



# Immigrant Integration Education

Presenter: Mary Joan Reutter, Esq.

# Mary Joan Reutter's Background

**Immigration Attorney:** family, VAWA, asylum, refugee, citizenship, AILA moderator

**ESL Teacher and administrator:** academic prep and immigrant integration

JD, MA in Linguistics/ESL Univ. of MI, BA English/German Univ. of Notre Dame

**Adult Educator,** esp. Limited Literate and other marginalized persons, refugees

Working with/in social service agencies

Meticulously **laid literacy foundations for the non-literate ethnically Nepali Bhutanese refugees– foundations for employment, daily life and citizenship**

fruit

**Why Immigrant  
Integration  
Education is  
struggling.**

**employment**

**+ citizenship ?**



# Immigration History

Great Wave: 1880-1920s; anti-Asian

National Origin Act 1921-4 : quotas, mostly north and western European

1952 Immigration and Nationality Act: (McCarran Walter Act)

1965 Civil Rights Adjustments to immigration

1986 IRCA “Amnesty” . . . Backlash in CA: Prop. 187 enjoined as unconstitutional, but

**1996/7 IIRAIRA and AEDPA: Illegal Immigration Reform and Immigration Responsibility Act, Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA)**

**1) Restricted gov’t benefits for most, except refugees, + 2) criminalization of immigration**

911 and aftermath . . . growing tensions

Trump administration: paper wall making legal and illegal immigration difficult.

Biden administration: also a lot of procedural changes and clarifications



# Immigration Law–Definitions INA 101

## 8 USC 1101: Definitions

refugee/asylee (An asylum applicant is NOT an asylee.)

(temporary) non-immigrant

Immigrant (aka permanent resident aka lawful permanent resident)

Citizen

Parole, temporary protected status, deferred action (DACA)

POSBAG (Period of Stay Authorized by the Attorney General):  
lawfully and unlawfully present.



# Refugee/asylee

INA 101(a)

Past persecution/ well-founded fear of future persecution, by government . . . because of race, religion, nationality, membership in a particular social group

is unable or unwilling to return to . . . , that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion

ORR Office of Refugee Resettlement; INA 411



# Employment Authorization

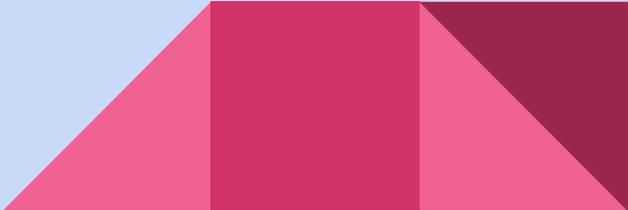
Form I-9 (I-9 central) [I-9 Central | USCIS](#)

Employment authorized incident to status

May be employment authorized if get an employment authorization document (EAD) approved

May not be approved for employment (or limited authorization such as F-1 student)

Documentation– the process of getting it and how long it lasts



# WIOA Workforce Innovation and Opportunity Act

[Workforce Innovation and Opportunity Act | US Department of Labor](#)

Migration Policy Institute articles:

[Overcoming WIOA's Barriers to Immigrant and Refugee Adult Learners](#)

<https://www.migrationpolicy.org/multimedia/surviving-vs-thriving-need-paradigm-shift-adult-education-immigrants-and-refugees>

[Research: The IELCE Program: Understanding Its Des.. | migrationpolicy.org](#)

[Creaming \(skimming off the top\) and crowding \(out\)](#)





# Private Sector and United Way Funding: Pro-Literacy White Paper

Executive Summary **Private-sector and United Way funding** have provided significant support to of community-based literacy programs for over 50 years. . . private-sector funding (along with volunteer tutors) launched some of the first adult literacy programs . . .As federal, state, and local government funding opportunities grew in the '70s and '80s, the size and scope of literacy programs increased . . .As other . . . social priorities arose **in the late 90s, there was a general erosion of private sector and United Way funding for adult literacy programs. Many programs that received some state and federal support had to shift to rely on local government or private-sector funding.** . . [P]rivate-sector funding . . .today, the proportion being allocated to adult literacy programs is getting smaller. . . requiring new and innovative approaches to solving community problems with a focus on collective impact, collaborations, partnerships, and consolidation of programs . . . **[ M]any United Way and private funders are primarily looking to support workforce education.** Private-sector and United Way funding will continue to be a vital part of adult literacy programming, but both funders and programs must develop a more effective dialogue on the key contribution that literacy programs make to improve local communities.

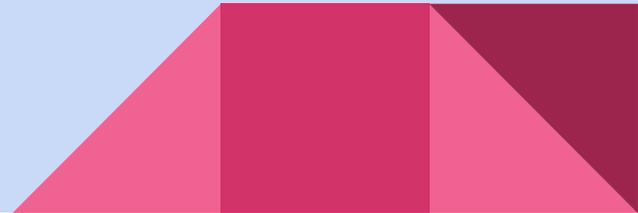
# Metrics: National Reporting Standards and more

[National Reporting System](#) exhibit 2.1 functioning level table at 20

[Educational Functioning Levels Educational Functioning Level Descriptors—Adult Basic Education Levels](#)

Adult Basic Education : Levels 1-6

ESOL: Levels 1-6



**Public benefits:** (support/barrier removal for study + JFS may require “employment readiness” hours to receive benefits)

[Guide to Immigrant Eligibility for Federal Programs UPDATE PAGE](#)

[Overview of Immigrant Eligibility for Federal Programs \(Table\)](#)

[Temporary Assistance for Needy Families \(TANF\)](#)

**“Qualified” immigrants** are: (1) lawful permanent residents (LPRs); (2) refugees, asylees, persons granted withholding of deportation/removal, . . .or paroled into the U.S. for at least one year (3) Cuban/Haitian entrants; (4) battered spouses & children with a pending or approved (a) self-petition for an immigrant visa, or (b) immigrant visa filed for a spouse or child by a U.S. citizen or LPR, or (c) application for cancellation of removal . . . whose need for benefits has a substantial connection to the battery or cruelty ... and (5) victims of trafficking & their derivative beneficiaries who have obtained a T visa or . . . *prima facie* case. . . .

# Citizenship INA 312 & 8 CFR 312

English language proficiency, which is determined by the applicant's ability to read, write, speak and understand English; and

Knowledge of U.S. history and government, which is determined by a civics test

Exceptions INA 312(b)

## Chapter 2 - English and Civics Testing | USCIS

50/20 No reading/writing and speaking tests and civics in language of your choice

55/15 No reading, writing or speaking tests. Civics in language of choice using interpreter; special format

65/20 No reading, writing or speaking tests. Civics in language of choice using interpreter; special format

# SSI: Supplemental Security Income:

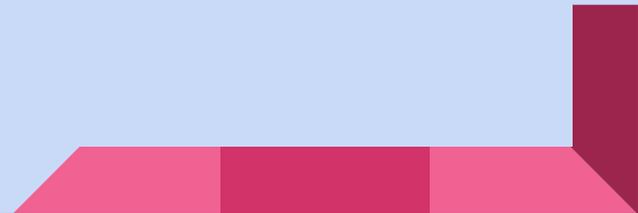
## Supplemental Security Income

Supplemental Security Income Program, a federal income supplement program

Designed to help aged, blind and disabled people who have little or no income; and It provides CASH to meet basic needs for food, clothing and shelter.

Understanding Supplemental Security Income SSI Eligibility Requirements . . . **disabled** means “ results in the inability to do any substantial gainful activity “

–for citizens and refugees (but runs out at 7 years if they don't get citizenship)



# Medical Disability Waiver of the citizenship testing

Note: standard for disability to get SSI is not the same as the standard for medical disability waiver, which is **discretionary**, and specifically states that **it does not apply to older persons who lacked education in childhood**, without more.

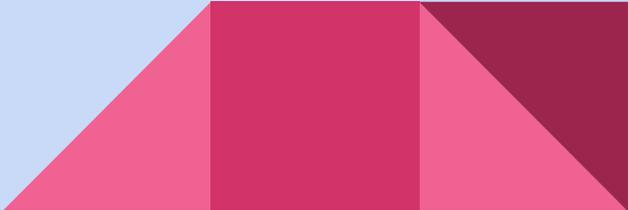
## 8 CFR § 312.1 - Literacy requirements

**(3)** The requirements of paragraph(a) of this section shall not apply to any person who is unable, because of a **medically determinable physical or mental impairment** or combination of impairments which has lasted or is expected to last at least 12 months, to demonstrate an understanding of the English language . . . The loss of any cognitive abilities based on the direct effects of the illegal use of drugs will not be considered in determining whether a person is unable to demonstrate an understanding of the English language. . . [T]he term *medically determinable* means an impairment that results from anatomical, physiological, or psychological abnormalities which can be shown by medically acceptable clinical or laboratory diagnostic techniques to have resulted in functioning so impaired as to render an individual unable to demonstrate an understanding of the English language as required by this section, or that renders the individual unable to fulfill the requirements for English proficiency, even with reasonable modifications to the methods of determining English proficiency, as outlined in paragraph(c) of this section

# (Public Charge: indirect connection to education)

INA 213A, [\[USC02\] 8 USC 1183a: Requirements for sponsor's affidavit of support](#)

Under section 212(a)(4) of the Immigration and Nationality Act (INA), 8 U.S.C. 1182(a)(4), an alien seeking admission to the United States or seeking to adjust status to that of a lawful permanent resident (obtaining a Green Card) is inadmissible if ;the alien, "at the time of application for admission or adjustment of status, is likely at any time to become a public charge." If an alien is inadmissible, we will not grant admission to the United States or adjustment of status.



# Children's Education

*Plyler v. Doe*: [Plyler v. Doe :: 457 US 202 \(1982\)](#)

A state cannot prevent children of undocumented immigrants from attending public school unless a substantial state interest is involved.

## Facts

A class action challenged the constitutionality of Texas Education Code Section 21.031, which prohibited the use of state funds for the education of children who had not been legally admitted to the U.S.

**Majority** William Joseph Brennan, Jr. (Author)

[T]he law does not involve either a certain protected group or a fundamental right, since the right to an education has not been defined as fundamental. . . Children who do not receive a public education because of a trait that they cannot control (the immigration status of their parents) will suffer from illiteracy and its associated stigmas for the rest of their lives. This will result in **a net burden on society because they cannot contribute to civic institutions, which would be a greater loss to the state than the cost of educating them now.**

# Children's Education cont.

*Lau v. Nichols*, 414 U.S. 563 The failure of the San Francisco school system to provide English language instruction to approximately 1,800 students of Chinese ancestry who do not speak English, or to provide them with other adequate instructional procedures, denies them a meaningful opportunity to participate in the public educational program and thus violates § 601 of the Civil Rights Act of 1964, which bans discrimination based "on the ground of race, color, or national origin,"

Lau Guidelines:

[Lau Resource Center for English Learners | Ohio Department of Education](#)

[District Guide for the English Learners Program](#)

Bilingual Education Act of 1968 [Bilingual Education Act](#)    \$\$  
No Child Left Behind . . . Every Student Succeeds Act



# Children's Education cont.

[English LEP Parent Fact Sheet](#)

[Policy - ED.gov](#)

[Schools' Civil Rights Obligations to English Learner Students and Limited English Proficient Parents](#)

[English EL DCL Fact Sheet](#) Ensuring English Learner Students Can Participate Meaningfully and Equally in Educational Programs

[English LEP Parent Fact Sheet](#) Information for Limited English Proficient (LEP) Parents and Guardians and for Schools and School Districts that Communicate with Them



# Family Literacy—starts with parents' literacy

Barbara Bush Foundation for Family Literacy

[Why Literacy - Barbara Bush Foundation](#)

**A child's literacy begins with their parents. A mother's education level is the greatest determinant of her children's future academic success, outweighing other factors like family income**

**Parents living in poverty often find it difficult to help their children succeed in school.** A Denver area adult English language program integrated parent involvement skills and knowledge into instruction focused on helping Spanish-speaking mothers build oral and literacy skills in English. Instruction helped mothers learn ways to support their children to acquire strong literacy skills and complete their homework. **Mothers also learned how to communicate with teachers and principals and gain access to school resources to help their children** (Open Door Out of Poverty [ . 6) Published on the website of the Open Door Collective, a national program of Literacy Minnesota

<https://www.dropbox.com/s/pptgbl4kltns2qk/An%20Open%20Door%20Out%20of%20Poverty%20Feb%202022.2021.pdf?dl=0>

# Family Literacy: Adult Educ and Family Lit. Act

## § 463.1 What is the purpose of the Adult Education and Family Literacy Act

The purpose of the Adult Education and Family Literacy Act (AEFLA) is to create a partnership among the Federal Government, States, and localities to provide, on a voluntary basis, adult education and literacy activities, in order to -

- (a) Assist adults to become literate and obtain the knowledge and skills necessary for employment and economic self-sufficiency;
- (b) Assist adults who are parents or family members to obtain the education and skills that -
  - (1) Are necessary to becoming full partners in the educational development of their children; and
  - (2) Lead to sustainable improvements in the economic opportunities for their family;
- (c) Assist adults in attaining a secondary school diploma or its recognized equivalent and in the transition to postsecondary education and training, through career pathways; and
- (d) Assist immigrants and other individuals who are English language learners in -
  - (1) Improving their -(i) Reading, writing, speaking, and comprehension skills in English; and(ii) Mathematics skills; and
  - (2) Acquiring an understanding of the American system of Government, individual freedom, and the responsibilities of citizenship.

(Authority: [29 U.S.C. 3271](#))

# Family Literacy: Adult Educ and Family Lit. Act (title II of WIOA)

[eCFR :: 34 CFR Part 463 -- Adult Education and Family Literacy Act](#) (of WIOA)

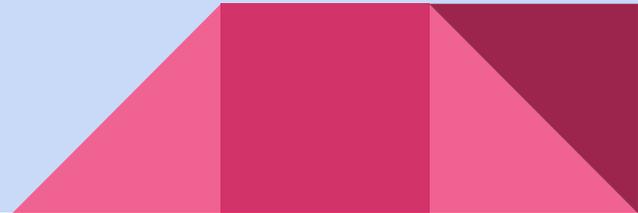
–Kids with surface level education:

[Students with Limited or Interrupted Formal Education \(SLIFE\) | WIDA](#)

[Family Engagement with Refugee Populations – BRYCS](#)

Different Types of programs

- English classes for parents
- Family Literacy programs–parents and children learning together
- Community Schools
- Home visits–[MJR: caveat–should be by professionals }



# Family Literacy

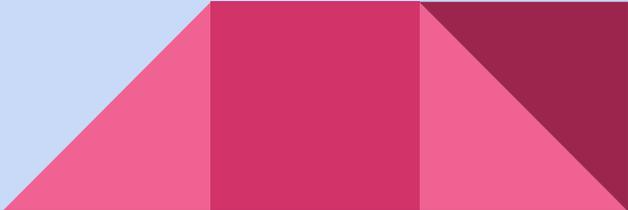
## 2 Gen Family Literacy

[National Center for Families Learning](#)

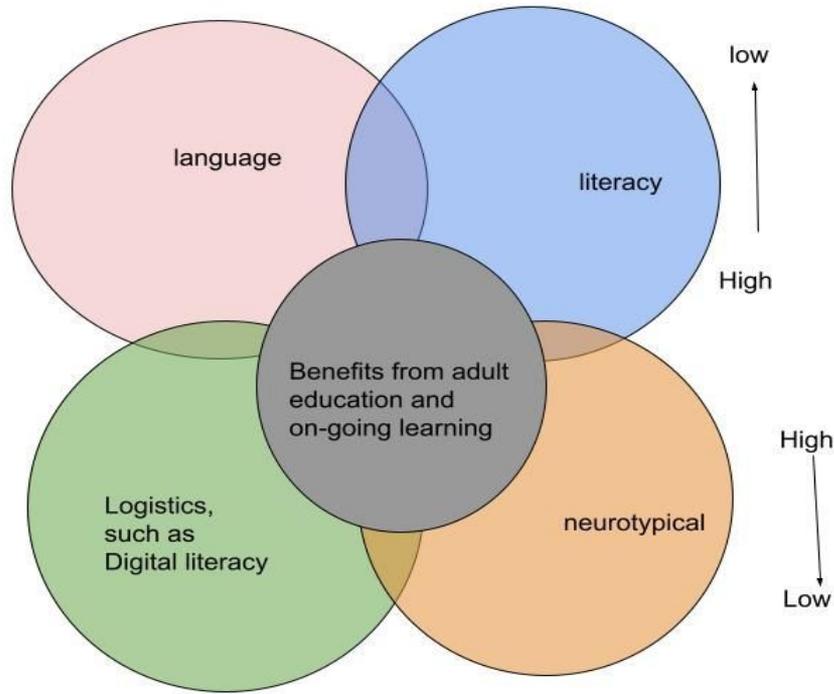
[Working with English Learners Using a Two-Generation Approach](#)

MPI- [Promoting Refugee Integration in Challenging Times: The Potential of Two-Generation Strategies](#)

[Family Engagement with Refugee Populations – BRYCS](#)



# The learning flower



# Adult Education, Adult Foundational Education: Life-wide & life-long education; **the churn**

Open Door Collective [Open Door Collective](#)

[An Open Door Out of Poverty](#)

Published on the website of the Open Door Collective, a national program of Literacy Minnesota

[A]dult students use episodes of program participation and self-study, over several years, to eventually meet their goals. One person might be counted three or four times as a failure and only once as a success. Second, gains in skills often do not show up until many years after program participation. . . .Gains in income may not show up immediately, either.

# Age

Center for Adult English Language Acquisition [CAELA](#)

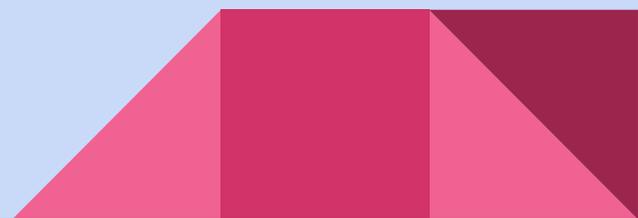
Many older non-literate or semi-literate refugees in Ohio

[Research on Reading Development of Adult English Language Learners](#)

Need to see relevance

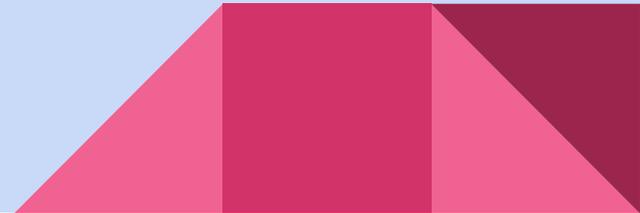
[ESL Curriculum – CLESE](#) (Coalition of Limited English Speaking Elderly)

**Kansas What Works in ESL Literacy v4 by Heide Spruck Wrigley**



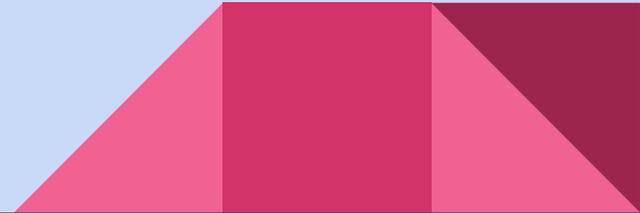
# SLA: Second Language acquisition

- Comprehension vs. Acquisition
- Interlanguage
- Fossilization: language habits fossilize over time.**
- $i-1$  (i= current level of comprehensible input)
- Work-arounds
- Affective filter



# Language

- Content: vocabulary and grammar AND
- Skills:** reading, writing, listening and speaking
- cumulative



# Literacies

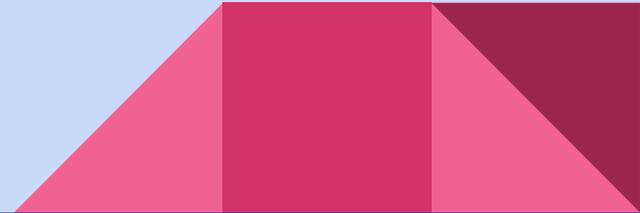
-Formal schooling:

-Health literacy

-Financial literacy

-Digital literacy

-Numeracy



# Learning psychology

## Learning differences vs. learning disabilities

Learning disabilities Association of America: [Types of Learning Disabilities](#)

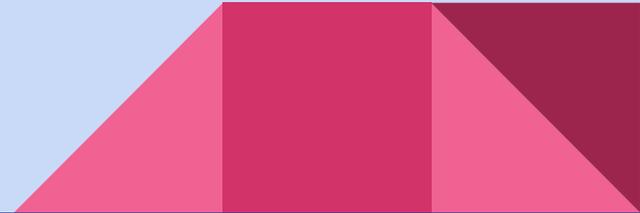
Learning disabilities are due to genetic and/or neurobiological factors that alter brain functioning in a manner which affects one or more cognitive processes related to learning. These processing problems can interfere with learning basic skills such as reading, writing and/or math. They can also interfere with higher level skills such as organization, time planning, abstract reasoning, long or short term memory and attention

Learning disabilities should not be confused with learning problems which are primarily the result of visual, hearing, or motor handicaps; of intellectual disability; of emotional disturbance; or of environmental, cultural or economic disadvantages.



# Stress and Trauma

There is a lot of attention now being given to trauma-informed care. Best practices are that legal and educational providers collaborate with and get guidance from social workers, psychologists and counselors.



# Sources of the law

INA (Immigration and Nationality Act), CFR (Code of Federal Regulations) and Policy Memorandum:

WIOA (Workforce Innovation and Opportunity Act)

Office of Administration for Children and Families

Social Security Act

Office of Refugee Resettlement

Bilingual Education Act

*Plyler and Lau*

NRS (National Reporting Standards)



# Sources re: education

TESOL [Tesol International Association](#)

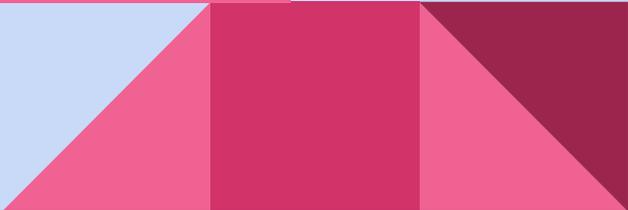
ProLiteracy [ProLiteracy](#)

CoAbe [Coalition on Adult Basic Education](#)

EdTech Center@World Education [EdTech-Digital Skills-Integration Toolkit](#)

CAELA [Center for Applied Linguistics](#)

Open Door Collective [Open Door Collective](#) [CLESE elder ESL Curriculum](#)



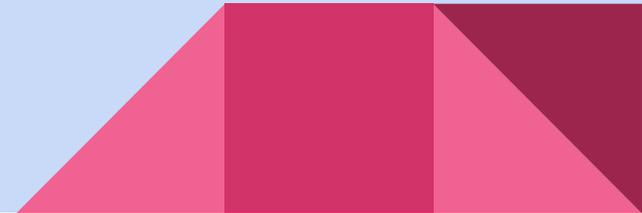
# Sources re: education: family

[Migration Policy Institute](#)

[National Center for Families Learning](#)

[Family Engagement with Refugee Populations – BRYCS](#)

[Why Literacy - Barbara Bush Foundation](#)



# Children's Education cont.

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# Mary Joan's Key Considerations

- Organic: impact on other aspects constantly changing
  - Importance of immigration status, esp re: employment and benefits (the cliff for refugees and SSI)
  - Fossilization of language learning/calcification of systems: timing in the cycles
  - Competition/disruption
  - The churn /stop out/stop in:
  - Getting credit, esp for infrastructure building and maintaining, applied research
  - Digital Literacy and access; other barriers
- 

# Mary Joan's Key Considerations cont.

- Sharing resources and specialized professional development
  - With gov't funding, (schools, refugee . . . ) comes regulations. Public private partnerships must recognize and honor that.
  - Economics and the role of the "market" (including time etc.)
  - Volunteers to amplify professionals' work (education, legal, social work) , not replace it
  - Centrality of education (vs. on-going interpretation, vs. case management)
  - Need to be able to parse out what the issues are and are not (causes vs. confounders)
  - Cultural competency and strength-based approaches
  -
- 

## Recommendation: Open Door Collective p. 7 [Open Door Rec.](#)

22. Programs should draw from the research that shows that adults use episodes of program participation and self-study to address their learning needs and, therefore, should provide a coordinated set of online learning, in-person teacher directed instruction, and assistance from volunteers

.3. Students should have the supports they need to succeed. These supports include skills assessment, individualized plans that address learning needs, help with family responsibilities to free up time for study, full-time teachers, counseling to address problems that may be a barrier to learning, and assistance to transition from WIOA Title II programs to community college program

4. The U.S. and state governments should build the capacity of programs to offer effective and engaging online learning to complement in-person learning or provide alternative ways to learn when in-person learning is not possible. Comfort and competence with online learning is particularly important during the COVID-19 pandemic, but it will remain important after the pandemic has passed



# Mary Joan's Recommendations

- Professionally led adult immigrant integration education coalition to complement publicly funded education under WIOA employment (ASPIRE etc.)
- Non-college/non-”career” educators, librarians and specialists who can interact with legal professionals, psychologists, social workers, school systems
  - Can train and supervise volunteers
- State and local initiative
- Library systems, community schools, community-based organizations with professional educators etc.

