

Mass PIRC Alert

Massachusetts Parent Information Resource Center 1135 Tremont Street, Suite 420, Boston, MA 02120
Toll free phone 1-877-471-0980. On the web at www.masspirc.org.

Immigrant Student Rights

In 1982, the U.S. Supreme Court ruled in *Plyler v. Doe* [457 U.S. 202 (1982)] that undocumented children and young adults have the same right to attend public primary and secondary schools as do U.S. citizens and permanent residents. Like other children, undocumented students are required under state laws to attend school until they reach a legally mandated age. As a result of the *Plyler* ruling, public schools **may not**:

- deny admission to a student during initial enrollment or at any other time on the basis of undocumented status;
- treat a student differently to verify residency;
- engage in any practices to "chill" or hinder the right of access to school;
- require students or parents to disclose or document their immigration status;
- make inquiries of students or parents that may expose their undocumented status;
- or require social security numbers from all students as a condition of admission to school, as this may expose undocumented status.

Students without social security numbers should be assigned a number generated by the school. Adults without social security numbers who are applying for a free lunch and/or breakfast program for a student need only state on the application that they do not have a social security number.

Recent changes in the F-1 (Student) Visa Program **do not** change the *Plyler* rights of undocumented children. These changes apply only to students who apply for a student visa from outside the U.S. and are currently in the U.S. on an F-1 visa.

Also, the Family Educational Rights and Privacy Act (FERPA) prohibits schools from providing any outside agency — **including the Immigration and Naturalization Service** — with any information from a child's school file that would expose the student's undocumented status without first getting permission from the student's parents. The only exception is if an agency gets a court order — known as a subpoena — that parents can then challenge. Schools should note that even requesting such permission from parents might act to "chill" a student's *Plyler* rights.

Finally, school personnel — especially building principals and those involved with student intake activities — should be aware that they have no legal obligation to enforce U.S. immigration laws.

For more information or to report incidents of school exclusion or delay, call:

NCAS	Nationwide	1-800-441-7192	English / French / German / Spanish
META	Nationwide	1-617-628-2226	English / Spanish
NY Immigration Hotline	Nationwide	1-718-899-4000	English / Chinese / French / Haitian Creole / Hindi / Japanese / Korean / Polish / Russian / Spanish / Urdu