

Lesson Six: Undocumented/ Illegal Immigration

“Migrant workers are the only work force not covered by labor law. People feel they can’t stand up for their rights because they won’t have a job. There are always replacements.”
- The film, “Legacy of Shame”

Goal:

To learn about undocumented/illegal immigration, the numbers, causes, impact and countries of origin

Objectives:

- Students will make predictions on illegal/undocumented immigration
- Students will compare their predictions to the facts on undocumented immigration
- Students will be introduced to the life experiences of undocumented immigrants in the United States

Materials:

Worksheet #1: “Your Predictions on Illegal/ Undocumented Immigration”
Worksheet #2: “Push/ Pull Factors of Undocumented Immigrants”
Handout #1: “Facts and Estimates on Illegal Immigration”
Handout #2: “Driver’s License Restriction”

Time Frame:

One to two class periods

Age Level:

Middle school to adult

Vocabulary:

Undocumented immigrants, illegal immigrants

Relevant Subject Areas and Connection to the Minnesota State High School Standards:

Inquiry and Research: *Issue Analysis*
Social Studies: *Diverse Perspectives*

Setting the Stage:

In Lesson Five, students delved more deeply into two categories of immigrants: refugees and asylum seekers. In this lesson, students will investigate the category of immigrants who are undocumented.

Activity #1: Reviewing Our Knowledge (10-20 min.)

Class discussion:

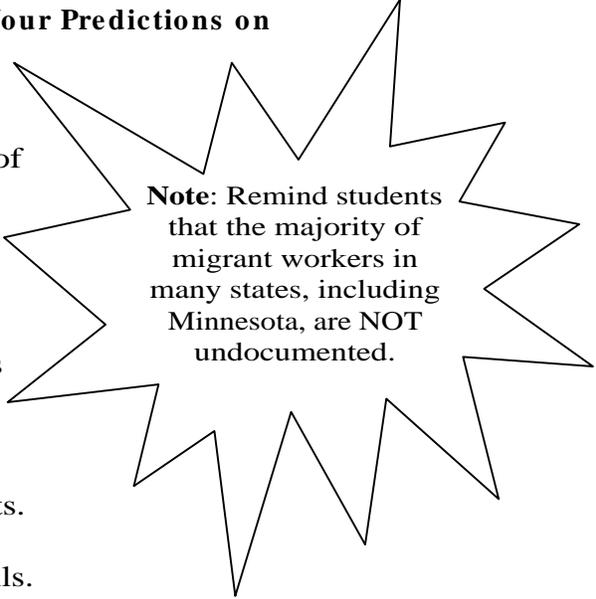
Question: Looking once again at our list of “commonly held assumptions”, are any of the assumptions focused on a particular category of immigrants?

Have students fill out **Worksheet #1: “Your Predictions on Illegal/ Undocumented Immigration.”**

If one or more of the assumptions is not particularly directed at *illegal immigrants*, ask students which group of immigrants is likely to encounter the greatest degree of anti-immigrant sentiment. Why is this so?

Often people hold stereotypes and generalizations about illegal immigrants that may include:

- They are criminals.
- They are a burden on the state.
- They take jobs from legal residents.
- They are all unskilled workers
- They all lack English speaking skills.



Note: Remind students that the majority of migrant workers in many states, including Minnesota, are NOT undocumented.

Add new assumptions to **Worksheet #1** throughout the lesson or unit.

Activity #2: Logical Conclusions (30-40 min.)

Read **Handout #1: “Facts and Estimates: Undocumented Immigration to the United States.”**

Class Discussion:

Questions: Where do undocumented immigrants come from, and where do they settle in the U.S.? How many are here? By what means do undocumented immigrants arrive in this country? We learned that 6 out of 10 arrive in the U.S. legally—as visitors, students, temporary workers, tourists—but overstay their visas. How, then, do the remaining 40% gain entrance to the United States?

After students fill out **Worksheet #2: “Push/Pull Factors of Undocumented Immigrants,”** ask the class to locate on a world map the six countries from which more than half of undocumented immigrants come.

Questions:

Once illegal immigrants arrive in the U.S., what is life like here? What are some of the difficulties they are likely to encounter in attempting to live and work in the United States?

Refer to **Appendix** for additional resource materials to use in class or suggest to students.

Media Resources:

1. Watch the film *El Norte*, which shows one method of gaining entrance to the U.S. through a sewer system. The film also reveals difficulties that illegal immigrants face upon arrival in the U.S. (*Note: there is some profanity in one section of the film: The profane words are in Spanish and also subtitled in English.*)
2. Watch the documentary *The Legacy of Shame* (order by calling 1-800-934-NEWS). This documentary explores migrant workers, both legal and illegal, and the conditions under which they survive. The video claims that laws meant to protect the workers in some cases actually work against them.

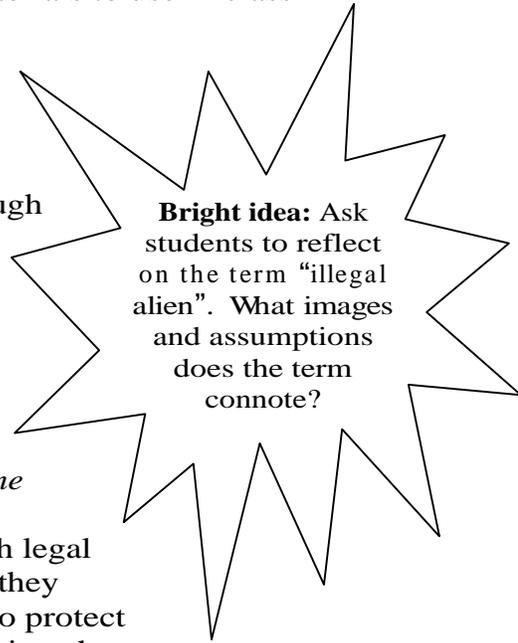
Efforts to stop undocumented workers and/or deport them are directly proportional to the immediate need of businesses and farmers for inexpensive labor. Here are some quotes from the film that could be discussed in class:

“Migrant workers are the only work force not covered by labor law. People feel they can’t stand up for their rights because they won’t have a job. There are always replacements.”

“Farming is the most dangerous occupation in the United States. Foreign workers are willing to take more risks. Forty percent of workers are annually exposed to pesticides. Fifty percent of those exposed have symptoms of pesticide poisoning. There is pressure in Congress to repeal pesticide controls.”

“Today, many farm workers are essentially indentured servants. The migrant system has replaced slavery as a means to cheap crop and food-crop production. They are the most exploited and vulnerable of all workers.”

“Farmers assert, “Take away migrant workers, and the cost of food will skyrocket.”



3. The Minneapolis *Star Tribune* ran a 4-day “News With a View” special entitled “Mexico: Bordering on Chaos”. The date of the first article is July 30, 1995, with the follow-up articles on July 31, August 2, and August 4. Written by Heron Marquez Estrada, a Mexican citizen and legal resident of the U.S., the articles contain much primary source material from many actors in the U.S.—Mexico relationship. See www.startribune.com.

Summary writing assignment:

Based upon what you have read, seen, discussed, and thought about in this section on the undocumented immigrant, please take a few minutes to write some of your thoughts and reactions related to the topic. Note any unanswered questions you have encountered.

Activity #3: Current Local Issues (15-25 min.)

Class discussion:

After reading **Handout #2: “Driver’s License Restrictions,”** review the predictions that students made at the beginning of the lesson. Also, keep in mind the previous activity, and closely look at the push and pull factors associated with illegal immigration.

Ask students to reflect on the following quote:

The [new immigrants] have remained strangers in the land, residing apart by themselves, and adhering to the customs and usages of their own country.

It seems impossible for them to assimilate with our own people or to make any change in their habits or modes of living. As they have grown in number, the people [of California] see, or believe they see, in the facility of immigration, great danger that at no distant day the state will be over run by them, unless prompt action is taken to restrict their immigration.

- Chae Chan Ping v. U.S., 130 U.S. 581 (1889)

The above passage was written in 1889 by justices of the U.S. Supreme Court when they upheld the constitutionality of the Chinese Exclusion laws of the 1880s. Americans at this time were afraid that so-called “yellow hordes” of immigrants coming to the U.S. would undermine workers’ wages and radically change the largely white European culture.

Questions:

After September 11, 2001, what were some of the fears that arose in U.S. society? How do you think that those fears connect to the proposed driver’s license restrictions in many states? How is the situation similar to the 1880’s Chinese Exclusion laws? Are there other times in U.S. history where fear and uncertainty have prompted changes in laws related to immigrants?

Your Predictions on Illegal/Undocumented Immigration

1. What countries do you think illegal or undocumented immigrants come from?
2. How do undocumented immigrants first enter the U.S.?
3. Why do these individuals and families come to the U.S.?
4. What kind of public benefits do they receive?
5. What is the impact of illegal or undocumented immigration on the U.S. labor market?
6. What is the impact on the economy?
7. What are some of the push/pull factors affecting illegal/undocumented immigration?
8. How do you think illegal/undocumented immigration can best be controlled?

Facts and Estimates: Undocumented Immigration to the United States

- According to 2003 USCIS (formerly INS) estimates, approximately 7 million undocumented immigrants were residing in the United States in January of 2000, with an estimated 350,000 added each year.
- Annual entry of illegal immigrants amounts to 1/10 of 1% of the total U.S. population and roughly 13% of the foreign-born population.
- Most undocumented immigrants do not come the U.S. by crossing a border illegally. Six out of ten enter the U.S. legally with student, tourist, or business visas and become 'illegal' when they stay in the U.S. after their visas expire.
- Approximately 80% of the undocumented immigrants in the U.S. come from six countries: Mexico (69%), El Salvador (3%), Guatemala (2%), Colombia (2%), Honduras (2%), and China (1.6%).

Eligibility for Federal Benefits by Undocumented Immigrants

Illegal/undocumented immigrants are **not eligible** for most federal benefit programs, including: Supplemental Security Income, Temporary Assistance for Needy Families (TANF), Food Stamps, unemployment compensation, financial assistance for higher education, and the Job Training Partnership Act.

Illegal/undocumented immigrants **may** participate in certain benefit programs that do not require legal immigration status as a condition of eligibility, such as:

- Head Start
- The Special Supplemental Food Program for Women, Infants, and Children (WIC)
- The National School Lunch program
- Immunizations and treatment of communicable diseases

In addition, they **may be eligible** for emergency medical services.

Illegal/undocumented immigrants may apply for TANF and food stamps for their children if they are U.S. citizens, but there are risks in doing so, as the 1996 Welfare Bill requires that State agencies report identifying information on any individuals unlawfully in the United States.

Source: U.S. Citizenship and Immigration Services, www.uscis.gov, 2004. U.S. General Accounting Office Report: Illegal Aliens, July 1995.

Push/Pull Factors of Undocumented Immigrants

Push factors:

Approximately 80% of undocumented immigrants in the U.S. come from six countries. What are some of the factors about, or conditions within, these countries that might “push” or influence someone to go to another country?

Mexico:

El Salvador:

Guatemala:

Colombia:

Honduras:

China:

Pull Factors:

What factors about the United States might “pull” or draw people to this country?

United States:

Review the table below and write why each state might have a large population of undocumented immigrants:

Top Six States of Residence:	Reason:
California 2,200,000	
Texas 1,000,000	
New York 490,000	
Illinois 430,000	
Florida 340,000	
Arizona 280,000	

Source: U.S. Citizenship and Immigration Services, www.uscis.gov , 2004.

Driver's License Restriction

Since the terrorist attacks of September 11, some people have argued that undocumented immigrants should not be allowed to obtain drivers licenses or other forms of identification, such as "consular IDs" issued by foreign governments. States and localities have taken different approaches to this issue. Some have made undocumented immigrants ineligible for driver's licenses. Others realize that it becomes a public safety problem if undocumented workers are not allowed to have licenses—in some cases it forces them to drive without being tested on the rules of the road. Without a license, undocumented immigrants cannot get insurance, and this drives up the cost of insurance for other consumers.

~National
Immigration Forum

www.immigrationforum.org

Overview of U.S. driver's license restriction:

One of the results of the post-9/11 focus on security is the increase of drivers' license restriction bills being proposed and passed in many states. This trend has taken the form of stricter rules for application for drivers' licenses, limits on availability of licenses to non citizens visiting for less than one year, additional information on the licenses of foreign visitors, and even different driver identification cards for non-citizens that indicate that the cardholder is not a citizen and the card is not valid for any form of identification other than for purposes of driving.¹

In 2003, H.R. 1121 was put before the U.S. House of Representatives. Also known as the 'Driver's License Integrity Act of 2003,' the act proposed to limit the validity of a non immigrant's driver's license to the period of validity of the non immigrant's visa. The act was to be implemented and funded through the Department of Homeland Security and has been referred to the House Committee for review.²

Why license restrictions may be considered harmful:

Concerns about driver's license restrictions include an increase in insurance and accident-related problems. Many people must drive to get to their employment or other obligations and therefore may feel compelled to drive even without a license. In addition, a license restriction inhibits the ability to obtain auto insurance. Proponents for broader license granting raise the concern about an increase in auto-related accidents in connection with license restrictions. They comment that license access ensures driver training and tracking through driver records. They cite the AAA Foundation for Traffic Safety study that found

¹ Overview of States' Driver license requirements/ NILC/ 7/14/04 www.nilc.org

² H.R. 1121, 108th Cong. 1st session, Rep. Cantor, VA

unlicensed drivers to be five times more likely to be involved in fatal crashes than drivers with valid licenses.³

Aside from creating potential safety issues by denying licenses to non-citizens without proper documents, the restrictions also create problems for documented foreign visitors who are in the United States for under a year and therefore are not eligible in some states for any state license, while their homeland license is not accepted as valid in the U.S. This creates transportation problems for foreign visitors since many states do not have public transportation that is as effective as individual vehicle transportation. Additionally, many U.S. insurance companies choose not to insure drivers who use foreign licenses, or charge higher rates to those that they will insure.⁴ This means that the lack of a driver's license or driver's documents that differ from a traditional driver's license may cut off access to car insurance completely, or increase the costs prohibitively.⁵

Finally, some groups have asserted that the license restrictions have increased the incidents of identity theft. The Center for Policy Alternatives states that there have been reported issues of identity theft and fraud specifically pertaining to driver's licenses in New Jersey, New York and Virginia.⁶

Why license restrictions may be considered desirable:

Many proponents of license restriction have concerns focusing on the safety of U.S. citizens from further terrorist attacks. Those expressing these concerns in relation to driver's licenses assert that the need for security includes the need to verify the identification of each license applicant in an appropriate manner.⁷ Opponents of license restriction assert that accepting foreign identification documents for driver's license applications will be sufficient to increase security since these are official documents of the applicant's country and will allow for additional security tracking through the driver records system.⁸ However, in many states, including Minnesota, foreign identification documents, such as 'matricula consular,' are not considered acceptable forms of identification for a driver's license application, although some of these documents are accepted as identification for purposes of opening bank accounts and receiving marriage licenses.⁹

Minnesota law:

³ Center for Policy Alternatives, <http://www.stateaction.org/2004agenda/27.pdf>

⁴ Driving License Restrictions: Driving in the United States
<http://www.uis.edu/internationalaffairs/workshop5.htm>

⁵ 'Seeking to Put a Face on Illegal Immigrants,' Lourdes Medrano Leslie, Star Tribune, July 6, 2004, <http://www.startribune.com/stories/462/4861768.html>

⁶ Center for Policy Alternatives, <http://www.stateaction.org/2004agenda/27.pdf>

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Minnesota law regarding driver's license restrictions has been a matter of contention at varied levels of intensity since the 1990s.¹⁰ As of July 14, 2004, Minnesota requires a social security number (SSN) unless the driver's license applicant can show she has never had a SSN or is ineligible for one (Minnesota is 1 of 44 states to so require). Minnesota law also requires a 'lawful presence' in the state unless a SSN is provided (26 states have 'lawful presence' requirements, 4 including Minnesota require 'lawful presence' if the applicant has no SSN).¹¹

Minnesota does not accept an Individual Tax Identification Number (ITIN) in lieu of an SSN. The state also does not accept the matricula consular (a form of identification card in Mexico) as a valid form of identification for driver's license purposes although the matricula consular is accepted in Minneapolis and St. Paul for marriage certificate and bank account identification purposes (10 states accept the matricula consular for driver's license application purposes). Minnesota requires that a driver's license expire with the visa expiration (1 of 18 states to so require). Minnesota is one of six states that put distinguishing features on non citizen driver's licenses; Minnesota's feature is in the form of a 'status check' requirement on the non citizen license.¹²

The Minnesota Angle:

After September 11, Minnesota Advocates for Human Rights met with leaders from refugee and immigrant communities in the Twin Cities. Representatives from the Asians and Pacific Islanders communities and individuals from Arab countries described incidents in which members of their groups had been denied access to government services, including obtaining driver's licenses and opening post office boxes. In these reported cases, government employees told these individuals that they were not eligible for such services, or, in some cases, government employees questioned the validity of the individual's legal documents. For a brief period, one community's Department of Public Safety displayed posters indicating that no head coverings could be worn during driver's license photos, even though the policy had not been approved by the proper authorities. In some cases, advocates accompanied immigrants who previously had been denied Minnesota driver's licenses. Discrimination continued in the presence of these advocates, who then intervened on behalf of their clients to ensure that proper procedures were followed. Minnesota Advocates voiced concern about how many refugees and immigrants have been turned away without knowing that their rights were being violated

¹⁰ *ibid*

¹¹ Overview of States' Driver license requirements/ NILC/ 7/14/04 www.nilc.org

¹² Overview of States' Driver license requirements/ NILC/ 7/14/04 www.nilc.org

