

**National Immigration Law Center’s Statement for the Record House Committee
on the Judiciary Subcommittee on the Constitution and Limited Government**
“Immigration Policy by Court Order: The Adverse Effects of *Plyler v. Doe*”
March 18, 2026

Dear Chairman Chip Roy, Ranking Member Mary Gay Scanlon, and Members of the subcommittee:

Thank you for the opportunity to submit this statement for the record on behalf of the National Immigration Law Center (NILC). We respectfully request that it be included in the record of the Subcommittee’s March 18, 2026 hearing.

Founded in 1979, the National Immigration Law Center is dedicated to defending and advancing the rights and opportunities of low-income immigrants. For more than four decades, NILC has worked through litigation, policy advocacy, communications, and movement building to address -the impact- of immigration policies on children and families. Central to this mission is ensuring equal and unobstructed access to public education for all children living in the United States, regardless of immigration status.

The right of children residing in the United States to access free public K-12 education, regardless of immigration status, is firmly established constitutional law. In *Plyler v. Doe*, 457 U.S. 202 (1982), the Supreme Court held that a state may not deny undocumented children access to public education consistent with the Equal Protection Clause of the Fourteenth Amendment.¹

The Court recognized that denying children access to public education would impose a “lifetime hardship on a discrete class of children,” subjecting them to “the stigma of illiteracy [that] will mark them for the rest of their lives” and that it would “deny them the ability to live within the structure of our civic institutions, and foreclose any realistic possibility that they will contribute in even the smallest way to the progress of our Nation.”

Yet this hearing takes place amid apparently coordinated efforts to end the promise of *Plyler* and attack the right of all children to a public education. This apparent campaign is part of larger efforts by individuals who wish to radically remake the United States by overturning longstanding Supreme Court precedent. Beginning with the overturning of *Roe v. Wade*, they are now attempting to end longstanding voting rights, marriage protections, and public

¹ *Plyler v. Doe*, 457 U.S. 202 (1982).

education access. If these efforts succeed, the bedrock principle of stare decisis will be in shambles.

Several states are considering proposals that would be the first step in impeding access to elementary and secondary schools in conflict with *Plyler*'s guarantees. These measures would waste school resources in collecting unnecessary data from their students and erode trust in schools. These state efforts are being puppeteered by Stephen Miller.² As Courts consistently have recognized, measures that substantially interfere with equal access to education —such as immigration status data -collection requirements—can violate *Plyler* by creating barriers that effectively exclude children from school.

NILC has litigated successfully to protect students from invasive questions about immigration status in K-12 schools. In 2011, Alabama enacted House Bill 56, the “Beason–Hammon Alabama Taxpayer and Citizen Protection Act”³, which required school administrators to determine the immigration status of all newly enrolling students and to submit an annual report to the state Board of Education setting forth all data obtained under the requirement. NILC and other legal organizations, as well as the federal government, filed lawsuits to block H.B. 56. The Eleventh Circuit Court of Appeals enjoined the school data-collection provision in Section 28 of the bill.⁴ There, the court determined that Section 28’s mandated disclosure of a student’s immigration status “impose[d] obstacles to the ability of an undocumented child to obtain an education” because it would “understandably deter this population from enrolling in and attending school because . . . these children are subject to deportation, and removal proceedings can be instituted upon the federal government being informed of their undocumented status.” Accordingly, the court held that the Alabama statute “substantially burden[ed]” the right to equal access to an education protected by *Plyler v. Doe*.

Ensuring access to education promotes stability, integration, and long--term opportunity for all children in the United States. Public education serves as a primary pathway for language acquisition, social integration, and development. For decades, the United States has upheld the principles enshrined in *Plyler* that all children should have access to a free public K-12 education. This principle is deeply rooted in constitutional law and longstanding practice. Messaging and policies that attempt to restrict or chill access to education undermine these values and harm children, families, schools, and communities alike. Protecting equal access to

² See Sam Stockard, “Tennessee lawmakers to take immigration cues from White House,” Tennessee Lookout (January 2026). <https://tennesseelookout.com/2026/01/13/tennessee-lawmakers-to-take-immigration-cues-from-white-house/>

³ Beason-Hammon Alabama Taxpayer and Citizen Protection Act, Act No. 2011-535, H.B. 56, 2011 Regular Session (Alabama 2011). <https://legiscan.com/AL/text/HB56/id/321074>

⁴ *Hispanic Interest Coalition of Alabama (HICA) v. Governor of Alabama*, 691 F.3d 1236 (11th Circ. 2012).

education ensures that all children can develop the skills and knowledge necessary to participate fully in society and contribute to our shared future.

The National Immigration Law Center appreciates the opportunity to provide this statement for the record. It is up to Congress to bring positive changes that benefit this diverse nation. We urge continued adherence to the commitment to educating all children living in the United States. We also ask Congress to oppose all attempts and proposals to limit access to education simply because of a person's immigration status and focus instead on providing more resources to our nation's schools to ensure that newly arrived children and families have the support and services they need to thrive, including access to quality education for all.