

IMPROVING THE WELLBEING OF CHILDREN OF IMMIGRANTS: PRIORITIES FOR THE 112TH CONGRESS



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MAKING CHILDREN & FAMILIES THE PRIORITY



Children of immigrants account for nearly one-fourth (24 percent) of the U.S. child population. Both children of immigrants and children of natives often face similar challenges related to health, poverty, and access to a high quality education. However, the same policies and programs aimed at safeguarding children in low-income families can sometimes impose significant barriers to children in immigrant families, particularly when issues such as language and immigration status are not adequately addressed. Thus, future federal legislation impacting children should address the access barriers and needs of children in immigrant families. Equally important will be the need for Congress to prevent children from being unnecessarily harmed by immigration legislation and to consider the impact of these policies on the systems that serve them.

Elementary and Secondary Education Act (ESEA) Reauthorization

A reauthorized ESEA must include legislation across the board that specifically addresses the academic challenges facing children of immigrants while simultaneously building on their strengths. For example, research shows that children of immigrants have low rates of prekindergarten enrollment due to socioeconomic barriers, lack of awareness among immigrant families regarding the availability and importance of early education programs, language and cultural barriers, and confusion about eligibility rules.¹ Yet, children of immigrants also have important strengths for early learning success, including being more likely to live in two-parent families than children of natives and being more likely to speak more than one language.

Thus, a reauthorized ESEA must address the issues of access, outreach, language development, and parental engagement as they relate to the early education of children of immigrants. Increased investments should be made in critical early learning programs to improve access to all low-income children, and culturally and linguistically appropriate outreach should be established to raise awareness among immigrant communities.² Early learning regulations should also incorporate bilingual education strategies, and two-generation models should be further examined as a strategy for the language and literacy development of both children and parents.

Improving Access and Opportunity for Unauthorized Children

Unauthorized immigrant children, regardless of their length of residency in the U.S., are often explicitly denied access to many important public benefits. However, the 1982 *Phyllis v. Doe* decision established the right for unauthorized children to access a public K-12 education based on the recognition that restricting unauthorized children's access to an education would result in the creation of a "permanent underclass."³ This basic premise, that all children growing up in America should have the opportunity to achieve their full potential regardless of immigration status, is one that should be applied to all other policies and programs serving vulnerable children.

Furthermore, despite access to a public K-12 education, unauthorized children face an uncertain future upon graduation from high school due to limited access to a higher education and a lack of legal means by which to join the workforce. A recent attempt to pass the Development, Relief, and Education for Alien Minors (DREAM) Act

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fell short of passage during the 2010 lame duck session. The bill, if passed, would provide unauthorized children who have grown up in the U.S. with the opportunity to earn their legal status through higher education or military service.

Responsible Immigration Enforcement that Respects Family Unity

An estimated 5.1 million children live with at least one unauthorized parent, and more than four in five (82 percent) are U.S.-born citizens.⁴ These children must live with the constant threat of being separated from a parent due to immigration enforcement measures. The apprehension, detention, and/or deportation of a parent by immigration authorities can often have very serious short- and long-term consequences for a child who is left behind.⁵ In some cases, children may unnecessarily enter the child welfare system, precipitating a series of events that may result in the inappropriate termination of parental rights, sometimes separating families permanently.⁶

Ultimately, a comprehensive immigration reform bill will be needed to fix a system that is fundamentally broken. In lieu of a comprehensive bill, however, Congress should consider the impact of immigration policy proposals on the wellbeing of children and families. With the expectation for enforcement measures to increase or remain steady as more states and localities participate in immigration enforcement programs such as the Secure Communities program, it is imperative that both the Administration and Congress take immediate action to establish universal protocols that prioritize family unity and protect the best interest of children whose parents are apprehended, detained, or deported for immigration reasons. Previously introduced legislation include the Humane Enforcement and Legal Protections (HELP) for Separated Children Act and the Child Citizen Protection Act (CCPA).

Preserving Birthright Citizenship

The birthright citizenship clause of the U.S. Constitution's Fourteenth Amendment has long ensured that all children born on U.S. soil are provided with the rights and privileges of citizenship regardless of race, color, or ancestry. By conferring citizenship at birth, America's youngest citizens

are immediately guaranteed critical safeguards when they need it most. Yet, policymakers have recently proposed federal legislation that would radically modify the Fourteenth Amendment in an attempt to deny U.S. citizenship to the children of unauthorized immigrants. Approximately 4.5 million U.S. citizen children currently have at least one unauthorized parent, meaning that the consequences of such a measure may be significant.

With regards to the impact on child well-being, a repeal of the Fourteenth Amendment's birthright citizenship clause would result in deliberate harm to children. In addition to creating millions of stateless children, a repeal of birthright citizenship would restrict a U.S.-born child's access to health care, food assistance programs, and other basic services. It is also estimated that such a measure would result in doubling the share of unauthorized children living in the U.S. by 2050.⁷ Furthermore, all American families, regardless of immigration status, would bear the burden of navigating complex laws in order to prove their child's citizenship.⁸

CITATIONS:

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2 Ibid.

3 *Plyler v. Doe*. 457 U.S. 202 (1982).

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6 Butera, E. (2010). *Torn Apart By Immigration Enforcement: Parental Rights and Immigration Detention*. New York, NY: Women's Refugee Commission.

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8 Stock, M. (2009). "Policy Arguments in Favor of Retaining America's Birthright Citizenship Law." *Made in America, Myths and Facts About Birthright Citizenship*. Washington, DC: Immigration Policy Center.