
Mapping of Public Policy for the "Education of Migrant Children and Youth" Project -2009-

Office of Education and Culture
Executive Secretariat for Integral Development



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This report is the result of the initial stage of the "Education of migrant children and youth" project, promoted by the Inter-American Program on Education for Democratic Values and Practices in coordination with the Inter-American Program for Human Rights of Migrants Including Migrant Workers and their Families of the Organization of American States (OAS).

The mapping aims to contribute to efforts toward enabling migrant children and youth to exercise their full right to education. We hope the document will be useful in establishing a link between academic output and research on the topic, as well as the formulation, implementation and evaluation of public policies and programs aimed at educating migrant children and youth.

On behalf of the Project, we would like to express our gratitude to the officials of the Ministries of Education of OAS Member States that responded to the questionnaire/survey, whose answers are the basis of this mapping. We also appreciate the comments and recommendations of teachers Sara Poggio and José Carlos Luque Brazán, which provided interesting suggestions. The Office of Education and Culture (SEDI/DHDC/OEC) of the OAS appreciates the work of the mapping's main researcher, consultant M. Cecilia Sleiman.

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1. Introduction

A. Goal

The goal of this report is to record and analyze national education policies and programs regarding migrant children and youth throughout the Americas. This mapping is part of the “Education of Migrant Children and Youth” Project, which is one of the activities of the Organization of American States’ (OAS) Inter-American Program for the Promotion and Protection of the Human Rights of Migrants Including Migrant Workers and Their Families. Due to the topic of the Project, its development was assigned to the Office of Education and Culture (OEC) of the Executive Secretariat for Integral Development (SEDI) to be part of the Inter-American Program on Education for Democratic Values and Practices, coordinated by the OEC.

The project’s general goal is to document, systematize and disseminate lessons learned on policies, programs and best practices aimed at providing quality educational experiences for migrant children and youth. Its expected results include raising awareness and capacity in Ministries of Education and related agencies of the Americas, about the development, implementation, and evaluation programs that improve the educational opportunities and outcomes of this population.

The policies developed by the countries, as well as the ones currently being implemented, will be the foundation for gathering the best practices, challenges and pending issues, which will later allow strategies aimed at improving the education of migrant children and youth to be put forth. In its next stage, the Project will develop small case studies to know the experiences, needs and challenges of the immigrant communities of the Americas regarding the education of children and youth. At the end of the Project, in its third year of implementation, a final report will be published and disseminated, and an international seminar on education policies and programs for migrant children and youth will be organized in order for OAS Member States to share the lessons learned and address the pending challenges on this issue in the hemisphere.

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In this report we have noticed that many times the quality of public policies and programs for the education of migrant children and youth in the Americas is related in part to the degree of development of the institutional mechanisms for migrants in each respective country.

Public policies—implemented by the State through its bureaucracies and institutions, which ought to guarantee the validity of the democratic rule of law—translate laws and rights into concrete actions, which tend to improve citizens' welfare.

According to Mény and Thoenig, (Mény and Thoenig: 1992) “A public policy appears as a program of governmental action in a sector of society or in a geographical space: security, health, immigrant workers, the city of Paris, the European Community, the Pacific Ocean, etc.” Public policies—implemented by the State through its bureaucracies and institutions, which ought to guarantee the validity of the

democratic rule of law—translate laws and rights into concrete actions, which tend to improve citizens' welfare.

The level of development of public policy institutionalism involves various elements such as:

- the existence of legislation and allocated budgets (rights)
- the manner in which authority is exercised and politic
- all decisions are taken (power)
- bureaucracies that eventually facilitate the implementation of public policies (state intervention)

We noticed other issues that influence the existence or non-existence of public policies: the number of people that immigrate to or emigrate from the country, academic production on the issue, and the level of development of the country. A higher quality in public policy could entail greater benefits to society, for example in regards to the integration and cohesion of its inhabitants.

In this report, the words “migrant” – “immigrant” or “migration” – “immigration”, will be used as interchangeably and will refer to the migrant or to international migration, except in the case of the United States, a distinction which will be later clarified.



B. Context:

The education of immigrants in particular, has been a matter of political and academic discussion since the late 1800s and early twentieth century, after many countries in the Americas achieved their independence, and the need arose for a new labor force that contributed to the development of the new States.

Throughout history, great migrations have been caused by various motives: the need to populate regions, the need to work, to escape poverty, to escape from wars, discrimination, and political and religious persecution, among other things. The education of immigrants in particular, has been a matter of political and academic discussion since the late 1800s and early twentieth century, after many countries in the Americas achieved

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The combination of vast American land and scarce population prompted governments to promote immigration to settle national territories. This impulse had a large response because the second industrial revolution in Europe had caused many farmers to be displaced, and thus they too became inhabitants of the Americas. This consolidated the global division between the industrial matrix in Europe and the agro-commodity export model on the part of the American countries.

It is estimated that nearly 58 million Europeans arrived in the Americas from the late nineteenth century until the middle of the twentieth century. The United States was the main recipient of immigrants: between 1815 and 1860, five million Europeans arrived in that country, and between 1860 and 1920 another 27 million joined them. From 1850 to 1950, ten million Europeans arrived in Canada, about six-and-a-half million in Argentina, five million in Brazil, and another two million in the Caribbean. Uruguay, Chile and Venezuela were also recipient countries, although not in such a large proportion.

The meeting of different cultures and communities did not always facilitate coexistence in the same geographical area. Education was one of the tools that the emerging and unstable governments considered in order to integrate and reconcile their diverse populations, while at the same time directing them towards a project for their respective country and nation.





Poverty, inequality, current labor, sanitary and housing conditions in the country of origin are issues that weigh heavily when immigrating to countries where the level of infrastructure and development is higher.

In recent decades, important migratory movements have also been registered in the region. According to the data from Trends in International Migrant Stock from the United Nations Population Division (United Nations; 2008), there is an estimated 214 million international migrants for 2010; this means 10% more than in 2005, and 20% more than a decade ago.

The search for a better financial situation is one of the great reasons for migration all over the world, particularly in Latin America and the Caribbean. Poverty, inequality, current labor, sanitary and housing conditions in the country of origin are issues that weigh heavily when immigrating to countries where the level of infrastructure and development is higher. Authoritarian regimes during the last century have been another reason, as well as political conflicts in the countries. For example, due to the Civil War in El Salvador between 1970 and 1980, hundreds of thousands of Salvadorans have migrated from their country. The vast majority has settled in the United States, and the Ministry of Foreign Affairs of El Salvador estimated that by 2006, 94% of Salvadoran émigrés resided in that country.

A very important case of migration in the region caused by an internal conflict is that of people displaced by the violence in Colombia. According to a report from the Office of the United Nations High Commissioner for Refugees, by the end of 2008, the Colombian government had registered more than 2.8 million internally displaced people, and some NGOs, such as the *Consultoría para los Derechos Humanos y el Desplazamiento (CODHES)*, consider that the real figure of people displaced by the internal armed conflict since the mid 1980s exceeds four million people. People displaced by conflicts not only do so within the same country, but also seek refuge and asylum in the international community.

The majority of Latin American and Caribbean countries stopped being recipient countries for migrants for several reasons. Instead, their population started to migrate, especially to destinations like the United States, Canada and Europe. According to the aforementioned report (Trends in International Migrant



Stock), Latin American and Caribbean migrants were estimated to total 21 million people by the year 2000, and have increased to 26 million in 2005, and to almost 30 million in 2008.

A great amount of the migrant population lives in the United States: according to the International Organization for Migration (IOM), in 2005 approximately 38.3 million members of the United States population were born in another country—out of a total 44.5 million migrants in the Northern hemisphere, and 51.1 million throughout the Americas. In any case, high migration rates exist between neighboring countries as well, whether to pursue better labor conditions or due to specific job demands, such as rural work.

The global crisis unleashed in 2008 has placed the issue of migration at the top of the agendas of many of the countries in the region, with special focus on the economic issue and the impact on remittances.

Among its hypotheses, a 2009 report from the Economic Commission for Latin America (ECLAC) indicates that “in situations of economic withdrawal and generalized uncertainty, migrant workers see their rights more eroded, becoming a highly vulnerable population, posing new risks and challenges in relation to the historic aspiration in the defense and promotion of their human rights” (CEPAL, 2009; 5). In general, the study of contemporary migrations has enabled the possibility to discern new problems including discrimination, exclusion and inequality, on the basis of nationality, social class, gender, language and ethnic group, among other things. These problems, coupled with the aforementioned migratory trends, and along with the political, economic, social and cultural transformation that has taken place in recent decades, pose new challenges to the public policies in education in regards to migrant children and youth.

The challenge for public policy involves being able to integrate, within a plural and democratic state, the various populations that reside in its territory, without pretense of acculturation or assimilation of the dominant culture, but enabling the democratic process, generating new spaces for dialog and coexistence in society.

Policies should therefore address the ethnic and cultural diversity, social inequality, and preservation of the rights of migrants in increasingly diverse educational institutions. The challenge for public policy involves being able to integrate, within a plural and democratic state, the various populations that reside in its territory, without pretense of acculturation or assimilation of the dominant culture, but enabling the democratic process, generating new spaces for dialog and coexistence in society.

Education is a universal human right. All children, beyond their legal status, must have access to quality education—a tool that allows children and youth to develop the knowledge, skills, attitudes and values that contribute to the possibility of carrying out healthy, happy and productive lives. Through education, and especially when conducted in an inclusive school environment, migrant children and youth can learn to be responsible and active members of their communities.



The project is part of a component within the Inter-American Program for Human Rights of Migrants Including Migrant Workers and Their Families. It also falls within the Inter-American Program on Education for Democratic Values and Practices. Both are detailed below:

Inter-American Program for Human Rights of Migrants Including Migrant Workers and Their Families

Adopted in the Declaration of Florida through General Assembly resolution OAS AG/RES 2141 (XXXV-O/05), the overall objectives of the program are:

- The promotion and the protection of the human rights of migrants, including migrant workers and their families, *inter alia* the identification and implementation of cooperative actions and the exchange of best practices.
- Integration of considerations relating to the human rights of migrants and their families into the work of the organs, agencies, and entities of the OAS, taking into consideration a gender perspective.
- Linkage of the work of the organs, agencies, and entities of the OAS, with the activities of states, multilateral organizations, and civil society, including the migrants themselves and their families.

Additionally, 20 specific objectives and 33 activities have been established, including to request—among others—the Office of Education, Science and Technology (current Office of Education and Culture) to “Promote cooperation among educational institutions in different states to facilitate the incorporation of migrant children into schools and promote the exchange and training of teachers working in the field of bilingual and intercultural,” and “Include human rights education for migrants and their families within the activities of the Inter-American Program on Education for Democratic Values and Practices.”

Inter-American Program on Education for Democratic Values and Practices (information available at www.educadem.oas.org)

This program was adopted at the IV Inter-American Meeting of the Ministers of Education (2005), and its goal is to promote a democratic culture through education.



The Inter-American Program on Education for Democratic Values and Practices has three components, each with different activities:

- The Research Component: promotes research activities aimed at achieving a greater understanding of the different dimensions of the education for democracy in the Americas.
- The Professional Development and Educational Resources Component: encourages professional development activities and educational resources to support the practice of democratic education throughout the Americas.
- The Cooperation and Information Exchange Component: promotes horizontal cooperation in both formal and non-formal education through mechanisms and opportunities for dialog, and for the dissemination of information on key issues for the Americas.



2. Delimitation of the Study

As we mentioned in the introduction, the education of migrants has been politically relevant in the continent since the time of Independence. However, according to the working time available to develop this report and the inability to temporally and spatially cover all production on the subject, we have done both a timeline and a thematic cut.

With regards to the timeline, we have not chosen an exact date, but will basically refer to the last two decades. For this purpose we take into account the international and regional treaties that will define our framework. Although these statements are not directed specifically to the education of migrant children and youth, the problems related to the universality of education, integration and social inclusion, and diversity, are all related when it comes to addressing the issue of the education of migrant children and youth. In reference to the subject of migrants, for our timeline we considered the aforementioned International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted in 1990 and entered into force in 2003. So far, 15 countries in the region have ratified the convention.¹

¹ These countries are: Argentina, Belize, Bolivia, Chile, Colombia, Ecuador, El Salvador, Guatemala, Honduras, Jamaica, Mexico, Nicaragua, Paraguay, Peru and Uruguay.



International Treaties:

- Convention on the Rights of the Child (in particular articles 2, 8, 28, 29 and 30)
<http://www2.ohchr.org/english/law/crc.htm>
- Dakar Framework “Education For All: Meeting Our Collective Commitments” Text adopted by the World Education Forum Dakar, Senegal, 26-28 April 2000 (in particular 7.ii.)
http://www.unesco.org/education/efa/ed_for_all/dakfram_eng.shtml
- Plan of Action of the Second Summit of the Americas (Organization of American States. OAS), Santiago de Chile, Chile, April 18 – 19, 1998 (in particular Chapter I: Education)
<http://www.summit-americas.org/chileplan.htm>
- Millennium Development Goals for 2015 (particularly goals 2 and 3)
http://mdgs.un.org/unsd/mdg/Resources/Static/Products/Progress2009/MDG_Report_2009_En.pdf
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (especially article 43 concerning the rights to education for migrant workers and their families)
<http://www2.ohchr.org/english/law/pdf/cmw.pdf>

We consider it relevant to look in depth at the “International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,” which was adopted by the United Nations General Assembly under resolution 45/158, on December 18, 1990. Article 43 details the rights of migrant workers and their families, among them the right to education:

“Article 43:

1. Migrant workers shall enjoy equality of treatment with nationals of the State in employment in relation to:
 - (a) Access to educational institutions and services subject to the admission requirements and other regulations of the institutions and services concerned; (...)



In turn, the Ministers of Education of the Americas in the Quito Declaration of 2009 (CI-DI/RME/DEC.1/09) expressed that: “Against a backdrop of scant resources and growing social demand for secondary education, we emphasize the need to explore innovative and flexible education supply strategies that promote access, retention, reinsertion of those who have dropped out of school, and quality in secondary education, especially in rural and marginalized urban populations, indigenous peoples and other groups that have been historically excluded, migrants and/or other socially vulnerable groups. Taking into account national realities, education policy must consider the experiences and unique characteristics of these groups in order to provide them with relevant and quality education, and create conditions to ensure access to, and improve retention in, secondary education for the most vulnerable sectors.”

As for thematic cut, we will focus mainly on pre-primary, primary and secondary education (ISCED² 0, 1, 2, 3, y 4), without excluding but not specifically studying the tertiary level (ISCED 5), considering first and second generation migrants. Above all, we will focus on those migrant students living in situations of poverty. Here we do not address issues related to refugees or human trafficking, since although these issues have a complementary approach, it is at the same time very different and should be the subject for another study.

Glossary:

First generation migrants: Children and youth who are born outside the country where they study, and whose parents are also immigrants.

Second generation migrants: Children and youth who were born and study in the country of residence, but whose parents are immigrants.

Nationals: Children and youth who were born and study in the country of residence, with at least one of their parents born in the country of residence.

Within these two cuts, it should also be clarified that a particular phenomenon of thematic dispersion and geographic concentration is the current situation of both policy development and the academic production on education for migrant children and youth.

Thematic dispersion as long as “education of migrant children and youth” is not yet able to constitute a field in and of itself. According to Pierre Bourdieu, a field is “is a space which includes the agents and institutions that produce and reproduce art, literature and science.” (Bourdieu; 1997:74- 75) As we will

² International Standard Classification of Education-UNESCO. See:
http://www.unesco.org/education/information/nfsunesco/doc/iscled_1997.htm



see in the policies as well as in the literature on the subject, since it does not constitute a specific field, the issue of education of migrant children and youth also lacks methodologies for a specific approach. This has implications on the subject research as well as in the field of policy making. We will not find specific policies in which there is a defined field; the policies on the education of migrant children and youth are linked to other education policies, in general to compensatory policies. Many times the education of migrant children and youth is included in public policies on diversity or minorities in general, at the same level as for example original people within a given territory. Many times migrant children and youth are addressed by programs on intercultural education, education of a second language, etc. At this point, we consider that scientific development may contribute to public policy making, and aid in the decision-making process.



In relation to academic production, studies oriented towards migrant children and youth are more focused on trafficking, exploitation, family reunification, or integration in a broader manner into which the subject of education is included. Nevertheless, we have seen many comparative, ethnographic case studies, as well as curriculum proposals to implement in specific schools for migrant students.

When mentioning geographic concentration we refer to the extent to which most of the actions, programs and policies, as well as the studies found, are located in the northern hemisphere, including Canada and Mexico, but above all the United States. As for academic production, not only is there a larger amount, but there is also more systematization when it comes to creating and supporting conference and congress archives, government reports, published articles. Instead, in Latin American countries the subject is not as widely developed yet, and they lack adequate records to allow systematization of the



production on the subject. As for the actions that address education for migrant children and youth, even though there are programs throughout the hemisphere, it is in the United States, Mexico and Canada where we find more systematization and directionality in such programs.

We must therefore consider that regions, as well as countries and border areas between countries, all have their own specificity, and it is interesting to be able to render an account of the different contexts.



3. Methodology

The report was conducted using a qualitative methodology from secondary sources of information, and through the implementation of a survey for the Ministries of Education in the 34 Member States of the OAS. First, a bibliographic review of the literature on the subject was conducted, followed by an analysis of the information received from the Ministries, which has been complemented with data found in publications and reports from these same Ministries but which was not included in the survey's responses.

With the intention of inviting the Ministries to participate in the Project, at the end of February 2009, during the Meeting of Authorities and Executive Committee of the Inter-American Committee on Education (CIE), a presentation was carried out and the Ministries were requested to become involved in the project. Therefore, in April letters of invitation to participate in the mapping were sent to the authorities and members of the CIE. They were requested to provide the contact information for a person who would act as the point of reference on the subject, and had this person complete a survey that would be the information basis for the study. In general, the contact persons that answered the survey were staff from the respective Ministries' international relations areas.

With the objective of increasing the number of responses, during May 2009 we conducted a telephone follow up, but after receiving minimal response, attempted a new strategy: sending the invitation to participate along with the survey to the Ministers of Education through the OAS Permanent Missions and the OAS Country Offices.

By the end of June 2009, 23 countries had replied, in addition to one Canadian province. In May 2010, Antigua and Barbuda submitted its completed survey, making the total number of countries that responded 24.³

³ The countries that answered the survey are: Argentina, Paraguay, Brazil, Guyana, Suriname, Peru, Ecuador, Colombia, Venezuela, Panama, Costa Rica, Honduras, El Salvador, Guatemala, México, United States, Canada, Trinidad and Tobago, Barbados, Saint Vincent and the Grenadines, Dominica, Antigua and Barbuda, and Saint Kitts and Nevis.





4. Questions that will guide the Research

- What grade of institutionality do the actions aimed at migrant children and youth have?
 - Regarding policies:
 - Laws/decrees that explicitly mention the target population
 - Specific budget
 - Institutions
 - Regarding programs:
 - Objectives specifically intended for children and young migrants
 - Available resources
 - Actions that directly address the problems of these populations
 - Instruments to measure how many migrant children and youth attend these educational establishments
- What degree of connection and coordination exists with other institutions?
- At whom are these policies aimed?
 - Foreign migrants
 - Internal migrants
 - National emigrates
- What are the main issues they approach?
- What are the achievements?
- What are the challenges?





5. Bibliographic Review

In this section we will briefly present an overview on the relevant research and academic developments that will help account for the existing progress on the issue of “education of migrant children and youth” in the Americas. This bibliographic support is built not only to observe the production developed until now and the different approaches and methodological proposals to handle the topic, but also to account for those areas of knowledge production that are still vacant or absent, and which might eventually be reflected on vacant areas of public policy.

We have taken into account the delimitation proposed for the study when conducting the bibliographic research on the subject. Additionally, we have classified the resources found into four basic approaches: general (surveys, situation reports), public policies and legislation, social (culture, race, ethnicity, nationality), and one from the academic/curricular practice:

1. General Approach (surveys, situation reports)

The general reports we have found always imply some type of cut, whether it is for the territory (Leung, Cynthia M.; Berry, John W.: “The Psychological Adaptation of International and Migrant Students in Canada”), or for the topic (Romanowski, Michael H: “Meeting the Unique Needs of the Children of Migrant Farm Workers”). Some studies, especially those conducted by ECLA, even though they do not have a continental scope, are still representative at a regional level. Nonetheless, these studies do not focus solely on the specific issue of education of migrant children and youth, but rather on issues related to migration and integration in general (Jorge Martínez Pizarro, Ed.: Latin-America and the Caribbean: international migration, human rights and development; Jorge Martínez Pizarro: International migration of Latin-American and Caribbean youth: empowerment and vulnerability; Juan Miguel Petit: Migrations, vulnerability and public policies. Impact on children, their families and their rights).

The sources upon which the research on the subject is built vary: while some are based on national or local statistics (McKenzie, David; Rapoport, Hillel: “Can Migration Reduce Educational Attainment? Evidence from Mexico.”), others have worked with surveys and interviews developed especially for the research (Martinez, Yolanda G.; and Others: “Voices from the Field: Interviews with Students from Migrant Farmworker Families”), and some have a combination of the two. We further observe that the



studies respond to different institutional demands: while some are private initiatives, many are reports on existing programs (National Commission on Migrant Education in the United States of America).

These reports enable us to start identifying the different audiences that countries refer to when they speak of “migrant children and youth” or “migrant students,” who will later be the beneficiaries of the policies.

In most countries and cases, it refers to children and young foreign students in schools, who many times must learn a new language, or whose cultural patterns differ from most of their peers. This definition of migrant leads other type of “minorities” (indigenous populations, Afro-Americans, among others) to be addressed under the same policy, like for example inserting them in bilingual programs, or compensatory programs for students with poor academic performance.

According to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, a migrant worker is “a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national.” In general, migrant students are children of migrant workers who have migrated with them. There is also the phenomenon of unaccompanied children, and a number of studies approach this subject, though these studies are mostly oriented towards the prevention of human trafficking. The book *“Más allá de la frontera, la niñez migrante: son las niñas y niños de todos. Estudio exploratorio sobre la protección de la niñez migrante repatriada en la frontera norte,”* produced by the Secretariat for Social Development of Mexico, focuses on the treatment given to adolescents who attempt—or manage—to cross the northern border with the United States and are then repatriated.

The United States’ case is particular, because the education policy for migrants is not targeted towards foreign or immigrant students, but rather to those people that migrate regularly within the U.S. territory. As per the definitions of Title I of the Elementary & Secondary Education Act, “the term migratory child means a child who is, or whose parent or spouse is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who, in the preceding 36 months, in order to obtain, or accompany such parent or spouse, in order to obtain, temporary or seasonal employment in agricultural or fishing work,

- A) has moved from one school district to another;
- B) in a State that is comprised of a single school district, has moved from one administrative area to another within such district; or
- C) resides in a school district of more than 15,000 square miles, and migrates a distance of 20 miles or more to a temporary residence to engage in a fishing activity.”





Foreign students who do not fit into this particular definition are addressed by other types of programs, such as English as a Second Language (ESL).

In any case, the issue of dimension in the quantity and characteristics of migrant children and youth is not limited to our hemisphere, as we can find similar obstacles in Europe. One particular study (Brind, Harper y Moore, 2008) mentions that one of the conclusions of the European Commission's "Child Immigration Project," established in 2001, is that the classifications of immigrant children and children of immigrants are insufficient and vary from country to country, and that it is also clear that for these children the school system contains many flaws in a wide range of areas. It also quotes the report from the European Monitoring Centre on Racism and Xenophobia (Luciak 2004:126):

"The European Union and Member States should...take the necessary steps to increase the availability, the scope and quality of data...The collection of differentiated data, including pupils', students' and parents' citizenship status, place of birth, ethnic group affiliation, and socio-economic status...will allow the collection of data of highest relevance, improve its comparability, and avoid unjustified generalizations based on aggregate undifferentiated quantitative data."

The lack of data and data systematization covers a broad spectrum beyond migrant children and youth, including migrants in general. "One of the bottlenecks for understanding the trends and migratory patterns is represented by the lack of appropriate, timely and relevant information." (CEPAL; 2006, 13). There is a striking absence of migration surveys, which even if they were not 100 percent representative, would nonetheless be a great help to measuring the phenomenon. Although obsolete in regards to the social phenomenon of migration since they are conducted approximately every ten years, the census that are unable to seize undocumented migration, and that many times have no questions addressed to understand migration, continue to be the most reliable source to learn about migratory trends.



2. Approach to Public Policies and Legislation

In general, we have found studies that focus on the description of public policy, others that—from studies of some particular case or situation—have proposals or recommendations for public policy, as well as research that inquires into the challenges that are still pending (Rinta, L-M, 2005; Dee, T. S., 2005; Adams, L. and Kirova, A., 2007; Christiansen, G. and Stanat, P., 2007).

There is a precedent on the right to the identity and education in the region, the case of Dilcia Yean and Violeta Bosico vs. the Dominican Republic, both born in the Dominican Republic to Dominican mothers and Haitian fathers. They filed a complaint with the Inter-American Commission on Human Rights against the Dominican Republic, for the denial of nationality on the part of the Dominican Republic.

This situation put the girls at risk of deportation, and in the case of V. Bosico, she could not attend school from 1998-1999 due to lack of an identity document. The case was resolved in 2005 when the Inter-American Court of Human Rights ruled that the Dominican Republic had violated the girls' rights to judicial protection, equality before the law, non-discrimination, nationality, juridical personality and to a name, by refusing to issue them birth certificates and preventing them from exercising their citizenship rights because of their descent. The Dominican State had to adopt the necessary measures to revert the state of historic discrimination in their birth registry and educational systems, and in particular, adopt a simple, accessible and reasonable procedure for Dominican children of Haitian descent to obtain birth certificates.⁴

There are also some studies that focus on international treaties and legislation matters. In particular regard to migrant children, in 2008 IOM published a special edition of its magazine, "International Migration Law N°15- Human Rights of Migrant Children." It reviews the international legal framework that contains regulations relevant to the protection of migrant children, with special emphasis on the "International Convention of the Rights of Children," as it includes tools for those who reside outside their country of origin. It also mentions the "International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families" investigating child labor, as well as mentioning other legal instruments in relation to human rights and international criminal law.

We would like to single out the book by Douglas Hodgson, "The Human Right to Education" (1998), as it details the right to education at the international level, taking into account controversial issues such as education for indigenous peoples and minorities. Although it is not a book devoted to education for migrants, it focuses on the international conventions and treaties on the education of minorities that countries have adopted. The book argues that despite the fact that there is a well-known and detailed series of existing regulations, countries still have the challenge of seeing how to implement those stan-

⁴ For further information, visit: <https://www.cidh.oas.org/countryrep/Infancia2eng/Infancia2Cap2.eng.htm> and <http://www.cardozo.yu.edu/uploadedFiles/Cardozo/Profiles/phhrs-564/yeambosicospa.pdf>



ards, and how to reduce the gap between the international commitments that they are part of and the results obtained at the national level.

At this point we would like to highlight an important precedent for the analysis of public policies for migrant education: “What Works in Migrant Education? A Review of the Evidence and Policy Options” (Nusche; 2009) by the Organization for Economic Cooperation and Development (OECD), published in 2009. This report focuses on how education policies can influence factors at the system, school, and individual level to help provide better educational opportunities for migrant students.

At the system level, recommendations revolve around reducing school segregation and improving the access of migrant students to a high quality instruction; ways to efficiently allocate resources to ensure that migrant students participate as much, and perform as well, in education as their native peers; and strategies to attract and retain high quality teachers in schools with high proportions of migrant students. We will see that many of the actions proposed in this report are not very different than those proposed to address disadvantaged populations in general. However, the impact that these measures have on migrant students is very important. Outlined below are some of the relevant points of the report:

- Migrant students’ level of concentration in schools may have a negative effect on their educational performance.
- In areas where housing is highly segregated (natives – migrants), schools tend to be segregated as well.
- Many countries have opted to allow families to choose where to send their children, instead of having to attend a school assigned according to the place where they live, as long as other types of segregation within schools is also avoided (i.e., regarding ability grouping).
- Sorting students according to their ability level is a widespread practice, but many studies cited in the report suggest that migrant students are more likely than natives to be grouped into the tracks with lower ability standards. Teacher’s diagnostics take into account not only academic performance, but other traits such as socioeconomic profiling, ethnic origin and migrant status.
- Minority groups such as migrants, are more likely to be identified as groups with “special needs,” and placed in schools for such children.

The overrepresentation of migrants in special needs schools can partly be explained by factors such as language difficulties, culturally different behavior, lack of early childhood support and negative stereotyping.

- Even if only academic performance criteria were used to classify students, ability grouping in the early stages of schooling implies segregating migrants, because it is very difficult for them to have a good performance in the early school years. This grouping locks them into low-level instructional environments throughout their academic careers.
- Many countries have allocated additional resources for teaching staff and schools enrolling migrant children and youth. They have determined which are the target groups, at what administrative level



of the education system these resources should be managed, and distributed resources among different levels of education. (On this point, emphasis is placed on prioritizing financing of early childhood.) Although it does not work in all cases, or the evaluation results are varied, research indicates that other possible measures include increasing teacher pay, and hiring teachers from migrant families.

- One of the most widespread measures is class size reductions in classes with a high percentage of migrant students. According to the report, there is a difference in the effect of class size reduction for average students and for socially disadvantaged students, including migrant, ethnic minority and low-income children from low-educated parents; for these latter groups, the effects are truly significant.

It is important to emphasize that it is very difficult to draw general conclusions about what does or does not work in the education of migrants. That is why despite the fact that very few of the countries that make up the OECD are in America, and that most of them are developed countries that in addition have better defined policies for the topic of education of migrants, we are interested in taking advantage of the measures and actions of said report, since it can be used as valuable knowledge when thinking about the formulation of public policy.

3. Integration Approach

This approach gathers studies that address issues on the integration of the various immigrant communities into host countries. Education is one component of this integration. Much of the work is not specifically directed to migrant children and youth, but instead analyzes the role of “minorities” in education (“Invisible children in the society and its schools”, Books, S.), and will oftentimes be more focused on the families of migrants and not on children alone (“The Integration of Immigrant Families in the United States”, Fix, Zimmerman et al).

Since most of the studies come from the United States, and given the fact that 98% of Mexican emigration is to the United States, we have also found texts that address “Mexicans” as a phenomenon (“Reaching Out: Best Practices for Educating Mexican-Origin Children and Youth”, Romo, H.). This book features the problems that Mexicans and “Latinos” or “Hispanics” have when studying. Similar to other studies found, the most serious problems reside in: access opportunities, their permanence in schools (or likely drop-out rates as they advance in their studies), studying in a language of which they have little command, obtaining better grades than their peers, and many times having to deal with issues such as discrimination (because of their origin or immigration status). The author calls on education and political authorities to address these issues through an in-depth analysis of the situation of Mexicans in the United States.





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In the book “Learning a new land. Immigrant students in American Society” (Carola Suárez- Orozco et al, 2008), the authors conduct a five-year longitudinal study and analyze the educational situation of secondary school students in Central America, China, the Dominican Republic, Haiti and Mexico. Faced with the disappointing results of the experiences of most of these students, the authors argue that “In the United States we do not have national policies to help young immigrants who arrive during their middle and secondary school years” (Carola Suarez-Orozco et al, 2008: 360). They consider that the approach to immigration does not achieve a good strategy to assimilate the children of newly arrived immigrants, beyond the immigration status. There is also no strategy to facilitate the transition of young immigrants into universities or the labor market. After asserting that “the lack of imagination demonstrated in the main topics of integration has little vision of the future—no, it is incomprehensible—considering what is at stake for the future of our economy and society” (Carola Suárez- Orozco et al, 2008: 364), they make a series of recommendations for public policy, to basically have good and engaged schools with realistic language policies, that are able to embrace hyphenated identities, that have mentoring and community support, and that are able to address undocumented immigrant youth.

Some other texts provide guidelines regarding patterns for the education of minorities, or point out acculturation problems, and attempt to suggest policies according to the case, as for example “Learning,



Teaching, and Community: Contributions of Situated and Participatory Approaches to Educational Innovation” (Lucinda Pease-Alvarez y Sandra R. Schecter, ed.).

In a critical reading of Eduardo Domenech’s article “*Etnicidad e inmigración: ¿Hacia nuevos modos de integración en el espacio escolar?*”, we find he suggests that many times the term “culture” is only used in a cosmetic manner to differentiate among races. He considers that the use of culture in the sense that

The intercultural approach becomes indispensable for the entire educational activity of a country that wants to be democratic and in which there are cultural differences. Both the multiplication of the spaces of coexistence and the shortening of the distances between plurality, in more ways than one, require educating to respect and coexist” (Schmelkes, 2004: 11).

the other—the immigrant—has a different culture, in truth only conceals a form of racial discrimination as it considers said culture as inferior, unapproachable, and unintelligible. He states that the term multiculturalism, is many times used in schools in an inert manner; even though it is recognized that different cultures are present in the classroom, and “folkloric” demonstrations are allowed, these fail to modify the established social order. In this sense, he argues: “There are practices and

speeches that denote the search for recognition of the difference, generally left to the individual action of teachers, however there seem to prevail those prone to show an ‘openness to diversity’ consistent with a pluralist liberal vision that does not relate cultural recognition with social redistribution” (Domenech, 2004: 4). He understands that in terms of the phenomenon of immigrants in schools, “the analysis of the uses and representations on diversity and inequality, as well as the revision of the contents and forms its relationship takes, is very important” (Domenech, 2004: 8) in order to overcome social inequalities and build egalitarian and multi-ethnic societies.

Sylvia Schmelkes, educator and educational researcher, provides a definition of what intercultural education means compared to multiculturalism: “Intercultural education pretends to transcend the concept of multiculturalism, a descriptive concept that refers to the coexistence of culturally diverse persons and/or groups in certain spaces or territories; it does not refer to the relationship between these individuals and groups. Interculturality refers to this relationship, and qualifies it as a relationship based on respect and from a position of equality. The intercultural approach becomes indispensable for the entire educational activity of a country that wants to be democratic and in which there are cultural differences. Both the multiplication of the spaces of coexistence and the shortening of the distances between plurality, in more ways than one, require educating to respect and coexist” (Schmelkes, 2004: 11).

In an interview with Sylvia Schmelkes for the Inter-American Journal of Education for Democracy (RIED) of Inter-American Program on Education for Democratic Values and Practices of the OAS, she examines the difference between multiculturalism and interculturality, finding in interculturality greater potential



for democratic education. Although she argues that multiculturalism is the basis of democracy, she states “the problem with multiculturalism is that it stops exactly there, at the point where differences are acknowledged. It doesn’t go beyond that. You can acknowledge, and even tolerate that the other who is different has a right to voice an opinion and vote. But you can maintain relationships that may be characterized by discrimination, segregation and marginalization – all of which we are familiar with” (RIED, 2008). She therefore presents interculturality as a surpassing step:

“That is why, in my opinion, it is the concept of interculturality that goes a step further in providing for deepening democracy and education for democracy. Because it does go into the relationships, you see, between members of the different cultures. And from my point of view, it also characterizes those relationships. Consequently, there cannot be interculturality as long as asymmetries endure due to cultural differences, because in that case it is not interculturality. Interculturality presupposes a relationship characterized by mutual respect and esteem, a relationship that is mutually enriching, horizontal, based on positions of equality” (RIED, 2008).

In the same manner, but referring to interculturality specifically on the indigenous issue, Luis López, in a study for UNESCO, states that interculturality “as an alternative to standardizing miscegenation permeates the approaches of indigenous organizations in connection with, especially but not exclusively, education” (L. E. López, 2001:2).

Many authors and academic developments propose interculturality as a democratic and enriching strategy for education in a cultural diversity ever growing in the classrooms of the continent. Interculturality, if allowed to grow, enables dialogue from a position of equality, mutual learning, as well as not allowing for discriminatory practices. The tendency should then be to go from “multiculturalism,” which enables the encounter of diversity, to “interculturality,” that also enables dialogue and exchange.

From this point of view, the education of migrant children and youth requires that the school not only address the pedagogical and curricular issues, but also the cultural aspects involving students and the relationship between them and their environment (for example, as in the program of intercultural bilingual education in Argentina). Dialogue between cultures is enriching and it provides important learning both for national and foreign students. Immigrant students can benefit both on the school and social aspects as long as these relations are established from a democratic and intercultural standpoint.

4. Approach from an Academic/Curricular Practice

Here we present articles and research that address the topic of education of migrants from the classroom practice. They will bring forth some issues to take into account when designing models for teacher training, curriculums, and special strategies for the class, among others. Also, we will see that a strong point in the education of migrant children and youth (especially in English-speaking countries) is bilingualism (“The Educational Effectiveness of Bilingual Education”, Rossell and Baker; “No Habla Inglés:



Exploring a Bilingual Child's Literacy Learning Opportunities in a Predominantly English-Speaking Classroom", Brock, McVee, et al).

Statistics indicate that, at least in the United States, one of every five children speaks another language at home, in addition to the English spoken at school. This includes not only Latino or Hispanic migrants

and their descendants, but also migrants from other parts of the world.

"Educators can succeed in teaching students of the new generations only if they understand the linguistic and cultural diversity that those students bring to the classroom, and if they develop strategies based on this understanding" (Sadowski, ed., 2004: 2).

Michael Sadowski, in the introduction to the book "Teaching immigrant and second language students: strategies for success," states that "educators can succeed in teaching students of the new generations only if they understand the linguistic and cultural di-

versity that those students bring to the classroom, and if they develop strategies based on this understanding" (Sadowski, ed., 2004: 2).

The highlighted OECD report "What works in migrant education?" (Nusche; 2009) also proposes some interesting policy issues to work on at the school level, the design of materials and educational curriculum, and teacher practice:

- The education outcome of students is directly linked to proficiency in the language of instruction. It is important that students start learning the language from early childhood.
- If special preparatory language classes are selected, separation of migrant students from the mainstream should be short and transitory in nature.
- It is undesirable to postpone academic teaching until students fully master the language of instruction.
- In many cases, textbooks and teaching materials that take the representation of other cultures often place them on an inferior level to Western culture, and many times "intercultural education" is only rhetoric that does not translate into practice.
- Teacher expectations on students are often based on issues of race, ethnicity and social class, and they have lower expectations of students who do not share their ethnic/racial characteristics, thus generating a self-fulfilling prophecy of poor academic performance.
- This negative effect can be reduced by promoting awareness of differential teacher behavior and by providing strategies for behavioral change. In-service training can be a way of helping teachers develop the skills to work with diverse populations, although in most of the surveyed countries teachers have no obligation to undertake this practice.



- Parental involvement in their children's education has a positive effect on their learning, be it homework supervision, additional involvement in schools (becoming engaged in school-based activities), or allowing teachers and other school authorities to visit the family home.

In Spanish-speaking America, we can say that the challenges of bilingualism occur with migrants who come from other countries that are not in Latin America, but even then there is the particularity of bilingualism and the problems it implies in the education of inhabitants of aboriginal communities or original peoples. While not directly intended for migrants, we see that the findings in this area take similar paths.

For example, in the Bilingual Intercultural Education Program from Argentina, one of the key points is "to have new generations of teachers trained in the care and use of the cultural and linguistic diversity present in the country" (Ministry of Education of Argentina, 2008: 1). It also provides for coordinated efforts between the central government and the provincial governments, in order to promote pedagogical actions that take into account the interculturality and bilingualism in schools located in the borders" (Ministry of Education of Argentina, 2008: 2). Among these strategies they propose:

- For initial education: acquaintanceship and dialog among teachers, caretaking mothers, community childhood educators and the educational community in general; incorporation of various upbringing practices; use of interplay as a pedagogical tool reclaiming those from different cultures.
- For primary education: "The improvement of the learning quality, the reduction of school failure indicators and full literacy of students are the key objectives that we share at this level" (Ministry of Education of Argentina, 2008: 10). Intensive use of school libraries and the development of strategies for reading enjoyment complement the seamless coordination of science teaching with the approaches of the worldviews of original peoples in order to revise the parameters from which knowledge is built.
- For the secondary level: "The concern for the design and planning of institutional and pedagogical actions that guarantee the permanence of students in school and the completion of this compulsory phase, shared with the authorities coordinating this level" (Ministry of Education of Argentina, 2008: 11). Advancement of new forms of research, and construction of knowledge stemming from other cultural horizons; demonstration of production, artistic-craft, and scientific-technological practices of other cultures.

We can see that there are some common points on how to take diversity into account, on how to articulate a real intercultural practice within schools, and on how to educate teachers in these sensitive areas. Both the previous approach on social issues and this approach on the curriculum have provided certain elements that evidence a trend towards intercultural classrooms





6. Main Results

These are general results from the survey; the questions will be analyzed in detail later in the report.

Nine of the countries that answered the survey (as of September 2009) reported that they have no policy, action or program to address migrant children and youth. These countries are Antigua and Barbuda, Brazil, Dominica, Honduras, Paraguay, Peru, San Kitts and Nevis, San Vincent and the Grenadines, and Suriname. These countries also lack measuring tools to know how many migrant children and youth reside within the territory.

Some countries answered that they do not have policies, but do have actions that include beneficiary populations in this study (Barbados, Canada, Costa Rica, El Salvador, Guyana, Guatemala and Panama). Some of these actions are programs that also benefit other types of vulnerable populations (indigenous, children who have abandoned their studies or who are at risk of doing so, persons with disabilities, etc.).

Another seven countries answered that they have developed education policy for migrant children and youth: Argentina, Colombia, Ecuador, Mexico, Trinidad and Tobago, the United States and Venezuela. However, some of these countries do not have a specific law or resolution, institutions, or a specific budget. They resemble those countries that only have programs, or laws not associated with any specific programs.

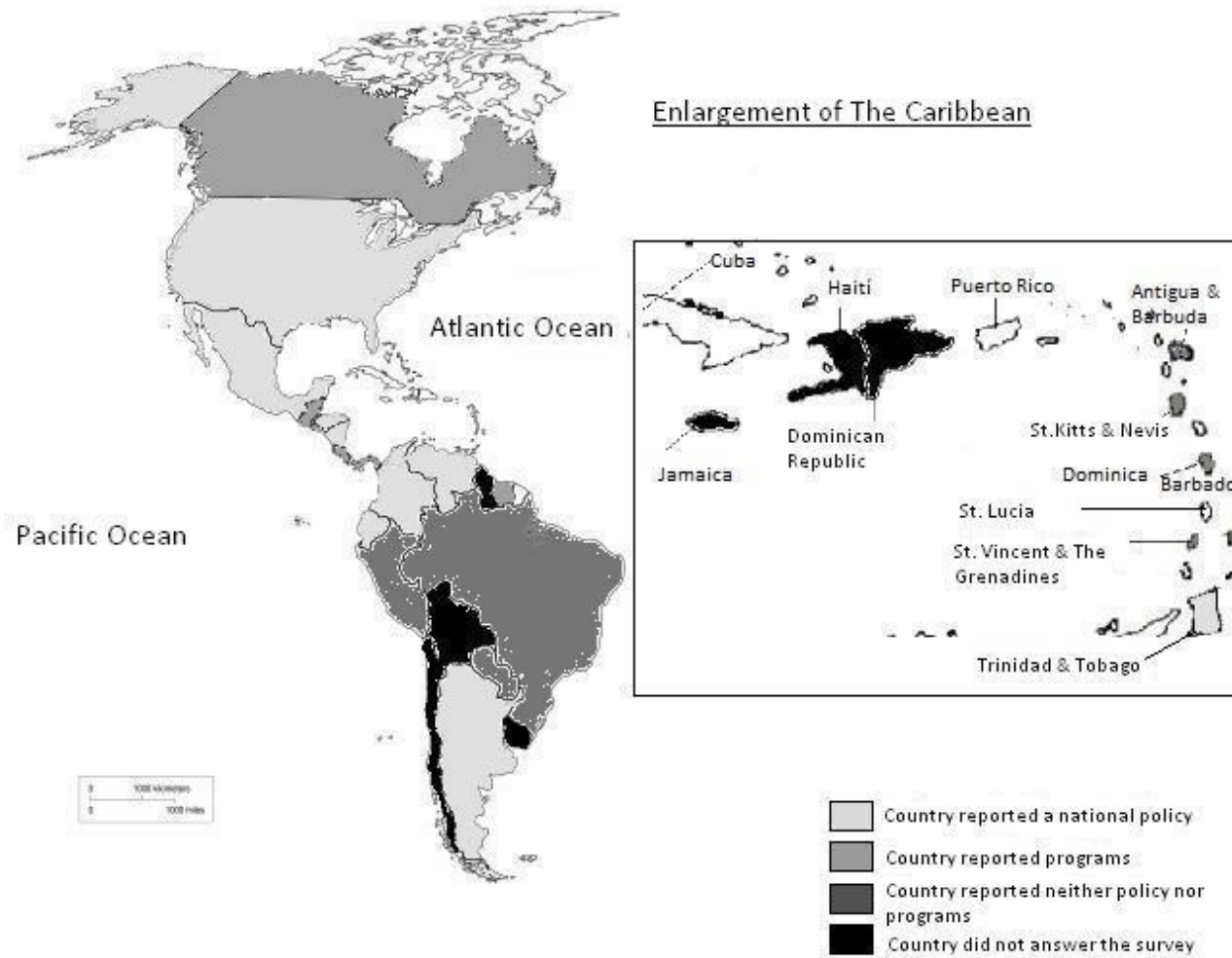
The United States is the country with a more widely-developed education policy for migrants.

In some cases, relevant information was found through secondary sources that may help complete the survey answered by the countries.

It should be noted that, as expected, the measures correspond to the situation, context and characteristics of each country. For example, in the case of Colombia, developed policies and programs are not aimed at migrant children and youth, but the actions cover populations displaced by violence. These displaced populations might at the same time be migrants and be included in the care programs.



Figure 1. Map of Education Policies of Migrant Children and Youth





7. Policies and actions for the education of migrant children and youth

The development of this section allows us to understand that there are different aspects through which it is possible to envision the social and political agreements that sustain public policies, different levels where the social players interested and/or represented in public policies materialize the mobilization of resources: these include the historical ups and downs of institutions, the construction method of mechanisms and procedures, and their budgets.



The following is an outline of countries' responses, according to some of the questions raised by the research.⁵ We will also add information from secondary sources, which supplement these surveys.

⁵ The results shown here were summarized to be seen in an orderly manner.

A. Institutionality

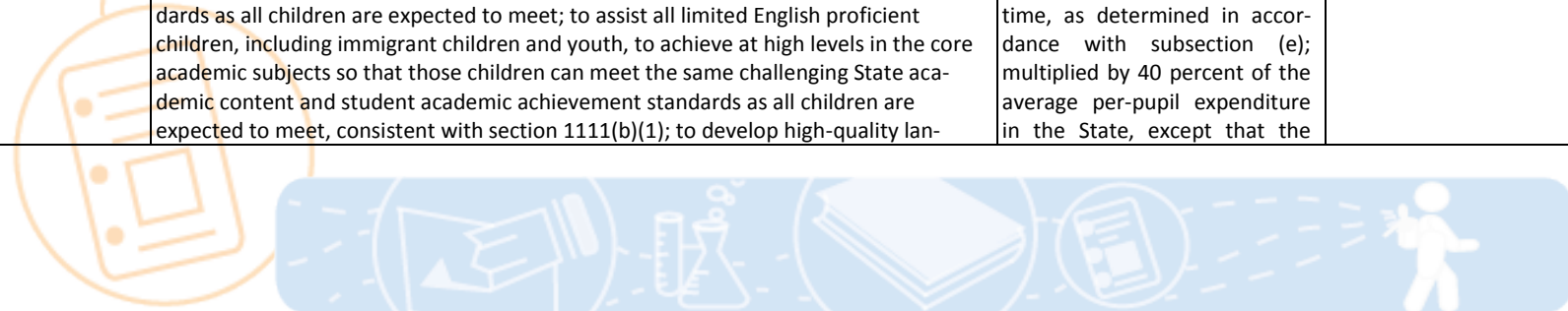
* Does not specify the answer for the education of migrant children and youth.

** Not specific to the country.

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| Country | Argentina | | |
| Questionnaire answer | National Education Law N° 26.206. | U\$S 23,500,000.- (annual budget – for the entire education system *). | None mentioned. |
| Additional information | <p>Articles 50c, 143 y 144 are of specific importance:</p> <p><u>Art. 50 c (Rural Education)</u>: Enable school organization models appropriate for each context, such as grouping of institutions, mixed-grade classrooms and multi-age groups, institutions that cover several levels in a single educational unit, alternation schools, itinerant schools or other, to ensure compliance mandatory schooling and the continuity of studies in the different cycles, levels and modalities of the educational system, addressing also the educational needs of the migrant rural population;</p> <p><u>Art. 143</u>: the National State, the Provinces and the Autonomous City of Buenos Aires must guarantee migrant persons without a National Identification Document (DNI), the access and the conditions of permanence and graduation at all levels of the educational system, through the submission of documents from their originating country, as established by Law N° 25.871, article 7;</p> <p><u>Art. 144</u>: The children and youth temporarily located abroad will be able to comply with the compulsory education through distance education services.</p> <p>National Constitution: Section One, Chapter One, Article 20: Foreigners enjoy in the territory of the Nation of all the civil rights of citizens (...);</p> <p><u>Law 25.871, Art. 7</u>: Under no circumstances will the irregular immigration status of a foreigner prevent his/her admission as a student in an educational establishment, whether public or private; national, provincial or municipal; be it primary, secondary, tertiary or university. The authorities of the educational establishments must provide</p> | | |

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| | guidance and advice on the procedures for the purpose of remediating migratory irregularities. | | |
| Country | Colombia | | |
| Questionnaire answer | <p>Law 387 from 1997, "By which measures are adopted for the prevention of forced displacement; the attention, protection, consolidation and socio-economic stabilization of people displaced by internal violence in the Republic of Colombia."</p> <p>Decree 2562 from 2001, "By which Law 387 from 1997 is regulated and directions are established for the territorial entities for the provision of education services to the population in situations of displacement."</p> <p>Decree 250 from 2005, "By which the National Plan for Comprehensive Care for People Displaced by Violence is issued."</p> | U\$S 551,042.- for the year 2008. | National Plan for Comprehensive Care for People Displaced by Violence. |
| Additional information | <p>Law 387 from 1997 specifies: "The Ministry of National Education and the departmental, municipal and district Secretariats of Education, will adopt special educational programs for the victims displaced by violence (...)"</p> <p>National Constitution, Chapter 3: Regarding foreigners, Art. 100: Foreigners in Colombia will enjoy the same civil rights granted to Colombians. However, the Law may, because of public order motives, subordinate foreigners to special conditions or deny them the exercise of certain civil rights.</p> <p>In the same manner, foreigners in the territory of the Republic will enjoy the same guarantees granted to the nationals, subject to the limitations established by the Constitution or the Law.</p> | | Office of Cooperation and International Relations. |
| Country | Ecuador | | |
| Questionnaire answer | Political Constitution of the State (2008)* - National Development Plan *- Ministerial Agreement 337 from September 26, 2008 (update of Ministerial Agreement 455 issued September 21, 2006). | The budget is administered by each individual program. | National Human Development Plan for Migration* - Decennial Education Plan.* |
| Additional information | <p>Political Constitution of the State (2008):</p> <p>Art. 9: Foreign persons in the Ecuadorian territory shall have the same rights and duties as Ecuadorians, as established by the Constitution.</p> <p>Title VIII, Chapter first: Demands respect for human rights, in particular the rights of migrants, and encourages its full exercise through the implementation of the obligations stemmed from the signing of international instruments on human rights.</p> <p>Ministerial Agreement 337: The agreement facilitates the education of migrant or refugee people (recognizes studies abroad, eliminates the visa as a requirement for tuition or graduation). Eliminates obstacles like the placement test for those who have original documents attesting their studies. With regard to the access of indigenous children in border areas, it prohibits impeding access to these people for not having a document or if it their nationality is in doubt. Establishes that these transac-</p> | | |

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| | tions are free of charge. Guarantees education to foreign children. | | |
| Country | United States of America | | |
| Questionnaire answer | <p>Elementary & Secondary Education Act, No Child Left Behind Act (NCLB). (2001) Title I: Improving the academic achievement of the disadvantaged. (1965, reformed in 2001, NCLB). Part C- Education of Migratory Children.</p> <p>The purpose of the program is among other things, to support high-quality and comprehensive educational programs for migratory children to help reduce the educational disruptions and other problems that result from repeated moves; Ensure that migratory children who move among the States are not penalized in any manner by disparities among the States in curriculum, graduation requirements, and State academic content and student academic achievement standards; Ensure that migratory children are provided with appropriate educational services (including supportive services) that address their special needs in a coordinated and efficient manner; Ensure that migratory children receive full and appropriate opportunities to meet the same challenging State academic content and student academic achievement standards that all children are expected to meet; Design programs to help migratory children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit the ability of migrant children to do well in school, and to prepare them to make a successful transition to post-secondary education or employment; and ensure migratory children benefit from State and local systemic reforms.</p> | <p>MEP: U\$S 340,000,000</p> <p>HEP and CAMP: US\$ 34,000,000</p> <p>MEES: U\$S 2,100,000</p> | Office of Migrant Education. |
| Additional information | <p>Civil Rights Act, Title VI, Sec. 2000d. (1964). Prohibition against exclusion from participation in, denial of benefits of, and discrimination under federally assisted programs on ground of race, color, or national origin.</p> <p>“No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”</p> <p>Elementary & Secondary Education Act:</p> <p>Title III- English Language Acquisition, Language Enhancement, and Academic Achievement Act. Part A – The purposes are to help ensure that children who are limited English proficient, including immigrant children and youth, attain English proficiency, develop high levels of academic attainment in English, and meet the same challenging State academic content and student academic achievement standards as all children are expected to meet; to assist all limited English proficient children, including immigrant children and youth, to achieve at high levels in the core academic subjects so that those children can meet the same challenging State academic content and student academic achievement standards as all children are expected to meet, consistent with section 1111(b)(1); to develop high-quality lan-</p> | Title I, Parte C: According to the Law each State is entitled to receive under this part an amount equal to the sum of the estimated number of migratory children between the ages of three and 21 who reside in the State full time, and the full-time equivalent of the estimated number of migratory children between the ages of three and 21 who reside in the State part time, as determined in accordance with subsection (e); multiplied by 40 percent of the average per-pupil expenditure in the State, except that the | Office of Elementary and Secondary Education. Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students (OELA). |



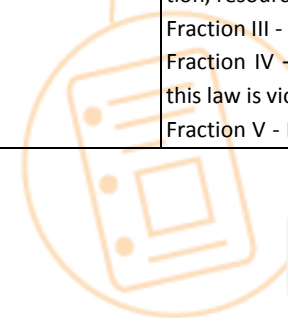
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| | <p>language instruction educational programs designed to assist State educational agencies, local educational agencies, and schools in teaching limited English proficient children and serving immigrant children and youth; to assist State educational agencies and local educational agencies to develop and enhance their capacity to provide high-quality instructional programs designed to prepare limited English proficient children, including immigrant children and youth, to enter all-English instruction settings; to assist State educational agencies, local educational agencies, and schools to build their capacity to establish, implement, and sustain language instruction educational programs and programs of English language development for limited English proficient children; to promote parental and community participation in language instruction educational programs for the parents and communities of limited English proficient children; to streamline language instruction educational programs into a program carried out through formula grants to State educational agencies and local educational agencies to help limited English proficient children, including immigrant children and youth, develop proficiency in English, while meeting challenging State academic content and student academic achievement standards; to hold State educational agencies, local educational agencies, and schools accountable for increases in English proficiency and core academic content knowledge of limited English proficient children by requiring — demonstrated improvements in the English proficiency of limited English proficient children each fiscal year; and adequate yearly progress for limited English proficient children, including immigrant children and youth, as described in section 1111(b)(2)(B); and to provide State educational agencies and local educational agencies with the flexibility to implement language instruction educational programs, based on scientifically based research on teaching limited English proficient children, that the agencies believe to be the most effective for teaching English.</p> | <p>amount determined under this paragraph shall not be less than 32 percent, nor more than 48 percent, of the average per-pupil expenditure in the United States.</p> | |
| Country | Mexico | | |
| Questionnaire answer | <p>Article 3 of the Political Constitution:* The education provided by the State - Federation, States, Municipalities - will tend to develop harmoniously all the powers of the human being and in turn, promote in him, the love of Country and the conscience of international solidarity in independence and justice (...).</p> <p>Article 38 of the Organic Law of the Federal Civil Service* regarding the roles and responsibilities of the Secretariat of Public Education.</p> <p>General Education Law * : Article 1 - This Law regulates the education provided by the State - Federation, federal entities, municipalities - its decentralized bodies and private parties with authorization or with recognition of official validity of studies (...).</p> <p>Article 3 - The State is obliged to provide educational services so that the entire</p> | <p>CONAFE: \$ 36,652,786.-</p> <p>PRONIM: \$ 71,877,915.-</p> <p>CGEIB: \$ 168,000.-</p> | <p>Program for early Childhood and Primary Education for children of migrant agricultural laborers (PRONIM).</p> <p>National Council for the Promotion of Education (CONAFE).</p> <p>General Coordination of intercultural bilingual education (CGEIB).</p> |



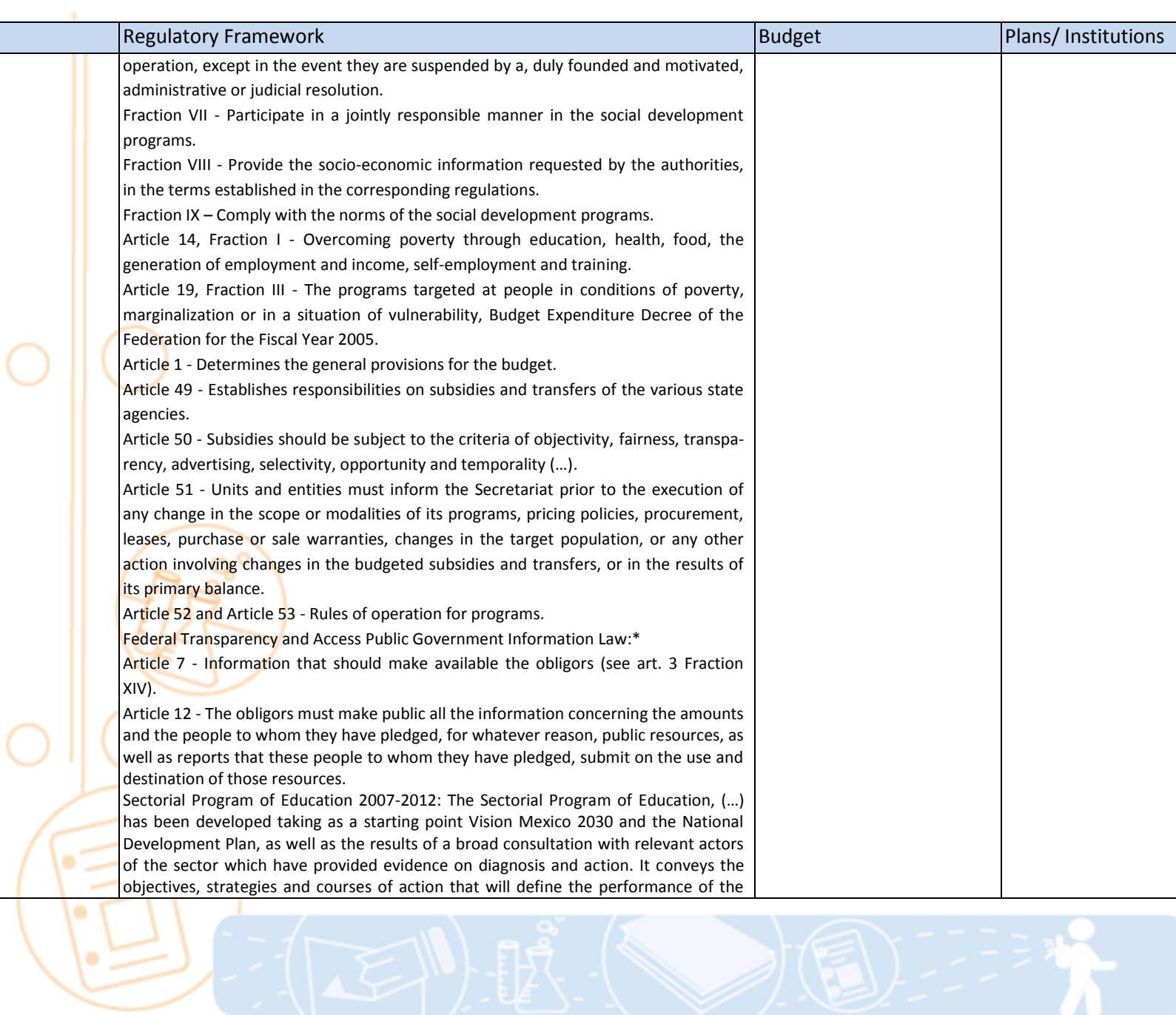
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| | <p>population can have preschool, primary and secondary education. (...)</p> <p>Article 6 - "The education that the State provides will be free. The donations intended for such education in no event shall be taken as compensations to the educational service."</p> <p>Article 7 - Which details the aims and values of the education.</p> <p>Article 8 - Which says that the approach that will guide the education will be democratic, national and contribute to the best human coexistence.</p> <p>Article 12 - Powers of the federal educational authority.</p> <p>Article 14 - Concurrent powers of the federal and local educational authorities. Article 25 - The Federal Executive and the government of each federal entity, subject to the corresponding applicable provisions for revenue and public spending, are responsible for the financing of public education and the educational services (...).</p> <p>Article 32 - Educational authorities will take measures to establish conditions that enable the full exercise of the right to education of each individual, more educational equity, as well as the achievement of effective equality in access opportunities and permanence in the educational services. These measures will, preferably, be aimed at groups and regions with greater educational lag or that are facing economic and social conditions of disadvantage.</p> <p>Article 33 - Describes activities to enhance education for populations with economic and social disadvantages.</p> <p>Article 34 - In addition to the activities listed in the previous article, the Federal Executive will carry out compensatory programs by virtue of which it will provide support with specific resources to the governments of those federal entities with greater education lags (...).</p> <p>Article 49 - The educational process is based on the principles of freedom and responsibility to ensure the harmony of relations between students and educators and promote group work to ensure communication and dialog between learners, educators, parents and public and private institutions.</p> <p>Article 65 - Rights of those who exercise parental authority or guardianship.</p> <p>Article 66 - Obligations of those who hold the parental authority or guardianship.</p> <p>Article 68 - Educational authorities will promote, in accordance with the guidelines established by the federal educational authority, the participation of society in activities that are aimed at strengthening and improving the quality of public education, as well as expanding coverage of the educational services.</p> | | |



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| | <p>National Agreement for the Modernization of Basic Education:* (...) proposes the reorganization of the educational system, the reformulation of the contents and educational materials, and the revaluation of the magisterial function.</p> <p>General Law for Social Development*:</p> <p>Article 1, Fraction I – Ensure the full exercise of the social rights enshrined in the Constitution of the United Mexican States, guaranteeing access of the entire population to social development.</p> <p>Section VI - Regulate and ensure the delivery of goods and services contained in the social programs.</p> <p>Fraction VII - Determine the foundations and promote social and private participation in the field.</p> <p>Fraction VIII- Establish monitoring and evaluation mechanisms of the programs and actions of the National Policy on Social Development.</p> <p>Article 6: Education, health, food, housing, the enjoyment of a healthy environment, labor and social security, are rights for social development, as well as those relating to non-discrimination in the wording of the Constitution of the United Mexican States.</p> <p>Article 7: Everyone has the right to participate and to benefit from the social development programs, according to the guiding principles of the Policy for Social Development, in the terms established by the norms of each program.</p> <p>Article 8: Any person or social group in situation of vulnerability has the right to receive deeds and support aimed at reducing their disadvantage.</p> <p>Article 9: Municipalities, the governments of the federal entities and the Federal Executive Branch, in their respective areas, will formulate and implement compensatory policies and care, as well as opportunities for the development of production and income for the benefit of individuals, families and social groups in situation of vulnerability, assigning the required budgetary resources and establishing quantifiable targets.</p> <p>Article 10, Fraction I - Receive a respectful, timely and quality treatment.</p> <p>Fraction II- Access to the necessary information in such programs, its rules of operation, resources and coverage.</p> <p>Fraction III - Have the retention and privacy of personal information.</p> <p>Fraction IV – Submit complaints and file reports with the appropriate bodies when this law is violated.</p> <p>Fraction V - Receive services and benefits from the programs according to its rules of</p> | | |

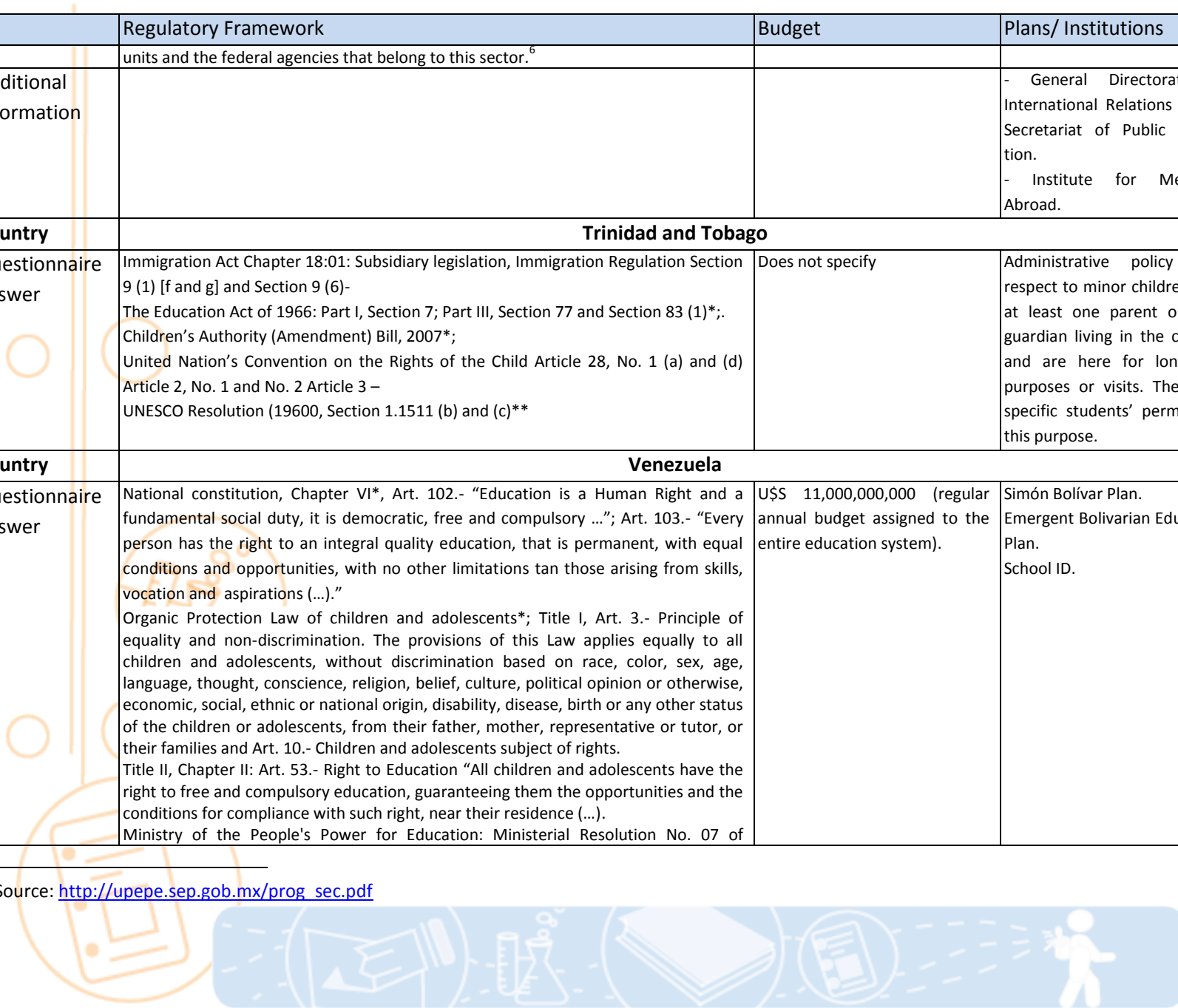


| | Regulatory Framework | Budget | Plans/ Institutions |
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| | <p>operation, except in the event they are suspended by a, duly founded and motivated, administrative or judicial resolution.</p> <p>Fraction VII - Participate in a jointly responsible manner in the social development programs.</p> <p>Fraction VIII - Provide the socio-economic information requested by the authorities, in the terms established in the corresponding regulations.</p> <p>Fraction IX – Comply with the norms of the social development programs.</p> <p>Article 14, Fraction I - Overcoming poverty through education, health, food, the generation of employment and income, self-employment and training.</p> <p>Article 19, Fraction III - The programs targeted at people in conditions of poverty, marginalization or in a situation of vulnerability, Budget Expenditure Decree of the Federation for the Fiscal Year 2005.</p> <p>Article 1 - Determines the general provisions for the budget.</p> <p>Article 49 - Establishes responsibilities on subsidies and transfers of the various state agencies.</p> <p>Article 50 - Subsidies should be subject to the criteria of objectivity, fairness, transparency, advertising, selectivity, opportunity and temporality (...).</p> <p>Article 51 - Units and entities must inform the Secretariat prior to the execution of any change in the scope or modalities of its programs, pricing policies, procurement, leases, purchase or sale warranties, changes in the target population, or any other action involving changes in the budgeted subsidies and transfers, or in the results of its primary balance.</p> <p>Article 52 and Article 53 - Rules of operation for programs.</p> <p>Federal Transparency and Access Public Government Information Law:*</p> <p>Article 7 - Information that should make available the obligors (see art. 3 Fraction XIV).</p> <p>Article 12 - The obligors must make public all the information concerning the amounts and the people to whom they have pledged, for whatever reason, public resources, as well as reports that these people to whom they have pledged, submit on the use and destination of those resources.</p> <p>Sectorial Program of Education 2007-2012: The Sectorial Program of Education, (...) has been developed taking as a starting point Vision Mexico 2030 and the National Development Plan, as well as the results of a broad consultation with relevant actors of the sector which have provided evidence on diagnosis and action. It conveys the objectives, strategies and courses of action that will define the performance of the</p> | | |



| | Regulatory Framework | Budget | Plans/ Institutions |
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| | units and the federal agencies that belong to this sector. ⁶ | | |
| Additional information | | | <ul style="list-style-type: none"> - General Directorate of International Relations of the Secretariat of Public Education. - Institute for Mexicans Abroad. |
| Country | Trinidad and Tobago | | |
| Questionnaire answer | <p>Immigration Act Chapter 18:01: Subsidiary legislation, Immigration Regulation Section 9 (1) [f and g] and Section 9 (6)-</p> <p>The Education Act of 1966: Part I, Section 7; Part III, Section 77 and Section 83 (1)*;.</p> <p>Children's Authority (Amendment) Bill, 2007*;</p> <p>United Nation's Convention on the Rights of the Child Article 28, No. 1 (a) and (d)</p> <p>Article 2, No. 1 and No. 2 Article 3 –</p> <p>UNESCO Resolution (19600, Section 1.1511 (b) and (c)**</p> | Does not specify | Administrative policy with respect to minor children with at least one parent or legal guardian living in the country and are here for long-term purposes or visits. There are specific students' permits for this purpose. |
| Country | Venezuela | | |
| Questionnaire answer | <p>National constitution, Chapter VI*, Art. 102.- "Education is a Human Right and a fundamental social duty, it is democratic, free and compulsory ..."; Art. 103.- "Every person has the right to an integral quality education, that is permanent, with equal conditions and opportunities, with no other limitations than those arising from skills, vocation and aspirations (...)."</p> <p>Organic Protection Law of children and adolescents*; Title I, Art. 3.- Principle of equality and non-discrimination. The provisions of this Law applies equally to all children and adolescents, without discrimination based on race, color, sex, age, language, thought, conscience, religion, belief, culture, political opinion or otherwise, economic, social, ethnic or national origin, disability, disease, birth or any other status of the children or adolescents, from their father, mother, representative or tutor, or their families and Art. 10.- Children and adolescents subject of rights.</p> <p>Title II, Chapter II: Art. 53.- Right to Education "All children and adolescents have the right to free and compulsory education, guaranteeing them the opportunities and the conditions for compliance with such right, near their residence (...).</p> <p>Ministry of the People's Power for Education: Ministerial Resolution No. 07 of</p> | U\$S 11,000,000,000 (regular annual budget assigned to the entire education system). | <p>Simón Bolívar Plan.</p> <p>Emergent Bolivarian Education Plan.</p> <p>School ID.</p> |

⁶ Source: http://upepe.sep.gob.mx/prog_sec.pdf



| | Regulatory Framework | Budget | Plans/ Institutions |
|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|--------------------------------|
| | <p>02/25/2003: lays down rules for the enrollment of children and adolescents who do not have personal identification documents, both domestic and foreign.</p> <p>Resolution No. 76 of 07/31/2003 published in the Official Gazette No. 37,640 of 02/26/2008: dictate the rules for the enrollment of children and adolescents who do not have personal identification documents. Allows the entry of migrant population of children and adolescents to the educational institutions, through a system of school IDs that allows their identification that will be part of all the documents probatory of study prepared by the staff or the educational area, while they perform the legalization proceedings.</p> <p>Resolution No. 1181: Guarantees the right to education for children and adolescents between the ages of ten to 14.</p> <p>Circular No. 20 dated 09/08/2003: Rule for the School ID for children and adolescents who enter the III Stage of Basic, Diversified Middle and Professional Education, who do not have personal identification documents. International Instruments: Convention Andres Bello, Art. 4; MERCOSUR;** ALBA, final declaration of the VII Summit (04/17/2009*).</p> | | |
| Additional information | | | Robinson Mission (Illiteracy). |



Some observations:

- In many cases the legislation does not mention nor address the topic of education of migrant children and youth (see *). We cannot assert the existence of a defined public policy that specifically addresses these groups, but rather that the education of migrant children and youth is often a subsidiary of other compensatory education policies.
- In Argentina, we are able to verify that both in the Immigration Law as well as in the Education Law, it is established that migrant children and youth, beyond their legal status, have the same rights to education as national students. However, to obtain the certification, it is necessary to previously process the identity document.
- In the case of the United States we can identify that there is a more widely developed public policy, embodied in the Education Act, with clear rules on budget and general objectives for migrant populations (see definition above), as well as for immigrants, mostly in educational programs for English teaching. Please note the NCLB Act and the schools operating under the regime of Title III (see table).
- In Mexico there is also legislation associated with programs that will have an impact on populations of migrant laborers: Program for early Childhood and Primary Education for Children of Migrant Agricultural Laborers (PRONIM); National Council for the Promotion of Education (CONAFE); General Coordination of Intercultural Bilingual Education (CGEIB)), as well as for Mexicans residing abroad.
- In many countries, there is no specific budget assigned to educational initiatives for migrant children and youth; nor do they mention institutions linked to the implementation of public policies that assume responsibility on this subject.
- Only in some cases are there developed plans for the education of migrant children and youth (The Migrant Education Program in the US, National Plan for Comprehensive Care for People Displaced by Violence in Colombia, PRONIM in Mexico).
- The other plans mentioned also include:
 - Other types of populations (excluded, undocumented populations, original peoples); or
 - Another type of approach, not only educational (i.e., National Development Plan for Human Migration in Ecuador).



B. Programs

The programs in the grey fields were found in secondary sources of information. They are not part of the data supplied by the survey.

| Country | Programs/ Activities | Objectives | Resources |
|---------------------|------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| Antigua and Barbuda | Social studies, subject: Education for a Democratic Citizenship | Civil education is the main objective in the development of social studies. This would be achieved through: Knowledge of issues and social problems Development of skills Development of values and attitudes Social participation Social studies is a study area with pedagogical objectives; the main focus is the relationship between humans. These relations are important to build: An understanding of our role and responsibility as citizens in a democratic society Awareness of our link and local, regional and global interdependence. | |
| Argentina | 1. Intercultural Bilingual Education Modality | 1. Consolidate Intercultural Bilingual Education, aimed at indigenous students. | |
| | 2. Border school Argentina-Brazil | 2. Development of strategies that take into account interculturality and bilingualism in schools located in border areas. | |
| | 3. National Plan for Educational Inclusion "All to study", a component for the eradication of child labor | 3. Ensure the right to education to all children and youth excluded from the formal education system. | <i>Fondo Escolar para la Inclusión Educativa</i> |
| | 4. Assistance Program for the schooling of children and young <i>paseros</i> between Bolivia and Argentina | 4. Promote the schooling of children and young unschooled " <i>paseros</i> " between Bolivia and Argentina. | Agreement with OIM |
| | 5. Title equivalency policies to guarantee the right to education of migrant populations. | 5. Ensure the continuity of the studies in the different levels of education for students from different countries. | Source: National survey "Diagnosis of students coming from MERCOSUR countries" |
| Barbados | Student visas | Migrants must have a regularized situation to be able to study (they must have a student visa and pay a small tariff). | |
| Canada | Actions: 1. Integrate immigrant students into the exist- | General: Deepen educational achievements, especially | Documents: |

| Country | Programs/ Activities | Objectives | Resources |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | ing school system. 2. (British Columbia) School authorities and schools meet their obligations under the legislation that addresses human rights and discrimination. 3. (Quebec) Support to integrate immigrant students into the school system. 4. The inclusion of ethnicity and diversity, and the teaching of English as a second language are integral parts of the curriculum. 5. Heritage Language Education Policy. 6. (Manitoba) working for the needs of students and communities with diverse cultures and languages. 7. Initiatives for a healthy school. 8. Funding for special programs. 9. Workers with school programs agreement. | for migrant children and youth. There are many and various actions in the different provinces due to the decentralized nature of the education system. | <u>BC</u> : Diversity in BC Schools: A Framework. <u>Quebec</u> : 1998 Policy of School Integration and Inter-cultural Education, with a Plan of Action. <u>Atlantic Canada</u> : Atlantic Canada English Language Arts Curriculum for High School and Foundation for the Atlantic Arts Education Curriculum <u>Saskatchewan</u> : Heritage Language Education Policy. <u>Manitoba</u> : K-S4 Education Agenda for Student Success, 2002-2006. <u>Alberta</u> : Funding Manual 2009/10. |
| Colombia | 1. Policy for expanded coverage | Expand opportunities so as to prioritize that displaced populations can have access to the education system. | |
| | 2. Policy for the improvement of the education quality | That all students have opportunities to study, be productive and continue learning throughout life. | |
| | 3. Efficiency policy | Improvement of the planning, evaluation and follow-up processes, in educational management. | |
| Costa Rica | 1. Open Classroom project | Ensure basic education to children and young people excluded from the educational system or at risk of desertion. | Does not specify. |
| | 2. Intercultural Education | Add to the schools' instruction and institutional plan, all those activities deemed necessary for the development of the contextualization of the Basic National Curriculum, in order to achieve curricular and pedagogical membership of the educational process. It is of major importance to consider the ethnic, national and generational, cultural plurality (...). | |
| Ecuador | 1. National Plan to enforce Ministerial Agreement 337, on Access and permanence to the Ecuadorian Educational System for Ecuadorian and/or foreign children and adolescents requiring priority care due to their | Prioritize care for this population in situation of human mobility, on equal terms, and ensuring their rights to access and permanence to quality education. | Does not specify. |

| Country | Programs/ Activities | Objectives | Resources |
|--------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | migrant condition. 2. Plan Ecuador for the care of children of refugees, displaced or emigrants of the North and South borders. 3. Integration Project Ecuador – Peru. 4. <i>Escuelas cercanas</i> (SENAMI/ME Agreement). | | |
| | 5. <i>Plan Retorno “Bienvenid@s a casa”</i> (National Plan for the Human Development of Migration). | Provides information on quotas and scholarships for students re-entering the education system. | |
| El Salvador | a. National Education Plan 2021; b. Development of life skills, Promotion of children’s rights—promotion of democracy and citizenship, Promotion of Values; c. Legislative Decree No. 238: National Committee against Human Trafficking; d. Shelter for the attention of girls who are victims of the crime of human trafficking; e. Bi-national Commission of Border Development, of which the MINED is a member. | 1. Strengthen information, educational and learning levels of vulnerable populations that are mistreated on their Human Rights. 2. Prevent and sensitize about the crime of human trafficking and smuggling of migrants, and improve access to information on issues related to domestic violence, and sexual and reproductive health. | |
| United States of America | Office of Migrant Education | | |
| | 1. Migrant Education Program (MEP) | Support high-quality and comprehensive educational programs for migratory children to help reduce the educational disruptions and other problems that result from repeated moves, among other things. | Receives approximately 340 million dollars appropriated by the U.S. Congress that is awarded by formula grants to state education agencies. |
| | 2. High School Equivalency Program (HEP) | Helps migratory and seasonal farm workers (or children of such workers) who are 16 years or older and currently unenrolled in school to obtain the equivalent of a high school diploma and, subsequently, to gain employment or begin postsecondary education or training. | The HEP and CAMP receive approximately 34 million dollars appropriated by the U.S. Congress that is awarded through discretionary grants to IHEs and non-profit organizations. |
| | 3. College Assistance Migrant Program (CAMP) | Assists students who are migratory or seasonal farm workers (or children of such workers) enrolled in their first year of undergraduate studies at an IHE. | Competitive five-year grants for CAMP projects are made to IHEs or to non-profit private agencies that cooperate with such institutions. |
| | 4. Migrant Education Even Start Program. (Even Start) | Is designed to help break the cycle of poverty and improve the literacy of participating migrant families by integrating early childhood education, adult literacy or adult basic education, and parenting education into a unified family literacy program. | Receives approximately U\$S 2,1 million appropriated by the U.S. Congress. |

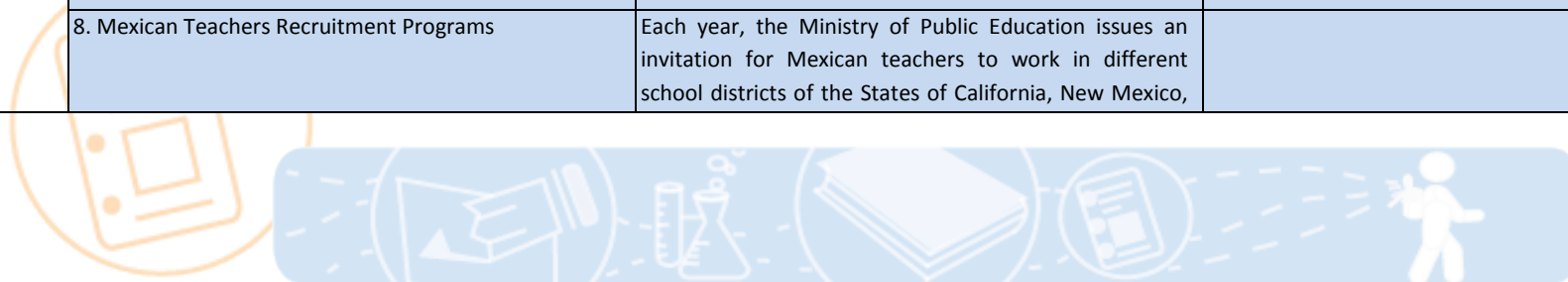
| Country | Programs/ Activities | Objectives | Resources |
|---------|------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | 5. Bi-national Migrant Education Program | The intent is to further develop the role that the OME plays in the coordination of activities among U.S. States that participate in programs with Mexican States to improve the continuity of educational and social services for migrant students who migrate between the two countries. | Memorandum of Understanding between the government of the United States and Mexico. |
| | 6. Migrant Student Records Exchange Initiative. | Its primary mission is to ensure the appropriate enrollment, placement, and accrual of credits for migrant children. The technology used allows States to share educational and health information on migrant children who travel from State to State and who as a result, have student records in multiple States' information systems. | The Migrant Student Information Exchange State Data Quality Grant program provides additional resources to State educational agencies (SEAs) receiving MEP Basic Formula Grant awards in order to assist them and their local operating agencies (LOAs) in implementing the interstate exchange of migrant children's records electronically through the MSIX. |
| | 7. Consortium Incentive Grants | Through this program, the Department provides financial incentives to State Educational Agencies (SEAs) to participate in high quality consortia that improve the interstate or intrastate coordination of migrant education programs by addressing key needs of migratory children who have their education interrupted. | State Educational Agencies (SEAs) can participate in consortium with another State or entity. |
| | 8. Center for the Portable Assisted Study Sequence Program, for semi-independent studies | The Portable Assisted Study Sequence (PASS) Program consists of self-contained, semi-independent study courses that enable students to earn secondary-level academic credits. Participating students generally take these in order to make-up courses, meet graduation requirements or cope with scheduling difficulties. PASS courses are designed to parallel regular academic courses offered in most schools. Applies mostly to migrant children and youth. | The NPC is funded by state participation and distribution site license fees, as well as periodic, course-specific grants from various entities. |



| Country | Programs/ Activities | Objectives | Resources |
|-----------|---------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| | 9. Migrant Education comprehensive needs assessment | State educational agencies (SEA) must deliver and evaluate Migrant Education Program (MEP)-funded services to migratory children based on a State plan that reflects the results of a current statewide comprehensive needs assessment. | |
| | Office of English Language Acquisition | | |
| | 10. State Formula Grant Program | This program is designed to improve the education of limited English proficient (LEP) children and youths by helping them learn English and meet challenging state academic content and student academic achievement standards. The program provides enhanced instructional opportunities for immigrant children and youths. Funds are distributed to states based on a formula that takes into account the number of immigrant and LEP students in each state. | Funds are distributed by the Office of English Language Acquisition (OELA). |
| | 11. Title III Accountability and Data for English Language Learners | According to the education, participants of the program grants have to submit an accountability report, which shall include results, achievements and comparisons with all students. | Funds are distributed by the Office of English Language Acquisition (OELA). |
| | 12. Foreign Language Assistance Program (FLAP) and Foreign Language Incentive Program | This program provides grants to establish, improve, or expand innovative foreign language programs for elementary and secondary school students. | Funds are distributed by the Office of English Language Acquisition (OELA). |
| Guatemala | 1. Migration and its relation to the Basic National Curriculum (CNB). Until now it has been working meetings. | Empower the educational community on the issue of migration, and above all, in accordance with the promotion of the Right to Not Emigrate. | Social Development Law, art. 35. |
| Guyana | 1. Developing criteria for the location of students in primary and secondary education | Provide free access to formal education in the initial, primary and secondary level. Migrant students must write a test, and based on the score they are located in the appropriate schools. | |
| México | 1. Program for early Childhood and Primary Education for children of migrant agricultural laborers (PRONIM) | Promote basic intercultural education, for children of migrant agricultural laborers, through the coordination of inter-agency efforts. | PRONIM: U\$S 5,500,000.- |



| Country | Programs/ Activities | Objectives | Resources |
|---------|---------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| | 2. National Council for the Promotion of Education (CONAFE) | Promote conditions to ensure that child laborers enter, remain and conclude a quality initial and basic education. | CONAFE: U\$S 2,760,000.- |
| | 3. General Coordinator of intercultural bilingual Education (CGEIB) | Development of a document proposal for intercultural support for teachers of populations that have had educational experiences in the United States of America to achieve greater integration of pupils. | CGEIB: U\$S 12,600.- |
| | 4. Binational Migrant Student Transfer document | The Binational Migrant Student Transfer document (Documento de Transferencia del Estudiante Migrante Binacional) expedites the enrollment of children in Mexican and United States schools. | |
| | 5. Bi-National Migrant Education Program (PROBEM) (See also USA) | The Bi-national Migrant Education Program (PROBEM) was created in 1982 and is a joint effort of the Governments of Mexico and the United States to meet the educational needs of migrant children and youth. | |
| | 6. Teacher Exchange Program Mexico-United States | This program was created as an international cooperation initiative to reduce the constant demand for bilingual teachers that school districts require to address children of Mexican residents in the United States that do not have command of the English language. The selected Mexican teachers travel to the United States during the summer and work with Mexican children or of Mexican origin. | |
| | 7. Community Places and Adult Education | This program is carried out through the system of open learning of the National Institute for the education of Adults (INEA). It offers materials, programs, training, counseling, certification and accreditation of studies in the modalities of literacy, primary and secondary education. | |
| | 8. Mexican Teachers Recruitment Programs | Each year, the Ministry of Public Education issues an invitation for Mexican teachers to work in different school districts of the States of California, New Mexico, | |



| Country | Programs/ Activities | Objectives | Resources |
|---------|---------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| | | Utah, Illinois and Oregon. It supports the education of Mexican children or of Mexican origin that reside in the United States. | |
| | 9. Accreditation of the Preparatory and Baccalaureate/ High School | Service to evaluate and, if the case be, certify people over the age of 21 on the knowledge acquired in a self-instructional manner or by job experience, at the upper-middle (preparatory) level. This program is now available in the cities of Atlanta, Chicago, Dallas, Los Angeles, Minneapolis, Phoenix and Tucson. In the case of the accreditation of the Baccalaureate (High School), it is not only for migrants, but for all those over the age of 21, of Mexican nationality, who have a Secondary School Certificate, Unique Population Registration Code, and official photo identification; and that through self-instruction learning or life experience have acquired knowledge comparable to that of the General Baccalaureate, whereby this process is based on a rigorous evaluation. | |
| | 10. Spanish book donation | The Institute for Mexicans abroad with the cooperation of the Ministry of Public Education (SEP) and the National Commission for Free Textbooks (CONALITEG) promotes the annual distribution of books, which can be requested through the nearest Mexican consulate. | |
| | 11. Open and Distance Baccalaureate/High school - Open and Distance Education System (SEAD) | The goals of the distance High school are: 1. To offer a different learning strategy where the students prepare themselves through the use of various educational resources and technologies that facilitate and guide their educational process, in such a way that they use their everyday knowledge, and that in turn it leads to develop skills and learning strategies that gradually shape them into an independent or autonomous student. 2. Increase the education level of Mexican immigrants in the United States, allowing them to obtain official high | |

| Country | Programs/ Activities | Objectives | Resources |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | school certification. | |
| | 12. Distance Preparatory | Its aim is to bring formal education to those Mexicans in the United States, who have not started or completed their high school studies. It is based on virtual courses on the internet, and have the follow-up of a support center. | |
| | 13. Language Learners at the University Center for Hispanic Achievement (LUCHA) Program, launched by the University of Texas in 2006, which works jointly with the National Institute of adult education and the Bachelors Society. | The LUCHA program provides different services to schools that wish to help their Hispanic students, such as: obtaining report cards from Mexican schools for those students that do not have them, conducting curriculum analysis and/or the creation of individual plans for graduation, conducting diagnostic tests that help determine the students' academic level, and the possibility for students to take online courses in Spanish through on-line services provided by the INEA and the Bachelors Society. | |
| Panama | Intercultural Bilingual Education Project | Address the cultural diversity, honoring the customs, traditions and values of indigenous peoples and providing literacy instruction in the native language in the first two years of basic education. | Organic Education law (Does not mention migrant children and youth) Andrés Bello Agreement (regional treaty). |
| | Special Education | Promote the respect for human rights, to ensure equal opportunities and a better quality of life to Panamanians with disabilities and their families. | |
| | English for life | Advance the study and proficiency of the English language in the Panamanian population to make it more competitive in the labor market. | |
| Paraguay | Does not specify. | Does not specify. | Law 563/95 For the recognition of certificates and titles. Endorsement of the Andrés Bello Agreement (regional treaty). Resolution 426/02 that recognizes and accredits studies and tests of National |

| Country | Programs/ Activities | Objectives | Resources |
|----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|
| | | | Plans of differentiated Basic School Education. |
| Trinidad and Tobago ⁷ | Student permit | Registration of students in the educational establishments. | Immigration Law, chapter 18. |
| Venezuela | <p>School Meals Program. Contributes to the access, permanence and academic performance; pursuance and improvement of the nutritional conditions of the student population.</p> <p>Mission Robinson I, II, productive Robinson and Ribas. Migrants have access to the Venezuelan educational system strengthening the permanence and pursuance of literacy and secondary education studies.</p> <p>School ID. Provides educational IDs to those that do not have documents. Allows, at a national level, students to have access to the study and evaluation control system.</p> <p>Infocenter. Provides access to Internet use to quarters with limited resources for free and without any kind of segregation.</p> <p>Student Support, Welfare and Protection Program. Financial, sanitary and social aid for families.</p> | <ul style="list-style-type: none"> - Provide comprehensive educational care to the population of excluded children and adolescents. - Ensure food security, health and their rights to the population of excluded children and adolescents. - To ensure the permanence and continuation in the educational system of the population of excluded children and adolescents. - To ensure the continuation of higher studies and the incorporation into the production process. - Contextualize education according to the region or community type. - To monitor the educational spaces, teachers, facilitators and professional teams with the purpose of ensuring a quality education. - To ensure the enjoyment of social rights in an universal and equitable manner to gradually decrease social inequities. | Does not specify. |

⁷ On the question regarding what programs target the issue, Trinidad and Tobago answers mentioning some school subjects (“Social Studies Programme, English Language, Science (culturally adaptive) and Health and Family Life Education at the secondary level”). However, these do not mention the topic of education of migrant children and youth, nor do they refer to them indirectly. Therefore we have not included it in the report.



Reflections on the Programs for the Education of Migrant Children and Youth

- There is great diversity and variety in the programs and projects aimed at the education of migrant children and youth. Among them, we can find programs aimed at improving the living conditions in the given poverty context in which many live, bilingual programs or the teaching of a new language, programs focused on family involvement, on access to the new information, and communication technologies. We also found more formal or bureaucratic initiatives, like the programs to obtain student permits (Trinidad and Tobago), or tests for students to study at the proper level (Guyana).
- Given the frequent interrelationship between migration, poverty and exclusion, many times these programs and projects do not point only to the needs of the migrant education, but also include other topics (eradication of child labor, bilingualism), and other populations (indigenous students, refugees, excluded). In addition to being indigenous, these populations can have the characteristic of being migrant or living in border areas. For example, the bilingual or intercultural education programs in Latin America are more closely related with indigenous people and their incorporation and permanence in the educational systems.
- Even though it was an explicit question, in very few cases did the answer describe activities carried out in each of the respective programs. It would be interesting to have more information on specific activities aimed at the education of migrant children and youth.
- There were very few mentions of teacher training programs to meet the specificity of the topic. In Argentina, for example, the border schools program considers teacher training, but in its founding documents it is not very clear that the program is aimed at migrant children and youth. It is the teachers who work on both sides of the border, but there is no reference to children in the classroom belonging to different nationalities. It expands on the topic of teaching when providing instruction in cultural sectors with idiomatic differences, but there is no approach from the student's side.
- Mexico and the United States are the two countries with a greater amount and specificity of programs. The shared issue of Mexican migrants in the United States has developed a broad bilateral cooperation between the two countries as a strategy to address the issue in a comprehensive manner. There is a wide range of programs and incentives to improve the education of migrant children and youth, seeking to facilitate procedures, access, setting attainable goals and analyzing the needs faced by this particular group. While some of the problems and issues related to Mexicans in the United States are also transferrable to other groups of Hispanics and immigrants in this country, the northern Mexican border and the states on the southern border of the United States require specific programs so that Mexicans can guarantee their education and training.



- Mexico submitted a brief analysis on its programs after the survey. It has generated progress on policies and educational activities for the migrant population, although the challenges are still great, especially with regard to the subject of youth: “Among them (policies) programs such as the single modular report card, modular plans and programs suited to the mobility schedule of this population, the database used so to that the different schools can trace students. However, this work has been basically geared to the level of basic education and migrant youth has been scarcely addressed until now.”
- The border issue also comes up in the programs established in response to those displaced by the armed conflict in Colombia. Both Ecuador and Venezuela receive Colombian populations living as refugees or immigrants in their territories. Although the access to education is guaranteed, there are specific problems that do not make education easily available for these groups, such as the need for children and youth to work, or the lack of material resources to send their children to school.



8. Final Considerations

The data presented here allows us to visualize situations that are specific to the problematic elaborated along these pages. These include:

- The population of migrant children and youth presents specific needs that must be taken into account when thinking of public policies. Among them, some that frequently come up are the language issue, cultural integration, the uprooting from the country of origin, family separation and reunion, the interruption in the studies, the recognition of educational certificates.
- These problems are aggravated in the case of populations with low resources or in a situation of poverty and marginality, which is also influenced by difficulties in accessing the school—either because of bureaucratic documentation barriers or because of students’ particular reasons, such as not attending school because they have to work; less permanence in school, and academic achievements lower than those of the national average. We cannot conclude that migrant children and youth necessarily have greater problems in the access, permanence and educational achievements, but given that the phenomenon of migration is often linked to situations of marginality and poverty, these three points are key when attending to these populations.
- The lack of accurate and updated data on migrants, along with the fact that many of the countries have not answered the survey, and also that nine of the countries that answered report they do not have a public



policy, suggests that the issue of education of migrant children and youth is not a high priority in the region's public agenda. Even though some countries have undertaken the issue and incorporated it in its public policy, at the hemispheric level the challenges are still very large.

- The achievements of the specific programs can be summarized mainly in international cooperation actions, exchange of methodologies and information on students, particularly among countries with a shared border such as Bolivia and Argentina, the United States and Mexico, and Colombia with Venezuela and Ecuador. The programs have had different levels of results in the inclusion of populations that are outside of the educational systems, attempting to address the specific requirements that students have when they migrate, such as the validation of titles and academic equivalencies.
- One of the most significant problems mentioned is the ability to measure and assess the population of immigrant students in the different countries, so as to better define policies and programs. This problem is worsened when immigrants also move within the country, either because of their parents' job or their own or due to internal conflicts. Most of the population census collect information on the foreign population in the territory, but this has some problems. First, that data is collected every ten years, and given the high rotation of immigration and its rapid growth, many times becomes obsolete. The census are not able to measure illegal immigration, which is the most vulnerable group within this population, because these people are not always willing to respond to the census questions or household surveys for fear of being deported. Questions and criteria in the topic of education do not always distinguish the immigrant population. Many times the data obtained from the census are not comparable between the countries (i.e., the age criteria varies).
- Another difficulty identified is the lack of specific budget for the development of the programs. In many of the surveys the response to financing was not clear, suggesting that programs could come to rely on the political will of the officials, instead of having a budget on which to rely year to year, in addition to accountability and measuring results. The volatility of the budgets not only influences the implementation of the program, but also its assessment and its adequacy in future years.
- The approach to the problems of migrant children and youth goes beyond the school for most of the countries; it also involves other social policies, such as access to housing and health. In the specific case of people displaced by violent conflicts, as is the case in Colombia, the refugee camps are interim situations in the larger problem of access to housing. The precarious living conditions of many immigrants and refugees entails thinking of a comprehensive approach to public policy, which includes general integration policies and the inclusion of other social services in addition to education.
- The issue of teacher training is also very important in school standards. Often teachers do not receive specific education and training to approach classrooms with students from different backgrounds. The increased amount of migrant children and youth in schools also represents a challenge for the teachers who must learn to teach in these new contexts. It is also important that the classroom size be conducive to exchange and dialog among students, and among them and the teacher, that the school curriculum considers



cultural, language, and identity differences of the individuals. A curriculum that can overcome an ahistorical vision of culture and enables an intercultural dialog between the various participants of the educational process will be very beneficial for the integration and development of migrant children.

These points attempt to display some of the particular topics in the education of migrant children and youth, so as to establish a basis for the future design and implementation of public policies and programs. This report intends to make a contribution towards the state of the art in the region, and we hope it can be expanded and completed with new studies.





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10. Appendix

Survey Administered to the Ministries of Education

Mapping of Public Policies Targeting Migrant Children and Youth

Office of Education and Culture
Executive Secretariat for Integral Development
Organization of American States

July 2009

BRIEF QUESTIONNAIRE FOR MINISTRIES OF EDUCATION

Objective: The following questionnaire aims to identify existing public policies that address the education of migrant children and youth in the Americas. This information will be an input to build the first mapping of public policies regarding this issue in the region. We greatly appreciate your collaboration in this process.

Procedure: The questions are designed with a *Word-form* format. The information should only be written in the defined fields. These fields are marked on grey. You should click on the grey field in order to fill in the information.

Country: [Click here to enter text.](#)

Date: [Click here to enter text.](#)

Organization: [Click here to enter text.](#)

A) Basic data

1. Full name of the person completing the questionnaire: [Click here to enter text.](#)
2. Position: [Click here to enter text.](#)

B) Public policy

1. Is there a public policy that addresses the education of migrant children and youth and, if so, to whom is that policy directed?: (choose one or more options)



- ☐ Yes, for foreign migrants in the national territory.
- ☐ Yes, for internal migrants in the national territory.
- ☐ Yes, for national migrants living in other countries.
- ☐ No
- ☐ Not sure

2. If yes, name the legislation that regulates the policy: [Click here to enter text.](#)
3. If yes, indicate the assigned budget: [Click here to enter text.](#)
4. Indicate (if applicable) the name of the contact person: [Click here to enter text.](#)
5. Mention the most relevant education programs targeting migrant children and youth that form part of, or seek to implement, that policy. If there is no overall policy, please mention any programs that deal with this issue:

[Click here to enter text.](#)

6. List the main objectives of the mentioned policy and/or programs, and briefly describe the main activities:

[Click here to enter text.](#)

7. Mention other actors who are relevant for the implementation of this policy or these programs:

[Click here to enter text.](#)

8. Mention the main achievements (if relevant) of this policy or program. Indicate the sources that document the achievements (reports, publications):

[Click here to enter text.](#)

9. Mention the main challenges (if relevant) that the implementation of the policy or programs has faced. Indicate the means through which these challenges have been identified (for example, internal or external evaluations, requests from beneficiaries, research, reports):

[Click here to enter text.](#)

10. Indicate if there is some instrument or policy that tracks or estimates the number of migrant children and youth that live in the national territory. If yes, please name the instrument and the institution in charge.

[Click here to enter text.](#)

Thank you very much for your cooperation. Please return the completed questionnaire to Ms. Cecilia Sleiman at cesleiman@gmail.com. Please also direct any questions to her.

Team of the Inter-American Program

