



U.S. Department of Education Prohibits Questions on Immigration Status

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On May 6, 2011, the U.S. Department of Education, through its Office for Civil Rights (OCR), issued a “Dear Colleague” letter which specifically prohibits public school officials from inquiring as to the immigration status of children seeking to enroll in school. Although the OCR has previously issued guidance materials critical of such practice, this appears to be the most direct prohibition issued by the agency to date.

The position of the Office for Civil Rights is based upon its interpretation of Titles IV and VI of the Civil Rights Act of 1964, as well as the ruling of the United States Supreme Court in *Plyler v. Doe*, 457 U.S. 202 (1982) (illegal immigrant status of children may not be used as basis for denying public education). It should be noted, however, that this interpretation is not universally held and may be subject to judicial challenge.

The new “Dear Colleague” letter, which addresses other student enrollment issues such as the use of birth certificates and Social Security numbers, may be viewed in its entirety by following [this link](#).



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