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A Critical Examination of Policies and Practices Impacting the Education of Unaccompanied Immigrant Children in the United States

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Abstract: Beginning in 2014, increasing numbers of unaccompanied immigrant children (UIC) arrived and were apprehended at the United States-Mexico border. These children were fleeing violence, poverty, environmental disasters, as well as state-sanctioned violence and political instability influenced by interventions and support from the U.S. government spanning several decades. The purpose of this article was to examine the factors that shape the educational experiences of UIC in the United States during and after detention. The following questions guided this analysis: (1) What policies and practices impact the education of apprehended UIC in the United States? (2) What are the conditions formerly apprehended

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UIC encounter in schools? A review of the literature between 2000 and 2022 was conducted, including peer-reviewed articles, commentaries, legal documents, and news articles. The literature raises concerns about the quality, effectiveness, and availability of academic resources for these children. This review demonstrates the need for additional research and policy changes aimed at improving the educational conditions of UIC in shelters and communities after reunification, and it offers recommendations to school districts, policymakers, and researchers on how to best address the academic and non-academic needs of formerly apprehended UIC in the United States.

Keywords: education policy; critical race theory; immigration policy; unaccompanied immigrant children (UIC)

Una mirada crítica de las políticas y prácticas impactando la educación de menores extranjeros no acompañados en los Estados Unidos

Resumen: A principios del 2014, el número de menores extranjeros no acompañados (MENA) que fueron detenidos en la frontera de los Estados Unidos y México aumentó considerablemente. Estos menores migran a causa de la violencia, pobreza, desastres ambientales, así como de la violencia sancionada por el Estado y la inestabilidad política influenciada por intervenciones norte-americanas que han transcurrido a lo largo de varias décadas. El objetivo de este artículo fue examinar los factores impactando las experiencias educativas de los MENA en Estados Unidos durante y después de la detención. Las siguientes preguntas guiaron este análisis: (1) ¿Cuáles son las políticas y prácticas impactando la educación de los MENA detenidos en Estados Unidos? (2) ¿Cuáles son las condiciones educativas que enfrentan los MENA detenidos? Se realizó una revisión de la literatura entre 2000 y 2022, incluyendo artículos revisados por pares, comentarios, documentos legales y artículos de noticias. La literatura levanta preocupaciones sobre la calidad, la eficacia y la disponibilidad de recursos educativos para los MENA detenidos. La revisión de literatura sugiere la necesidad de más estudios de investigación y desarrollo de políticas sociales destinadas a mejorar las condiciones educativas de los MENA en albergues y comunidades luego de ser reunificados. Se ofrecen recomendaciones a distritos escolares, autores de políticas públicas, e investigadores para abordar las necesidades académicas y no académicas de MENAS detenidos en los Estados Unidos.

Palabras-clave: políticas educativas; teoría racial crítica; políticas migratorias; menores extranjeros no acompañados (MENAS)

Uma análise crítica das políticas e práticas que impactam a educação de menores estrangeiros não acompanhados nos Estados Unidos

Resumo: No começo de 2014, o número de menores estrangeiros não acompanhados (MENA) que foram detidos na fronteira dos Estados Unidos e México aumentou consideravelmente. Estas crianças migraram fugindo da violência, pobreza, desastres ambientais assim como a violência sancionada pelo Estado e a instabilidade política influenciada pelas intervenções norte-americanas que vêm ocorrendo ao longo de várias décadas. O objetivo deste artigo foi examinar os fatores que impactam as experiências educativas dos MENA nos Estados Unidos durante e após a detenção. As seguintes perguntas orientaram esta análise: (1) Quais são as políticas e práticas que afetam a educação dos MENA detidos nos Estados Unidos? (2) Quais são as condições educacionais experimentadas pelos MENAs anteriormente detidos? Foi realizada uma revisão da literatura entre 2000 e 2022, incluindo artigos revisados por pares, comentários,

documentos legais e artigos de notícias. A literatura aumenta as preocupações sobre a qualidade, eficácia e disponibilidade de recursos acadêmicos para estas crianças. A revisão da literatura indica a necessidade de mais estudos de investigação e desenvolvimento de políticas sociais destinadas a melhorar as condições educativas dos MENA em albergues e comunidades logo de que foram reunificados. A revisão oferece recomendações para distritos escolares, formuladores de políticas e investigadores sobre a melhor forma de atender às necessidades acadêmicas e não acadêmicas dos MENA anteriormente apreendidos nos Estados Unidos.

Palavras-chave: políticas educacionais; teoria crítica da raça; políticas de imigração; menores estrangeiros não acompanhados (MENAS)

A Critical Examination of Policies and Practices Impacting the Education of Unaccompanied Immigrant Children in the United States

The purpose of this literature review was to critically examine policies and practices that directly and indirectly impact the education of unaccompanied immigrant children (UIC)¹ in the United States (US). From 2014 to as recently as 2020, most UIC who arrived in the US, came from Central America (namely El Salvador, Guatemala, and Honduras) and Mexico (Menjívar & Perreira, 2019).² Although unaccompanied children arrived at the U.S. border in the decades prior to 2014, that year saw increasing levels of unaccompanied children who arrived and were apprehended at the U.S. border with Mexico, averaging about 50,000 each year, with the largest numbers in 2019 (Chishti et al., 2019). Many of the Central American children were fleeing violence, poverty, environmental disasters, as well as state-sanctioned violence and political instability influenced by interventions and support from the U.S. government spanning several decades (Abrego, 2018; Menjívar & Perreira, 2019; Olsen-Medina & Batalova, 2020).

UIC experiences are not always mentioned by U.S. leaders when discussing immigration policy solutions, which can lead to decontextualization and inaccurate depictions of migration (Abrego, 2018). For example, Abrego (2018) pointed out that former President Obama discussed the increased migration of Central Americans in 2014 as a “crisis” and analyzed how the issue was framed as one not originating in the US. Abrego shared that “the Obama administration’s speeches and most publicized actions willfully omitted the long history of the United States’ role in propping up and defending the very policies that were arguably at the root of rising migration” (p. 5). More recently, in 2021, Vice President Harris visited Guatemala and said to would-be migrants, “If you come to our border, you will be turned back...do not come, do not come.” This ahistorical view of immigration by government officials has placed a burden on individuals and assumed they have a choice in a system that has proven time and time again that forced migration is not an individual or even voluntary phenomenon. The widely criticized comments from Vice President Harris also disregarded the fact that migrants have a right to seek asylum. Along with this broader framing of immigrants arriving at the U.S.-Mexico border, news media often portray UIC’s arrival at the border as happening in “surges” and “waves” given the increase in numbers compared to previous years (Negroponte, 2014; Robles, 2019). These dehumanizing descriptors can also be interpreted as a

¹ We chose to use the term “unaccompanied immigrant children” (UIC for brevity) throughout this article; however, in the literature, other descriptors may be used, including “unaccompanied minors” and “unaccompanied children.” Any child who arrives in the United States without a parent (biological or legal) is deemed unaccompanied.

² UIC may arrive at the U.S. border from many other countries as well, particularly in recent years. However, in this article we primarily focus on Central American UIC.

national threat and thus overshadow the dangers and challenges children face prior to, during, and after their migration (Catalano, 2017; Pérez Huber, 2015).

Further in the article, we explain in greater detail the educational policies and practices impacting UIC, but here we first share a background to this issue. During migration, UIC may face traumatic experiences, including prolonged separation from their families, detention, and other stressors (Galli, 2020; Park & Katsiaficas, 2019; Robles, 2019). Existing policies dictate the protections to which UIC are entitled once they arrive at the U.S. border; however, these policies are not always followed. Pursuant to these policies, children apprehended by Customs and Border Patrol (CBP) are to be automatically transferred to the Office of Refugee Resettlement (ORR) within the Department of Health and Human Services (DHHS; Chen & Gill, 2015). Then, children are to be placed in an ORR-sponsored shelter, which may be a foster home for younger children or a group home for children older than 5 years old. In ORR shelters, a case manager processes sponsor applications to release the child to a sponsor.

Many of the procedures mentioned above were not followed under the Trump administration. But even before President Trump, under the Obama administration, the detention process for UIC and families coming from Central America raised ethical and humanitarian concerns. For example, under President Obama, children were sometimes held in family detention centers; and those migrating with their fathers could be separated (Abrego, 2018; Hernández, 2015; Schriro, 2017). Under the Trump administration, pre- and post-COVID-19, there was a clear violation of the policies in place to protect UIC. The detention, separation, and sometimes expulsion of children and families happened in an egregious and traumatizing way (Oberge et al., 2021). And at the time of this writing, although facing legal challenges under the Biden administration, many of the Trump-era policies continue due to court orders (Pillai & Artiga, 2022).

After navigating the complicated immigration system, where they may not receive proper services such as education, health, or legal support, UIC have the right to attend public schools once placed with a sponsor. However, the transition to schooling is not seamless and can present other unique obstacles that affect learning conditions, such as attending under-resourced schools. Additionally, the issue of education and UIC is ongoing and new changes to policies affecting UIC may be underway, furthering the need for more research in this area. Although there is a growing amount of research about UIC, their access to education while apprehended remains underexamined in the literature (Ee & Gándara, 2020; Goździak, 2016; López et al., 2018; Rodriguez, 2021). Relatively little is known about the conditions of detention facilities, as U.S. Immigration and Customs Enforcement (ICE) shares a limited amount of publicly available information (Edyburn & Meek, 2021). This study is significant because often the connection between the educational experiences of UIC during and after apprehension and detention are not made (Rheume, 2019).

In this article, we draw attention to the educational needs of UIC who have been apprehended in the US by analyzing literature, news articles, and other documents focusing on past and recent policies impacting this group of children. We also examine research about UIC's educational experiences in detention centers, shelters, and public schools. Given the sociopolitical context discussed above, this article addresses the following two research questions: (1) What policies and practices impact the education of apprehended UIC arriving in the United States? (2) What are the conditions formerly apprehended UIC encounter in schools? We used the theoretical frameworks of critical race theory (CRT) and Latino critical race theory (LatCrit) to examine the terminology and framing of UIC, the legal and historical context that impacts their treatment while apprehended, and their educational experiences in the United States from 2014 to 2022. In the following section we discuss the theoretical framework, followed by our positionality, and literature

review methods, before going into a discussion of the analysis of the literature. We close by discussing implications and recommendations for research and practice.

Theoretical Framework

In conducting research for this article, we drew upon the contributions of scholars who have examined discrimination and racist nativism faced by immigrants from Latin America (Pérez Huber et al., 2008). In other words, we examined this topic through a racial and political lens. We were guided by the work of CRT and LatCrit scholars to examine the framing of UIC, the legal and historical context that has determined the protections that exist today for children in detention, and their education in detention and in public schools.

CRT is an analytical and theoretical framework that acknowledges the permanence of white supremacy and racism in society (Bell, 1993; Haney-López, 1997; Ladson-Billings, 1998; Valdes, 1998). CRT came out of the legal field decades ago after scholars challenged the lack of a focus on racism in critical legal studies. Since then, it has been applied in several other fields, including education (Alemán Jr., 2009; Sampson, 2019; Solórzano & Bernal, 2001). Complementary to CRT is LatCrit, which considers the unique reasons that members of the Latinx² community have faced oppression, including their race, spoken language, accent, immigration status, culture, and surname (Haney-López, 1997; Pérez Huber, 2015; Solórzano & Bernal, 2001; Valdes, 1998; Yosso, 2005). CRT and LatCrit scholars have identified central themes in these frameworks, including the centrality of race and racism; intersectionality; challenging dominant ideology; a commitment to social justice and social transformation; the importance of experiential knowledge sometimes brought to the surface in the form of counter-stories; and the affordances of an interdisciplinary perspective (Solórzano & Bernal, 2001; Yosso, 2005). CRT and LatCrit allowed us to understand how dehumanizing immigration policies and deficit practices impacting UIC are enactments of white supremacist and racist nativist ideologies. These frameworks are also helpful analytical tools when considering the experiences of UIC within the immigration system, education system, and broadly in the anti-immigrant sociopolitical reality of the United States (Gutiérrez et al., 2002).

Pertaining to immigration, some researchers have spoken specifically to how LatCrit scholars should honor immigrant experiences in the Latinx community and challenge anti-immigrant policies (Haney-López, 1997; Valdes, 1998). Valdes (1998) discussed this importance:

Because our families and affinities straddle national frontiers, the right of persons to cross borders without impediments amounting to harassment is a key Latina/o issue. The eradication of nativistic racism generally, and of anti-Latina/o discrimination specifically, within immigration policy is vital to the well-being of all Latina/o communities. (p. 36)

The quote above points to the affordances of examining the treatment of UIC both by the U.S. government and in educational institutions from a LatCrit perspective. Connected to calls for social justice and social transformation present in frameworks such as CRT and LatCrit, the points by Valdes (1998) are also a reminder of the importance of challenging practices that bring harm to Latinx communities, such as the apprehension and separation of children arriving at the U.S.-Mexico border.

Regarding the centrality of race and racism, Haney-López (1997) argued that “LatCrit Theory should retain the language of race in explicating the relationship between Latinos/as and

² We use the gender-inclusive term of Latinx, except where another description was used by cited authors.

law” (pp. 65-66). Haney-López also pointed out the evasion of discussions about race when discussing Latinx people and instead the prevalent descriptions being about Latinx as an ethnic group. This evasion of race can have implications in the education realm. This is particularly relevant for UIC given that many of them are Indigenous, something that is not acknowledged extensively in literature about UIC (López & Fernández, 2020). Through a LatCrit perspective, one could analyze the harsh treatment of UIC as the treatment of a racialized group. Acknowledging that UIC who are Indigenous are treated differently is important. This can be observed not only in the recent separation of families, but also when considering how children of color have historically been separated from their parents by the U.S. government in dehumanizing ways that serve to maintain the status quo (Chang et al., 2020).

Positionality

All researchers approach their work with a set of values and experiences, and this positionality influences the questions asked, the methods used, and the interpretation of data. Scholars have noted the importance of discussing one’s subjectivity and positionality when engaging in research (Abrego, 2020; Peshkin, 1988; Wilson, 2008). This reflection allows researchers to have clarity not only about what they found, but to also critically examine the lens through which they engaged in the research. We share our positionality to be transparent about our relationship to this topic, including the responsibility we feel to it, and to underscore the importance of humanizing undocumented immigrants who are often dehumanized in mainstream discourses (López, 2020).

I [Ruth] am a U.S.-born daughter of a Central American mother who immigrated to the United States from El Salvador in 1977 as an unaccompanied adolescent at the age of 17. Since that time, she has financially supported her family back in El Salvador and our family here in the US. This perspective directly informed the process of engaging in this research. My entire life, I have witnessed the stories of *conocidos* [family and community members] who either arrived in the United States as children accompanied by their parents or arrived unaccompanied, even in recent years. Given my academic research experience on issues of immigration and close relationship with immigration attorneys and social workers serving this community, I have served as a source of information and advocate for these family members and undocumented students I have worked with. Tragically, in the past 12 years, I have lost four close relatives to murder in El Salvador; the violence that many flee is not just a headline for my family. I have also witnessed the heartbreaking beauty of the transnational *familismo* [familial bond] that my mother has maintained with her remaining family in El Salvador over 40-plus years. I share all this to demonstrate that stories about UIC are not as one-sided as they are often portrayed in the media, and they are also not entirely new. I understand that these migrations occur within a global, historical, and sociopolitical context. I also consider myself a community engaged scholar and have been part of various aspects of immigrant student rights advocacy over the past two decades. This commitment informs my perspective and critical approach towards researching the intersections of education and immigration policy.

I [Natalia] am a bilingual and bicultural social worker and as of the writing of this manuscript, a recent PhD graduate pursuing a post-doctoral research fellowship focused on addressing health disparities among Hispanics and Latinxs. I was born in Puerto Rico (PR) and raised by a Colombian immigrant father in Río Piedras, a town in San Juan with the largest community of Dominican and Haitian migrants. My experiences growing up in PR made me aware of the systemic forces shaping immigrants’ well-being, particularly of the barriers in their access to health, education, and legal services. In 2017, I was one of many Puerto Ricans aggressively recruited with bonuses and incentives by a government-funded shelter to become one of very few licensed social workers for unaccompanied migrant youth. In my experience working for this government-

sponsored shelter, I supported the recruitment of professionals in and outside of PR. While many Spanish-speaking professionals were hired and relocated, their retention was low due to the high workloads, staff burnout, and limited organizational support. In my work in ORR shelters prior to the COVID-19 pandemic, I also witnessed the high prevalence of socio-emotional and educational needs among UIC, as well as overcrowded classrooms and bedrooms. In my role, I navigated the complexities of a system lacking the resources to develop and implement educational and clinical programs targeting the diverse needs of UIC from all over the world. My research approach embraces the tenets of intersectionality and seeks to promote school and community-based interdisciplinary-informed practices to address the socio-emotional needs of Latinx youth in the US.

Literature Review Methods

This review was originally conducted as part of a policy brief (López, 2021) focused on the education and treatment of UIC. The following combination of keywords were searched on SocIndex and Google Scholar databases to analyze articles relevant to the policies and practices impacting UIC: education, school*, learning, classroom, child*, minor, unaccompanied, Central American and detention, detention centers, immigra*, migrant, and refugee. Most articles about unaccompanied migration were published from 2015 to 2020, coinciding with the rise in UIC arriving at the U.S.-Mexico border starting in the summer of 2014. As a comparison, this initial search yielded 14 articles between 1990 and 2014 that were relevant to the education of unaccompanied immigrant children and 43 between 2015 to 2020. Understanding that the media play an important role in policy dissemination and the social construction of immigrants (López, 2020) and considering that this issue is current and constantly changing, we also included news media coverage of the issue as well as research reports by immigrant legal rights organizations. We include in our discussion studies that were most relevant to our research questions and purpose. In selecting the sources for this review, we were guided by our LatCrit and CRT frameworks and thus selected research that considered the historicity and sociopolitical background of this topic and that did not include deficit and racist discourses of UIC.

Most of the literature located was not in education journals, pointing to the need for the study of this topic in this field. Instead, articles were largely in the fields of law, social work, child and youth services, psychology, migration studies, sociology and other social sciences. To synthesize the literature, after downloading articles to a reference manager, an annotated bibliography spreadsheet was created, making note of the relevance to the research purpose as well as the type of source. Then an annotated outline was created to organize the literature chronologically by noting policies from 1980s to the present. We looked for similarities across time, reasons for migration, what is known about education both in detention and outside of detention, and finally recent developments in this area. The recent policy developments were usually noted in law reviews and news articles. This process helped to understand the legal precedence that shapes the current experiences and treatment of UIC. For this article, we expanded the original results by adding more recent research about the educational conditions UIC encounter and in the area of mental health needs. In the following sections, we share the synthesis of the research through the following sections: the framing of unaccompanied immigrant children; legal background; recent political developments; the education of UIC in detention centers and ORR shelters; and the education of UIC in public schools.

The Framing of Unaccompanied Immigrant Children

Under the office of the U.S. Department of Homeland Security, UIC are classified as “unaccompanied alien children.” However, “alien” is a dehumanizing way to describe any individual, and some political leaders have even pushed for eliminating this word from government use (Baez, 2020; Johnson, 1996; López, 2020; The White House, 2021). More recently during COVID-19, under the authority granted by the Centers for Disease Control and Prevention (CDC), the U.S. border patrol was classifying UIC as “single minors.” One article in the *El Paso Times* noted that “they are the same kids. The new designation is more than semantics, advocates say: It allows the government to avoid triggering the anti-trafficking law that protects vulnerable people, especially children” (Villagran, 2020). Through a LatCrit lens, this reclassification of children could be seen as a result of the long history of anti-immigrant policies at the U.S.-Mexico border.

The ways children migrating from Central America and Mexico have been described by the government and in the media have many implications (Catalano, 2017; Galli, 2020; Romero, 2022). Examining the terminology and framing of unaccompanied immigrant children through a LatCrit lens can bring attention to the racism present in policy discourses of UIC as well as their treatment in schools. As Chavez and Menjívar (2010) discussed, the various characterizations of UIC matter for policy and legal purposes:

Each categorization reflects the policies and positions of receiving or transit countries regarding this phenomenon, and each triggers varied policy responses, including legal actions that can lead to immediate deportation, which are based on the technicalities of the definition used. (p. 73)

Thus, there are tangible consequences for UIC depending on their classifications. These classification and reclassifications are a result of political and anti-immigrant moments in history. Terminology also has implications for how UIC are framed. Berger Cardoso et al. (2019) shared the following regarding the similarities among various groups of undocumented children:

In some ways, the needs of youth identified as “unaccompanied” may not be so different from the needs of undocumented youth who cross as accompanied or those who evade apprehension. These juridical, and in many ways arbitrary, distinctions may marginalize some groups of youth (e.g., undocumented youth) and reinforce problematic narratives about “deserving” versus “un-deserving” groups of migrant children. (p. 14)

Narratives about deservingness within this group of children have implications for how they are perceived by the public and policymakers and for how UIC may internalize these discourses (Galli, 2020; López, 2020; Romero, 2022).

Aligned with the idea of deservingness, in her research on the construction of Central American unaccompanied children and the narratives of deservingness in newsprint media, Pérez Huber (2015) identified contradictory ways in which this group has been represented—such as being perceived as a threat and economic burden, but also as needing protection from this humanitarian crisis. Through a LatCrit lens, one can also discern how particular frames and narratives used for UIC reinforce racist nativist ideologies and other negative stereotypes about immigrants that shape deservingness. Pérez Huber (2015) added that these narratives “establish parameters of racist nativism that assign a non-native status to Latina/o immigrants, while reinforcing the perceived native and superior status of the dominant group, historically constructed as whites” (p. 25). This racialized framing of UIC we have discussed is important to acknowledge when examining the policies impacting them, how the public perceives them, and their education in schools.

Legal Background

Thousands of unaccompanied children who have withstood the violence of their Central American homelands are being detained in refugee camps in the United States. Most of them are living in shameful conditions without access to basic necessities such as education, health care, or legal services. (Olivas, 1990, p. 159)

The statement above was written by the late immigration and legal scholar Michael Olivas in 1990, but the statement could be applied even in recent years when considering the conditions in some detention centers known as *bieleras* [freezers] (Franco, 2018). These conditions – then and now – are evidence that the treatment of UIC is about the incarceration, expulsion, and ultimately criminalization of immigrant children, which health professionals have equated to torturous conditions (Oberg et al., 2021). Research in law and other academic fields has, since the early 1990s and 2000s, explored and documented the treatment of UIC who arrive to the US (Georgopoulos, 2005; Navarro, 1998; Olivas, 1990). In this section, we note the historicity of this topic by discussing decades-old policies that have implications for the treatment of UIC arriving in recent years.

The 1997 Flores Settlement Agreement (FSA) is the most widely cited policy that affects the treatment of unaccompanied children (Navarro, 1998). According to López (2012), “The FSA laid out basic treatment standards and requirements” (p. 1668) for unaccompanied children in U.S. custody. However, she also argued that “FSA has never been fully implemented in practice” (p. 1650) and abuse of children in detention continues. The FSA originated from the case of Jenny Flores, an unaccompanied 15-year-old child from El Salvador who arrived in 1985 and was held in unsafe conditions in a detention center for two months (Navarro, 1998). While in detention, she was regularly subjected to strip searches, had limited educational or recreational opportunities, and minors in the same facility shared “bathrooms and sleeping quarters with unrelated adults of both sexes” (Navarro, 1998, p. 596). In the original lawsuit, titled *Flores, et al. v. Reno* at the time of the settlement, concerns were raised about overcrowding in detention centers, post-traumatic stress disorder (PTSD) from trauma faced in detention centers, and stigmatization from being detained. Arguments also suggested that holding children for long periods of time was used as a strategy to discourage more migration (Navarro, 1998). This violation of rights ignored the traumatic reasons that many feel forced to migrate and instead inflicted a new type of trauma. The parties ultimately reached the settlement 12 years later in 1997, and the agreement stipulated that UIC must have access to food, water, medical assistance, toilets and sinks, ventilated spaces, and be separated from unrelated adults (López, 2012; Navarro, 1998). The settlement also required that children be released from detention within 20 days to an adult sponsor or be placed in the least restrictive location, an agreement not often fulfilled. Finally, it established standards for the care and treatment for children in detention, including that education should be provided to them (López, 2012; Navarro, 1998).

The 2008 William Wilberforce Trafficking Victims Protection Reauthorization Act (TVPRA) codified some of the FSA protections for Central American unaccompanied children (Acosta, 2015; López, 2012). TVPRA sought to protect against human trafficking, and it includes several requirements for the treatment of unaccompanied children in U.S. custody. TVPRA states that unaccompanied children should be placed in the least restrictive environment and placed under the care of the Department of Health and Human Services (DHHS). This policy also states that the Department of Homeland Security must transfer unaccompanied children to the Office of Refugee Resettlement (ORR) under DHHS within 72 hours of taking the children into custody. However, TVPRA does not provide the same process for children who migrate with their parents or for unaccompanied children from Mexico and Canada. Under a contiguous country provision, these children should be screened for eligibility for protections if they are victims of human trafficking or

have an asylum case, but unaccompanied children from Mexico often face expedited removal without due process (Coulter et al., 2020; The Young Center for Immigrant Children's Rights, 2019).

Although these protections through the FSA and TVPRA were put in place for detained children, violations have occurred since the time they were implemented (Acosta, 2015). In 2016, lawyers filed motions asking for FSA to be enforced, and in 2017 U.S. District Judge Dolly Gee ruled as follows in *Flores v. Sessions*:

... almost all Rio Grande Valley sector facilities in which children and adults were kept had unsafe and unsanitary conditions, with inadequate food, inadequate access to clean drinking water, inadequate hygiene, cold temperatures and inadequate sleeping conditions. Further the court concluded the government has failed to: make repeated efforts to release children, ensure that children are not kept in secure, non-licensed facilities (like the facility in Dilley, Texas), and release children within the court's 20-day limit. (AILA, 2017)

The judge ordered that a Juvenile Coordinator be appointed to ensure compliance in detention centers (White, 2019). Even more recently in 2019, Sarah Fabian, the senior attorney of Department of Justice's Office of Immigration Litigation, received national attention after arguing before the United States Court of Appeals that it was "safe and sanitary" for children to be held in detention without soap or toothbrush or other basic necessities (White, 2019). Attorney and former federal prosecutor Ken White pointed out that "government's 'safe and sanitary' argument did not arise from a new case generated by Trump administration policies," and noted the original *Flores* lawsuit in 1985 where the government made the same argument (White, 2019). This 2019 appeal occurred under President Trump, but it began under the Obama administration, so White warns that "it's wrong to think the problem can be cured with a presidential election."

These long-standing inhumane conditions and legal history are important to consider before transitioning to the discussion about the education provided to children while in detention, given that it is well-documented that even the bare human necessity of water has at times not been provided to those in detention. Through a CRT and LatCrit lens, it becomes evident that the treatment of UIC throughout the last decades has been one of othering and dehumanization, and although this discussion is one of children, it is not difficult to see the larger connection to the history racist nativism against immigrants of all ages arriving at the U.S.-Mexico border.

Recent Political Developments

The current political context plays an important role in shaping the educational conditions and learning experiences of unaccompanied children. In 2016, the presidential campaign of Donald Trump was grounded on an anti-immigrant platform that touted plans for a wall between Mexico and the US. As a candidate, he pushed racist narratives about immigrants. As president, particularly after the onset of the COVID-19 pandemic, he crafted anti-immigrant policies that exacerbated injustices and humanitarian concerns largely against immigrants of color. This legacy left the new Biden administration—and advocates—with much to do to address the needs of UIC and to ensure they receive necessary educational and coordinated supports.

The Trump administration was detrimental to immigrants and the children of immigrants. Greater levels of immigration enforcement were associated with poor psychological well-being and the perception of discrimination among first- and second-generation Latinx high school students (Cardoso et al., 2021). Scholars have also found that immigration enforcement under the Trump administration impacted academic outcomes and perceptions of school climate and culture of Latinx students (Kirksey & Sattin-Bajaj, 2021). President Trump's discourse and political actions

demonstrated that racist nativism overtly affects the lives of immigrants in this country (López, 2020; López & Matos, 2018). Between Spring 2017 and July 2018, more than 4,000 families were separated at the border, leaving many children unaccompanied (Hoffman, 2019). By the end of 2020, hundreds of children were still separated from their parents, many of whom had been deported. Meanwhile, advocates and health professionals organized to express their concerns about the possible long-term effects of family separation on the mental health of children and their parents (Kelly, 2020; Oberg et al., 2021).

Long-established policies we discussed earlier dictate the protections to which UIC are entitled once they arrive at the U.S. border. However, under the Trump administration and prior administrations, these policies have not been followed. During the administration of President Obama, the detention process for unaccompanied children and families arriving at the U.S.-Mexico raised ethical and humanitarian concerns. For example, deportations increased, and parents and children were held in family detention centers during that time. Moreover, children migrating with their fathers were often separated (Schriro, 2017). In some instances, children eligible for deportation relief were scheduled for court hearings far from their residences, creating unreasonable expectations of their court hearing attendance (Linthicum, 2014). In early 2021, President Biden signed an executive order establishing an interagency government task force charged with identifying children separated from their families and working toward their unification (Montoya-Galvez & Gómez, 2021). However, evidence suggests that the detention, separation, and sometimes expulsion of children and families continue to occur in egregious and traumatizing ways (Oberg et al., 2021).

Although access to legal services for unaccompanied children has always been a challenge, under the Trump administration, the rights to procedural protection further diminished. Then, the COVID-19 pandemic brought on a new set of challenges for UIC. For instance, at least 13,000 children among 200,000 immigrants who arrived at the southern U.S. border were expelled without due process between March and October 2020 under Title 42, a section of the Public Health Service Act that has come under scrutiny (American Immigration Council, 2021; Sandhu, 2020). While the Trump administration asserted that Title 42 aimed to prevent the spread of COVID-19, the CDC indicated that there was no evidence that this practice would slow the spread of coronavirus (Aguilar, 2020). The literature also suggests that UIC were detained, held in hotels, and expelled from the country without procedural protections in August 2020 (American Civil Liberties Union, 2020b). Some experts have referred to these practices as “the most extreme asylum ban yet,” noting that the pandemic was used as an excuse to destroy long-established legal protections for children (American Civil Liberties Union, 2020a), including access to legal representation and education.

Some expulsions continued to occur even after a federal district judge ruled in November 2020 against expelling UIC without due process (Aguilar, 2020). The U.S. Court of Appeals for the District of Columbia Circuit suspended the lower court order in January 2021. Such a decision gave U.S. border officials permission to swiftly expel UIC from American soil without a court hearing or an asylum interview (Montoya-Galvez & Gómez, 2021). Additionally, the Biden administration denied an appeal to stop Title 42, consequently allowing for the expulsions to continue without due processes (American Civil Liberties Union, 2020b). On February 2, 2021, President Biden signed three executive orders addressing immigration, with one of them suggesting the CDC review Title 42 and the expulsion of immigrants without due process (Montoya-Galvez & Gómez, 2021). Recently, a Trump-appointed judge ruled that Title 42 must continue being implemented, although the Department of Justice appealed this decision (García, 2021). During the time of writing, Title 42 continued to be used to expel immigrants arriving at the U.S.-Mexico border. However, as of November 2022, a federal court struck down Title 42, providing access to the asylum to individuals who would have previously been expelled (American Civil Liberties Union, 2022).

Another Trump-era policy, the Migrant Protection Protocol (MPP) also known as “Remain in Mexico” that was responsible for the immediate deportation of immigrants and family separations, recently cleared an obstacle when the Supreme Court voted to end it (Margulies, 2022). Importantly, grievances about how UIC are treated continue despite the presence of long-established legal protections, which we discuss in the following section. Through a CRT and LatCrit lens, the policy decisions we discussed are proof of the permanence of racism in the U.S. legal system, and more specifically in this case, the immigration system.

The Education of UIC in Detention Centers and ORR Shelters

According to current regulations, children apprehended and detained by U.S. Customs and Border Protection (CBP) are to be transferred within 72 hours to the ORR within the U.S. DHHS (Chen & Gill, 2015). The ORR is then responsible for placing children in an ORR-sponsored shelter. In ORR shelters, UIC are to be provided with educational and recreational activities. However, the educational conditions for unaccompanied children while in detention have been brought up as a concern for decades (Olivas, 1990). As mentioned previously, 1997 FSA (Flores agreement) dictates the treatment of apprehended unaccompanied children, but has failed to correct these conditions. Navarro (1998) noted that “the INS [Immigration and Naturalization Service] facility in which Flores and other minors were detained provided few opportunities for recreation, [and] had no educational programs” (p. 596). As a settlement of the *Flores v. Reno* court case, the FSA stipulated that while in custody, children are to be provided with adequate educational services (Rheume, 2019). Rheume (2019) summarized the educational requirements found in the FSA as the following:

The settlement called for “an educational assessment and plan” for each child and provided that students should receive an education appropriate for their progress. Monday through Friday, the children were to be taught a curriculum focusing on “basic academic competencies and secondarily on English Language Training.” The settlement listed “Science, Social Studies, Math, Reading, Writing and Physical Education” as subjects that should be taught, much like HHS [Health and Human Services] guidelines. Additionally, the settlement stipulated that materials in languages other than English should be available for the students. (p. 164)

Although required by law, it is unclear whether these conditions are met or are effective in practice (Rheume, 2019). These unknowns remain partly because government-sponsored and nonprofit organizations limit third parties from evaluating or conducting research in their detention centers and shelters (Szlyk et al., 2020). The literature has shown that UIC continue to have limited access to health, education, and legal services during their stay in shelters (Edyburn & Meek, 2021). While under the care of the ORR in shelters, UIC attend on site schooling, but “the classrooms tend to be overcrowded, curricula repeat every month, and shelter programs do not always hire bilingual staff or have educational assessments completed by teachers” (Szlyk et al., 2020, p. 131). In recent years, when overcrowding and a lack of funds became issues in shelters, there was evidence that no educational or recreational activities were being provided for children (Chishti et al., 2019).

The education of unaccompanied children while in shelters is different from the education they are provided once released to a sponsor if they are to enroll in public school. UIC have the right to enroll in public schools as a result of *Phyller v. Doe* (1982), which held that undocumented children must be given access to public education tuition-free in the United States (Brennan & Supreme Court of the United States, 1982). The educational experiences of children who are held in detention long-term, those placed in foster homes, and those released to family vary widely (Crea et

al., 2018). Citing the 1997 FSA, Acosta (2015) shared that “unaccompanied minors without a sponsor or guardian are left in the care and custody of the [ORR] and are denied the opportunity to enroll in and attend a local public school” (p. 660). In some cases, school districts, usually those located in welcoming states for migrants, have partnered with shelters to provide some educational resources. However, in states with anti-immigrant policies like Texas, the Texas Education Agency (TEA) does not allow public or charter schools to use state funds to provide teachers or resources to immigrant shelters and detention centers (Rheaume, 2019).

It is important to note that the mistreatment of UIC while in DHHS custody has long been noted (Acosta, 2015), including reports of children “drugged so heavily they even fell asleep at desks” (Rheaume, 2019). Such inhumane treatment appears to be endemic within immigration facilities—not just those detaining UIC. For instance, at the T. Don Hutto family detention facility in Texas, children were made to wear prison uniforms and “received little or no recreational or educational opportunities” (López, 2012). In 2007, after allegations of FSA violations, a settlement was reached requiring several protections for children at Hutto, including more educational programming (López, 2012). This systematic mistreatment of UIC can be understood in a global political context when considering that the US is the only country in the world that hasn’t ratified the United Nations Convention on the Rights of the Child. Such a decision has hindered protection for UIC and the overall treatment that immigrant children receive while in shelters (Acosta, 2015; Chavez & Menjívar, 2010). These educational experiences while in detention are an extension of the larger youth carceral system that targets children of color (Annamma, 2017), and should be taken into consideration when examining the conditions UIC face in public schools and beyond.

The Education of UIC in Public Schools

Navigating Access to Public Schools after Reunification

In the previous sections, we discussed the treatment of UIC in detention centers, if they are apprehended. After being reunified with their sponsor, the transition from DHHS shelters to public schools is not seamless and can present other unique obstacles that affect learning conditions. At the same time, there are implications of the separation of UIC from their families, the reunification, and for those who continue to be unaccompanied that need to be considered (Suárez-Orozco & Hernández, 2012). Previous research focused on immigrant children more broadly can help inform practices that support this growing population of students and their families (Bajaj & Suresh, 2018; Olivas, 1990, 2012; Pabón López & López, 2009; Suárez-Orozco et al., 2008). For example, other immigrant children may have also experienced very similar contexts that UIC experienced in their involuntary migrations, such as trauma, separation, and other impacts of displacement. The public education system generally lacks a culturally sensitive curriculum responding to the lived realities of UIC (Ruiz-de-Velasco & Fix, 2000). To address these gaps in the access to education, studies have pointed to how English language learning should be considered a vital educational attainment for Latinx immigrant youth (Canizales, 2021a). Recent research has also brought up the importance of training teachers and other educators to better address the needs and lived reality of UIC (Damaschke-Deitrick et al., 2022; López & Fernández, 2020; Lowenhaupt et al., 2021).

Age at arrival to the US also impacts the educational access and experiences of UIC, and older adolescent UIC may not as easily access K-12 schools as younger immigrant children often do. Scholars have referred to sub-groups of UIC as the 1.25 and 1.5 generation, depending on their age at arrival. Diaz-Strong (2021, 2022) refers to those who arrive to the U.S. between the ages of 12 and 17 as the 1.25 generation, and to younger immigrant children (those under 12 years old) as the 1.5 generation. Many 1.25 generation migrants come independently to the US with the demands of

being transnational workers, confronting greater responsibilities, and encounter an educational system that is not accessible (Canizales, 2021b; Canizales & Diaz-Strong, 2021; Diaz-Strong, 2021, 2022; Martinez, 2019). Many 1.25 generation Latinx youth are not enrolling in K-12 schools due to their economic responsibility of supporting two households and the scarcity of non-traditional schooling models unable to accommodate transnational responsibilities (Canizales, 2021b; Canizales & Diaz-Strong, 2021; Diaz-Strong, 2021, 2022; Martinez, 2016). Another group of UIC that may encounter added challenges to enrolling in school are those who are never reunited with a parent and who lack the support to attend school full-time (Diaz-Strong, 2021; Canizales & Diaz-Strong, 2021). Diaz-Strong (2021) argued for further examination of barriers to enrollment and targeted supports for the 1.25 generation.

UIC who are accessing education at an older age and are emergent bilingual students have greater challenges navigating the public school system than the general population of students (Zong & Batalova, 2019). They face various environmental, political, structural, and psychological challenges, and recent studies point to how interactions with teachers, peers, and the school culture have been found to affect their perceptions of discrimination and belonging (Adair, 2015; Galli, 2020). These negative experiences increase immigrant children's negative attitudes about school, lower their academic motivation, and increase their risk of dropping out (Brown, 2015).

As noted earlier, the education of unaccompanied children while in detention differs from the education they have a right to once they leave shelters. Once living in communities, they have a right to enroll in public schools in accordance with the U.S. Supreme Court's 1982 decision in *Phyller v. Doe*. The plaintiffs in *Phyller* were undocumented parents in Texas who were subject to a state law that authorized school districts to require such parents to pay for their children's public schooling (Olivas, 2012). The defendants made several racialized and deficit-based arguments to ban undocumented children from accessing public education—such as proposing that excluding undocumented children would improve the quality of education in the state (Acosta, 2015)—but those arguments were rejected by the U.S. Supreme Court. Since then, the law mandates that undocumented children be given tuition-free access to public education (Supreme Court of the United States, 1981). However, there have been challenges to *Phyller v. Doe*, most recently in Texas, where the Governor threatened in 2022 to challenge it while using anti-immigrant and racist nativist arguments (McGee, 2022). Through a CRT lens, this can be viewed as whiteness as property (Harris, 1993), where access to public education has been reserved for those who are deemed citizens.

Although *Phyller* states that UIC have a right to a K-12 public education, some schools and districts have impeded their enrollment (Mueller, 2014). For example, schools might ask for academic records from the student's home country or an official government identification, which some UIC do not have. Other schools and districts have encouraged UIC to enroll in alternative or adult education programs instead of their zoned schools (Sugarman, 2017). However, these alternative programs may limit students' long-term outcomes by not providing access to rigorous academic coursework. These obstacles have continued despite *Phyller* and the later McKinney-Vento Homeless Assistance Act, which "ensures that homeless or unaccompanied K-12 students have equal access to a free and public education" (Sulkowski, 2017). Under this act—which was passed in 1987 and reauthorized in 2015 under the Every Student Succeeds Act (ESSA)—public schools must accept and immediately enroll homeless students regardless of immigration status or residence.

Scholars have noted that education leaders' lack of knowledge about *Phyller* and other policies negatively affect undocumented students' access to education (Crawford, 2017). Although some schools and districts may engage in these restrictive practices unintentionally, others are more overt and attention-seeking. For instance, in 2014, districts in North Carolina passed resolutions calling for the removal of UIC (Pierce, 2015). This type of public racist nativist and anti-immigrant sentiment

serves to weaponize education and has implications for the treatment of UIC in schools (López & Matos, 2018). That same year, the Obama administration issued a “Dear Colleague” letter with guidance to state agencies clarifying that, legally, undocumented children must have access to publicly funded education (Berger Cardoso et al., 2019).

The various challenges faced by UIC accessing public education after apprehension demonstrate that although they legally have the right to attend public schools, they must still navigate many challenges exacerbated by a racialized anti-immigrant climate as well as the biased perception that they come to American schools with deficits (Ee & Gándara, 2020). Also, despite greater protection given to UIC as minors and their sponsors in more immigrant welcoming cities and states, a recent study found no differences on immigration enforcement fears among Latinx youth located in a sanctuary vs. non-sanctuary city (Cardoso et al., 2021), suggesting the need in increase protections to UIC across all states and regions.

Opportunities and Challenges within Public Schools

While still considering what we have discussed above regarding the conditions UIC face while apprehended, in this section we focus on their transition to and experiences across various school settings. It is important to note that most of the research discussed below was conducted before the COVID-19 pandemic, which undoubtedly has impacted the educational experiences of UIC and other newcomers (Belsha, 2020; Poche, 2020). “Newcomers” refers to students who are newly arrived to the United States and classified as refugees, asylum-seekers, or another immigrant status. In recent years, data on UIC school enrollment and the well-being and engagement of students after reunification has become more available. Tenorio (2020), in a study of unaccompanied minors examined those who held a special immigrant juvenile (SIJ) status and their integration—and found multiple outcomes to this liminal status. One finding regarding school enrollment found that those who formed strong relationships had more successful integration into school and for younger children, the transition was more seamless (Tenorio, 2020).

If UIC enroll in public schools, they may find themselves in a district that integrates all students within the same school or in a community that has created a separate school or program for newcomers (Oikonomidoy et al., 2019). The research about newcomer schools and programs is varied, but some strengths and challenges have emerged. Concerns that some of these models include the possible segregation of youth, the potential that these schools are operating from deficit-based perspectives, and the lack of English-language exposure for students (López et al., 2020). Among the strengths are that the newcomer programs might be able to offer more socio-emotional support than traditional models and students can engage with others who have shared experiences (Bajaj & Suresh, 2018; Coleman & Avrushin, 2017). One way of honoring UIC experiences is by promoting access to educational programs, including through newcomer schools, that are culturally and socio-politically relevant to the racialized reality of newcomers such as UIC and their families (Bajaj & Suresh, 2018; Ishimaru, 2019).

Although this article is focused on formerly apprehended UIC, the population shares similar educational experiences with other immigrant, newcomer, undocumented, and refugee children that should be considered when crafting guidance on how to address the education of UIC in asset-based ways (López et al., 2020). For example, they may share a similar country of origin, speak the same languages, be a part of mixed-status families, or live in the same communities. Mixed-status families are those that include members of a household who have different immigration statuses. For example, an undocumented child may have siblings who are U.S. citizens, or a child who is a U.S. citizen may have parents who are undocumented. These overlapping experiences can help inform educators who want to design relevant school practices that honor the cultural backgrounds of

newcomer students and the knowledge they bring to the classroom (Lowenhaupt et al., 2021; López et al., 2020). This perspective is counter to the programs that focus only on assimilation and the treatment of students from a white dominant perspective (Gutiérrez et al., 2002; Valdes, 1998). But in understanding the shared experiences, one can look at asset-based education approaches that honor the lived experiences of students, leverage their first language (rather than seeing them only as “English learners”), and try to reflect the lives of students in the curriculum (Moll et al., 1992).

Inclusive practices can support the education of UIC in public schools. For example, scholars have called for asset-based models of parental engagement that go beyond traditional models and honor the experiences and knowledge of nondominant families and their communities (Ishimaru, 2019; Ishimaru et al., 2019). Ishimaru et al. (2019) share that “such knowledge and expertise are not simply ‘assets’ to appreciate. They are vital building blocks for efforts to transform our schools and broader educational systems towards educational justice” (Ishimaru et al., 2019, p. 12). Regarding UIC, the definition of family could be expanded to include sponsors—whether that is a grandparent, aunt, uncle, sibling, peer, or another supportive adult.

It is also important to recognize that even while they may share certain characteristics with other groups of newcomers and immigrant children, UIC have their own unique experiences (Fruja Amthor & Roxas, 2016). For example, the poor treatment and educational conditions that UIC may face while in U.S. custody—as discussed previously—can influence how they engage in public school environments after they are released (Suárez-Orozco & Hernández, 2012; Tenorio, 2020). Because of this, some have suggested educational structures for UIC that go beyond language supports. For instance, it may be necessary to recognize the fact that many UIC arrive to school at the secondary age level, a time when there may be heightened pressure on students to perform well academically (Sugarman, 2017). In addition to these conditions, UIC may also encounter a precarious legal reality and fears of deportation (Galli, 2020; Tenorio, 2020). As a result, this new environment—which educators may not be prepared to navigate—may pose mental health issues for UIC that affect their learning (Henderson & Ambroso, 2018; Suárez-Orozco & Hernández, 2012). Researchers have noted that these negative experiences may be exacerbated by a lack of post-release services for UIC (Henderson & Ambroso, 2018). For example, youth who do not receive these services “are at a heightened risk for psychological distress, academic disengagement, maltreatment, and human trafficking” (Berger Cardoso et al., 2019, p. 3). A recognition of the unique reality that formerly apprehended UIC face could be key to providing them with targeted health (including mental health) interventions at the school level (Rodríguez et al., 2021; Szlyk et al., 2020).

The day-to-day experiences of UIC in schools are also likely affected by the country’s anti-immigrant, racist nativist sociopolitical context as well as instances of immigration enforcement occurring in communities (Kirksey & Sattin-Bajaj, 2021; López et al., 2018). Related to education access, as Berger Cardoso et al. (2019) note, undocumented legal status can have “serious implications for young people’s academic achievement and psychosocial functioning” (p. 5). Educational leaders could respond by explicitly supporting their immigrant students and families who live in fear of deportation (Crawford, 2017), but many leaders may not know what power they have to take an active role in the legal protection of their undocumented students. Crawford (2017) notes that “untangling legal interpretations and parsing out the intersections among laws and their application to student rights likely requires special training” (p. 152). Given this reality, there are advantages to schools and districts facilitating access to legal services for undocumented students and partnering with organizations that can provide such trainings (Murillo et al., 2021). This access to legal services could benefit all students whose immigration status is in limbo and particularly in communities where immigration enforcement is pervasive.

Regarding mental health, UIC are in an important stage of development where lifelong foundations are laid out. In addition to the difficult experience of being an adolescent, immigrant children are vulnerable to being pushed out of school and experiencing low levels of self-esteem (Bianchi et al., 2021). Mental health and social services ought to be available and equip to address the socio-emotional needs of UIC which are impacted by multiple elements including peer, neighborhood, and community interactions. Immigrant youth's mental health is also shaped by socio-political events such as immigration enforcement policies (Cardoso et al., 2021). Partnerships between schools and community organizations and institutions may be beneficial to continue to identify the needs as well as the ways to tackle the growing mental health challenges of this group.

The above-discussed opportunities and challenges should be considered by educators and education leaders when striving to meet the needs of UIC. Although there is much that can still be done to address the educational and other needs of UIC, existing equity-centered leadership models can provide tools for schools and districts to leverage when aiming to support UIC in holistic ways that honor their lived experiences. Some of these models might include ethical decision-making frameworks (Crawford, 2017), culturally responsive school leadership (Khalifa et al., 2016), social justice leadership (Bertrand & Rodela, 2018), and other models that place students' and their families' community cultural wealth at the center (Ishimaru, 2019; Ishimaru et al., 2019; Moll et al., 1992; Yosso, 2005).

Discussion and Implications

This review of literature aimed to fill gaps in the critical analysis of immigration and educational policies, practices, and interventions targeting UIC. We recognize that discussing these processes is one step towards increasing awareness of the treatment of this vulnerable group. Scholars studying the most recent migration of UIC have noted a dearth of research on UIC who have been apprehended, which they attribute to a few specific reasons. They note, for example, that very few UIC receive post-release services, which would allow greater access to the experiences of these children (Berger Cardoso et al., 2019). The asylum and interagency processes that UIC go through after apprehension are also complicated (Acosta, 2015). Acosta (2015) outlined six phases of the interagency process that apprehended UIC may experience, which include the Department of Homeland Security, Department of Health and Human Services, and Department of Justice. However, the Department of Education is not explicitly involved in the process. Acosta also noted that the education of UIC is frequently interrupted while in U.S. detention and is potentially nonexistent because different federal departments and agencies are involved. Scholars have also noted the focus of research on UIC who are younger and enroll in school, and the attention needed towards the older 1.25 generation who face a need to work and support themselves and their families (Canizales, 2021b; Canizales & Diaz-Strong, 2021; Diaz-Strong, 2021, 2022; Martinez, 2016).

As mentioned previously, much of the research about UIC comes from the legal field, social work, sociology, and migration studies. These studies have focused on an overall view of children in detention, covering issues such as health, mental health, and legal rights. However, less is known about their educational experiences, particularly among UIC with marginalized gender, racial, and ethnic identities. For example, Indigenous children constitute a large percentage of those who migrate from Central American countries (Chavez & Menjivar, 2010), and more recently, we have seen the arrival of Black Haitian immigrants to the U.S.-Mexico border. Yet, only some extant research has discussed this. For example, we identified only one publication that has discussed the needs of Indigenous UIC and their education in the United States. The case study explored how unaccompanied Indigenous minors tend to experience greater challenges navigating U.S. schools

compared with non-Indigenous youth (López & Fernández, 2020). Although it is important to learn from immigrant children with “analogous migration experiences” (Coleman & Avrushin, 2017), their unique experiences, backgrounds, and identities should also be studied further.

As we previously discussed, there is also a lack of research regarding the treatment of UIC while in custody of the ORR. Qualitative studies with former UIC shelter teachers to understand the educational conditions within detention centers are needed. However, accessing this sample may be difficult due to fears of losing employment opportunities or experiencing implications in their future. To address the gaps in the literature, documenting the experiences of former shelter teachers and other UIC service providers could be one way to raise awareness of this understudied phenomenon and advocate for policy and educational changes.

Reflecting how UIC have been educated and treated through public-school enrollment in the US is an important area of research as well. For example, historical events and political discourses related to immigration have shaped the racialized experiences and participation of UIC in education systems. In her book of civic education in the context of mass migration, Banks (2021) discusses the presence of racism in schools and how system level conditions such as racism, boundaries of citizenships, and other factors are reflected in the lack of educational programs, policies and interventions that can promote meaningful participation of immigrant children (Banks, 2021; Giraldo-Santiago & López, 2022).

Conclusion and Recommendations

We examined the sociopolitical factors shaping the educational experiences of UIC in the United States through a critical review of literature. The exploration of our research was guided by CRT and LatCrit frameworks that acknowledges the racist nativism found in anti-immigrant policies that affect the lives of UIC and other undocumented immigrants. Findings suggest that there is a lack of collaborative effort to fund, study, and examine the quality and effectiveness of the educational services available for UIC during detention and in their transition to communities once reunified. Thus, we provide significant recommendations for national-level policymakers, district and school leaders, and researchers that are informed by our LatCrit and CRT approaches.

At the policy level, it is imperative that child and family detention and family separation discontinue so that families can initiate school enrollments in their respective destinations while dealing with immigration-related processes. This recommendation is aligned to our theoretical frameworks that call for social action. As Haney-López (1997) argued through a LatCrit lens, it is important to recognize that the eradication of racist nativist immigration policies is critical for Latinx communities. Secondly, the prioritization of unifying children with families or sponsors (Montoya-Galvez & Gómez, 2021) could bring about engagement in the public school system with less delay and diminish the trauma and distrust that often occurs in the system as a result of family separation (Suárez-Orozco & Hernández, 2012). Additionally, stronger interagency processes should be developed to ensure that the system collaborates with the various agencies that UIC encounter. The development of an equity-focused task force that strengthens post-release services (Acosta, 2015; Berger Cardoso et al., 2019; López, 2012) and provides comprehensive support to address educational needs is also strongly recommended. Such efforts could guarantee a smoother transition into public schools, especially if education records are kept in a shared database (Rheume, 2019).

While, ORR shelters are still in operation, accountability from ORR shelters is needed to ensure they are providing high quality educational services to students. Transparency within detention centers is key to examine what additional changes, policies, and services are needed to improve the education of UIC. One way to address this is by allowing shelters to partner with local public schools, districts, and universities to strengthen curricula and provide training. To achieve

this, financial and professional resources are needed to support the specific educational needs of UIC. Lastly, awareness of the policies that protect UIC should be widely disseminated across agencies, schools, and programs that interact with UIC. The documents and fact sheets—accessible to shelters, schools, and districts—explaining the policies that protect UIC and recommendations on how to support UIC’s transitions into public schools should be developed (Rheaume, 2019).

At the district and school level, it is strongly recommended that public schools partner with social workers and other mental health professionals to bring in school-based support that can address the trauma that many UIC face prior to arriving in the United States and during detention (Rodriguez et al., 2021; Szlyk et al., 2020). Also needed are equity-centered models that allow UIC to learn in asset-based ways and leverage the knowledge they and their families bring to schools (Ishimaru, 2019; Khalifa et al., 2016). This might include the opportunity for UIC to work while attending traditional school and making English language courses more accessible to older UIC and their families. It is also recommended that schools partner with legal service providers such as nonprofits and law clinics to address the well-documented lack of access to legal support for UIC and the absence of knowledge by educators regarding policies that affect these students (Hing, 2016; Murillo et al., 2021). UIC academic engagement and success as well as the identification of challenges and opportunities within the school system (during apprehension and after reunification) are areas where more research and interventions are needed.

Universities and researchers could partner with schools, districts, and other agencies or non-profit organizations to provide guidance about the policies that protect UIC. Moreover, research-based practices within the school settings and in communities are needed to address the ongoing educational and socio-emotional needs of UIC. Previous research documenting the lives of undocumented students in schools should be expanded. For instance, the impact of COVID-19, immigration-related stressors, and other events on UIC’s educational experiences should be examined. Our article has mostly focused on the experiences of Central American UIC, but given that migration patterns have changed in the last years—it is important to also study the treatment of UIC from other regions of the world as well as the unique experiences of Indigenous and Black UIC. This type of research would be beneficial to addressing historical challenges experienced by these communities and their marginalization within the immigration and school systems. More studies that engage UIC in the research process through Youth Participatory Action Research as well as support for more research by Central American, Black, and Indigenous scholars are vital so these voices can be centered. In this article, we have included our own positionality as individuals with proximity to UIC, but we acknowledge that we come from privileged perspectives and that hearing from immigrant children and youth themselves is important. Lastly, the development of frameworks that explain the racialized educational challenges and experiences of UIC in the U.S. are needed, as such frameworks could help in identifying effective interventions targeting specific needs and policy changes that could provide a more just reality for this group of children and their families.

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