



Research Article

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Immigrant Parents' Voices on Children's Right to Education in South African Schools: Connecting the Disconnected

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Abstract

This paper focuses on the school's protection of the right to education for immigrant learners as perceived by their parents. With its approach to the subject from the human rights-based educational perspective, this paper sought to examine immigrant parents' views on their children's right to education against their background as vulnerable and marginalised school community members. The assumption on which the study presented in this paper is based is that meaningful discussion on the right to education for immigrant learners cannot be disconnected from the challenges their parents face in educating them. Immigrant parents have their views and experiences relating to children's educational rights, which are seldom studied. Guided by this view, a qualitative approach was followed to gather data through semi-structured individual interviews held with parents of immigrant learners from four purposively selected South African township schools. The results show that immigrant parents experience enormous challenges in the education of their children in South African schools. While some of the challenges are transferred from them to their children because of non-citizenship, they attribute most of the challenges to people who teach their children, namely, teachers.

Keywords: *immigrant learners; duty of care; quality education; integration; parent engagement*

1. Introduction

The right to basic education for every child is now universally accepted. This right can be traced back to such international conventions and treaties like the Universal Declaration of Human Rights (United Nations, 1948), the International Covenant on Economic, Social, and Cultural Rights (United Nations, 1966), the Convention on the Rights of the Child (United Nations, 1989) and articulated in recent years through the Jakarta Declaration on the Right to Basic Education (UNESCO, 2005). The latter stresses the human rights-based approach to education, guided by such fundamental principles as inclusion, equality, non-discrimination, participation, accountability and respect for the rule of law. These conventions and agreements bind those countries that signed and ratified them, implying that each country is legally bound to *guarantee* and *protect* children's educational rights. As a signatory to these conventions, South Africa has enshrined the educational rights of children in its Constitution (South Africa, 1996a) and legislation such as the Children's Act No. 35 of 2005 (South Africa, 2005) and the South African Schools Act No. 84 of 1996 (South Africa, 1996b) as part of its

international obligations. Sections 28 and 29 in the *Bill of Rights* promote and protect the child's right to education. Strongly advancing the child's *best interests*, the Children's Act (Section 7 (l)) imposes the duty of care and protection of the child against physical and psychological harm on everyone acting on behalf of the parent (Section 32 (2)). Exercising this duty of care includes teachers in schools. For its part in protecting children's educational rights in all schools, the South African Schools Act No. 84 of 1996 (South Africa, 1996b) prohibits schools from engaging in any forms of unfair discriminatory practices when admitting learners to schools and denying children's participation in any school activity. To ensure children's right to education, particularly those from the poor and marginalised communities, the Department of Education has developed *No-Fee School Policy* (DoE, 2006). The primary aim of the policy is to exempt poor parents from payment of school fees (Marishane, 2013) and ensure that the unfavourable economic conditions of poor parents do not become a barrier to their children's education.

2. Educational Rights of Immigrant Learners in South African Context

While South Africa has a constitutional mandate and a legislative framework to protect children's right to education and seeks to comply with its international obligations in this regard, it is faced with the problem of migration. The migration here is characterised by many people coming into the country mainly from African countries and, to some extent, beyond the continent for various reasons. This paper will not delve into these reasons for lack of space. Suffice it to say that many of these immigrants – especially refugees and asylum seekers – came to the country at the end of the *apartheid* era, enticed by the so-called *South African Dream*, the *Rainbow Nation* and promises of the *New Dawn*, all of which imply that South Africa has become a destination of choice for many migrants. The prospects of a bright future, which this move to the south promises, have led to a situation where immigrant children coming from other countries – accompanied or unaccompanied by parents – enter South Africa where some of them end up registered in school, as both the Constitution and the legislation provided. While immigration is not a phenomenon unique to South Africa, certain conditions under which immigrant learners find themselves, are typical of the South African context. These conditions, as presented in local studies (CoRMSA, 2008, 2009; Mbhele, 2016; Vandeyar, 2010), include *academic and social exclusion owing to lack of proficiency in indigenous languages, moral degeneration among indigenous learners and conflicting South African-African values, stereotyping and xenophobia, unaffordable schooling (owing to costly transport and uniform)*. These conditions imply that while immigrant learners can access schools, as the law gives them the right to do so, they face challenges in classrooms and on school grounds, which constitute barriers to their education. But, of critical importance is that the right to education for these children is broader than their access to schooling, as one may be tempted to think. This right extends beyond access to cover *quality education* (UNICEF, 2007) and the prevalence of child-friendly learning conditions once access is gained.

3. Why the Voices of Immigrant Parents Matter in South African Schools

Parents (whether citizens or non-citizens) in any country and from all backgrounds (whether rich or poor) have an active role in their children's education. However, many parents still abdicate this responsibility and believe that only teachers have the professional duty and expertise to educate children (Galvin, Higgins & Mahony, 2009; Palmieri & Palma, 2017). This view is common among poor and minority communities, including immigrants in many parts of the world. Despite the truth that teachers and others working in schools act *in loco parentis* (on behalf of parents), immigrant parents' voices still matter in their children's education. Their voices can only be heard loudly and clearly when they participate in their children's education because, as research shows (Wilder, 2014), there is a relationship between parent engagement and their children's academic achievement. This relationship is pronounced even more among immigrant learners, where research shows that

children's awareness of parents' participation in their education enhances their academic performance and achievement (Jung & Zhang, 2016). But immigrant parents have challenges that stand in their way to participating in their children's education.

While studies have already been conducted in South Africa to examine challenges of immigrant learners with particular reference to their educational rights, many of the studies approach the subject from various perspectives such as law (Mweni, 2017) and human rights. Except for a few studies in education, such as those once undertaken by the University of Johannesburg's Centre for Education Rights and Transformation (CERT, 2012), these studies focus mainly on the lived experiences of school managers (Marishane, 2013), immigrant learners (Isseri, Muthukrishna & Philpott, 2018) and non-governmental organisations (CoRMSA, 2008). While these studies are critical in providing insight into the plight of immigrant learners in the country's schools, parents' voices on the challenges their children face in schools are seldom heard. Their silence occurs even though, as primary caregivers, they have a role to play in ensuring that their children's right to education is protected. Like other parents, their active involvement in children's education is of paramount importance. But immigrant parents face barriers that impede their active participation. In other words, just as their children face barriers to learning, these barriers are virtually not disconnected from their barriers as *immigrant parents*. Research (Marishane, 2013; Tebben, 2017; Mkhondwane, 2019) shows that parent involvement is affected by such barriers as lack of information about the school, childcare, high mobility, social isolation, lack of proficiency in the local language and work commitments. In addition, parents hear xenophobic and stereotypical stories which their children tell them about their school day. These are confirmed by what they read (Osman, 2009) and what they hear as they go about selling their merchandise in the township streets. These and other stories create an impression among immigrant parents that schools are less invitational (Tebben, 2017).

4. Aim of Study

Grounded on the assumption that barriers to the right to education for immigrant children are so intricately connected to the challenges their parents face in educating them that they cannot be discussed in isolation, this paper sought to examine immigrant parents' views on their children's rights to education in South African schools against their background as vulnerable and marginalised parents. According to Article 26 (3) of the United Nations Declaration on Human Rights (United Nations, 1948), "parents have a prior right to choose the kind of education that shall be given to their children". For this reason, interviewing parents of the immigrant learners about their children's learning experiences in South African schools, rather than interviewing teachers, learners or school leaders as is standard practice, was of critical importance in this study.

5. Methodology

After a careful analysis of the research problem, a qualitative research methodology was adopted for this study. It comprised in-depth interviews held with a sample of six immigrant parents from three purposively selected schools located in a township in Ekurhuleni East region of Gauteng Province, South Africa. This region is one of the regions in the country with a large mix of immigrants from such countries as Malawi, the Democratic Republic of Congo (DRC), Somalia, Pakistan, Ethiopia, Zimbabwe and Nigeria. Since the study focused on parents of immigrant learners, teachers and school principals were excluded. Despite their exclusion, principals played a vital role in connecting the researcher with potential participants. They did this by identifying for selection immigrant parents who would be willing to participate in the study and could communicate in English. Identifying these parents resulted in a sample consisting of six participants (four females and two males). While codes were used to identify schools, fictitious names were allocated to each participant to protect their identities, particularly given the sensitivity of the subject matter, the vulnerability and fear on the part of participants. These participants granted permission for the interviews after the

purpose of the study was explained, and compliance with ethical principles of confidentiality, anonymity and freedom of choice to participate in the study were assured. The profile of schools and participants were: School A: Abebi (Nigerian) and Maombi (Congolese); School B: Faizan (Pakistani) and Khalid (Somalian); School C: Miriro (Zimbabwean) and Jazarah (Ethiopian). Data for this study was collected through a semi-structured interview schedule, prepared for questions based on five themes, namely, access to school, school-parent engagement, instructional language, teachers' duty of care, and *socio-cultural integration*. The themes were drawn from the literature on common issues affecting the right to education of immigrant learners.

6. Results and Discussions

6.1 Access to School for Immigrant Learners

Access to school included the admission of learners and transportation to and from school. Parents presented several challenges they faced regarding the admission of children to public schools in the district. Two main challenges emerged from the interview: applying for study permits for children and retention in grades. Immigrant parents expressed their frustration with the Department of Home Affairs when they have to apply for permits for their stay in the country and their children's admission to schools. Explaining the problems which they go through, Jazarah said:

When we apply for permits, we go through hard times; we face rejection from all directions. The police reject us; Home Affairs reject us; we have no place to go. Schools here require affidavits from the police and immigration documents from Home Affairs before they can take your child. It is a struggle to be assisted in obtaining these documents

Maombi expressed the same frustration faced by other immigrant parents and said:

The system here says that you must be strictly validated before your child can be admitted to a school. You must produce all the required documents like your identification, proof of residence or affidavits from the police to confirm your residency in the country, birth and immunisation certificate, and study permits for your children. Otherwise, your child cannot be accepted. My permit is about to expire, and I must start the queueing process at Home Affairs again.

For Khalid, who has opened a 'spaza' (an informal convenience shop) in the township with the help of his friend and countryman, had this to say:

My friend entered the country with his two children a year ago because of his 'problems' with the government in our country, and his situation is no better. He is still struggling to get papers. He cannot apply for study permits for his children because he entered the country illegally. His children assist him in the shop, and the police threaten him with arrest unless he 'does something' about it. They say he violates the laws of the country by practising child labour.

When Khalid's son arrived in the country, he was retained in Grade 7, owing to some challenges relating to the new curriculum and he needed time enough time for adjustment to the academic programme followed in his new school. As teachers told him, "This is a good thing because your child has to 'catch up' with other learners. Otherwise, he is going to fail. Do you understand?" Despite its good intention, retention as a supportive measure is unhelpful as the learner misses the regular curriculum when going through the special catch-up classes (UNESCO, 2010). So, 'catch up' in this case leads to what one may call 'fall back'.

The immigrant parents' voices echo the same sentiments regarding their children's access to school as part of their right to education. They agree that their children's access to schools is dependent on study permits, which in turn, depend on parents' permits such as visas, passports, and asylum papers to be in the country legally. In other words, the proverbial expression that "children

shall be punished because of the sins of their parents', applies here. This suggests that an immigrant learner's right to education virtually begins when the child gets proper documents and ceases when the validity of these documents expires. While the Bill of Rights in the South African Constitution (South Africa, 1996a) guarantees the right to basic education for all learners, the reality is that only immigrant learners with study permits have this right (Spren & Vally, 2012). This view is supported by several findings from South African studies, of which two examples can be cited here. The first example is the study that found that refugee children were denied admission based on language difficulties and curriculum content (Sobantu & Warri, 2013). The second example is the reported withdrawal from some public schools in Port Elizabeth of learners whose documents had expired and those found without refugee or study permits (Chirume, 2016). While studies show that countries like the United States of America and those in the European Union grant all immigrant children, whether documented or not, the right to basic education (Adelman & Taylor, 2005; Gil et al., 2014), in South Africa, only documented immigrant learners are allowed admission into public schools. This is a blatant departure from the prescripts of the country's own Constitution and the international convention to which the country is a signatory.

6.2 School-Parent Engagement

The theme on school-parent engagement covered the interaction of parents with their children's school, their participation in school activities and their engagement with children's learning. The study has found that parents played a limited role in their children's education because there were some barriers they had to go through.

To the question relating to their participation in children's learning and school activities, Faizan responded in the following manner:

Yes, we receive letters of invitation to parents' meetings. My child brings them. But, you see ... I sell blankets and move from house to house in this township. I do not have time to attend these meetings. Besides, if I attend these meetings, what shall I say there ... I am no good in Sotho; I am no good in English, and I know no education like teachers. If I go and talk, they will say I don't respect them because I am a foreigner.

For his part, Khalid said in a hushed tone of voice:

I am sorry, my friend! I have been to Lindelani (a repatriation centre) once; I don't want to go there again. If you go to school and say I am so-and-so's parent and you talk too much, they say, 'Who is this foreigner? Does he have papers?' and then they report you to the authorities. If they come and find I don't have papers with me ... No! I shall not be involved; I don't want no problems.

These parents have little to no engagement with their children's schools since most of them are not quite conversant with policies, systems, and procedures followed in schools and share a sense of discomfort. As a result, parents like these might not know what is expected of them and how to get involved in their children's education (Sobel & Kugler, 2007). Considering that many of these parents possess a limited academic background, they may mistakenly perceive their involvement as tantamount to interference and undermining of the professional expertise of educators. While this is not an uncommon finding, the perception appears to be significant among immigrant parents. Faizan's response attests to this perception. Those parents, like Khalid, who are in a country illegally do not consider it safe to visit places like schools where their children learn. They regard such visits as a risky undertaking that can jeopardise their children's chances of 'free education' available to their children in South Africa. In addition, these parents are always 'on the move'. A longitudinal study conducted in the United States (Turney & Kqo, 2009) has found that the length of time that immigrant parents spend in a host country and their ability to communicate fluently in English are associated with their involvement. This adequately explains the situation Khalid and Faizan find

themselves in. It is also supported by the literature that attributes lack of immigrant parent involvement to the fear of being found and arrested by immigration officials (Tebben, 2017). For this reason, such parents take the back seat when it comes to participation in matters about their children's education in schools. In addition to this, Lahaie (2008) has found that these parents are so conscious of their low educational level that they feel uncomfortable in educational settings and fear that they cannot contribute meaningfully to discourse on classroom matters because of their limited education.

6.3 Instructional Language

This study has revealed challenges that learners experience in understanding the language used in teaching and learning and the indigenous languages used for communication on school grounds, both of which limit immigrant children's right to education, according to parents. These challenges are particularly evident in cases where learners' parents come from non-English speaking countries. While the language used for teaching and learning in the classroom is mostly English, other children communicate in one or two indigenous South African languages when playing on the school grounds. Considering that the country has eleven official languages, an immigrant learner finds it difficult to communicate with both teachers and learners in any of these languages.

Abebi complained:

Some teachers use the local languages like Zulu, Ndebele, Sotho and Xhosa when teaching, asking questions and explaining concepts to learners in the classroom. They switch from English to Ndebele, from Ndebele to Zulu and back to English, and my child is left confused. Because she does not understand the language, the teacher seldom asks her questions and other children in the class think she is stupid. This use of the local language when teaching in class makes it difficult for her to understand the lessons taught and limits her chances of passing tests and learning effectively. This practice seems to be common in the school because she says even in the other subjects the teachers are teaching, which should be taught in English, they still use Zulu and Sotho. And there are also no extra classes.

Miriro was even emotional when stating that "teachers do not care about immigrant children's language problems. They say it is not their problem. That is not fair!" She cited that when her child asked a teacher for help, other children often ignored or laughed at her because they would say 'she speaks funny English' due to her Zimbabwean accent. When asked about his children's teachers, Khalid said, "Some of them are not keen to assist ... their attitudes towards 'foreigners'... My son feels alone – he is afraid. He cannot complete the work their teacher gives them."

The interview with parents shows that learning through a foreign language like English or at least one indigenous language in South African schools is a challenge for immigrant learners who are not fluent in any of the languages used. Parents' views are supported by the literature (Garza & Garza, 2010), indicating that teachers are not sensitive to the negative impact language barriers have on the education of foreign learners. The lack of sensitivity here is demonstrated through 'code-switching' (changing from English as a language of instruction to an indigenous language to explain concepts). The tendency to 'code-switch' during teaching is viewed as a deliberate exclusion of immigrant learners and, thus, discriminatory (Vandeyar, 2010). Failure to capture what is going on in the classroom during lessons or complete tasks because of language barriers has a negative effect on immigrant learners' performance. This failure will likely affect their self-esteem and self-worth, exposing them to possible emotional and psychological problems.

6.4 Teachers' Duty of Care

The question here revolved around immigrant parents' perception of teachers as the custodians of their children's best interests and their role in promoting and protecting their children's right to education with particular emphasis on safety. Parents' responses covered the subtle discriminatory

practices carried out by teachers, perhaps intentionally or unaware of the damage these practices inflicted on children's human dignity. Parents gave some of the following responses during the interview. Of her daughter, Faizan has this to say about her experience:

I have a daughter in high school who is in Grade 12 this year. She failed Grade 11 because of how they treated and mocked her because her hair was different. There was a time when she broke down and said she was not going back to school because she was called 'this' and 'this'. Instead of calling her by name when questions are asked, teachers use various derogatory names like 'lekwerekwere' (one whose words are difficult to hear), 'Pakistan' or 'my friend'. They call our children all sorts of names. This is not nice. I attended a disciplinary hearing after my daughter defended another immigrant learner from a bully, but luckily the principal and the Governing Body understood, and the case is over.

According to Abebi, harsh words are often directed towards immigrant learners in a manner that clearly shows that they are singled out. The use of such words creates a sense of insecurity, according to her:

When something is missing from the class, she says they are the first to be searched. Other learners in the class say, 'How can you be an exception? Your parents steal our parents' jobs.' Teachers hear these things, but they do nothing. My daughter has problems with maths because her teacher explains things in Zulu. When she asks for help, the response she gets is "indoda izozibonela" ("you will have to find your way out"). I cannot accommodate you because I must move; we still have many tasks to complete." So, where is the duty of care? Where is 'ubuntu' (humanness)?

The harsh words directed towards immigrant learners are an indication that teachers sometimes despise them. The right to education implies that children should learn in a safe environment, but verbal abuse leaves immigrant learners exposed to emotional insecurity and discrimination. As several studies (Brown, 2015; Garza & Garza, 2010; Peguero, 2009; Peguero & Bondy, 2010) would show, teachers generally lack care and compassion for minority learners and are not keen to learn and teach foreign languages. This extends to teaching immigrant learners who are likely to perceive their home language as less critical than the languages used by their peers in schools. Adams, Bell, Goodman and Joshi (2016) stress that teachers play an essential part in promoting a just and fair treatment for all learners in the classroom. Equity, fairness and justice are vital to attaining quality education for all (Fullan, 2007). Such education needs an environment where all learners, including immigrant learners, feel supported and safe.

6.5 Socio-Cultural Integration

Immigrant parents were asked to express their views regarding the socio-cultural integration of their children into their schools, and the role teachers played in this regard. Although some schools claim to offer support programmes that are intended to assist with the integration of immigrant learners, it is evident that these programmes are ineffective and are failing to protect immigrant learners from threats such as abuse and other discriminatory practices, according to the immigrant parents interviewed in this study. Parents stated various attempts made in the township to encourage immigrant learners' social and cultural integration into their schools. According to them, these efforts took place through organised awareness campaigns that include forming small groups of parents and learners engaged in open discussion of issues of xenophobia. Although immigrant parents appreciated these initiatives, they lamented the fact that some teachers did not support or seem to care about the efforts made by their schools to integrate immigrant learners. For instance, Miriro argued that "teachers are not keen to help these learners and tend to develop negative attitudes towards them as if the children want to be treated in a special way". The learners have become aware of these attitudes, and they feel so uncomfortable and neglected in their teachers' presence that they develop a lack of trust. As Maombi and Miriro put it, some learners had, in turn, developed negative attitudes

towards the teachers and started to apply a "fighting back" strategy by absenting themselves from school. Some teachers see this as a "minus one problem". This strategy, however, does not help these learners as they face the possibility of dropping out and not being re-admitted afterwards. Judging by the parents' words, it is not easy for immigrant learners to make friends with other learners and be accommodated in extra-curricular activities on the school grounds. Khalid complained that indigenous learners tend to team up against immigrant classmates.

They bully them, laugh at them and mock them and make them feel unwelcome. Teachers do nothing about socialising them. Well, they do not attack them physically, but the discrimination, that feeling of isolation and the verbal abuse ...

Despite the social challenges Khalid picked up, Maombi said that teachers should play an active role in cultural integration in schools, and she expressed her misgivings in this way:

Teachers do not encourage the local learners to learn our children's culture and religions. What they only do, instead, is to initiate our children into the South African culture and religious practices as if ours are not important. It is a one-way thing ..., you adapt or die.

Cultural and social prejudice are problems that stand in the way of integration and limit immigrant children's right to education. These problems are evident when teachers and peers fail to understand the culture and needs of immigrant learners (Von Grünigen, Perren, Nagele & Alsaker, 2010) but expect these learners to learn and understand their language and culture. For this reason, McBrien (2005) warns that cultural misunderstandings can result in prejudice and discrimination, which may be made even worse when they are ridiculed and belittled for speaking their home languages (Brown, 2015). To be socially accepted and develop a sense of belonging to a culture of their new school, they think it safe to avoid speaking their language. While learning and understanding the language and culture of a host country is highly recommended (Van Tonder & Soontiens, 2014; Vandeyar, 2010; Yeh et al., 2008) for effective communication and appreciation of cultural similarities and differences, teachers need to assist immigrant learners to safeguard their cultural and linguistic identity. Cultural assimilation, in which learners sacrifice their culture, identity, values, and beliefs favouring the dominant group (McBrien, 2005), is not encouraged. This lack of encouragement suggests that teachers need to promote and protect children's rights to their own culture and language and ensure that these do not become barriers to learning. The need for teachers to integrate the culture of immigrant children with that of the indigenous learners is of critical importance. Adopting a new culture is a stressful experience, especially for children from immigrant families and other minority groups. The reason is that these children are forced to revert to their native traditions and family obligations after school (Yeh et al., 2008). The teacher's sensitivity to these challenges is critical in protecting these children's right to education.

7. Conclusion

This study has shown that the right to education for immigrant learners in South Africa, though guaranteed by the Constitution and protected by the law, there are practical challenges that these learners experience which affect their education negatively. However, these challenges cannot be successfully addressed in isolation from the challenges which immigrant parents face. As this study has revealed, knowledge and understanding of these challenges are critical for engaging immigrant parents in their children's education. Studies have found that active parent engagement contributes to successful learner performance and achievement. The findings from this study suggest that from a socio-cultural and educational perspective, the school has the responsibility to engage immigrant parents by creating an invitational environment for their participation in their children's education. But, the creation of this environment needs to be coupled with the schools' demonstrated promotion and protection of the right of *all learners* to education in the classroom and on school grounds as the

existing South African legal framework provides.

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