

Disability and The Undocumented Experience

Bassirou Drame, Masters of Social Work Student, Rutgers University New Brunswick

Co-Authors: Robert Kimmel, Valentina Arrango-Correa, Nikkilee Pedersen, Bethany Chase, Patricia A. Findley

Introduction

There are many undocumented students with disabilities in New Jersey's K-12 schools whose educational rights are protected under the Individuals with Disabilities Education Act (IDEA). Unfortunately, the traditional transition process, which often focuses on securing students with government funded, eligibility-based services, is not often accessible for students that are undocumented. Specifically, undocumented students can not access Vocational Rehabilitation (VR), including Pre-Employment Transition Services, or Division of Developmental Disabilities (DDD) services in New Jersey.

As a result of this intersection of immigration status and disability being under-explored, many professionals are unsure of how to help students seek employment upon graduation and do not have trusted resources to provide for undocumented students and their families. Furthermore, there is a mistrust between professionals and the clients to reveal any information because of past experiences such as fear of deportation.

Education professionals and institutions are not permitted to ask students and families about their documentation status, which means that much of the prevalence data about this population could be considered speculative. However, according to Urban Institute, 5.6% of immigrant adults ages 18 to 64 have a disability. Specifically, 2.3% have multiple types of disabilities, 1.9% have a cognitive disability, and and 1/8% report having difficulty with independent living. 49 % of young immigrants with disabilities reported having low family income; they live 200 percent under the family federal poverty level (Echave and Gonzalez, 2022).

Objectives

This research and subsequent presentation is to expose transition coordinators and vocational rehabilitation counselor to this systemic issue. Critical considerations regarding transition aged students who are undocumented are be discussed, as well as implications for future research and current practice.

DISPELLING MYTHS: UNDOCUMENTED STUDENTS WITH DISABILITIES

There are many common myths and misconceptions about undocumented immigrants. Are you ready to become a myth-buster?

MYTHS ❌	FACTS ✅
1 The NJ transition process prepares all students for a positive outcome to adulthood.	1 According to IDEA, students with disabilities are entitled to a free, appropriate public education. Unfortunately, those with disabilities who are undocumented face barriers in transition planning, such as accessing VR and DDD services, because of their immigration status.
2 Everyone who is undocumented has the same status: You are either documented or not.	2 There are many different kinds of statuses. For example, within one family, different individuals may have different documentation and may have different paths forward. Each person will require unique legal services.
3 Undocumented immigrants abuse the welfare state/system	3 Immigrants are significantly less likely to receive welfare than non-born Americans. They pay off taxes on income even though they cannot benefit from most federal and state level welfare programs. For example, they may not be eligible for Medicaid if they can't prove work history.



TRANSITION For Undocumented Students with Disabilities

PROBLEM

In the state of New Jersey, undocumented students with disabilities are not able to access adult services, due to the fact that individuals must have a social security number in order to be eligible for these services.

OPPORTUNITIES

Educational professionals have the opportunity to positively influence outcomes for undocumented students with disabilities in transition, but need to look outside of traditional planning, which prioritizes government funded eligibility based supports and services.

CULTURALLY RESPONSIVE PRACTICES

- Use community resources for the student. For example, work with the family to connect the student with members from the student's cultural background or country of origin.
- Connect with local organizations that serve immigrant communities. These organizations often provide legal, educational, and healthcare resources.
- Develop trust and active involvement from the student and their family for the IEP process.
- Be open minded to cultural differences and preferences.

AGES 5-14

- Resources can be shared with families about possibilities for obtaining Legal Permanent Residency (LPR).
- Individuals can be eligible for Medicaid five years after obtaining LPR. As this process can be lengthy, students should start this process early.
- After 3 years of LPR status, students can apply for citizenship.

AGE 16+

- If the student has an immigration status, services and supports can be coordinated accordingly. Goals should be planned at this stage with the student's status in mind.
- For example, some may have a DACA (eligible from the age of 15+) status, which means they may qualify for some benefits as citizens.
- Legal resources are useful for students and their families at this stage.

AGE 18-21

- School based services are typically phasing out.
- Familiarize the student with Medicaid services and adult support services.
- Filing for asylum to get a work authorization card is one option for undocumented immigrants who want to work after graduating from high school.
- For students who want to pursue post-secondary education, New Jersey's *Comprehensive Access Act* provides in-state tuition and some state financial aid to DACA recipients and undocumented students.

Method

As member of the research team was assigned a question to explore and to summarize their findings. Specifically, we researched what is happening at the intersection of immigration and transition in other states, consulted an immigration lawyer on possible pathways to citizenships for undocumented youths and their families, and we gathered how VR counselors and transition coordinators dealt with this dilemma in the past.

Barriers Indicated from Interviews

- A mistrust between the immigrant families and the professionals, caused by many factors such as fear of deportation and other consequences of revealing status.
- Practitioners lack understanding on how to collaborate with the families.
- Eligibility criteria for students in transition are unclear for coordinators and related professionals/practitioners.
- There are misconceptions on what "undocumented" means.
- Data on demographics are speculative especially with the mistrust between the system and immigrants.

Recommended Solutions for Social Workers/Transition Coordinators

- All professionals who are involved to support the student need to understand how to be culturally responsive towards this populations.
- A collaborative framework needs to be established between inter-agency groups. This includes partnering with local immigrant organizations and using their communities as a resources for employment supports and other services.
- Transition coordinators/social workers should gain an understanding on possible pathways to citizenship especially when we consider potential barriers to accessing Medicaid services after high school for undocumented students with disabilities to prepare for better postsecondary outcome.

Reference

Echave, P., & Gonzalez, D. (2022). Being an Immigrant with Disabilities: Characteristics of a Population Facing Multiple Structural Challenges. *Urban Institute*. <https://doi.org/https://www.urban.org/research/publication/being-immigrant-disabilities>