescents with routine medical care within the school, students are not forced to miss school and parents are not forced to miss work due to appointments. Missing work is especially difficult for undocumented parents in the informal

labor sector, as they might not have ability to compensate for lost wages. Alternatively, their employer may not allow them to take time time, preventing students from getting the care they need. Due to more consistent medical care and preventive services, SBHCs decrease emergency room visits, something that many UDIs must rely on as their primary form of medical care (Webber et al., 2003). Likewise, SBHCs can provide lifesaving care children by prescribing over-the-counter asthma and diabetes medications (Allison et al., 2007). In addition to medical treatment, SBHCs foster awareness of physical, sexual, and mental health, an important feature in areas with high risk of obesity, diabetes, teen pregnancy, and other preventable issues. Many SBHCs work collaboratively with parents, community organization, and local business to provide after-school physical activity programs, healthy cooking classes, and other innovative projects that foster good health. Within New York, there are 216 SBHCs operating throughout the state (New York State Department of Health, 2015). 155 (61%) are located in the metropolitan area, while the remaining 76 (33%) are spread primarily throughout urban and rural areas (York State Department of Health, 2015). Of the 214,723 students at these school, 163,938 are enrolled in SBHCs, 37% of which are Latino. Studies demonstrate that schools with SBHCs create better learning environments that those without them. Research at SBHCs found that in comparing schools in NYC, the schools that contained SBHCs had significantly higher ratings than those without in four areas: school engagement, communication, safety and respect, and academic expectations (Strolin-Goltzman, 2010). These are made even more effective by collaboration with stakeholders (such a parents and community members), school principals, counselors, teachers, social workers, local business, and NGOs (Grant et al, 2010). Furthermore, SBHCs should find innovative ways to engage and education students on healthy living and behaviors. For example, some SBHCs have partnered with local hospitals to train students on

healthy eating or provide use of the hospital's smoking cessation program (Grant et al, 2010). Other have nursing staff and community group teach classes on asthma care, healthy cooking, and sports activities for families (Grant et al, 2010).

In impoverished areas, SBHCs are a critical form of regular health care for children that may have few medical options otherwise. Effectiveness of these program requires significant long-term funding, extensive community collaboration, and federal and state support. Large education reform efforts to reduce or eliminate the achievement gap have failed to look closely at addressing health disparities, but this is huge source of academic underachievement and requires significant attention. School and community-based health programs are especially essential to undocumented immigrant populations, as these populations have less access to regular medical care and less follow-up on poor diagnoses. Undocumented immigrant make up one of the largest portions of uninsured populations in the U.S. federal policymakers have consistently blocked undocumented immigrants from gaining access to routine health insurance, in addition to cultural and linguistic barriers. Without free or low-cost and accessible medical provisions, it seems unlikely that undocumented students will receive the appropriate routine care to ameliorate the health factors that hinder learning, developing, and integrating. School-based health centers in particular have the best vantage point and potential for making great strides in health inequalities.

E. TRAUMA & PSYCHOSOCIAL IMPACTS

Undocumented immigrants are vulnerable to emotional and physical trauma, discrimination, cultural and social exclusion, and subsequent mental health issues. Left untreated, these issues have profound impacts on both educational achievement and positive life outcomes. In many

cases, their psychological distress can manifest as depression, anxiety, Post-Traumatic Stress Disorder (PTSD), behavioral problems, or suicidal ideation. Latino youths have the highest rates of depression among all ethnic groups, with 11.5 % of Latino adolescent boys and 32.2 % of Latino adolescent girls reporting depressive symptoms, in comparison to 10.3 % and 8.7 % of Caucasians and African American males, respectively, and 25.7 % and 19.5 % of Caucasians and African American females (Saluja et al, 2004). A 2007 national survey by the Centers for Disease Control and Prevention found that Latino youth were also more likely to seriously contemplate suicide (15.9%) and to attempt suicide (10.2%) compared to their white (14.0% and 5.6%, respectively) and African-American (13.2% and 7.7%) peers (Potochnick & Perreira, 2010). The Latino Adolescent Migration, Health and Adaptation (LAMHA) study at University of North Carolina at Chapel Hill surveyed 500 youth and primary caretakers and found that migration stressors increased the risk of both depressive symptoms and anxiety (Potochnick & Perreira, 2010). These migration stressors include traumatic events, the migration experience, discrimination, documentation status, separation from family, loss of social status, and changes in family dynamics (Potochnick and Perreira, 2010; Suárez-Orozco & Suárez-Orozco, 2001). LAMHA researchers assessed the total number of years the adolescent was separated from their primary caregiver; traumatic migration experiences, such as being robbed, physically attacked, injured or ill; adolescents' involvement in the migration decision; and their level of dissatisfaction with the migration decision to the United States. They found a high prevalence of trauma and risk factors among immigrant youth, particularly in undocumented populations who face additional anxieties about their legal status.

These issues often go unrecognized by schools, policymakers, and community-based organizations. School administrators and teachers devote more attention grades and standardized

test performance, while neglecting underlying emotional issues. Likewise, policymakers and public institutions fail to provide access to services that are culturally competent, low-cost, and accessible to help mitigate the psychosocial issues that can impede educational success. While recent shifts in educational policy discourse have pushed for a “whole child approach”, that is, nurturing both the intellectual and emotional needs of children, this tactic has not been broadly implemented or adequately funded in most public schools.

PRE-MIGRATION TRAUMA

The physical and emotional trauma that many undocumented youth experience often begins long before they migrate to the United States. Studies show prevalence of household or in-country violence, protracted separation from family members, severe poverty, and sexual or economic exploitation among undocumented immigrant youth prior to leaving their native country. This is particularly true for UDIs from Central America, where the illicit drug trade has been a source of major instability and organized criminal activity leading to some of the highest murder rates in the world. Studies by the United Nations Office on Drugs and Crime showed that in 2012, Honduras, El Salvador, Guatemala had a homicide rates of 90.4 per 100,000, 41.2, and 39.9, respectively (ACAPS, 2014). Geographical areas not previously prone to danger are now experiencing surges in gang violence. A study by the International Rescue Committee found that children in Central America's "Golden Triangle" are increasingly targeted for revenge killings, rape, gang recruitment, and drug or sex trafficking (IRC, 2014). Meanwhile, local police are often complicit with gang members, offering little to no protection to vulnerable groups (IRC, 2014). Aside from fears of societal violence, many children reported dysfunctional, abusive, or neglectful family dynamics or lack of a stable adult guardian (UNHCR, 2015). A study of the UN

High Commissioner for Refugees stated, "no less than 58% of the 404 [unaccompanied minors] interviewed were forcibly displaced because they suffered or faced harms that indicated a potential or actual need for international protection" (UNHCR, 2015). In an study with 1,004 recent immigrant schoolchildren between 8–15 years old, researchers found that exposure to violence was common and positively correlated with post-traumatic stress disorder and depressive symptoms. (Jaycox et al, 2002). In the previous year alone, 49% of children reported being the victim of violence and 80% reported witnessing violent events (Jaycox et al. 2002). Thirty-two percent of participants exhibited symptoms of PTSD, while 16% were found to have clinical depression (Jaycox et al. 2002).

By its very nature, the process of migration requires huge upheavals, both physical and psychological. It requires families and networks to be separated for extended time periods or even forever. In many cases, parents will migrate before their child as they gain a foothold in the United States and leave them in the care of a grandparent or other guardian. In other circumstances, parents will send the child to migrate alone if they do not have the economic means for the whole family to travel, but still want their child to have more educational and economic opportunities (Malyukova & Bursztyn, 2015). In both cases, children experience traumatic separations for people they are deeply attached to. The LAMHA study found that 75% of youth were been separated from their primary caregiver and this separation lasted three years on average (Potochnick & Perreira, 2010). This can be bewildering and psychologically damaging, especially to young children who don't understand the purpose or sacrifice behind this separation. They may feel lonely, helpless, abandoned, unloved, and angry, dramatically affecting their school performance. Studies show that youth who were separated from their

primary caregivers had worse outcomes in school and were more likely to drop out than those that lived with their undocumented parents (Gindling & Poggio, 2010).

After the initial period of euphoria, reunification can be an equally trying and difficult transition for youth. It requires relationships to be reestablished and reforged, often changing the parent-child relationship (Malyukova & Bursztyn, 2015). For children that felt abandoned, it means coming to terms with forgiveness and it awakens the confusion and loss of the initial separation. Adolescents that grew increasingly distant and independent from parents may find it difficult to accept their returned role as an authority figure. It is a transformative process that is frequently overlooked and misunderstood by educators and officials. Similarly, children who formed deep attachments to their caregiver during their parent's absence (usually a grandparent), undergo a second traumatic loss when they are forced to separate from them and migrate. The profound sense of loss and confusion carries throughout their adolescence, impacting their psyche, ability to trust and form attachments, and general well-being. Furthermore, the event of migration in and of itself can be stressful, violent, or chaotic. The LAMHA study found that 24% of recent immigrant youth surveyed had experienced a stressful migration event (Potochnick & Perreira, 2010). This number is likely higher among undocumented immigrants, particularly unaccompanied minors who have little protection from physical harm and exploitation. Many adolescents were found to have experienced or witnessed robbery, sexual violence and rape, verbal and physical abuse, exploitation from smugglers, and other traumatic occurrences.

UNDOCUMENTED STATUS & IDENTITY

Upon reaching their destination inside the United States, migrant must face a host of new, often unanticipated problems, legal status being one of the primary sources of stress.

Undocumented youth and youth in mixed status families were found to be at a greater risk for anxiety than documented adolescents (Potochnick & Perreira, 2010). Undocumented youth commonly face trauma related to the experiences of migration, separations from family, and limited coping skills (Bursztyn, 2015). Most undocumented youth have little say in the migration decision, so some experience a sense of loss rather than invigoration after the move. Bursztyn notes, “Loss is part of all immigrants’ and refugee’ experience, loss of great magnitude, like home and family, but also loss of ability, including linguistic fluency and the intuitive understanding of one’s place in society” (2015, p.10). Undocumented adolescents in American society hold a tenuous social position, one that does not inspire high confidence, self-esteem, or aspirations. They face both the confusion that comes from pressure to conform to both their family’s cultural expectations and to mainstream society’s expectations. Unfortunately, a sizable portion of mainstream society holds deeply antagonistic views on undocumented immigrants. As such, UDIs are often victims to discriminatory practices and negative stereotypes.

DISCRIMINATION & SOCIAL MIRRORING

Discrimination plays a strong role in depression among immigrant youth (Fowler & Bursztyn, 2015; Potochnick & Perreira, 2010). Researchers found that 42% of Latino immigrant adolescents had experienced discrimination directly (Potochnick & Perreira, 2010). A large body of research demonstrates a strong correlation between discrimination and negative psychological impacts on adolescents (Gonzales et al., 2009; Greene et al., 2006; Kuperminc et al., 2009). The more UDIs perceive discrimination, the more they are likely to reciprocate that negativity by developing a marginalized attitude toward society (Fowler & Bursztyn, 2015). This strongly impacts their ability to acculturate and gain close involvement with society. Instead, they may

feel angry, hostile, or ambivalent toward mainstream society, leading to confused national identities. This sense of isolation or rejection from national identity is negatively correlated their psychological and sociological adaptation (Fowler & Bursztyn, 2015; Sabatier & Berry, 2008).

Hirschman (2001) notes that school adjustment is the primary environment where students must develop strong sociocultural adaptation skills. This environment can serve to be helpful or detrimental, depending on the attitude of teachers, counselors, and guardians. Unfortunately many school officials and students ascribe negative characteristics to undocumented immigrants students, something which serves to dramatically undermine UDIs educational outcomes (Ponce de Leon-LeBec & Bursztyn, 2015). Children and adolescents pick up on these social cues and conform to these negative beliefs, a phenomenon called social mirroring (Ponce de Leon-LeBec & Bursztyn, 2015). Social mirroring is a concept describing how external opinions of someone can serve to shape their self-image and, in turn, their behaviors (Winnicott, 1972). If immigrant adolescents are fortunate enough not face destructive stereotypes at school, they are likely to confront these perceptions in media and from political figures. In a survey with immigrant youth, participants were asked to describe how Americans felt about people from their country, the vast majority of Latino respondents had pejorative answers (Suarez-Orozco & Suarez-Orozco, 2001). One Mexican responded, “Most Americans think we are lazy, drug addicts that only come to take their jobs away” (Suarez-Orozco & Suarez-Orozco, 2001). This sentiment was echoed recently by presidential candidate Donald Trump, who received widespread attention for his derogatory comments on Mexican immigrants. In a June 2015 speech, he stated “The U.S. has become a dumping ground for everybody else's problems...When Mexico sends its people, they're not sending their best...They're sending people that have lots of problems, and they're bringing those problems with us. They're bringing drugs.

They're bringing crime. They're rapists..." (Washington Post). These comments provoked outrage, but were also met with approval from many sectors of the public who view immigrants as a threat to national cohesion and identity (Thangasamy, 2010).

Anti-immigrant sentiment has been propagated over the year more by writers and political figures who characterize immigration as a degradation of American society and norms. Peter Brimelow's *Alien Nation* argues that the "vast whirling mass of illegal immigrants" jeopardize white American values (Brimelow, 1995; Thangasamy, 2010). Likewise, Samuel Huntington (2004) saw the increase of Hispanic identity in the U.S. as encroaching on the moral fabric of America and its Protestant, Anglocentric people. Nativism has resonated with the public, the brunt of this vitrol being directed at Latino undocumented immigrants. Both their ethnic and legal categorization carry heavy meaning and burden. Appiah (2007) notes, "Each of these categories has served as an instrument of subordination, a constraint upon autonomy, as, indeed, a proxy for misfortune. Some identities, we can show, were *created* as part of a classificatory system for oppression" (p. 112). It is no surprise then, that the process of acculturating to American norms while also forming a positive self-image is fraught with tension, anxiety, and alienation.

FEAR OF DEPORTATION

Undocumented student must also contend with the persistent anxiety over having themselves or their family members deported. A study by Lad and Bradanza (2013) with undocumented students in K-12 schools demonstrated that the children held severe psychological stressors related to fear of deportation, fear of immigration and school authorities, fear of being separated from their families, and fear of having their immigration status revealed to their classmates and

teachers. Capps et al (2007) had similar findings, noting that immigration raids or severe anxiety that the ICE would conduct a raid was traumatizing for children. The constant vulnerability to being forcibly removed their from families, communities, and livelihoods produced feelings of hopelessness and insecurity. It impacts not only their psyche, but also the broader meaning they give to their lives and education (Unzueta & Seif, 2014). Though some student are DACA recipients and are protected from deportation for two years, they can quickly fall out of status and be subject to ICE procedures once again. Because of this sense of uncertainty, undocumented immigrant may feel less rooted and less inclined to invest heavily in their education (Lad & Bradanza, 2013). Similarly, UDIs are less inclined to open up to classmates and faculty and build close friendship or mentorships due to the underlying fear that their immigration status will be disclosed (Lad & Bradanza, 2013).

Given that social acceptance and interpersonal bonds with teachers and classmates are shown to be strong protective factors against emotional harm, it is crucial that UDIs do not feel alienated or isolated from peers and school staff (DeGarmo & Martinez, 2006). It is also important that teachers are trained on how to bridge gaps between the school and parents or community members. Open communication, parent-teacher meetings, and use of the home language and local customs can help enable a more supportive learning environment, combat abuse in school, contribute to greater participation UDIs in schools, and strengthen their emotional well-being (Benson, 2004).

ACCESS TO MENTAL HEALTH CARE

Statistics from Center for Disease Control (CDC) show that Latino children experience high rates of neglect, poverty, substance abuse, HIV/AIDS, and physical or sexual abuse (2006).

As a result, they are more likely to plan and attempt suicide than other ethnic groups. Unaccompanied minors, those who migrate to the United States without parents, are particularly vulnerable to psychological issues and trauma due to living in high-conflict areas. These mental health needs often go unnoticed and unmet, exacerbating their conditions. A report by the American Psychological Association Report states:

The effects of immigration on psychological and social well-being are especially profound for certain populations, including children, women, individuals with disabilities, and those with limited financial resources. Despite the critical need for mental health services, immigrants face significant obstacles to receiving quality mental health care. (APA Initiatives 2014).

Immigrants are shown to be less likely to receive mental health services than non-immigrants (Munroe-Blum et al., 1989; Vega et al., 1999). Significant research showed many deficiencies in the mental system toward migrant children such as lack of culturally competent services, poor funding, a lack of bilingual mental health professionals, lack of access health insurance, and need for more research on best practices for all child welfare agencies, counselors, and other professionals (Berlinger et al, 2015). The state must be proactive in expanding behavioral health services for undocumented populations, including psychosocial screenings, crisis intervention, substance abuse counseling, and violence and suicide prevention services (Sisselman et al, 2012). In addition to more community health centers, a school-based approach may be an excellent mechanism of providing undocumented youth with mental health services. To be most effective, these services should be evenly geographically distributed, provide trauma-informed care, and have qualified providers with linguistic skills and cultural knowledge (Berlinger et al, 2015).

PART IV. CRIMINAL JUSTICE & ECONOMIC

CONSIDERATIONS

The state's failure to integrate undocumented youth can have serious long-term consequences for both immigrants and the overall socio-economic health of New York. By effectively ignoring the multitude of factors that work against equitable social and educational opportunities, undocumented immigrants are at heightened risk for school failure, poor English proficiency, chronic health conditions, psychosocial trauma, and destitution. This section will discuss the criminal justice, public health, and economic repercussions of failing to address issues with undocumented immigrants.

DISPLACED AGGRESSION THEORY & GANG MEMBERSHIP

There are approximately 1,059,000 youth gang members in the United States, representing a major public health and criminal justice issue (Pyrooz & Sweeten, 2015). Gang members are 100 times likelier than non-gang members to be victims of homicide, and have higher rates of juvenile delinquency, incarceration, drug and alcohol abuse, drug dealing, unsafe sexual practices, and socio-economic hardship (Pyrooz & Sweeten, 2015). It is crucial to note that undocumented youth are not disproportionately involved in gang activity and violence, as has been suggested by anti-immigrant groups, conservative politicians, and mass media (Martinez, 2002; Ousey & Kubrin, 2009). Ruben & Ewing (2007) have noted this stereotype, stating, "The misperception that the foreign born, especially illegal immigrants, are responsible for higher crime rates is

deeply rooted in American public opinion and is sustained by media anecdote and popular myth” (p. 3). In reality, studies show that immigrants have lower rates of crime than their U.S. born counterparts, and are more likely to be victims of crime than perpetrators of crime (Hagan & Palloni 1999; Ousey & Kubrin, 2009). Furthermore, studies have shown that as rates of unauthorized immigration doubled in the late 1990s, violent and nonviolent crime rates decreased by 34% and 26%, respectively (Rumbaut & Ewing, 2007). Contrary to nativist assertions, immigration does not result in higher crime rates and is actually correlated more strongly with lowering crime rates in urban neighborhoods (Becerra et al, 2012).

Nevertheless, some undocumented youth *do* enter into criminal networks, and policymakers need to acknowledge the factors that can perpetuate or prevent this. While many undocumented immigrants can and will overcome various obstacles, others will live out their lives in poverty, never gaining any form of social or economic mobility. Some will join underground markets, streets gangs, or other criminal enterprises. The simple reality is that marginalized youth with little education, limited legitimate work opportunities, a large sense of disenfranchisement gained from years of discrimination can be more easily lured to illicit or exploitative networks. The likelihood of this is higher when immigrants face economic deprivation and are channeled into urban high-crime areas (Ousey & Kubrin, 2009). This may be partially explained by the opportunity structure of deviance theory, which posits that the lack of legitimate pathways to financial and social success can lead to alternate responses to achieve the same goals (Merton, 1959; Cloward & Ohlin, 1960). Furthermore, Dollard’s displaced aggression theory hypothesizes that when a person cannot confront or change a source of frustration, they will displace their aggression onto something else that is an easier target (1939).

This elucidates why some undocumented immigrants, who cannot directly confront or change systemic barriers, may be inclined towards violent street gangs (Barrett et al, 2013).

For example, in the 1980s, Central American migrants fleeing political strife arrived in East Los Angeles and became caught in the crossfire of urban warfare there, forming gangs such as Mara Salvatrucha-13 or MS-13 (Cáceres, 2014). Many of these young migrants lacked stable family structures, legitimate economic opportunities, or a sense of social identity and status. In the absence of positive outlets to deal with this “multiple marginality”, these migrants sought gang membership to meet their unmet needs, including security, housing, acceptance, power, and financial resources (Wolf, 2012). After passage of IIRAIRA in 1996, U.S. immigration authorities deported around 50,000 legal and undocumented immigrants for committing crimes back to Honduras, Guatemala, and El Salvador (Cáceres, 2014). In the context of ineffective and corrupt local law enforcement, these gangs reformed in massive numbers and began operating as global drug dealers, exporters, contract killers, human traffickers, and suppliers for international drug cartels (Cáceres, 2014). They have gained a reputation for gratuitous and indiscriminate violence, targeting and maiming rivals and innocent civilians alike. These gangs, and the culture of lawlessness they have created, are the direct reason that hundreds of thousands of unaccompanied minors have fled to the United States in recent years. In 1996, policymakers believed that deportation was enough to erase the problem of gang proliferation, but ultimately these issues are transnational and require more than law enforcement law enforcement measures. Policies that block young people from socio-economic mobility will have many negative proximal and distal consequences (Pyrooz & Sweeten, 2015). Integrative approaches that mitigate the risk factors for joining criminal networks are a more effective approach to addressing this significant law enforcement and public health issue.

ECONOMIC ARGUMENTS DECONSTRUCTED

Many government officials reject policies to integrate undocumented immigrants based on economic arguments that depict migrants as a financial strain and a taxpayer burden. In reality, data shows that undocumented immigrants contribute to federal, state, and local economies through taxes, use less services than they contribute to federal taxes, and also play a role in stimulating job growth (Becerra et al, 2012). The Congressional Budget Office (CBO) reported that, despite costs related to law enforcement, education, and health services toward undocumented immigrants, they still contribute more money in taxes than the costs of public services they receive (CBO, 2007; Becerra et al, 2012).

While undocumented immigrants are blocked from using many government funded programs, they still directly and indirectly contribute to the costs of services such as the Women, Infants, and Children (WIC), free and reduced school lunches, public education, healthcare, and other programs. The costs associated with these are often exaggerated by conservative politicians and pundits who seek to villainize undocumented immigrants. In reality, only 3.3% of the total cost of between \$520-\$535 billion toward public education goes towards undocumented immigrants costs. (Becerra et al, 2012). Furthermore, studies show that undocumented immigrants actually underutilize health care programs, and that the effort to keep them out of the Medicaid system costs virtually the same as allowing them to enroll in it (Becerra et al, 2012). A cost-benefit analysis demonstrated that administrative and compliance procedures to ensure undocumented immigrants were barred from obtaining coverage actually cost the U.S. \$600 million rather than saving the government money. Similarly, federal and state blockages to Medicaid and Medicare force undocumented immigrants to use-over emergency care, costing providers \$6 and \$10 billion per year (Camarota, 2004; Goldman, Smith, & Sood, 2006). This

cost could be reduced with routine preventive medical care. Anti-immigration proponents might argue that any expense paid toward undocumented immigrants is too high, however this viewpoint does a disservice to the social and economic welfare of the United States.

Pragmatically speaking, the more undocumented immigrants utilize and benefits from primary and secondary education, health care services, welfare, and poverty-mitigating programs, the better they are able to contribute back to society.

Significant evidence demonstrates that undocumented immigrants contribute more to the U.S. economy than they receive (Becerra et al, 2012). Virtually all undocumented immigrants pay taxes through sales taxes, property taxes, or income tax using Individual Taxpayer Identification Numbers (ITINs) or false Social Security numbers (National Council of La Raza, 2008; U.S. Chamber of Commerce, n.d.). The Institute on Taxation and Economic Policy found that undocumented immigrants paid more than \$11.8 billion in state and local taxes in 2012, contributing to the financial solvency of the Social Security and Medicare programs (Gardner et al, 2015). In fact, undocumented immigrants pay approximately \$1,800 per household per year more toward Social Security and Medicare than they ever utilize in services (Camarota, 2004). In New York State, undocumented immigrants contributed more than \$566 million in sales taxes, \$186 million in state and local income taxes, and \$342 million in property taxes totalling around \$1.1 billion (Gardner et al, 2015). Furthermore, undocumented immigrants play a role in stimulating the economy and promoting job growth. For example, a Chicago study found that undocumented immigrants stimulated \$2.56 billion in local spending, supporting 31,908 jobs (Mehta, Theodore, Mora, & Wade, 2002). Findings were similar in a study from Colorado, which revealed that undocumented immigrants helped create 91,000 jobs and \$19.7 billion from personal and industrial economic activity, not including tax revenue (Becerra et al, 2012). It

should also be noted that while some policymakers have argued that UDIs steal jobs from citizens, a joint report from the International Labor Organization, Organisation for Economic Cooperation, and World Bank, found only marginal impact on the employment and wages (2015).

Overall, the evidence demonstrates that undocumented immigrants have a positive net-impact on the American economy. While this prosperity helps the overall quality of life in U.S., many undocumented immigrants are not able to fully enjoy the fruits of their labor. Because they lack legal and political status, some unscrupulous employers take advantage of this vulnerability and use discriminatory and exploitative practices in the workplace. This includes unsafe working conditions, underpayment of wages, and little or no compensation for workplace injuries or illness (ILO, 2015). Though workers in exploitative job or underground market may want to quit, undocumented immigrants, particularly those with limited education, have constrained options in the labor market. The crux of the issue is this: when society and the state fail to integrate young immigrants and give them equitable opportunities to be happy, healthy, productive citizens, disastrous consequences can occur. There is certainly no simple, broad-stroke solutions to the recalcitrant issues embedded in immigration, but diligent and sustained efforts must be made to help undocumented immigrants gain a meaningful education and the life skills to facilitate upward mobility.

PART V: CONCLUSION & RECOMMENDATIONS

Undocumented youth face difficult lives both before and after migration. Many are born in countries riddled with protracted violence, corruption, and poverty. They cross the border into the United States in an attempt to find and create opportunities for themselves that were previously unattainable. Once in the U.S., undocumented children enroll in public schools, establish roots and build networks, adapt to the nation's meritocratic values, cultivate aspirations and dreams, and then come of age, only to find their path impeded by obstacles far beyond their reach. This can be crushing, disillusioning, and draining. By and large, these youth grow up under conditions of financial hardship, suffer from a high prevalence of mental and physical health issues, live in high-crime neighborhoods, and attend underperforming and underfunded schools. To reach a high level of education and then successfully navigate their way into an obstructed labor market despite their socio-economic and legal circumstances, undocumented youth must have a special kind of resilience, fortitude, and tenacity. Unfortunately, many youth simply do not have or are not able to fully develop these protective traits.

Given the multitude of factors that work against equitable social and educational opportunities, undocumented immigrants are at high risk for school failure and dropout, a fact that only serves to further the public perception that they are unable to effectively integrate in American society. While internal school reforms can help improve some educational outcomes for undocumented youth, these are largely ad hoc solutions to the much larger problems of marginalized socioeconomic status and irregular legal status. Lopez and Lopez state, "Despite

the best efforts made in the litigation, legislation, and policy arena, unless immigration reform passes so that undocumented students can regularize their immigration status, our educational system will only be producing highly educated undocumented persons whose job prospects are completely curtailed by their immigration status” (p.13). Although comprehensive immigration reform that provides a path to citizenship would be ideal, the current antagonistic and polarized political landscape makes this a distant reality. Federal efforts to penalize and deport undocumented youth will likely continue, while efforts to implement widespread school programs, health centers, or poverty alleviation schemes that would aid undocumented children are pushed to the periphery. If change at the federal level is a slow and contentious, what can be done in the interim?

Policies and initiatives on a state and local level have the potential to provide incredible security and opportunities for social mobility. New York State policies toward UDIs have marked a significant improvement over other national mandates and laws, often explicitly acknowledging the human rights and social needs of undocumented immigrants. Furthermore, based on the ruling in *Campaign for Fiscal Equity, Inc. v. State of New York*, New York has a constitutional obligation to provide all students with equitable educational opportunities, including the mandate to supply adequate funding and resources. Yet many of these policies have suffered from ineffective implementation or have been undermined by federal policy. To mitigate this, policy should shift to be more responsive to on the ground realities, recognizing the need for more adequately funded, accessible, and culturally competent services and resources for children and their guardians. Specifically, New York State and the Department of Education must channel funding into the areas that most disproportionately impact undocumented students:

- Cognitively and culturally appropriate bilingual English language programs for newcomer students.

- School-linked health, mental, and social services, that emphasize routine and preventive care, as well as management and medication for chronic illnesses.
- More federally qualified health centers that are evenly geographically distributed and have qualified providers with appropriate translating services.
- Improved outreach from federal and state service providers on the resources that undocumented immigrants can access, as well as assurances that their immigration status will not be used for deportation procedures.
- School and community programs that facilitate parental engagement with students' learning.
- Improved quality and access to preschool, after-school, and summer programs to compensate for out-of-school time.
- Training for teachers, administrators, and service providers on culturally competent and trauma-informed care.

Policymakers, service providers, administrators, and other professionals must work collaboratively to conduct specified research that accurately assesses this population's unique needs. They should then provide more formal guidance and implementation strategies for service providers to pursue. The resources, programs, and procedures that go into implementing these targeted programs would undoubtedly be a complex process requiring formidable coordination from federal, state, and local governments, as well as local community based organizations. Funds and resources disproportionately devoted to law enforcement measures against undocumented minors should be channeled into more long-term solutions for these children, such as rigorous educational interventions and programs that narrow graduation rate disparities, income gaps, and health outcomes. New York State's human rights and legal framework has demonstrated a clear commitment to providing all children, including undocumented youth, with the foundational knowledge and skills to successfully integrate into the social, economic, and cultural life of the nation. To date, New York has fallen short of meeting their obligations and should seek to remedy these failures.

CLOSING THOUGHTS

The United States has built an economic and social system that creates a structural demand for immigration, yet it lacks the social welfare mechanisms to support its most vulnerable groups, undocumented children in particular. The biggest challenge to eliminating these disparities and implementing more equitable policies toward immigrants is xenophobic sentiment, political partisanship and, correlated to this, a lack of political will to carry out extensive social welfare reform. While most of our nation's leaders will readily acknowledge the importance of building the knowledge and capacity of immigrant youth, few policies have been made to ameliorate the conditions that disempower them. Instead, policies have focused on border enforcement and deportation, both of which are tangential to the broader issue of a discriminatory immigration and social welfare system.

In order for undocumented youth to overcome this de facto segregation, both state and federal policymakers must be willing to pursue immigration reform that tackles the intersection between poverty, ethnicity, education, and pathways to citizenship. Although some legislative improvements have been made (largely thanks to the hard-won efforts of activists), deeply rooted structural issues and political ideology make equitable and human rights-based reforms a slow, halting, and contentious process. To a large degree, efficacious immigration reform will require reframing the social discourse on race and class as much as it will require changing policy. Enacting comprehensive educational and immigration reform will take strong executive leadership, bipartisan support, federal and local collaboration, and a national paradigm shift away from the demeaning stereotypes of undocumented immigrants that remain widespread. In spite of the many challenges, immigrant rights impact the lives and aspirations of eleven million people, making it a vitally important arena for advocacy and reform.

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