Krishna

Like the majority of the Bhutanese refugees coming to the U.S., Krishna grew up in southern Bhutan. His family members were farmers who grew crops typical for the region: “Rice, wheat, and all the crops. Also I had a cow, many cows. The cows slept at home. Cows, buffalo, sheep, goat, and chicken.”

“In Bhutan there are no human rights [for the Lhotshampa people]. They asked for the human rights. The government sent military to all the houses. They came in the nighttime and the daytime and they beat the people. They killed like that. In daytime, we worked in the field; at the nighttime, the military came and captured Lhotshampas, took them and beat them. So at night, we went to the forest to sleep. There is too much rain in Bhutan and we sit in the [forest] in the raining time also. It was very difficult. One time, they captured me. When they came to the house, I say that I have not done anything and they leave, but another group came. They do not ask questions. Many other people they shoot and they killed. I was not. Sometimes when the Bhutan military — army — attack, they cut off one leg. Sometimes they cut off the hand and they throw it to the truck. Many people are dying in Bhutan.”

“We moved at night. Januka was six, Prakash was four, Shailesh was two, and Renuka was one and a half years old. We did not take anything from our house when we moved, because I carried Prakash and held hands with Januka. Nar Maya carried Shailesh and Renuka. We walked and walked. I had some money, but there is place called the Asum where there were men with guns. They asked for the money and I gave it to them.”

After walking for hours and hours, they arrived in India where they joined other Bhutanese families, and local villagers provided the group with some food. “We sit there for five days. [Then] the Indian army came and put us in the truck. They took us and they threw us to the Bengali state. And when morning time came, at 5:00 a.m., again the Bengali police came. They took us to the Nepal border and at 9:00 p.m. they threw us to Nepal.”

“There is a long bridge [between] India and Nepal. After we crossed, the Nepal police captured us and asked, ‘Where you are coming from? Why are you coming?’ The Nepali police brought [us] to a temporary camp called Mai. There was one small house [for everyone] and there was nobody to cook the food. There were no tents. After some days, the Red Cross provided food and some tents. We lived in small tent. The wind blew and the fire would go out. We spent six months in the Mai camp. Many people there died. Too much cholera. So we went to the Goldhap Camp. When we moved the UN High Commissioner for Refugees provided us with some food. They saw that we are refugees and countries like the United States, Canada — they helped the refugees. They gave a little food for the family and I worked outside the camp.” Krishna and his family lived in the camp for seventeen years.

A fire in the camp happened just before the family came to the United States. Krishna lost all of the family’s possessions and money. “All were gone from the fire. When I came from Bhutan to Minnesota, I did not bring anything, because all was gone by the fire. The different organizations, they helped us, and after four months, we came to the United States. We came with only one bag each, with some clothes. After the fire happened in the camp, we were in the forest for a month, so when we came to the United States, I was very happy to sit in a house.”

“In the United States, it is so expensive and sometimes Januka and Prakash have only three or four days of work a week. This week, they have done only three days. It is difficult to pay the rent, water and electricity, gas, and travel loans. [Despite the difficulties], I will become a citizen of the United States, and grow old in the United States, and die in the United States. If I am well, I will work. When I was in Nepal, I used to work, but because I am not well, it is difficult. I hope that I will buy a house and a car, be a citizen, and sit in the United States.”

Senan

“I was born in the south of Iraq; it’s Basrah. After the [U.S. invasion in] 2002, I went to the U.S. embassy. They test me and they hire me as an electrician and interpreter with the U.S. embassy.” Senan explains that he liked his job and his coworkers liked him, too. He was making good money and getting professional experience with a U.S. company. But one day, “I went inside [my work] and they said, that there is a big news. They said, ‘There’s a letter saying if you work today not tomorrow, if you don’t quit today, you get killed.’ After three hours, they say that militia, they are outside with guns, waiting for us just to go out. And the military inside, they heard about it and they take like Humvees and tanks outside. And they start shooting between the British and the American soldiers and them till they became very safe for us and they let us go.” So Senan quit his job that day.

“One day, we are sitting outside in the street, just in front of my gate and we saw a white SUV just out in front of me. And we know this car is the specific for militia or the government. I did like I was going to jump, and he said stop. And I didn’t stop. He just pull his gun and shoot one time; he hit the wall. I run and he shoot the front gate and he come after me. And he shoot three times, like after me in the garden, but he didn’t touch me.”

Senan ran to the neighbor’s house, but they wouldn’t let him in because they were afraid of what could happen to them. So Senan went to the next house and was finally given a hiding place, under their bed. Senan called his cousins and asked them to drive him away to safety without suspicion. “They come after one hour. I jump in the car and we went far away from the city. We just continue driving until I get to a farm; it’s for our family. I stay there and they give me a gun, just to make me feel better. I said I cannot forget. It’s just … scary. We stay at the farm for fifteen days. My brother got me a passport and a new ID and stuff. After the fifteen days, they got a ticket for me to go to Syria. From there I fly to Syria and stay there for three years and a half.”

“In Damascus I applied for [refugee assistance from the International Office of Migration]; they give you a bed and pillow and they tell you go ahead and find your house or apartment; we aren’t going to help you with anything more. You have to sit there and somebody help you from your country. My dad send me three hundred every month just to go through the month and pay my bills and everything.” Senan says his passport was stamped when he entered Syria, which meant he was unable to work in that country. If somebody catches you working, you could be deported.

“One day, I thought ‘okay; I have friends in United States. His name is Randy and he said, ‘this folder has all my information: my phone, my address in United States. If something happen and you want to come to the United States, you’re free to come to visit.’” So Senan emailed Randy, and explained everything that happened to him, how he was forced to quit his job for fear of being killed and that he had fled from Iraq to Syria. “He said, ‘Anything I can do for you?’ I tell him to just write me a letter that supports me, because they don’t trust that I’m working with United States.” Senan returned to the International Office of Migration. “I believe that there’s a visa for us just to go to the United States just to become safe,” Senan told an administrator. “She said, ‘Yeah, we can help you.’ She did the process within nine months.”

“When I came here, I speak English and know a little bit about the culture. But you have to apply for Social Security card, ID, and driver’s license. I was just confused and confused and confused, and scared to go out, also, because I don’t know the roads. Every time I wanted to buy something or go to the market, I called Randy to come pick me up and take me to this market. [Now that I have adjusted], I want to apply to a bank to get a house, and not be paying the rent to the landlord. Always my wife, she asks, ‘Do you think to go back to Iraq?’ I said, ‘I am never going to Iraq.’ The country that brought me and said, ‘This is your life, you can live here and do anything you want in here’ — that is my country.”

Sharmake

“I remember I was a kid in Somalia. I was younger. I was living with my family, with my mom and my two brothers, before the civil war.” Sharmake explains that his parents owned a grocery store, which supported their family. Sharmake is the middle of three brothers. As a child, Sharmake remembers the fun he had with his friends. “We played on the beach. I remember that it was fun to play soccer.”

“When we fled, I was seven years old. One morning, I was hearing some guns, the sound of guns saying that people are fighting together. Earlier in the morning, some bandits came to our home. And then they killed my father. I woke up and my mom was crying over there, outside the apartment. She said what happened and was crying and she held us. We left that place the same evening. Oh, I was tired. We would go from neighbors, to neighbors’ homes, and we would feel comfortable. But we weren’t going a direct route. We were going through the bush.”

“I remember when we come to border, there was army people who had guns. I think it was the government of Kenya. In the morning, I remember we took a big van and a big truck, my mother and brothers and two of my neighbors traveled with us. And then we come all the way down, ninety miles inside to the country of Kenya. And there were houses already prepared with roofs and trees. There wasn’t any wall; the house was only tree and a roof. And Mom picked one; it was nice. I was there for eighteen years. It was four meters by three meters and there was a roof.”

“When you come to the camps, people in United Nations was giving food. Then they told people they didn’t have firewood or a machine to cook the food. So the mothers and fathers are going to the bush to take the firewood to cook the food. And you know, when the fathers go out, he would be killed by the bandits. When the women go there, they’re going to rape the women. At the same time they were coming at nighttime to the camps and they were killing. I just remember one night, it was midnight, and I said, ‘Mommy, I wanna go outside. I wanna go to bathroom.’ And then the mom saw a light in front of the other apartment. She said, ‘Oh, my son, there’s something wrong. Let’s go back.’ After an hour, my mom went out and she see that one of our neighbors was just shattered in his back. They killed, you know.”

“That was the life in the refugee camp. There was no fence, but you can’t go outside the border. If you go to Somalia, people are killing people. If you go to Kenya, the government of Kenya will arrest you. They don’t have enough food. They don’t have enough water. They don’t have enough health care even. Kids are malnourished. Kids, you know, need milk, vegetables to grow up. They are not getting that.”

Sharmake says that the UN gave people a lot of hope [with the resettlement program], offering them the possibility of leaving their harsh lives and moving on to something new. After his mom was interviewed, Sharmake went in for his own interview. “I just told him this process I have been waiting a long time, you know? Long years, you know? I tell him, ‘I think you are the only one who can decide my case to make me pass and you know everything I told you was about my life.’ So I said, ‘Can you do me a favor? Give me approval.’ He just laughed, he just told me, ‘Okay, you’ll be alright.’”

“I come all the way down to the airport in Minneapolis MN, I see the mom and my sister, they run to me, ‘Oh, Mom, you’re here!’ Now, I just finish my ESL class. I can go now to college or I can go anywhere. I was approved to start my nursing classes, to be nursing assistant. After that I can be a full nurse, [and then] I can take four years for doctor. That’s my dream, you know. I wanna be a doctor.”

# MAPPING THE JOURNEY

## Fleeing Home

<table>
<thead>
<tr>
<th>Question</th>
<th>Human rights affected in home country</th>
</tr>
</thead>
<tbody>
<tr>
<td>Why did the people in your story leave their home? What threats or</td>
<td></td>
</tr>
<tr>
<td>harms were they fleeing? Why had they been targeted?</td>
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</table>

## Making the Journey

<table>
<thead>
<tr>
<th>Question</th>
<th>Human rights affected during the journey</th>
</tr>
</thead>
<tbody>
<tr>
<td>Where did they go after leaving their home? Did they travel to multiple</td>
<td></td>
</tr>
<tr>
<td>places? What were the problems with those places that inspired them</td>
<td></td>
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<tr>
<td>to come to the United States?</td>
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## Coming to the United States

<table>
<thead>
<tr>
<th>Question</th>
<th>Human rights affected during arrival</th>
</tr>
</thead>
<tbody>
<tr>
<td>How did they come to live legally in the United States? Are they</td>
<td></td>
</tr>
<tr>
<td>refugees or asylees? What were some experiences they had adjusting</td>
<td></td>
</tr>
<tr>
<td>to their new home?</td>
<td></td>
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</tbody>
</table>
Refugee Identities:
The refugee identities can be added to and adapted as necessary. You may want to cut and laminate the refugee identity cards for future use. Be sure that you have one identity card for each student in class.

FAMILY #1: Grandmother
- 60 years old
- Teaches 5th grade
- Enjoys cooking

FAMILY #1: Grandfather
- 65 years old
- Retired farmer
- Collects valuable coins

FAMILY #1: Grandson
- 12 years old
- Parents have died
- Likes to help his grandfather garden

FAMILY #2: Father
- 43 years old
- Dentist
- Likes to jog

FAMILY #2: Mother
- 44 years old
- English teacher
- Competitive runner

FAMILY #2: Daughter
- 13 years old (twin)
- Good swimmer
- Likes to text with friends

FAMILY #2: Daughter
- 13 years old (twin)
- Very athletic
- Just got a kitten
<table>
<thead>
<tr>
<th>FAMILY #3: Father</th>
<th>FAMILY #3: Mother</th>
</tr>
</thead>
<tbody>
<tr>
<td>40 years old</td>
<td>39 years old</td>
</tr>
<tr>
<td>Works at local paper mill</td>
<td>Stays at home with children</td>
</tr>
<tr>
<td>Expert handyman</td>
<td>Skilled at sewing</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FAMILY #3: Daughter</th>
<th>FAMILY #3: Son</th>
</tr>
</thead>
<tbody>
<tr>
<td>18 years old</td>
<td>14 years old</td>
</tr>
<tr>
<td>Looking forward to going to community college</td>
<td>Likes to play soccer</td>
</tr>
<tr>
<td>Has a boyfriend who attends the same school</td>
<td>Straight-A student</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FAMILY #3: Son</th>
<th>FAMILY #4: Mother</th>
</tr>
</thead>
<tbody>
<tr>
<td>9 years old</td>
<td>55 years old</td>
</tr>
<tr>
<td>Has health problems and needs regular medication</td>
<td>Works as a doctor</td>
</tr>
<tr>
<td>Has a golden retriever</td>
<td>Specializes in family medicine</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FAMILY #4: Father</th>
<th>FAMILY #4: Daughter</th>
</tr>
</thead>
<tbody>
<tr>
<td>56 years old</td>
<td>18 years old</td>
</tr>
<tr>
<td>Works for a newspaper as a business reporter</td>
<td>Computer whiz</td>
</tr>
<tr>
<td>Loves to cook</td>
<td>Makes apps for her friends</td>
</tr>
</tbody>
</table>
FAMILY #4: Daughter
• 16 years old
• Wants to be an actress
• Enjoys hanging out at the mall

FAMILY #4: Daughter
• 12 years old
• Very studious
• Loves to read
• Uses a wheelchair

FAMILY #4: Aunt
• 70 years old
• Not able to walk easily
• Loves to tell stories

FAMILY #5: Mother
• 35 years old
• Divorced
• Works as a city bus driver

FAMILY #5: Cousin
• 21 years old
• College student staying with family during school
• Helps with child care

FAMILY #5: Son
• 10 years old
• Loves to play basketball
• Always listening to his iPod

FAMILY #5: Son
• 6 years old
• Likes animals
• Shy

FAMILY #5: Daughter
• 10 months old
• Has been crying a lot lately
• Allergic to milk

Lesson 6: Handout 4
REFUGEE ROLE-PLAY CARDS
ASYLUM APPLICATION IN PIG LATIN

DHS - USCIS
U.S. Department of Justice - EOIR
Application for Asylum and withholding of fear


Otenay: Eckchay isthay oxbay ifhay ouyay antway otay applyhay orfay itholdingway ofhay emovalray underhay ethay Onventioncay Againsthay Orturetay.

Artpay A.1. INFORMATIONHAY ABOUTHAY OUYAY

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<thead>
<tr>
<th>1. Alienhay Egistrationray Umbernay (A#'s) (Ifhay anyhay)</th>
<th>2. Ocialsay Ecuritysay Nohay. (Ifhay anyhay)</th>
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<tbody>
<tr>
<td>3. Ompletay Astlay Amenay</td>
<td>4. Istfay Amenay</td>
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<tr>
<td>5. Iddlemay Amenay</td>
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</tr>
<tr>
<td>6. Atwhay otherhay amesnay avehay ouyay usedhay? (Includehay aidenmay amenay andhay aliaseshay.)</td>
<td></td>
</tr>
<tr>
<td>7. Esidenceray inhay ethay U.S.</td>
<td>Elephonetay</td>
</tr>
<tr>
<td>Reestsay Umbernay andhay Amenay</td>
<td>Apthy. #</td>
</tr>
<tr>
<td>Itycay</td>
<td>Atestay</td>
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<tr>
<td>IPZAY Odecay</td>
<td></td>
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<tr>
<td>8. Ailingmay Addresshay inhay ethay U.S., ifhay otherhay anhay abovehay</td>
<td>Elephonetay</td>
</tr>
<tr>
<td>Reestsay Umbernay and Amenay</td>
<td>Apthy. #</td>
</tr>
<tr>
<td>Itycay</td>
<td>Atestay</td>
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<tr>
<td>IPZAY Odecay</td>
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<td>9. Endegay: ___ Alemay ___ Emalefay</td>
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<td>10. Aritalmay Atusstay: ______ Inglesay ______ Arriedmay ______ Ivorcedday ______ Idowedway</td>
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<td>11. Ateday ofhay Irthbay (mm/dd/yyyy)</td>
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<td>12. Itycay andhay Ountrycay ofhay Irthbay</td>
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<td>13. Esentpray Ationalitynay</td>
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<td>14. Ationalitynay athis Irthbay</td>
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<td>15. Aceray, Ethnichay orhay Ribaltay Oupgray</td>
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<td>16. Eligionray</td>
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<td>17. Eckchay ethay oxbay, A roughthay C, atthay applishay:</td>
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</tr>
<tr>
<td>A: Ihay avehay evernay eebay inhay immigrationhay ourtcay roceedingspay. □</td>
<td></td>
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<tr>
<td>B: Ihay amhay owhay inhay immigrationhay ourtcay roceedingspay. □</td>
<td></td>
</tr>
<tr>
<td>C: Ihay amhay otnay owhay inhay immigrationhay ourtcay roceedingspay, utbay ihay avehay eeanbaay inhay ethay astpay. □</td>
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</tbody>
</table>
| 18. Ompletaycay #18 A-B:  A. Enwhay idday ouyay astlay eavelay ouryay ountcay? (mm/dd/yyyy) ____________
| B. Atwhay ishay ouyay ourntcay l-94 umbernay, ifhay anyhay? |
| 19. Atwhay ountcay issuedhay ouryay astlay assporpay orhay raveltay ocumentday? | 20. Asssportpay # |
| 21. Expirationhay Ateday (mm/dd/yyyy)                     |
| 22. Atwhay ishay ouryay ativenay anguagelay?               |
| 23. Arehay ouyay luentfay inhay Englishhay? ___ Y ___ N |
| 24. Atwhay otherhay anguageslay oday ouyay peaksay luentyfay? |

ORFAY EOIR USEHAY ONLYHAY

Actionhay: Interviewhay Ateday: ________________
Asylumhay Officerhay ID#: ____________
Ecisionhay: ______ Approvalhay Ateday ______ Enialday Ateday ______ Eferralday Ateday
### ASYLUM APPLICATION IN ENGLISH

DHS - USCIS  
U.S. Department of Justice - EOIR  
Application for Asylum and for Withholding of Removal

START HERE. Type or print in black ink. See the separate instruction pamphlet for information about eligibility and how to complete and file this application. There is NO filing fee for this application.

Note: Check this box if you want to apply for withholding of removal under the Convention Against Torture.

#### PART A.1. INFORMATION ABOUT YOU

<table>
<thead>
<tr>
<th>1. Alien Registration Number(s) (A#’s) (If any)</th>
<th>2. Social Security No. (if any)</th>
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<tr>
<th>3. Complete Last Name</th>
<th>4. First Name</th>
<th>5. Middle Name</th>
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<table>
<thead>
<tr>
<th>6. What other names have you used? (Include maiden name and aliases.)</th>
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<td></td>
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<table>
<thead>
<tr>
<th>7. Residence in the U.S.</th>
<th>Telephone</th>
<th>8. Mailing Address in the U.S., if other than above</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Number and Name</td>
<td>City</td>
<td>Street Number and Name</td>
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<td>State</td>
<td>State</td>
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<tr>
<td></td>
<td>ZIP Code</td>
<td>ZIP Code</td>
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<table>
<thead>
<tr>
<th>11. Date of Birth (mm/dd/yyyy)</th>
<th>12. City and Country of Birth</th>
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| 17. Check the box, a through c that applies: |
| A: I have never been in immigration court proceedings. | |
| B: I am now in immigration court proceedings. | |
| C: I am not now in immigration court proceedings, but I have been in the past. | |

18. Complete #18 A-B: A. When did you last leave your country (mm/dd/yyyy)  
B. What is your current I-94 number, if any? ____________________________

<table>
<thead>
<tr>
<th>19. What country issued your last passport or travel document?</th>
<th>20. Passport #</th>
<th>21. Expiration Date (mm/dd/yyyy)</th>
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<tr>
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</table>

<table>
<thead>
<tr>
<th>22. What is your native language?</th>
<th>23. Are you fluent in English?</th>
<th>What other languages do you speak fluently?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Y ___ N ___</td>
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</table>

**FOR EOIR USE ONLY**

**Action:** Interview Date: ____________________  
Asylum Officer ID#: ________

**Decision:** ____________________  
Approval Date ________  Denial Date ________

______ Referral Date

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ENGLISH OF A NATION: IMMIGRANTS IN AMERICA 119
LESSON 7
Undocumented Immigrants

You who are so called illegal aliens must know that no human being is “illegal.” That is a contradiction in terms. Human beings can be beautiful or more beautiful, can be right or wrong, but illegal? How can a human being be illegal?

Goal

» Understand the causes of undocumented immigration and how being undocumented affects the human rights of immigrants.

Objectives

» Students will learn basic facts about undocumented immigrants in the United States.
» Students will examine the factors causing undocumented immigration and how these are related to U.S. immigration policy.
» Students will understand how being undocumented affects the human rights of immigrants.

Essential Questions

» What causes undocumented immigration?
» How should the human rights of undocumented immigrants be protected?

Key Skill

» Using a Venn diagram to compare and contrast (Activity 3).

Teacher Advisory

Please read the Advisory on Immigration Status on page 20 before beginning this lesson.

Materials

☑️ Handout 1: Facts about Undocumented Immigration
☑️ Ch. 7 PowerPoint: Facts about Undocumented Immigration (Download online.)
☑️ Handout 2: Stay or Go Stories
☑️ Handout 3: Case Studies
☑️ Answer Key: Case Studies
☑️ Handout 4: Comparing Case Studies
☑️ Sticky notes

Time Frame

2-3 class periods

Vocabulary

✓ documented immigrant
✓ illegal immigrant
✓ unauthorized immigrant
✓ undocumented immigrant
Procedure:

1. Define. Take a moment at the beginning of the activity to help students understand the implications of the language that people use to talk about undocumented immigration. First, ask students to guess what the difference might be between an undocumented immigrant and a documented immigrant. What documents are the difference between the two kinds of immigrants? (Answer: currently valid immigration documents, like green cards.) Explain that many people who work for the rights of immigrants prefer to use the term “undocumented immigrant” to describe people who do not have legal permission to be in the United States.

One of the other terms that many people use is “illegal immigrant.” Write the words “undocumented” and “illegal” on each side of the board. Ask students to think of the emotions evoked by each word, or other words that they associate with the two words, and write their answers on the board under the appropriate word. Typically, the term “illegal” has many more negative associations than the term “undocumented.” Using the word “illegal” to talk about undocumented immigrants can be dehumanizing, so ask that students try to use “undocumented immigrants” throughout the rest of the lesson (and preferably whenever they talk about the issue). Another neutral alternative is “unauthorized immigrant.”

2. Explain. Give students an overview of the facts about undocumented immigration in the United States. Download the PowerPoint that accompanies Lesson 7 by visiting the online version of this curriculum at www.energyofanation.org and selecting “Education.” Students can also study Handout 1: Facts about Undocumented Immigration, which contains much of the same information as the PowerPoint. Ask students to write down one fact or statistic from the presentation or handout that they found interesting, surprising, or important.

3. Create a fact wall. Give students large post-it notes or pieces of paper with tape, and have them transfer their facts to the paper. Next, have students stick their papers up on one wall of the classroom. Ask students to try to group their notes next to others that have the same or a similar fact. Work with students as they place their facts on the wall to facilitate the grouping process. After all the facts are posted, the class can see a visual representation of what they thought about the information they just learned about undocumented immigration. As a class, discuss the result.

Questions for Discussion

? What facts were chosen most often by the class? Why?
? Did you have more questions about any of the information you learned in this activity?

Recommended Extension

Watch a film. There a several excellent movies about undocumented immigrants in the United States that put a human face on the issue. Some of them highlight the reasons that people come to the United States as undocumented immigrants, while others show what life is like for undocumented immigrants after they arrive. See the list of immigration-related films in Appendix C on page 289 for good choices.
Procedure:

1. **Explain.** Tell students that in this activity, they will be thinking about the decision people make to live in the United States as an undocumented immigrant. They will be listening to various stories and imagining themselves as the main character. At key turning points during the story, they will be asked to decide whether they would choose to live in the United States as an undocumented immigrant, if they were in the same situation as the main character. Remind students that people can become undocumented immigrants in two ways, either by crossing the border without permission (about 55% of the undocumented population) or staying in the United States after their legal status has expired (about 45% of the undocumented population). Some of the characters will be deciding whether to leave their homes and enter the United States without permission, while others will be deciding whether to remain in the United States after they have lost their legal status. In both cases, the choice is between living in their home country as a citizen or living in the United States as an undocumented immigrant.

2. **Prepare.** Ask students to sit in their seats, close their eyes, and place their heads down on the table. Explain that they are sitting this way so that everyone can vote on their decisions anonymously, and that after the story, you will tell them how many students voted to stay or go at each point in the game.

3. **Read.** Read each of the stories in *Handout 2: Stay or Go* to the class. When you reach a point in a story that says “Stay or Go,” pause. Record the number of students who vote to come to, or stay, in the United States, although it will mean they will become undocumented immigrants.

4. **Discuss.** After reading each story, ask students to sit up and open their eyes. Share with them the number of students who chose to live in the United States without status at each “Stay or Go” decision point. Invite students to share their reasoning with the rest of the class. If they chose to leave, when and why did they do so? If they chose to stay, how did they make that decision? After reading all of the stories, encourage further discussion with the following discussion questions:

**Questions for Discussion**

- What reasons do people have for wanting to stay in their home country?
- What circumstances drive people to leave their home country?
- What opportunities draw people to the United States?
- What are the possible consequences of choosing to live in the United States as an undocumented immigrant?
- What are the possible consequences of choosing to live in a home country that is not safe, does not have adequate job opportunities, or is not good for your children?
Procedure:

1. **Review.** For this activity, make sure students understand basic human rights concepts, especially as they relate to immigration. Lesson 2 on page 31 and Lesson 3 on page 43 can help provide the background necessary for this activity.

2. **Demonstrate.** Tell students that they will now be comparing and contrasting the experiences of documented and undocumented immigrants using Venn diagrams, focusing especially on the human rights of both people. Model for the class how to use a Venn diagram for this kind of analysis. Draw two overlapping circles on the board, labeling one “Tanya (Undocumented)” and the other “Miguel (Documented).” Give students Lesson 2 Handout 1: The Universal Declaration of Human Rights (see page 37). Ask students to take a moment to read it over and re-familiarize themselves with the rights it contains. Read the following vignette. Ask students to use the UDHR as a guide and listen for moments when either Tanya, Miguel, or both have a human rights violated or fulfilled. They should note the rights in their notebook or on their UDHR.

   Miguel and Tanya are at the Department of Motor Vehicles one Saturday morning to apply for their first U.S. driver’s licenses. Miguel has a green card, but Tanya is an undocumented immigrant. Miguel came to the United States to join his wife, a U.S. citizen. Tanya tried to apply to join her brother, but was discouraged by the nine-year wait, so she decided to come on a temporary visa and then stayed after it expired. Neither of them speaks English very well, so they ask to take foreign language versions of the written exam. Both Miguel and Tanya pass their tests, and Miguel is given a driver’s license. He is very pleased, because his bus is not always on time, and his boss threatened to fire him if he was late again. His boss treats him differently than the other workers and makes rude comments about Mexicans. Tanya is denied a license, because she cannot prove that she has legal permission to be in the United States. She is worried about how she will take her daughter to school and to doctor appointments to treat her asthma. Her neighbors will not help her. Instead, they sometimes say things like “Speak English!” or “Go back to where you came from.”

After reading the vignette, ask students to share the human rights issues they identified. Start with the human rights issues that Tanya experienced. As students share their answers, decide whether the right was violated or fulfilled. Then ask whether Miguel had a similar experience. If Miguel had a similar experience, put that human right in the space where the two circles overlap. If Miguel did not have a similar experience, put the right in the part of Tanya’s circle that does not overlap with Miguel’s. Repeat the process looking at human rights issues that affected Miguel. At the end, the diagram should look like the example below:
3. **Read and analyze.** Have students form small groups of 2-3 students. Students should keep out their copy of *Handout 1: The Universal Declaration of Human Rights* from Lesson 2. Pass out *Handout 3: Case Studies*, giving each story to about one quarter of the small groups. Small groups will be pairing up later, so make an equal number of documented and undocumented stories to use when dividing them up. Have the small groups read their case studies, noting places where the person’s human rights were fulfilled or violated by the actions of either the government or other people. They should highlight the moment on their handout and write down what human right was affected. Teachers can use the answer key on page 134 to help students draw out all the human rights issues in the stories.

4. **Pair up.** Next, have each small group pair up with another small group that analyzed a different story. Groups that read a story about a documented immigrant should pair with one that read about an undocumented immigrant. Have the small groups fill in *Handout 4: Comparing Case Studies* using the analysis they just completed. Students can refer back to the Venn diagram they filled out as a class for a guide on how to fill in their handout. In some cases, both people in the stories will have had a right fulfilled or violated. Students should enter these answers in the shared space. In other cases, one of the individuals will have a right violated or fulfilled while the other person has no similar experience or an opposite outcome. Those answers should go in the parts of the circles that do not overlap.

5. **Reflect.** Once the small groups have finished filling out their Venn diagrams, bring students back together to discuss what they learned.

### Questions for Discussion

- What issues did the undocumented and documented immigrants have in common?
- What experiences were unique to undocumented immigrants?
- Why does not having a legal immigration status lead to the violation of seemingly unrelated rights such as the right to just working conditions or the right to housing?
- What could the United States do differently to protect the rights of undocumented immigrants? Who needs to act — the government or individuals or both?
- Should we be more respectful of the rights of undocumented immigrants? Are there reasons to protect or not to protect certain rights just because someone is undocumented?
U.S. immigration laws provide a limited number of ways for people to immigrate permanently to the United States and limited numbers of visas for those who do qualify. People who want to join their family members may face long wait times or their U.S.-based family may not meet the income requirements to sponsor them. People coming to work must meet very strict requirements and employers must go through a lengthy and expensive process, which can make them less willing to sponsor immigrants. Many categories of workers are not eligible to immigrate at all or have so few visas that immigrating is virtually impossible. People facing persecution or unsafe environments in their home countries cannot always meet the high standard of proof required by the immigration system. Many people are unable to legally immigrate to the United States at all because they do not fit into one of the available categories or because they face personal bars to admission such as certain crimes or previous immigration violations.

Even though the immigration system may not offer them a legal pathway, some people still want to come to the United States to join family, to work and make a good living, or to find safety. As a result, some people choose to come to the United States without a visa or to overstay a temporary visa once they arrive and are known as undocumented or illegal immigrants. In 2010, the estimated undocumented population of the United States was 11.2 million, or 3.7% of the total population.

Life as an undocumented immigrant is very hard. Undocumented immigrants cannot legally work in the United States. To work, they must either use false documents and lie about their identity, or they must work for someone who does not follow proper employment laws and who may take advantage of them by paying very low wages or making them work in unsafe and unhealthy conditions. Undocumented immigrants are also not eligible for any public assistance other than emergency medical care, so they cannot get help if they cannot afford food or routine medical care. Finally, undocumented immigrants are always vulnerable to being arrested and deported, so they are often afraid of talking to government officials such as police officers, school administrators and teachers, or labor law enforcement. This can limit their ability to be safe from crime, get a good education for their children, or be protected from exploitative employers.

Fast Facts

- Half of all undocumented immigrants in the United States live in California, Texas, Florida, or New York.
- There are 1 million undocumented children in the United States. Another 4.5 million children have at least one undocumented parent.
- The number of undocumented immigrants in the United States has declined by 8% since 2007.

3 Ibid.
Understanding the experience of undocumented immigrants also requires understanding how the United States enforces its immigration laws. Any person who is not a U.S. citizen can be detained and removed if they are found to have violated immigration laws. Undocumented people may be arrested and deported at any time if found by immigration officials. Refugees, permanent residents, and people on temporary visas all may be deported or refused permission to re-enter the United States if they violate the conditions of their visas, even if this might separate them from their family or their job.

Immigration Enforcement

The U.S. immigration enforcement system is an enormous operation. In fiscal year 2009, Immigration and Customs Enforcement (ICE) completed 387,790 deportations.\(^3\) In addition to overseeing deportation proceedings, ICE operates the largest detention program in the United States, with a total of 378,582 non-citizens from 221 countries in custody or supervised by ICE in fiscal year 2008.\(^4\) Many people, including arriving asylum seekers and non-citizens convicted of certain crimes face mandatory detention without a hearing by a court. People in detention may spend weeks or months in jail while they wait for their hearing or pursue an appeal.

Removal from the United States

In general, people accused of being in the United States in violation of immigration laws have a right to a hearing in front of an immigration judge. At the hearing, the judge decides whether there is sufficient evidence that the person is in the United States without permission or in violation of their immigration status. The judge also decides whether there is any defense the person can raise that will allow them to remain in the United States. While U.S. law provides that people in removal proceedings have “the privilege of being represented,” representation must be “at no expense to the Government.”\(^5\)

U.S. immigration laws are strict. Undocumented people have few options to prevent deportation. An undocumented person who has lived in the United States for at least ten years, has “good moral character,” and whose deportation would result in exceptional and extremely unusual hardship to their U.S. citizen or lawful permanent resident children or spouse may apply for a waiver of deportation.\(^7\) Victims of crimes, human trafficking, persecution, or domestic violence who are in deportation proceedings generally may ask the judge for protection. People deported from the United States are barred from returning for at least ten years.

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7. INA § 240A(b).
STAY OR GO STORIES

Situation 1: You live in a small town in Mexico. You married your childhood sweetheart and had three children. Your craft is farming; you grew up learning about the soil and how to keep your crops healthy. Lately, however, the government has stopped supporting small farmers and it has been difficult to make a living. You and your wife have been fighting about money and putting food on the table. You’re only 29 – still young enough to farm for many more years or even learn a new trade and start over. You have heard there are opportunities in the United States. Stay or go? You have two cousins who went to the United States and got jobs. They sent home enough money to buy your aunt a nice new house. They promise you that they can get you a job and that in a few years, you will have a new house for your family, and maybe even a car. Stay or go? This summer, your region has experienced a horrible drought. Now, instead of being worried about buying new clothes, you are worried that your family may starve. Your oldest child drops out of school to earn some money doing dangerous construction work, even though he is only 12. You know he could be injured and should be in school, but he also has to eat. Stay or go? Two months later, your father dies, and your mother moves in with you. You are not sure how you can afford to feed another person. Stay or go?

Situation 2: You are 24 years old. You were born in Nigeria, spent a year in London, and then moved back to Nigeria. Three years ago, you were thrilled to learn you were accepted to study at Boston University for college. Now, as you finish your four years of college, you know that your visa is going to expire in a few months. You have to decide if you are going to return to Nigeria. You love Boston and all of your friends here. Stay or go? You hear in the news that the United States might pass comprehensive immigration reform soon, which would make it easier for you to get a permanent visa and find a job. You think the risk might be worth it. Stay or go? On Valentine’s Day (a new holiday to you), one month before your visa is about to expire, you mention your concerns to your girlfriend. She says that she has been thinking about marrying you, but that she really wants to finish college first. She begs you to stay for another year so that she can finish college and find a good job before the wedding. Stay or go?

Situation 3: You are the young mother of a beautiful new baby girl. You live in the city of Kabul, Afghanistan. Your parents were always supportive of you, and despite the restrictions imposed by the Taliban, your mother and father provided you an excellent education at home. Even now that the Taliban has been overthrown, however, you don’t feel like your values fit in and you are concerned about what life will be like for your daughter. You have a distant relative in the United States who has offered you a place to stay whenever you want. Stay or go? Your husband has been saving money to travel to the United States, and has found a woman who can sell you false passports that will get you past the border. You are sure that once you are in the United States, you can figure out a way to stay and work, even without valid visas. Stay or go? Fighting breaks out in Kabul, and you fear for your family’s safety. It seems like it never stays peaceful and safe for long. As the fighting intensifies, you learn that one of your nephews who lives nearby has been killed by a stray bullet. Stay or go?

Situation 4: You are from Romania, and you have a smart, ten-year-old son who has a physical disability and is in a wheelchair. He is teased and marginalized in your home country, and there are few services for him. Your husband died, so now it is just you and your son. You decide to take your son on a trip to visit your best friend in the United States. You have temporary permission to be in the United States with a tourist visa. You immediately notice that public spaces are more accessible and there are many more social services for people with disabilities. Your visa expires in two months, and you know that you should buy your return plane ticket soon. Stay or go? You decide to enroll your son in a school, because it is the start of a new school year. He makes a new friend, is in mainstream classes, and seems much happier than you have ever seen him. Stay or go? At a parent-teacher conference, your son’s new teacher mentions a medical group that specializes in your son’s condition. When you go to your first appointment, the doctor is very optimistic that your son can become even more independent and mobile with a new treatment that is only available in the United States. Your tourist visa is now due to expire in only two weeks. Stay or go?
Ling’s Story (documented)

Ling was born in China. From the time she was a small baby, her aunt and uncle have lived in the United States. Her aunt invited Ling’s family to join them there. Ling’s parents applied to immigrate to the United States, and it took ten years for their request to be granted. Finally, when Ling was 16, she and her parents came to the United States as documented immigrants. At first, Ling had trouble adjusting, since her life in the United States was so different from what it had been in China. Speaking English was very challenging for her. Her new school in America had limited numbers of English Language Learner (ELL) classes, and because the classes were so large, she got little individual attention. This made learning English much harder. Although she had studied how to read and write English at her school in China, she had trouble listening and speaking the language. Many of her classmates in non-ELL classes had little patience with Ling and her broken English. Due to this and the fact that she was an immigrant, she was often socially excluded at school.

After her high school graduation, Ling tried to get a job at a local factory that paid very good wages. They rejected her because she was an immigrant. When Ling mentioned this to her parents, they said it was illegal for the employer to discriminate against her. She decided to file a complaint with the government. The company had to pay a big fine and promise to change its policies in the future. Ling decided she no longer wanted to work for such a discriminatory employer, so she got a job working for a family friend in order to make some money.

Ling is now a college student studying art history. She dreams of becoming a curator at a museum. Although she had trouble settling into her life in the United States at first, she now plans to live here for the rest of her life and has decided to become a naturalized citizen.
ALEJANDRO'S STORY (UNDOCUMENTED)

When Alejandro was just eight months old, his parents brought him from Mexico to the United States. They were undocumented immigrants, and they never filed immigration papers because there was no visa category through which they were eligible for permanent residency.

As he grew up, Alejandro's life was similar in many ways to that of many boys his age. He loved to play basketball and baseball, and he was good at math. Alejandro worked hard in high school, graduating near the top of his class. He dreamed of graduating from college and becoming a doctor. However, because he was an undocumented immigrant, Alejandro was not eligible for in-state tuition or any scholarships or financial aid for college. Unable to afford the education he dreamed of, Alejandro got a job working part-time stocking shelves at a grocery store.

One day, Alejandro went a large party to celebrate the Fourth of July. The neighbors called the police about the noise. When the police came to break up the party, they noticed Alejandro and one of his Latino friends and questioned both of them about their immigration status. Two days later, immigration authorities came to Alejandro’s house at 5:00 am and arrested him. They handcuffed him and took him to an immigration detention center. Alejandro was given an orange jumpsuit and shackles to wear, and was not allowed to go outdoors. He had no contact with his parents, who were too afraid to visit him.

After more than three months, Alejandro was taken to court, where he faced an immigration judge. He had no lawyer and had never been given legal advice on his case. The judge decided to deport him. Alejandro had lived in the United States since he was a baby. In spite of this, he was deported back to Mexico, the country where he was born. Alejandro’s parents remained behind with his younger siblings, who are all U.S. citizens. Deportation cases are very difficult to reverse, so it is unclear when or if Alejandro’s family will be reunited.

HUMAN RIGHTS VIOLATED OR FULFILLED

Name: Alejandro
Ana

Ana's Story (undocumented)

Ana and her mother came to the United States from Russia as undocumented immigrants when she was 19 years old. Determined to do well, she entered English Language Learner (ELL) classes and she worked hard to learn English so she could communicate and succeed in the United States. Ana stayed late after classes and spent her weekends reading books in English. Within the next two years, she was able to enroll in a local community college.

Unfortunately, six months later, her mother became too sick to work. Because they were both undocumented, her mother was not eligible for any public benefits such as subsidized medical care or cash assistance. Ana was forced to drop out of school to work full time and support the family.

Ana found a job as line worker at a factory. At first, Ana was very pleased to have a paying job. After a few weeks, however, she discovered that her employer was very demanding. Her employer expected Ana to work from 5:00 am until late at night, doing very strenuous work with few breaks, though she was only paid for an eight-hour day. When Ana asked for either shorter working hours or overtime pay, her employer threatened to report Ana's immigration status to authorities. If this occurred, Ana could be deported back to Russia. Ana knew that another employee had tried to complain to the government agency in charge of enforcing labor laws, but had been deported before anything could happen with her case. Ana decided not to risk deportation and to put up with her employer's demands.

After a year of difficult work and little sleep, Ana became very sick. Her factory job offered no health insurance, so Ana couldn’t afford to go to the doctor. When Ana asked for a sick day, her employer refused. Eventually, Ana became too sick to work. Her employer fired her, and refused to pay her for the last two weeks she had worked, taking away Ana's ability to support her mother and herself. Ana worries that she will have to take an even worse job now in order to make ends meet.

Human Rights Violated or Fulfilled

Name: Ana
CASE STUDIES

Nadif

Nadif’s Story (documented)

When he was four years old, Nadif and his family fled Somalia and found their way to a refugee camp. During their flight, his uncle died, so his parents adopted his young cousin to raise as their own. After living as a family for five years in the refugee camp, Nadif thought of his cousin as a brother. In early 2001, he and his family came to the United States. However, U.S. immigration would not allow them to bring his cousin because he had not been officially adopted and was not an immediate relative. The cousin was left behind with friends and Nadif heard from him very infrequently after that.

Nadif had a difficult time at first, because so much was unfamiliar to him — the snow, the culture, and the way people talked. He remembers that he cried often. Over several months, however, the sadness of his loss began to fade. He was quickly learning English and he had made friends with other Somali kids in his building. He loved school and discovered that he adored math.

He had just started fourth grade when the attacks of September 11 took place. Nadif could tell that his teacher felt nervous for him, although he did not understand why. When he went home, he saw the images of the very tall buildings collapsing, and there was a lot of talk around his apartment complex, which had a lot of Somalis living in it. He became scared and asked his mother if they were again in danger. His mother explained that the people who carried out the attacks practiced the same religion they did, although they had not behaved in the way Allah would want them to. She said that Americans were sad and scared. They might treat Muslims differently for awhile.

Many people in his building stayed inside for days afterward, but his mother sent him to school, and his teacher said she was happy to see him. One of his friends wouldn’t talk to him, and some older kids started pushing him around on the playground. They got in trouble, and the principal held an all-school meeting to talk about fair treatment.

Over the years, Nadif felt that he lived a privileged life in many ways. He had parents who loved him and were able to provide for him. He had a supportive school environment. He now wants to be an accountant and provide free services to refugees in order to give back to his community.
Ling

Ling’s Story (documented)

Ling was born in China. From the time she was a small baby, her aunt and uncle have lived in the United States. Her aunt invited Ling’s family to join them there. Ling’s parents applied to immigrate to the United States, and it took ten years for their request to be granted. Finally, when Ling was 16, she and her parents came to the United States as documented immigrants. At first, Ling had trouble adjusting, since her life in the United States was so different from what it had been in China. Speaking English was very challenging for her. Her new school in America had limited numbers of English Language Learner (ELL) classes, and because the classes were so large, she got little individual attention. This made learning English much harder. Although she had studied how to read and write English at her school in China, she had trouble listening and speaking the language. Many of her classmates in non-ELL classes had little patience with Ling and her broken English. Due to this and the fact that she was an immigrant, she was often socially excluded at school.

After her high school graduation, Ling tried to get a job at a local factory that paid very good wages. They rejected her because she was an immigrant. When Ling mentioned this to her parents, they said it was illegal for the employer to discriminate against her. She decided to file a complaint with the government. The company had to pay a big fine and promise to change its policies in the future. Ling decided she no longer wanted to try to work for such a discriminatory employer, so she got a job working for a family friend in order to make some money.

Ling is now a college student studying art history. She dreams of becoming a curator at a museum. Although she had trouble settling into her life in the United States at first, she now plans to live here for the rest of her life and has decided to become a naturalized citizen.

Human Rights Violated or Fulfilled

Right to family (fulfilled)

Right to education (violated)

Freedom from discrimination (violated)

Right to a remedy (fulfilled)

Right to desirable work (fulfilled)

Right to education (fulfilled)
Alejandro

Alejandro’s Story (undocumented)

When Alejandro was just eight months old, his parents brought him from Mexico to the United States. They were undocumented immigrants, and they never filed immigration papers because there was no visa category through which they were eligible for permanent residency.

As he grew up, Alejandro’s life was similar in many ways to that of many boys his age. He loved to play basketball and baseball, and he was good at math. Alejandro worked hard in high school, graduating near the top of his class. He dreamed of graduating from college and becoming a doctor. However, because he was an undocumented immigrant, Alejandro was not eligible for in-state tuition or any scholarships or financial aid for college. Unable to afford the education he dreamed of, Alejandro got a job working part-time stocking shelves at a grocery store.

One day, Alejandro went to a large party to celebrate the Fourth of July. The neighbors called the police about the noise. When the police came to break up the party, they noticed Alejandro and one of his Latino friends and questioned both of them about their immigration status. Two days later, immigration authorities came to Alejandro’s house at 5:00 am and arrested him. They handcuffed him and took him to an immigration detention center. Alejandro was given an orange jumpsuit and shackles to wear, and was not allowed to go outdoors. He had no contact with his parents, who were too afraid to visit him.

After more than three months, Alejandro was taken to court, where he faced an immigration judge. He had no lawyer and had never been given legal advice on his case. The judge decided to deport him. Alejandro had lived in the United States since he was a baby. In spite of this, he was deported back to Mexico, the country where he was born. Alejandro’s parents remained behind with his younger siblings, who are all U.S. citizens. Deportation cases are very difficult to reverse, so it is unclear when or if Alejandro’s family will be reunited.

### Human Rights Violated or Fulfilled

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Ana's Story (undocumented)

Ana and her mother came to the United States from Russia as undocumented immigrants when she was 19 years old. Determined to do well, she entered English Language Learner (ELL) classes and she worked hard to learn English so she could communicate and succeed in the United States. Ana stayed late after classes and spent her weekends reading books in English. Within the next two years, she was able to enroll in a local community college.

Unfortunately, six months later, her mother became too sick to work. Because they were both undocumented, her mother was not eligible for any public benefits such as subsidized medical care or cash assistance. Ana was forced to drop out of school to work full time and support the family.

Ana found a job as line worker at a factory. At first, Ana was very pleased to have a paying job. After a few weeks, however, she discovered that her employer was very demanding. Her employer expected Ana to work from 5:00 am until late at night, doing very strenuous work with few breaks, though she was only paid for an eight-hour day. When Ana asked for either shorter working hours or overtime pay, her employer threatened to report Ana’s immigration status to authorities. If this occurred, Ana could be deported back to Russia. Ana knew that another employee had tried to complain to the government agency in charge of enforcing labor laws, but had been deported before anything could happen with her case. Ana decided not to risk deportation and to put up with her employer’s demands.

After a year of difficult work and little sleep, Ana became very sick. Her factory job offered no health insurance, so Ana couldn’t afford to go to the doctor. When Ana asked for a sick day, her employer refused. Eventually, Ana became too sick to work. Her employer fired her, and refused to pay her for the last two weeks she had worked, taking away Ana’s ability to support her mother and herself.
Nadif’s Story (documented)

When he was four years old, Nadif and his family fled Somalia and found their way to a refugee camp. During their flight, his uncle died, so his parents adopted his young cousin to raise as their own. After living as a family for five years in the refugee camp, Nadif thought of his cousin as a brother. In early 2001, he and his family came to the United States. However, U.S. immigration would not allow them to bring his cousin because he had not been officially adopted and was not an immediate relative. The cousin was left behind with friends and Nadif heard from him very infrequently after that.

Nadif had a difficult time at first, because so much was unfamiliar to him — the snow, the culture, and the way people talked. He remembers that he cried often. Over several months, however, the sadness of his loss began to fade. He was quickly learning English and he had made friends with other Somali kids in his building. He loved school and discovered that he adored math.

He had just started fourth grade when the attacks of September 11 took place. Nadif could tell that his teacher felt nervous for him, although he did not understand why. When he went home, he saw the images of the very tall buildings collapsing, and there was a lot of talk around his apartment complex, which had a lot of Somalis living in it. He became scared and asked his mother if they were again in danger. His mother explained that the people who carried out the attacks practiced the same religion they did, although they had not behaved in the way Allah would want them to. She said that Americans were sad and scared. They might treat Muslims differently for awhile.

Many people in his building stayed inside for days afterward, but his mother sent him to school. His teacher said she was happy to see him. One of his best friends wouldn’t talk to him, however, and some older kids started pushing him around on the playground. They got in trouble, and the principal held an all-school meeting to talk about fair treatment.

Over the years, Nadif felt that he lived a privileged life in many ways. He had parents who loved him and were able to provide for him. He had a supportive school environment. He now wants to be an accountant and provide free services to refugees in order to give back to his community.
COMPARING CASE STUDIES

(Compared to)

(Documented)

(Undocumented)
LESSON 8
Mock Immigration Court

Let us realize that the arc of the moral universe is long, but it bends toward justice.
~ Martin Luther King, Jr., “Where Do We Go From Here?” (1967)
Goal
» Understand the workings of immigration courts and their impact on justice and the rights of immigrants.

Objectives
» Students will learn the various roles people play within the immigration court system.
» Students will experience a wide variety of immigration cases that highlight the challenges immigrants face in securing justice.
» Students will analyze how well the immigration courts serve the interests of justice and protect the rights of immigrants.

Essential Questions
» How do the immigration courts work in practice?
» How do the courts affect justice and the rights of immigrants?

Key Skill
» Public speaking (Activity 1).

Materials
☑ Handout 1: Rights and Responsibilities
☑ Handout 2: Immigration Court Roles
☑ Handout 3: Immigration Court Script
☑ Handout 4: Case #1-Maria (Cancellation of Removal)
☑ Handout 5: Case #2-Sera (Asylum)
☑ Handout 6: Case #3-Xiong (Waiver)
☑ Handout 7: Case #4-Tomas (Bond)

Time Frame
2-5 class periods

Vocabulary
» attorney
» bond
» cancellation of removal
» immigration court
» impartiality
» interpreter
» judge
» justice
» removal
» respondent
» waiver
» witness
Procedure:

1. **Review.** Immigrants who are charged with being in the country without authorization or in violation of the terms of their visa often end up before an immigration judge. The following exercise will give students an opportunity to see what a courtroom might look and sound like when different kinds of immigration cases are being heard. Students will need two important sets of background information. The first is a grasp of the basic vocabulary and structure of the U.S. immigration system, which can be found in *Activity 5.2: Understanding the Immigration System* on page 75.

Second, as a class briefly discuss the role of the judicial system in a functioning democracy. A great introduction to the concept is the five-minute video “An Impartial Judiciary” by the U.S. Courts found at [http://wn.com/court_shorts_an_impartial_federal_judiciary](http://wn.com/court_shorts_an_impartial_federal_judiciary). After watching the video, discuss what students think about the importance of an impartial judiciary and the rule of law. How might those concepts apply in an immigration context?

2. **Prepare.** Give each student a copy of *Handout 1: Rights and Responsibilities* and *Handout 2: Immigration Court Roles*. Have students read through both handouts, which will help them understand the rules that govern the operations of the immigration court, as well as the different actors in the courtroom. Address any questions the students may have about the basics of how the immigration courts work.

3. **Assign roles.** The activity contains four unique cases that represent different situations in which immigrants might find themselves ordered in front of a judge. Each case has a set of roles for students to play. Depending on the size of the classroom, students can be assigned to a single role, the same role in multiple cases, or different roles in different cases. In large classrooms, students may want to double-up on the attorney roles, with two lawyers representing the immigrant or the government. “Interpreters” can be used, even if English is the only language spoken (see *Handout 2: Immigration Court Roles*). Students who do not have an assigned role or who do not feel comfortable speaking can be assigned to be court monitors, representing non-governmental watchdog organizations who attend court sessions to make sure they are fair. Court monitors should take notes on the proceedings, which they will report back to the class at the end of the trials.

<table>
<thead>
<tr>
<th>Cancellation of Removal</th>
<th>Asylum</th>
<th>Waiver</th>
<th>Bond</th>
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</thead>
<tbody>
<tr>
<td>Maria</td>
<td>Sera</td>
<td>Xiong</td>
<td>Tomas</td>
</tr>
<tr>
<td>Maria’s attorney</td>
<td>Sera’s attorney</td>
<td>Xiong’s attorney</td>
<td>Tomas’ attorney</td>
</tr>
<tr>
<td>Government attorney</td>
<td>Government attorney</td>
<td>Government attorney</td>
<td>Government attorney</td>
</tr>
<tr>
<td>Judge</td>
<td>Judge</td>
<td>Judge</td>
<td>Judge</td>
</tr>
<tr>
<td>Miguel (witness)</td>
<td>Psychologist (witness)</td>
<td>Moua (witness)</td>
<td>Interpreter (optional)</td>
</tr>
<tr>
<td>Interpreter (optional)</td>
<td>Interpreter (optional)</td>
<td>Interpreter (optional)</td>
<td>Court monitor (optional)</td>
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<tr>
<td>Court monitor (optional)</td>
<td>Court monitor (optional)</td>
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<td></td>
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</tbody>
</table>

(continued on next page)
4. Prepare cases. Have students form small groups with the other people participating in their case. Pass out *Handout 3: Immigration Court Script* and the relevant case material (*Handouts 4-7*) to each student. Give them a chance to read the background material for their case and the immigration script. They should make notes as they go, indicating what they plan to say in court. The judge should also decide what factors are going to help them make their decision. The immigrants, their attorneys, and the witnesses can work together to design their questions and answers.

5. Hold court. Once students feel comfortable with their roles and what they will say in court, start the court session. For each case, set up the classroom as a mock courtroom. Have students take turns acting out their immigration court cases. If you do not have any students acting as court monitors, have the students who are not currently participating take notes on the proceedings and the outcomes.

6. Discuss. After concluding the trial or trials, have the court monitors or other students report back a summary of the court cases and their outcomes. Ask the monitors for any observations they had about the fairness or impartiality of the court. As a large group, reflect on the classroom’s experience with the mock court.

**Questions for Discussion**

- Did you enjoy your role? Why or why not?
- What did you learn from this trial?
- Were there any courtroom rules that you felt were critical to ensuring fairness and justice? Were there any that you felt were unfair?
- Discuss the role of the judge in this trial. How important would impartiality be for an individual hearing case with such significant ramifications?
- Do you think that justice was carried out? Why or why not?
Rights:

In immigration court, the immigrant has certain rights. He has the right to have an attorney in court with him, but this lawyer is not provided free of charge by the government. The immigrant may need to hire and pay an attorney or find a pro bono (free) lawyer. The immigrant also can speak for himself; he is not required to have an attorney.

The immigrant has the right to appeal any decision to a higher court if he is not satisfied with the judge’s decision or feels the judge made a mistake in his case. The immigrant must indicate whether or not he wishes to “reserve his right” to appeal at the time the decision is given by the judge. Reserving the right to appeal does not require the immigrant to appeal, it simply gives him the chance to appeal. Waiving the right to appeal means that he is giving up the chance to appeal and will not be able to appeal in the future, even if he changes his mind. Any appeal must be filed within 30 days of the decision, so if the immigrant reserves the right to appeal he has 30 days to decide whether to appeal or not.

The immigrant has the right to see anything that the government offers as evidence in his case. This means that if the government provides a record of a statement the immigrant made to a border patrol officer, the immigrant has the right to review that statement. The immigrant also has the right to object and oppose that piece of evidence being considered in his case. If the immigrant does object to a piece of the evidence, the judge must decide whether that evidence will be considered or not.

The immigrant has a right to a fair hearing. This means he has the right to an interpreter who interprets completely and accurately. It also means that he has the right to complete an application to stay in the country, within a reasonable time provided by the judge. A fair hearing allows the immigrant an opportunity to present witnesses and information about his case and why he should be allowed to stay. Part of a fair hearing means that the government has a chance to question the immigrant and any witnesses. The immigrant also has the opportunity to question any witnesses the government brings to court.

Responsibilities:

The immigrant must swear to tell the truth in any statements made in court. If she fails to tell the truth, she can lose the right to stay in the United States even if she otherwise would qualify for that benefit.

The immigrant must show up at all hearings. If the immigrant does not show up for a hearing, she can be ordered deported and her case will be finished.
**IMMIGRATION COURT ROLES**

**Immigrant:**
You are trying to show why you should be allowed to stay in the United States. You must be honest and truthful in your answers, or you could lose the chance to stay in the United States. You will be answering questions from your lawyer and the government lawyer, as well as the judge. You should only respond to questions asked directly to you, unless the judge gives you the opportunity to speak freely. If there is an interpreter, talk to him or her about how you will communicate with each other.

**Attorney for Immigrant:**
You work for the immigrant. You are responsible for representing her interests and rights and making sure that she has a chance to have her case heard in a fair hearing. Your job is help the immigrant present her story in a way that demonstrates how her situation fits with the law and makes her eligible to stay in the United States. You will do this by asking questions of the immigrant to help tell her story; this is called “direct examination.” You have to carefully review the law so that you know the important parts of her story to highlight as you ask her questions. You are also responsible for explaining to the judge why your client deserves to stay in the United States and how she qualifies within the law.

You may also need to challenge and disagree with the government lawyer if he tries to classify your client in an unfair way. If the government lawyer asks a question you feel is unfair, you can say “objection” and then the judge will decide whether the question is fair or unfair. The judge may ask you to explain why you think the question is fair or unfair.

If you feel that something has happened that makes the hearing unfair, such as the interpreter not properly translating, then you should say that to the judge. Your job is to make sure your client’s rights are protected.

**Government Attorney:**
You work for the immigration service as a lawyer. Your job is to make sure that immigrants who are allowed to come into the United States follow the laws, and if they do not follow the laws, to prosecute those people for removal from the country.

You will be cross-examining the immigrant who is applying to stay in the United States. Your job is to ask difficult questions to make sure that the person is telling the truth. You should be skeptical of answers to questions that do not match the facts the person wrote down or told someone else. You are limited to asking questions about the information that is included in the immigrant’s application or the things the immigrant’s lawyer asked about previously.

You may also challenge and disagree with the immigrant’s lawyer if she tries to classify the immigrant in an unfair way. If the immigrant’s lawyer asks a question you feel is unfair, you can say “objection,” and then the judge will decide whether the question is fair or unfair. The judge may ask you to explain why you think the question is fair or unfair.
**Interpreter:**

You are an interpreter. It is your job to translate exactly – word for word – everything the immigrant says in his or her language into English, and everything the judge and lawyers say into the immigrant’s language. You cannot add any words. If the immigrant asks you to repeat something or explain it further, you must state that to the Judge before you can repeat or explain the question. For example, if the immigrant asks “What did he say?” you must translate “What did he say?” and then the Judge will repeat what he said and you will translate that.

As the only person in the courtroom who understands both languages, your role is very important. If one word is not correctly interpreted, it may change the meaning of a sentence and cause a discrepancy which the government attorney might use to accuse the client of not being truthful. You may need to ask the immigrant, the judge, or the lawyers to speak in short sentences so that you are able to translate everything. You are hired independently, so are not supposed to take any particular side.

For the purpose of this mock court, one way to represent interpretation is to have the student playing the immigrant speak to you very softly, in a whisper, so that the other people in the court can’t understand. Then you can repeat what the student said in a normal speaking voice.

**Judge:**

You are an immigration judge. Your job is to listen to all of the testimony given by the immigrant, the arguments made by the lawyers for each side, and to review all of the documents and statements made in writing by the immigrant. Then you must make a decision about whether he or she qualifies under the law to stay in the United States or whether he or she will be deported/removed.

You must consider not only the law, but also decide how much value to place on each piece of evidence given by the immigrant and, most importantly, whether or not you believe the immigrant is telling the truth about his or her situation.

You are allowed to ask questions of the immigrant at any time during the hearing, although most of the questions should be asked by the attorneys. If an attorney objects to a question, you must decide whether that question is okay or whether the attorney has to ask it a different way. You also control how much time the attorneys can spend asking questions.

**Witness:**

Your role is to talk about a specific topic, in order to provide information that is helpful to the immigrant’s case. You are giving information that the immigrant himself cannot necessarily give either because he does not know it or because you have special expertise. You are only allowed to talk about the topic you specifically know about — not about the whole case. You will be answering questions from both attorneys and from the judge. It is important that you listen carefully to the questions and only answer what is asked.
Lesson 8: Handout 3

IMMIGRATION COURT SCRIPT

Judge: This is Immigration Judge [Insert Last Name] sitting in the Immigration Court in [City, State]. These are removal proceedings in the matter of [immigrant]. The Respondent is present in court with an attorney. Counsel, please identify yourself:

Attorney for Immigrant: [Name] on behalf of [immigrant].

Judge: And for the government?

Attorney for Government: [Name] on behalf of the immigration service.

Judge: Also present is the interpreter [Name]. Interpreter, I need to swear you in. Please stand up. Do you swear that you will interpret faithfully and accurately everything that is said in court today?

Interpreter: I do.

Judge: Please be seated. Now, to the Respondent, do you speak and understand the [language name] language?

[Interpreter translates] — continue translating for all questions posed to the immigrant for the rest of the court session

Client: Yes

[Interpreter translates]

Judge: And do you want the hearings conducted in the [language name] language?

Client: Yes.

Judge: I am going to put you under oath. Please stand and raise your right hand. Do you swear that you will tell the truth, the whole truth, and nothing but the truth?

Client: I do.

Judge: Be seated. I understand we are here today for a hearing regarding Respondent’s application for [type of immigration case], is that correct counsel?

Attorney for Immigrant: Yes it is, your honor.

Judge: I have the application and supporting documents you submitted in front of me. Will there be any witnesses other than the Respondent?

Attorney for Immigrant: Yes, your honor; the client’s [relationship to immigrant] is present and will be a witness.

Judge: We will take the testimony of the Respondent first. Please come up and sit beside me here in the witness chair.

[Immigrant sits next to Judge]
Judge: Counsel, I’d like you to focus on [main reasons to grant immigrant’s application]. Please keep your questions focused on that topic. Go ahead with your questions.

Attorney for Immigrant: Okay your honor. Thank you.

[Question and answer between attorney and immigrant]

Attorney for Immigrant: No further questions at this time, your honor.

Judge: Government, cross examination.

Government Attorney: Thank you, your honor.

[Question and answer between attorney and immigrant]

Government Attorney: Nothing further, your honor.

Judge: Respondent, you may step down. Witness, please come to the stand. I need to place you under oath. Please stand and raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

Witness: Yes, I will your honor.

Judge: You may be seated. Counsel, proceed with your questions.

Attorney for Immigrant: Thank you, your honor.

[Question and answer between attorney and witness]

Attorney for Immigrant: No further questions at this time, your honor.

Judge: Government, cross examination.

Government Attorney: Thank you, your honor.

[Question and answer between attorney and witness]

Government Attorney: Nothing further, your honor.

Judge: Thank you. Witness you may step down. I will now take a short break and then make my decision.

Judge: This will be my decision. I will [grant/deny] [type of immigration case] for this reason [explain why granting or denying]. Does either side wish to reserve appeal?

Attorney for Immigrant: [either accept or reserve appeal.]

Attorney for Government: [either accept or reserve appeal.]

Judge: That being all, this hearing is closed.
CASE #1 - MARIA (CANCELLATION OF REMOVAL)

The Law

Cancellation of removal (“removal” is another term for deportation) requires that the immigrant:

- Has lived in the United States for 10 years continuously.
- Has shown good moral character.
- Has a U.S. citizen or permanent resident husband/wife, parent, or child (“qualifying relative”).
- Can demonstrate that if the immigrant was removed, the immigrant’s qualifying relative(s) would suffer exceptional and extremely unusual hardship.

In considering “exceptional and extremely unusual hardship” the judge cannot consider any hardship to the immigrant – only to his or her citizen or permanent resident relative. The hardship must be beyond that caused by ordinary family separation. Some of things to consider in deciding whether there is “exceptional and extremely unusual hardship” are: age, health, and circumstances of the qualifying relative; the dependence of the qualifying relative on the immigrant; and adverse country conditions in home country (only relevant if the qualifying relative would have no choice but to leave with the immigrant).

If cancellation of removal is granted, the immigrant will become a permanent resident and be allowed to stay in the United States and eventually become a citizen. As a permanent resident, she can apply for her husband and children to join her in the United States (if they are not already here with status).

Background

Maria is 33 years old and was born in Mexico. Her parents brought Maria and her five siblings to the United States when she was 8 years old. After graduating from high school in the United States, she began working for a local hotel where she has remained employed as a housekeeper. Maria has always paid income taxes and has never been arrested. Fourteen years ago, Maria met José who was also an immigrant. José and Maria fell in love and married. They have two children Miguel, 12, and Angelita, 5. Two years ago there was an immigration raid at the hotel where Maria and José worked. José was arrested and deported.

Maria remained in the United States with Miguel and Angelita. One year ago, immigration officers came to Maria’s house looking for José. When she said he wasn’t there, the officers asked her for her immigration documentation. When she was unable to produce documents, the officers arrested Maria.

Maria does not want to leave the United States. She has lived the majority of her life here, her parents and siblings live in the United States, and she has had steady employment which enables her to support her two children. Maria says that the deportation of José put a strain on their relationship and that she has not heard from him in six months.

Miguel has an A average and is an outstanding soccer player. Last year his school team won the championship. Angelita was born prematurely and requires ongoing medical treatment. She has severe hearing loss, attention problems, and a weakened immune system. Angelita regularly receives medical treatment at a top hospital, counseling at a pediatric clinic, and attends a special needs pre-school program. Maria relates that Angelita is very afraid of moving to Mexico and that it has made her aggressive in school and at home. Maria worries that the separation from her extended family, the lack of medical and counseling services, and the inability of the school system to provide the special services Angelita needs will severely limit her development. Maria has applied for cancellation of removal to enable her to remain in the United States.
Roles

Maria - You will be testifying to the facts in your story. Use the background information to help guide you.

Maria’s lawyer - You will be asking Maria and Miguel questions and arguing that Angelita in particular would suffer exceptional and extremely unusual hardship if Maria were deported.

<table>
<thead>
<tr>
<th>Questions to Ask Maria</th>
<th>Questions to Ask Miguel</th>
</tr>
</thead>
<tbody>
<tr>
<td>When did you come to the United States?</td>
<td>Who do you live with?</td>
</tr>
<tr>
<td>How many children do you have?</td>
<td>What’s your responsibility in the family?</td>
</tr>
<tr>
<td>Do your children have any problems?</td>
<td>How have you observed your sister behaving?</td>
</tr>
<tr>
<td>What would happen to your children if you had to return to Mexico?</td>
<td>What would happen to you or your sister if your mom went to Mexico?</td>
</tr>
</tbody>
</table>

Government Lawyer – You will be asking questions and arguing that the harm to Miguel and Angelita would not be enough to allow Maria to stay.

<table>
<thead>
<tr>
<th>Questions to Ask Maria</th>
<th>Questions to Ask Miguel</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is there anyone else who could take care of your children?</td>
<td>Does anybody else take care of your sister?</td>
</tr>
<tr>
<td>Isn’t there medical care available in Mexico?</td>
<td>Do you think you could live with your grandparents in the United States?</td>
</tr>
</tbody>
</table>

Judge – You will be determining whether Maria’s case fits into the law of cancellation of removal. Specifically, you will have to decide if the harm to Miguel and Angelita if Maria were deported would be “exceptional and extremely unusual hardship.”

Interpreter – You will be translating questions posed to Maria and the answers she gives. Use Handout 2: Immigration Court Roles to help guide you.

Miguel (Witness) - You will be testifying to what happened; to how you felt after your dad was deported; and to what would happen to you and your sister if your mom were deported.

You are twelve years old and live with your mom and your sister. You are a good student and enjoy school. You also play on a soccer team and have a lot of friends from the team. You have struggled a little bit since your dad was deported, as you feel like you have a lot of responsibility to be the man of the house and look after your sister and mom.

Your younger sister, Angelita, has had more problems. You try to look after her but it’s sometimes very difficult and she gets upset and aggressive with you, even hitting you on occasion when she is really frustrated. You were afraid when the immigration officers came to your house, as you remember when your dad was deported and are afraid of the same thing happening to your mom.

If your mom were deported, she has said that you and Angelita would probably go to Mexico with her. This worries you because you do not speak Spanish very well and you do not want to leave your school and friends here. You are also worried about Angelita, because you have heard that schools and hospitals in Mexico are not as good and you think she might be even more aggressive in Mexico.
CASE #2 - SERA (ASYLUM)

The Law

In order to gain asylum in the United States, an immigrant must prove a number of things. First, the immigrant must demonstrate that she either suffered persecution (very serious harm) in the past in her home country or that she is likely to be persecuted in the future if she returns. There is no specific definition of persecution, but it is more than discrimination or harassment.

The immigrant must show that she was persecuted because of one of the following reasons: race, religion, nationality, political opinion, or membership in a particular social group. The immigrant also must show that either it is the government of her country that is persecuting her or that the government of her country is not able to protect her. This means that the police or other government officials cannot or will not assist in helping keep her safe from harm.

The immigrant must show that she has a well-founded fear of persecution. This means that her fear of persecution is both something that an average person would be afraid of and also that newspaper articles and other sources can document that it is something that is actually happening in her country.

Finally, the immigrant must be telling the truth. Part of what the judge will assess is whether the immigrant is “credible” – is her story consistent, or does it change a little bit every time it is told? The immigrant is required to submit a written application for asylum and also tell her story in person to an immigration officer or judge. The officer or judge will be comparing the written story to the in-person story to make sure they are the same. Differences between the two can result in asylum being denied.

If the immigrant is granted asylum, she gets the right to stay in the United States indefinitely, become a permanent resident and eventually a citizen. She can apply to bring her husband and children to join her in the United States.

Background

Sera is a 24-year-old married woman from Ethiopia. She came to the United States on a visitor’s visa three months ago. She recently graduated from college in Ethiopia. While she was in college, Sera became very involved with a number of student groups. One of these groups was the student chapter of the Coalition for Unity and Democracy (CUD), a political party. The CUD is involved in advocating for a more democratic government in Ethiopia and calls for new leadership as well as reform of existing governmental structures.

As part of Sera’s participation in the CUD, she led the student chapter at her school, the University of Addis Ababa. She regularly called meetings of approximately 250 other student members, communicated with the broader CUD group, and spoke to other students on campus about CUD activities. She also participated in nearly thirty protests against the Ethiopian government on behalf of CUD advocating for governmental change. A number of these protests were broken up violently.

About one year ago, while at a protest holding a sign that said “Stop the Corruption! Democracy!,” Sera was arrested by Ethiopian police. About three officers started beating her and when she fell down, she was kicked repeatedly. The officers then took her and about ten other protestors in a small van to a prison. At the prison, she was interrogated about her involvement with the CUD. The person interrogating her was a military commander, and he repeatedly asked about other more senior leaders of the CUD. He also threatened that if she did not cooperate and provide information about the plans and operation of the CUD, she would be tortured and her family could be hurt, as well. Sera told him what she knew, withholding some information to protect her friends. However, he was not satisfied. She was put into a cell by herself and subjected to regular beatings. She was held in this prison for three months.
CASE #2 - SERA (ASYLUM)

When Sera was released, the officer made her sign a statement saying she would not be involved with the CUD anymore and that she would check in with the local police office every week. She was terrified of what would happen in the future and relieved to be released. She checked in at the police station for the first three weeks, and each time she was detained at the station for more than three hours in a small room. The stress of these encounters was causing her not to be able to sleep at night and to lose weight. After talking with her family, Sera decided to try to leave Ethiopia.

With the help of a good family friend, Sera was able to get a visitor visa to the United States. While she waited for the visa, she hid in a small village about two hours from Addis Ababa with a distant cousin. Her family told her that police came to her home in Addis on three occasions looking for her because she didn’t check in as required. Sera finally left Ethiopia, with help from another friend to get safely through the security at the airport. She thinks he paid a bribe to an officer. Sera is now seeking asylum in the United States.

Roles

Sera - You will be testifying to the facts in your story. Use the background information to help guide you.

Sera’s Lawyer – You will be asking Sera and her psychologist questions to demonstrate to the judge that she qualifies for asylum under the law and also that she is telling the truth.

<table>
<thead>
<tr>
<th>Questions to Ask Sera</th>
<th>Questions to Ask Her Psychologist</th>
</tr>
</thead>
<tbody>
<tr>
<td>Why did you leave Ethiopia?</td>
<td>How long have you been working with Sera?</td>
</tr>
<tr>
<td>Why did you join the CUD?</td>
<td>What services have you provided to her?</td>
</tr>
<tr>
<td>What happened the first time you were arrested?</td>
<td>What have you observed of her behavior?</td>
</tr>
<tr>
<td>Have you experienced any subsequent harm?</td>
<td>What is your diagnosis of Sera?</td>
</tr>
<tr>
<td>Did anyone ever threaten you or your family?</td>
<td>How is this connected to her experiences in Ethiopia?</td>
</tr>
<tr>
<td>Why did they want to harm you?</td>
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</tr>
<tr>
<td>What do you think would happen to you if you went back to Ethiopia?</td>
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</tr>
</tbody>
</table>

Government Laywer – You will be questioning Sera and her psychologist to uncover any inconsistencies in her story that would show she is not telling the truth. However, if you believe her, you can indicate that by agreeing to (granting) her request for asylum.

<table>
<thead>
<tr>
<th>Questions to Ask Sera</th>
<th>Questions to Ask Her Psychologist</th>
</tr>
</thead>
<tbody>
<tr>
<td>Have you been talking to your family since you have been in the United States?</td>
<td>Have you testified for a lot of asylum seekers?</td>
</tr>
<tr>
<td>How were you able to leave the country if the government was targeting you?</td>
<td>Do you always believe the stories you here from the torture survivors you treat?</td>
</tr>
<tr>
<td>Is the CUD party violent?</td>
<td>Is it possible that her post-traumatic stress disorder is due to something else?</td>
</tr>
<tr>
<td>So you were only taken by the government one time and they released you?</td>
<td></td>
</tr>
<tr>
<td>Your testimony is that after the first arrest, you were never physically harmed at the police station?</td>
<td></td>
</tr>
</tbody>
</table>
CASE #2 - SERA (ASYLUM)

**Judge** – You will be listening to Sera’s testimony to assess whether she meets the legal definition of asylum and whether she is telling the truth. You will also be deciding whether to consider the testimony of the psychologist and if so, how important that information is to Sera’s case.

**Interpreter** – You will be translating questions posed to Sera and the answers she gives. Use *Handout 2: Immigration Court Roles* to help guide you.

**Sera’s Psychologist (Witness)** – You will be testifying about Sera’s ongoing nightmares and post-traumatic stress disorder which you believe is consistent with her lengthy detention and torture.

You first met Sera when she came to the torture treatment center where you work. You have been working as a psychologist for fifteen years, eight of which have been with torture survivors. You meet with Sera individually once a month and every week in a group therapy session. You have been meeting with Sera for two months and are continuing to meet with her.

You assessed Sera after four meetings, based on what she reported to you about the torture she experienced in Ethiopia and the feelings she continues to experience in the United States. She told you about ongoing nightmares, problems sleeping, anxiety, as well as her nervousness in small rooms. Sera also reported to you that she scares easily, and finds herself jumping at any small noise. You observed this jumpiness during your meetings with her; once or twice someone knocked at the door during your meeting and Sera visibly jumped and looked sweaty and nervous. Based on what you observed and she reported, you have written a psychological assessment that Sera’s behavior and symptoms are indicative of post-traumatic stress disorder and are consistent with someone who experienced the torture she reported.
CASE #3 - XIONG (WAIVER)

The Law
Refugees who have been convicted of certain crimes (including drug crimes) can be deported and lose their status. A refugee who has not applied to become a permanent resident can ask for a waiver of these criminal convictions when he applies for permanent resident status. This application is called a 209(c) waiver. To get this waiver, the refugee has to show that he should be allowed to stay for humanitarian reasons, such as ongoing threats of violence in his native country; for family unity; or for public interest reasons. If this waiver is granted, the refugee can become a permanent resident and eventually a citizen. If the waiver is not granted, the refugee will lose his status and be deported to his country of origin.

Background
Xiong came to the United States with his family as a refugee from Laos when he was 12 years old. When he first arrived, he went to a school with other refugees where he could learn English and become familiar with the U.S. education system. In 9th grade, Xiong enrolled in a large public high school.

The transition was difficult. Xiong still struggled with English, and some of the other students snickered or laughed in class when he misspoke or made other mistakes. He often sat alone in the lunchroom, and was sometimes teased in the hallway. At home, his parents did not speak English and were always busy working multiple jobs. Xiong became frustrated and depressed. One day, a student made a cruel joke about his backpack. Angry, Xiong dropped his backpack and hit the other student. A teacher witnessed the incident and sent Xiong to the principal’s office. The principal called his parents and told them that if anything else happened, Xiong would be suspended from school. His parents were ashamed of his actions.

To try to fit in, Xiong found a few friends to hang out with. One night, while he was riding around in a friend’s car, one of the boys pulled out a bottle of alcohol. He started passing it around to everyone, including the driver. A short while later, they drove to a party hosted by a fellow student. At the party, Xiong saw kids streaming in and out of a back room. When he went to see what everyone was interested in, he found a group of young people doing drugs. One of his friends was there, and he gave Xiong a small bag “for later.” Xiong put the bag in his pocket. On the way home, his friend got pulled over by the police. The officers asked everyone for their IDs and made them all get out of the car. The officer patted down Xiong’s pockets and found the bag of drugs his friend had given him earlier. Xiong and his friends were all arrested. After going to court, he was convicted of underage drinking and possession of cocaine. The judge sentenced him to sixty days in jail and probation for two years.

The day before Xiong thought he was going home, he found out that he had to stay in jail for immigration offenses. He is now being detained by immigration officials in preparation for being deported back to Laos. Xiong has applied for a waiver to remain in the United States with his family.

Roles
Xiong – You will be testifying to the facts in your story, as well as expressing why you want to stay in the United States.
**CASE #3 - XIONG (WAIVER)**

**Xiong’s Lawyer** – You will be arguing that Xiong should be given a waiver for humanitarian reasons.

<table>
<thead>
<tr>
<th>Questions to Ask Xiong</th>
<th>Questions to Ask His Father</th>
</tr>
</thead>
<tbody>
<tr>
<td>How long have you lived in the United States?</td>
<td>Has Xiong ever lived in Laos?</td>
</tr>
<tr>
<td>Do you live with your family?</td>
<td>What do you think would happen if your son had to return to Laos?</td>
</tr>
<tr>
<td>How many times have you been arrested?</td>
<td>Tell us why you left Laos.</td>
</tr>
<tr>
<td>Have you ever been convicted of a crime?</td>
<td>Would you ensure that your son followed the law if he were allowed to stay in the United States?</td>
</tr>
<tr>
<td>Can you describe the circumstances of the crime?</td>
<td></td>
</tr>
<tr>
<td>Are you afraid to go back to Laos?</td>
<td></td>
</tr>
</tbody>
</table>

**Government Lawyer** – You will be arguing that Xiong should not receive a waiver because his conviction is too serious.

<table>
<thead>
<tr>
<th>Questions to Ask Xiong</th>
<th>Questions to Ask His Father</th>
</tr>
</thead>
<tbody>
<tr>
<td>So you were in possession of cocaine?</td>
<td>If you couldn’t control your son before, why would you be able to now?</td>
</tr>
<tr>
<td>Why did you accept the drugs from your friend?</td>
<td>Do you know anyone in Laos your son could live with?</td>
</tr>
<tr>
<td>Have you had problems at school?</td>
<td>It has been a long time since the Vietnam War, so how could your son still be at risk?</td>
</tr>
<tr>
<td>Have you had any other fights?</td>
<td></td>
</tr>
</tbody>
</table>

**Judge** – You will be deciding whether to grant the waiver to Xiong based on the arguments made by the government lawyer and Xiong’s lawyer.

**Interpreter** – You will be translating questions posed to Xiong and the answers he gives. Use *Handout 2: Immigration Court Roles* to help guide you.

**Xiong’s Father, Moua (Witness)** - You will be testifying to what your family experienced in Laos to help show that Xiong should not have to return to Laos because there are humanitarian reasons that he should stay.

You are Xiong’s father. You have six other children and a wife who all came to the United States with you. During the Vietnam War, you fought with other soldiers on behalf of the United States against the North Vietnamese. Immediately after the United States pulled out of Vietnam, you and your family fled to a refugee camp because you were targeted for retaliation for fighting for the United States. Your family lived in the refugee camp for many years before coming to the United States. You still know many people in Laos and you know that the situation is not good for individuals like you who supported the United States during the war. Also, since your family is Hmong, you would face discrimination because the Hmong are a minority group and are associated with supporting the United States.

You struggled to adjust to life in the United States and have had a hard time learning English. However you are very proud of the opportunities your children have had to grow up here in a safe environment. You are disappointed in Xiong because he has gotten into trouble and brought shame on your family. However, you are very concerned that he will be deported to a bad situation in Laos and you do not think he fully understands what would happen to him since he never lived there – he only lived in the refugee camp.
The Law
Bond is an amount of money which a person can pay to be released from jail while his or her case is pending. Paying bond does not affect the outcome of the case, but allows the person to pursue their case outside of jail. Bond is determined first by the immigration officers who detain someone, but can be revised during a hearing before an immigration judge. Factors that are considered in setting the amount of the bond include:

- Whether the person is likely to show up at a future hearing,
- Whether the person has lied about his/her identity,
- Whether the person was cooperative with immigration,
- Type and number of criminal convictions,
- Family connections in the United States and the immigration status of those family members,
- The person’s connections to the community, such as attending a church, a community group, volunteer work etc., and
- The possibility of a legal way for the person to be able to stay in the United States.

Someone who has a lot of connections to the United States and a possible way to stay legally is more likely to receive a lower bond than someone without those connections. The law says that the lowest bond amount allowed is $1,500.

Background
Tomás is a 20-year-old, single man from Ecuador. He came to the United States two years ago looking for work so he could help support his parents back in Ecuador. His father has cancer and needs money for the treatments. Tomás spent a year and a half working on a construction project in Utah but when that project ended, he struggled to find work. A friend knew about some jobs in North Dakota so he travelled there and was able to get work at a farm. In order to get the job, he had to show a social security card and a driver’s license in someone else’s name. He has been depositing his money at the local bank until he can send it back to his parents, and he has managed to save over $5,000.

One night, Tomás was driving from the farm where he worked into Bismarck with two other people. The highway patrol pulled his car over. When he asked the officer “Habla español?,” the officer called the Border Patrol. Tomás and his two friends admitted that they were in the United States without papers and were detained by Border Patrol. Tomás would like to be released from immigration detention. He is depressed all the time and thinks he could fight his case better from the outside. He is requesting a lower bond that he can afford.

Roles
Tomás - You will be testifying to the facts in your story. Use the background information to help guide you.
CASE #4 - TOMAS (BOND)

**Tomás’ lawyer** – You will be asking Tomás questions and arguing for his bond to be lowered to an amount he could reasonably pay.

**Questions to Ask Tomás**

- How much money are you able to pay for bond?
- What assets do you have with which to pay this amount?
- Where will you live when you are released on bond?
- Did you cooperate with immigration authorities after you were stopped by the highway patrol?
- Will you continue to cooperate by appearing at your deportation hearing?

**Government Laywer** – You will be arguing that Tomás’ bond should not be lowered because his use of false documents makes him a flight risk.

**Questions to Ask Tomás**

- What documents did you use to obtain your employment at the farm?
- How easy was it for you obtain false identification?
- Do you have a legal driver’s license in your own name, or were you driving without a license?
- Do you have any family in the United States that could help you get legal status?
- Why would you return for your hearing when you have access to false identity documents and no ties to the local community?

**Judge** – You will be deciding on the proper amount of Tomás’ bond based on the arguments made by his lawyer and the government lawyer.

**Interpreter** – You will be translating questions posed to Tomás and the answers he gives. Use *Handout 2: Immigration Court Roles* to help guide you.
LESSON 9

A Global Perspective on Immigration

International migration is a fundamental attribute of our ever-shrinking world… Our societies would be poorer without the contributions of migrants. Today, as we celebrate those contributions, let us also resolve to safeguard the human rights of every man, woman and child who crosses borders in search of a better life.

Goal
» Understand immigration as a global phenomenon and analyze the ways that diverse countries have responded to immigration.

Objectives
» Students will recognize that immigration is a global phenomenon.
» Students will become familiar with patterns of immigration internationally.
» Students will compare how countries around the world have responded to immigration in their policies and practices.
» Students will learn to evaluate immigration systems from the point of view of both immigrants and receiving communities.

Essential Question
» How do immigration systems and patterns of migration vary between countries?

Key Skill
» Analyzing data using maps, charts, and fact sheets (Activities 1 & 2).

Materials
✓ Handout 1: Global Migration Worksheet
✓ Handout 2: Regional Migration Maps
✓ Handout 3: Migrant-sending Countries
✓ Handout 4: Country Presentations
✓ Handout 5: Ireland
✓ Handout 6: New Zealand
✓ Handout 7: Saudi Arabia
✓ Handout 8: South Africa
✓ Handout 9: South Korea
✓ Handout 10: Country Comparison Chart
✓ World political maps
✓ Colored pencils or markers

Time Frame
4-5 class periods

Vocabulary
✓ dual citizenship
✓ family reunification
✓ foreign-born
✓ integration
✓ migrant-receiving
✓ migrant-sending
(additional vocabulary for this lesson can be found in Lessons 5, 6, and 7)
Procedure:

1. **Review.** To help students place this lesson in context, review the key features of U.S. immigration policy. Activity 5.2 on page 75 provides a brief background on the U.S. immigration system, and Activity 3.1 on page 45 analyzes some of the human rights issues affecting immigrants in the United States.

2. **Form regional groups.** Have students form five small groups. Assign each group one of the following regions:
   - Africa
   - Asia
   - Europe
   - Latin America
   - Middle East

   Give each student a copy of *Handout 1: Global Migration Worksheet* and the appropriate regional map from *Handout 2: Regional Migration Maps*. Tell students they will be conducting research with their group on the migration patterns within their region of the world and then mapping the data that they find. To help students identify the countries on their regional map, provide political maps as a reference.

3. **Research.** The small groups should begin by researching the top three migrant-receiving countries in their region. The best source of information in terms of ease of use is the International Migration 2009 wall chart, found at [http://www.un.org/esa/population/publications/2009Migration_Chart/ittmig_wallchart09.pdf](http://www.un.org/esa/population/publications/2009Migration_Chart/ittmig_wallchart09.pdf). Using the wall chart, students should fill in *Handout 1: Global Migration Worksheet* with the names of the top three migrant-receiving countries in their region in terms of total number of migrants. In the wall chart, the Middle East is referred to as “Western Asia,” so the group studying the Middle East should look there, and the group studying Asia should make sure to exclude those countries from their analysis. Demonstrate how to use the wall chart by finding the top migrant-receiving country in Oceania (Australia) as a class. Once students have found the top three migrant-receiving countries in their region, they now need to research the top three countries of origin for immigrants to each of those countries. Give students *Handout 3: Migrant-sending Countries*. They should add this information to their worksheets.

4. **Map.** Once the small groups have filled in *Handout 1*, they should use the data to create a regional map showing immigration flows. On their regional map, students should color in the top three migrant-receiving countries, each in a different color. The next step is to show the origins of these migrants by drawing arrows between the sending and receiving countries. For instance, if students were mapping U.S. immigration, they would color the United States a certain color, such as blue, and then draw blue arrows to the United States from Mexico, the Philippines, and China, the top source countries for immigrants in 2010. In some cases, the migrant-sending countries are from the same region as the migrant-receiving countries, and the arrows can be drawn directly between the two countries. In other cases, migrants originate outside the region, and can be shown by writing the name of the sending country on the edge of the map and drawing the arrow from the name to the receiving country.

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5. **Present.** After all groups have finished mapping their region’s migration patterns, have each group share its map and the following information with the class:

- The region of the world they researched.
- The top three migrant-receiving countries in that region.
- The top three migrant-sending countries for each of the receiving countries.

One great way to keep a class record of the information students found would be to create a large world map for the classroom showing the top migrant-receiving countries identified by the students and then adding the arrows from migrant-sending countries to show how people are migrating within and between regions. As a class, reflect on the information that the small groups shared.

**Questions for Discussion**

? What surprised you about migration patterns worldwide?

? Did you have questions about any of the information you learned in this activity?
Lesson 9: A Global Perspective on Immigration

ACTIVITY 9.2

Migration Council

**Procedure:**

1. **Set up.** Divide the class into five small groups and assign each group to one of the following countries: Ireland, New Zealand, Saudi Arabia, South Africa, and South Korea. When students have arranged themselves by group, read the following script to the entire class:

   “You are a group of people living in Antarctica. After discussions with the UN, you have decided that due to climate change, it is becoming too difficult to sustain your traditional livelihoods. You would like to find a new country to live in. You do not have any “technical skills” and have never worked for a formal business or company. As a concerned Antarctican, you have come together with your fellow citizens to research some possible destination countries. Your concerns are the ease or difficulty of living legally in the country for an extended period of time and whether you think you would feel welcome in your new country.”

2. **Research.** Give every student *Handout 4: Country Presentations* and their assigned country handout (*Handouts 5-9*). Explain that students should use the handouts to research their proposed destination country’s laws and regulations regarding immigration. The small groups will be creating a presentation for the class on the immigration laws and treatment of immigrants in their destination country. Assign roles within the small groups to ensure that everyone has a chance to contribute equally to the research and presentation. The presentation should cover the following topics (also listed on *Handout 4*):

   - **Immigration History of the Country:** Who came in the past and who is coming in the present? Has the country always been a destination for migrants?
   - **Immigration Policies:** What are the primary ways people enter the country? How easy is it for people on temporary visas to become permanent residents? How easy is it for people to enter permanently to 1) reunite with family members, 2) work in a skilled job, 3) work as an unskilled worker, or 4) seek safety from persecution as refugees or asylum seekers?
   - **Citizenship:** What is the process for becoming a citizen? How hard is it and how long does it take? Are there special barriers for certain kinds of immigrants?
   - **Undocumented Immigration:** Is there a large undocumented population? How does the country deal with undocumented immigrants? Can people legalize their status? Do undocumented immigrants receive any government protection from exploitation?
   - **Treatment of Immigrants:** How are immigrants treated by the government? By the general population? Are policies designed to protect immigrants effective?

3. **Present.** Hold a “Migration Council” meeting with the entire class. Remind students that they researched their countries in order to decide where they as Antarcticans should move. Give each student a copy of *Handout 11: Country Comparison Chart*. Students should complete the handout as they listen to the presentations from the other groups. Have the small groups take turns presenting the results of their research to the “Migration Council.” Allow time at the end of each presentation for the class to ask questions.

(continued on next page)
4. Decide. Once all country groups have presented their research, ask students to decide where they as Antarcticans will migrate. Students should consider what they learned about immigration processes, tolerance for newcomers, and other factors about each country after hearing the presentations. After discussing the various options, hold a vote with the entire class. Write the name of the winning country on the board.

5. Reverse. Now that students have decided which country would be the best country in which to be immigrants, reverse the question and pose this situation to the class:

“Antarctica has just discovered massive deposits of natural resources and become very wealthy. People from around the world want to move to Antarctica to work in their new factories and enjoy the high standard of living. What immigration policies would the class want to adopt if they were Antarcticans? How can Antarctica protect its citizens while ensuring the human rights of migrants?”

6. Create policies. Have students get into the same small groups. Based on the different models that the class heard about during the small groups presentations, have students come up with five main goals or rules of their immigration policy. One idea would be to start from the idea that people have a right to migrate. What kinds of policies would Antarctica create with that as the starting point? After small groups have discussed their policy proposals, come back together as a whole group and have students share with the class the proposed policies they would want to adopt.

7. Reflect. To wrap up this activity, debrief as a class with the following discussion questions.

Questions for Discussion:

- What did you learn from this activity?
- What were important considerations when you were deciding whether the Antarcticans should immigrate to the country you were researching?
- What were important considerations when you were deciding on an immigration policy from the vantage point of an Antarctican whose country is starting to receive a lot of immigrants?
- What are some important factors in determining a sound immigration policy that promotes national interests while protecting immigrants’ human rights?
GLOBAL MIGRATION WORKSHEET

Use the International Migration 2009 wall chart (found at http://www.un.org/esa/population/publications/2009Migration_Chart/ittmig_wallchart09.pdf) to figure out the top three migrant-receiving countries in your region (remember that the Middle East is known as “Western Asia” on the wall chart). Record the names of the countries and total number of migrants on the lines below.

Next, use Handout 3: Migrant-sending Countries to fill in the top three countries of origin for migrants to each of the top three receiving countries in your region. When you have entered in all the information, you are ready to use this worksheet to color in your map.

<table>
<thead>
<tr>
<th>Region of the world to which your group was assigned:</th>
<th></th>
</tr>
</thead>
</table>

#1 Migrant-receiving Country: __________________________
How many migrants live in this country? _______________ Color of country/arrows ___________________

What are the top three countries of origin for migrants to this country?

____________________________________________________
____________________________________________________
____________________________________________________

#2 Migrant-receiving Country: __________________________
How many migrants live in this country? _______________ Color of country/arrows ___________________

What are the top three countries of origin for migrants to this country?

____________________________________________________
____________________________________________________
____________________________________________________

#3 Migrant-receiving Country: __________________________
How many migrants live in this country? _______________ Color of country/arrows ___________________

What are the top three countries of origin for migrants to this country?

____________________________________________________
____________________________________________________
____________________________________________________
Step One: Color in the top three migrant-receiving countries in your region, each in a different color.

Step Two: Draw arrows between each migrant-receiving country and its top three migrant-sending countries. (Use the color of the country for the arrows coming into it.)
Regional Migration Maps

Asia

**Step One:** Color in the top three migrant-receiving countries in your region, each in a different color.

**Step Two:** Draw arrows between each migrant-receiving country and its top three migrant-sending countries. (Use the color of the country for the arrows coming into it.)
Step One: Color in the top three migrant-receiving countries in your region, each in a different color.

Step Two: Draw arrows between each migrant-receiving country and its top three migrant-sending countries. (Use the color of the country for the arrows coming into it.)
Latin America

Step One: Color in the top three migrant-receiving countries in your region, each in a different color.

Step Two: Draw arrows between each migrant-receiving country and its top three migrant-sending countries. (Use the color of the country for the arrows coming into it.)
Step One: Color in the top three migrant-receiving countries in your region, each in a different color.

Step Two: Draw arrows between each migrant-receiving country and its top three migrant-sending countries. (Use the color of the country for the arrows coming into it.)
<table>
<thead>
<tr>
<th>Migrant-receiving country</th>
<th>Migrant-sending countries*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Argentina</td>
<td>Paraguay</td>
</tr>
<tr>
<td>France</td>
<td>Algeria</td>
</tr>
<tr>
<td>Germany</td>
<td>Turkey</td>
</tr>
<tr>
<td>Ghana</td>
<td>Mali</td>
</tr>
<tr>
<td>India</td>
<td>Bangladesh</td>
</tr>
<tr>
<td>Ivory Coast</td>
<td>Burkina Faso</td>
</tr>
<tr>
<td>Jordan</td>
<td>India</td>
</tr>
<tr>
<td>Kazakhstan</td>
<td>Russia</td>
</tr>
<tr>
<td>Mexico</td>
<td>United States</td>
</tr>
<tr>
<td>Pakistan</td>
<td>Bangladesh</td>
</tr>
<tr>
<td>Russia</td>
<td>Ukraine</td>
</tr>
<tr>
<td>Saudi Arabia</td>
<td>India</td>
</tr>
<tr>
<td>South Africa</td>
<td>Angola</td>
</tr>
<tr>
<td>United Arab Emirates</td>
<td>India</td>
</tr>
<tr>
<td>Venezuela</td>
<td>Colombia</td>
</tr>
</tbody>
</table>

*Based on the number of nationals residing in the country during the 2000 round of census surveys, this is a multi-decade view of immigration, rather than a yearly snapshot. The number also excludes naturalized citizens.

Directions: Answer the following questions using the handout about immigration in your assigned country. You may want to divide the questions among group members, so that each person can focus on a certain topic.

1. Immigration History of the Country: Who came in the past, and who is coming in the present? How long has the country been a destination for immigrants?

2. Immigration Policies: How easy is it for people to enter permanently to:
   A) Reunite with family members?
   B) Work in a skilled job?
   C) Work as an unskilled worker?
   D) Seek safety from persecution as a refugee or asylum seeker?
3. *Citizenship:* What is the process for becoming a citizen? How hard is it and how long does it take? Are there special barriers for certain kinds of immigrants?

4. *Undocumented Immigration:* Is there a large undocumented population? How does the country deal with undocumented immigrants? Can people legalize their status? Do undocumented immigrants receive any government protection from exploitation?

5. *Treatment of Immigrants:* How are immigrants treated by the government? By the general population? Are policies designed to protect immigrants effective?
Background

Ireland is located on an island in the Atlantic Ocean off the northwest coast of Europe. Ireland shares a border with Northern Ireland, a separate country on the island. The entire country of Ireland covers approximately 27,000 square miles. Just to the east is the large island of the United Kingdom. The country has a temperate climate with mild winters and cool summers.

The country’s government is a parliamentary democracy with a president elected by popular vote. The president appoints a prime minister, who serves as the country’s executive power, along with an executive cabinet. Ireland also has two houses of parliament, the Senate (Seanad Eireann) and the lower house (Dail Eireann).

Approximately 4.7 million people reside in Ireland, with 40% of the population living in or around the city of Dublin. Both English and Gaelic are the official languages of the country.

Immigration History

Ireland was initially founded by Celtic tribes between 600 – 150 B.C. These settlers were followed by a flood of individuals from Norway in the 8th century, and the English in the 12th century. After Ireland gained its independence from the United Kingdom in 1922, Ireland’s immigration history was stagnant and unremarkable for hundreds of years.

Ireland has not seen a significant flow of immigrants until recently; instead, it had been known throughout its history primarily for its emigration. In the early 1800’s, Ireland suffered extreme population losses because of poor living conditions. Laborers in Ireland were paid low wages compared to other countries, such as the United States and other parts of Europe. Additionally, Ireland suffered an historic potato famine wherein crops suffered from disease, and healthy crops were forcibly sent to England as part of trade agreements that the Irish had to comply with. As a result, Ireland saw nearly half of its population disappear during that time.

In the 1990’s, Ireland experienced considerable economic growth, which brought workers back to the country. Because of Ireland’s supportive immigration laws for European Union (EU) residents, the first influx of workers to Ireland was made up of individuals of Irish descent who returned to the country to find jobs, followed by other immigrants from within the EU. In the early 2000’s, Ireland saw a rise in immigration from outside the European Union, as well, when its immigration laws became less restrictive. Beginning in 2004, however, Ireland’s immigration laws expanded the countries within the EU from which workers could easily enter. This influx of EU citizens reduced employment opportunities for those outside the region and slowed their arrival into Ireland.

In recent years, Ireland once again flipped, seeing a rise in emigration, based on lack of jobs in the difficult economy. Non-Irish residents account for approximately 12% of the total population of Ireland. EU citizens make up about 6.6% of the overall population of Ireland, and nearly half come from the United Kingdom.

Entering Ireland

There are two primarily ways for immigrants to obtain immigration status in Ireland – work-based permission (through work permits or green cards) and residence permits. Despite the influx of immigrants since the 1990s, Ireland still lacks sophisticated immigration laws. Particularly for non-European citizens, obtaining
IRELAND

long-term residence in Ireland can be difficult and time consuming.

Although there are several ways for immigrants to enter Ireland for work-related purposes, many of these processes are only available for highly-skilled workers. Ireland grants work permits based on an immigrant’s employment with a particular employer. Employers must demonstrate that they are unable to fulfill the position with an Irish or EU candidate. Overall, Ireland’s work permit structure favors highly skilled or specialized workers. Work permit applications can be obtained for long-term stays in Ireland for individuals who wish to live and work in the country. Obtaining a work permit generally takes about eight weeks.

Recently, Ireland introduced a new green card program as another method for foreign workers to reside in Ireland for a two-year period. The new green card program also is available only for highly skilled workers, their spouse, and their dependent children. Under this program, workers can apply for long-term residency at the end of the initial two-year period. The Irish government has also begun issuing two-year work permits for individuals who are not eligible for the green card program and who earn EUR 30,000 or more. These workers may also apply for a three-year extension. This is one of the few established methods of obtaining entry to Ireland for entry-level or low-skilled jobs, but does not provide a permanent option for immigrants to stay in the country.

Certain employees do not need to obtain a work permit before coming to Ireland. EU citizens do not need to have a work permit to work in Ireland, which often means that these workers are readily available for employers who need to fill lower skilled jobs that cannot be filled with non-European immigrants. Workers who will be in Ireland for less than 12 months for training purposes also do not need to obtain a work permit. The Irish government has also issued special work visas or authorizations for workers in certain jobs where there are shortages in the available workforce.

Residency permits, allowing immigrants to enter and live in Ireland temporarily, are available only to certain groups – workers and refugees. Workers with employment authorization may obtain residence permits and must register for residency within three months of coming to Ireland. For other immigrants, long-term residency is available, but they must have worked in Ireland for at least five years. Even if an immigrant is granted permission to enter Ireland for work purposes, it is difficult to obtain citizenship with Ireland’s lengthy process, high rejection rates, and lack of appeal process for naturalization applications. The Irish government seems particularly likely to reject applicants who rely on government benefits. For non-European citizens, there is no process for obtaining permanent residence status in Ireland. While new immigration legislation was introduced in 2010 to improve the process of obtaining visas and long-term residence in Ireland, the law has not yet passed.

Ireland is known as one of the most difficult countries in which to obtain refugee status. Ireland rejected a significant number of its asylum applications, and granted refugee status only to 10,000 of those who applied between 1992 and 2008. Asylum is technically available in Ireland for refugees who have a “well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion” and are unable to take advantage of the protection of the country of his or her nationality. The Irish government has established a priority list for asylum applications, however, and has a list of “safe countries of origin” from which Ireland presumes asylum is not necessary unless the application establishes otherwise, which creates a high hurdle for immigrants in obtaining refugee status. Additionally, Ireland does not accept asylum applications from other European Union countries.

Applications for asylum in Ireland have grown significantly since the early 1990’s, but have declined again in the last few years. In 1994, only 400 people sought asylum in Ireland. That number climbed to over 11,000
in 2002, but by 2008, had dropped back down to 3,900. In 2008, most asylum-seekers were Nigerian, representing 26.1% of the total applications. Pakistani, Iraqi, Georgian, and Chinese applicants each make up about 5% of the total applications.

Ireland does not have a significant undocumented immigrant population, based primarily on the fact that it has a limited border with other countries. Additionally, Ireland has recently established laws to assist in fighting illegal immigration within its borders. The few issues Ireland sees with undocumented populations primarily stem from asylum-seekers who do not leave the country after their applications are denied and workers who continue to stay in the country after their permits have expired.

Immigrant Rights

Prior to the 1990’s, Ireland had few established laws that protected the interest of immigrants. One of the only existing laws was the Prohibition of Incitement to Hatred, which was a broad and ineffective law that was rarely used. More recently, Ireland has put several laws in place to prevent discrimination against immigrants who come to the country, such as the Equal Employment Act of 1998 and the Equal Status Act of 2000. The Equal Employment Act prohibits discrimination against individuals based on race in employment, including in hiring and advancement. The Equal Status Act expands upon the Equal Employment Act, and prohibits discrimination based on race in public services, such as retail establishments that provide goods and services and access to educational opportunities.

Ireland has only recently established a number of agencies whose goals include preventing discrimination and providing assistance to immigrants, including the Office of the Director of Equality, the National Consultative Committee on Racism and Interculturism, and the Immigrant Council of Ireland.

Ireland has also experienced issues with human trafficking, which involves the sale of human beings for either sex or labor – a serious violation of human rights. The majority of human trafficking victims in Ireland come from Eastern Europe, Nigeria, and Asia. In the past, the Irish government has not taken significant steps to eliminate human trafficking into Ireland, and has even denied that a human trafficking problem exists. In 2008, however, the government passed a law making the practice of human trafficking a crime.

Living in Ireland

In general, Ireland is seen as a welcoming place for immigrants. This attitude may be changing, however, in light of the immigration boom in recent decades. Some immigrants feel that Irish residents resent their presence in the country. Stricter immigration and citizenship laws have received strong support from Irish voters. Additionally, research studies have reported that violent, racist behavior has a strong presence in Ireland, particularly against non-EU immigrants. The black immigrant population experiences the most racial discrimination according to these studies. Although significant issues of violence against immigrants have been prosecuted by the government, less severe and isolated incidents of racism seem to go largely unaddressed.

Despite the presence of discrimination laws and protective agencies, individuals who are not of Irish decent experience significantly more discrimination in work applications, as well, and immigrants have been more likely to lose their jobs during the recession. Because of the structure of the country’s immigration laws, this has made it difficult for those immigrants to remain in Ireland.

Prior to 2004, individuals who were born in Ireland to non-Irish parents were automatically granted Irish
citizenship, but this is no longer the case. Irish-born individuals are now granted citizenship only if one of their parents was a lawful resident for at least three out of the four years prior to the individual’s birth, excluding time during which the parent was a student or was seeking asylum. This law provides a disincentive for immigrants to establish roots in Ireland with their families.

Endnotes

3 CIA, “Ireland.”
5 Ibid.
7 CIA, “World Factbook”
8 Ibid.
9 Ibid.
10 Ibid.
11 BBC News, “Ireland.”
15 BBC News, “Ireland.”
16 Helm, “Ireland Struggles With Immigration Issue.”
19 Ibid.
20 McDonald, “Ireland’s Immigrants.”
21 Ibid.
23 Mac, “Immigration Into Ireland.”
24 Ibid.
25 Ibid.
27 Ibid.
28 Ibid., 41-42.
29 Ibid., 42
30 Ibid.
31 Ibid., 41; MIS, “Ireland.”
32 Aon Hewitt, “Ireland,” 42.
33 Ibid.
34 Ibid.
35 Ibid.
38 Ibid.
40 Residence Rights of Non-EEA Nationals in Ireland.
42 Ibid.
45 MIS, “Ireland.”
46 MIS, “Ireland.”
47 Ibid.
48 Ibid.
49 Ibid.
50 Ibid.
51 MIS, “Ireland.”
52 Ibid.
53 MIS, “Ireland.”
54 Ibid.
55 McDonald, “Ireland Struggles”; MIS, “Ireland.”
56 Mac, “Immigration Into Ireland.”
57 Ibid.
58 Ibid.
59 Ibid.
61 MIS, “Ireland.”
63 Cois Tine, “Human Trafficking.”
65 Ibid.; McDonald, “Ireland Struggles.”
66 McDonald, “Ireland’s Immigrants.”
69 Ibid.
70 Ibid., 10.
71 Cosgrove, “Living in Limbo.”
73 Ibid.
Basic Information

New Zealand is an island nation about the size of the state of Colorado located in the southwest Pacific Ocean, about 1,400 miles east of Australia. The weather is varied, from warm and subtropical in the far south and harsh conditions in the mountainous areas. It is a parliamentary democracy in which political power is held by a popularly elected parliament, representing the people. The leader of the majority party in parliament serves as the prime minister. The population of New Zealand is about 4,360,000, with principal ethnic groups being European (76.8%), indigenous Maori (14.9%), Asian (9.7%), and Polynesian peoples from neighboring Pacific island groups, such as the Cook Islands, Fiji, Samoa, and Tonga (7.2%). English and Maori are the official languages of New Zealand, with English being the most widely used.

Immigration History

New Zealand was originally settled 900 – 1,000 years ago by Maori people who made their way to New Zealand in voyaging canoes from Polynesian islands in the South Pacific. An Englishman first extensively explored the islands in 1769. After that time, European (mostly British) settlers began to come to New Zealand, primarily involved in whaling and sealing. In 1840, the Treaty of Waitangi was signed by the British and the Maori, making New Zealand a British colony, but also guaranteeing Maori authority over their land and possessions and the rights and privileges of British citizenship. Status as a British colony led to a significant increase in immigration from Britain, with colonial companies often paying for colonists’ passage from Britain.

Until the 1970’s, the vast majority of immigrants coming to New Zealand were from Europe, with most of the rest coming from Pacific islands. This largely reflected government policies that favored what were believed to be more easily assimilated Europeans. During the 1970’s, attitudes on immigration began to change in New Zealand, a change that was ultimately reflected in the passage of the Immigration Act of 1987, which emphasized selection on the basis of personal merit, as opposed to nationality or ethnicity. At the same time, the Immigration Act of 1987 also sought to recognize the humanitarian goals of reuniting families and admitting refugees. This policy shift led to greater and more diverse immigration, as the number of immigrants from countries such as China, India, South Korea, Japan and the Philippines increased significantly. By 2006, 22.9% of New Zealand’s population was born in another country, one of the highest percentages in the world.

Entering New Zealand

New Zealand operates a comprehensive visa system that applies to individuals who seek either a temporary or permanent stay in the country. Temporary visitor visas are available to applicants of good health and character who have adequate resources to support themselves while in the country and have arranged transportation out of the country at the end of their visit. Travelers from Australia, the United Kingdom, and countries on the “visitor waiver list” do not require visitor visas if their stay will not exceed a specified minimum period (generally three months). Temporary visa opportunities are also available for workers who engage in seasonal agricultural work; who want to gain work experience after studying in New Zealand; or who are between the ages of 18 and 30 and participate in the “working holiday” program.
New Zealand has a special category of temporary visa for people who want to work in New Zealand for several years before applying for permanent residency. These temporary residence visas are available to eligible applicants who: 1) have a job offer from a New Zealand employer, preferably in an occupation that is on the government’s long-term skill shortage list; 2) have a recognized talent in the arts, culture, or sports; or 3) want to establish a business in New Zealand. A person who has obtained such a temporary residence visa may usually apply for a permanent residence visa after two years.

For those who want to immigrate permanently to New Zealand, admission is determined through a point system that emphasizes skills and qualifications. Visas for permanent residence are available in the “skilled migrant category” to eligible applicants who are age 55 or less and who receive a sufficiently high score in the points system, with points awarded based on age, experience, qualifications, educational level, and employability in industries experiencing high growth or a skills shortage. Permanent residence in New Zealand is also available in the “migrant investment category” to eligible applicants who are age 65 or less and invest at least NZ$1.5 million in New Zealand.

To be eligible to apply for a visa for either temporary or permanent residence, an applicant must generally be able to speak English and furnish proof of both good health and good character. For the financial year from July 1, 2010 to June 30, 2011, the maximum number of applicants that could be approved for permanent residence was set at 50,000, or a little over 1% of the total population.

In addition to providing permanent residence opportunities to immigrants who will bring valuable skills or qualifications, start a business, or make a financial investment, New Zealand also provides programs by which New Zealand citizens or permanent residents can sponsor family members (spouses, children, parents, and siblings) for permanent residence status. Spouses and children can generally come individually, while parents and siblings face one to two year waiting times for visas. New Zealand also runs a visa lottery through which up to 1,100 people from Samoa and 400 people from other Pacific islands may apply each year for permanent residence. New Zealand accepts up to 750 refugees each year through the United Nations High Commission for Refugees resettlement process. Asylum seekers who arrive in New Zealand can apply for refugee status upon arrival. From July 1994 through June 2010, between 15% and 30% of refugee status applications were approved each year. Qualifying refugees and asylum seekers are considered permanent residents of New Zealand, enjoying the same rights as any other permanent resident.

Permanent residents of New Zealand who have been physically present in New Zealand for five years are eligible for New Zealand citizenship if they intend to continue to reside in New Zealand, are able to understand and speak English, are of good character, and understand the responsibilities and privileges of New Zealand citizenship.

Due in large measure to New Zealand’s geographic isolation, illegal entry into the country is not a significant factor in New Zealand. Instead, the undocumented population is mostly “overstayers,” people did not leave when their temporary visas expired. An estimated 20,000 people live in New Zealand on expired visas.
Immigrant Rights

The Immigration Act of 2009 maintained New Zealand’s commitment to the UN Refugee Convention and incorporates the country’s obligations under the UN Convention Against Torture and the International Covenant on Civil and Political Rights.

Migrants who are granted permanent resident status generally qualify immediately for publicly funded health and disability services, free primary and secondary school education, and hardship financial benefits from the Ministry of Social Development, but generally must be a resident in New Zealand for two years before becoming eligible for unemployment benefits and government assistance with housing.

Permanent residents who are at least 18 years old are permitted to vote in New Zealand elections after they have been in New Zealand for one year, but are not permitted to stand as a candidate for Parliament until they have achieved New Zealand citizenship.

The New Zealand Human Rights Commission, in a series of studies and annual reports, has provided its assessment of immigrant rights in New Zealand. Discrimination on the grounds of race, color, and ethnic or national origins is prohibited by law, and the rights of immigrant workers and their families are generally well protected by New Zealand legislation and policy, including effective enforcement mechanisms for employment laws.

New Zealand’s immigration system is not perfect, however. The Human Rights Commission expressed concerns that the current standards for admission are still biased against people from non-English speaking countries, especially applicants from Asia and the Pacific islands. Another concern is the treatment of arriving asylum seekers, who are automatically detained while their case goes through preliminary processing, generally for several weeks. Detained asylum seekers face limited access to health care, inadequate legal representation, overuse of solitary confinement, and threats to their personal safety from other inmates.

Living in New Zealand

Recognizing the importance of maintaining a socially inclusive society in the face of increasing diversity, the New Zealand Settlement Strategy was launched by the government in 2004. The stated objectives of this strategy are to assist immigrants in obtaining employment appropriate to their qualifications and skills; achieving English language proficiency; forming supportive social networks and a community identity; participating in civic, community and social activities; expressing their ethnic identity; and accessing necessary information and services. As part of this strategy, migrant resource service centers have been established in cities throughout the country.

While living conditions and opportunities for immigrants are fairly positive, the New Zealand Human Rights Commission notes that many new immigrants report having experienced racial discrimination and harassment, particularly international students and Asians. It also observed that well developed settlement strategies are not in place in all areas of the country with significant numbers of new immigrants; that immigrants have difficulty accessing culturally appropriate health and welfare services; and that new immigrants need better access to English language training and information about New Zealand society and their rights.
Endnotes


14. Ibid.


Basic Information

Situated in the Middle East, Saudi Arabia is the largest country in the Arabian Peninsula, with a population of roughly 27 million people. Saudi Arabia’s government is a monarchy based on Islam. It is ruled by a King, who appoints a Crown Prince to help him with his duties. Saudi Arabia’s judicial system is based on Shari’ah, or Islamic law. The national language is Arabic, although English is widely spoken in urban areas.

Immigration in Saudi Arabia

Immigration into Saudi Arabia has historically been for purposes of seeking work. Though foreign workers have been a mainstay in Saudi Arabia since the country first began its oil operations in the 1930s, “it was not until the oil price boom of 1973 that the country started to receive large inflows of workers.” With new projects to build roads, buildings, and other infrastructure, the demand for labor in Saudi Arabia increased dramatically. As it became apparent that Saudi’s own workforce would be unable to support the workload, employers began to recruit workers from abroad.

During this boom period tied to Saudi Arabia’s oil industry, a number of South and Southeast Asians migrated to the country looking for work opportunities. From the perspective of the Saudis, the migration of Asian workers into the country was encouraged “as they thought that, compared to Arab foreign workers, [Asians] would be less likely to settle, less likely to organize, and hence more easy to control.” According to a recent United Nations study on immigration policies in the Middle East, the majority of immigrants entering Saudi Arabia are from India, Pakistan, Bangladesh, Sri Lanka, and Indonesia, though many also come from Yemen, Jordan, Syria, and Kuwait.

The number of foreign workers in Saudi Arabia has steadily increased. In 1985, it was estimated that there were 4.6 million foreigners in Saudi Arabia. In 1990, just five years later, the number of foreigners had risen to 5.3 million. In 2010, according to a government census, that number again rose to 8.4 million, or thirty-one percent of Saudi Arabia’s total population.

Entering Saudi Arabia

There are a number of requirements one must meet to gain entry into Saudi Arabia. At its most basic level, a foreigner must possess a valid passport for at least six months and must obtain an entry visa. Entry visas are issued for business and work, to visit close relatives, and for transit and religious visits by Muslims. As of 2010, Saudi Arabia does not issue visas solely for tourism purposes.

Saudi Arabia imposes specific requirements for different categories of entry visas, as well as general requirements for all visitors. For instance, business visas are only issued to individuals traveling for the express purpose of visiting the country on a business basis. For a woman traveling alone to Saudi Arabia, she must be met by her sponsor or a male relative and have confirmed accommodations for the entirety of her stay. Moreover, the Saudi Kingdom may refuse any visitor it judges to be behaving indecently, according to Saudi Arabian law and custom. In addition, all Saudi visas require a sponsor.
SAUDI ARABIA

Permanent residency in Saudi Arabia is largely nonexistent. Though such status can be conferred by the King, Saudi Arabia otherwise does not provide permanent residence status to foreign workers or other long-term residents, who instead remain on residency visas tied to a particular employer.34

Acquiring citizenship in Saudi Arabia, much like securing an entry visa or permanent residency, is difficult and is limited in its opportunities. Unlike the United States,35 being born in Saudi Arabia does not automatically confer citizenship on an individual. Rather, they must meet the requirements as set out in the Saudi Arabian Nationality Regulations. Based on the Saudi Arabian Nationality Regulations,36 there are three avenues to gain citizenship in Saudi Arabia: (1) descent, (2) marriage, or (3) naturalization.37 First, whether one can get citizenship through descent depends on your parents and where you were born. There are three ways to get citizenship by descent:

- being a “[c]hild of a Saudi father, born in wedlock, regardless of the child’s country of birth;
- being the foreign mother of a child from a Saudi father born out of wedlock;39
- being a child born in Saudi Arabia to a Saudi mother and an unknown father.40

The rules make clear that a child born to a Saudi mother out of wedlock and outside the country will not be granted citizenship by descent.41

Second, though marriage provides a possibility to gain citizenship, it is generally decided on a case-by-case basis. With regards to a woman who marries a Saudi citizen, she may apply for citizenship by registration, but citizenship is not automatically granted. In making the citizenship determination, the state may vary the residency requirements case to case, with a maximum of up to five years.42 For a man who marries a Saudi citizen, he is able to apply for citizenship, but it is only granted on a case-by-case basis.43

Finally, naturalization, like marriage, does not automatically confer citizenship. Rather, for persons who otherwise qualify for permanent residency, there are additional naturalization requirements, which include: residence in the country for at least five years, having no criminal record, and having renounced one’s previous citizenship (Saudi Arabia does not recognize dual citizenship).44

Perhaps because of its restrictive immigration policy, Saudi Arabia has a sizable undocumented immigrant population.46 People illegally enter and stay in Saudi Arabia for a number of reasons. Many illegally enter Saudi Arabia to secure work and a better livelihood for themselves and their families than they would get in their country of origin.47 Others, according to recent news reports, come for the Haji festival—festivities that follow the Islamic holiday of Eid al-Adha—and simply do not return to their native countries.48 According to one report, Saudi authorities have sought to expel over 27,000 Nigerians that have overstayed their visas after the Haji.49

Immigrant Rights

The Saudi Labour Law is the primary law governing the treatment of foreigners working in Saudi Arabia.50 The Saudi Labour Law covers work permits and visas for foreigners, employment contracts, trade unions, termination of employment, and contractual disputes.51 For instance, Article 147 of the Labour Law states that “a workman shall not be employed for more than eight actual working hours in any one day, or forty-eight hours a week . . . .”52 However, these laws are often not enforced with regard to foreign workers,
especially low-skilled foreign workers. “Case after case demonstrates that the Saudis are turning a blind eye
to systematic abuses against foreign workers,” according to one Human Rights Watch official.53

At one end of the spectrum is the exploitation of foreign workers through the Saudi visa sponsorship
program. In that program, foreign workers are effectively tied to their employers, who “must grant explicit
permission before the worker can enter Saudi Arabia, transfer employment, or leave the country.”54 In effect,
this system provides the employer extreme control. Even when the employee is abused, he or she may be
unable to escape the situation because the employer can deny them permission to leave.55

Reports have documented foreign workers in Saudi Arabia having been subjected to torture and forced
confinement at the hands of their employers, and then having received unfair trials at the hands of the
state.56 One report that documented the lives of Kenyan workers in Saudi Arabia stated the following: “A
working day of 18 to 22 hours, constant threat of sexual abuse from employers and beatings, sometimes with
the use of hot irons, by the wives of employers characterize an ordinary life of a domestic worker from Kenya
in Saudi Arabia.”57

**Living as an Immigrant in Saudi Arabia**

Life in Saudi Arabia as a foreigner can be difficult. However, low-skilled workers are much more likely to
suffer abuses than high-skilled workers. High-skilled workers tend to be well treated, both by their employers
and the government. For instance, Saudi Arabia’s labor secretary recently made the comment to his Filipino
counterpart that Filipino skilled workers in Saudi Arabia will not be subject to Saudi’s recent “Saudization”
law, which seeks to remove foreigners so as to provide a greater number of jobs to Saudi nationals.58 In
addition, these workers, ranging from mechanics to engineers, can command the “highest comparative
salaries” to Saudi nationals.59

In contrast, for low-skilled workers, life in Saudi Arabia can be extremely difficult, if not outright dangerous.
Female foreign workers, most notably, are subject to not only beatings, but also rape and sexual abuse at
the hands of their Saudi male employers.60 The UN Refugee Agency documented in 2004 the prison-like
confinement many of these women suffer while working in Saudi Arabia. Whereas the women enjoyed
“unrestricted freedom of movement in their home countries,” in Saudi Arabia they experienced “locked
doors and gates . . . that kept them virtual prisoners in workshops, private homes, and dormitory-style
housing that labor subcontracting companies provided to them.”61 In one account, “[s]killed seamstresses
from the Philippines [reported] that they were not permitted to leave the women’s dress shop in Medina
where they worked twelve-hour days, and were forbidden to speak more than a few words to customers and
the Saudi owners.”62

In that regard, it appears different populations of foreigners have different experiences in Saudi Arabia.
Filipinos in Saudi Arabia, for instance, are primarily highly skilled workers and thus enjoy a higher standard
of living in the country. By contrast, Kenyans, who make up a portion of the low-skilled workers in Saudi
Arabia,63 have experienced much more dire living situations.64 And even more so, low-skilled female workers
from many different countries appear to receive the worst treatment of all, being subject to physical
violence, rape, sexual abuse, long work hours, a prison-like living environment, and so on. One’s educational
background in many ways determines one’s treatment as a foreign worker in Saudi Arabia, thereby creating
an almost caste-like system in the kingdom of Saudi Arabia.
Basic Information

South Africa is located at the southern tip of Africa. It borders Lesotho, Botswana, Namibia, Zimbabwe, Mozambique, and Swaziland. South Africa had its first democratic elections in 1994, and today is a constitutional democracy with a multiparty national government. The population of over 50 million people is diverse, with eleven official languages spoken (IsiZulu, IsiXhosa, Afrikaans (based on the Dutch language), Sepedi, Setswana, English, Sesotho, Xitsonga, SiSwati, Tshivenda, IsiNdebele).

Immigration in South Africa

Between the late 15th century and the early 19th century, immigration consisted mainly of white Europeans settlers interested in wine, wheat, and the slave trade. In 1795, South Africa became part of the British trading empire.

Generally, migration of black Africans was controlled through the slave trade and labor requirements. In the late 1800s, black immigrants came to South Africa to work in the diamond mines and goldfields. In order to assert political and economic dominance, the white Europeans segregated themselves from the non-white Europeans. This segregation became known as the apartheid. During the apartheid era, black migration was highly regulated and severely limited.

With the end of apartheid, temporary immigration permits granted annually have increased from 3 million to 9.9 million people in 1999. In 2007, South Africa had 1.2 million foreign-born residents (almost 3 percent of its population) and between 9 and 10 million and temporary residents (20 percent of its population) respectively. Currently, immigration includes mostly investors and skilled workers (interested in mining, commerce, industry, and finance), refugees, and migrants seeking socioeconomic relief.

Entering South Africa

Assuming the migrant is not a refugee or an asylum seeker, any person wishing to migrate to South Africa as a foreigner must first apply for a temporary residence permit. In most cases, foreigners must have a temporary residence permit before they can apply for permanent residency. Some exceptions are workers with a permanent offer of employment, investors, and spouses or children of citizens or permanent residents.

The success of the applications depends mostly on the type of the visa and the type of applicant. Generally, the higher skilled the applicant then the easier and quicker the process. South Africa is currently suffering a ‘brain drain,’ where its professionals are leaving the country to find work elsewhere. The government estimates a 1.2 million person gap in skills by 2014, and has developed programs to speed up the migration process for skilled workers.

For less skilled migrants, it is much more difficult. The South African migration policy does not accommodate this type of migration, and because of this many African migrants are attempting instead to enter via the asylum route. This has lead to severe backups in the system. Roni Amit, a Post-Doctoral fellow at the African Centre for Migration and Society, looked at 324 asylum rejection letters dating between January
and April 2009, and found that ‘they were characterized by errors of law, a failure to give reasons, a lack of individualized decision making and a widespread failure to ‘apply the mind’ or to use sound reasoning.’ Migration policy has focused on getting through the applications quickly, rather than looking at the legitimacy of the asylum claims.

A large number of Zimbabweans have been attempting migration to South Africa over the past few years. Civil unrest in Zimbabwe and severe economic difficulties have forced many to seek refuge elsewhere. They are, however, routinely denied permits. Out of 275,000 applications only 50,000 have been processed at the end of the year, and in 2007 of 33,351 applications by Zimbabweans for refugee status only 477 were granted.

The final step in South African migration is citizenship. Gaining this legal right, however, can be quite difficult, and especially for the unskilled and asylum seekers. Claims are also being made that the migration system in South Africa is corrupt, and that “almost anyone with money to secure South African citizenship and documentation” can do so.

Immigrant Rights

South Africa has many laws to protect its immigrants. It has the Constitution Act 108 of 1996, and within it a Bill of Rights. South Africa is a signatory to the 1951 Convention Relating to the Status of Refugees, and also the 1967 Protocol Relating to the Status of Refugees. South Africa also has the Refugees Act of 1998 which protects against refoulement, which is the involuntary return of the migrant to a place where his or her life or safety may be endangered.

More specifically, section 33 of the Bill of Rights says that administrative action (by the government and public institutions) must be lawful, reasonable, and procedurally fair. This would include the grant or rejection of permit applications and social rights for example. These rights are not only for citizens, but for “all people in our country and affirms the democratic values of human dignity, equality and freedom.”

Unfortunately, despite the laws and conventions many foreigners within South Africa live without protection. The United Nations South Africa Case Study found that “inadequate documentation, ignorance, and outright discrimination, prevents many non-nationals who are legally in South Africa from accessing” social services. As discussed above, Amit’s analysis of the rejection letters found that the principles of section 33 of the Bill of Rights had not been upheld and that justice had not been administered.

In the majority of cases people are detained or deported by the police without respect for the rule of law. Of those deported most are Zimbabweans who are arrested after crossing the border and are then left on the other side of it.

Recently, a case regarding Mozambican citizens who were challenging the denial of the benefits under the Social Assistance Act reached the South African Constitutional Court. Grants for child support and social grants for the aged were denied because the Mozambicans were permanent residents and not South African citizens. The Court found, however, that this denial was an unreasonable breach of the equality and social rights provisions in the South African Bill of Rights and that the application for social security should be approved.
Living as an Immigrant in South Africa

South Africa has had a relatively violent recent history, with the apartheid and its aftermath. In many cases the sole purpose of the looting and the murders was to instill fear into foreigners. This is evidenced by the fact that the killings were public and knives were used rather than guns. In May 2008 foreigners and their property were violently attacked by South African citizens. In the International Organization for Migration (IOM) 2009 report it was found that 62 people were killed, 670 were wounded, dozens of women raped, hundreds of thousands of people were displaced, and millions of Rand worth of property was stolen or destroyed.

The IOM investigated the 2008 attacks and their response. It found that the government and the police responses were slow and ineffective. In Alexandra, the police took longer than 24 hours to respond to the violence. Some members of local government actually participated in the attacks, and others did nothing to support the foreigners. An election was scheduled for 2009 and politicians did not want to lose favour with the voters.

Although there have been many attacks to foreign nationals in South Africa’s recent history, as of 2009 not one person has been held accountable – and although some have been arrested they have all been let off.

Citizens in South Africa are generally not very welcoming. Citizens are concerned that they will be financially responsible for foreigners unable to support themselves. They also believe foreigners are taking their jobs, illegally accessing social services, and illegally owning social housing.

The government and police say that foreigners are entering South Africa illegally to commit further crime. Although there is no evidence of this the United Nations study shows that many South African citizens believe the government and the police and think this is the reason why the foreigners were attacked (rather than xenophobia).

Acclimation is also not easy for foreign nationals. They find it difficult to obtain social services and cannot get bank accounts. Foreigners are blamed for violence and are considered a threat to South Africa.

The IOM report blames the 2008 violence and the lack of response to “the micro-politics of the country’s townships and informal settlements”. It found that in every site where there was violence there was a lack of official leadership. Unlike the South African citizens, foreign nationals were unrepresented and thus had no one to defend them or to give them a voice.

The migration system in South Africa has been greatly criticized. Civil society groups and the United Nations High Commission for Refugees (UNHCR) have put pressure on South Africa to address xenophobia. The South African Police Services now have prevention and report mechanisms. There are also public service announcements to promote tolerance. In 2010, the UNHCR reports a decrease in xenophobic violence.
3. Ibid.
5. Landau and Segatti, “Human Development.”
11. Landau and Segatti, “Human Development.”
17. See Khosa v. Minister of Social Development, Mahlaule v. Minister of Social Development 2004(6) BCLR 569 (CC) (S. Afr.).
20. Landau and Segatti, “Human Development.”
22. Ibid.
South Korea is a country in East Asia located on the southern half of the Korean Peninsula. Its neighboring countries are China to the west, Japan to the east, and North Korea to the north. Its official name is the Republic of Korea and its president, who is democratically elected by its citizens for a 5-year term, appoints its prime minister (with the consent of the National Assembly). South Korea’s population totals almost 49 million people, with almost 10 million people living in its capital city of Seoul. Korean is the main language, although English is widely taught in junior high and high schools.

Immigration in South Korea

In the 19th century, Korea was nicknamed the “Hermit Kingdom” by some Westerners due to its reluctance to engage in dialogue with the outside world. However, after the Japanese occupied and colonized Korea in the early part of the 20th century, millions of Koreans left the country. This led to large Korean communities in China, Japan, Russia, and Hawaii that still exist today. After the defeat of the Japanese in World War II, the country was divided into North Korea, which has been governed by a communist regime, and South Korea, a republic. The Korean War, which lasted from 1950-1953, caused roughly 10 million people to move from North Korea to South Korea. After the war, and especially after the United States changed its immigration policies regarding non-European immigrants in 1965, many South Koreans began migrating to the United States for study or to find a better quality of life.

Historically, South Korea has been a very homogenous country, but due to its rapid economic development over the last 40 years, by the 1990s, it realized that it needed temporary workers to do the unskilled jobs that native Koreans were becoming less willing to do themselves. Unfortunately, strict immigration policies made it difficult for South Korean businesses to fill low-level jobs with legal, temporary workers, so by the mid-1990s, increasing numbers of people from other Asian countries – China, the Philippines, Indonesia, Thailand, Vietnam, and Mongolia – were overstaying their tourist visas to work. These immigrants were able to find jobs in small manufacturing companies, construction, and restaurants, with many of them having paid large fees to job agencies at home and/or in South Korea. As of 2007, the number of undocumented immigrants was estimated to be 223,464, which accounted for 21% of the total number of immigrants in Korea at that time.

In addition to immigrants seeking work, South Korea also receives significant numbers of immigrants who come to marry South Koreans (particularly Korean men who live in rural areas) and members of the Korean diaspora (i.e., immigrants whose ancestors left Korea and settled elsewhere). As of June 2008, 26% of resident foreigners in South Korea were overseas Koreans on a work-visit program, 18.6% were unskilled laborers, 10.3% were immigrants through marriage, 6% were international students, 2.6% were skilled workers, 1.6% were legal permanent residents, and .7% were investors. As of July 2011, about 1.25 million foreigners (with more than half of them being Korean-Chinese) lived in Korea, which accounts for 2.5% of the entire population. The government projects that foreigners will be 5% of the population by 2020.

Entering the Country

Currently, residence status for foreigners is divided into 8 categories, from type A to type H. Of these, only...
3 types, type E through type H offer the possibility of employment. In general, skilled workers, including entertainers, researchers, and language teachers, have been welcome to temporarily work and live in Korea. However, as of June 2008, only about 5.5% of the total number of foreigners legally working in Korea were considered professionals (this includes language teachers).

Prior to the early 2000s, South Korea had no official means of giving unskilled workers temporary access to the labor market. However, in 2004, the Korean government implemented a new employment permit system for guest workers. Under this system, qualifying Korean employers (which include small and medium-sized manufacturers with less than 300 employees, farmers, certain ranchers and fishers, and construction companies) can hire foreign workers from the following 15 countries through an E-9 visa: Vietnam, Indonesia, Thailand, Philippines, Nepal, East Timor, Myanmar, Pakistan, Cambodia, Sri Lanka, China, Kyrgyzstan, Uzbekistan, Mongolia, and Bangladesh. However, such employers must first demonstrate that they have spent at least 14 days (or 7 days if the efforts are made through mass media like newspapers and broadcasting) trying to find native Korean workers to fill these positions. Through this employment permit system, about 40,000 foreign workers are hired every year. Of these workers, 87% work in the manufacturing sector. As of August 2011, there were 1.4 million foreign workers living in South Korea.

These workers are initially hired for an employment period of up to 3 years, but that period can be extended to a maximum period of 4 years and 10 months. Once they have reached that maximum time period, they must return to their home countries for at least 6 months before re-applying to come back to work in South Korea. Family members of foreign workers are not allowed to enter, a restriction purposely designed to dissuade foreign workers from permanently settling in South Korea. When this scheme was introduced, it gave many undocumented foreign workers the opportunity to apply for a permit, depending on how long they had been in the country illegally. Undocumented workers who did not qualify for a permit were given a chance to leave the country without paying any fines. This legalization increased the population of registered immigrants 73.4% between 2002 and 2003.

F2 (residence) visas are available to immigrants who have legally resided in Korea for one year or more before applying and reached at least 80 points out of a possible 120 points (allocated based on age, income, academic credentials, Korean language ability, etc.), determined on a case-by-case basis. Although an F2 (residence) visa may be granted to unskilled workers who have developed into skilled workers, the program has not met Korean companies’ needs for skilled workers, probably in large part due to what requirements an unskilled worker must meet, which are the following: 1) employed at a Korean company as an unskilled worker for 5 or more years, 2) obtained a certificate of a skill designated by the Justice Minister or earned wages above a predetermined amount, 3) possess enough assets to support themselves, 4) equipped with basic knowledge of Korean culture and language, and 5) “has decency.” An F5 (legal permanent residence) visa may be granted to those who have lived in Korea for 5 or more years.

Immigrants may also apply for refugee status in Korea, but not many have applied and even fewer have succeeded. In 2007, out of 717 applicants, only 13 received refugee status. Part of the problem is the limited number of officials who have been assigned to determine who qualifies for refugee status, which results in a long waiting list of applicants. North Koreans who successfully reach South Korea are not technically considered “refugees” under South Korea law, but are eligible to receive some special assistance,
including both money and training, to help them settle and adjust to life in the south.  

Defectors from the north may end up in Hanawon, an agency that provides housing to approximately 100 North Korean “refugees” and helps with employment services.  

In general, the easiest way for a person to become a Korean citizen is by marrying a Korean spouse or having at least one parent who is a Korean citizen. It is possible for immigrants with no family ties to Korea to become a citizen, but it is difficult, because they must prove to the authorities that they have a serious desire to become a citizen. Authorities require 5 consecutive years of residency, proficiency in the Korean language, and an understanding of Korean culture and history, which may be tested through an interview and a written test. In 2007, 110,362 immigrants immigrated to South Korea through marriage, which has led to a growing number of applications for naturalization; in 2007, 23,485 immigrants applied for Korean citizenship. Naturalization is a time-consuming process: the overall average time for naturalization approval is one-and-a-half years.

Immigrant Rights

Article 10 in the Act on the Treatment of Foreigners in Korea provides that “The nation and local governments shall endeavor to prevent unreasonable discrimination against foreigners in Korea and their children, provide them with education and promote the protection of their human rights.”

Although Korea is a member of the UN Convention on the Elimination of All Forms of Racial Discrimination, both Koreans and immigrants “perceive that Korea has unreasonable and discriminatory institutions and practices in education, welfare and employment.” Immigrants are vulnerable to various forms of human rights abuses, “and often do not know how to use the safeguards that are in place, as they are a social minority and lack [an] understanding of Korean language and culture.”

However, the government has taken steps to address these problems by establishing a nationwide support system for migrant female victims of domestic violence, which includes access to counseling in various languages and implementing an Immigration Contact Center hotline through which examples of human rights infringement can be reported.

Living as an Immigrant in South Korea

Many foreign workers are exposed to poor working conditions at their work sites because they are employed by small businesses. The problems such workers face include: “verbal abuse during working hours, confiscation of their passports, industrial accidents, back wages, off-duty injuries, and physical violence.” These workers’ poor command of the Korean language and their relatively low social and economic status often hinder their ability to solve the problems they face. In an attempt to address some of these issues, the government has opened counseling centers to promptly provide advice to both foreign workers and their employers regarding difficulties that arise in the workplace.

Outside of the workplace, many immigrants find it difficult to live in Korea because of limited communication and access to information (i.e., multilingual amenities and administrative services are lacking). As a result, many of them are reluctant to bring their family members to Korea. However, the government is attempting to address these issues by implementing an expanded 3-party translation service via a call center.
center for immigrants, providing more English-language translations and announcements for transportation services, building more immigrant-friendly residences, expanding social security benefits to include permanent residents, and establishing immigrant-friendly cultural facilities such as “mini-libraries” in areas where many immigrants live.\textsuperscript{38}

Many immigrants also “suffer discrimination and prejudice because of their appearance and cultural differences.”\textsuperscript{39} The government is taking steps to address this by raising awareness of the increasingly multicultural nature of Korean society through new textbooks and extracurricular classes in Korean schools, holding forums and seminars in the community, and producing and disseminating public service messages and broadcasting programs about this topic.\textsuperscript{40}

Endnotes

2. Ibid.
5. Ibid.
6. Ibid.
7. Ibid.
21. Ibid.
24. Ibid., 99.
25. Ibid., 100.
29. Park, “Balancing Labor Demand.”
31. Ibid., 13.
32. Ibid., 90.
33. Ibid, 92-93.
34. Ibid., 28.
35. Ibid.
38. Ibid., 34-38.
39. Ibid., 39.
40. Ibid., 40-43.
### COUNTRY COMPARISON CHART

<table>
<thead>
<tr>
<th>Countries</th>
<th>Ireland</th>
<th>New Zealand</th>
<th>Saudi Arabia</th>
</tr>
</thead>
<tbody>
<tr>
<td>Would you want to immigrate to this country?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>How well are immigrants treated by government and society?</td>
<td></td>
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<tr>
<td>How easy is it to become a citizen?</td>
<td></td>
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<td></td>
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<tr>
<td>How easy is it to immigrate to this country? For work? For family?</td>
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</tbody>
</table>

Would you want to immigrate to this country? Give reasons.
<table>
<thead>
<tr>
<th>Countries</th>
<th>South Africa</th>
<th>South Korea</th>
</tr>
</thead>
<tbody>
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</table>
LESSON 10
Nativism and Myths about Immigrants

It is not new or unusual for the real Americans, meaning those immigrants who came to America a little bit longer ago, to fear the outsiders, the pretenders, the newcomers.

LESSON 10
Nativism and Myths about Immigrants

Goals
» Understand nativism and anti-immigrant prejudice in U.S. history and relate it to present-day movements.
» Learn how to recognize myths and find accurate information to refute them.

Objectives
» Students will learn to distinguish between fact, myth, and opinion.
» Students will understand why myths about immigrants are created and spread.
» Students will recognize nativism as a recurring problem in U.S. history that still exists today.
» Students will learn how to evaluate the accuracy of information about immigrants in the United States.

Essential Question
» Where do anti-immigrants myths come from, and how can I refute them?

Key Skill
» Critically analyzing media and identifying reliable sources (Activity 2 & 3).

Teacher Advisory
Some of the images and quotes in this lesson are racist and disturbing, but are included for historical understanding. Please warn your students and offer them an opportunity to discuss their reactions. All dialogue should be respectful.
Additionally, please read the Advisory on Immigration Status on page 20 before beginning this lesson.

Materials
☑ Handout 1: Fact, Myth, or Opinion
☑ Handout 2: Gallery of Nativism
☑ Handout 3: Nativism in U.S. History Timeline
☑ Handout 4: Guide to Sources
☑ Tape (for 10 groups), colored paper
☑ Scissors
☑ Sticky notes (optional)

Time Frame
3-4 class periods

Vocabulary
bias
fact
myth
native-born
nativism
nativist
opinion
reliability
**Procedure:**

1. **Prepare.** Cut out the cards (being careful not to include the answers) from *Handout 1: Fact, Myth, or Opinion* and set them aside.

2. **Think.** Ask students to define the terms “fact,” “myth,” and “opinion.” Explain that opinions reflect personal beliefs, but they are often based on information a person has read, heard, or seen. The information on which we base our opinions may be true (a fact) or false (a myth).

Further explain that the opinions we hold have consequences on the human rights and daily lives of immigrants. Opinions that are based on negative myths or false information can be very harmful. Draw a shorthand version of the following sequences on the board.

**Fact:** Immigrants today learn English at the same rate or faster than they did in the past. Learning a new language takes time; more ESL classes are needed in many communities.

**Opinion:** Immigrants are motivated and need better access to English classes.

**Result:** Volunteers teach ESL classes through a local community education program. Ten adult Somali refugees expand their vocabulary and improve their writing skills.

**Myth:** Immigrants today aren’t learning English as fast as our ancestors did. Historically, the government did not translate materials into other languages.

**Opinion:** Immigrants do not want to learn or speak English. They should be required to learn it, like I would if I were in another country.

**Result:** A voter demands an English-only city ordinance to stop printing public materials in other languages. Months later, a mother bringing her child to a city park cannot read the posted rules and warnings about the equipment.

3. **Identify.** Divide students into small groups of three or four. Give each group one card from *Handout 1: Fact, Myth, or Opinion*. Go over the example card about human rights as a class, having students vote on which statement they think is fact, myth, or opinion before revealing the answers. Have the small groups repeat the process with the statements on their cards. After they have finished, have the groups share their answers with the class, and then tell them how their results compare to the real answers.

4. **Discuss.** After students have correctly identified the fact, myth, and opinion about immigration, have the small groups discuss the following questions:

**Questions for Discussion**

- How or why do you think the myth on your card started?
- Is the opinion based on the myth or the fact on your card?
- How might the opinion impact the human rights of immigrants?
Lesson 10: Nativism and Myths about Immigrants

ACTIVITY 10.2
A History of Nativism

Procedure:

1. Prepare. Print out all pages from *Handout 2: Gallery of Nativism*. Cut out the date range cards and hang them around the classroom in chronological order. Group the images and quotes by their respective historical periods (Early American Intolerance, Anti-Catholicism, etc.). (Note: If you can have students cut them out, it will save time.)

2. Define. Explain that negative myths about immigrants are often created and spread by people known as nativists. Ask students what they think the term nativism might mean. Provide them with the following definition:

   Nativism: the policy or practice of prejudice against immigrants in favor of the native-born, established inhabitants of a country.

   Point out that the meaning of “native inhabitants” in this definition is not Native Americans, but instead whatever group is the hegemony currently residing in the United States when a new, distinctive group of immigrants arrive.

3. Create the gallery. Divide the class into ten groups (2-4 students in each group). Give all students *Handout 3: Nativism in U.S. History Timeline*. Also give each group one or two pieces of colored paper and one of the sets of images and quotes from a particular time period, created in Step One: Prepare. Explain that the class is now going to be creating a “Gallery of Nativism” around the classroom. Tell students that each group should use the information in their handouts to create a sign (with the information below) and a collage (made up of the images and quotes from their time period) for their section of the gallery. Tell them to tape/glue the images and quotes to the colored sheet/s of paper, and have them get out a sheet of paper and write the following information on their signs:

   - the immigrant group being targeted;
   - the main stereotypes, myths, or prejudice being perpetuated; and
   - possible reasons why nativism occurred at that time.

   Let students know that some of the time periods overlapped, and that there were resurgences in prejudice against certain groups. The date ranges provided reflect the most intense anti-immigrant sentiment toward a particular group. When they have finished their sign, each group should find the relevant time period and hang their quotes, images, and write-up on the wall.

4. Walk the gallery. Now have the class walk around the timeline and write down the myths about immigrants that appear more than once in the timeline. You can choose to have the class walk it independently or together, taking turns having a representative from each group give a brief summary of their time period as they go along.

(continued on next page)
5. Discuss. Bring the class back together to discuss what they learned from the timeline. Have students first share anything they found particularly surprising or disturbing. Next, ask them to share the myths that they saw repeated at different eras and with different immigrant groups. Use the following questions to explore what might lead to the same anti-immigrant myths appearing repeatedly throughout U.S. history.

### Questions for Discussion

- Was this exercise disturbing for you? Were you surprised by the levels of animosity?
- What are some common myths, stereotypes, or prejudices about immigrants that appear many times for different immigrant groups?
- Why would the same myths be applied to immigrant groups from very different countries and cultures?
- Are the groups that are considered “native” in a particular time period always the same? Are the “natives” of the 1790s the same as the “natives” of today?
- Do we still apply the anti-immigrant myths, stereotypes, or prejudices used in the past to the same ethnic or cultural groups today? For instance, do people still think that Irish-Americans or German-Americans will never learn English? What changed?
- Are anti-immigrant myths today similar to ones from the past, even though they target different ethnic and cultural groups? Why or why not?
- Why would someone create or spread anti-immigrant myths, stereotypes, or prejudices? What purpose do they serve?
- How is nativism a reaction to feeling threatened, and why do we feel threatened by immigration?
- How do you think these myths, stereotypes, or prejudices affected the human rights of immigrants over the years?
- How would you feel if you were the target of one of these myths?
Procedure:

1. **Brainstorm.** Explain that many times, when people hear a piece of information, they do not know whether it is true or not, and so they believe anything that matches what they already think and reject new ideas. Instead of relying on our instincts, which can be wrong, it would be better if people tried to find out from reliable sources if the new information they heard is a fact or a myth.

   Ask students to give an example of a rumor that might be told about a person or group of people. How could they figure out if the rumor is true or not? If the rumor is not true, how could they stop it? Write down their ideas on the board.

   Just as there are ways to stop rumors at school or among friends, people can also stop anti-immigrant myths through these three steps:

   - Question new information that you hear or read, instead of just accepting it as true.
   - Go to reliable sources to verify the information.
   - If the information is untrue, speak up when you hear the myth and make an effort to spread the truth.

2. **Question.** Have students revisit the myth from their fact, myth, and opinion card. Pose the following question to students: “If you had never seen this myth before, how could you try to find out if it was a fact or a myth?” Explain that one way to find out the truth is to seek out reliable sources of information.

   For this exercise, they will be provided with a trustworthy source. Have students go online and access the Immigration Policy Center’s 2010 report “Giving Facts a Fighting Chance,” which can be found with a simple Google search.

   Have students look for the section of the report that relates most closely to their myth and then read the section in its entirety for facts that disprove their myth and for more information about the topic. Have them write down any original sources they find (e.g., “The National Research Council reported that…”) and why they think the sources may or may not be reliable.

3. **Check.** Pass out Handout 4: Guide to Sources. Have students read through it, then go over the main points with them as a class. Allow them to ask questions about vocabulary or ideas they do not understand. Next, ask students to form pairs (with a student not from their original Fact, Myth, and Opinion group) and use the credibility checklist on Handout 4 to determine the reliability of the sources they found in “Giving Facts a Fighting Chance.” When they are finished, have groups share what reliability criteria matched the sources they found.

4. **Make the connection.** Explain that part of the reason it is important to find reliable sources is that sometimes myths are intentionally spread by people with hidden agendas. In the case of immigration, much of the misinformation and ill feelings spread in the media and elsewhere originate from nativist organizations. Many modern anti-immigrant myths, stereotypes, and prejudices are sustained through a highly organized network of groups with distinct messages and audiences that are designed to look independent, but in fact share funding, resources, supporters, founders, key leaders, and tactics. Some of these founders and supporters hold controversial or even racist views on immigration, and some have been connected to white supremacist groups.

(continued on next page)
Have students study the map created by the Center for New Community to show all the anti-immigrant organizations connected to this network (found at www.newcomm.org/pdf/CNC-Tanton_Network_2009.pdf). Point out the variety of niches that the network fills. For example, FAIR has established itself as an expert group; the Center for Immigration Studies describes itself as a think tank and provides data that it and FAIR frequently use in the media; ProEnglish provides template language for city councils to pass English-only policies (see www.energyofnation.org/English-only_ordinance_in_mn.html for an example); and there are many local groups that have sprung up as smaller affiliates of FAIR that feed off of its information and tactics. As a class, discuss some of the potential problems and implications of this anti-immigrant network.

### Questions for Discussion

1. Do you think that it matters that these groups have connections to white supremacist or racist people or organizations? What if they only receive money from such groups?
2. Some of these organizations have publicly distanced themselves from the most controversial founders and leaders in the network. Do you think that their credibility is still in question?
3. Should people know the background of these organizations when reading or hearing the facts and opinions they provide?
4. Until recently, most people did not know about this anti-immigrant network. Why do you think that is?
5. Do you think something should be done to counter myths started or perpetuated by nativist groups? If so, what?

### Practice

Explain to students that it can seem discouraging to learn about the long history of nativism in the United States that is still being sustained today by an influential network of anti-immigrant organizations. However, remind students that previous cycles of nativism have been overcome by people willing to stand up and tell the truth when confronted by anti-immigrant myths and stereotypes. It can be difficult or intimidating to challenge someone who is repeating incorrect information, so students will get now a chance to practice refuting a myth.

Have students return to the pairs they were in when they checked the reliability of their sources. Have the students take turns practicing refuting a myth. One student should read one of the myths they originally researched, as if they were telling a friend or family member something they just learned (e.g., “It makes me so mad that...” or “Did you hear that immigrants...?”). The other student should reply using the fact that they discovered that refutes the myth (e.g., “That’s not actually true. Did you know...?” or “That’s a common myth about immigrants, but the reality is...”). After one exchange, the students should switch roles and refute the other myth.

If students created the “Gallery of Nativism” in Activity 2, one powerful end to the lesson is for each student to write down the statement they practiced refuting an anti-immigrant myth on a sticky note (or write down another action they can take to refute myths and bias). Students can then take their sticky notes and cover up one of the images or quotes that they found particularly offensive in the gallery.
## FACT, MYTH, OR OPINION

<table>
<thead>
<tr>
<th>CARDS</th>
<th>ANSWERS</th>
</tr>
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<tbody>
<tr>
<td><strong>EXAMPLE – Human Rights</strong></td>
<td></td>
</tr>
<tr>
<td>Human rights include family unity, access to just working conditions, and freedom from discrimination on the basis of national origin for everyone.</td>
<td>Fact</td>
</tr>
<tr>
<td>People who immigrate illegally should not be guaranteed any rights.</td>
<td>Opinion</td>
</tr>
<tr>
<td>Only documented immigrants have human rights.</td>
<td>Myth</td>
</tr>
<tr>
<td><strong>#1 – Economy</strong></td>
<td></td>
</tr>
<tr>
<td>Immigrants help improve the U.S. economy, adding over $37 billion to the gross domestic product (GDP) each year.</td>
<td>Fact</td>
</tr>
<tr>
<td>Immigrants are a drain on the economy.</td>
<td>Myth</td>
</tr>
<tr>
<td>I think the U.S. needs immigrants to be prosperous.</td>
<td>Opinion</td>
</tr>
<tr>
<td><strong>#2 – Undocumented Immigration</strong></td>
<td></td>
</tr>
<tr>
<td>Undocumented immigrants could come legally, they just don't want to.</td>
<td>Myth</td>
</tr>
<tr>
<td>Many people have no way to legally immigrate to the U.S., because there are very few visas for low-skill workers, and wait times for family members can stretch for decades.</td>
<td>Fact</td>
</tr>
<tr>
<td>I think the immigration system should be changed so more people can immigrate legally if they want to.</td>
<td>Opinion</td>
</tr>
<tr>
<td><strong>#3 – Integration</strong></td>
<td></td>
</tr>
<tr>
<td>Immigrants should only be allowed into the country if they already speak English.</td>
<td>Opinion</td>
</tr>
<tr>
<td>By the second generation, nearly all (98%) immigrants know English.</td>
<td>Fact</td>
</tr>
<tr>
<td>There is less of a need to learn English now, so immigrants stay within their own communities and speak their own languages.</td>
<td>Myth</td>
</tr>
</tbody>
</table>

### #4 – Immigration Enforcement

Having local police enforce immigration law leaves immigrants too frightened to report crimes or serve as witnesses, making communities less safe.  

Everyone, including individuals and local police officers, should be part of the effort to get rid of undocumented immigrants.  

If someone knows their neighbor is undocumented, they are legally obligated to call the police.

<table>
<thead>
<tr>
<th>#4 – Immigration Enforcement</th>
<th>Fact</th>
<th>Opinion</th>
<th>Myth</th>
</tr>
</thead>
<tbody>
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<td>Having local police enforce immigration law leaves immigrants too frightened to report crimes or serve as witnesses, making communities less safe.</td>
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### #5 – Crime

New immigrants are more likely to be criminals than native-born residents.  

My neighborhood is lucky that several immigrant families are moving in.  

Immigrants’ incarceration rate is five times less that of the native-born population.

<table>
<thead>
<tr>
<th>#5 – Crime</th>
<th>Myth</th>
<th>Opinion</th>
<th>Fact</th>
</tr>
</thead>
<tbody>
<tr>
<td>New immigrants are more likely to be criminals than native-born residents.</td>
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<td>My neighborhood is lucky that several immigrant families are moving in.</td>
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<td>Immigrants’ incarceration rate is five times less that of the native-born population.</td>
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</tbody>
</table>

### #6 – Taxes

Immigrants do not pay taxes.  

Even undocumented immigrants pay taxes. The majority pay income tax, and everyone pays sales and property taxes.  

Immigrants are enjoying services that are paid for with my tax money, and they should be fined because they are not contributing otherwise.

<table>
<thead>
<tr>
<th>#6 – Taxes</th>
<th>Myth</th>
<th>Fact</th>
<th>Opinion</th>
</tr>
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</table>

### #7 – Benefits

I think that immigrants who are hardworking and law abiding should not have to struggle so hard to make ends meet because of a lack of social benefits.  

Immigrants are bankrupting public benefit systems.  

Undocumented immigrants are not eligible for food support, Social Security, or Medicaid. In fact, they are restricted from all public benefits, except from emergency medical care in the case of life-threatening situations.

<table>
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<tr>
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<th>Opinion</th>
<th>Myth</th>
<th>Fact</th>
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<td>Early American Intolerance</td>
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<td>Mid- to Late 19th century</td>
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<td>(1830-1860s)</td>
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<td>Late 19th century (1870-1890s)</td>
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<tr>
<td>Late 19th century/Early 20th</td>
<td>Americanization Campaign</td>
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<td>century (1890-1920)</td>
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<td>Early 20th century (1910-20)</td>
<td>World War I</td>
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# GALLERY OF NATIVISM

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<td><strong>Ethnic Quotas</strong></td>
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<td><strong>World War II</strong></td>
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<td><strong>Undocumented Immigration</strong></td>
<td>Late 20th century/Early 21st century</td>
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<td>(1990s-present)</td>
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<td><strong>Post-September 11</strong></td>
<td>Early 21st century</td>
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<td>(2001-present)</td>
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Early American Intolerance

[Regarding the Germans] “...Those who come hither are generally of the most ignorant Stupid Sort of their own Nation. Few of their children in the Country learn English … the Signs in our Streets have inscriptions in both languages, and in some places only German … I suppose in a few years they [interpreters] will be also necessary in the Assembly, to tell one half of our Legislators what the other half say … they will soon so out number us, that all the advantages we have will not in My Opinion be able to preserve our language, and even our Government will become precarious.”

~ Benjamin Franklin, “A Letter to Peter Collinson,” May 9, 1753

“Do we not know that the French nation have organized bands of aliens as well as of their own citizens, in other countries, to bring about their nefarious purposes … By these means they have overrun all the republics in the world but our own.”

~ Representative Harrison Otis, statement on floor of U.S. House of Representatives, June 1798

“Why should Pennsylvania, founded by the English, become a Colony of Aliens, who will shortly be so numerous as to Germanize us instead of our Anglifying them, and will never adopt our Language or Customs, any more than they can acquire our Complexion.

Which leads me to add one Remark: That the Number of purely white People in the World is proportionably very small … in Europe, the Spaniards, Italians, French, Russians and Swedes, are generally of what we call a swarthy Complexion; as are the Germans also … And while we are, as I may call it, Scouring our Planet, by clearing America of Woods, and so making this Side of our Globe reflect a brighter Light to the Eyes of Inhabitants in Mars or Venus, why should we in the Sight of Superior Beings, darken its People? why increase the Sons of Africa, by Planting them in America, where we have so fair an Opportunity, by excluding all Blacks and Tawneys, of increasing the lovely White and Red? But perhaps I am partial to the Complexion of my Country, for such Kind of Partiality is natural to Mankind.”

~ Benjamin Franklin, “Observations Concerning the Increase of Mankind, Peopling of Countries, etc,” 1751
**Anti-Catholicism**

“If the potentates of Europe have no design upon our liberties, what means the paying of the passage and emptying out upon our shores of such floods of pauper emigrants—the contents of the poor house and the sweepings of the streets—multiplying tumults and violence, filling our prisons, and crowding our poor houses, and quadrupling our taxation, and sending annually accumulating thousands to the polls to lay their inexperienced hand upon the helm of our power?”

~Beecher, “A Plea for the West”

“The Roman Catholic Church claims infallibility for itself, and denies Spiritual Freedom, Liberty of Mind or Conscience to its members. It is therefore the foe to all progress; it is deadly hostile to Democracy. She is the natural ally of tyrants, and the irreconcilable enemy of Freedom.”

~Theodore Parker, “A Sermon of the Dangers which Threaten the Rights of Man in America,” July 2, 1854
“The Mortar of Assimilation — And the One Element that Won’t Mix (the Irish)"

“The Ignorant Vote — Honors Are Easy”
[African American man on left, Irishman on right]

“Uncle Sam’s Lodging House”
Uncle Sam [to Irishman]: “Look here, you, everybody else is quiet and peaceable, and you’re all the time a-kicking up a row!”
Chinese Exclusion

“The Chinese Question”
“The Remedy Too Late”
“During their entire settlement in California, they have never adapted themselves to our habits, modes of dress, or our educational system, have never learned the sanctity of an oath, never desired to become citizens, or to perform the duties of citizenship, never discovered the difference between right and wrong, never ceased the worship of their idol gods, or advanced a step beyond the musty traditions of their native tribe.”

~California Senate, Special Committee on Chinese Immigration, 1877