



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK

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To: District Superintendents

Superintendents of Schools

Administrators of Public, Charter, and Nonpublic Schools

From: Angelique Johnson-Dingle

Subject: Enrolling students who are refugees or asylum seekers

This memo provides important information regarding the obligation of schools and districts to enroll students, including refugees or asylum seekers, pending receipt of their health records and to assist them in obtaining all necessary immunizations within the applicable time frame. Lack of proof regarding immunization is not grounds to deny students the ability to attend school while they work towards obtaining immunizations or proof thereof within the timeframes set forth in law and regulation. While enrollment and immunization requirements are the same for all students, this memo frames these requirements through the lens of students who are refugees or asylum seekers.

As described in the Department's attached 2010 guidance, students who are refugees or asylum seekers, like U.S. citizen children, have the right to attend school full time as long as they meet the age and residency requirements established by State law. Refugees and ^{asylum seekers} come from diverse regions of the world and bring with them varying immunization histories. Unlike most other immigrant populations, refugees and asylum seekers are not required to have any vaccinations before arrival in the U.S. In addition, vaccines may not be readily available in their countries of origin. While refugees undergo immunization assessment and administration as part of the federal intake process, asylum seekers are only recommended to receive vaccinations once they have been granted asylum status and may therefore require additional guidance and support to understand the requirements and how to comply with them.

Furthermore, as federally funded entities, local education agencies (LEAs) are required under Title VI of the Civil Rights Act of 1964 to provide translations of all documents necessary for school program access, including those pertaining to immunization requirements. For further information on translation of vital documents, please see [Information for Limited English Proficient \(LEP\) Parents and Guardians and for Schools and School Districts that Communicate with Them.](#)

In accordance with Public Health Law (PHL) §2164(7)(a), schools may allow students who are from out of state or out of country to attend school for up to 30 calendar days if the student does not have immunization documentation but there is evidence of a good faith effort to obtain immunizations or other evidence of immunization. See [Immunization Guidelines for Schools](#) for more information on immunization requirements.

With many asylum seekers housed temporarily in shelters or doubled up due to economic hardship, there may be some confusion about the services these students are eligible to receive under Title VI, subtitle B of the McKinney-Vento Homeless Assistance Act (McKinney-Vento Act). These services are available to all students who meet the statute's definition of "homeless children and youths," regardless of their citizenship, immigration, refugee, or asylee status. LEAs are reminded of their obligation to immediately enroll such students while McKinney-Vento eligibility determinations are being made in accordance with §100.2(x) of the Commissioner's regulation.

Under the McKinney-Vento Act:

- Students, including unaccompanied youth, must be enrolled immediately in a school in the school district where they are temporarily living. They must be allowed to enroll immediately even if they do not have the documents normally needed for enrollment (such as vaccination and health records) and even if they have missed application or enrollment deadlines, if applicable.
- These students are also immediately eligible for free school meals.
- Students who need to obtain immunizations and/or required school physicals should be referred to the district's McKinney-Vento liaison. The liaison must assist in obtaining the necessary immunizations, physical exam, or medical records. If a student is unable to obtain a physical from a private healthcare provider, the district's director of school health services (a.k.a., medical director) must provide a school physical at no cost.

Students who are refugees and asylum seekers have experienced a great deal of instability and/or trauma and schools can make a great difference in their lives. In addition to providing children with skills, classrooms help connect refugee and asylee children to social services and provide a sense of normalcy and a safe space for children who have often faced trauma. The Department encourages LEAs to review their policies relating to student enrollment and residency to ensure that they are in full compliance with all applicable case law, statutory and regulatory provisions. LEAs are advised to consult with their school attorneys in this review.

The Department stands ready to provide schools and districts with technical assistance regarding the provision of services to refugees or asylum seekers through the [Office of Bilingual Education and World Languages](#) and [the Regional Bilingual Education Resource Network \(RBERN\)](#).