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Today's DACA Ruling Reaffirms Urgency for Congress to Pave Pathway for Citizenship

San Antonio, July 16, 2021 - Today, a U.S. district court **judge ruled** that DACA is unlawful but allowed it to remain in place for current recipients, who can continue to renew their DACA applications.

"Today's decision makes it clear that young people deserve more than temporary protection from deportation, and now is the time for Congress to pave a path for permanency," said IDRA President & CEO Celina Moreno, J.D., who previously served as co-counsel at MALDEF in this case on behalf of 22 undocumented youth to protect DACA against the states that sued to overturn it. MALDEF continues to represent the DACA recipients in this lawsuit.

The court sent the DACA policy back to the U.S. Department of Homeland Security so that the Biden Administration can develop a new DACA policy.

In the absence of Congressional enactment of humane federal immigration policy, DACA has enabled undocumented young people to access higher education and work opportunities since it began in 2012. More than 200,000 DACA recipients live, work and serve communities in the southern states where IDRA focuses its work (MPI, 2019). Over 20,000 teachers and school counselors across the country hold DACA work permits and educate and support students every day.



Although several southern states lead the attacks on DACA and support other anti-immigrant litigation and legislation, IDRA urges public school leaders and educators to remember their continuing [legal obligations under *Plyler v. Doe*](#).

Schools must enroll and educate all eligible students regardless of immigration status and comply with existing laws in states that offer in-state tuition rates and state financial aid for eligible immigrant students.

IDRA offered expert testimony in *Plyler* and supported the group of Mexican American students and their families who acted as plaintiffs (IDRA, 2017; IDRA, 2019).

We continue to advance policies that support and expand undocumented students' access to K-12 and higher education; promote hiring and providing professional support for educators who are DACA recipients; and protect K-12 schools and colleges as community centers for families of all immigration statuses to safely obtain appropriate resources and information.

Schools can take several steps to promote the safety and well-being of their students, families, teachers and staff (Sikes, 2020):

- **Pass a bilingual school board resolution supporting immigrant students, teachers and communities.** Resolutions influence the district's school culture and combat the "chilling effect" from anti-immigrant state and federal policies. They clarify schools' responsibilities to serve all students and pave the way for programs for, and outreach to, immigrant communities. They can also be a vehicle to support district programs, initiatives and decisions that take actionable steps to support immigrant students' educational access, safety and success.
- **Conduct equity audits and training for leaders and educators.** Equity audits help school leaders identify inequities in their policies and practices. Schools should follow audits with appropriate training for all district personnel to ensure everyone understands the implications of the court decision, their legal responsibilities under *Plyler v. Doe*, and how today's decision differentially impacts students of color, particularly Latino students. The [IDRA EAC-South](#) offers [equity audits](#), [assessments and trainings](#) to interested districts.
- **Partner with community-based organizations to connect families with additional support.** Schools can better communicate and serve their families when they partner with other community-based organizations, e.g., early childhood centers, community health clinics, legal aid organizations, food banks, community activity centers and local businesses. School leaders can leverage school-community networks to provide legal resources, educational information and essential materials to families. Schools can also serve as sites for DACA clinics, where eligible recipients may seek assistance to apply for and renew their DACA.
- **Support programs that serve immigrant communities.** Amid the pandemic and the court's decision, schools can support impacted students by

ensuring adequate resources for: district bilingual education programs; pre-kindergarten and early childhood education programming; college readiness and access programs; and family engagement efforts.

- **Demand that Congress enact a pathway to citizenship for undocumented immigrant youth.** Now is the time for school leaders - school boards, superintendents and other educators - to use their voices and political power to demand that Congress afford these young people, who contribute so much to our nation, the path to citizenship they deserve.
- **Urge state legislatures to protect immigrant youth.** Educators should advocate protection of laws in southern states, such as Arkansas, Florida and Texas, that ensure undocumented resident students' eligibility for in-state tuition at public colleges and universities. Educators in states, such as Alabama, Georgia and South Carolina, that preclude undocumented resident students from college admission or in-state tuition rates should advocate changes in state laws to promote the educational opportunities of immigrant youth. Educators at the college level must ensure that federal COVID-19 emergency relief funds are **accessible to undocumented students**, who are already disproportionately impacted by the pandemic and resulting economic crisis.

Now more than ever, schools are our communities' hubs for timely and accurate resources and information. IDRA stands in solidarity with immigrant communities, students and educators impacted by today's decision. We are available to provide equity assistance trainings and resources for districts and educators interested in better supporting immigrant youth in their communities.

[See IDRA's web hub: DACA Student Access to Education](#)

[See the Supreme Court decision in 2020](#)

References

IDRA. (2019). [Immigrant students' rights to attend public schools - eBook](#)

Migration Policy Institute (2019). [DACA Data Tools. MPI Data Hub.](#)

Sikes, C. L. (2020). Making sense in uncertain times: School district leaders' racial sensemaking of immigration enforcement and policy [dissertation]. University of Texas at Austin. Available upon request to author.

IDRA. (2019). [Timeline: A History of IDRA Policy Work to Secure Excellent and Equitable Schooling for All Children.](#)

Other Resources

MALDEF. [Immigrants' Rights](#)

National School Board Association (2017). [Lifting the Lamp Beside the Schoolhouse Door: A Legal Guide to serving Undocumented Students in Public Schools](#)

[United We Dream - DACA](#)

[Using Equity Audits to Assess and Address Opportunity Gaps Across Education](#), by Paula N. Johnson, Ph.D., IDRA Newsletter

[Commentary: Not aiding DACA students merciless](#), by Celina Moreno, for the San Antonio Express-News, May 14, 2020

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IDRA works hand-in-hand with hundreds of thousands of educators and families each year in communities and classrooms around the country. All our work rests on an unwavering commitment to the IDRA valuing philosophy, respecting the knowledge and skills of the individuals we work with and build on the strengths of the students and parents in their schools.

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