

Report of the 2022 Forum on **Education** and **Migration**

The future of the **United States- Mexico human capital**: Opportunities for a **bilateral education and migration agenda**

UNIVERSITY OF CALIFORNIA
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The future of the **United States- Mexico human capital**: Opportunities for a **bilateral education and migration agenda**

Policy briefs written for the Forum on Education and Migration “The future of the United States-Mexico human capital: Opportunities for a bilateral education and migration agenda.” Forum was jointly organized by the Alianza MX of the University of California, the Embassy of Mexico in the United States, El Colegio de México and the Universidad Autónoma de Nuevo León.

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2022 Forum on Education and Migration

The future of the United States- Mexico human capital:
Opportunities for a bilateral education and migration agenda

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Introduction

Both the U.S. and Mexico face a significant challenge in addressing the educational needs of the 2 million migrant students who spend part of their lives in both Mexico and the United States (Gándara and Jensen, 2022). The COVID-19 pandemic and the contentious politics of immigration have fueled an additional layer of uncertainty for students, parents, teachers, and administrators on both sides of the border. The stress of closed schools and loss of employment were exacerbated by the threat of deportation for some family members as anti-immigrant rhetoric became all too common in the United States. Students have lost many months of schooling, and this has been especially grave for low-income, immigrant and students of color. The Obama administration attempted to ease the burden on students who came to the U.S. as children through the DACA (Deferred Action for Childhood Arrivals) program, and Deferred Action for Parents of Americans (DAPA) was also floated to reduce the burden on students born in the U.S. but whose parents risked deportation. DACA (a program created by Executive Order) has protected hundreds of thousands of young people but is currently at risk of being nullified and can no longer accept applicants. DAPA was never enacted, leaving millions of U.S. born students under threat of losing their parents and/or being sent to a country they have never known. Meantime, the U.S. economy suffers from insufficient immigration to meet its labor needs and employers complain they cannot find workers.

The Mexican and US economies are heavily intertwined. In 2019 Mexico became the US' largest trading partner and the US has been Mexico's largest source of foreign direct investment. It is projected that 38% of all jobs in California will require at least a bachelor's degree by 2030, but only 33% of Californians will have these degrees (PPIC 2015, California Future Health Workforce Commission 2019), meaning that California will fall short about 1.1 million college graduates. By 2030, people of color will make up the

majority of Californians, but today they remain severely underrepresented in the educated workforce. Recommendations for addressing the workforce skills gap includes increasing access to four-year institutions, aligning and expanding education and training, improving completion rates, and strengthening the capacity, retention, and effectiveness of workers. A sustainable, competitive, trained workforce of 2030 must meet the needs of underserved populations, specifically these individuals completing secondary education and having access to additional training. Policymakers at the local, state, and federal levels in both countries continue to seek ways to create opportunities for individuals to access training and education that translate to jobs and careers, while meeting the labor demands of these evolving economies.

National private and public sector leaders have an opportunity to catalyze an effort to forge a strategic agenda for advancing inclusive growth, which will benefit residents of both countries and place each country on a path to a more prosperous and secure future. In the interconnection between the migration and education policies, there are three key integrated pillars to be addressed: (1) Education of US-origin students in Mexico. Currently 53,000 US children are in Baja California trying to get an education, and about 600,000 US-origin children reside in Mexico. We do not know how many of these are of high school age as this data is not tracked. These US citizens will return unprepared to the US market. (2) Mexican-origin students in the United States who are impacted by federal policies and COVID-19, among other challenges. At the same time, many Mexico-origin children who currently reside in the United States are not getting access to the education they need due to fears of detainment or deportation, even though programs like DAPA were established to help mitigate these fears. And finally, (3) the education and immigration policies needed to foster workforce education and training. Along the US-Mexico border, where economies and cultures are already so integrated, we can identify a “living lab”, e.g., the LASANTI region (Los Angeles – San Diego – Tijuana megaregion), the 11th largest economy in the world, to determine impact from integrated education and migration efforts.

This strategic agenda should focus on the development needs of often-underserved populations and the intersection between migration and education: a bilateral workforce that supports secondary education or additional leadership training, is flexible and nimble to respond to change. Fostering education opportunities for underserved populations often demands legal migration pathways. This endeavor should focus on lifting thousands out of poverty and investing in good jobs, improving educational outcomes, and strengthening the civic infrastructure necessary to support the countries’ young people educational opportunities.

Alianza Mexico, a University of California strategic effort to strengthen cross-border partnerships and educate the next generation of leaders, is uniquely positioned to convene academics, policymakers, and experts in a fact-based discussion on the needs of education and migration.

The 2022 Forum on Education and Migration brought together a diverse group of policy makers and thought-leaders for dialogue around the policy and research needs of education, talent management and migration challenges across the United States and Mexico. In particular, discussions explored the requirements at the state and federal level to seize the policy opportunities emerging from the education and migration agenda.

Welcome

ESTEBAN MOCTEZUMA

AMBASSADOR OF MEXICO TO THE UNITED STATES

Esteban Moctezuma

It is an honor to participate in this forum to address education and migration, two vital issues for the U.S.-Mexico bilateral relationship and the future of our societies. I want to recognize the work of Alianza MX of the University of California and its Director, Isabel Studer, for organizing this event, as well as all the other participating officers, academics, and institutions.

In an interconnected world, the challenges that both the U.S. and Mexico face are the same because we are united by geography, mutual interdependence, and strong ties between our peoples.

To explain the United States and Mexico of today, you need to take into account the 37 million citizens of Mexican origin that are an integral part of the U.S. society, just as you need to consider the 1.5 million Americans that live in Mexico today.

These challenging times offer an opportunity to rethink how we want to move forward as a region after the pandemic. Education is the foundation upon which we build our future, which makes this a crucial issue in our policy planning.

This forum comes as a timely and significant exercise, at a moment when technological changes and rapid industrial shifts across North America raise the importance of educating people for the jobs of the future.

One of the objectives supported by Mexico in the reactivated High-Level Economic Dialogue is to create a competitive regional workforce. We are working towards identifying the necessary skills to develop educational and job training programs.

We want to bring our people closer to the tools needed to compete in the 21st-century economy, and our economies to grow for the benefit of the many, not the few. Our goal is to consolidate a humanistic economy.

To accomplish this, we must invest in our people. If we prepare our population for the jobs of the future, we will be closer to achieving greater technological, scientific and academic exchanges between our two countries.

The Mexican government even suggested creating a Bicentennial Fund that could serve, amongst other things, to: Promote initiatives to invest in entrepreneurs and small and medium-sized enterprises. Collaborate to improve access to economic opportunities for women, youth, indigenous people, and the LGBTQ+ community. And consider options for technical education and training programs in priority sectors.

The work you are carrying out, and the outcomes of this forum will complement the proposals of the High-Level dialogue.

Both countries have been focusing on technical training programs in key areas and mechanisms to strengthen dual education programs.

The training could be oriented to skills demanded by industry 4.0 and critical sectors, such as semiconductors, batteries, minerals, and pharmaceuticals.

A solid binational human capital means more productivity, better labor markets and sustained economic growth.

In our daily work at the Embassy, we have also explored the interconnection between migration and educational policies from other perspectives. We actively promote bilingualism and language learning through a wide range of actions, programs, and events.

We also want to develop empathy and use our language as a vehicle of culture, and as an antidote against intolerance and xenophobia.

The U.S. Census Office estimates that, based on current demographic trends, the Hispanic population, including Mexicans, in the country is expected to reach 106 million in 2050, sixty-three percent more of what it is today. Without sustained immigration, economic growth will be notably slower.

Moody Analytics analyzed the data and estimated that if annual United States immigration decreased much lower than the average one million of the past decades, the gross domestic product would be \$1 trillion lower ten years from now. This means that the discussions about the connection between migration and education are as necessary as ever.

If we give our people the right educational tools, that can play a vital role in enhancing employability and improving the competitiveness of our economies. It also has the potential to facilitate access to services and rights for Mexicans in the U.S. This only strengthens our resolve to support the valuable work and research you do.

Dear friends, Nelson Mandela used to say that “education is the most powerful weapon which you can use to change the world”. As the former Minister of Education of Mexico, I couldn’t agree more. Let’s continue working together to enhance the potential that a binational education can bring to our citizens, because it will create more understanding societies on both sides of our border.

Now more than ever, we need to come together and put our efforts behind the consolidation of a North American region that embraces its social and cultural strengths.

Thank you very much.

Welcome

KIM WILCOX

CHANCELLOR UNIVERSITY OF CALIFORNIA, RIVERSIDE

Kim Wilcox

Thank you, Dr. Studer. I realized that I'm only the second speaker, already behind schedule so I'll try not to be too long, but it's great, I see some friends on the screen I want to say 'hi' to everybody. Great to be here. You could probably see the sun in my eyes, a minute ago the sun is just coming up here in California, just a little after seven. It's a great way to start the day.

I want to go back to one of the phrases that Dr. Studer shared. The experts talk about *the students we share*. Those are powerful words. Now, people know I'm a Chancellor, so I work with students 18- to 22-year-old: undergraduate students, graduate students, and postdoctoral students, but a lot of people don't realize my background. I, years ago, started at preschool. My background is in speech development, and I spent some time working with preschoolers, so I've had a chance to know students of all kinds and ages and there's some things we know about students. Of course, we know that they are ready to learn and the rest but there's something else we know about students and that is that everybody loves a student. You've all been to upgrade school play where the students sing their song, and everyone smiles and applauds, and they say their lines and if they messed up, they're right as proud of them. It's true for young children is also true for older children.

I'm one of 10 chancellors at the University of California and the 10 chancellors know that when we speak to the Board of Regents it's good to bring a student because everyone likes to hear a student speak it's the ace in the hole.

So, there's a sense in our societies about students and how much we love them and admire them. I think a lot of that has to do with the hope that they represent that they really are the future.

The other another key word in those *students we share* is 'share'. Now those preschool children had to learn how to share. They had to share toys. One person played the truck then they play the truck some people could play the crayons. However, they also had to learn that some things you don't share, you can't take the other students' cookies, you have your own cookies, and they have their cookies. You can't take the coat of that little girl because it is better than yours. That's her coat. So, part of being a child is learning what you should and can share and what advantages are and what you really can't share things that are yours.

I think of our two nations and how we've struggled with that. There are things that we share and things we aspire to share better but there's also places where we haven't shared, and we haven't shared very well whether it's an international trade policies or border wall. There are places where we haven't done this the reciprocal of sharing the private ownership or the control piece nearly as well as we might.

Finally, the third word of course is 'we' and that's why I smile. I see all my friends here and I'm so gratified that we are talking about these important things. We must find a better way to help these students who everybody likes, everyone sees is our future. Who we do share we have to find a way for us to be better at sharing just like those preschoolers who had to learn how to share their crayons and their toys.

We must learn more how to be more effective at sharing these students and not just the students but their futures.

So, I'm so excited that Isabel and the group has put this group together. I wish I could stay for the rest of the conversation but I'm certainly going to be looking forward to the reports and the outcomes of the meeting. So, congratulations on the assembly and best of luck.

PANEL I

BETTER INTEGRATING THE US-ORIGIN STUDENTS
IN THE MEXICAN EDUCATION SYSTEM THROUGH
EFFECTIVE EDUCATION POLICIES

Panel I. Introduction

BETTER INTEGRATING THE US-ORIGIN STUDENTS IN THE MEXICAN EDUCATION SYSTEM THROUGH EFFECTIVE EDUCATION POLICIES

Moderator: Víctor Zúñiga, Ph.D.

UNIVERSIDAD AUTÓNOMA DE NUEVO LEÓN

The title of this panel clearly announces the issues we are going to discuss in terms of actions we should take in Mexico now and in the near future. On the one hand, we are going to talk about a great opportunity for Mexican society, for Mexican school system, and for Mexican economy. On the other hand, we are going also to talk about a big challenge Mexican school system is facing and will continue facing in the future.

The great opportunity is hundreds of thousands of children and adolescents are moving from the U.S. school system to the Mexican schools. They might be bilingual if we know how to support them in Mexico. They might be bicultural if we adopt an asset-based framing instead of deficit narratives. Most of them are binational because they were born in the United States and are sons or daughters of Mexican citizens. They represent a great opportunity if we respect them, if we value what they are, if we appreciate their potential contributions to our country.

On the other side of the coin, we meet the challenge. A big challenge that we are facing since the arrival of U.S.-origin students. It was an unexpected surprise for our schools, our curriculum, our educators and for educational officials in Mexico. How to integrate them, how to include them, how to benefit from those *students we share*. These are the questions our panelists will address.

This panel includes the participation of two distinguished scholars of *the students we share* in schools in the United States and Mexico: Mónica Jacobo Suárez, political scientist at CIDE, and Ted Hamann, anthropologist at the University of Nebraska at Lincoln. They will

summarize the policy papers previously written for this panel. Subsequently, we will have the participation of prominent personalities committed to changes and timely decision making from the governmental bodies or from civil society organizations. Dr. Jorge Armando Barriguete of the federal Secretary of Public Education. Dr. Berenice Valdez of the Institute for Women in Migration (representing the Institute's director) and Professor Gerardo Arturo Solis, Secretary of Education of Baja California, a state that has distinguished itself for its commitment to offering a warm and effective welcome to *the students we share* in its elementary, middle, and high school.

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FACT SHEET 1

Better integrating the United States-origin students in the Mexican education system through effective education policies



Demographics

Between 2000-2006, Mexico lost (and U.S. gained) **500,000** individuals a year

Since 2007 until today, Mexico gained (and U.S. lost) **100,000** individuals a year

During the period of highest rate of emigration from Mexico to the U.S. (1995-2005), the number of children and adolescent in rural areas of Mexico decreased drastically: **25%** males and **21%** females (children 5 to 9); **47%** males, **37%** females (10 to 14); **44%** males and **35%** females (15 to 19)

Among the population moving from the U.S. to Mexico (2005-2015) **1 million** were born in Mexico and **750,000** were born in the U.S. (children of Mexican citizens).

25.5% of people moving from the U.S. to MX (2005-2010) were under 19 years old.

Girls/boys ratio among those who move from the U.S. to Mexico between 2010 to 2015: **49.5 / 50.5**

60% of U.S. born children residing in Mexico lived with two Mexican born parents

Around **10%** of U.S. born children residing in Mexico lived with one U.S. born parent

FACT SHEET 1

Better integrating the United States-origin students in the Mexican education system through effective education policies



Education

Number of students we share enrolled in schools from pre-school to high school, from Oaxaca to Ohio: **9 million**

Evolution of the number of minors (0-17) moving from the U.S. to Mexico:
148,000 (1990); **294,000** (2000);
633,000 (2010); **583,000** (2015);
500,000 (2020)

Number of students born in the U.S. and enrolled from pre-school to mid-high school (Baja California, 2015): **85,000**

Estimated number of students who moved from U.S. schools to Jalisco schools (2010): **46,000**

Primary language among transnational students in Jalisco (2010): Spanish **50%**, English **15%**, Both languages **35%**

School year repetition is usually the result of the school principals' decisions, both in Mexican and in U.S. schools. In 2010, Jalisco survey showed that **35%** of child migrants missed or repeated a school year, much higher percentage compared with non-child migrants (only **15%**)

In Baja California, in 2010, research showed that absenteeism and educational lag among children (9-14) who moved recently from the U.S. to Mexico is significantly higher than non-child migrants

Policy Brief 1

THE STUDENTS WE SHARE: PROMOTING THEIR EDUCATIONAL INCLUSION AND EQUITABLE TEACHING IN THE MEXICAN EDUCATION SYSTEM

Mónica L. Jacobo Suárez, Ph.D.

CENTRO DE INVESTIGACIÓN Y DOCENCIA ECONÓMICAS (CIDE)

1. Where do *the students we share* come from and who are they?

For over a century, the United States has received a massive and constant flow of migrants from its southern neighbor, Mexico, thus consolidating the most important migration corridor in the world. A decade ago, however, a radical shift occurred: Mexico received an unprecedented volume of migrants returning from the United States at the same time that emigrant flows from Mexico to the United States were falling sharply (González-Barrera 2015; Giorguli 2018, 7). “The decade in which migration changed” is the phrase used by experts to point out the importance of the change that occurred in migration between Mexico and the United States in the twenty-first century (Escobar & Masferrer, 2021), both because of the volume of Mexican migrants returning and because of the presence of groups that were previously barely visible within this flow, in particular children and school-age youth with educational experience in the United States (Giorguli & Gutiérrez, 2011). Having complex educational backgrounds and belonging to families with diverse immigration statuses, these youth and children are *the students we share*.

The students we share are a growing and heterogeneous group of children and youth who move, or have the possibility of moving, between the Mexican and U.S. education systems. Jensen and Gándara (2021, p. 1) estimate this population to be 9,000,000 students “from preschool to high school, from Oaxaca to Ohio.” In the United States, a subset of this population is underage students who have at least one Mexican parent, who number

approximately 6,000,000 (Urban Institute, 2016). These children and youth are at constant risk of moving to Mexico unexpectedly and suddenly if one of their parents is deported or forced to return to their country of origin.

In Mexico, the fastest growing group within *the students we share* are children and youth born in the United States who are the children of Mexican migrants. These children and youth are currently attending elementary school, middle school, or high school in a Mexican school (Zúñiga and Giorguli, 2019; Bybee, Jensen, and Johnstun, 2021). This population has grown substantially during the twenty-first century, reaching approximately 600,000 minors in 2015 (Jensen, Mejía, and Aguilar, 2017; Jacobo, 2017). A second subgroup of *the students we share* are minors born in Mexico who have migration and schooling experiences in the United States and are currently back in Mexico. These children and youth are considered transnational students and may have very diverse and complex educational backgrounds. Finally, cross-border students constitute another group of *the students we share*, a group living and/or studying on both sides of the U.S.-Mexico border. In 2015, there were approximately 40,000 cross-border students living in cities along the Mexico-U.S. border (Orraca and Vargas, 2017).

Together, these diverse groups of students face the challenge of reintegrating or integrating for the first time into school in Mexico, or in the United States, depending on where they are in their migration pathway. For a significant number of these students, their migration pathway is transnational, i.e., it implies a continuous movement between both countries, so they need to prepare themselves for the demands of two education systems and potentially two labor markets, that of Mexico and that of the United States. The various groups that make up *the students we share* add up to a considerable number that demand visibility and responses to their educational needs, which I describe below.

2. What are the educational needs of *the students we share*?

Knowing and understanding the educational needs of *the students we share* first involves recognizing that they are a growing and heterogeneous group: some were born in the United States and others in Mexico. Some are complete strangers to the Mexican education system, while others have transitioned between schools in Mexico and the United States multiple times. Some primarily speak English; others have mastery in spoken Spanish and others still have mastery in written Spanish. Some have some knowledge of the curriculum, norms and cultural codes used in Mexican schools while for others, attending school in Mexico is a new experience. Consequently, their educational and linguistic needs are diverse, although there is one element common to all: having lived through multiple ruptures derived from their migratory and transnational educational experiences (Hamann and Zúñiga, 2011) and facing education systems that respond to national logics, curricula, and priorities (Zúñiga and Hamann, 2008).

Currently, educational policies in Mexico and the United States, as well as the education systems in both countries, fail to comprehensively address the needs of these transnational students. Consequently, students of Mexican origin do not do well academically in U.S. schools (Jensen and Gándara, 2021), and students coming from U.S. schools do not do well in Mexican schools when their academic performance is assessed (Hernandez, 2021).

Due to its regulatory and constitutional framework, Mexico has the obligation to guarantee school access and to provide inclusive, adequate, and quality education to all students, regardless of their origin or immigration status. Although migration and educational flows between the two countries have a consolidated interconnection, our educational policies and education systems still have great areas of opportunity to respond to this shared responsibility. These areas are briefly discussed below:

- a. **Linguistic:** Lack of proficiency in the language of instruction, whether English in American schools or Spanish in Mexican schools, is the most visible and immediate obstacle faced by *the students we share* during their educational transitions. Being unable to read and write in the language used in the classroom leads to multiple challenges for children and youth with migrant backgrounds (Despaigne, 2018; Gallo, 2021). At the same time, it is not enough for students to learn English if they are in the United States; they need to continue to develop their Spanish because they are likely to migrate to Mexico at some point. Once in Mexico, they need to learn academic Spanish and master their literacy, but they also need to continue to develop their English in case they return to the United States, a very likely scenario for the growing group of U.S.-born children in Mexico. In other words, the transnational character of the families to which *the students we share* belong makes it necessary for schools in Mexico and the United States to prepare them linguistically for an equally transnational future (Gándara, 2022).
- b. **Bureaucratic-administrative:** In addition to language, curricular content and pedagogical practices, the Mexican education system differs from American schools because of its highly bureaucratic nature based on complex processes and extensive requirements for enrollment, credit transfer, and recognition of prior learning. While a student of Mexican origin can migrate to the United States and enroll in a U.S. school without major complications according to the grade that corresponds to his or her age, in Mexico, his or her enrollment may depend on meeting multiple requirements. First of all, the student must have a Mexican birth certificate and various documents proving the educational levels completed abroad (which, until recently, were legally required to be apostilled and translated by an official expert translator), there must be space at the school where he or she wishes to enroll, and the student must have applied for admission to the school months before the end of the school year. Often, the families of *the students we share* fail to meet any of these requirements. Many of them have not

planned to return to Mexico but have had the “need to return” (i.e., due to deportation or a family emergency) without being able to gather the necessary documents, let alone translate them, and/or apostille them to ensure the admission of their children to school in Mexico. .

- c. **Curricular content and classroom expectations:** Once students attend Mexican schools, the differences in curricular content and pedagogical strategies used in the U.S. and Mexican systems become clear. It is common, and understandable, that students coming from U.S. schools will not have a solid knowledge of Mexican history and geography upon entering schools in this country, nor will they be familiar with very particular pedagogical strategies of the Mexican education system such as “dictation” and will probably not understand its purpose, which is often “obvious” to teachers in Mexico (Gallo, 2021). Similarly, while teachers in the United States expect students to have a participatory attitude toward what they are taught and to contribute to collective learning, in Mexican classrooms, what is valued is being disciplined, or “well-behaved” (Santibáñez 2021, 34), and other more vertical modes of learning where knowledge flows from the teacher to the students. These differences are often ignored by teachers on both sides of the border, resulting in students being perceived to lack specific knowledge and possessing attitudes that are not valued when they move from one education system to the other.
- d. **Recognition of their unique knowledge and skills:** Intrinsically related to knowing the differences between education systems is recognizing all the contributions that *the students we share* contribute to the Mexican education system. It is imperative that Mexican teachers, administrators, and education authorities recognize, value, and promote the skills, competencies, and learning that these students already possess through their experience in American schools, with which they can make a substantive contribution to the Mexican education system.

3. Progress made by the Mexican government in response to *the students we share*

Before pointing out possible areas of opportunity for the Mexican education system, it is important to recognize the actions that have already been implemented to address the needs of these students.

- a. One of the first efforts is the Binational Migrant Education Program (*Programa Binacional de Educación Migrante* PROBEM), which arose as a joint initiative of the Mexican and U.S. education systems based on the experiences of exchange between the states of Michoacán and California. This program is currently in force with the participation of most of the Mexican states. The main actions or pillars of PROBEM have focused on facilitating access to basic education for students from American schools.

Although it also includes an exchange program for Mexican teachers to spend a few weeks in U.S. schools during the summers, this component has been found to have little impact, as has the program in general, since implementation and economic resources vary considerably from one state to another (Gándara, 2004).

- b. The amendments to the School Records Regulations (*Normas de Control Escolar*) made in 2015 resulted from the work of the Institute for Women in Migration (Instituto para las Mujeres en la Migración IMUMI) and of some academics and activists who, for years, were in charge of making visible the presence of students coming from American schools in Mexico and the great bureaucratic obstacles they faced to enter the Mexican education system. Specifically, this activist group demanded an easing of documentation requirements for access, recognition of prior learning, and educational continuity for students coming from the United States, whether they were born in Mexico or in the United States. As a result of this advocacy work, the Mexican Department of Public Education modified Departmental Resolution 286 and the School Records Standards. Among the main achievements is the elimination of the requirement of apostilles for educational and identity documents for enrollment and credit transfer for studies completed abroad and the elimination of the requirement of official translations (by a certified expert translator) of English-language documents as a requirement for academic procedures at the elementary schools, middles, and high schools (Aguilar and Jacobo, 2019).
- c. Amendments to the Mexican General Education Act. In March 2017, just a few months after President Donald Trump's inauguration, Mexican President Enrique Peña Nieto introduced a bill to facilitate educational access for young Mexicans coming from the United States to higher education institutions in Mexico. There were fears that Trump's anti-immigrant and specifically anti-Mexican discourse would lead to mass deportations of young Dreamers of Mexican origin. In response, the amendment to the General Education Act eliminated the need for apostilles and certified translations for admission and credit transfer procedures at the higher education level. In addition, it simplified the credit transfer requirements for higher education studies undertaken in the United States and, for some selected degrees (basically, in the social sciences), allowed for automatic revalidation.

4. Areas of opportunity and specific recommendations

The actions implemented so far constitute important progress by the Mexican government with a focus on facilitating access to the education system and to institutions of higher education. A major area of opportunity is to influence the conditions and daily experiences of *the students we share* once they are in school in Mexico. Once access is secured, teachers have the important and challenging task of helping these students learn the academic content, master the language of instruction, decode cultural norms and behaviors unique

to Mexican classrooms, and adapt to their new environment. In other words, the challenge of effective inclusion in the Mexican education system persists, as does promoting the successful transition of these students to the labor market in Mexico and/or the United States. Specific recommendations for moving toward these ends are described below.

- **Promote the correct implementation of the regulatory advances made at the federal level.** Regulatory and legislative changes do not automatically translate into changes in bureaucratic practices. Requiring apostilled documents, for example, is a practice that still persists in different educational contexts and that hinders the access and continuity of students coming from U.S. schools. The following specific actions are suggested to achieve the effective implementation of recent regulations:
 - Dissemination of current laws and regulations is required at the state and local levels, through state School Records Coordination Offices, migrant support offices and institutes, Comprehensive Family Development Agency (DIF) offices, Department of Foreign Affairs (SRE) state delegations, and civil society organizations, which are often the first places that migrant families and young people turn to for support in access to schools.
 - It is a priority to train school and administrative personnel on how to interpret and implement current laws and regulations, from preschool to higher education. It is highly recommended for all inputs used in training to translate the current laws and regulations into user-friendly language, e.g., through the use of infographics, manuals, explanatory videos, etc.
 - Adapt IT systems to legislative changes. Specifically, the regulations no longer require a valid Mexican Personal Identity Number (CURP) to complete the enrollment process for elementary schools and middle schools, although it is still required in some states because the computer systems for school records have not been updated to operate without filling out this field.
- **Promote educational inclusion through language programs.** that allow *the students we share* to develop their mastery of Spanish and English. Mastering the language of instruction is undoubtedly one of the most important elements for a student from a migrant background to feel included in his or her new classroom. If the student does not understand what is happening in the classroom, and if the school does not provide some linguistic support, he or she is being systematically excluded from the learning process and sociocultural integration. The linguistic challenges of *the students we share* are widely documented, as previously discussed, in both the United States and Mexico. However, unlike U.S. schools, the Mexican education system lacks language transition programs that provide these students with useful tools to further develop

their Spanish proficiency. Creating programs aimed at fostering and capitalizing on the potential bilingualism of these students represents a crucial step towards inclusive education.

- To encourage programs for teaching Spanish and advanced English in Mexican schools, we can build on initiatives implemented in U.S. schools that are proving successful. The Seal of Biliteracy is a project that has been successfully implemented in American schools whose purpose is to encourage bilingual education by awarding a certificate attesting to students' literacy skills in two or more languages. This program could be adapted and extended to middle schools and high schools in Mexico (Gándara, 2022). Providing a certificate that proves the bilingualism of *the students we share* would not only encourage these children and young people to continue developing their language skills but would also provide them with better opportunities in the Mexican job market, where degrees and certifications are highly valued.

- **Promoting equitable teaching:** Being an equitable teacher requires, first of all, becoming aware of one's own (the teacher's) biases and being acquainted with the circumstances that students experience in order to educate them according to their specific needs. Promoting equitable teaching involves working closely with teachers so that they are aware of the realities and needs of their students and, more importantly, equipping them with tools so that they can adapt their classes to respond to those needs (Jensen 2021; Jensen, Mejía, & Aguilar, 2017). Teaching students with very diverse educational experiences requires a commitment that goes beyond what we have historically expected from our teachers, both in Mexico and in the United States. Various tools suggested by the most recent research include:
 - Establishing welcome programs (Román, 2019) and curricular transition programs at all educational levels to facilitate the inclusion, retention, and educational continuity of students with a migrant background within the Mexican education system. These programs must be designed for implementation in the short term and long term, since knowledge of the Mexican education system and its curriculum, pedagogy, norms, and even cultural codes entails not months but years of learning. The use of peer students to support newcomers in transitioning has been suggested as a possible strategy to facilitate the transition between different school systems.
 - Training in-service teaching staff and those in training to understand and respond to the needs of *the students we share*. This can be done using a “train the trainer” strategy (Hamann and Zúñiga, 2021), i.e., training teachers on how to take advantage of the presence of students with a migrant background in Mexican classrooms and sensitizing them to perceive the characteristics of these students as differences that “add” to the learning dynamics in the classroom.

- Making visible the presence of students with migratory experiences within the teaching-training curriculum is an essential part of informing teachers about the realities and needs of *the students we share*. So far, this group is absent from the curriculum offered in teacher-training schools. Although there are currently courses on attention to diversity, the content focuses its attention on students who belong to indigenous peoples or have different educational abilities, leaving out of the discussion students with migrant backgrounds, such as those coming from U.S. schools and children coming from Central America (Bybee, Jensen, and Johnstun, 2021), which is another population that is growing in Mexican classrooms.
- Teacher preparation programs must promote the educational and employment futures of *the students we share* on both sides of the border. This entails dual programs where U.S. teachers can learn about and appreciate the Mexican education system, and where Mexican teachers, in turn, can understand and appreciate U.S. schools. At the pedagogical and curricular level, it involves designing content and assessments for students in binational contexts (Alfaro and Gándara, 2021).
- **Create scholarship programs and support programs for intermediate and higher education.** Research on *the students we share* has grown significantly in recent decades. However, most of the studies focus on recent returnees who enroll in elementary and middle schools. We know little about the educational backgrounds of these youth over the years in Mexico. We do not know how many and who among them continue studying in intermediate and higher education. We know, however, that only a small proportion of the population in Mexico is able to pursue a university degree (17%), a percentage far below that of other Latin American countries (Schemelkes, 2020). Providing scholarships focused on students with migrant backgrounds increases the likelihood that they will continue their studies, since many come from underprivileged family situations where the pressure to enter the labor market, low academic Spanish proficiency, and complex bureaucratic procedures for university enrollment could discourage them from continuing their higher education.
 - Because of the linguistic capital possessed by *the students we share*, a particularly promising area is the creation of a scholarship program to encourage them to pursue careers in applied linguistics with an emphasis on teaching English and Spanish. The presence of more than 500,000 English-proficient students attending Mexican schools represents a historic opportunity for Mexico to train highly qualified bilingual teachers in the short term.
- **Design professionalizing educational options.** to respond to the diversity of economic and family realities of *the students we share*. It is important to recognize that there are youth within this population who do not have the opportunity of or interest

in pursuing a four- or five-year university degree, or who are not interested in becoming English teachers. These youth, however, are bilingual (some even multilingual) and bicultural, which are highly valued characteristics in the labor market that increase their chances of social mobility if they find attractive employment options. Hola Code is an example of social entrepreneurship focused on recognizing and capitalizing on the bilingual and bicultural skills of young migrants. This venture recruits young people and offers them intensive training, as well as psychoemotional support, to become bilingual programmers in six months, after which they are connected with transnational companies interested in the unique skills of this population (Jacobo and Despaigne, 2019). Although Hola Code has been highly successful in terms of the graduation rates of its students and the economic returns they obtain once they enter the job market, its recruitment capacity is limited to approximately 40 students per class. Consequently, it is crucial to broaden the range of short-term, professionalizing educational options where *the students we share* can take advantage of their particular linguistic and cultural characteristics. In this effort, it is important for the government to learn from programs that have already been successful and to collaborate with the private sector in creating more options.

5. Conclusions and calls for action

The students we share is a category for analysis and activism that seeks to highlight the shared responsibility of the Mexican and U.S. governments towards this population of children and youth who transit between the two countries. *The students we share* attend school, internalize cultural codes, and create meaningful social and emotional ties in both Mexico and the United States. These experiences provide them with the opportunity to develop skills and accumulate invaluable capital for both societies. What will be the future of these children, especially those who are citizens of Mexico and the United States? We do not have the answer now. We do, however, have a responsibility to contribute to transforming the skills of this population into an asset for society and the labor market in both countries. We can contribute with research documenting the best pedagogical and linguistic practices; from the classroom by preparing ourselves to better understand their realities and enhance their skills; with educational management by facilitating their enrollment, credit transfer, and transition processes between educational levels in Mexico; with decision-making by proposing programs that promote their equitable and inclusive education; and, from society in general by refraining from reproducing stereotypes that stigmatize them and point out what they “lack” instead of highlighting what they contribute to our society. In conclusion, Mexico and the United States have a shared opportunity to contribute to a better future for *the students we share* than what their educational experiences have been so far in education systems little suited to them.

Policy Brief 2

BETTER INTEGRATING THE US-ORIGIN STUDENTS IN THE MEXICAN EDUCATION SYSTEM THROUGH EFFECTIVE EDUCATION POLICIES

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One of the things that we rarely do when we create policy papers is actually examine what policy is—i.e., how we are defining it. For education policy at this point, who is an education policy maker and what constitutes policy is actually contested terrain (Garcia, 2022). Consistent with two chapters I wrote (Hamann & Rosen, 2011; Hamann & Vandeyar, 2017) and building from some pioneering researchers in the anthropology of policy, notably Cris Shore and Sue Wright (1997) and Margaret Sutton and Bradley Levinson (2001), I want to frame my remarks about better integrating US-origin students in the Mexican education system by first defining policy as constituting three elements—(1) a problem diagnosis, (2) strategies and resources that can attend to the identified problem, and (3) an imagined better world, i.e., a world in which the previously identified problem has been resolved. So what do we mean when we say “better integrated US-origin students in the Mexican Education System”? What are the strategies that would get us there? What are the currently extant problems of the status quo for US-origin students currently trying to negotiate *educación básica* (pre-K to 9th grade) and *educación media superior* (grades 10-12) in Mexico?

I want to start this policy report with two claims: (1) Mexico needs people who better understand the United States and (2) the United States needs people who better understand Mexico. Both of these claims are grounded by the facts that historically and contemporarily our two countries are intertwined economically, culturally, and demographically. Indeed, our futures and our fates are also intertwined. As a third assertion, I want to point out that currently in both US schools and Mexican ones there are students with transnational

experiences, who have lived in both Mexico and the US, who have attended schools where English is the primary language and schools where Spanish is the primary language. While I will be addressing my remarks primarily to the Mexican side of this dynamic—i.e., to the existence in Mexican schools of students with backgrounds tied to the US, while other panelists dwell more on the contemporary US side of this equation—this whole binationally experienced cohort is poised to win the future for both countries or, more grandiosely perhaps, for our shared continent. But this will only transpire to our collective benefit and well-being if we help make it so. There is a darker alternative of youth coming of age not of two societies, not as intermediaries, but instead trapped *between* them and not adequately of either one. In other words, as we define problems and imagine better worlds, we can think of the presence of US-origin students in Mexican schools as a problem or as tremendous possibility.

Some demographic reminders

Before delving into extant and prospective policy, it is worth remembering who we are talking about when we talk about *the students we share* who are currently in Mexico. In her recently published *Atlas of Return Migration: From the United States to Mexico*, Mexican demographer Claudia Masferrer (2021) reminded us that the population of children and youth in Mexico grew substantially in the first decade of the 2000s. While this might look concurrent with continued growth in Mexican migration to the US, it more likely captures the fact that migration from Mexico to the US remained high until the Great Recession of 2008-09, but that that economic downturn significantly accelerated the trend of families moving/returning to Mexico. In the second decade of the 2000s (i.e., 2010-2020) migration between both countries persisted and the numbers of children in Mexican schools with US ties grew and then stabilized. In 2015, she counted just under 30,000 ‘return migrants’ who were under age 15 (constituting just 5.7% of the almost 500,000 return migrant total). There were also more than 50,000 return migrants who were between 15 and 24. In turn, she tallied just under 550,000 US-born minors who then (‘then’ referencing 2015) were living in Mexico. Emergent data from Mexico’s 2020 Census suggest the number of minors born in the US stayed stable between 2015 and 2020, as the 2020 count tallied 500,000 US-born 0-17 years-olds (Bautista & Terán, 2022).

While we can mostly leave the nuanced demographics to others, as we look at these numbers several things are worth noting because of their relevance to our concern with schooling. First there are a lot of students in Mexican schools with ties to the US. Second, a lot of them were born in the US and, as such, have birthright citizenship in the US (as well as likely citizenship in Mexico because of their parents’ nationality). This reminds us that some portion of the student population currently in Mexico could anticipate moving/returning to the US (a theme I will return to later.) Third, not all of them were born in the US. Return migrants references those born in Mexico who left for the US and then returned to Mexico.

Fourth the proportion of transnational US-tied population that was born in Mexico grows in line with older ages of the youth we are looking at, which makes sense, as children who have lived longer simply have had more time to move twice (i.e., to the US and then back). As a separate fifth point which she also published separately (Masferrer et al. 2019), US-born minors live all over Mexico, albeit not evenly distributed. Twenty of Mexico's 32 states hosted at least 10,000 US-born minors in 2015. Baja California hosted more than 80,000, and Chihuahua had more than 60,000. Jalisco topped 40,000, while Michoacán, Tamaulipas, and Sonora each topped 30,000.

Ultimately there are three takeaways related to demographics that I want us to hold onto. First, the youth population in Mexico with prior experience in the US (and often US schools) is large and spread across Mexico, making their educational fates an appropriate topic for national education policy. Second, despite all sharing one biographic fact (time in the US) that population is heterogeneous in terms of age, amount of time in the US, US citizenship status, geographic location in Mexico, and presence or absence of many peers with similar transnational experience. That, in turn, suggests how Mexican schools should be prepared to respond to them likely varies. Finally, it is much easier in Mexico to identify the portion of transnationally-experienced children and youth who were US-born than those who were Mexican-born. School-system-recorded datasets routinely document student birthplace, but on that indicator students born in Mexico who moved to the US and then moved back would look indistinguishable from the population born in Mexico whose life experience so far has been entirely mononational. As a response to transnationally experienced students is built, assuring that it reaches one portion of the pertinent population (i.e., the US born) is likely easier than assuring it reaches the other (i.e., the Mexico born with US school experience now back in Mexico).

What Transnational Students Need

Emphasizing Vygotsky's claim that zone of proximal development learning (i.e., learning at a level that a student can reach with support of a teacher but not yet independently and autonomously) requires trust, Erickson (1987) many years ago noted that as we think of improving outcomes for struggling students we need to ask if such students find their teachers trustworthy, find their educational environment safe, and find the curriculum relevant. As we think of transnational students in Mexican schools, it is useful to turn to Erickson for a number of reasons. One is that for an unknown number of transnational students likely all three of these conditions obtain and we do not need to further worry much about whether these students are integrating. That is, they are encountering few problems. But I would venture to say, in part based on my own direct experience interviewing and surveying students at Mexican schools in Nuevo León, Zacatecas, Puebla, Jalisco, Morelos, and Baja California for much of the last two decades, there are many

transnationally-experienced students for whom the move/return to Mexican schools is currently problematic. That is, they are unsure of what teachers want/expect and/or report frustration that they frequently seem to be in trouble. In other words, trust between them and their teachers is a problem. In turn, others have reported being teased or misunderstood by peers and marked as different/suspicious because of their different background. In other words, their social environment in Mexican classrooms has felt unsafe. Finally, we have also heard accounts of struggles with Mexico's curriculum. This has sometimes been for the obvious reason that Mexican schooling is provided in Spanish with little accommodation for learners with little academic background in that language. (See Zúñiga and Hamann [2020] for a particularly poignant review of how transnationally mobile students can feel their language skills are constantly inadequate for the academic expectations extant on both sides of the border.) But unaccommodated language difference is not the only source of struggle. The sequencing and strategies of mathematics education, the reference points and expected prior knowledge of history and holidays in civics, and myriad other examples point to curricular “ruptures” (Hamann & Zúñiga, 2011) that transnational students can find off-putting and difficult to navigate. Moreover, once a student gains a reputation as a struggling student and/or internalizes a sense that they ‘are not good at school’, these social and psychological dynamics can gain their own momentum. In sum, relationships with teachers, relationships with peers, and/or relationship to the new curriculum can all be factors explaining why a transnational student struggles to integrate. These are all problems that would need to be attended to if we imagine a better world in and through schooling.

What Mexican Teachers of Transnational Students Need

These points, in turn, draw our attention to what Mexican teachers need to know to attend to or repair what can go wrong for a transnational student. As in the US, there are three key ways that Mexican teachers gain capacity to lead effective classrooms, two of them are formal—*formación inicial* (what in the US we would call preservice preparation) and *formación continua* (what in the US would be labeled in-service professional development)—and the third is through the accumulation of experience (Hamann, Sánchez García, & Lopez Lopez, 2019). Before focusing on the first two of these, it is worth remembering that this whole line of exposition is grounded in a conceit that merits naming—we assume that if Mexican teachers understand transnational students better that they have both the autonomy and disposition to operationalize that knowledge. American education research (e.g., Sizer 1984) has long noted that teachers often feel that they cannot do at least some things that, per their developed professional sensibilities, they should do. In other words, *knowing what to do* is not always the problem. Sometimes the challenge is to create conditions in which teachers can use their professional knowledge.

That said, we can and should look at when, how, or even whether Mexico's teacher preparation infrastructure (i.e., the multiple *escuelas normales* spread throughout the country and the national network of units connected to the Universidad Pedagógica Nacional) prepare preservice teachers to work with transnational students. With the minor exception of *asignaturas regionales* (coursework that could be locally or regionally created to respond to local circumstances), Mexico's teacher preparation curricula has long been national and that national system, not surprisingly, has thought of its task as readying teachers to meet the needs of Mexican students, preparing them for successful Mexican adulthoods. That task still remains, of course, but it does not anticipate significant numbers of students entering the school system at various age and grade levels with very different backgrounds than expected. Nor does it take on the possibility that students who already have experience in two countries may continue to lead binational/transnational lives and thus that preparation for adulthood in Mexico may, on its own, be incomplete, or at least a missed opportunity.

Intriguingly, in the current *sexenio*, *escuelas normales* have been given both more flexibility and more responsibility for teacher education curriculum development. This raises the prospect that teacher preparation institutions in parts of Mexico with more transnational students can direct more attention to considering the particular circumstances of transnational students. The Benemérita Escuela Normal Urbana Federal Fronteriza (BENUFF) in Mexicali has pioneered developing some particularly interesting teacher education curricula on this topic and there are efforts between various UPN campuses in Mexico's northwest to collaboratively build capacity to prepare teachers for transnational students, but those remain pretty preliminary at this stage.

Regarding in-service professional development, state departments of education in various Mexican states (e.g., the Secretaría de Educación Estatal [SEE] de Baja California and the Secretaría de Educación de Morelos) have started hosting seminar series that broach various ways to attend to the presence and needs of transnationally mobile students. These efforts, organized in hotel conference facilities or more recently by Zoom (as the pandemic has compelled more use of distance technology), are particularly useful for pointing out the need for capacity building. By their nature, however, they offer less specific guidance to individual teachers about how to engage differently in their classrooms by adapting instructional strategies, finding different curricular materials, and/or actively pondering how to build needed trusting relationships with prospectively disoriented, scared, or nervous transnational students who often bring striking but different skillsets to the classroom than their mononational peers. At this more local level of positioning teachers to consider 'how should I change', Baja California has sponsored some intriguing professional development. Two noteworthy efforts include (1) collaboration with San Diego State University and the California Association of Bilingual Education (CABE) to launch Spanish-English dual

language *primarias* (elementary schools) in Tecáte and Mexicali and (2) the embrace of the *Sello de Bilingüidad* (Seal of Bilinguality), which is an effort to have students with developed skills in two languages have that bilingualism celebrated rather than having skills in one of those two languages ignored.

Returning to the Big Picture

As we ponder better integrating US-born students in Mexican schools (and the perhaps more complicated task of integrating returnee students), we should return again to the original musing about what constitutes educational policy. What are the problems to be solved? What are the strategies and resources available? And what would a better world look like if the identified problems were attended to? Regarding the first, the very framing of today's discussion topic identifies a problem. It says that the 500,000+ US-born students in Mexican schools are not integrating well enough (and I would add, nor are the returnees). But what does it mean to 'not integrate'? If that means we should pay more attention to students falling behind grade level, struggling with their academics, and/or feeling vulnerable and adrift in unfamiliar academic environments, then 'yes' by all means let's figure out how to attend to these problems and an emphasis on creating/enabling trusting relationships between these transnational students and their teachers, their peers and environment, and the materials they are to engage with likely points the way. But as I suggested at the beginning, helping transnational students better fit into an educational system that assumes mononationalism, that presumes Mexican childhoods leading to Mexican adulthood, that values Spanish, but not multilingualism, is at best incomplete. More problematically, it is a lost opportunity.

Through changed teacher preparation, both the preservice at *escuelas normales* and in the in-service coordinated by state departments of education, there is a chance to help Mexican educators imagine and build educational environments that ready transnational students (and perhaps many of their peers) to succeed in the geographies we share—to be multilingual, to be confident and adept negotiating both the US and Mexico, to be ready for the multinational collaboration that will be required in this century to deal with growing challenges of climate change and environmental displacement and persisting challenges like inequality and impeded opportunity.

Panel I. Summary of key policy recommendations

- Promote the correct implementation of the regulatory advances made at the federal level
- Promote educational inclusion through language programs
- Promote equitable teaching
- Create scholarship programs and support programs for intermediate and higher education
- Design professionalizing educational options
- Capacity building for Mexican teachers in the areas of pre-service preparation, in-service professional development, and gaining experience
- Collaboration with the Secretary of Public Education in Mexico to streamline processes
- Implement bilingual teaching and nurture bilingual learning
- Create a work group to spearhead initiatives directly related to the schooling of transnational students in Mexico
- Advance the correct implementation of the progress already made at the legislative level
- Collaborate with Mexican universities so students can continue their higher education studies.

PANEL II

IMPROVE INTEGRATION OF MEXICO-ORIGIN
STUDENTS INTO THE U.S. EDUCATION SYSTEM
THROUGH EFFECTIVE MIGRATION POLICIES

Panel II. Introduction

IMPROVE INTEGRATION OF MEXICO-ORIGIN STUDENTS INTO THE U.S. EDUCATION SYSTEM THROUGH EFFECTIVE MIGRATION POLICIES

Moderator: Patricia Gándara, Ph.D.

UNIVERSITY OF CALIFORNIA, LOS ANGELES

Nearly six million students in the U.S. are the children of Mexican immigrants, and more than 90% are actually born in the US. That is, they are citizens of the United States and are due all the rights and privileges of citizenship. However, approximately half of these students live in a mixed status home where someone does not have legal documentation. This fact puts these millions of children at risk for a myriad of problems, including not being able to access services they need and deserve, as well as threats to their physical and mental health. Too often the situation is exacerbated by the lack of knowledge of their, and their parents', rights. Moreover, all of these students—whether at risk because of immigration problems or not-- can face difficult challenges in the schools because of the lack of communication and understanding between Mexican families, schools, and teachers. Too many of these students, besieged by doubts about their future, give up on school, and schools give up on them. This is not only a personal tragedy for the students, it bodes ill for the country because with declining birth rates in the U.S., those students are needed to fill important roles in the economy and the society. The panelists for this session addressed both the challenges in the schools and the need to educate immigrants about their rights and options. Julie Sugarman of the Migration Policy Institute provides recent data on the numbers of students affected as well as the rights of students vis-à-vis the education establishment in the U.S. and the panelists, not satisfied to simply point out the problems, also suggest solutions to the challenges that students and families face.

Bryant Jensen, Associate Professor of Education at Brigham Young University, and Co-Editor of the recently published book, *The students we share: preparing US and Mexican educators for our transnational future*, discussed the importance of teachers who

understand the cultures and communities of Mexican origin students. Effective teachers value and implement aspects of the communities and cultures of these families in classroom instruction. However, so far, few teacher preparation programs prepare their new teachers with these skills and few schools provide the support that practicing teachers need to improve on the job.

Nina Rabin, Professor at the UCLA Law School, runs a legal clinic located on the campus of a large complex of public schools in a heavily immigrant neighborhood of Los Angeles. Nina provides information about the many ways that legal services can inform and help support both students and families with the goals of ensuring that children are successful in school. She also provides information about avenues that immigrant parents can pursue within the immigration system.

FACT SHEET 2

Facts About Immigrant Children In United States Schools, August 2022, Julie Sugarman

Demographics. Nativity of U.S. Children of Immigrants Age 3 to 17, 2019

	All Children		Children with One or More Mexican-Born Parents	
	Number	Share of Population (%)	Number	Share of Population (%)
Children between 3 and 17 with one or more foreign-born parents	15,600,000	100.0	5,778,000	100.0
Child is native born	13,515,000	86.6	5,444,000	94.2
Child is foreign born	2,085,000	13.4	334,000	5.8

Note: The 15.6 million children with one or more foreign-born parents represent 26.5 percent of the 58.9 million children between 3 and 17 in the United States.

Source: Migration Policy Institute analysis of U.S. Census Bureau 2019 American Community Survey.

Citizenship and Legal Status of Children Age 3 to 17 Living with One or More Unauthorized Immigrant Parents, 2019

	All Children		Children with One or More Mexican-Born Parents	
	Number	Share of Population (%)	Number	Share of Population (%)
Children with at least one unauthorized parent	4,609,000	100.0	3,090,000	100.0
Child is U.S. citizen	3,861,000	83.8	2,802,000	90.7
Child is legal immigrant	58,000	1.3	20,000	0.6
Child is unauthorized immigrant	690,000	15.0	268,000	8.7

Source: These 2019 data result from Migration Policy Institute analysis of U.S. Census Bureau data from the pooled 2015-19 American Community Survey and the 2008 Survey of Income and Program Participation, weighted to 2019 unauthorized immigrant population estimates provided by Jennifer Van Hook of The Pennsylvania State University.

Federal Legal Protections for Immigrant Children and Families

1. Schools may not refuse to enroll a student in free, public primary and secondary schools because of the student's (or their parents' or guardians') actual or perceived immigration status.
2. Schools may not require parents or guardians to provide information at enrollment that might expose their family's immigration status, including citizenship status, proof of legal residency, or social security numbers.
3. Schools may require parents or guardians to verify their child's age and that they live in the school's enrollment zone, but in doing so, schools must not require specific documents like a child's birth certificate or parent's driver's license and must accept reasonable alternatives to these documents.
4. Schools may request information to document whether a student is a recent immigrant for purposes of federal reporting (including the number of years enrolled in U.S. schools and place of birth).
5. Schools must provide enrollment information in a language that parents understand.
6. States (and in some cases, school districts) may set an upper limit to the age at which a person without a high school diploma can enroll in secondary schools (in most states it is age 20 or 21).
7. Schools cannot share information with third parties about families or students without permission, except for organizations with a legitimate educational purpose; under a judicial warrant or subpoena; or "directory information" which may include name, address, and date and place of birth.
8. Schools may create policies refusing voluntary cooperation with federal Immigration and Customs Enforcement personnel absent a judicial warrant, subpoena, or court order.

Source: Julie Sugarman, "From Plyler to Sanctuary: U.S. Policy on Public School Access and Implications for Educators of Transnational Students" in *The Students We Share: Preparing US and Mexican Educators for Our Transnational Future*, ed. Patricia Gándara and Bryant Jensen (Albany, NY: SUNY Press, 2021), 223-48

Policy Brief 3

SUPPORTING TEACHERS TO TRANSFORM LEARNING OPPORTUNITIES FOR CHILDREN OF MEXICAN IMMIGRANTS

Bryant Jensen, Ph.D.

BRIGHAM YOUNG UNIVERSITY

Abstract

Nothing is more important to successful schools than teaching. We know from empirical research how to transform classroom learning opportunities for children and youth from Mexican immigrant families—how to build on students’ cultural, linguistic, and developmental assets to participate and perform extraordinarily well in literacy, science, history, math, etc.

More recent research shows how teachers learn on the job together to continuously improve their practice to become more equitable for students in their classrooms. I summarize research on transformative teaching, teacher knowledge and dispositions requisite to enact these practices, and systemic supports teachers need but rarely receive to continuously improve learning opportunities for Mexican-origin and other minoritized students. I conclude with some policy recommendations for states, districts, school boards, teacher education, and the federal government *to support* teachers to learn together to transform their teaching practices to fulfill the promise of American public education.

Teachers alone cannot realize the lofty aim of American public education: to be “the great equalizer of the conditions of men” (Mann, 1849). They need systemic support. Over the last generation in the US, we have tried just about every policy or program (e.g., high-stakes testing, merit pay, special certificates, common learning standards, scripted curricula) other than systemic support for teachers to improve teaching and learning in public schools. Though some of these policies, such as certifying cultural/linguistic knowledge of teachers (López & Santibañez, 2021), have an ongoing role to play, none have moved the needle much

on decreasing disparities in achievement¹ by student race, ethnicity, social class, language, or immigrant generation.

Providing teachers “systemic support” promises to realize the transformative aspiration of American public education. Systemic support consists of structures, processes, and related materials to help teachers to learn together in and from their practice to continuously improve (Gallimore et al., 2009; Lefstein et al., 2020; Lieberman & Miller, 2014).

As the largest and among the most marginalized of all Latino/as in US elementary and secondary schools, children of Mexican immigrants, about 9 in 10 of whom are US citizens, are a compelling case. They face numerous barriers, including segregation and limited school resources, emotional distress of harsh immigration enforcement (Ee & Gándara, 2020), and fundamentally underprepared teachers to understand their developmental strengths or meet their educational needs (Gándara & Jensen, 2021). Nationally, the disparity in academic learning outcomes between children of Mexican immigrants and their White, non-Hispanic peers is about three-fourths of a standard deviation (Hemphill & Vanneman, 2011).

Teaching is an essential means to transform life opportunities for Mexican-origin and other minoritized students, but we need more policies that seek to support rather than control or simply certify teachers to make transformative learning in classrooms a reality.

In this policy brief, I summarize what is known from current research² about (a) transformative learning opportunities for students from Mexican immigrant families; (b) teacher knowledge and dispositions requisite to enact transformative practices; and (c) school conditions to support teacher learning to transform their teaching. I conclude with recommendations for states, districts, school boards, accreditation agencies in teacher education, and the US Department of Education to work together in supporting teams of teachers to transform learning for students from Mexican immigrant families.

Transformative Learning Opportunities

Some scholars have characterized the learning and development of children of Mexican immigrants as “paradoxical” (Fuller & García Coll, 2010): strong social, emotional, and behavioral development contrasted with weak academic performance. It is considered paradoxical because for most US students, strong social competence accompanies high academic achievement. Social-behavioral competencies such as collaboration, communication, respect, empathy or self-control are “academic enablers” in general because they help teachers relate with students, students to relate with each other, and eventually for students to relate with the curriculum (DiPerna, 2006).

1. I use “achievement” and “performance” interchangeably to describe student learning captured with standardized assessments of mathematics, reading proficiency, and English Language Arts.

2. The initial version of this brief cited and synthesized 117 research articles and chapters. Without revising content, I later trimmed to 21 for brevity. For a copy of the full bibliography, email me at bryant_jensen@byu.edu.

Thus, the underperformance of Mexican-origin students can be understood as a failure of schools to incorporate or take advantage of the developmental assets, including bilingualism, these students bring from home and their immigrant communities. Indeed, decades of research show working-class immigrants from Mexico by and large raise their children to be *bien educados* (e.g., Valdés, 1996)—respectful, loyal, collaborative, and hard-working.

These developmental assets are “culturally bounded” (Fuller & García Coll, 2010, p. 560) and, therefore, can be difficult for the untrained eye to discern, especially out of context. Teachers with limited cultural knowledge view Mexican-origin students raised to have *respeto* for adults as taciturn or lacking assertiveness. US educators’ definitions of “cooperation” as following the rules do not square with Mexican parents’ understanding of *cooperación* as being accommodating and working well with others (Valdés, 1996).

And so, in addition to structural inequities leading to a disparate distribution of school resources and growing housing and school segregation for Mexican-origin students, underachievement of Mexican-origin students is explained by home-school disconnects: discrepancies in how students are seen, treated, and socialized in and out of school.

Transformative school learning opportunities can eliminate this second disadvantage

There are over 7 million children of Mexican immigrants in K-12 schools in the US (Gándara & Jensen, 2021); they are the largest and lowest-performing subgroup of all Latina/o students. The academic achievement disparity between Mexican-origin students and their White, non-Hispanic peers is about three-fourths of a standard deviation (Hemphill & Vanneman, 2011). Social class accounts for only part of this disparity. Racial/ethnic performance gaps exist within similar social class groups, just as performance gaps by family socioeconomic status persist within racial/ethnic groups. Achievement gains between first- (i.e., Mexican-born) and second-generation (i.e., US-born children of Mexican immigrants) students are minimal (Jensen, 2021).

Additional studies show the stress and uncertainty of undocumented or mixed family status undermine the engagement and performance of students within immigrant families, regardless of students’ own legal status (Yoshikawa & Kholotseva, 2013). More recent work shows this emotional distress grew with the harsh enforcement policies of the Trump administration (Ee & Gándara, 2020).

Thus, the sources of educational disadvantage for Mexican-origin student in US elementary and secondary schools are numerous, layered, and complex. The good news is that the factors that matter most are malleable. Specifically, qualities of teaching—activities, lesson materials, and social interactions students experience in classrooms—have the strongest effect on student learning among all school factors. For learning in classrooms to be truly transformative, teaching must not only be effective at delivering academic content,

it must also be communal to afford student participation as well as connected to the everyday lives of students to enhance meaningfulness of academic content. Colleagues and I have referred to the integration of effective, communal, and connected teaching practices as “equitable” opportunities for students to learn (Jensen, 2021; Jensen et al., 2021).

These teaching practices advance achievement for Mexican-origin and other minoritized students. The most compelling evidence concerns bilingual instruction—“connected” to the everyday language of many Mexican-origin students. The academic achievement (in English) of Mexican-origin and other bilingual students is substantially stronger when they receive content instruction in both languages rather than in English only (e.g., Cheung & Slavin, 2012). Despite strong evidence showing this finding over the years, most Mexican-origin students in US schools today do not receive any bilingual instruction. Though bilingual and dual-language programs are growing in many states, most are foreign- (one-way) rather than heritage-language (two-way) programs, designed for middle-class White students rather than for those from immigrant families (Valdéz et al., 2016).

There are additional empirical studies showing how equitable teaching leads to learning gains for Mexican-origin and other minoritized students. Regarding “communal” teaching, for example, experimental evidence shows collaborative peer interactions have positive effects on the literacy performance of Mexican-origin and other immigrant and minoritized students (Jensen, 2021).

Teacher Knowledge and Dispositions

Implementation of transformative teaching is the fundamental challenge. Neri et al. (2019) show how realizing and sustaining transformative practices is a “multilevel learning problem” (p. 197). What teachers actually do in classrooms with students depends not only on their own preferences or decisions. Implementation depends profoundly on institutional structures (e.g., curricular coherence, aligned learning standards, instructional goals) and organizational processes (e.g., distributed leadership, settings for teacher collaboration) within which teachers and their teaching are embedded (Gallimore et al., 2009; Lieberman & Miller, 2014).

Therefore, transforming learning opportunities for Mexican-origin students to be more effective, communal, and connected is a shared responsibility—among legislators and other officials, school administrators, researchers, teachers, and teacher educators. In addition to teacher actions, what teachers know and are willing to do are enabled and constrained by schools, districts, and states.

I provide a brief review of research on teacher knowledge and dispositions associated with transformative teaching. Teacher knowledge and dispositions are proximal conditions necessary to realize and sustain transformative teaching—to build on Mexican-origin students’ cultural, linguistic, and developmental assets to participate and perform well in school.

Teacher Knowledge

Three broad categories of teacher knowledge requisite to implement transformative teaching include: cultural/linguistic, pedagogical, and curricular knowledge. **Cultural/linguistic knowledge** includes *general* understandings of how cultural and language practices mediate every aspect of daily life, as well as *localized* knowledge of the cultural communities to which students belong. A knowledgeable teacher in a Mexican immigrant community, for example, would not only understand how childrearing values vary by culture in general, but also how *bien educado* children possess specific strengths or assets such as persistence, loyalty, and respect (Valdés, 1996).

Moreover, knowledgeable teachers understand language is not either/or. They understand how stronger skills in Spanish contribute to stronger proficiency in English and how Mexican-origin students mix languages naturally to express themselves, including to express complex and sophisticated ideas in classroom activity (Jensen et al., 2021). López and Santibañez (2021) find that state certifications of teachers' cultural/linguistic knowledge is associated with higher academic achievement for Mexican-origin students.

Pedagogical knowledge concerns teachers' understanding and execution of principles of effective teaching. These principles concern productive organization and warm and positive affect in the classroom, as well as effective instructional supports (e.g., modeling, questioning, providing feedback, connecting ideas, facilitating discussion) to engage students across various academic content.

Finally, **curricular knowledge** concerns teachers' understanding of what they are entrusted to teach—key content and concepts of the disciplines, knowledge of state learning standards, and the capacity to evaluate and select materials that will support students' learning. Importantly for Mexican-origin students, these three categories of teacher knowledge interact to enable transformative learning opportunities in classrooms. For example, teacher cultural and pedagogical knowledge interact to foster more meaningful assistance, redirection, affection, and encouragement for Mexican-origin students (Reese et al., 2014). Cultural and curricular knowledge interact to adapt learning materials—to build on students' assets (e.g., knowledge of mechanics) or connect with lived experiences (e.g., *la quinceañera*), including firsthand experiences with difficulty or injustice (e.g., crowded housing, a deported parent) (Gallo & Ortiz, 2020).

Teacher Dispositions

Beliefs, attitudes, or will of teachers in the field are referred to as “dispositions”: fundamental orientations to self, others, and to society that shape how they think and act. Dispositions are ways of positioning oneself in relation to others or “habits of mind,” intentional or not. Dispositions underlie how teachers see their students' strengths and needs, families, and their potential. Dispositions (e.g., compassion, respect) modify how teachers interact with students to assist participation and learning in classroom activity (Diez, 2007). Connecting a

math lesson with what Mexican-origin students know and do outside of school, for example, requires teachers to position themselves as learners and their students as knowers.

We find at least three dispositional qualities enable transformative learning for Mexican-origin and other minoritized students: social awareness, meekness, and advocacy for students (Jensen et al., 2018). I review these briefly to illustrate the nuance and significance of dispositions for transformative teaching rather than to identify a comprehensive list.

Social awareness concerns understanding social positions of oneself and others as well as structures of privilege in society. Socially aware educators reflect regularly on the ways curriculum and school structures favor some students and families over others despite educators' good intentions.

Meekness is positioning oneself as curious, teachable, and even-tempered in order to learn about cultural differences and social disadvantage, and to persist through ambiguity and discomfort in order to communicate well. Meekness is both receptive and expressive. It is the capacity to position oneself as learner (receptive) as well as to speak up for truth and justice on behalf of others (expressive) "in a calm and kindly fashion." Meekness is self-control rather than timidity, indifference, or surrender.

Finally, **advocacy for students** refers to teacher willingness to use their influence to make schools better for every student. Advocatory teachers discuss societal issues with their students, especially those like family deportation with which students have firsthand experience. They see themselves as responsible for addressing structures like curricula or learning standards to be more inclusive of what students know, do, and identify with.

Supporting Teachers Learning to Improve

It is no wonder implementation is so difficult. Transformative teaching is complex, demanding, and in many ways disrupts traditional ways of organizing lesson activities and interactions with students. To transform learning opportunities for Mexican-origin students and others at societal margins, teachers are expected to teach content standards established by the state to a wide range of students—in ways that build community in the classroom, assist deep thinking, and resonate with a wide variety of student experiences. Sustaining implementation of these desirable yet formidable practices requires systemic support (Neri et al., 2019).

With systemic support, teachers transform their teaching incrementally rather than all at once (i.e., "continuous improvement"). The most proximal setting in support of continuous improvement in schools are small, job-alike teams of teachers working together to address common instructional dilemmas (Gallimore et al., 2009; Lieberman & Miller, 2014). These collaborative settings allow teachers to share insights and examine challenges within shared instructional contexts. By planning and preparing lessons together, examining implementation, and reflecting on and revising aims, etc., teachers build professional community and derive deep satisfaction from their work (Santoro, 2018).

Not all forms of teacher collaboration, however, are equal. Deep, focused, and consistent collaboration leading to lasting changes in teaching requires more than simply talking together or sharing ideas (Lefstein et al., 2020). The **process** of continuous improvement includes, for example, complementary and fluid roles among team members, asking one another critical questions and wondering together, negotiating decisions, shared ownership, and anchoring analyses of teaching in classroom artifacts such as student work, lesson videos, or peer observations.

A preponderance of evidence in research on teacher collaboration points to a set of **structures** to support teacher collaborative learning to transform their practice (Gallimore et al., 2009). Some structures are more proximal to teacher learning than others. Distal structures include administrative buy-in, aligned curricular resources, and workshops as needed for school and district personnel. Proximal conditions or structural supports for teachers include:

1. a regular (preferably weekly) time and place for teachers in small content-area or grade-level teams to plan and study their practice;
2. common, focused instructional aims;
3. peer facilitation of team meetings; and
4. protocols to guide collaborative inquiry among teachers.

These structures are necessary for deep, focused, and sustained collaboration. Common aims focused on specific student learning standards enhance intellectual work among small teams of teachers. Peer facilitation generates trust and community, and inquiry protocols orient teachers toward insights they could not have arrived at on their own.

With these structures in place, additional **materials** have potential to enrich continuous improvement in teacher teams. These materials include conceptual frameworks of teaching, rubrics to score student work, classroom observation rubrics, student surveys, guidelines for video or audio recording, software to annotate recordings, case studies, and teacher learning progressions. Materials orient practitioners toward compelling concepts of teaching to enrich their planning and preparation, close-to-practice evidence for teacher debriefs and analyses, and interactional processes to hone their inquiry. More research and development on these tools are needed.

Policy Recommendations

Transforming learning opportunities at scale for Mexican-origin students to build on their cultural, linguistic, and developmental assets requires fairly radical shifts in public policy. Teachers need systemic support from public education authorities, not criticism. Systemic support affords critical, constructive analysis of teaching from within—by and for teachers—rather than externally. Teachers must be empowered to be improvers. Especially during the COVID pandemic, there has been more of a collective acknowledgement by the American

people of just how demanding teaching is—how noble the profession is and how much as a society we depend on good teachers.

Supporting rather than controlling or simply certifying teachers to learn to transform their practice is a ground-up rather than top-down approach to systemic change. This does not mean accreditation, certification, recruitment, and retention policies for teachers are unimportant. Indeed, state certifications of teachers' cultural/linguistic knowledge is associated with higher academic achievement for Mexican-origin students (López & Santibañez, 2021). The policy recommendations I offer below are neither comprehensive nor mutually exclusive with these policies. They intend to complement other efforts to make transformative learning a reality for Mexican-origin students and others.

First, **states, districts, and school boards** should act on what is known from current evidence about transformative teaching and teacher learning to enact these practices. Namely:

- State standards should be more communal and afford regular and explicit connections to students' everyday lives;
- Bilingual persons should be incentivized to enter the profession; and
- Teachers should be provided regular times and places to plan, study, and revise their practice in small, job-alike teams that are peer-facilitated with generative protocols to guide their inquiry.

Santoro (2018) shows how public school teachers leave the profession not because they are “burned out” but because they are demoralized. Demoralized because they are not given flexibility, autonomy, and supports they need to transform their practice. Supporting teacher agency in collaborative teams to continuously improve their practice to be more effective, communal, and connected allows teachers to access rewards inherent to transformative teaching practice: meaningful relationships with students, teacher efficacy, and a deep sense of fulfillment and professional satisfaction. Thus, the systemic supports I have identified help with teacher retention as well.

Second, **accreditation agencies in teacher education** such as the Council for the Accreditation of Educator Preparation (CAEP) should integrate what is known about teacher knowledge and dispositions needed to enact transformative teaching into professional standards. This includes:

- Updating teaching standards and indicators (e.g., InTASC) to reflect intricate ways teachers' cultural knowledge intersects with their curricular and pedagogical knowledge, and
- Developing conceptually coherent, psychometrically strong, and practically useful assessments of teacher knowledge and dispositions.

Various assessments widely used in teacher education programs lack validity evidence. Typically, they are surveys of teacher candidate dispositions completed by a professor or field supervisor. They are used to make high-stakes decisions (e.g., candidate licensure, program accreditation) in teacher preparation programs throughout the US. Authors of these measures often cite non-peer-reviewed articles as sources for constructs without face validity, evidence of internal structure, or validated guidelines for interpreting and using measure information.

Lastly, I recommend the **U.S. Department of Education** sponsor more research on teacher learning to transform their practice for Mexican-origin and other immigrant and minoritized students. More specifically, we need more framing and evidence regarding:

- Mechanisms (e.g., student self-efficacy, ethnic identity) that explain the effects of transformative teaching practice on student learning outcomes;
- How teacher knowledge and dispositions moderate these effects; and
- Processes (e.g., teacher agency, community trust, discourse).

Efforts should be made to conduct research *with* rather than *for* teachers, and to communicate empirical findings with clear implications to local education agencies, not only in terms of “what works” but how, for whom, and under what conditions.

Policy Brief 4

MEETING THE LEGAL NEEDS OF MEXICAN STUDENTS IN THE UNITED STATES THROUGH SCHOOL-BASED LEGAL CLINICS

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Abstract

Mexican origin students in U.S. public schools have complex and pressing legal needs that are often unmet. Without access to high quality legal advice and counseling, many young Mexican nationals do not access pathways to legal status for themselves or their family members that would have a transformative impact on their future trajectories. They also miss out on opportunities to benefit from social service programs that could greatly improve their wellbeing, risk being victims of workplace exploitation, and most seriously of all, face the possibility of being thrust into the school-to-deportation pipeline for minor law enforcement encounters that can have major immigration consequences. This policy brief describes the urgent legal needs of Mexican origin students, and proposes school-based legal clinics as an innovative approach to addressing their needs. Schools are uniquely well-situated to provide immigrant families with access to trustworthy information about their legal rights and options. Working closely with other school personnel, school-based legal clinics can reach students and family members who otherwise would be unlikely to access a lawyer. Legal counseling at the school site can offer a major counterweight to the insecurity and stress that many Mexican students in mixed status families live with day to day. In some cases, the legal clinic can identify pathways to legal status and provide pro bono representation on their immigration cases. In addition to individual legal interventions, the legal clinic can work towards broader community change by offering workshops and programming on legal rights and policy reform in a trusted community space.

Introduction

Luis³ is a senior in a large public high school in Los Angeles. His mother brought him from Mexico to the United States in 2004, when he was three months old, after his father abandoned her while she was pregnant. She walked for two days through the desert with Luis on her back, a single mother in search of work. They settled in Los Angeles and eventually she met a new partner and had three U.S. citizen children.

When President Obama created the Deferred Action for Childhood Arrivals Program (“DACA”) in 2012, Luis was not yet 15, and so he could not apply. By the time he was eligible, President Trump had shut down the program. Luis entered his senior year unsure of what the future held for him. He did well in school and wanted to be the first in his family to go to college, but also knew he would struggle to find work or financial aid without immigration status.

Luis’s mother, Ana, worked as a housekeeper and had learned from decades of life as an undocumented worker to keep a low profile. She rarely got involved in activities or events outside of home and work. The one exception was events at her children’s schools, where she regularly attended parent conferences and other school events.

One day in 2021, Ana went to a “Coffee with the Principal” event, where a bilingual staff attorney in a legal clinic described the services offered at her son’s school. Ana’s ears perked up when the attorney described a special visa available to young people who had been abandoned by one of their parents. After the meeting, she made an appointment for a free and confidential legal consultation in the clinic’s school-based office.

Three months later, Luis has an application pending for a visa that will put him on a pathway to citizenship. With the help of the clinic, he also submitted an application for DACA when the program reopened. During one of the interviews with a clinic staff attorney working on Luis’s case, Ana disclosed domestic violence in her past that could offer her legal protection, too, if she decides to report the crime to law enforcement. After decades without contact with an immigration attorney, in the course of a few months, both Ana and Luis may join the rest of the members of their mixed status family on a path to legal status. Luis is also interested in joining the clinic’s outreach team to talk to other students and parents in his school about DACA and immigrants’ rights in the workplace.

The legal needs of Mexican origin students in the U.S. are diverse and pressing. They face a range of challenges to their health and well-being that can be significantly addressed through legal advocacy, if they can access it. And yet, many Mexican origin students lack

3. Luis and Ana are pseudonyms; the facts are based on a combination of several actual clients of the UCLA Immigrant Family Legal Clinic. More information about the Clinic is available on the law school website, <https://www.law.ucla.edu/academics/clinical-education/clinics/immigrant-family-legal-clinic>

opportunities to access legal resources or support. As a result, they miss legal programs and options that could have a transformative impact on their current security and future prospects.

I have witnessed this first-hand, directing a legal clinic based on a large public school campus in Los Angeles where thousands of immigrant families send their children to primary and secondary school. Many of the Mexican families we serve have never had a consultation with an attorney before; others have had negative experiences with *notarios* or low-quality attorneys who have taken advantage of them. Once connected with a legal clinic in a trusted space, the families we serve can benefit in myriad ways. In addition to visa applications like Luis and his mother, we have also connected families with information about how to safely access public benefits and financial aid, how to assert their rights as tenants and workers, and what to do when a loved one is picked up by the police or immigration enforcement. As importantly, we have provided them with information and resources to understand their rights in the U.S. and how they can advocate on their own behalf and for others in their community.

This paper provides an overview of the legal needs of Mexican students, and then describes why school-based legal clinics offer a promising approach to responding to these needs. The paper proceeds in three parts. Part I covers the need for legal assistance Mexican students have with regard to lawful immigration status. Given the large proportion of Mexican- origin youth who are in mixed status families with undocumented family members, legal immigration status is arguably the most central and urgent legal issue they face. Even if they themselves have legal status, the immigration status of their family members is central to their own wellbeing and flourishing. Legal status impacts their ability to access a broad range of social and economic services and programs, and to plan for their educational and professional futures. Perhaps even more importantly, precarious legal status creates stress and insecurity for the family as a whole, undocumented and U.S. citizen members alike.

Part II summarizes other areas where Mexican origin students need legal assistance. Given the lack of viable pathways to legal status for the vast majority of undocumented immigrants, there is also an important need for legal resources and advocacy on problems that are not specifically immigration-related, including access to public benefits, workers' rights, and tailored information about financial aid and higher education.

The final section of the paper describes why school-based legal clinics are uniquely well-situated to address the needs of immigrant students and their family members. This part provides several examples of how the UCLA clinic has responded to the needs described in the foregoing two sections. It is a model of how collaboration between schools and legal service providers has the potential to address many of the current challenges and hardships immigrant families face in accessing high quality legal services.

I. Identifying Legal Pathways to Immigration Status

To begin, a brief overview of the immigration status of Mexican nationals in the U.S. is in order. Mexico is the largest country of birth of the estimated 47 million immigrants living in the U.S., with approximately 24% of all U.S. immigrants born in Mexico as of 2019.⁴ Over the past decade, Mexicans no longer make up the largest share of new arrivals. Compared to other immigrants, Mexicans are much more likely to have arrived in the United States at least a decade ago. In fact, nearly 60% of Mexican immigrants arrived prior to 2000. Only about 13 percent of Mexican immigrants have arrived since 2010.

For Mexican children in particular, they no longer dominate the number of unaccompanied minors (children under 21 entering the country without parents) as they did prior to 2012. Over the past decade, their numbers have steadily declined, while children from the Northern Triangle countries make up an increasing number and proportion of the unaccompanied minors apprehended at the border.⁵

Thus, the majority of Mexican students in U.S. schools today are likely to be children in mixed status families. Data analysis in 2017 estimated 16.7 million people in the country have at least one unauthorized family member living with them in the same household, including more than 5.9 million citizen children.⁶ Given the fact that Mexicans account for over half of undocumented immigrants in the country, the majority of these mixed status families include Mexican-origin youth.

With this overview in mind, the next section identifies six of the most viable legal pathways to status for Mexican students, either for themselves or their undocumented family members.

1. DACA

When President Obama first created the Deferred Action for Childhood Arrivals Program (“DACA”) in 2012, it immediately became the most urgently needed form of legal service for Mexican immigrant youth. To serve the needs of the huge population of eligible individuals,

4. Emma Israel and Jeanne Batalova, Mexican Immigrants in the United States, Migration Policy Institute (Nov. 2020) www.migrationpolicy.org/article/mexican-immigrants-united-states-2019#age_education_employment

5. In FY2009, children from Mexico and the Northern Triangle countries (El Salvador, Guatemala, and Honduras) represented 82% and 17%, respectively, of the 19,668 UAC apprehensions. By FY2021, those proportions had flipped, with Mexican and Northern Triangle children respectively representing 18% and 77% of all UAC apprehensions. Unaccompanied Alien Children: An Overview, Congressional Research Service 5 (Sept. 2021) <https://sgp.fas.org/crs/homesec/R43599.pdf>

6. Silva Mathema, Keeping Families Together: Why All Americans Should Care About What Happens to Unauthorized Immigrants, Center For American Progress (March 2017), https://cdn.americanprogress.org/content/uploads/2017/03/15112450/KeepFamiliesTogether-brief.pdf?_ga=2.38870435.1893047509.1598378264-4-1358594236.15983782644

legal services organizations and community-based groups mobilized, and created a range of innovative and effective approaches to rapidly serving the population of eligible young people. Hundreds of thousands of young people submitted applications and most were approved.⁷

In the years since, the need for legal services related DACA has ebbed and flowed, but largely declined due to the hostility of the Trump Administration to the program and federal court litigation. President Trump attempted to rescind the program in 2017, which halted all new applications, although renewals continued due to federal court litigation. New applications briefly reopened in 2020 after the Supreme Court reversed the Trump Administration's efforts to rescind the program, only to be shut down again in July 2021 by a federal district court in Texas. As a result, as of January 2022, the program is not open for new applications, but renewals continue to be accepted.⁸

Even if the program eventually reopens for new applicants, however, the population of DACA-eligible youth is rapidly declining because the temporal eligibility requirements have not shifted since the program's creation in 2012. The program still requires that applicants must have been under age 31 and physically present in the United States on June 15, 2012, must have entered the United States no later than June 15, 2007, must have continuously resided in the U.S. since 2007, and must have been under age 16 at the time of initial entry.⁹ By June 2022, there will be no new applicants in the under-15 age group because they will not have been born in 2007.

Still, DACA remains an area of significant need for Mexican immigrant students. According to USCIS data, 81% of DACA recipients are from Mexico (493,680 out of 611,030).¹⁰ The Migration Policy Institute has estimated that this figure is out of a total of 744,000 eligible Mexican nationals.¹¹ Thus, while the number of new applicants is declining, there is still a substantial population of eligible individuals who have yet to apply. There is also the very large population of current recipients who need to renew their DACA status and work authorization. For most, this is a straightforward process that does not require a lawyer. For an important sub-population, however, DACA renewal is complex: those who have any arrest and/or conviction occur after their initial DACA approval. For these young people, determining whether to renew their application is a complicated and high stakes

7. For an overview of DACA's history, see Deferred Action for Childhood Arrivals (DACA): By the Numbers, Congressional Research Service (APRIL 2021), <https://sgp.fas.org/crs/homesec/R46764.pdf>

8. For an overview of the litigation involved, see Timeline on MALDEF's website, www.maldef.org/2021/10/texas-v-united-states-a-timeline-of-the-fight-to-protect-daca

9. DACA eligibility requirements are provided on the website of USCIS, <https://www.uscis.gov/DACA>

10. <https://www.uscis.gov/sites/default/files/document/data/Active%20DACA%20Recipients%20%E2%80%93%20September%202020%2C%202021.pdf>

11. DACA Data Tools, Migration Policy Institute, <https://www.migrationpolicy.org/programs/data-hub/deferred-action-childhood-arrivals-daca-profiles>

determination, since a denial could trigger getting placed in removal proceedings. Obtaining advice from a legal expert before proceeding is crucial to ensure that they do not submit an application that backfires and gets them placed in removal proceedings.

2. Family-Based Petitions

One study in 2017 estimated that one in four Latino children have at least one parent who is undocumented.¹² Mexican families are particularly likely to be mixed status – with some family members who are U.S. citizens, some undocumented, and/or some with other forms of status – because of the high proportion of Mexican unauthorized immigrants who have lived in this county for decades and had U.S. citizen children here. Family-based petitions are by far the most common pathway Mexican immigrants have to citizenship. Specifically, in 2019, 85 percent of Mexicans who received a green card did so based on a family-based petition, a much higher share than the 69 percent of all new LPRs.¹³

Thus, one major legal need of Mexican youth is for assistance with family-based petitions. U.S. citizen children can petition for their parents when they turn 21, and it is often far from a straightforward process. There are likely to be complications and even outright bars to success on the petition depending on the parent's immigration history as well as any past encounters with law enforcement. In addition, undocumented Mexican youth can be beneficiaries of other family members' petitions, including their parents and siblings. These applications, too, are often complex. Some also face extremely prolonged delays due to backlogs in certain categories. This problem is particularly severe for Mexican nationals because of country-specific caps that result in extremely prolonged processing times for countries with high numbers of family-based petitions.¹⁴

Many mixed status families lack basic information about how the legal process works for petitioning for family members. This makes them extremely susceptible to *notarios* or unethical attorneys who charge exorbitant fees to file petitions that may not ultimately be successful.¹⁵ The ability to access high quality legal advice and counseling about family-based petitions provides families with a much-needed resource and also protects them from this type of exploitation and harm.

12. Wyatt Clarke et al, One Quarter of Hispanic Children in the United States Have an Unauthorized Immigrant Parent, National Research Center on Hispanic Children & Families (OCT. 2017).

<https://www.hispanicresearchcenter.org/research-resources/one-quarter-of-hispanic-children-in-the-united-states-have-an-unauthorized-immigrant-parent>

13. See Mexican Immigrants in the United States, *supra* n. 2.

14. David Bier, Family and Employment Green Card Backlog Exceeds 9 Million, CATO INST. (Sept. 2021)

<https://www.cato.org/blog/family-employment-green-card-backlog-exceeds-9-million>

15. For more discussion and analysis of this problem, see Nina Rabin & Cecilia Menjivar, On Their Own: Immigrant Youth Navigating Legal Systems, in *Illegal Encounters: The Effect Of Detention And Deportation On Young People* 89-101 (Deborah A. Boehm and Susan J. Terrio eds., 2019)

3. Special Immigrant Juvenile Status

As noted above, Mexican children no longer dominate the number of unaccompanied minors (children under 21 entering the country without parents) as they did prior to 2012. Over the past decade, their numbers have steadily declined, while children from the Northern Triangle countries make up an increasing number and proportion of the unaccompanied minors apprehended. Still, there are a significant population of Mexican youth who are here without one or both parents, either because they recently arrived or one or both of their parents have returned to home country. Some of these young people are eligible for Special Immigrant Juvenile Status (“SIJS”), a visa for children who have been abused, abandoned, or neglected by one or both parents. This visa requires findings by a state child welfare court, and if approved, can then form the basis for an application for legal permanent residency.

Unlike DACA, SIJS provides young people with a pathway to legal permanent residency, and eventually, citizenship. Unfortunately, processing delays and backlogs in the immigration system have led to extended waiting times for visas based on SIJS.¹⁶ Still, a successful SIJS petition is a life-changing intervention for the young people who receive it. It is nearly impossible to apply for SIJS without an attorney, given the complexity of the process, which involves a hearing in state court and an application to a separate federal agency. Given the legal complexity, as well as the social taboo related to talking about family-related domestic violence or neglect, it is highly unlikely that young people will self-identify as eligible for SIJS, to say nothing of successfully applying for the visa. But if immigrant students have access to trusted legal advisors who can identify eligible youth and provide them with representation, SIJS is an area of great promise for increasing access to legal status for young immigrants, including Mexican nationals.

4. Humanitarian visas

The most common type of humanitarian visa for Mexican nationals is the U visa, which offers a pathway to legal status to victims of serious crimes who have cooperated with law enforcement. These visas were created by the Victims of Trafficking and Violence Protection Act in 2000 to encourage immigrant victims of crime to come out of the shadows, and report the crimes to law enforcement without fear of deportation. The visa can be the basis for a green card application and eventually citizenship. Mexican nationals make up the sizeable majority of U visa recipients. In fact, between 2012 and 2018, nearly 70% of U visas

16. Rachel Davidson and Laila Hlass, Any Day They Could Deport Me: Over 44,000 Immigrant Children Trapped in SIJS Backlog, The End SIJS Backlog Coalition And The Door (Nov. 2021), <https://www.sijsbacklog.com/any-day-they-could-deport-me>

petitions were submitted by Mexican nationals.¹⁷ Successful petitioners can also apply for their spouse and/or children to receive status as their “derivatives,” making the U visa an important means of bringing entire families into lawful status.

While far smaller in number, another important humanitarian visa for which to screen immigrant youth is the T visa, for victims of severe human trafficking. To qualify, a trafficking victim needs to show they were forced to work – either in sex work or other types of labor – by the use of force, fraud, or coercion. Identifying potential T visa applicants is a particularly difficult task given the extreme fear that most victims have related to their traffickers. The most common industry for labor-related T visas is agriculture, and unsurprisingly, Mexico is by far the predominant country of origin of trafficking victims in this area. It is also the second most common national origin of victims of trafficking in domestic work.¹⁸

Undocumented survivors of domestic violence by U.S. citizen or LPR abusers are eligible for visa petitions created by the Violence Against Women Act (VAWA), which was passed by Congress in 1994. VAWA created a special route to lawful immigration status for victims of domestic abuse who normally must rely on their abusers to file for status for them. Instead, victims of abuse can “self-petition” – file for status on their own – and receive a visa that leads to legal permanent residency.

Increasingly, immigration attorneys serving undocumented families screen for eligibility for U and T visas, as well as VAWA self-petitions, since these are some of the only viable pathways to legal permanent residency for the undocumented population in this country. Given the prevalence of crime, trafficking, and domestic violence victims in the Mexican immigrant community, it is not a remote possibility that Mexican students or their family members could be found to be eligible for these visas if they have access to legal screenings.

5. Asylum

As noted, the number of Mexican immigrants arriving to the U.S. has been in steady decline, so there is not the same pressing need for asylum representation for recent arrivals as is the case for recent arrivals from the Northern Triangle. Still, the number of asylum claims from Mexico over the past decade is far from insignificant.¹⁹ These claims face daunting odds. In fact, a recent analysis of asylum decisions over the past twenty years, from 2001-2021, found that Mexico had the lowest asylum success rate of any country, with a 15% success rate.²⁰ The majority of Mexican asylum claims have been defensive claims, which are raised

17. U Visa Report, U.S. Citizenship and Immig. Servs. (March 2020), https://www.uscis.gov/sites/default/files/document/reports/U_Visa_Report_-_Demographics.pdf

18. See reports issued by the Polaris Project at www.polarisproject.org

19. A recent analysis of twenty years of government data finds 43,000 asylum applications from Mexico between 2001-2021. Asylum Report, TRAC IMMIGR. (Dec. 2021), <https://trac.syr.edu/phptools/immigration/asylum>

20. Ingrid V. Eagly & Steven Shafer, A National Study of Access to Counsel in Immigration Court, 164 U. PENN. L. REV. 1, 8 (2015)

in immigration court. For these cases, there is extensive evidence that having an attorney makes a huge difference. And yet, Mexican immigrants had the lowest representation rate of any major nationality group in a study of representation in immigration court, with only 21% represented in court.²¹

6. Rapid Response

Urgent legal needs arise for Mexican origin students when they or their family members are picked up by immigration or law enforcement. Interior immigration enforcement and detention are currently low, but this is certainly subject to change. Immigrant communities experienced the unpredictability of immigration enforcement over the prior two presidential administrations, when policies and practices with regard to prosecutorial discretion shifted rapidly. Mixed status Mexican-origin families are hit especially hard by these policy vacillations, having to adjust their risk assessments with regard to activities and also their mental preparedness in response to surging risks of being picked up, detained, and placed in removal proceedings. During periods of increased enforcement, children and young adults urgently need legal advice and resources to help them understand what is happening to their parents or other loved ones and what, if anything, they can do about it. In particular, when undocumented family members are in immigration detention facilities, it can be very difficult to locate them, let alone advocate for their release, without access to legal service providers.

In addition, there is the significant additional number of Mexican nationals who are in some sort of legal limbo, awaiting family-based petitions, immigration court-granted relief, or humanitarian visas.²² During this period of ambiguity, if they have any encounters with law enforcement, it could jeopardize their pending applications. Immediate access to immigration advice and counseling regarding plea agreements, even with regard to minor misdemeanor arrests, can make a huge difference in whether a conviction will potentially lead to deportation or otherwise jeopardize their legal status.

II. Addressing Other Legal Issues: Public Charge, Workers' Rights, and Access to Higher Education

As previously noted, Mexican nationals account for just over half of undocumented immigrants in the country. Their overall number and share of the unauthorized population has declined over the past decade, due to multiple factors, including ramped up

21. *Id.*

22. For a lengthy discussion of this trend, see Nina Rabin, *Legal Limbo As Subordination: Immigrants, Caste, and the Precarity of Liminal Status in the Trump Era*, 35 *GEO. IMMIGR. L.J.* 567 (2021).

deportations during the Obama Administration, an increase in immigrants choosing to return to Mexico – particularly in the wake of the Great Recession – as well as a decline in new arrivals.²³ Yet their numbers have not declined due to any sort of increased pathways to lawful immigration status. To the contrary, despite promises from the Biden Administration to push for immigration reform, Congress remains just as paralyzed on the issue as it has been for decades. Thus, while legal services focused on immigration relief are a top priority for Mexican students, they are sharply limited by the lack of viable options. This is particularly the case for undocumented parents of Mexican-origin students who have lived in the country for decades. For this population, all too often, there is no viable pathway to immigration relief.

Thus, as important as it is to assist with legal screening and representation on immigration remedies, there is also a pressing need for attorneys to help Mexican origin students with the myriad other legal issues and problems that they and their families face. Many of these issues are common to all low-income communities who lack adequate access to legal services, but are rendered more complex and urgent by the lack of immigration status.

One prime example is public benefits. Many immigrant families are uncertain about whether they can safely access benefits programs of all kinds – from food stamps to housing vouchers to health care. They often forego benefits programs for which they or their U.S. citizen children are eligible out of fear that it could lead to deportation or jeopardize their ability to obtain legal status in the future.²⁴ This chilling effect was greatly exacerbated during the Trump Administration because of changes to the “public charge” rule, which can bar immigrants from obtaining a green card if they are deemed likely to rely too heavily on government support in the future. Rumors regarding this rule, as well as actual changes to its content, resulted in significant declines in the use of social service programs by immigrant families during the Trump era. The Biden Administration has subsequently restored the rule to its prior, more narrow definition of public charge. But it is clear that the chilling effect continues.²⁵ Connecting Mexican students and their families with legal advice and counseling about eligibility for benefits programs greatly improves the entire family’s wellbeing. Certain food, healthcare, and social services programs do not require immigration status, and many others are available to U.S. citizen children in mixed status households.

23. Randy Capps et al., Unauthorized Immigrants in the United States, Stable Numbers, Changing Origins, Migration Policy Institute (Dec. 2020) https://www.migrationpolicy.org/sites/default/files/publications/mpi- unauthorized-immigrants-stablenumbers-changingorigins_final.pdf

24. For an overview of this issue and a wealth of resources and information related to it, see the website of the Protecting Immigrant Families Coalition, <https://protectingimmigrantfamilies.org>

25. Randy Capps et al., Anticipated “Chilling Effects” of the Public-Charge Rule Are Real: Census Data Reflect Steep Decline in Benefits Use by Immigrant Families, Migration Policy Institute (Dec. 2020) <https://www.migrationpolicy.org/news/anticipated-chilling-effects-public-charge-rule-are-real>

And yet without accurate legal information, many immigrant families do not access any of these programs out of fear and misinformation.

Another area where immigrant families are particularly vulnerable is in the workplace. The vast majority of worker protection laws apply without regard to immigration status. Yet many immigrant workers assume that they do not have any rights whatsoever in the workplace.

As a result, they are particularly vulnerable to exploitation and abuse. Legal education and outreach about workers' rights can empower workers to assert their right to fair pay and treatment in the workplace proactively. Legal workshops run by community organizers working in partnership with attorneys can file claims when violations occur. All this is important to Mexican students, in particular, given that many young immigrants work part-time while they are in school. Others are likely to join the workforce immediately upon graduation. Having access to education and legal consultations about workplace rights at this formative stage in their development can make a lifelong difference in how they approach employment and what expectations they have of their treatment in the workplace. As with the other issues, students in mixed status families can also gain information relevant to their undocumented parents and other family members, and potentially connect them with legal services they would otherwise be unlikely to seek out.

As a final example, Mexican origin students can benefit from legal advice and counseling about their options with regard to financial aid, higher education, and occupational licenses. To varying degrees, high schools may have guidance counselors with resources and expertise on these issues that is specifically tailored for immigrant communities. However, even in the best of circumstances, it can often be difficult for non-lawyers to advise young people who themselves do not fully understand their current immigration status or that of their family members. Students may also have undocumented parents who are fearful of disclosing information about their employment or income. Access to legal counsel can offer families a safe and confidential means of understanding the student's options and weighing any risks involved in providing information or pursuing various types of financial aid programs.

III. School-Based Legal Clinics as a Policy Response

The foregoing sections capture the range of legal problems and challenges that Mexican origin students face. In many of these areas, access to high quality legal advice and representation has the potential to dramatically alter the life prospects of young people and their families. Yet these students are highly unlikely to have adequate access to legal services.

School-based legal clinics are an innovative approach to providing urgently needed legal services to immigrant families.²⁶

Schools are one of the few public spaces that many immigrant families access frequently and regularly with a sense of safety. School personnel form trusting relationships with students and parents, making them well-positioned to identify families in particular need of legal advice and guidance. For this reason, the UCLA Immigrant Family Legal Clinic undertakes outreach not just with students and families but also with teachers and administrators in the school. We regularly join professional development trainings to provide school personnel with information about common types of immigration status and legal issues about which they may want to keep their eye out. The result has been that our most common referral source is from school personnel – teachers, guidance counselors, and school social workers – who often walk students directly to our clinic office for consultations and legal screenings.

The following clients exemplify the unique way our school-based model works:

- Marta, an undocumented Mexican mother of six, disclosed to her youngest child's first grade teacher that the family was facing housing insecurity. The teacher referred Marta to our office for a legal consultation. We connected her with a community-based organization to assist with her housing concerns. In the course of the consultation, we also learned that her three older children were undocumented and SIJS-eligible based on abandonment by their father in Mexico over a decade previously. Our clinic now represents the three teens – ages 13, 16, and 19 – on their SIJS applications.
- Nicolas was arrested and charged with Driving Under the Influence (“DUI”) several months after his high school graduation. The circumstances of his arrest were highly sympathetic – he was actually not driving, but asleep in his car in a parking lot, where he had decided sleep until he could safely drive home. Instead, an officer roused him and charged him with the DUI. While the case was pending, he called his former high school English teacher, with whom he was very close. She connected him with our legal clinic. We assisted him in negotiating a plea that would not jeopardize his DACA eligibility, and then submitted a renewal application with extensive mitigating evidence. His DACA was renewed, allowing him to continue his part-time work and studies in a local community college.

26. For more in-depth discussion of this model, see Karen Quartz et al., *Sanctuary Schooling: A Promising Model for Supporting Immigrant Students*, in *Schools Under Siege: The Impact of Immigration Enforcement on Educational Equity* (Patricia Gándara and Jongyeon Ee eds., 2021); see also Prerna Lal & Mindy Phillips, *Discover Our Model: The Critical Need for School-Based Immigration Legal Services*, 106 Cal. L. Rev. 577 (2018).

- Julia fled southern Mexico with her two daughters after years of severe persecution in their largely indigenous community. They suffered sexual and physical violence, and were unable to get protection from their local police. After a grueling journey, they arrived in Los Angeles. Julia struggled with post-traumatic stress disorder and various other health conditions. She was terrified to leave her house, but felt safe coming to the legal clinic where she dropped her kids off at school for an event geared at welcoming newcomer families. After the event, she signed up for a consultation and soon the clinic agreed to represent her in her asylum case. The application was successful and she and her daughters are currently awaiting their green cards.

In addition to these individual accomplishments, school-based legal clinics also further broader social reform. Given their location within educational institutions, school-based legal clinics offer a model of legal service provision that focuses on knowledge and empowerment, building towards community-level change. In contrast, legal service delivery in other contexts is often critiqued for being too individualized and reactive to lead to lasting social change.

The creation of school-based clinics to serve immigrant families should be a priority. They can be implemented through creative partnerships and collaborations between school districts, law schools or legal service organizations, county-level departments of education, state and local grant programs, and private philanthropy. They are a particularly good fit for “community schools,” furthering the goals of connecting families with resources and support beyond the classroom. As the immigrant population continues to grow, establishing school-based legal clinics is a concrete step that localities can take to ensure that immigrant families flourish despite the stalled efforts at the federal level to pass comprehensive immigration reform. Through legal outreach and services, school-based legal clinics strive to allow immigrant students to live and learn without fear or undue limitations imposed by the legal status of themselves or their family members.

Panel II Summary of Key Policy Recommendations

- States, districts, and school boards and local education agencies should act on what is known from current evidence about transformative teaching and teacher learning, namely state learning standards and curricula should be more communal
- Bilingual persons should be incentives to enter the profession
- Teachers should have the time to plan, study, and revise their practice in small teams
- Accreditation agencies in teacher education should integrate what is known about teacher knowledge and dispositions needed to enact transformative teaching into professional standards
- U.S. Department of Education should sponsor more research on teacher learning to transform their practice for Mexican-origin and other immigrant and minoritized students
- Implement school-based legal clinics to serve immigrant families through creative partnerships and collaborations between school districts, law schools or legal service organizations, county-level departments of education, state, and local grant programs, and private philanthropy.

PANEL III

EDUCATION, HUMAN CAPITAL, AND BINATIONAL
WORKFORCE FOR A POST-PANDEMIC ECONOMY

Panel III. Introduction

EDUCATION, HUMAN CAPITAL, AND BINATIONAL WORKFORCE FOR A POST-PANDEMIC ECONOMY

Moderator: Giovanni Peri, Ph.D.

UNIVERSITY OF CALIFORNIA, DAVIS

Changing trends and Opportunities

For a long time Mexican immigrants in the US, have represented the largest immigrant group counting 10.6 Million in 2020 and contributing more than one trillion \$ to the US economy. They provide workers to key sectors such as construction, food services, personal services, and agriculture. However, due to demographic and technological forces the dynamics of Mexico-US migrations have been changing in the last decade, and this has been accelerated by the Covid-19 pandemics.

The presence of college educated among Mexican migrants has increased (from 400,000 in 2010 to 660,000 in 2020). Immigration flows of labourers and less educated workers have essentially stopped and their number in the US has decreased from 3.7 million in 2010 to 2.7 million in 2020. Return Migration to Mexico for several people who have spent a long part of their working life in the US is taking place. Within this context of changing labor markets due to technological change and demographic transitions there are still issues of the Mexican-US migration (visas, undocumented immigrants, and border management) that need to be tackled by policies. Professor Hinojosa-Ojeda (UCLA) and Professor Escobar Latapi (CIESAS) analyze and discuss these trends and the policy implications in their briefs. We present their major points in this executive summary.

Technological Change and Matching Labor Demand and Labor Supply

Professor Hinojosa-Ojeda argues that Mexico-US migration relations are changing because of technological and demographic changes, affecting the whole world. Migration is shifting as both countries are undergoing advanced demographic transitions, impacting both the supply of and demand for Mexican migrants. A binational re-accommodation is occurring in the context of a diversification of regional supply and demand dynamics with Central American and a growing significance of Latin America and Asia.

Professor Ojeda notices that Mexican migration to US has stabilized over the last 20 years with Mexican undocumented migration stock declining since 2006. Still the contribution of Mexicans to US GDP continues to be very significant including that from undocumented, more than doubling over the last 20 years. Educational attainment levels have been growing for all Mexicans migrants. In this context, of growing educational attainment, and increased demand for complex skills, Immigration reform and in particular regularization of undocumented immigrants, especially young individuals eligible for DACA, would have very positive impacts on GDP, wages, and employment.

Besides regularization, the overall policy issues facing both countries now are: How to manage migration to best match the supply and demand dynamics for skills over time? What is the potential role of policy to generate sustainable and equitable outcomes in both countries? What is the impact of alternative immigration reforms and the potential of educational policies to align investments and accumulation of human capital?

The economic benefits from Legalization of Undocumented

Professor Ojeda discusses his research estimating the economic impacts of four scenarios for regularization and citizenship by unauthorized subgroups (all unauthorized, essential workers, DACA and TPS), including both the impact of regularizing current immigrants and new migration flows. The complete impact of the 2021 Citizenship Act would be \$2.5 trillion over ten years, with \$1.5 trillion attributed to regularization and \$1 trillion to new immigration.

Professor Ojeda had also suggestions for including undocumented workers and their families in relief and stimulus bills (in the aftermath of Covid-19) to support recovery and benefit all Americans. He also emphasizes the need for new immigrants in the next years to fill existing labor shortages. More immigrants mean higher tax base, more jobs and sustained demand to support the US economy.

Moving towards a “North American” Labor Force

Building on the trends discussed above professor Latapi, in his brief, emphasizes that in order to retain its global position North America must act to keep pace with other global powers. North America’s population is an asset that can help it grow for the next 30 years, provided the policies are in place to foster its contributions to North America’s economy.

Looking at North America as an area that should go towards higher integration, Mexico has to play a key role. On one hand Mexican low-schooled workers provide labor supply to agriculture, food service, construction, healthcare industries, and other services. On the other, while the U.S. and Canada's populations have the profiles allowing them to meet global challenges involving significant developments in science and technology, in Mexico it is necessary to accelerate the pace of educational and scientific development.

To achieve these goals professor Latapi suggest a pact in which U.S. and Canadian institutions and corporations establish partnerships with Mexican institutions of higher education and research, to promote their growth, and enhance the contribution of Mexico's working population to North American development and well-being. Professor Latapi emphasizes how labor markets of North America can be more integrated, to great advantage of the region, first, by enhancing mobility and improving the design and operation of industry-specific migration programs. This could be complemented by increasing the North American content of tradable goods and services. Finally increasing the ways in which residents of the U.S. and Canada can travel to Mexico to receive services (health care, housing) will also integrate North American labor force.

While the value and contribution of less-educated workers is often overlooked, many manual service jobs are in growing demand (elderly care, food, and hospitality) and short supply in the US because of demographic and technological change. Employment of workers in these fields has reduced poverty rates. Additionally, agriculture is an activity that is North American in nature. In the United State, there are approximately 2 million Mexican workers in U.S. agriculture. Intensifying North America cooperation and trade tends to increase the number of jobs in both countries.

Investing in the High Skilled North American Labor Force

Latapi notices that Highly-skilled Mexican migrants comprise a small but growing share of the mobile Mexican population of North America. They are increasingly playing a role in higher skill occupations in the U.S. as well as professionals in Mexico. A higher level of mobility of higher-skilled Mexican workers is likely to improve the competitiveness of the entire North American economy, as well as provide more job opportunities for them.

Finally, professor Latapi notices that, as evidenced by the COVID-19 crisis, it is important to strengthen North American supply chains to protect our regional economy and compete with other global economies. A set of public policies fostering the expansion of higher-skilled occupations can succeed not just in terms of social integration, but by providing new, wider channels for social mobility. Professor Latapi suggests a North American educational pact, aimed mostly at the expansion and improvement of Mexican higher education. Mexico possesses a large and varied range of higher education institutions, but these institutions need to grow, and their contributions to the local and North American economies need to be improved. Well established U.S. and Canadian institutions can play a very important role with partnerships and projects.

FACT SHEET 3

Education, Human Capital, and a Binational Workforce for a Post-Pandemic Economy, Giovanni Peri



Population and Labor Force

10.6 million People born in Mexico resided in the US in 2020. This number was **11.9 million** in 2010

6.3 million of them were workers in 2020 representing **4.4%** of the US employment. This number had declined from **6.9 million** in 2010

The number of Mexican living and working in the US, measured in the US Census dropped significantly from before the Covid Pandemics (2019 estimates) to during Covid (2020 preliminary estimates). We estimate a decline of **700,000** workers and similar drop in the population of Mexicans

The estimated number of undocumented Mexican workers, employed in the US as of 2020 was **2.3 million**. This number was **3.6 million** in 2010

The labor income generated by Mexican workers in the US in 2020 was around **\$600 Billion**

The estimated number of undocumented Mexican workers declined by **500,000** units from 2019 to 2020. Many of them Returned to Mexico

The contribution of Mexican-born workers and entrepreneurs to US GDP in 2020 was about **\$1 trillion**

FACT SHEET 3

Education, Human Capital, and a Binational Workforce for a Post-Pandemic Economy, Giovanni Peri



Human Capital

660,000 college-educated people born in Mexico were working in the US economy in 2020. They represented **1%** of all college-educated workers in the US at that date

This number increased by **260,000** individuals during the decade 2010-2020, as it was only **400,000** in 2010

2.7 million Workers with no high school degree born in Mexico were working in the US in 2020. They represented **25%** of US workers with no high school degree

This number decreased by almost one million during the decade 2010-2020 as it was **3.7 million** in 2010

Most of less educated Mexican workers were employed in low paid jobs in Hospitality, Food, Construction and personal services, representing a very important share of those sectors

The number of employed Mexican-born with no degree decreased by **400,000** from 2019 to 2020. The number of employed Mexican-born with college degree increased by **40,000**. This differential change highlights employment vulnerability of less educated, relative to college educated, workers during pandemics

Sources: Author's elaboration on U.S. Census data from the 2010-2019 American Community Survey obtained from Steven Ruggles, Sarah Flood, Sophia Foster, Ronald Goeken, Jose Pacas, Megan Schouweiler and Matthew Sobek. IPUMS USA: Version 11.0 [dataset]. Minneapolis, MN: IPUMS, 2021. <https://doi.org/10.18128/Do10.V11.0>. Accessed on January 25th 2022.

Policy Brief 5

THE FUTURE OF THE UNITED STATES-MEXICO HUMAN CAPITAL: OPPORTUNITIES FOR A BILATERAL EDUCATION AND MIGRATION AGENDA

Raul Hinojosa-Ojeda, Ph.D.

UNIVERSITY OF CALIFORNIA, LOS ANGELES

The US and Mexico are undergoing historic changes in their pattern of integration which is occurring in the context of regional and global changes affecting migration and human capital. Migration is shifting as both countries are undergoing advanced demographic transitions, impacting both the supply of and demand for Mexican migrants. This binational re-accommodation is occurring in the context of a diversification of regional of supply and demand dynamics with Central American and a growing significance of Latin America and Asia in near future. Educational and human capital demands will simultaneously be impacted by the accelerating restructuring of the US and Mexico economies. This restructuring is being driven both by binational demographic-migration pressures but also more significantly by a global wholesale technological change driven by climate imperatives and innovations, radically reshaping the human capital profiles necessary to address the future sustainably and equality.

The overall policy issues facing both countries now are: How matched or mismatched are the supply and demand dynamics for migration and education over time? What is the potential role of policy to generate sustainable and equitable outcomes in both countries, particularly the impacts of alternative immigration reforms and the potential of educational policies to align investments and accumulation of human capital? As well as other investments in community assets (including financial savings and investment in small enterprises on both sides of the border).

Key findings of this policy paper are:

1. Mexican migration to US has stabilized over the last 20 years compared to rising ROW migrations, with Mexican undocumented migration stock declining since 2006 relative to a low growth in naturalized and legal migration.
2. The contribution of Mexicans to US GDP continues to be very significant including that from undocumented, more than doubling in total over the last 20 years.
3. Educational attainment levels have been growing for all Mexican migration status groups, particularly improving among the lower attainment undocumented and higher education among the naturalized.
4. Immigration reform and in particular regularization of undocumented immigration would have very positive impacts on GDP contributions, wages, and employment of Mexican migrants, as indicated by the recent experience of DACA.

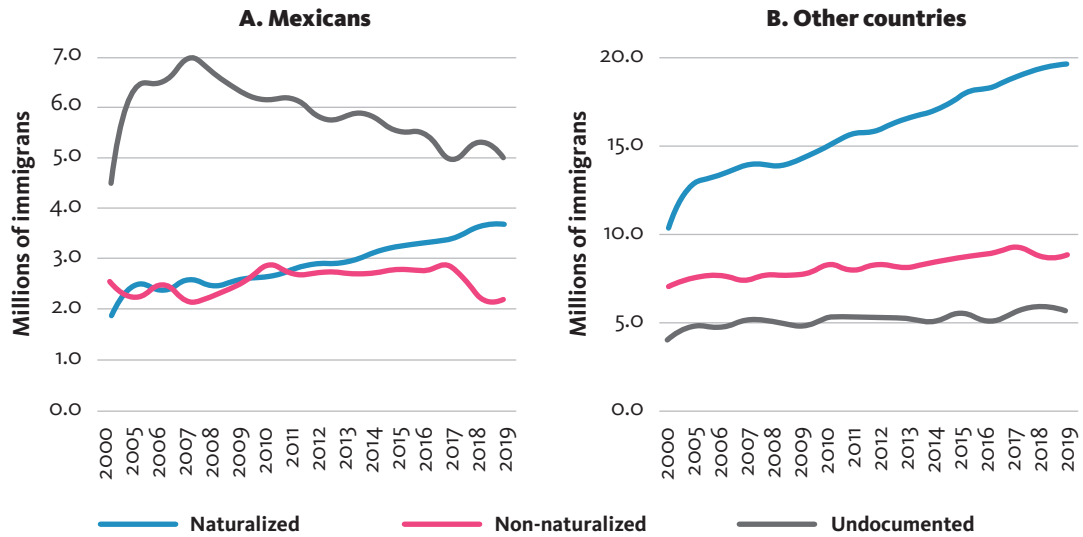
1. Important facts on recent migration of Mexicans to the US, evolution of immigrants educational attainments, and their economic contribution in US Labor Markets in the last 20 years

After growing consistently for most of the Twentieth Century, the stock of Mexican migrants in the US (both undocumented and legal) has stabilized over the last 20 years. The Mexican undocumented population in the US peaked in 2006 and has declined for most of the last 20 years (**Figure 1a**). The undocumented population, however, is still higher than the fast-growing Mexican naturalized population which nearly doubled in the last 20 years. The Mexican foreign born non-naturalized population (net of undocumented) remained relatively stable during most of this period, yet declined significantly after the Trump election and the Covid pandemic. Overall, the undocumented went from being a majority to a minority of the total Mexico foreign born US population beginning in 2015, reversing a decades old dynamic.

The non-Mexican rest-of world (ROW) foreign-born population in the US has continued to rise in the 21st Century, significantly outpacing Mexican migration, more so during the Trump and Covid years (**Figure 1b**). The ROW undocumented population has continued to rise over the last 20 years, surpassing Mexican undocumented in the Trump/Covid years. The naturalized ROW immigrant population has doubled in 20 years, although the rate of naturalization among Mexican immigrants are significantly even higher during the last two decades.

The economic contribution to the US of Mexican immigrants has grown consistently at a faster rate than the slower growth Mexican origin population in the US. **Figure 2** shows that Mexican Undocumented migration contribution peaks in 2007 while the total undocumented contribution continues to rise, both at the national level and in California. The number of Mexican stabilized as has their percentage of the US population. As GDP overall growth in real terms, so does the GDP create by Mexicans. Mexican contribution as

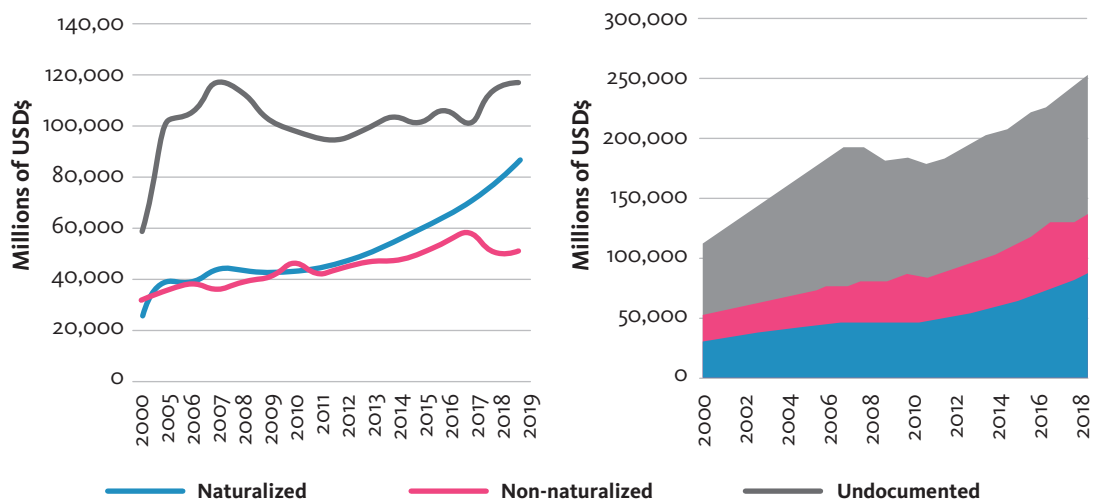
Figure 1. Foreign-born by status and country of origin, 2000-2019, United States



Note: Non-naturalized immigrants are net to undocumented. Total non-naturalized immigrants are the sum of non-naturalized and undocumented.

Source: Naturalized and non-naturalized immigrants is based on American Community Survey data. Undocumented immigrants is based on Pew Research Center, Retrieved from: <https://www.pewresearch.org/hispanic/interactives/unauthorized-trends>

Figure 2. Foreign-born Mexican contribution to US GDP by status



Note: Non-naturalized immigrants are net to undocumented. Total non-naturalized immigrants are the sum of non-naturalized and undocumented.

Source: UCLA NAID estimates based on data from American Community Survey and Bureau of Economic Analysis.

a share of GDP also increases as they become more productive over time, their education increases, and also as their assimilation increases as they converge to US wages.

Figure 3 shows the estimated economic contributions to GDP (via direct, indirect, and induced dynamics) of total and Foreign-Born workers in the United States and California in 2020.

- Undocumented workers contribute \$1 trillion to the country's GDP (direct, indirect, and induced) and more than \$263 billion to California's GDP.
- Undocumented workers generate economic activity that supports almost 20 million jobs in the country and 3.2 million jobs in California.
- They generate \$190 billion in government revenue nationally and \$63 billion in California.
- Mixed-status families, i.e, households with at least one undocumented immigrant and U.S. citizens, produce \$1.67 trillion in national GDP and \$425 billion to California's GDP. They are deeply embedded in the US economy.

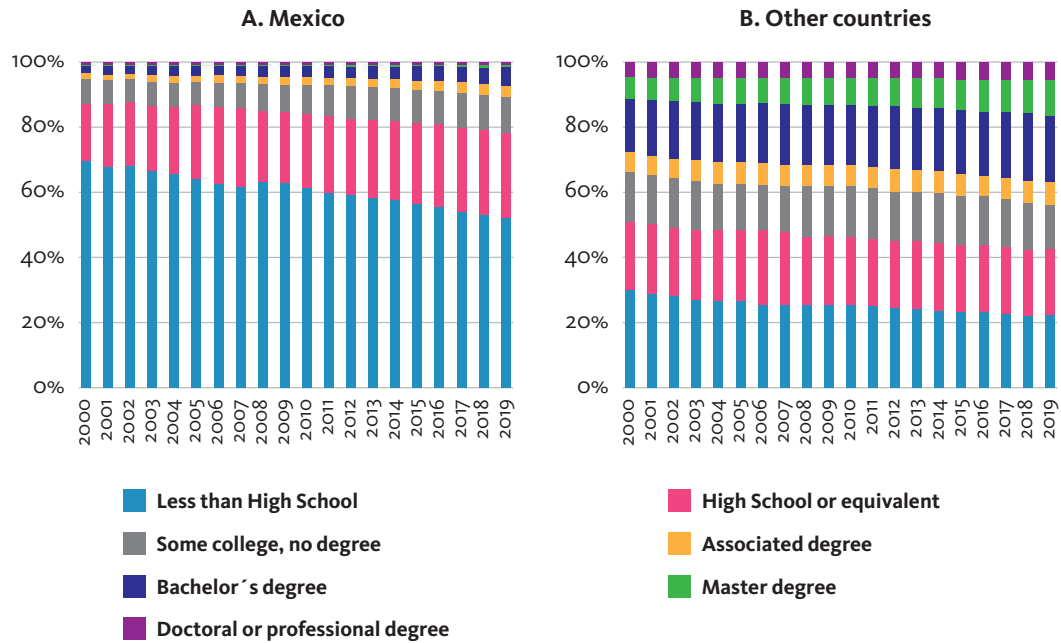
Education attainment levels of foreign-born Mexican immigrants to the US have grown considerably over the last 20 years. While nearly 70% of Mexican immigrants did not finish high school in 2000, that number fell to 50% 20 years later. High school equivalence rose

Figure 3. Estimated economic contributions to GDP (via Direct, Indirect and Induced Dynamics) of total workers, and Foreign-Born workers in the United States and California, 2020

United States	Employment (thousands)	Percent of total labor force by immigration	GDP (billions)	Labor income (billions)
Total workers	155,260	100%	\$20,580	\$11,792
Naturalized and non-naturalized workers	15,582	10%	\$2,065	\$1,184
Undocumented workers	7,800	5%	\$1,034	\$504
Total foreign-born workers	23,382	15%	\$3,099	\$1,687
California	Employment (thousands)	Percent of total labor force by immigration	GDP (billions)	Labor income (billions)
Total workers	18,470	100%	\$2,949	\$1,643
Naturalized and non-naturalized workers	3,197	17%	\$510	\$284
Undocumented workers	1,648	9%	\$263	\$125
Total foreign-born workers	4,845	26%	\$774	\$409

Source: Hinojosa-Ojeda, R. and Robinson, S. (2020). "Essential but Disposable: Undocumented Workers and Their Mixed-Status Families. UCLA NAID Center and Instituto Nacional de Estadística y Geografía. Retrieved from: <https://irle.ucla.edu/wp-content/uploads/2020/08/Essential-Undocumented-Workers-Final-w-Cover.pdf>

Figure 4. Educational attainment of foreign-born immigrants in United States by country of origin



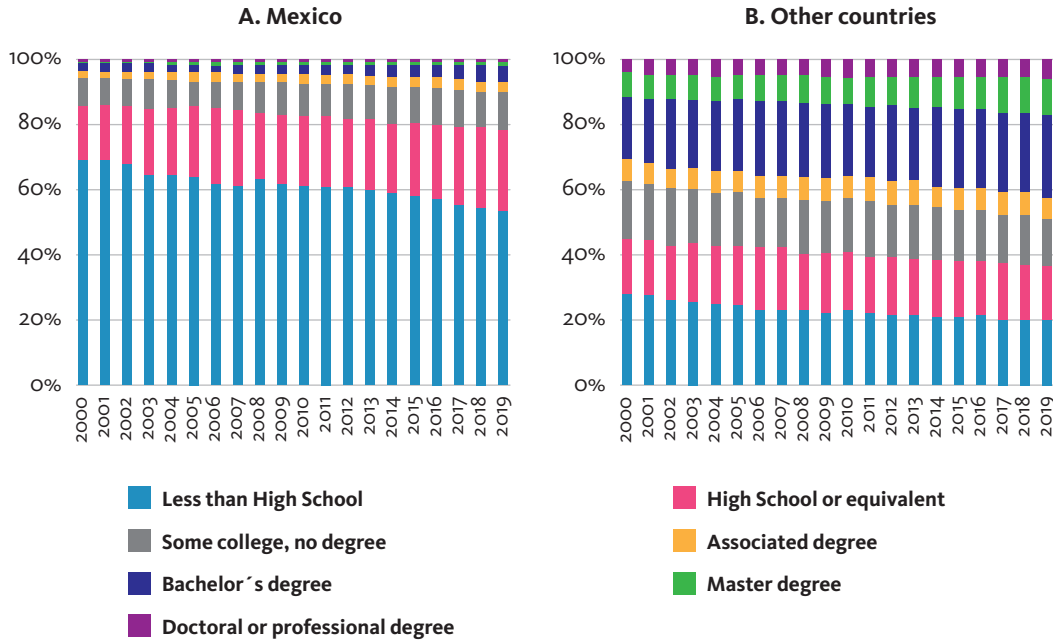
Source: UCLA estimates based on American Community Survey data.

from 17% to 27% while education levels more than High School went from 12 to 25% (**Figure 5a**). Naturalized Mexicans have much higher educational attainment than both the non-naturalized and the undocumented, yet the undocumented have increased educational attainment much faster than other groups.

Compared to the ROW Foreign Born, however, Mexicans in general have much less educational attainment (**Figure 4**). Mexicans however are improving their relative education attainment status at a faster rate than the ROW. This is particularly true among the naturalized Mexicans compared to ROW naturalized immigrants. The Mexican non-naturalized have a much wider educational attainment gap with respect to the ROW non-naturalized, although again the Mexican rate of improvement is much higher.

In California, Mexicans in general have much less educational attainment (**Figure 5**). Mexican however are improving their relative education attainment status at a faster rate than the ROW. This is particularly true among the naturalized Mexicans compared to the naturalized ROW. The Mexican non-naturalized have a much wider educational attainment gap compared to the ROW non-naturalized, although again Mexican rates of improvement are much higher.

Figure 5. Educational attainment of total foreign-born immigrants in California by country of origin



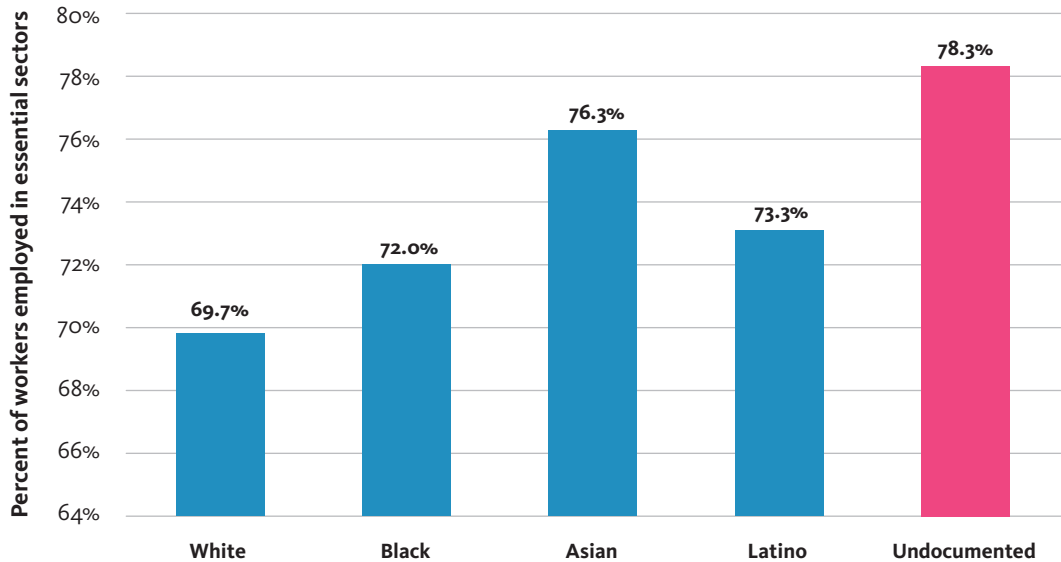
Source: UCLA estimates based on American Community Survey data.

2. What role will the undocumented play in the labor markets after Covid-19? What policies will affect them and their integration?

Undocumented workers are disproportionately employed in essential sectors relative to other demographic groups in the United States. As Figure 6 shows, over 78% of undocumented workers are employed in sectors deemed essential by the Department of Homeland Security (DHS).¹ The share of undocumented workers deemed essential is much

1. On April 17, 2020, the Department of Homeland Security (DHS), wrote an advisory memorandum on identification of essential and critical infrastructure workers during COVID-19. These are workers in sectors whose assets, systems, and networks, whether physically or virtual, are considered so vital to the country's security. DHS proclaimed the following sectors as essential: healthcare and public health, law enforcement and public safety, food and agriculture, energy, water and wastewater, transportation and logistics, public works and infrastructure support services, communications and information technology, other community or government-based operations and essential functions, critical manufacturing, hazardous materials, financial services, chemical, defense industrial base, commercial facilities, residential and shelter facilities and services, and hygiene products and services. See Christopher Krebs, "Advisory Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response," U.S. Department of Homeland Security, April 17, 2020, https://www.cisa.gov/sites/default/files/publications/Version_3.0_CISA_Guidance_on_Essential_Critical_Infrastructure_Workers_3.pdf

Figure 6. Percent of workers employed in essential sectors by demographic group in the United States



Source: Current Population Survey (CPS) 2018 March Supplement.

Note: The White, Black and Asian racial categories do not include Latino. We identified undocumented immigrants in the CPS by indentifying non-naturalized foreign-born individuals and imputing status using the proportions of undocumented by industry estimated by Passel and Chon (2016) from the Pew Research Center.

higher than that of major racial and ethnic demographic groups in the country. In California and Los Angeles, almost 79% and 71% of all undocumented workers are deemed essential, and, similar to the pattern seen in **Figure 6** for the whole country, undocumented workers are also overrepresented in essential sectors relative to other demographic groups.

Paradoxically, despite their disproportionate concentration in industries deemed essential, undocumented workers suffer the highest rates of unemployment due to the collapse in demand for many construction and service sectors, where these workers are also highly concentrated. As illustrated in Figure 12, we find that undocumented workers in the United States had the steepest rise in unemployment between February and May of 2020 compared to all demographic groups. In May of 2020, the unemployment rate for undocumented workers was over 29%, by far the largest of any group. As states started to reopen at the end of May and in June, employment for undocumented improved but still remained the highest of all demographic groups. When compared to similarly educated natives, undocumented have had very high employment rates and also rebound strongly. While emphasizing the vulnerability of undocumented jobs, the rebound means also their resilience and their need of a job.

Undocumented workers' unemployment rates and total wages have been particularly affected by the economic effects of the pandemic.

- The unemployment rate for undocumented workers reached over 29% in the United States and more than 27% in California in May 2020, the highest of any demographic group.
- In April 2020, the total wage bill for undocumented workers fell by almost 25% across the country and by more than 18% in California.²

To estimate the potential economic impacts of different economic relief programs on undocumented workers, we ran a series of Social Accounting Matrix (SAM) multipliers models,³ simulating the impacts on estimated costs of including immigrants in the relief programs provided by the U.S. Government. As a result, including undocumented workers and their families in relief and stimulus bills would lessen the economic damage, support recovery, and benefit all Americans.

- Extending the CARES Act to undocumented taxpayers and their families would have added over \$10 billion to the U.S. economy creating enough economic activity to support over 82,000 jobs nationally and 17,000 in California (**Figure 7**).
- Providing undocumented workers with tax credits under the HEROES Act would add almost \$14 billion to the economy and would support over 112,000 jobs nationally.
- The economic benefits of providing relief to undocumented workers would outweigh the costs and would generate more government revenue than the total cost of the tax credits.
- If implemented, the HEROES Act —a stimulus package passed by the U.S. House of Representatives in May of 2020 — would provide a second \$1,200 tax rebate to all low-income taxpayers, including those who filed using an ITIN. Furthermore, it would issue backpay to everyone who was excluded by the CARES Act. This means that every adult in households with at least one ITIN filer would receive a total of \$2,400 and households would receive an additional \$1,000 for each dependent child.

2. The total wage bill is the total aggregation of all the wages of one demographic group.

3. For a detailed methodology and assumptions of the model, please refer to: Hinojosa-Ojeda, R., and Robinson, S. (2020). "Essential but Disposable: Undocumented Workers and Their Mixed-Status Families". California. UCLA North American Integration and Development (NAID) Center. http://www.naid.ucla.edu/uploads/4/2/1/9/4219226/essential_undocumented_workers_final.pdf

Figure 7. Estimated economic impacts of extending CARES and HEROES acts to Undocumented workers and families

	HEROES			
	United States		California	
	Benefits (in billions)	Multiplier	Benefits (in billions)	Multiplier
Employment (number of jobs)	82,000		17,000	
Household income	\$13.5	1.96	\$3.4	1.63
Total value added	\$10.1	1.47	\$2.0	0.96
Total cost of the program	\$6.9	n/a	\$2.1	n/a
Total tax revenue	\$2.8	0.41	\$0.7	0.33
Indirect tax revenue	\$0.9	0.13	\$0.2	0.10
Net cost of the program	\$4.1	n/a	\$1.4	n/a

	CARES			
	United States		California	
	Benefits (in billions)	Multiplier	Benefits (in billions)	Multiplier
Employment (number of jobs)	112,000		22,000	
Household income	\$18.6	1.96	\$4.4	1.63
Total value added	\$14.0	1.47	\$2.6	0.96
Total cost of the program	\$9.5	n/a	\$2.7	n/a
Total tax revenue	\$3.9	0.41	\$0.9	0.33
Indirect tax revenue	\$1.2	0.13	\$0.3	0.10
Net cost of the program	\$5.6	n/a	\$1.8	n/a

Source: Hinojosa-Ojeda, R. and Robinson, S. (2020). "Essencial but Disposable: Undocumented Workers and Their Mixed-Status Families. UCLA NAID Center and Instituto Nacional de Estadística y Geografía. Retrieved from: <https://irle.ucla.edu/wp-content/uploads/2020/08/Essential-Undocumented-Workers-Final-w-Cover.pdf>

3. The role of US federal policies in affecting employment, wages, and education of Mexicans? What would be the impact of legalization DREAM act on the US economy?

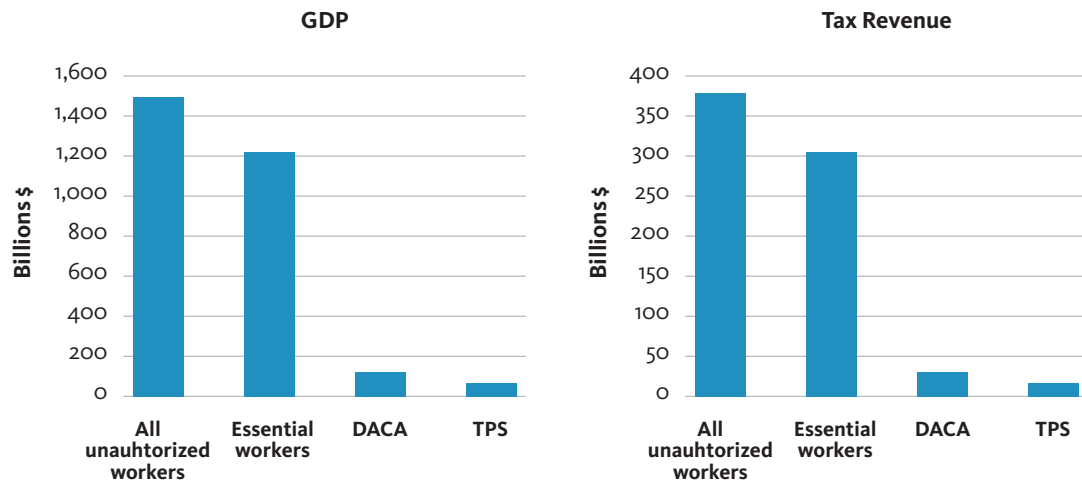
Recent research estimates the economic impacts of four scenarios for regularization and citizenship by unauthorized subgroups (all unauthorized, essential workers, DACA and TPS), including both the impact of regularizing current immigrants and new migration flows.⁴

- The complete impact of the 2021 Citizenship Act would be \$2.5 trillion over ten years, with \$1.5 trillion attributed to regularization and \$1 trillion to new immigration.

4. For a detailed methodology and assumptions of the model, please refer to: Hinojosa-Ojeda, R., Robinson, S., Pleitez, M., and Valenzuela, A. (2021). "Research Technical Report on Pathways to Citizenship: The Economic Impact of Comprehensive and Inclusive Immigration Reform". California. UCLA North American Integration and Development (NAID) Center.

- Economic impact of a scenario for the complete regularization of all unauthorized workers is \$1.5 trillion in additional cumulative GDP and \$367 billion in additional cumulative taxes over ten years (**Figure 8**).
- The new US Citizenship Act of 2021 that would legalize all unauthorized workers and allow them to apply for citizenship after three years for essential and after eight years for non-essential would result in \$1,467 billion in additional GDP over 10 years, resulting in \$367 billion in taxes and an additional 371,000 jobs in the tenth year.
- Legislation that would legalize all essential unauthorized workers and allow them to apply for citizenship after three years would result in \$1,193 billion in additional GDP over 10 years, resulting in \$298 billion in taxes and 290,000 in additional employment in the tenth year. (**Figure 8**)
- Regularizing and Citizenship for DACA would result in \$112 billion in additional GDP over 10 years, resulting in \$28 billion in taxes and 27,000 in additional employment in the tenth year.
- In addition, the research shows that US Citizenship Act 2021 would provide for the introduction of 7 million new immigrants over the next 10 years which would add nearly another \$1 trillion in cumulative GDP, resulting in \$239 billion in cumulative taxes and an additional 180,000 jobs in the tenth year.

Figure 8. Ten-Years Cumulative Gains in GDP and Tax Revenue by regulation scenario



Source: Hinojosa-Ojeda, R., and Robinson, S., Pleitez, M. et al. (2021). "A Path to Prosperity: The Macroeconomic Benefits of Four Immigrant Regularization Scenarios". UCLA NAID Center. California. Retrieved from: https://latino.ucla.edu/wp-content/uploads/2021/03/LPPI_Economic-Benefits-of-Legalization_03.23.21.pdf

Policy Brief 6

ECONOMIC INTEGRATION, MIGRATION, AND EDUCATION: A NORTH AMERICAN PERSPECTIVE ON MEXICAN WORKERS

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Abstract

Global economic power has shifted for the past 20 years. Europe remains a global player, but China has become a global power similar in reach to the United States. North America has fared reasonably well, but it must act to retain its global position, and to ensure that its production is not subject to interference by other global powers. North America's population is an asset that can help it grow for the next 30 years, provided the policies are in place to foster its contributions to North America's economy. Mexico's contribution to the North American economy through its low-schooled workers in agriculture, the care and healthcare industries, and janitorial and food services is highly significant. However, while the U.S. and Canada's population have the profiles allowing them to meet global challenges involving significant developments in science and technology, in Mexico it is necessary to accelerate the pace of educational and scientific development. This paper proposes a pact in which U.S. and Canadian institutions and corporations establish partnerships with Mexican institutions of higher education and research, in order to promote their growth, and to enhance the contribution of Mexico's working population to North American development and well-being. This skilled population should be conceived as a North American population. They respond to opportunities in all three North American countries, and mobility is not just convenient to allow them to work in different countries. Mobility is also key to maintain them at the forefront of research and development activities.

1. North America's population is an asset for the future of the region

If we consider North America, China and Europe each as closely integrated global economic regions, North America stands out because its total population possesses the traits that, if correctly managed, can sustain economic growth for decades to come (Escobar, Masferrer, García Guerrero 2022). In both Europe and China, population aging will decrease the proportion of the working population, and increase the proportion of the economically dependent, faster and sooner than in North America (Ibid.).

But this regional population can only be considered such an asset provided that it is involved in the regional North American economy. This can happen in three ways. First, by enhancing mobility and improving the design and operation of industry-specific migration programs. A recent good practice can be found in the programs for temporary farm and rural workers, which have grown to accommodate existing flows.⁵ Secondly, by increasing the North American content of tradable goods. This implies the Mexican labor force can stay in Mexico and contribute to the North American economy. To this end, significant expansion of some industries would need to be fostered. Finally, by increasing the ways in which residents of the U.S. and Canada can travel to Mexico to receive care, or by implementing technologies to facilitate care by virtual means (examples include elective health care and remote medical services). Otherwise, the relative advantage of this profile and its future trends would only apply to local or national economies only. The case of the Mexico-born workers in North American agriculture is perhaps the clearest example of the regional relevance of one kind of population. Agricultural growth is sustained throughout North America by Mexico-born workers, and the same can be said of workers in a number of other industries, as said above. Specific actions must be initiated, upscaled, or improved in other sectors in order to maximize the benefits of the regional population profiles.

2. Mexico's workforce is a North American workforce

Mexico's economy has undergone very significant changes since it joined the GATT (later the WTO) in 1986. Trade as a percentage of GDP has increased from 30 to 78%.⁶ Perhaps more significant is the fact that virtually any significant supply chain for goods sold in Mexico has an international component. Conversely, a large number of supply chains for goods sold in the U.S. have Mexican components. By the end of 2020, over 51% of the

5. In other words, expanding work permits for lower-schooled immigrants in immigrant-intensive industries. This is not to say that all characteristics of the H-2A program should be replicated in other industries. Workers in H-2A and H-2B programs are at a significant disadvantage when compared to those in other programs or industries.

6. <https://data.worldbank.org/indicator/NE.TRD.GNFS.ZS?end=2020&locations=MX&start=1986>

imported fruits and vegetables sold in the U.S. were produced in Mexico, and the trend is upward.

In other words, Mexico's workforce is a North American workforce in the sense that 1) Mexican production has become North American production because most supply chains cross borders in North America, and 2) as the single largest foreign-born population in the United States, it comprises a growing share of the United States' workforce (although Mexicans amount to a much smaller share of Canadian immigrants, their role in Canada is also increasing). As the Pew Research Center put it, according to 2020 data,

Immigrants are projected to drive future growth in the U.S. working-age population through at least 2035. As the Baby Boom generation heads into retirement, immigrants and their children are expected to offset a decline in the working-age population by adding about 18 million people of working age between 2015 and 2035.⁷

As the largest single nationality within the immigrant population, Mexicans are key to that growth. They comprised approximately 5% of the total civilian workforce of the U.S. in 2015 in non-farm employment, and over 2/3 of the total farm worker population. When estimated according to Mexican *nationality*, however, that figures doubles, to 10% or 16 million in 2020.⁸

The undocumented share of this working population has decreased slowly but consistently since 2008.⁹ There is some debate as to the reasons for the general decrease in the number of Mexicans in the U.S. and the slightly faster reduction in the undocumented share of that population. Nevertheless, a few forces in both the U.S. and Mexico seem to have played major roles: 1) The Great Recession of 2008-9 created major unemployment among recent Mexican immigrants in the construction and other industries. 2) Immigration enforcement at the border remained at very high levels; removals from Mexican immigrant communities increased to record levels; and mandatory minimum prison sentences for recidivist undocumented Mexican immigrants all deterred would-be migrants, and pushed others to return to Mexico on their own. Finally, 3) The strengthening of Mexican social protection programs (conditional cash transfers for 25% of Mexico's households; non-contributive pensions for the elderly; and cash subsidies for certain subsistence crops) combined to increase the income of Mexico's poorest households, provided they stayed

7. Budiman, Abby (2020) Key Findings About U.S. Immigrants <https://www.pewresearch.org/fact-tank/2020/08/20/key-findings-about-u-s-immigrants>

8. This may be due to the fact that many second-generation Mexican immigrants report having Mexican nationality. Own estimates, from U.S. Census bureau, Current Population Survey, and American Community Survey.

9. Zavodny, Madeline (2019) U.S. Wage Growth Provides Greatest 'Pull' for Mexican Migration Decision <https://www.dallasfed.org/research/pubs/usmca/zavodny.aspx>

in Mexico and performed certain actions related to education, health care and nutrition (Escobar and Masferrer 2021,¹⁰ Banegas, Teruel and Escobar, 2021¹¹).

However, what the Mexican workforce can achieve for North America's economy, and what North America's economy can achieve for Mexican workers, is still unrealized. This brief outlines what is already under way and what needs to be done to increase the economic contribution of this population, and the contribution of the North American economy to the well-being of these workers and their families.

3. North America's economy holds a place for less-educated workers

While most discussions of immigration policy in the past centered on the contribution of highly-skilled, highly-educated immigrants in the economies of the North, in North America the value and contribution of the less-educated is key (Martin, 2021, Escobar, 2021). Mexico supplies over one half of the U.S. imports of fruit and vegetables. In Mexico, there is a waged workforce of 3.1 million workers in Agriculture in 2020. As wage employment rises with Mexico's export production, the fraction of agricultural workers who are self-employed or unpaid family workers is decreasing, and they account for less than 50% of the total in 2020. Increasing the participation of Mexico's agriculture in the North American market has brought visible improvements for some workers in Mexico. One-third of Mexico's waged farm workers (about 750,000), who have been among Mexico's poorest and most vulnerable groups, work in Mexico's export agriculture. Their working conditions are clearly above average for this industry, and extreme and food poverty levels have decreased in the regions where this export employment concentrates. Further, because workers in this export sector come from Mexico's poorest rural municipalities in the South, their remittances and savings have also helped reduce extreme poverty in that region. In other words, North American integration is working for them without resorting to international migration. This positive development can be replicated in other industries.

In the United States, Mexican workers are also key. There are approximately 2 million Mexican workers in U.S. agriculture. Of those, one million are legally authorized to work through a permanent resident status or other; 260,000 were authorized to work under the H-2A program,¹² and the rest (roughly 740,000 or 37%) are undocumented.¹³ In the past,

10. Escobar Latapí, Agustín and Claudia Masferrer (eds.) (2021) *La década en que cambió la migración. Enfoque binacional del bienestar de los migrantes mexicanos en Estados Unidos y México*. Mexico City: El Colegio de México and CIESAS (particularly Prefacio and Introducción).

11. Banegas, Israel, Graciela Teruel and Agustín Escobar Latapí (2021) "Los programas y servicios sociales mexicanos y la migración de ida y vuelta" in Masferrer and Escobar (Ibid.) pp. 427-455.

12. In 2021

13. Estimates for 2020 derived from the U.S. census, the National Agricultural Workers Survey, and job certification and visas granted to workers in H-2A. Unpublished project document, Martin and Escobar 2022.

the undocumented share was over 50%. The number of Mexican farm workers is almost as large in the U.S. as it is in Mexico. To reiterate, the North American nature of Mexican farm workers arises both from the number of workers in export agriculture in Mexico, and from the number of Mexican workers in U.S. agriculture.¹⁴ Intensifying North America cooperation and trade tends to increase the number of jobs in both countries.

Of course, other industries (personal care, health care, janitorial, food services) also employ large numbers of lower-schooled Mexican workers in the U.S. Differences between the native born, the foreign born and the Mexico-born in particular have remained fairly stable recently.¹⁵ The share of Mexico born in services, construction and maintenance is particularly large, even compared to other immigrant populations. The role of this immigrant population in the U.S. is forecast to grow, as the U.S. born population ages and requires more intensive care and support services.

4. Highly-skilled Mexican migrants comprise a small but growing share of the mobile population of North America

To a certain extent since 2000, but particularly since the Great Recession of 2007-9, Mexicans have increased their share of the non-immigrant skilled visas authorized in the United States. The table shows the trends in the main kinds of visas available to Mexicans.

Figure One assesses the numbers and trends for the period. There are significant disparities in unskilled and skilled migration. While the number of visas awarded to Mexicans in the temporary farm worker program called H-2A rose from 28,000 to 189,000 from 2000 to 2019, or six-fold, and the number of H-2B unskilled non-agricultural visas rose by 160% at the same time, increasing the size of the temporary unskilled flow from 56,000 to 260,000, the number of skilled visas remains much lower, at 29,000.¹⁶ Skilled visas amount to only 11% of the total non-immigrant work visas authorized for Mexicans. This in spite of the fact that the trends in temporary skilled visas are relatively very positive. They have increased by 420% during the past 20 years. H-1B visas, which provide a path to residence after an initial three-year period, rose by 15%; L or intra-company transfers by

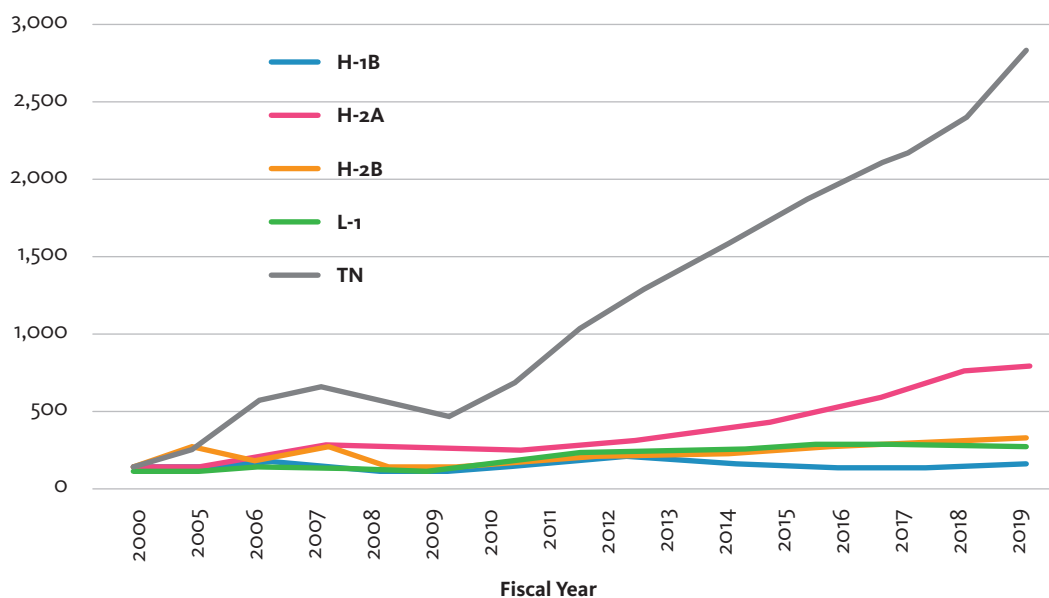
14. Although the H-2B program has expanded much less than H-2A, it has also increased in size thanks to temporary authorizations allowing it to exceed the 66,000 cap by 22,000 additional visas. <https://www.uscis.gov/working-in-the-united-states/temporary-workers/h-2b-non-agricultural-workers/cap-count-for-h-2b-nonimmigrants>

15. In occupational terms, the Mexican workforce in the U.S. is particularly numerous in the lower-skilled echelons in services (24.4%), Sales and office occupations (20.9%), production, transport and materials moving occupations, and construction, extraction and maintenance (15.9%) (CPS, ASEC 2019).

16. This figure excludes OPT (Optional Practical Training), a form of work permit granted to students who have just graduated from graduate and postgraduate degrees in the U.S. There are over 203,000 individuals working in the U.S. under an OPT. However, figures are not disaggregated by nationality. In 2018, there were only 545 OPT permits awarded to Mexicans in STEM in the United States (SEVP data library: ice.gov/SEVPdata).

122%; and NAFTA or TN visas by a dramatic 2300%. The trends are positive, but they still lag far behind many other countries, and Mexico's low-schooled workers abroad. In spite of their growth, TN visas are barely 1/9th of the number of H-2A visas.

Figure 1. Non-Immigrant Work Visas Issued to Mexicans, 2000-2019 (Growth relative to FY 2000)



Source: Own elaboration, with data from DOS and the Office for Consular Affairs

Figure 1 shows the largest relative growth pertains to TN visas, which grow by 2400% during the 20 year-period. However, the absolute number of skilled work visas remains extremely low in relative terms. In fact, Mexican and Central American immigrants are the two groups with the lowest average schooling in the U.S. in spite of the fact that Mexico possesses a large higher education sector. While the immigrant populations from most countries in the U.S. are positively selected, i.e., their levels of education are higher than average in their country of origin, the Mexico-born population of the U.S. is negatively selected in terms of education.¹⁷

The question is whether or not it is convenient or strategic to raise the number of skilled visas for Mexicans in the U.S. It can be argued that increasing the number of skilled Mexican migrants in the U.S. will benefit the North American economy and the migrants themselves. But the higher objective is to increase their contribution to the North American economy.

17. The fact that a high percentage of the permanent and temporary immigrants from most low- and middle income nations possess levels of education that are very scarce in their countries of origin points at brain drain and capital drain, in the sense that countries lose both through emigration. In this sense, Mexico is not facing a significant brain drain, although other forms of selectivity have been discussed for Mexico.

They can do this either by occupying higher skill occupations in the U.S., or by increasing the skill level of occupations in Mexico. A higher level of mobility of higher skilled Mexican workers is likely to improve the competitiveness of the entire North American economy, as well as providing more job opportunities for them.¹⁸

USMCA imposed strict labor conditions on Mexico, in a way that trade agreements usually don't. On the one hand, it allows labor violations to become grounds for stopping goods at the border. This includes not allowing free elections in unions. On the other, it raises the wages that are needed in the manufacturing sector to levels unseen in Mexico. Although legal minimum wages are rising quickly in Mexico, by 16% in 2019, 20% in 2020, 15% in 2021 and 22% in 2022, the wage levels set by USMCA won't be attained unless the skill level of Mexico's average manufacturing jobs is significantly raised. Mexico faces a stark choice: to raise manufacturing wages to levels unforeseen in Mexico or risk its place in USMCA.¹⁹

Increasing the skilled proportion of Mexican labor migration in North America is not an end in itself. A greater number of skilled Mexicans working in Mexico and in the rest of North America will be a valuable asset for the future of our region.

5. A diverse binational North American workforce for the 21st century

Global powers are increasing the use of their strategic assets to gain positions in the geopolitical order. The case of trans-Pacific transport is notable. Mostly Asian Pacific transport companies have raised their fees for Mexican importers by 1,000% since 2020.²⁰ While energy costs have risen, this action also clearly reflects the rise in these companies' power. Similar trends can be observed in Russian gas exports, rare earth mines, and many other areas. Shortages of raw materials, chips, semiconductors and minerals may be to some extent be explained by disruptions caused by COVID, but power plays are increasingly relevant.

The disruptions caused or triggered by COVID have highlighted the extent to which supply chains are vulnerable to unchecked global trade. It is time to strengthen North American supply chains to protect our regional economy and compete with other global economies.

As said earlier, the North American population can become a strategic asset. Escobar, Masferrer and García Guerrero (2021) concluded that the three national populations have

18. Beine, M., Docquier, F. and Rapoport, H. (2008), Brain Drain and Human Capital Formation in Developing Countries: Winners and Losers. *The Economic Journal*, 118: 631-652. <https://doi.org/10.1111/j.1468-0297.2008.02135.x>

19. Mexico is questioning the nature of this condition and the date in which average manufacturing wage levels at or above \$16.50 dollars per hour can be implemented. The issue is likely to be further debated.

20. From interviews with Mexican importers in Guadalajara, Jalisco

converged to some extent during the past 40 years. Their evolution in terms of overall population growth, fertility and life expectancy are similar, and Mexico has approached U.S. and Canadian levels in a number of respects. Two areas in which these populations diverged before COVID are: 1) Canada's life expectancy continues to increase, while life expectancy in Mexico and the U.S. has fallen. This may be explained by the opioid epidemic in the U.S. and increasing violence in Mexico. The other area in which current trends do not point at convergence, or may take a long time to catch up, is education. In Canada and the U.S. the population share with schooling levels above High School was above 63% in 2015. In Mexico the comparable population is 10 percent or 12.5 million. Mexico is among the OECD countries with the lowest levels of educational attainment: 23.4% of the population aged 25 to 34 attain a university education (Ibid.). There are encouraging signs. For the first ten years of NAFTA, postgraduate enrollment growth exceeded 10% per year. Overall education levels are improving, and 45.3% of the population aged 15 – 24 currently attend an educational institution.²¹ But at the current rate of improvement, Mexico will continue to lag behind its two partners, and Mexico's contribution to the North American economy is likely to remain in the lower skill levels.

Ferguson (2015)²² asserts that, in a growing number of countries, social incorporation through labor is increasingly difficult. In those countries, he suggests conditional cash transfer programs can fill the void left by work as the crucial social integration nexus. In Mexico, on the contrary, there is growing demand for Mexican workers in the North American economy. Labor, and waged labor in particular, remains key for social integration. A set of public policies fostering the expansion of higher skilled occupations can succeed not just in terms of social integration, but by providing new, wider channels for social mobility.

This is why we need a North American educational pact, aimed mostly at the expansion and improvement of Mexican higher education.²³ Mexico possesses a large and varied range of higher education institutions, but that these institutions need to grow, and their contributions to the local and North American economy need to be improved. Of course, the major commitment has to come from the Mexican government itself. Nevertheless, North American corporations, and U.S. and Canadian universities, should be encouraged to enter into partnerships involving specific kinds of training, research and development, so that graduates have the skills required in Mexico or abroad.

21. Censo de Población y Vivienda 2020, gobierno de México. INEGI. inegi.org.mx/temas/educación

22. Ferguson, James (2015) Give a Man a Fish. Reflections on the New Politics of Distribution. Duke University Press.

23. A similar argument could be made for the higher education of Mexicans and other lower-schooled minorities in the U.S., such as Central Americans.

6. Sectors and institutions involved in advanced research

Mexico's relatively low educational profile was already discussed. This profile encompasses Mexico's low researcher to population ratio. In the U.S. and Canada, the number of researchers in R&D per million persons is 4,412 and 4,326, respectively. In Mexico it is 315. In Turkey, one of the members of the OECD with lower educational profiles, the indicator is 1379, or four times as much the Mexican figure (World Bank).²⁴ In other words, Mexico is under-investing in research not just compared to advanced economies, but relative to economies at similar levels of development. There have been efforts to increase expenditure on science, but the most recent trends are negative. Since 2016, the federal budget allocated to Mexico's National Council on Science and Technology has fallen in real terms by 34%.²⁵ Worse still, the trust funds created by Mexico's research institutions on the basis of their independent fundraising efforts were expropriated by Mexico's Congress in 2021. Mexico developed a centralized system for the certification of researchers in higher education and research. That system includes 36,700 certified researchers in 2022, or 289 per million inhabitants. The impulse needed is very large.

On the one hand, therefore, in order to provide a North American workforce with significant numbers of both high- and low-skilled workers, Mexico must accelerate the growth of its higher education and scientific institutions. On the other, Mexican institutions of higher education and research can be targeted by U.S. and Canadian institutions for partnerships and projects.

In the U.S., the best-known Mexican higher education institutions are those with a national and international reach: Universidad Nacional Autónoma de México or UNAM, Universidad Autónoma Metropolitana, Universidad de Guadalajara, among the massive national institutions, and El Colegio de México and CIDE, as two small, high-quality centers for research and education in the social sciences and humanities. These well-known, well-regarded institutions should participate in the initiative or pact proposed here.

Nevertheless, there are other lesser-known institutions that are very promising, and are already engaged in significant research and teaching in subjects that will be significant for the future of North America. A few examples include the Tecnológico Nacional, a national system encompassing 254 institutions distributed in all Mexican states. Its student body includes 600,000 students, and it is clearly oriented towards STEM. It performs externally-funded research.

Mexico's airplane technology sector is also noteworthy. According to the main center's web page, this sector exported close to eight billion dollars in 2017; it employs over 50,000 professionals, and has an annual trade surplus of one billion dollars, making it compete with export agriculture in terms of its contribution to Mexico's overall trade balance.

24. <https://data.worldbank.org/indicator/SP.POP.SCIE.RD.P6?end=2018&start=2018&view=bar>

25. Own estimates, based on the Federal Budget allocated to the National Science and Technology Council.

Research in Mexico's 26 CONACYT centers includes some examples of advanced research. Some noteworthy projects include charting Mexico's maritime sea floor and its resources; constructing the mirrors for the large millimetric telescope in Puebla and designing and operating flight simulators for defense airplanes; carrying out a large variety of projects on graphene and its applications in clothing, aerospace, manufacturing and other sectors; large projects for the U.S. government, including the U.S. Air Force. Like these there are hundreds of projects involving thousands of researchers and students.²⁶

In summary: a seemingly contradictory fact of Mexican science is that it is a very small establishment, but its capacities are similar to institutions in more developed countries. What is needed is significant expansion, not the creation of an entire institutional system.

Closing remarks

In sum: North America's workforce is better placed to support growth and development than the workforce of China or Europe. Mexico is already supplying a low-skilled workforce to North American agriculture and to the care and personal services industries in Mexico and North America. But increasing Mexico's role in terms of scientists and higher skilled workers for the region at large is the challenge to be met for the next two decades. This policy brief has argued that 1) the Mexican government itself must accelerate the growth of Mexico's higher education and science sector, and 2) that it is advisable and convenient for U.S. and Canadian higher education and research institutions to create partnerships and projects with Mexican institutions. The growth of this sector, and this highly skilled population in Mexico, will strengthen North America's global position.

26. The author became familiar with these projects during his tenure as general director of one of these research centers, CIESAS.

Panel III Summary of key policy recommendations

- Extend U.S. economic policies to include undocumented workers to add billions of dollars to the U.S. economy.
- Provide economic relief and tax rebates to low-income taxpayers using ITINs.
- Provide legalization for unauthorized workers and allow them to apply for citizenship.
- Higher education systems in the U.S. and Mexico should map out an exchange program for faculty and students.
- Encourage private businesses to expand work training programs in digital comprehension for workers.
- Build paid apprenticeship programs in Mexico.
- Combine worker training.
- Give new attention to border areas (Canada-U.S. and Mexico-U.S.).
- Strengthen university level and research centre cooperation.
- Consulates should promote more business collaboration on both sides of the border.

Concluding Remarks



Concluding Remarks

THE FUTURE TO COME AND STUDENTS WE SHARE

Silvia Giorguli

PRESIDENT, EL COLEGIO DE MÉXICO

The link between the population movement between Mexico and the United States and the educational trajectories of the child and youth population exposed to it is not new. Said link has been on the U.S. agenda from the perspective of the integration of migrants of diverse origins for many decades. In the Mexican case, said link has been incorporated more recently to the agenda given the evidence of the impact of migration on the education of those who remain in their communities of origin and, more clearly since the last decade, due to the increase in the number of minors and school-age population in the migration flow from the United States to Mexico. This implied, in an unprecedented way for Mexico, at the level of the federal government and several state governments, solving the way this population enters school and looking for mechanisms of reception and integration to the school environment for minors -born in Mexico and the United States- who arrived in our educational system after having obtained all or most of their education in the U.S. school system and in English.

On that long road, there is much to learn from past experiences and from good and bad practices in education and attention to the school population exposed to migration-whether migrants themselves or through the migration of others, mainly parents-. We are also aware of the gaps in care for this population on both sides of the border. Likewise, the discussion and the need for diagnostics are not exhausted as the flows involving students at different stages of their education continue, reinvent themselves and new challenges arise.

Within the complexity of this interaction and the emerging processes, there are certain basic notions that have been built over time on how to improve the educational

environment of minors linked to migration between the two countries. On the one hand, there is a notion-reinforced in 2019 in the commitments assumed by Mexico as a promoter and at the time of signing the Pact for Safe, Orderly and Regular Migration-that attention to the different aspects associated with the migration phenomenon requires an approach that recognizes shared responsibility. This is not a vague concept. In fact, it implies the recognition of a shared future and of two facts linked to migration management. On the one hand, it implies recognizing that the actions taken by one country or another or by local governments will have an impact on all the populations and communities involved and, therefore, those actions and policies that are coordinated will be more efficient and will have a more lasting effect. At the educational level, this implies opening spaces for discussion, exchange of experiences and designing common strategies to better understand the challenges faced by the school population exposed to migration, improving their educational opportunities, and mitigating the possible negative effects derived from international migration. We have experiences of this type of bi-national discussion spaces; one of the most recent and encompassing of diverse dimensions of the bilateral implications of migration is synthesized in the *Binational Dialogue on the Welfare of Mexican Migrants in the United States and Mexico* convened by Agustin Escobar Latapi, Lindsay Lowell and Phillip Martin in a collaboration between CIESAS and Georgetown University a little more than a decade ago.¹

On the other hand, it is increasingly common to hear that we are talking about a student population in whose formation, education, and well-being both countries are involved. "*The students we share*"² may in many cases be bi-national citizens, they may move at different stages of their lives to either side of the border and their life trajectories are probably linked to the way in which their parents' migration process took place.³ They will surely play central roles in the construction of this "shared future" to which we refer when we talk about U.S.-Mexico relations and the ties that bind the two countries.

I will now return to some of the transverse aspects of the discussion that were recurrently presented in this forum.

1. This study was made from 2009. The first report is open access, published in Spanish and English, and can be downloaded at <https://cis.org/sites/cis.org/files/binational-dialogue-brief.pdf>. In 2022, the book *The Decade that Changed Migration. A bi-national Approach to the Welfare of Mexican Migrants in Mexico and the United States*, coordinated by Agustin Escobar and Claudia Masferrer under the editorial seal of El Colegio de Mexico, was published in 2022.

2. I first heard the term "*the students we share*" in 2009 in conversations with Patricia Gandara in the process of preparing the first bi-national conference held in Mexico City in 2010 under that very name "*The Students We Share: Recent Research in Mexico and the United States*".

3. Let us remember, after all, that educational research has found that the family environment and the parents' schooling are fundamental determinants of the educational trajectory of boys and girls.

1. School and Teachers at the Center: Towards a Comprehensive Approach

School can play a role as a space for compensating inequalities and for social integration. If this is important in the case of children and young people in general, it is more evident and has a greater transformational potential in the case of the school-age migrant population. In the first place, for migrant children and youth, school becomes the first space for interaction with the receiving society. The organization of the school system also defines the integration route in the new context. In the same sense, it becomes a space for social inclusion that can address or mitigate the disadvantages that could result from migration. For example, it becomes a space for learning to speak, read, and write in the language of the host society and can potentially mitigate the negative effect when migration implies a temporary or permanent separation from a parent.

Likewise, because of the lasting impact it has throughout people's life trajectory, the school experience defines the possibilities for social mobility and economic opportunities by being related, for example, to students' employment options upon graduation.

In addition, school can play a fundamental role in mitigating other adverse aspects of migration on students. We know, for example, that migration is a disruptive event in anyone's life, with a particular impact on children. The separation from parents, the departure from the place of origin, the uncertainty surrounding the migration process and the situation in the places of arrival frequently produce situations of anguish, anxiety, and depression among students, which can undoubtedly influence their performance in school and in their life outside of it. In this sense, school can become a safe space for students and offer psycho-pedagogical support for those who have been exposed to migration. There are positive experiences in Mexico that document the importance of the school in providing this type of support to minors, such as the case presented in this forum by Gerardo Arturo Solis, Secretary of Public Education of Baja California.

School also becomes a space for accessing information on aspects that are relevant to migrant families, as Nina Rabin and Julie Sugarman illustrated in their presentations. In the particular case of Mexicans in the United States, this becomes especially important given the legal vulnerability of many of them and given the lack of information on aspects such as access to public services, social programs, options for regularization of their immigration status, among others.

Finally, teachers are a core element in the field of actions strictly related to teaching-learning processes, in detecting the particular needs of migrant minors and as facilitators in accessing other resources that the school can potentially bring to minors exposed to international migration. As Bryant Jensen, Ted Hamman, and Monica Jacobo emphasize in their presentations, the discussion on actions and policies aimed at addressing the

educational and integration challenges faced by *the students we share* requires including and considering teachers and recognizing their role as agents of transformation and innovation in educational practices.

2. Heterogeneity of Profiles and Experiences of "the Students We Share"

Who are we referring to when we talk about "*the students we share*"? Jensen and Gandara estimate this population at 9 million, which includes migrant students or children of migrants in the United States or in Mexico.⁴ It is clear that the broader discussion and the definition of public policies need to consider the heterogeneity in terms of profiles, ages, family arrangements, and migratory status, all aspects that influence the way in which this interaction between educational processes and international migration takes place.

Likewise, in order to move from the more general discussion to more specific actions, it is necessary to consider the particularities in which this interaction occurs depending on the educational level. As seen in several of the participations, experiences vary among students in preschool, elementary, middle school, high school, and higher education. Finally, another factor related to the diversity of experiences refers to the particularities of learning environments. In this sense, it is necessary to recover the local dimension and consider that the school experiences of *the students we share* will be different in more or less urbanized contexts, for example.

3. Educational policies with a bi-national perspective and with the school and the teachers at the center of planning

The first steps towards the definition and implementation of policies aimed at migrant children or at children of migrant descendants are the identification of potential disadvantages, the diagnosis of their magnitude, the population they affect and their location and their inclusion in the public agenda, in this case, in the educational agenda. The sample of works throughout the forum illustrates progress in these three dimensions. Although we still have a long way to go to consolidate the attention of the migrant school population in the public agenda, we now also have a variety of bi-national experiences and examples of good practices in schools, as Ted Haman reminds us. These examples combine actions by federal and local governments and civil society. One of the proposals of this forum, in the voice of Jorge Armando Barriguete, an official of the Mexican Ministry of Public Education, was the systematization of information through a census of good practices.

4. The figure is taken from Monica Jacobo's intervention in this same forum. See Jensen, B and P. Gandara (2021). *The students we share: preparing US and Mexican Educators for our transnational future*. SUNY Press: New York, page 1.

Mexico would especially benefit from this effort given that its interest in the attention of the migrant school population is more recent than in the United States and is in the process of institutionalization.

Some examples of what can be taken from the U.S. experience are bilingual teaching and education and the various school integration strategies for children of very diverse national origins and coming from diverse educational experiences. From this perspective, and as has been mentioned repeatedly, language becomes central, and the consideration or discussion of bilingualism becomes an articulating element of various initiatives. To this is added, with a broader vision, the definition of a bi-cultural education that facilitates the integration of children with diverse educational experiences, which reinforces the advantages of this diversity and that generates learning environments that respond to the characteristics of the migrant and non-migrant school population.

In order to achieve concrete results, various participants in this Forum on Migration and Education proposed advancing the discussion towards more concrete aspects of education, such as attention to inequalities, intervention in the form of school organization to mitigate disadvantages or break the cycle of reproduction of inequalities, revision of the contents of educational materials and psycho-pedagogical assistance. A recurring theme among the participants is the role of teachers in all these areas, including from the teacher training stage, as Bryant Jensen points out. In the Mexican case, teacher training colleges and the National Pedagogical University, as the main spaces for teacher training, can play a fundamental role by including in the structure of their programs the topics of multicultural education and the relationship between migration and education. Although the central focus of this forum has been migration between Mexico and the United States, these curricular contents would also contribute to the attention of teachers towards other international migrant students in Mexico or internal migrants.

As already mentioned, there are several local and targeted initiatives that make up a set of good practices. The challenge remains, however, to systematize or group them into a consistent and continuous policy. Likewise, as Berenice Valdes and Monica Jacobo rightly point out, we face the challenge of closing the gaps between regulations-in which we can find concrete advances-and the translation of these changes in regulations into the design of concrete policies, in addition to the challenge of their implementation.

To Conclude

The Future to Come and *the Students We Share*

As mentioned repeatedly throughout the forum, school and education play a fundamental role as spaces for the integration of minors exposed to migration, as spaces to compensate for inequalities and the disadvantages that reproduce them, thus assuming an equalizing role. Looking to the immediate future and the medium and long term, we already have

evidence of various practices that have favored inclusive educational environments and that take up bilingualism and biculturalism as axes and values that articulate the educational experience. The experience has also shown us the importance of sharing knowledge, especially good practices, and of building binational spaces with this goal in mind. This implies recognizing the way in which the future between the two countries is intertwined and the needs of *the students we share*.

It is not just about addressing issues and anticipating disadvantages. The forum also recognized that there is a potential beneficial effect for both countries, which transcends the educational sphere and that, as Giovanni Peri, Agustin Escobar and Raul Hinojosa stated in their presentations, can be articulated with the vision of the North American economic integration process.

Biographies



Esteban Moctezuma Barragán **Ambassador of Mexico to the United States**

Ambassador Esteban Moctezuma Barragán was appointed Ambassador Extraordinary and Plenipotentiary of Mexico to the United States of America by President Andrés Manuel López Obrador and ratified by the Senate of the Republic with 115 votes in favor out of 116 in attendance, in February 2021.

Previously, Ambassador Moctezuma was Secretary of Public Education (2018 - 2021), Secretary of Social Development (1998-1999), Senator of the Republic (1997- 1998), Secretary of the Interior (1994-1995),

Undersecretary of Educational Planning and Coordination (1993-1994) and Senior Official of the Ministry of Public Education (1992-1993). He was also in charge of implementing the autonomy of the Supreme Court of Justice of the Nation (1994-1995).

Regarding his career in civil society, he served as President of the Board of Trustees of the National Institute of Public Health (2011-2015) and Member of the Assembly of the National Council to Prevent Discrimination (2013-2017). He was Vice President of the organization "Empresarios en la Educación Básica" and President of "Compromiso Social por la Calidad y la Equidad de la Educación". He was also Executive President of Fundación Azteca (2001-2018) and promoter of the Esperanza Azteca Children's and Youth Symphony Orchestra System (2009-2018). Ambassador Moctezuma is a trainer of Young People of Excellence through the Bicentennial Generation Scholarships (2010-2018); promoter of the conservation program of protected natural areas "¡Que viva la Selva Lacandona!" (2004-2018); responsible for the campaign "Limpiemos Nuestro México" (2009-2018) and member of the Board of Directors of the Mexican Foundation for Health (2004-2018).

Ambassador Moctezuma holds a Doctor Honoris Causa degree from the Universidad de Ciencias y Artes de Chiapas. He also holds a master's degree in Economic Development from the University of Cambridge, United Kingdom, a bachelor's degree in Economics from the Universidad Nacional Autónoma de México, and a Diploma in Regional Development from Tokyo, Japan. <https://embamex.sre.gob.mx/eua/index.php/es/2016-04-09-20-40-51/2016-04-09-20-43-13>



Kim Wilcox

Chancellor, University of California, Riverside
Executive Sponsor, UC Alianza MX

Dr. Kim A. Wilcox serves as the ninth chancellor of UC Riverside where he has overseen transformational change since assuming his role in 2013. During Chancellor Wilcox's tenure, UCR has become a national model for achieving student success, particularly across socio-economic and ethnic categories, receiving the Association of Public and Land-grant Universities (APLU) "Project Degree Completion Award." Named the No. 1 public university in the country for social mobility by

U.S. News for four years running, UCR has also been described as "fastest rising" for its rapid ascendancy through rankings and "most transformative" for its impact on students.

As the university's chief executive, Chancellor Wilcox has led expansive growth in research, enrollment, graduation rates, and physical development. The campus has added schools of medicine and public policy. Enrollment has grown more than 25%. UCR has also grown its faculty, adding two Nobel Prize winners while increasing the racial, ethnic, and gender diversity among incoming faculty members. To support these increases, the campus has added more than 2 million square feet in leading-edge laboratory facilities, state-of-the-art classrooms, and residential and dining facilities.

Chancellor Wilcox has been a leading and influential national voice in the reassessment of higher education rankings systems to value metrics such as social mobility and student outcomes over wealth and exclusivity. His commentary has appeared in the New York Times, Washington Post, Los Angeles Times, Politico, the Chronicle of Higher Education, and other news organizations. <https://chancellor.ucr.edu/biography>



Ma. Isabel Studer Noguez

Isabel Studer, Ph.D. has a unique career in government, academia, and civil society. She was Director for Strategic Partnerships in Latin America and Executive Director for Mexico and Central America at The Nature Conservancy. Isabel founded the Global Institute for Sustainability and was Leader of Energy and Corporate Sustainability at EGADE Business School at Tecnológico de Monterrey. In the Mexican government, she held high-level positions at the Agency for International Cooperation for Development and the Ministries of Foreign Affairs and for Environment and Natural Resources. She was also Director of Research for the

Commission for Labor Cooperation (CLC) in Washington, DC. Isabel was professor at several Mexican universities. Senior Fellow at the Arshat Rockefeller Resilience Center of The Atlantic Council, she is currently President of the Board of the Mexican Climate Initiative and member of the Board of Directors of the World Environment Center (WEC), the Dow Chemical Company's Sustainability Experts' Advisory Board (SEAC), and Chair of the Climate Committee in Mexico's Advisory Council on Water, and panel member of "Environment of Peace" at the Stockholm Institute for Peace and International Relations (SIPRI).

<https://alianzamx.universityofcalifornia.edu/about-us/#about>



Patricia Gándara

Patricia Gándara is research professor of education and co-Director of the Civil Rights Project at UCLA. She is an elected fellow of the American Educational Research Association (AERA) and the National Academy of Education. In 2011 she was appointed to President Obama's Commission on Educational Excellence for Hispanics, and in 2015 received the Distinguished Career Award from the Scholars of Color Committee of the American Educational Research Association. She has been a fellow of the Rockefeller Foundation Bellagio Center in Italy, the French-American Association at Sciences Po Graduate Institute, Paris, and an ETS fellow

at Princeton, New Jersey. <https://www.civilrightsproject.ucla.edu/about-us/staff/patricia-gandara-ph.d>



Víctor Zúñiga

Víctor Zúñiga is professor of sociology at the School of Law, Universidad Autónoma de Nuevo León, Mexico. He is a tier 3 (highest level) member of Mexico's *Sistema Nacional de Investigadores* and journal's chief editor of TRACE (Procesos Mexicanos y Centroamericanos) since 2012. Coauthor (with Silvia E. Giorguli) of *Niñas y niños en la migración de Estados Unidos a México: la generación 0.5*, El Colegio de México, 2019. He was awarded with the 2018 AERA's Division G Henry T. Trueba Award for *Research Leading to the Transformation of the Social Contexts of Education*. In 2021, he was inducted into *Kappa Delta Pi Laureate*

Chapter, a global community of the top 100 researchers in education.

<https://www.uanl.mx/investigadores/victor-aurelio-zuniga-gonzalez>



Giovanni Peri

Giovanni Peri is Professor of Economics at UC Davis and Director of the Global Migration Center, a multi-disciplinary research center focused on migrations. He is Research Associate of the National Bureau of Economic Research in Cambridge, Massachusetts. He is co-editor of the *Journal of the European Economic Association*. His research focuses on the economic determinants and consequences of international migrations. He has published extensively in academic journals including the *American Economic Review*, *The Review of Economic Studies* and the *Review of Economics and Statistics* and has received grants from the Mac Arthur Foundation,

the Russel Sage Foundation, the World Bank, and the National Science Foundation. His research is often featured in media outlets such as the *Economist*, the *New York Times*, the *Wall Street Journal* and NPR news. <https://giovanniperi.ucdavis.edu>



Silvia Giorguli Saucedo

Silvia Giorguli Saucedo has been president of El Colegio de México (COLMEX) since 2015. During her time at this institution, she has served as professor-researcher (2003–present) and director of the Center for Demographic, Urban and Environmental Studies (2009-2015). She was president of the Mexican Society of Demography and founding director of the magazine *Coyuntura Demográfica*. *Revista sobre los procesos demográficos en México hoy* (2011-2014). She is currently the director of the electronic magazine *Otros Diálogos* of El Colegio de México. She studied Sociology at the National Autonomous University of Mexico, a

master's degree in Demography at El Colegio de México, a doctorate in Sociology at Brown University, and a research stay at Stanford University. Her research has focused on three lines: international migration from Mexico to the United States, transitions to adulthood in Latin America, and the effects of demographic change. She presently is Co-Director of the MMP-Latin American Migration Project (LAMP) project conducted by the universities of Princeton, Guadalajara, Brown and COLMEX, and co-chairs the Central and North American Working Group on Migration. She is a member of the National System of Researchers (CONACYT). In 2018 she received the Horace Mann Medal from Brown University.

cedua.colmex.mx/personal-academico/giorguli-saucedo-silvia-elena/semblanza



Edmund 'Ted' Hamann

Edmund 'Ted' Hamann is an anthropologist of education and professor of education policy and practice in the Dept. of Teaching, Learning & Teacher Preparation at the University of Nebraska-Lincoln. He is lead editor of two volumes *Lo que conviene que los maestros mexicanos conozcan sobre la educación básica en Estados Unidos* [What Mexican Teachers Need to Know About 'Educación Básica' in the United States] and *Teaching and Learning in the New Latino Diaspora: Creating Culturally Responsive Practice*. Working closely with Dr. Víctor Zúñiga and Dr. Juan Sánchez García (both of Monterrey Mexico), for two decades he has studied

how children previously in the United States experience schooling in Mexico. Their work was recognized in 2018 by Division G of the American Educational Research Association (AERA) with the *Henry T. Trueba Award for Research Leading to the Transformation of Social Contexts of Education*. In 2019 Hamann was a Fulbright García-Robles US Scholar in Tijuana Mexico. And in 2020 AERA named him an AERA Fellow.

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Mónica Jacobo

Monica Jacobo has a PhD in Public Policy and International Development from the University of Pittsburgh and a BA in International Relations and Political Science from the Center for Economic Research and Teaching (CIDE). She's associate professor at CIDE's Interdisciplinary Program on Educational Policy and Practices. Her work examines the interactions between migration and education, specifically it addresses how migration trajectories affect and shape school access, social inclusion, educational achievement, identity formation, and future educational expectations of child and young migrants. Her research is interdisciplinary

and combines the fields of international migration, public policy, the sociology of education, applied linguistics and political science. Her research has appeared in *Latino Studies*, *Journal of Global Ethics*, *Journal of Language and Politics*, *Estudios Sociológicos*, among others. She currently coordinates the project Young Migrants of Return: Educational Trajectories and Labor Insertion Expectations (CONACYT Funding) and the Migrant Childhood and Adolescence Diploma in the Americas of the Institute of Anthropological Research at UNAM. She is a member of the National System of Researchers Level I. Monica Combines her research with an active collaboration with migrant organizations.

<https://cide.academia.edu/MonicaJacobo/CurriculumVitae>



Nina Rabin

Nina Rabin is Director of the Immigrant Family Legal Clinic at UCLA School of Law. In the legal clinic, Prof. Rabin works in partnership with community organizations and local institutions to best serve the multi-faceted needs of mixed status and recently arrived immigrant families. At the same time, she has undertaken policy research and advocacy to study and document the impact of immigration enforcement on children, women, and families. She has authored articles and reports on topics including the consequences of immigration enforcement for children in immigrant families, working conditions of immigrant women

workers, and the treatment of women fleeing gender-based violence in immigration detention. She has spoken extensively on immigration policy issues in a variety of venues, including academic conferences, community forums, and a Congressional briefing. She has also participated in trainings on immigration for attorneys and community leaders. Prior to her time at UCLA, Prof. Rabin spent over a decade on the clinical faculty at the University

of Arizona, practiced in a civil rights law firm in California, and clerked for the Honorable Dorothy W. Nelson on the Ninth Circuit Court of Appeals.

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Bryant Jensen

Dr. Bryant Jensen is an associate professor in the Department of Teacher Education at Brigham Young University. His research addresses equitable teaching and teacher learning to transform their interactions and lesson activities to enrich learning opportunities for children and youth from minoritized communities. Currently, Bryant is collaborating with public school educators and research colleagues to develop and test material supports—e.g., formative observation systems, team inquiry protocols—for teachers to learn to enact equitable math teaching in rural Mexico, and to sustain equitable classroom discussions for Native Islander

children in Hawai'i and Latinx children from immigrants families in Utah. Previously Bryant was a research associate for the National Task Force on Early Education for Hispanics, a Fulbright scholar in Mexico, teacher educator in California's San Joaquin Valley, and a postdoc fellow at the University of Oregon. His most recent book, with Dr. Patricia Gandara at UCLA, is *The Students We Share: Preparing Mexican and US Teachers for Our Transnational Future* (SUNY Press, 2021).

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Agustín Escobar Latapí

Agustín Escobar Latapí is an anthropologist from the Universidad Iberoamericana and a PhD in sociology from the University of Manchester. He has received the Mexican Academy of Sciences award for scientific research in social sciences, together with Mercedes González de la Rocha. He has been at Level III of the National System of Researchers since 2003 and is a Global Fellow at the Wilson Center in Washington. He has published more than 130 academic articles and is the author or coordinator of 15 books. She studies migration, the labor market, and public policies. He is currently leading a large study on agricultural day laborers.

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Raúl Hinojosa Ojeda

Raúl Hinojosa Ojeda is Founding Director of the North American Integration and Development Center and Associate Professor in the César E. Chávez Department of Chicana, Chicano and Central American Studies at the University of California, Los Angeles. He received a B.A. (Economics), M.A. (Anthropology) and Ph.D. (Political Science) at the University of Chicago. He is the author of numerous articles and books on the political economy of regional integrations in various parts of the world, including trade, investment and migration relations between the U.S., Mexico, Latin American and the Pacific Rim. Most recently, he co-edited *The Trump Paradox:*

Migration, Trade, And Racial Politics In US-Mexico Integration. University of California Press, 2021, and in Spanish by El Colegio de Mexico, 2022. Together with Rep. Esteban Torres of California, Dr. Hinojosa Ojeda is the originator of the proposal for the North American Development Bank that was created by the U.S. and Mexican governments in 1994. Dr. Hinojosa Ojeda founded the North American Integration and Development (NAID) Center at UCLA in 1995, dedicated to developing innovative research agendas and policy pilot projects concerning globalization and development. Dr. Hinojosa is the author of *Historical Trajectories and Lessons Learned: North American Development Bank and Community Adjustment and Investment Program*, published by El Colegio de la Frontera Norte and Rice University Center for the US and Mexico, 2021.

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Note: References for Policy Briefs 4-6

are in the respective policy briefs' footnotes

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The University of California, through Alianza MX, will host a presentation of the Final Report of the 2022 Forum on Education and Migration: “The Future of the US-Mexico Human Capital, Opportunities for a bilateral agenda on education and migration”. The report contains a series of Policy Recommendations by experts on critical questions regarding how to improve the integration of students of Mexican-origin into the US education system, including through effective migration policies; how to integrate US-origin students to the Mexican education system, and through educational policies; and the opportunities that a binational human capital would represent for our countries in the next decade.

The bicentennial celebration of the U.S. – Mexico bilateral relationship, is an opportunity to reflect on our common history and think progressively about shared actions that will benefit both nations. We have the potential to lead through continued collaboration in key areas, transforming common challenges into shared opportunities. As we enter a new era of reaffirmed commitment in shared responsibility and cooperation between the U.S. and Mexico, the University of California’s Alianza MX seeks to identify strategies that will contribute by focusing on enhancing the California – Mexico relationship.

In this sense, the work of the Forum on Education and Migration Forum is now more relevant than ever as it directly pertains to building a prosperous joint future for both Mexico and the United States. The 2022 event and the resulting Final Report will be a roadmap for the future work of the forum, which in this next stage will aim to engage relevant stakeholders, both sides of the border, to further this agenda.

The presentation of the Final Report will be an opportunity for stakeholders in Washington DC to meet and converse on this roadmap. Later on in 2023, a similar event will be held in Mexico City to engage Mexican stakeholders and continue to articulate a binational strategy to address these joint challenges and opportunities.