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Schools on the Front Lines: How to Proactively Support New Immigrant Communities through the Public School System

**Executive Summary:**

As new immigrant communities settle throughout the U.S., local-level institutions and attitudes towards immigration play an increasingly important role in accommodating these communities. U.S. Immigration policy has undergone various changes throughout its history, and one of the most important changes came with the addition of section 287(g) to the Immigration and Nationality Act (INA) in 1996, which increased the power and responsibility of local authorities in immigration enforcement. In counties that have entered into 287(g) agreements, Latinx communities have faced increased racial profiling and a dissolution of trust with local law enforcement. Sub-national institutions, and specifically public school systems, have felt the growth of immigrant populations before other local institutions, as they are one of few that undocumented immgirants have access to. In order to succeed, public school systems need increased funding to hire sufficient staff and avoid overcrowding classrooms, to expand and to implement comprehensive English as a second language (ESL) programs, and to otherwise provide support in accommodating and incorporating new immigrants into their communities. This increased funding would ease community tensions, and subsequently prevent tighter immigration enforcement at the local level that terrorizes and silences immigrant communities. Another step that public schools should take to protect their students is to ban Immigration and Customs Enforcement (ICE) from operating on their property, and thus function as spaces of sanctuary for students and community members, regardless of citizenship status.

**Background:**

Schools have historically been the front line of new immigrant community incorporation and reception. My research on the incorporation of Salvadoran migrant communities in Frederick and Montgomery Counties, Maryland found public school systems to be one of the few public services in which undocumented migrants partake, and subsequently the site for public debate surrounding immigration policy. Montgomery County began discussing ESL programs, Free and Reduced Meals programs, and extra staff support for immigrant students in the 1960’s (20 years before the largest influx of Salvadoran migrants), and was much more equipped to absorb and accommodate a new immigrant population when the influx began. In 2007, the Frederick County Sheriff's Office entered into a 287(g) agreement with ICE as school administrators and local parents cited concerns about overcrowding, underfunding, and violence due to the new immigrant community.

Section 287(g) of the INA was added in 1996 under the Illegal Immigration Reform and Immigrant Responsibility Act, authorizing the collaboration of local law enforcement agencies with ICE that would allow local law enforcement officers to act as immigration enforcement. Each local law enforcement agency that chooses to enter into a partnership with ICE sets the specific terms of their collaboration through a Memorandum of Agreement (MOA), meaning that every agency has different powers. As of January 2021, there were 148 local law enforcement agencies in 287(g) agreements with ICE. The 287(g) agreements allow local law enforcement agencies to serve as immigration enforcement officers, a power that was historically reserved for the Federal government.

**What’s the issue?**

As history demonstrates, public schools are generally the first local-level institutions to feel the effects of new immigrant communities. School systems that are unprepared to take on the demographic shift that comes with new immigrant communities experience overcrowding, illogical districting (leading to long bus rides), and lower levels of staff and student support. In Frederick County, all of these factors were cited in the decision to enter into a 287(g) agreement with ICE in 2007. Although 287(g) is intended to only target violent offenders, in practice, this is usually not the case. In one county working with ICE, “more than 80 percent of the 287(g) arrests were for low-level offenses and 60 percent were for traffic offenses.”[[1]](#footnote-0) Studies have shown that counties with 287(g) agreements see increased “racial profiling, civil rights violations, isolation of immigrant communities, and family separations.”[[2]](#footnote-1) Counties with 287(g) agreements also see drops in their Hispanic student enrollment and generally Hispanic emigration.

287(g) poses a very real threat to immigrant communitites, who lose trust in local police and subsequently are less likely to report cases of child abuse, domestic violence, and more, as they are afraid any interacton with police could lead to deportation. This fear can be seen in schools as well. A study of over 5,000 educators in counties with 287(g) agreements found that “68 percent reported issues with absenteeism likely related to concerns about immigration enforcement.”[[3]](#footnote-2) This issue deserves urgent attention because as long as 287(g) agreements are still in effect, Latino immigrants, both citizens and undocumented, live in fear that any day they show up to school or work could be the beginning of the deportation process. This fear impacts immigrant students’ ability to get the education they deserve. As more power is granted to local-level law enforcement agencies to enforce immigration law, local-level institutions, and especially public school systems, have an important role to play in protecting, welcoming, and supporting their immigrant students and their families.

**Overview of Current Policy/Why is it important?**

The election of Joe Biden as president of the United States was a moment of hope for many people living in the United States, especially for undocumented people, as President Biden has pledged to “end all the agreements entered into by the Trump Administration, and aggressively limit the use of 287(g) and similar programs that force local law enforcement to take on the role of immigration enforcement.” This is an admirable goal in Biden’s plan to make the country friendlier to immigrants than it has been under Trump, but many [immigrant advocacy groups are doubtful](https://www.cnn.com/2021/02/23/politics/immigration-policy-us-economy/index.html) that Biden’s reforms will be passed due to a history of failure at the national level, suggesting that federal immigration reform attempts are insufficient in adequately improving the lives of many undocumented people. This also emphasizes the importance of local institutions and authority in taking responsibility for immigrant communities. As the rate of Hispanic enrollment drops in counties with 287(g) partnerships, it is also important to emphasize the benefits of having a highly literate and educated immigrant population, which benefits not only the immigrants themselves but also leads to economic stimulation and growth locally and nationally.

**Policy Proposal**

287(g) agreements represent one of the many confusing aspects of American immigration policy, which delegates a federal power to local law enforcement agencies and gives localities much more autonomy in their approaches to potential new migrant communities. Although Biden has pledged to reduce the number of counties with 287(g) agreements and limit counties entering into new MOA’s, federal regulation and supervision over local law enforcement remains minimal. The fear and chilling effect on Latinx communities who live in counties with 287(g) agreements cannot be erased simply by a change in federal immigration policy, as policy is only one of the many factors that impacts the livelihood of many immigrants. Latino immigrant communities will still face racism, exploitation, and prejudice from their own community members and leaders who chose to enter or supported entering the 287(g) agreements. Whether or not Biden eradicates 287(g) entirely or just reduces its reach, local attitudes in White, Republican-majority counties towards migrants are already entrenched. School systems have historically been a site of contention and disagreement regarding incoming immigrant communities. Due to both the important role of the public school system and the increased local power over immigration enforcement, my recommendations are directed to public school systems interested in protecting their students, regardless of citizenship status, and decreasing community tensions. History demonstrates that the more adequately equipped and supported a school district was to receive new immigrant communities, the less likely they were to enter into 287(g) agreements and, subsequently, new immigrants were more likely to reside in those districts and participate in those communities.

**Recommendations:**

* Funding allocated for school systems facing large foreign-born population increase to support new students through:
  + ESL programs
  + Ethnic history courses
  + Increased school guidance counselors and staff to specifically support new student population
* Give public school systems option to become ‘sanctuary’ locations where ICE cannot operate or enter
  + Children of undocumented parents and undocumented children experience increase in absenteeism and displacement in districts with 287(g)
  + Children have every right to be educated, but allowing ICE to operate in schools discourages academic involvement or achievement among these populations

**Further Reading:**

* [New Study: More Than 300,000 Children Have ‘Vanished’ From Schools After Local Police Formed Partnerships With ICE](https://www.the74million.org/new-study-more-than-300000-children-have-vanished-from-schools-after-local-police-formed-partnerships-with-ice/)
* [FAQ FOR EDUCATORS ON IMMIGRANT STUDENTS IN PUBLIC SCHOOLS](https://www.aclu.org/other/faq-educators-immigrant-students-public-schools#:~:text=This%20policy%20has%20recently%20been,stop%2C%20or%20an%20educational%20activity).
* [Diversity in Schools: Immigrants and the Educational Performance of U.S. Born Students](https://www.nber.org/papers/w28596)

1. https://www.aclu-md.org/en/campaigns/we-need-know-truth-about-287g-program [↑](#footnote-ref-0)
2. https://www.ilrc.org/national-map-287g-agreements [↑](#footnote-ref-1)
3. https://www.the74million.org/new-study-more-than-300000-children-have-vanished-from-schools-after-local-police-formed-partnerships-with-ice/ [↑](#footnote-ref-2)