

**Childhood, Migration, and Right to Education. Vulnerabilities and
Consequences on Mobility United States-Oaxaca, Mexico**
**Niñez, migración y derecho a la educación. Vulnerabilidades y consecuencias
en la movilidad Estados Unidos-Oaxaca, México**

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ABSTRACT

This article aims to analyze the extent to which the right to education of immigrant and returned children from the United States to Oaxaca, Mexico, is guaranteed after the Trump administration increased containment of immigration policies with significant repercussions for adult Mexicans and their offspring. A qualitative methodology integrated by ethnographic observation techniques with and without participation, interviews, discussion groups, and documentary analysis has been used. The main findings show that the infringement of the children's right to education increases their vulnerability with a decisive impact on their educational, social, and labor present and future. The originality of the study lies in the approach to the consequences of return on childhood and their right to education in the state of Oaxaca, not attended enough by migratory studies, which is also a contribution.

Keywords: 1. migration, 2. childhood, 3. education, 4. United States, 5. Mexico.

RESUMEN

Este artículo tiene por objetivo analizar en qué medida se garantiza el derecho a la educación de la niñez inmigrante y retornada desde Estados Unidos a Oaxaca, México, después de que la administración Trump incrementara la contención de las políticas migratorias con importantes repercusiones para los mexicanos adultos y su descendencia. Se ha empleado una metodología cualitativa integrada por técnicas etnográficas de observación con y sin participación, entrevistas, grupos de discusión y análisis documental. Los principales hallazgos muestran que la conculcación del derecho a la educación de esta niñez incrementa su vulnerabilidad con repercusiones determinantes sobre su presente y futuro educativo, social y laboral. La originalidad del estudio radica en el abordaje de las consecuencias del retorno en la niñez y en su derecho a la educación en el estado de Oaxaca, poco atendido por los estudios migratorios, lo que también constituye una aportación.

Palabras clave: 1. migración, 2. niñez, 3. educación, 4. Estados Unidos, 5. México.

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INTRODUCTION

The returnee diaspora from the United States to Mexico has continued during Donald Trump's administration (2017-2021), with almost 1 million migrants detained in 2019 only on the northern border (Laborde, 2019b). While the intensification of the raids by the U.S. Immigration and Customs Enforcement department (ICE) became one of the main strategies for the detention and deportation of migrants. This is demonstrated, for example, by the August 2019 operation in which 680 undocumented migrant workers were detained in Mississippi, making it the largest raid carried out in the United States in the last decade (Laborde, 2019a). In the case of Mexican migrants, between 2009 and 2016 the United States deported more than 3 million, and an additional 1.4 million carried out what is considered a voluntary return to their country of origin (Bancomer-CONAPO, 2018).

Although the volume of deportations of Mexicans did not exceed the more than 3 million that took place during Barak Obama's administration, the National Institute of Migration (Instituto Nacional de Migración, 2017, 2018, 2019a) and the Migration Policy Unit (Unidad de Política Migratoria, 2017, 2018, 2019) still recorded an increase in deportations during the years of the Republican Donald Trump's mandate. Specifically, the Migration Policy Unit (2019) recorded 193,974 deportations of Mexicans in the fiscal year of 2019. However, these figures do not include migrants who do not enter Mexico by order of deportation but under different circumstances (which may be voluntary, but also forced), nor those who do not enter through official border controls, nor the children of these migrants born in the United States who move following their parents on their return but cannot be counted as returnees because they were not born in Mexico. Therefore, the dimensions of this phenomenon are even greater.

In the context of this returning diaspora, two important issues must be raised. The first, its eminently young character due to the high presence of daughters and sons of Mexican migrants: girls and boys who were born in the United States or Mexico and who have moved following their parents in their international mobility process. It is not a trivial matter to consider the huge amount of child population entering Mexico because of the constant migratory restrictions promoted by the United States, and that affect both adult Mexican migrants and their children: if in 2017 some figures accounted for more than 500,000 girls and boys from the United States in Mexico (Jacobo, 2017), today there are more than 900,000 of them (Barros, 2019).

The second issue to be addressed is the impact on the Mexican educational system of the arrival of this high number of girls and boys, and how they are being cared for to guarantee the exercise of their right to education as children within the framework of international mobility. In the intercensal survey of 2015, the National Institute of Statistics and Geography (INEGI, acronym in Spanish) (2015) registered 39'214,411 migrants enrolled in Basic Education ages between 0 and 16 years, among which the largest group represented was girls and boys born in Mexico who came from the United States and their peers born in that country (INEGI, 2015).

In this paper, the analysis of these issues is focalized in the state of Oaxaca, located in southwestern Mexico. Considered the federal entity origin of the highest number of undocumented migrants in the United States (Bancomer-CONAPO, 2019) according to the National Migration Institute (2019b), Oaxaca was one of the states with the highest number of deported migrants in the period 2017-2020. To these arrivals due to deportation, those derived

from other causes also involuntary in nature must be added. For example, the increase in racism and xenophobia with Donald Trump in office and his anti-immigrant discourse, which caused an increase in hate crimes against Latinos in general, and Mexicans in particular; and especially, the risk of deportation due to the irregular legal situation of migrants. Returns due to family reunification must also be considered, which in many cases take place due to the *domino effect* produced by the deportation of a migrant, which then causes the arrival in Mexico of the rest of the members of their family unit. As such is the case at the national level, the returnee figures are even higher in the state of Oaxaca.

In this return flow to Mexico, some of the girls and boys that make it up were born in the United States —and therefore, in Mexico they are immigrants—, and others in Mexico —and therefore, they are returnees—, but they all face the challenge of (re)inserting themselves into Mexican society through school. In this (re)insertion, educational institutions constitute an important space for the socialization of the migratory phenomenon, where the violation of the right to education increases their vulnerability and their possibilities of exclusion, this with important repercussions on their present and future life. In this work, the right to education is understood according to Torres (2006), as a right that is not exhausted with simple access to the educational system but also implying access to quality education. Thus, we ask ourselves: what is happening within the Oaxacan schools that these children from the United States access? To what extent are they exercising their right to education? These questions will be answered through ethnographic research carried out in different educational institutions in the Valles Centrales, Sierra Norte, and Mixteca Alta regions of Oaxaca, classified as regions of high expulsion of migrants to the United States, migrants that have then returned to these regions within the framework of the binational migration situation described.

MIGRANT CHILDREN. EDUCATION, VULNERABILITY, AND EXCLUSION

Vulnerability is understood by Cornejo, Céspedes, Escobar, Núñez, Reyes, and Rojas (2005) as:

[...] a dynamic condition that results from the interaction of a multiplicity of risk factors [...] that occur in the life cycle of a subject and that manifest in behaviors or events of greater or lesser social, economic, psychological, cultural, environmental, and/or biological risk, producing a comparative disadvantage between subjects, families and/or communities (p.14).

This comparative disadvantage affects certain groups inserted in the category of “vulnerable groups” (Carrera, 2009). The category of “vulnerable groups” was born in the 1990s, when the concept of vulnerability was approached from a population perspective (Carrera, 2009), thus referring to the existence of groups susceptible to experiencing a greater violation of their rights due to their ethnic-cultural origin, socioeconomic status, sex-gender, etc. (Cornejo, 2017). Together with organizations such as the United Nations Children’s Fund (UNICEF) (Lázaro et al., 2014), numerous experts include children among those groups considered susceptible to vulnerability because they are at a disadvantage to exercise their rights under conditions of equality with respect to other people (Barros, 2019; Zúñiga & Giorguli, 2019; Cornejo, 2017; Díaz & Pinto, 2017; Jacobo, 2017; Szulc, 2015; Guzmán, 2014; Muñoz, 2014).

Vulnerability is a multi-causal phenomenon articulating different elements that increase the risk conditions of people remaining within the system (Díaz & Pinto, 2017; Lázaro et al, 2014; Cornejo et al., 2005). In the particular case of childhood, not only the age, socioeconomic, ethnic-cultural, and sex-gender elements —structuring elements of this category in our contemporary societies— can make this a vulnerable group, but also the migratory condition, considered fundamental in its structural analysis in the current context of world globalization (Zúñiga & Giorguli, 2019; Valdéz, Ruiz, Rivera, & Antonio, 2018; Zúñiga, Hamann, & Sánchez, 2008). For this reason, our study focuses on subjects who are in living conditions determined by their age and by their situation of international mobility, which leads us to deal with the childhood-migration binomial, and derived from this, the *migrant children* category. This category is defined according to the General Law on the Rights of Boys, Girls, and Adolescents (Chamber of Deputies, 2014), which determines that children are people between the ages of 0 and 12, and adolescents between the ages of 12 and 18. Therefore, we define migrant children and adolescents as people under 12 and 18 years of age, respectively, who participate in mobility processes.

The privileged channel for the (re)insertion of migrant children is the school, a space where the migration phenomenon is socialized in an important way (Despaigne & Jacobo, 2016; Román & Carrillo, 2017). The experience of these children in this institution will not only be decisive for their school and social (re)insertion in the present but also for their social and labor (re)insertion in the future. Therefore, the educational institution acquires a substantial role in the life of these children and in guaranteeing their right to education, the violation of which implies increasing their vulnerability conditions.

Ratified by Mexico, the Universal Declaration of Human Rights (United Nations General Assembly, 1948, art. 26) recognizes education as a human right *per se*. Due to its nature as an enabling right, the right to education allows social development and mobility (United Nations Educational, Scientific, and Cultural Organization (UNESCO, n.d.)), for which not only access to education, but also quality education and equal opportunities must be guaranteed once education has been accessed (Torres, 2006). Education for all, without discrimination, is guaranteed by international human rights law, being prohibited any form of discrimination that would jeopardize the very essence of the law (UNESCO, n.d). The Declaration (United Nations General Assembly, 1959) and Convention on the Rights of the Child (United Nations General Assembly, 1989) —ratified by Mexico in 1990— also add *attention to the best interests of the child*, which includes the provision of educational services. Along this line, the Inter-American Court of Human Rights recognizes the importance of the right to education for children, given that “it favors the possibility of enjoying a dignified life and contributes to preventing unfavorable situations for the minor and for society itself” (Inter-American Court, 2003, Advisory Opinion No. 18, sec. 84).

At the national level, the Mexican Constitution (1917, art. 3) recognizes that “everyone has the right to education,” guaranteed from a human rights perspective and the principles of equality, inclusion, and interculturality “by promoting harmonious coexistence between people and communities for the respect and recognition of their differences and rights, from a framework of social inclusion.” Also, the National Education Law (Chamber of Deputies, 2019) recognizes that everyone has the right to education (Chamber of Deputies, 2019, art. 5)

based on the same principles of inclusion (Chamber of Deputies, 2019, art. 7, 61, 62), equality (Chamber of Deputies, 2019, art., 11, 15, 16) and interculturality (Chamber of Deputies, 2019, art. 13, 14, 15) with a focus on human rights (Chamber of Deputies, 2019, art. 12, 15, 62). Likewise, this law includes being a migrant as part of the diversity that must be addressed by the right to education (Chamber of Deputies, 2019, art. 8, 9). In the same direction, the Education Law for the Free and Sovereign State of Oaxaca (LEELSO, acronym in Spanish, 2018) drafted by the Congress of the Free and Sovereign State of Oaxaca (HCELSO, acronym in Spanish), begins by recognizing education as a human right (LEELSO, 2018, art. 1), from the same principles of inclusion (LEELSO, 2018, art. 5,29,56) and equality (LEELSO, 2018, art. 29, 45, 56, 58, 86), guarantees the right to the education of migrant children (LEELSO, 2018, art. 10, 56). Given that it is an eminently diverse state with a large presence of mestizos, indigenous people, and Afro-Mexicans, this Law particularly emphasizes sociocultural diversity (LEELSO, 2018, art. 2, 7, 9, 10, 11, 41) and the guarantee of educational right from interculturality (LEELSO, 2018, art. 5, 7, 11, 17, 19, and 61), highlighting the need for intercultural education for all (LEELSO, 2018, art. 19, 61). Thus it can be seen that the international, national, and state legal apparatus directs its approaches to the principles of equality, inclusion, and interculturality, with a human rights approach to avoid the violation of the right to education and the exclusion of children.

Along with dropout and lack of access to school (Cornejo et al., 2005; García-Campo, 2015), being a migrant is among the elements of vulnerability that affect the right to education and the risk of exclusion, there being a close relationship between social vulnerability and the violation of human rights, such as the right to education (Cornejo, 2017; Díaz & Pinto, 2017; García-Campo, 2015; Lázaro et al., 2014; Muñoz, 2014). It is worth highlighting the vulnerability of this right among the subjects that Manzano (2008) calls “students at risk”: those who may find themselves in a situation of “educational vulnerability” due to experiencing “a series of marked difficulties throughout their school career that prevent them from making the most out of the curriculum and teaching” (Díaz & Pinto, 2017, p.46). According to Díaz and Pinto (2017), the obstacles that subjects may encounter are many and can lead them to a situation where the relationship between violation of the right to education and *educational vulnerability* translates into social exclusion. Social exclusion is understood here after Martínez-Román (2011, p.66), as those “obstacles that certain people encounter to fully participate in social life, seeing themselves deprived of one or more of the options indicated as fundamental to their human development.”

Lázaro et al. (2014) highlight two relevant aspects in the processes of child exclusion. First, the non-consideration of children as subjects of law, as they are conceptualized as “incomplete people” (Szulc, 2015). Second, the consequences of exclusion in the future life of children, since this “affects the process of physical, psychological, affective and relational maturation in early stages of life with effects in the future” (Lázaro et al., 2014). If the exclusion is understood as a process, educational precariousness should be considered as a step of it, as it places subjects in the first stages of educational exclusion in intersection with other stages of social and, in the future, employment exclusion.

METHODOLOGICAL CONSIDERATIONS

The results presented correspond to an ethnographic research developed during the years 2018, 2019, and 2020 in the state of Oaxaca regions of Valles Centrales, Sierra Norte, and Mixteca Alta, cataloged as regions of high expulsion of migrants to the United States, who have then returned with their minor children. Five basic education schools (elementary and secondary), located in different municipalities and communities of these regions are part of the research, as detailed:

Table 1. Institutions, Levels, and Geographic Locations

Institution	Education level	Municipality/Community	Region
Benito Juárez	Elementary	Teotitlán del Valle	Valles Centrales
Licenciado Pérez Gasga	Elementary	Heroica Ciudad de Tlaxiaco	Mixteca Alta
Técnica 48	Secondary	Tlacolula de Matamoros	Valles Centrales
Técnica 40	Secondary	Ixtlán de Juárez	Sierra Norte
Federal Leyes de Reforma	Secondary	Heroica Ciudad de Tlaxiaco	Mixteca Alta

Source: Own elaboration based on the data collected.

122 students between the ages of 8 and 14 years who arrived from the United States between 2017 and 2020 have enrolled in these institutions. A minority of them ascribed themselves to the indigenous Zapotec (Valles Centrales and Sierra Norte), Mixtec (Mixteca Alta), and Triqui (Mixteca Alta) people and enrolled in the mentioned schools, which do not offer intercultural bilingual education, on the other hand only available up to an elementary level in Mexico. These students come to Oaxaca from Arizona, California, North Carolina, South Carolina, Florida, Georgia, Illinois, Massachusetts, Nevada, New Jersey, New York, Tennessee, Texas, Virginia, and Washington.

The observation aimed at recording classroom and extra-classroom socio-educational practices that violate the right to education of children in these institutions and the consequences of this. Interviews were conducted with immigrant and returnee students (52) and with teachers (18), to analyze how these agents live and explain the educational experience of these children; and in the case of girls and boys, to what extent their right to education is exercised or violated, and what the repercussions of this are. Discussion groups have followed the same direction (three with students and one with teachers). Specialized bibliographic production, international legal instruments on the right to education, and sections of other national and state instruments focused on it have also been analyzed, and statistical data on United States-Mexico and United States-Oaxaca migration have been consulted.

THE RIGHT TO EDUCATION OF MIGRANT CHILDREN. VULNERABILITIES AND CONSEQUENCES

The fieldwork carried out evidenced two main forms of violation of the right to education among immigrant and returnee children in the educational institutions studied, which have to do with the language of the destination place —Spanish— and the school curriculum.

Regarding language, it should be noted the lack of programs aimed at teaching Spanish — the instruction and communication language— to these students for whom English is their main language in most cases, due to their extensive life experience in the United States. These are girls and boys who were born in that country and migrated to Oaxaca between the ages of 8 and 14 years, or who were born in Oaxaca, migrated to the United States between the ages of 0 and 3 years, and are now returning aged within the same range. Although some of them handle Spanish in a spoken form because it was transmitted to them in the domestic sphere, they have a low level of competence that they can only employ in rudimentary oral situations and does not give them access to the level of linguistic-conceptual complexity required in the academic field. To this must be added their low or null level of written and reading proficiency in Spanish; this is why notable difficulties to achieve an adequate (re)insertion in the school institution has been identified, both at the level of teaching-learning processes themselves, as well as at that of interactions with teachers and classmates.

At the level of teaching-learning processes, the observations show the obstacles faced by these children in their educational development, ranging from the absolute misunderstanding of the teacher's explanations to the inability to understand what is read, and even the inability to write in Spanish and, therefore, to carry out the corresponding tasks. A student who does not know the language of instruction cannot be expected to successfully go through his academic process without having been taught said language.

I speak English and write in English, and the professor tells me “write that again, write that again,” and I write in English because, well, I can't [write in Spanish] yet, and everything is in Spanish (A.L. Saavedra, personal communication, March 4, 2019).

As descendants of Mexicans, these girls and boys are expected to develop as national monolinguals who have lived their entire lives in Mexico (Despaigne, 2018) and therefore have had all their schooling in this country, ignoring their experiences of life and international mobility in the United States. In this sense, the ethnographic records show how the national educational system supports monolingualism, even though these children not only have English as their first language but are also indigenous. However, only some of the girls and boys who have been part of the research sample speak the language corresponding to their ascribed ethnicity: Zapotec, in Valles Centrales and Sierra Norte, and Mixtec and Triqui, in Mixteca Alta. According to their accounts, parents do not usually transmit the indigenous language to their children in the United States because of the priority given to English for their professional future.

Regarding English-Zapotec/Mixtec/Triqui bilingualism and monolingualism in English, there are also notable contradictions in some of the schools that evidence they lack action protocols and create students subordinate to the mandate of Mexican monolingualism. For

example, the inauguration of a Mixtec language recovery program in one of the schools was recorded. Although this school is not registered in the intercultural bilingual education system, this initiative comes from the teachers themselves, who first learn simple words and sentences in Mixtec, and then teach them to the students.

For those students who come to the institution from the United States speaking only English and Mixtec, the written teaching of Mixtec does not pose a major problem; it is not so for those who arrive speaking English and Triqui,² nor for those who only speak English—the majority—. For these last two cases, the linguistic situation is very complicated and reveals important contradictions:

- Although the course of the teaching-learning process is exclusively in Spanish, this student body is taught Mixtec—with all the limitations of the context—, but they are not offered a Spanish language course so that they can perform adequately in educational processes. The teaching of Spanish is equally necessary for students who speak Mixtec since, as previously noted, the educational processes are only in Spanish and the teaching of Mixtec is marginal and not transversal to the curriculum.
- The teaching of Mixtec is carried out under the argument that this is the mother tongue of the students, ignoring that there are students who have Triqui as their mother tongue and that most do not speak any indigenous language and have English as their main language.
- During the teaching sessions, exclusively in Spanish, English, and Triqui are subjected to a constant process of linguistic subtraction, although we insist, no courses formally aimed at teaching Spanish are offered to students from the United States. Even Mixtec itself undergoes the same process of subtraction, since, as has been explained, its teaching is marginal in the curriculum.

Both in this and the other educational institutions, all lacking Spanish teaching programs, these students are expected to learn it (Spanish) throughout the course on their own or receive specific support from their teachers, who are in charge of classes of an average of 30 students. In other cases, these girls and boys become students of other fellow students who do not have migratory experience and who are selected by teachers. Teachers usually choose students with the level of command of Spanish expected from someone who has been schooled in the national educational system, so they suddenly become circumstantial educators of immigrants and returnees. This is how one of the teachers interviewed described this strategy:

I have a student who has a hard time with that. So I told him “you know what, son? You... look at it this way, he will not go after you [your classmate is not going to help you]. It is you who needs to learn Spanish, stick to him, focus on that” (C.M. Aguilar, personal communication, November 11, 2018).

These ways of proceeding do not save the linguistic situation of these girls and boys in schools where, especially during the first years of schooling, high rates of academic failure are recorded, not because of the children’s incompetence but because of the unpreparedness of the Mexican educational system to accommodate them. After a hard process of effort and frustration, these children end up “learning Spanish by force” (L. R. Román, personal

² No Zapotec-speaking students were observed at this institution.

communication, February 28, 2019) and dragging speech and literacy problems as they pass through the educational system:

Although I have been here for a year, I still have problems when the professor dictates and I write it down, because I eat letters when I write, letters are missing when I write, so I also have a hard time reading that and can't understand it (J.L. Amparo, personal communication, November 14, 2019).

At the level of interactions, ignorance of the communication language —Spanish— and of the sociolinguistic codes used in schools also has repercussions. On the one hand, ignorance of Spanish hinders their socio-educational interactions with other subjects —mainly, classmates and teachers— both in the classroom and in other school spaces —the yard, the fields, the cafeteria—. On the other hand and as pointed out by Tacelosky (2021), communication skills are not only made up of the grammatical and discursive levels but also the strategic level, which is what has to do with sociolinguistics. That is to say, with the behavior that governs the social codes of communication of a given socio-cultural context, and that refers to the use of language according to the environment (the school), situations (the classroom, the recess in the yard, lunchtimes in the cafeteria, etc.) and relationships (with classmates and teachers, mainly, but also with principals, administrative and service personnel, among others).

The student who arrives at a new school with extensive life experience in another country, must not only learn the language, but also what to say, when and how to say it, and what to do, and when and how to do it (Tacelosky, 2021). That is, students have to learn sociolinguistic norms that will condition their relationships and interactions with their peers and other people. As an example, during an observation, it was recorded how in one of the schools a teacher welcomed a student from the United States with greater physical contact than the student understood as correct and appropriate. Faced with the proximity of the teacher, the student abruptly withdrew and extended his hand with a serious face, warning him to keep personal distance, since in the United States teachers should not get physically close to their students. To this, the teacher replied that in Mexico “there is more contact” (M. Rodríguez-Cruz, field journal, November 7, 2019). This shows that sociolinguistic codes also determine how students from the United States will (re)insert themselves into Mexican schools. In this sense, our observations suggest that both not knowing said codes and the lack of linguistic competence in Spanish are elements that jointly hinder the construction of social capital by preventing the development of networks in the academic context, which in turn prevents students from having these networks available for them outside school as well, which would aid their social (re)insertion.

Along with the above, there is yet another element also making it impossible for these children to access an adequate education for their academic development and success: the nationalizing curriculum that holds no regard for the knowledge acquired during their school and life experience previously developed in the United States and that constitutes the basis of their socio-cultural identity. The presence of indigenous students in the classrooms of the Mexican educational system supposes a highly diverse situation, to begin with, fed by the plurality of coexisting nationalities through migration, as migrations not only bring students from the United States but also from other latitudes (Flores, 2012; Gutiérrez, 2014; Roa, Santillán, Islas, & López, 2017). Furthermore, this diversity becomes more complex when it

comes to contexts such as the one discussed here, in which the indigenous and migrant categories can converge in one population. In this sense, it should be taken into account that Oaxaca is the Mexican state with the greatest ethnic and national linguistic diversity (with 18 of the 65 ethnolinguistic groups in Mexico) and became in the eighties an emerging leading federative entity in the expulsion of migrants to the United States (Bartolomé & Barabas, 2016), many of which have returned now.

Within the framework of this study, Oaxacan classrooms evidenced a multinational composition, made up of Mexican and Mexican-American students,³ some of the indigenous as well. This implies the coexistence in classrooms of linguistic, cultural, and identity meanings and heritages from the United States —and indigenous where applicable— with their Mexican equivalents, but also their confrontation. During ethnographic fieldwork, immigrant and returnee students frequently recognized their difficulty in understanding study content, not only due to language limitations but also due to the disparity in study content between the United States and Mexico. It is not by chance that these students place special emphasis on the difficulties in understanding and learning the contents related to History, Geography, and Social Sciences: subject matters in which historical events and their versions, and sociocultural and national schemes enter more directly into confrontation given that they respond to the sociocultural and national reproduction of each respective country by means of the educational system. Likewise, this complexity increases when the teaching of social, cultural, geographical, and any other elements reaches the micro-level of the federative entity:

It's very difficult because... here it's all about Mexico, culture, education... I don't understand anything... not a thing about... and History is hard for me, and then the districts of Oaxaca, the regions, the Mexican Republic and everything else, so no, no... it's very hard for me (M.M. Olvera, personal communication, November 18, 2019).

In the particular case of the subject of History, on many occasions, the events that occurred between Mexico and the United States end up confronting both countries by extolling their respective nationalisms. An example of this would be the war between these countries in the period 1846-1848, known as the American Intervention in Mexico (Vázquez, 1997) in which Mexico lost what are now the U.S. states of California, New Mexico, Arizona, Nevada, Utah, Colorado, and part of Wyoming (Vázquez, 1997). Attendance to a History class in which this content was taught in the 3rd grade of elementary school allowed to corroborate the identity conflicts generated in students with migratory experience, who were accused by non-migrants of being *foreign traitors to the Mexican homeland* for having been born, raised, and lived in the United States (M. Rodríguez-Cruz, field journal, February 27, 2019). This same conflict was emphasized by the students in their interviews:

They make fun of me because... then we learned that the United States stole territory from Mexico and they tell me that I don't deserve to be here in Mexico

³ Those who, having been born in the United States, have obtained dual citizenship: Mexican —by blood right— and U.S. —by land right—. In the case at hand, the sociocultural nationality obtained through extensive life experience in the United States transcends the Mexican nationality obtained administratively by blood right, since early experiences of socialization and enculturation have taken place in the United States.

because I am born in the United States and so... that I should be in the United States and they always make fun of me because I speak English... and they come up with Donald Trump, and that I support Trump, and that people from the United States can't eat spicy and that we gringos don't know anything... and that I am not Mexican... (A.B. Aparicio, personal communication, February 28, 2019).

This nationalism also extends to the contents that make up the rest of the subjects. This is shown by numerous ethnographic records such as the one obtained during another classroom observation in which the subject of Biology was taught to secondary education students, 1st grade. To explain to the students, the role of the taste buds in the nervous system, the teacher proposed the collective elaboration of a fruit salad made with jicama, banana, orange, and apple dressed in chili, *tajín*, and lime. After the students tasted the salad, they had to go to the front of the class and explain the taste experienced with its flavors to answer their teacher's question: "What does the nervous system have to do with those flavors you have tasted?" (M. Rodríguez-Cruz, field journal, November 12, 2018).

The students highlighted the typically Mexican flavors of chili, *tajín*, and lime, and their combination —adding spice to fruit is also typically Mexican. It must be acknowledged that this is a good pedagogical strategy to achieve the goal set by the teacher: explaining the role of the taste buds as part of the nervous system and encoders of flavor through the perception of flavors of different foods, in this case, of very Mexican foods and of a very Mexican gastronomic practice (that of seasoning the fruit with spice and other elements with strong flavor), hence its nationalizing character. But this activity left immigrant and returnee students out of the game, unfamiliar as they are with these flavors.

As an educational exercise in inclusion and interculturality, it would have been appropriate for the teacher to also propose the collective elaboration of some food usually consumed by girls and boys from the United States so that it could also be enjoyed by the whole class in the framework of the same exercise. This would have allowed for students with and without migrant experience to approach each other, as it would have also favored their interaction, knowledge, and mutual recognition. However, the exercise did not incorporate the gastronomic-cultural element of migrant students and focused exclusively on the Mexican, missing the opportunity to promote interculturality in an activity in which migration furthers the visibility of cultural borders (Vargas & Lugo, 2012).

Within this mononational logic, two of the elements most solidly transmitted by the educational system through schools are also very important: the Mexican flag and national anthem. In all the institutions the instruction of the students in different roles and status has been recorded, both for the pledge of allegiance to the flag during the singing of the anthem every Monday, as well as for other official and commemorative acts. The (omni)presence of the flag has also been recorded in the different school spaces: offices of principals and coordinators and administrative staff, teacher meeting rooms, halls, yards, and classrooms. Classrooms have even been recorded in which there is no decoration except for the Mexican flag.

As for the national anthem, it is sung every Monday with the pledge of allegiance to the flag in which the entire educational community participates, but it has also been recorded being played during recesses in many schools. In some of them, the hymn is used to mark times:

when it sounds during recess time, it indicates that recess is about to end and that the educational community must return to its tasks. In view of the above, no American or “Mexican American” flags have been registered in any school context, which reveals both the invisibility and the nullification of the identity of these students in the educational space. An observation made in this regard was very significant during the pledge of allegiance to the flag in one of the schools, where before the astonished glances of the educational community, and in front of the Mexican flag, a student from the U.S. pledged allegiance to a nonexistent United States flag. Although this act tried to break the symbolic structure of the nationalization ritual to give place to an own national identity—the U.S. one—it was evaded by the disapproving looks of said community (Marta Rodríguez-Cruz, field journal, March 4, 2019).

Although the Constitution (1917), the National Education Law (Chamber of Deputies, 2019), and LEELSO (2018) make special emphasis on the importance of interculturality, understood as “the presence and equitable interaction of diverse cultures and the possibility to generate shared cultural expressions, acquired through dialogue and an attitude of mutual respect” to “eradicate exclusion, invisibility, discrimination, intolerance, and aggression as forms of treatment of the diverse” (LEELSO, 2018, Article 4), the realities observed show the assimilation of migrant children to the mandate of the Mexican mononational through a process of subtraction of their own cultural and linguistic elements, which are not balanced in an educational and convivial dynamic of mutual respect and recognition between the cultures found in the school space.

DISCUSSION

Díaz and Pinto (2017) affirm that the term vulnerability denotes risk. In a context such as the one analyzed here, this risk has to do with the existence of a series of conditions and difficulties for the exercise of the right to education -and more specifically, to a good education- and derived from the above, with the possibilities of a successful social and school (re)insertion for immigrant and returnee children from the United States.

Particularly, the data obtained in this study evidence the existence of an educational vulnerability understood in the terms of Manzano (2008) and Díaz and Pinto (2017) since there are certain obstacles for these children to access and take advantage of the curriculum and teachings within the classroom, obstacles not faced by students without international migration experience. Likewise, the number of immigrants and returnee girls and boys that make up the study sample (122) face similar difficulties of (re)insertion into school in the institutions they enrolled in, this showing that the problem is not due to isolated cases in which difficulties in accessing and taking advantage of these elements derive from other causes—for example, attention deficits or other pathologized elements—but rather from the rigid structures on which the Mexican educational system is positioned to deal with cultural diversity.

This rigidity has been confirmed through two of the main elements that make up the teaching-learning processes: the language of instruction and communication, and the school curriculum. Regarding the linguistic element, Spanish is the only vehicle for transmitting knowledge and situations of oral communicability, despite the presence of students from the United States who have English as their main language, as well as others who, along with the

former, speak an indigenous language (Zapotec, Mixtec or Triqui, in different cases). In the observed reality, despite the increase in linguistic diversity resulting from migration, the different languages with which the students arrive are not taken into account nor is their (re)insertion favored through official courses where they can learn and level Spanish. Thus, the coexistence of different languages translates into inequalities between them and between their speakers (Blommaert, 2005).

A situation of linguistic diversity such as the one hereby recorded—in which Spanish, English, and indigenous languages converge—is met by subtractive policies directed at all languages other than Spanish. However, within the logic of the linguistic hierarchization that exists in Mexico, when there is a situation of trilingualism among students resulting from the experience of international mobility, Spanish is privileged, a language of national use that continues to reproduce the mestizo discourse (Despaigne, 2018); English follows in the hierarchy, understood as a bridge to successful job placement and economic prosperity; and indigenous languages are relegated to the last of the positions, as they are deemed useless in the national and global contexts and of lower category languages within the logic of persistent racism.

The characteristics of the diaspora returning from the United States imply a great challenge for the Mexican educational system due to the high number of school-age children with English as their main language and, to a lesser extent, with English-indigenous language bilingualism. This makes it urgent to create policies and programs addressing them, so that language ceases to be one of the most important barriers to effectively exercise the right to education. However, these policies and programs should not only deal with the teaching of Spanish, but also, and as part of the cultural capital, with the teaching of English, and in the case of indigenous languages, with the consideration of trilingual intercultural educational modalities aimed at migrant indigenous students from the United States.

In the sociolinguistic field, it is important to consider that many migrant girls and boys are lacking not only the knowledge schemes necessary to successfully undertake academic tasks when they arrive at schools (Velázquez, 2003) but also the codes of sociocultural and educational behavior required for a well-adjusted coexistence in their new context. As explained in the previous section through ethnographic records, knowledge or ignorance of sociolinguistic codes will also determine the processes of social and school (re)insertion of migrant children in Mexican schools. Therefore, the teaching of such codes should be part of a welcoming protocol, for children to be introduced to the basis on which the social and linguistic interactions of Mexican culture in general, and Oaxaca in particular, stand.

Based on our results it can be stated that a school curriculum built on monolingualistic, mononational, and monocultural parameters can lead the migrant student to alienation from himself, for the sake of integration into the precept of homogeneity. Although national and state norms and laws insist on the importance of interculturality, through which the school is seen as “a community learning center in which fields of knowledge are built and converge, and values, norms, cultures, and ways of coexisting are exchanged” (Chamber of Deputies, 2019, article 14), the fact that diversity and interculturality are not limited to indigenous and Afro-Mexican peoples is lost in sight, not acknowledging that there is a much broader and more

complex reality in which diversity expands by the presence of indigenous and Afro-Mexican and non-indigenous and non-Afro-Mexican subjects with international migration experience.

Even LEELSO (2018) speaks of interculturality for all (LEELSO, 2018, art. 19), stating that “education in the State of Oaxaca will have an intercultural approach in its educational types, levels and modalities” (LEELSO, 2018, art. 61) and further guaranteeing the “care for migrant and transnational students, as well as the training of education workers to care for the former through the respective programs” (LEELSO, 2018, art. 56). However, the school curriculum excludes the social and cultural elements that make up the identity of migrant children, as well as the previous vital, school and extracurricular knowledge that they carry with them (González, Pinto, & Manti, 2005; Jiménez, Smith, & Teague, 2009), not realizing that migrant children must be inserted in a balanced, horizontal and dialogical way in regard to their Mexican counterparts if we are to speak of true interculturality.

For the rest, this student body lives an educational process based on curricular discontinuity structures based on experiences of fragmented schooling. Ethnography shows how this fragmented schooling causes serious difficulties among migrant children to pass the different subjects, due to the disparity between the study contents in the United States and those found upon arrival in Mexican schools. This, combined with the transversal presence of nationalistic elements leading these students to develop experiences of confrontation between their own identity, acquired in the country of origin, and the one attempted to be imprinted on them in the country of destination/return. Therefore, it is also necessary to develop pedagogical programs and strategies that bridge the knowledge acquired in the United States and that which should be acquired in Mexico, seeking to weld together that curricular discontinuity and the educational models managed in the different countries, which then becomes a matter of binational politics, since it deals with shared and moving citizens.

This discontinuity has a very negative impact on the academic development of these children and violates their right to education since learning is cumulative and “if it is not started early and at a sustained pace, the children will be left with a practically insurmountable disadvantage” (Eyzaguirre, 2004, p. 258), regarding those who do not experience curricular discontinuity or school fragmentation. In fact, as ethnographically verified, the fragmentation of the school experience experienced by immigrant and returnee children makes it difficult to complete in Mexico studies begun in the United States. As teachers pointed out during a discussion group, “it is unbearable to some and they drop out” (M.R. Zúñiga, personal communication, November 6, 2019), quitting school, while other recorded cases have highlighted the educational lag due to the difficulties encountered that we have already explained. This accounts for the violation of the right to education of these children, risking their educational, social, and labor future.

Works such as that by Eyzaguirre already warn that extremely low academic results “leave children in such a precarious situation that it makes it difficult for them to integrate into society” (Eyzaguirre, 2004, p. 250); for this researcher, there is a direct relationship between the scores obtained by the students in school and the quality of future life. In the same sense, UNESCO itself (Muñoz, 2014) draws attention to the importance of quality education in childhood, since it plays an important role in compensating for social, economic, and language disadvantages.

Therefore, the violation of the right to education prevents social mobility (Muñoz, 2014). As Castel (1995) points out, these experiences represent areas of vulnerability that ultimately result in educational exclusion. As a dynamic process, exclusion results from itineraries that take subjects “from situations of lesser or greater integration to areas of vulnerability and, finally, of exclusion” (Manzano, 2008, p.50). Translated to the field of education, these areas of greater or lesser vulnerability pertain to the possibility of certain students becoming deprived of certain school content and learning (Manzano, 2008), as in the case at hand.

The right to education is not fulfilled by physical access to a school, but by receiving a quality education. The immigrant and returnee students who participated in this study have already accessed a school, but they experience subordinate incorporation into the Mexican educational system, and thus their right to education is violated since they do not receive an education that allows them to adequately acquire language, socio-linguistic, content and cognitive skills, among others also necessary to (re)insert themselves effectively in the school and social environment that may hold possible repercussions on their future labor insertion. “School for everyone, yes. But the right to education for the few” (Gentili, 2001, p.8).

CLOSING REMARKS

The increasingly restrictive nature of U.S. immigration policy during Trump’s administration has kept going the forced return of Mexican migrants to their country of origin, who have arrived bringing with them their underage children, some born in Mexico and others in the United States. The presence in Mexico of a large number of the school-age population from the United States implies an increase in the demand for educational services enabling insertion into Mexican society. This translates into a great impact on an educational system unprepared not only to accommodate a large number of immigrant returnee children, but also to guarantee them the right to education, a right recognized by different international legal-regulatory instruments such as the Declaration of Universal Human Rights (United Nations General Assembly, 1948), The Declaration (United Nations General Assembly, 1959) and Convention (United Nations General Assembly, 1989) on the Rights of the Child and the Inter-American Court of Human Rights (2003), national ones such as the Mexican Constitution (1917) and the National Education Law (Chamber of Deputies, 2019), and state-level ones such as LEELSO (2018).

Ethnography has revealed how the right to education of immigrant returnee children in Oaxaca is violated in two essential ways: by the lack of plans and programs dedicated to teaching the language of the destination country, Spanish; and by the nationalizing study curricula, exclusionary towards diversity, thus furthering the dynamics of curricular discontinuity.

Participant and non-participant observation, conducting interviews, and participating in discussion groups have revealed that these children do not know the language of instruction and school communication, which has decisive consequences for adequately going through their learning processes, as well as for building social capital inside and outside educational institutions. As a matter of fact, both elements prevent the (re)insertion of this population into school and can place it in positions of exclusion in regard to school, social and cultural

structures, and in future work environments, as lack of fluency in Spanish implies a low level of education with respect to their non-migrant peers, as well as the dragging of problems in reading, writing and oral and written comprehension of Spanish. Likewise, the development of linguistic subtraction logics that impact these children has also been observed, mainly through the loss of an important part of their cultural capital. In the case of English, its teaching is not preserved within bilingual programs in Mexican educational institutions, while in the case of bilingual students speaking English and indigenous languages, there are also no adequate programs to promote trilingualism that could together with the compulsory teaching of Spanish preserve the other two languages.

For its part, the nationalizing curriculum applied in educational institutions reveals the exclusion of these immigrant returnee children, even as they embody part of the social, cultural, and linguistic diversity of said institutions. Faced with an inclusive and intercultural curriculum, and contradicting what national and state norms and laws set forth, a nationalizing and excluding curriculum is applied to which these girls and boys must assimilate, thus renouncing the school and extracurricular experiences and knowledge acquired throughout their previous life experience, also implying the denial of themselves as different, the experience of fragmented schooling leading to the loss of another part of their cultural capital that would otherwise serve them to function in social and cultural life, and future work life as well.

Our ethnographic results show that the guarantee of the right to education is not reduced to the simple fact of being present in a school, but encompasses other elements of great importance that have to do with how one is present in school, what type of education is received if it is an education that takes into account social, cultural and linguistic diversity, and if it is oriented towards the comprehensive academic and personal development of individuals to ensure their educational and socio-cultural (re)insertion, and their future employment. The observed reality tells us of an education that does not prevent the increase in vulnerability and exclusion rates of children who may be left at the fringes of the system, and thrown into positions of marginality and exclusion, due to the infringement of their right to education based on their status as migrants.

Translation: Fernando Llanas

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