

# 8: At Issue: What Rights and Benefits Should Non-Citizens Have?

## Introduction:

Should non-citizens, including unauthorized immigrants, be entitled to the rights guaranteed in the U.S. Constitution? Should they have access to benefits and services available to U.S. citizens? These are questions being debated in Colorado and the United States more broadly. In engaging with these questions, it is important that students distinguish between citizens, legal permanent residents, and unauthorized migrants, as each group currently has different rights and benefits. This lesson focuses primarily on Colorado's new law limiting the services available to unauthorized migrants; students take part in a Structured Academic Controversy on whether they believe the law is a good choice for the state. However, they should also be made aware that there are many other controversial issues around the rights and benefits conferred on non-citizens.

**Objectives:** At the conclusion of this lesson, students will be able to:

- Take a stand regarding provision of rights and services to non-citizens.
- Identify arguments for and against limiting services to unauthorized migrants.
- Participate in a small-group discussion on a controversial public issue related to immigration.
- Take and defend a position on the issue of the rights and benefits of non-citizens, particularly unauthorized migrants.

**Materials and Preparation:** Create signs that say “Strongly Agree,” “Agree,” “Undecided,” “Disagree,” and “Strongly Disagree” and place them along one wall of your classroom for use in the human graph activity. You will also need to make copies of **The Strictest Law in the Nation** for all students and enough copies of **For the New Law** and **Against the New Law** for half the students to have each. You will also need to make an overhead from the Transparency Master.

## Procedure:

1. Tell students that this lesson, which will focus on another set of controversial issues related to immigration, is going to begin with a human graph activity. Point out the signs that you have posted along one wall of the classroom. Explain that you will be reading a series of statements and students will be standing in front of the sign that reflects their reaction to each statement, thereby creating a human graph. Other students will “interpret” each graph by summarizing what the graph shows (e.g., “Our class agrees that only citizens should be able to vote”) and generating hypotheses about why (e.g., “Citizens committed to our country’s future should have special privileges that others do not have; if non-citizens could vote, they might vote against our country’s interests”).
2. Inform students that they will be dealing with three different categories of U.S. residents in this activity: citizens, legal residents (some permanent, some temporary), and unauthorized migrants. Be sure students understand the differences among these three groups.

3. Ask for several students willing to place themselves on the human graph (you may want to point out that they will not be able to talk). Read the following statements one at a time, stopping after each to lead the class in “interpreting” the resulting graph. You may allow different students to place themselves on the graph half way through the activity:
  - Citizens are entitled to more rights and benefits than non-citizens.
  - Only citizens should be allowed to vote.
  - All residents of the United States, no matter their citizenship status, should have civil rights, such as freedom of speech, freedom of religion, and the right to an attorney.
  - Non-citizens, whether here legally or illegally, should not have access to public services, such as food stamps, free flu shots, and a driver’s license.
  - Permanent legal residents should have access to public services, but unauthorized migrants should be barred from receiving any benefits except those mandated by the federal government, such as emergency services and K-12 education.
  - All young people who reside in a state, no matter the status of their parents, should be allowed to pay in-state tuition at the state’s public colleges and universities.
4. Summarize the human graph activity by pointing out that what rights and benefits should accrue to various categories of people—citizens, legal resident aliens, and unauthorized migrants—is a complex and controversial question. In Colorado in 2006, a great deal of discussion focused on restricting services to unauthorized migrants. In a special session, the Colorado legislature enacted a new law that some have called the strictest law in the nation.
5. Distribute **The Strictest Law in the Nation** and go over the information with students. To help students understand that this issue divides traditional alliances and creates new ones, draw a T-chart on the board, with supporters of the measure on one side and opponents on the other. Ask students what groups might support or oppose the new law; for every group they mention, ask why and whether some members of that group might oppose the law. For example, some business owners would oppose the law because they do not want to stop the flow of cheap labor; others would support the law because they feel that they are at a disadvantage when competing with employers who break the rule and hire undocumented workers. Some liberals might oppose the law because they feel it violates the human rights of unauthorized migrants; other liberals might support the law because they feel that unauthorized migrants undermine assistance to disadvantaged groups of U.S. citizens.
6. Tell students that they are going to be taking part in a Structured Academic Controversy on the new law. A Structured Academic Controversy is a discussion that occurs in groups of four. Show the **Structured Academic Controversy** overhead and go over the steps with students. Keep the overhead on during the remainder of the class period.
7. Organize the class into groups of four (some groups could have five or six members if your class total doesn’t divide evenly by four). Within each group, create pairs, with one pair assigned to support the new law and one pair assigned to oppose it. Give the appropriate pairs the **For the New Law** and **Against the New Law** handouts. Ask pairs to read their handout and identify the strongest points supporting their position.

8. When students have completed the reading, they should work in their pairs to complete step 1 of the SAC; that is, preparing to advocate their position. Tell students how long they will have to present their arguments (two or three minutes is generally adequate).
9. Before beginning step 2 of the SAC, remind students that (a) those who are listening need to take notes and ask clarifying questions that will help them better understand the opposition's views; this is not the time for them to argue, (b) pairs will be reversing positions in a few minutes and will need to understand the arguments of the opposition so listening is important, (c) they will have two (or three, depending on how much time you wish to allot) minutes to present their case. Tell students arguing in support of the new law to begin; after the allotted time has passed, announce a one-minute period for clarifying questions. Following the questions, students arguing against the new law should present their arguments; another one-minute period should be allowed for clarifying questions.
10. Move to step 3 of the SAC, in which pairs reverse positions. The pair that formerly opposed the new law but is now supporting it should go first, followed by the pair who formerly supported the new law but is now opposing it. Allow no more than two minutes for each pair to present its arguments in this phase.
11. Move to step 4 of the SAC. Remind students that in this phase they leave their assigned roles and discuss the question from their own perspectives. The goal of the discussion is to identify areas of agreement and disagreement and to see whether the group can agree on something. Allow 10 to 15 minutes for this step.
12. Debrief the discussion using such questions as the following:
  - How many groups agreed on the overall question: Is the new law restricting services to unauthorized migrants good policy for Colorado? Why were you able to reach agreement?
  - What other agreements did groups reach? What does this illustrate about the issue of services for unauthorized migrants?
  - What were the most compelling arguments for each side?
  - What questions do you still have? How might you find answers to these questions?
  - What do you like/dislike about this process? How might a process like this help us discuss divisive issues in our community?
  - Why is it important to discuss controversial issues in a democracy?
13. Return to the questions that students posted at the beginning of the unit. What questions remain? How might they be answered? Let the class choose the remaining questions of greatest interest to them and assign small groups of students to research the questions and create presentations or displays presenting the information they have gathered.

### **Extension/Enrichment:**

Extend the human graph activity by having the whole class participate in the activity, making sure there is plenty of room between signs. Record the number of students standing in front of each sign for each statement. Have students use the recorded information to create a series of bar

graphs. Based on the bar graphs, students should draw conclusions about the class opinions on issues related to the rights and services that should be available to immigrants.

Materials supporting a SAC on the question of in-state tuition for unauthorized migrants, which could be done as a follow-up to this lesson, are available from the Deliberating in a Democracy project at [http://www.deliberating.org/Educating\\_NonCitizens\\_US.pdf](http://www.deliberating.org/Educating_NonCitizens_US.pdf).

## **Transparency Master**

### **The Structured Academic Controversy**

1. Students are organized into groups of four, and each group is split into two pairs. One pair in a foursome studies one side of the controversy, while the second pair studies an opposing view. Partners read the background material and identify facts and arguments that support their assigned position. They prepare to advocate the position.
2. Pairs take turns advocating their positions. Students on the other side make notes and ask questions about information they don't understand.
3. Next, pairs reverse positions. Each pair uses their notes and what they learned from the other side to make a short presentation demonstrating their understanding of the opposing view.
4. Students leave their assigned positions and discuss the issue in their foursomes, trying to find points of agreement and disagreement among group members. Teams try to reach consensus on something; if they cannot reach consensus on any substantive aspect of the issue, they should try to reach consensus on a process they could use to resolve disagreements.

## Handout

# The Strictest Law in the Nation

Current estimates suggest that approximately 230,000 unauthorized migrants now live in Colorado. Almost all observers see a problem with so many residents having broken the law to enter or stay in the United States. What to do about that problem is a controversial question.

The Colorado legislature, in a special summer 2006 session, passed a bill limiting the services available to unauthorized migrants. All adults applying for nonemergency public services will have to provide proof that they are U.S. citizens or lawful residents. Forms of proof would include a Colorado driver's license or ID card, an American Indian tribal document, or military or military dependent's ID card (including a Coast Guard or Merchant Mariner's ID). Adult applicants for services must also sign a sworn statement that they are in the United States legally. The agency providing services must then verify the statement through a federal system run by the Department for Homeland Security.

Among the benefits that would be affected by this new law are:

- Retirement payments
- Welfare payments
- Publicly funded health insurance
- Publicly funded disability payments
- Public housing
- Education beyond high school, food assistance
- Unemployment benefits

Certain services would not require verification of citizenship or legal residence. These include emergency medical care; short-term, emergency disaster relief; immunization and treatment of communicable diseases; K-12 public education; prenatal care for pregnant women; and services provided at the local level (such as various kinds of counseling and soup kitchens).

The law also says that unauthorized migrants cannot get grants, contracts, loans, or business licenses provided by state or local government.

The penalties for breaking the law are fines (\$500 to \$5000) and jail time (6 to 18 months).

This new law has been called the strictest immigration law in the United States. But is the new law restricting services for unauthorized migrants good policy for Colorado? That question is still open for discussion.

## Handout

# For the New Law

Supporters of the law hope that it will stop the flow of unauthorized migrants into Colorado and perhaps even encourage some already here to leave the state. If the Colorado law is the strictest in the nation, they say, surely other states with more services available will be more attractive to unauthorized migrants.

These supporters often begin their argument with the statement that we are a nation of laws and people who break the law should not receive public benefits. According to former Governor Richard Lamm, “this is not a mere formality as some imply, or a tiresome technicality: remember that there are millions of people patiently waiting to come to America, and illegal immigrants skip the line. To continue to tolerate this practice is not only a legal issue; it is morally unfair to those waiting to come legally.”

Supporters also argue that unauthorized migrants harm the economy and take jobs away from U.S. citizens and immigrants who entered the country legally. Unauthorized migrants will often work for very low wages with few or no benefits—even minimum wage may provide them with a better standard of living than they had in their home country. Thus, employers hire these unauthorized migrants rather than paying a better wage to a legal resident of the United States.

While the labor is “cheap” for employers, it is not cheap for society, according to supporters of the new law. Workers who make little money and have no paid benefits often take advantage of services paid for by taxpayers. According to the Center for Immigration Studies, 29 percent of all immigrant-headed households take advantage of at least one major welfare program, compared to 18 percent of households headed by native-born Americans (Camarota 2005). This includes all immigrants, not just those who entered the country illegally, but it suggests that immigrants are costing society a great deal. Governor Owens has estimated that the new law could stop the benefits for 50,000 people now receiving them (Couch and Frates 2006).

Opponents of the new law say that many unauthorized workers pay sales, property, and income taxes and contribute to Social Security—contributions they will never be able to access. But supporters point out that many unauthorized workers are paid “under the table” (in cash) and therefore do not contribute to Social Security. Even the unauthorized migrants who pay taxes are not paying enough to cover the costs of their children’s education. Considering that (1) Colorado taxpayers contribute \$7,271 for every child in a public school and (2) there are an estimated 32,300 children of unauthorized migrants in the public schools, there is no question to supporters that illegal immigration is costing taxpayers money. Supporters recognize that the U.S. Supreme Court, in the case *Plyler v. Doe*, ruled that states must provide K-12 education to all young people. However, they do not see anything positive about extending other costly benefits to unauthorized migrants.

Supporters of the new law also argue that the rapidly increasing population of Colorado, fueled by both legal and illegal immigration, is putting unsustainable strains on our resources. If the current population trend continues, future generations will face numerous problems. They also

claim that the rapid increase in the Spanish-speaking population is slowing assimilation—new residents are not becoming part of mainstream culture as quickly as they did in the past. Youngsters are dropping out of school in higher rates than native-born residents, condemning themselves to a life struggling to rise above the poverty level.

Supporters of the new law recognize that this policy cannot, by itself, solve the problem of illegal immigration. According to Fred Elbel of Defend Colorado Now, an organization that hoped to have voters act on this issue, “Realistic solutions must involve strategies to improve living standards of third world countries—in particular with family planning assistance and micro-loans, which have both proven effective.” However, they believe that cutting off public benefits to unauthorized migrants will discourage people entering the country illegally from coming to Colorado and may even motivate some to leave the state.

## References

- Camarota, Steven A., *Immigrants at Mid-Decade: A Snapshot of America's Foreign-Born Population in 2005* (Washington, DC: Center for Immigration Studies (December 2005).  
<http://www.cis.org/articles/2005/back1405.html>.
- Couch, Mark P., and Chris Frates, “Immigration Pact OK’d,” *Denver Post* (July 11, 2006).
- Elbel, Fred, “Intergenerational Justice” (Lakewood, CO: Defend Colorado Now, 2006),  
[http://www.defendcoloradonow.org/perspective/art\\_intergenerational\\_justice.html](http://www.defendcoloradonow.org/perspective/art_intergenerational_justice.html).
- Lamm, Richard D. “Liberals Beware: There Is a High Cost to ‘Cheap’ Labor,” (Lakewood, CO: Defend Colorado Now, 2006).  
[http://www.defendcoloradonow.org/perspective/art\\_liberals\\_beware.html](http://www.defendcoloradonow.org/perspective/art_liberals_beware.html).

## Handout

# Against the New Law

Opponents of the new law restricting public services only to citizens and other legal residents of Colorado believe the new law will be ineffective in slowing immigration to the state and will end up costing the taxpayers of Colorado millions of dollars in enforcement costs.

Because unauthorized immigrants fear deportation, they often do not apply for public benefits. They come to the United States to work and achieve a better standard of living for themselves and their family. Cutting off services, opponents argue, will not stop immigrants from coming to Colorado illegally as long as they can find jobs here. Regardless of other arguments, opponents say, the measure simply won't achieve the result its backers hope for.

Instead, opponents say, the new law will have negative effects on the economy. They cite employment figures to support their claim that unauthorized migrants contribute to the U.S. economy at the rate of \$10 billion annually. The employment rate for unauthorized immigrant men is 90 percent, compared to 86 percent for immigrant men in the country legally and 83 percent for native-born men (Jones et al. 2005). They also cite research that says that unauthorized migrants have a minimal impact on the employment and wages of native-born U.S. workers.

Unauthorized migrants pay taxes, opponents of the new law argue; they should therefore have access to the services those taxes are collected to support. In addition, the vast majority of the costs incurred by families of unauthorized immigrants are for education and emergency medical care of children, many of whom are citizens by virtue of being born in the United States. The education of these citizens and all long-term residents of the United States is an investment in our national future.

State agencies who testified on the new law were unable to say how much money the new law might save. When a similar measure was considered in the General Assembly in 2005, the Colorado Legislative staff (2005) estimated that the savings might be minimal—perhaps \$435,000 annually.

Bureaucratic procedures will need to be established to enforce the amendment if it is passed; such procedures always involve costs. The study by the Colorado Legislative Council (2005) suggested that the initial costs of establishing and administering a document review process to check citizenship or legal residence would be \$4.3 million; after the initial start-up, costs could run \$2.6 million per year. Overall, the law, opponents argue, could end up costing Coloradans millions of dollars.

Meanwhile, the law could subject legal residents and citizens who “look like” immigrants to discrimination and make it more difficult for them to receive the benefits to which they are entitled. Additional processing may “clog the system,” slowing down the process of receiving needed benefits—a process that is already slow. “Any time it takes more staff time to process something, or to explain new rules to clients, it lengthens the time it takes to get those services and drive up costs,” said Nan Morehead of Denver Human Services (Migoya 2006). In addition, some

legal Colorado residents may not have the correct identification papers, creating problems for them in trying to receive benefits to which they are entitled.

Finally, opponents of the new law say that immigration is a federal issue and problems related to immigration must be solved at the national level. Indeed, some of the services covered by this law have previously been prohibited by federal law. Only through federal action can all of the nation's concerns about immigration—security, economic, demographic—be addressed.

## **References**

Colorado Legislative Council Staff, *State and Local Fiscal Impact, HB 05-1271* (February 21, 2005).

Jones, Rich et al., *Immigration Effects on Colorado and the Nation: A Review of Research* (Denver: The Bell Policy Center, 2005). <http://www.thebell.org/pdf/IMG-brief12-05.pdf>.

Migoya, David, "Social-services Officials Fear New ID Law Will Slow Help for Eligible," *Denver Post* (July 12, 2006).