



# Newcomer Immigrant Children’s Access to K-12 Education Advances American Prosperity

Guaranteed schooling for students who recently arrived in the United States bolsters the local, state, and federal economy; strengthens learning outcomes for U.S. citizen children and helps preserve their education rights; and reduces vulnerability to child trafficking and labor exploitation—benefitting all Americans. K-12 public education of immigrant children is therefore not only legally and morally imperative, but also a proven investment in American prosperity. Congress and the Executive Branch should prioritize equal access to educational opportunities, regardless of a child’s immigration status, and support resources to help ensure quality education and safe community integration for all children. The government likewise must reject attempts at limiting educational access.

## Background

In its 1982 decision in *Plyler v. Doe*, the U.S. Supreme Court affirmed the right of immigrant children to a free K-12 education, holding that the constitution’s Equal Protection Clause prohibits the denial of such education to students based on their immigration status.<sup>1</sup> The decision emphasized the “importance of education to our democratic society” as well as to self-reliance and self-sufficiency.<sup>2</sup> Subsequent federal legislation restricting other immigrant rights made explicit that those restrictions must in no way undermine *Plyler v. Doe*’s holding,<sup>3</sup> effectively enshrining this right. Numerous states have since passed laws and implemented policies, such as in-state tuition for those seeking postsecondary education, that build on this federal foundation and recognize the value of educating all residents.

In recent years, increased arrivals of immigrant children to the United States have meant an uptick in newcomer students attending U.S. schools. Children who have recently arrived in the United States, or “newcomers,” are a heterogeneous population; their reasons for coming to the United States are as varied as their past education levels and current education needs. These children, some who arrived with their families, and others who arrived alone, include, for instance, Afghan children evacuated in 2021 and Ukrainian, Haitian, and Venezuelan child asylum seekers. Some arrive with refugee status while others enter the process to seek humanitarian protection.

Amid this uptick, some U.S. school districts have faced capacity constraints and other operational challenges. Many of these challenges are pressing; all call for the provision of commensurate resources to support the success of all students in American public schools. Indeed, reports have demonstrated that the U.S. government has historically underfunded public education as a whole,<sup>4</sup> creating an underlying environment of scarcity. Yet rather than pursue strengthened funding, a small contingent of lawmakers have instead responded by directly or indirectly championing proposals that would limit or outright bar education access for children based on their immigration status in violation of local, state, and federal laws. These proposals run contrary to the abiding American principle that every child should have the opportunity to learn, develop, and thrive. And as a matter of policy, upholding education access in the face of such proposals and associated rhetoric is vitally important for the reasons below.

<sup>1</sup> *Plyler v. Doe*, 457 U.S. 202 (1982).

<sup>2</sup> *Id.*

<sup>3</sup> See 8 U.S.C. § 1643(a)(2).

<sup>4</sup> The Century Foundation, “Closing America’s Education Funding Gaps” (July 22, 2020); <https://tcf.org/content/report/closing-americas-education-funding/>.

## **Newcomers' access to education strengthens U.S. economic and social vibrancy.**

K-12 schooling of newcomer children yields a manyfold return on investment for the nation's dynamism. Newcomer education positions these children to optimally contribute to their communities and U.S. society at large, not least through strengthening the local, state, and national economy. Chief Justice William J. Brennan highlighted this relationship in the *Plyler v. Doe* decision itself, noting that “education provides the basic tools by which individuals might lead economically productive lives to the benefit of us all.”<sup>5</sup> Education enhances workforce proficiency and productivity; the U.S. Department of Labor has noted that “[e]lementary and secondary schools are critical to establishing the foundations of labor skills development in every sector of the U.S. economy.”<sup>6</sup> Similarly, education is central to fostering entrepreneurialism<sup>7</sup> along with associated innovation and job creation. Educating newcomer children today generates jobs for U.S. citizens tomorrow.

The contributions of Dreamers—an inspiring group of immigrants who came to the United States as undocumented children, matriculated from U.S. schools, and identify as Americans—illustrate how the education of immigrant youth benefits U.S. society and propels the economy. Dreamers have become doctors, teachers, and lawyers: pillars of local communities. They have also grown into job creators like Deferred Action for Childhood Arrivals (DACA) holder Christian Serrano, who opened a Texas-based home design and construction company in 2018 that by 2024 employed 13 permanent staff in addition to creating subcontractor employment opportunities.<sup>8</sup> In 2023, the Dallas Business Journal conferred on Serrano its “40 Under 40” award.<sup>9</sup>

It is no surprise that the National Academies of Sciences, Engineering, and Medicine determined that “the children of immigrants are among the strongest economic and fiscal contributors to the U.S. population.”<sup>10</sup> The U.S. Department of Health and Human Services concluded that from 2005 to 2019 refugees and asylees contributed almost \$124 billion more in revenue than associated government expenditures.<sup>11</sup> And in February of this year, the Congressional Budget Office projected that over the next ten years, immigrants in the U.S. workforce would lift gross domestic product by a staggering \$7 trillion.<sup>12</sup>

## **Immigrant students elevate educational outcomes of U.S. citizen peers.**

A 2021 Florida-based study published in connection with the National Bureau of Economic Research found that foreign-born students in U.S. classrooms elevated reading and math scores of their U.S.-born peers.<sup>13</sup> The researchers theorize that immigrant students' academic performance and classroom behavior contributed to higher-achieving educational environments overall.<sup>14</sup>

The benefits for U.S. citizen children of educating newcomers extend beyond immediate learning outcomes. The presence of immigrant children helps U.S. citizen peers build foreign language proficiency, which not only improves overall cognitive aptitude but ultimately facilitates navigation of a global economy in which multilingualism is a competitive advantage, if not a prerequisite.<sup>15</sup> And as revealed through the powerful stories of KIND's own unaccompanied child clients, immigrant youth in schools directly create and lead growth-enhancing, skills-building opportunities for fellow students. Alejandra spearheaded

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

6 Bureau of Labor Statistics, Department of Labor, “Labor Productivity for Elementary and Secondary Schools Services,” <https://www.bls.gov/productivity/highlights/education-labor-productivity.htm/>. Accessed 30 July 2024

7 Maria Konikov, “Bridging the Knowledge Gap: The Need for Access to Education for Entrepreneurs,” *Forbes* (Apr. 27, 2023); <https://www.forbes.com/sites/forbesbusinesscouncil/2023/04/27/bridging-the-knowledge-gap-the-need-for-access-to-education-for-entrepreneurs/>.

8 Center for American Progress, “Despite Barriers, DACA Entrepreneurs Contribute to Their Communities,” (Jan. 25, 2024); <https://www.americanprogress.org/article/despite-barriers-daca-entrepreneurs-contribute-to-their-communities/>.

9 Alexa Reed, “40 Under 40: Q&A with Christian Serrano, CEO, Director of Operations at Christian Serrano Construction Group,” *Dallas Business Journal* (Jul. 21, 2023); <https://www.bizjournals.com/dallas/news/2023/07/21/christian-serrano-40-under-40.html/>.

10 National Academies of Sciences, Engineering, and Medicine, “The Economic and Fiscal Consequences of Immigration” (2017); <https://doi.org/10.17226/23550/>.

11 Office of the Assistant Secretary for Planning and Evaluation, U.S. Department of Health and Human Services, “The Fiscal Impact of Refugees and Asylees at the Federal, State, and Local Levels from 2005-2019” (Feb. 15, 2024); <https://aspe.hhs.gov/reports/fiscal-impact-refugees-asylees/>. Accessed 30 July 2024

12 Congressional Budget Office, “The Budget and Economic Outlook: 2024 to 2034,” (Feb. 7, 2024) <https://www.cbo.gov/publication/59710/>.

13 David N. Figlio, Paola Giuliano, Riccardo Marchingiglio, Umut Özek & Paola Sapienza, “Diversity in Schools: Immigrants and the Educational Performance of U.S. Born Students,” *National Bureau of Economic Research* (Apr. 21, 2023); [https://www.nber.org/system/files/working\\_papers/w28596/w28596.pdf/](https://www.nber.org/system/files/working_papers/w28596/w28596.pdf/).

14 *Id.*

15 See Tracy Bower, “Improve Your Salary And Career By Speaking A Second Language,” *Forbes*, (Oct. 2, 2023); <https://www.forbes.com/sites/tracybrower/2023/10/01/improve-your-salary-and-career-by-speaking-a-second-language/>.

an anti-bullying program at the high school from which she graduated as salutatorian.<sup>16</sup> Daniel, who won first place in a chess competition, became head of his high school chess club.<sup>17</sup> These and other newcomer immigrant children have fostered a more advantageous learning climate for everyone.

## **Education access for newcomers protects education access for all.**

Rolling back education access of newcomer students could imperil guaranteed schooling for all students in the United States—including U.S. citizen and lawfully residing children. Once the judiciary and/or policymakers begin imposing criteria for classroom inclusion, factors beyond immigration status could create or reinstitute barriers to education for children and narrow access more generally. Standing up for newcomers' access to schooling means standing up for the right of all children in the United States to receive a quality K-12 education.

## **Education of newcomers reduces vulnerability to child trafficking and labor exploitation.**

Education is one of the government's most powerful tools for driving down vulnerability to child exploitation, including child trafficking. Schooling fosters youths' personal and social growth, community integration, skill development, and access to safe and appropriate work, laying a foundation for secure and productive lives and diminishing the likelihood of future hazardous employment. Indeed, research has shown an association between higher educational attainment and long-term increases in earnings.<sup>18</sup> K-12 educational content can also directly foster understanding of worker rights and workplace safety. For example, in 2023, California passed a law creating "Workplace Readiness Week," requiring schools to educate all children about their rights as potential workers, workplace safety, and California's child labor laws in an effort to prevent child labor exploitation and trafficking.<sup>19</sup>

By contrast, shutting out newcomers from public education would leave them at enhanced risk of mistreatment by labor abusers and other bad actors. This outcome would strengthen the hand of human traffickers throughout the United States—actors that exploit vulnerable immigrant and U.S. citizen children alike.

## **Conclusion**

Ensuring access to public education for newcomer immigrant children is the right thing to do. It is also the right—and smart—policy for U.S. citizen children and, indeed, all Americans, fostering a safer, higher-achieving, more prosperous United States. The U.S. Congress and Executive Branch must reject proposals to curb education access and instead embrace funding that helps deliver needed resources for public schools and high-quality education for all children.

<sup>16</sup> Alejandra Valdez-Rivas, "I Came to the US as an Unaccompanied Minor, and I'm Not Who You May Think I Am," Pop Sugar (Nov. 13, 2020); <https://www.popsugar.com/family/i-came-to-united-states-as-unaccompanied-minor-47958458/>.

<sup>17</sup> Kids in Need of Defense, "Celebrating the Inspiring Achievements of Immigrant Youth," (Jun. 28, 2023); <https://supportkind.org/stories/clients/celebrating-the-inspiring-achievements-of-our-graduating-immigrant-youth-kind/>.

<sup>18</sup> U.S. Bureau of Labor Statistics, Department of Labor, "Learn more, earn more: Education leads to higher wages, lower unemployment," (May 2020); <https://www.bls.gov/careeroutlook/2020/data-on-display/education-pays.htm/>.

<sup>19</sup> UC Berkeley Labor Center, "Hot Labor School Year: California Leads the Way to Educate High School Students on Workplace Rights," (Oct. 11, 2023); <https://laborcenter.berkeley.edu/hot-labor-school-year-california-leads-the-way-to-educate-high-school-students-on-workplace-rights/>; California Department of Education, "Workforce Readiness Week (April 29 to May 3, 2024) and May is Labor History Month," (Mar. 28, 2024); <https://www.cde.ca.gov/nr/el/le/yr24ltr0328.asp/>.