Educating Non-Citizens—Lesson Plan

Student Objectives

- Cite publicly funded education as a governmental benefit that citizens expect.
- Distinguish between rights enjoyed by all persons and privileges reserved for citizens in a democratic society.
- Understand the importance of education in preparing young people to participate in the national life of democratic societies.
- Analyze the reasons for supporting and opposing government support (e.g., in-state tuition) for higher education of immigrants who have entered the country illegally.
- Identify areas of agreement and disagreement with other students.
- Decide, individually and as a group, whether governments should extend support for higher education to immigrants who have entered the country illegally; support decisions based on evidence and sound reasoning.
- Reflect on the value of deliberation when deciding issues in a democracy.

Question for Deliberation

Should our democracy extend government support for higher education to immigrants who – as young people - entered the country illegally?

Materials

- Lesson Procedures
- Handout 1—Deliberation Guide
- Handout 2—Deliberation Worksheet
- Handout 3—Student Reflection on Deliberation
- Reading
- Selected Resources
- Deliberation Question with Arguments
  (optional—use if students have difficulty extracting the arguments or time is limited)
Educating Non-Citizens—Reading

In today’s world, millions of people move each year from one country to another. They leave their countries for many reasons. Some are seeking work. Others are refugees from war or civil unrest. Some are trying to escape persecution, while others are attracted to freedoms or comforts in another land. Some people want a new start in life or a chance to reunite with their families.

Every nation has the right to control who crosses its borders. Very often the process of applying for legal entry into another country is long, complicated, and expensive, with no guarantee of success. While many immigrants have the time, the resources, and the connections to migrate legally, millions more face great barriers.

According to the United Nations High Commissioner on Refugees (UNHCR), more than 10 million people are “stateless” (officially without a country), and another 25 million people in 50 countries are “internally displaced persons” (IDPs)—people who have been forced to flee their homes to escape armed conflict, chaos, violence, human rights abuses, or natural or man-made disasters. Often desperate to escape such conditions, many people enter other countries illegally.

Democratic societies see themselves as sharing equality through citizenship. Lacking citizenship, undocumented non-citizens raise fundamental questions for democracies about the difference between the rights of citizens and the rights of all persons in a country—particularly regarding government services. One flashpoint for this debate is public education.
Democratic Nations and Non-Citizens

Countries have many different kinds of non-citizens. Some persons have government approval as immigrants or refugees; they may stay as legal permanent residents, and some even seek citizenship in their new country. Other non-citizens first enter a country legally but then overstay their visas or engage in non-permitted activities, such as work. In nations such as Kuwait, persons who have lived their entire lives in the country may still not be official citizens. Then there are persons who are in a country without any government authorization.

The presence of non-citizens is a significant issue for many democratic nations. According to the European Commission against Racism and Intolerance (ECRI), for example, approximately 9% of the population of Federal Republic of Germany are non-citizens. Almost half (49%) have lived there 11 years or more; some were even born there (1997, SOPEMI). In France, 5.6% of the total population are non-citizens (1999). Based on the March 2005 Current Population Survey from the U.S. Census and other recent data, the Pew Hispanic Center estimated that at as of March 2006 there were between 11.5 and 12 million unauthorized migrants living in the United States. According to the U.S. Immigration and Nationalization Service in 2000, about 40% are in the country on expired visas.

Not surprisingly, there are a number of official and unofficial names for these different classes of persons. Following World War II, thousands of persons in Europe were labeled “Displaced Persons” and held in DP camps until they could be returned to their countries of origin or find another place to go. In the United States, the terms “illegal immigrants,” “undocumented persons,” “unauthorized alien,” and “unauthorized migrants” all refer to the same basic group: persons who lack current, official authorization to be in the country.
The Right of a Child to an Education

In 1989, the United Nations General Assembly adopted resolution 44/25, “The Convention on the Rights of the Child.” This Convention, approved by 192 member states, spells out many human, economic, and social rights and protections for children regardless of their country of residence or origin. Article 28 of the Convention deals with education. It says in part that signatories “recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular: (a) Make primary education compulsory and available free to all; (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child….”

The Convention makes no distinction among children with different kinds of legal status in a country, and each country decides for itself how to fulfill their obligations under the Convention. Many countries also made explicit reservations about certain articles of the Convention when they signed it; the Federal Republic of Germany noted, for example, that “nothing in the Convention may be interpreted as implying that unlawful entry by an alien into the territory of the Federal Republic of Germany or his unlawful stay there is permitted.” Nevertheless, the Convention is an important international standard for how children are treated.

Access to Education by Unauthorized Alien Youth in the United States

According to estimates, hundreds of thousands of undocumented youth are enrolled in American elementary and secondary schools; most were brought by their parents. More than 400,000 such students have been in the United States for at least five years, and each year nearly 50,000 of them graduate from high schools. For these children, “home” is the United States.
Their friends, culture, and self-identify are American. Although they do not enjoy legal status, they can attend public schools because of a decision in 1982 by the U.S. Supreme Court.

In the United States, education is not considered a “fundamental right”—that is, a right protected by the federal constitution. Instead, education is a responsibility of state governments. In 1982, the Court heard the case of *Plyler v. Doe*. A Texas law withheld state funds from local school districts for the education of children who were not “legally admitted” into the country. It also authorized local school districts to not enroll such children. The case was brought by illegal immigrants who claimed that the Texas law violated the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution, which provides that no State shall “deny to any person within its jurisdiction the equal protection of the laws.”

By a vote of 5-to-4, the Court held that the Fourteenth Amendment protects anyone who is subject to the laws of a state. Writing for the Court, Justice Brennan noted that “[w]hatever his status under the immigration laws, an alien is surely a ‘person’ in any ordinary sense of that term.” The Court also held that the Texas law did not have a “rational basis” for discriminating against this class of persons and that, in fact, it would impose a lifetime hardship on a discrete class of children who were not responsible for their status. *Plyler* ensures that every child in the U.S., regardless of their legal status, is entitled to a free public education through high school.

**College Funding for “Unauthorized Alien” Students: The DREAM Act**

In 1996, Congress passed and President Clinton signed the Illegal Immigration Reform and Immigrant Responsibility Act. Section 505 of this legislation restricted state educational benefits to unauthorized alien students by making them ineligible for any state loans or scholarships to
public colleges and universities; these students were already ineligible for federal financial aid.

These two policies left most of these students without a chance to attend college.

In 2004, the “Development, Relief and Education for Alien Minors (DREAM) Act,” was proposed in Congress by Senator Orrin Hatch (R) of Utah, Senator Richard Durbin (D) of Illinois, and others. This policy was intended to provide undocumented high school students who wished to attend college or serve in the armed forces a legal opportunity to pursue and get financial help for these goals. Qualifying students had to: not have a criminal record; have entered the U.S. before they were 16 and lived in the country for at least five years; and have graduated from high school or its equivalent. At present, the DREAM Act has not been enacted.

The DREAM Act: Supporters and Opponents

Senator Dianne Feinstein (D) of California, a co-sponsor of the DREAM Act, said that “I believe it is in the national interest to provide talented students who have clearly embraced the American Dream the incentive to take the path towards being a responsible, contributing, law-abiding member in our civic society.”

Advocates also believe that the DREAM Act is smart policy. Since Americans cannot expect that every unauthorized non-citizen can be deported from the country, providing an education for every child—citizen and non-citizen—is both wise and fair. Otherwise, these undocumented young people will grow up without an education and remain on the margins of society. After all, the best way to learn about being a citizen is to go to school. By receiving a publicly funded education, these young people will be encouraged to become full participants in democratic life.

Other supporters say that education is a human right. Undocumented children did not decide to enter the country by themselves—their parents made that decision. Public education for both
citizens and non-citizens fulfills a basic need of every person in our democracy. Education today reasonably includes the opportunity to attend college for those students who are ready academically. Such a policy does not create a special privilege for these youth: it levels the playing field by removing barriers that currently prevent them from reaching their full potential.

Opponents argue that the DREAM Act sends the wrong message. They see this and other programs for unauthorized immigrants as a reward for illegal behavior. Phyllis Schlafly, the founder of Eagle Forum, has argued that “[t]here was no misunderstanding about what this law means... illegal aliens are not eligible for in-state tuition rates at public institutions of higher education.” The DREAM Act will only encourage more families to enter the country illegally so that their children can benefit. The result punishes citizens and mocks legal immigrants who have “played by the rules.”

Opponents also argue that the cost of providing a college education to unauthorized aliens will come at the expense of students who are citizens. “[DREAM] will place American citizens in direct competition with illegal aliens for scarce slots in freshmen classes at state colleges and universities. This is a massive giveaway of higher education while awarding the illegal alien students with an amnesty,” according to the Federation for American Immigration Reform (FAIR). “This massive giveaway of higher education to illegal aliens comes at a time when every state university system is raising tuition and cutting education benefits.”

Opponents also say that the supporters of the DREAM Act fundamentally misunderstand what has always been a central purpose of American public education: preparing young people for citizenship. Investing public dollars to teach people who are not citizens would be wasteful and foolish. Ultimately, every country provides its citizens with special benefits and privileges over non-citizens. Public higher education is one such benefit of citizenship.
Educating Non-Citizens—Selected Resources


Educating Non-Citizens—Deliberation Question with Arguments

Deliberation Question

*Should our democracy extend government support for higher education to immigrants who - as young people - entered the country illegally?*

Arguments to Support the Deliberation Question

1. Education is a human right. Support for higher education for both citizens and non-citizens fulfills a basic need of every person in our democracy, especially in the 21st century when many jobs require a college education.

2. Democratic society depends on the education of every person. Since we cannot expect that every unauthorized non-citizen can be deported from our country, these undocumented young people will remain in our society. Educating them and allowing them a pathway to legal citizenship will allow them to become productive citizens who pay taxes.

3. Children most often did not decide to enter the country illegally. This decision was made by their parents. Children should not be punished for what their parents do.

4. Offering support for college education to law-abiding, unauthorized immigrant students is fair and in the best interests of the country. The best way to learn about being a citizen is to go to school. Providing unauthorized immigrant students with publicly funded education will encourage them to become full participants in our democratic society.

5. Providing publicly funded higher education does not give unauthorized alien students any special privileges. It merely removes barriers that currently prevent them from reaching their full potential.
Educating Non-Citizens—Deliberation Question with Arguments

Deliberation Question

Should our democracy extend government support for higher education to immigrants who - as young people - entered the country illegally?

Arguments to Oppose the Deliberation Question

1. Providing government support for college education for non-citizen youth is misguided. A central purpose of public education is to prepare young people for citizenship. It is foolish to spend public dollars educating people who are not citizens.

2. Every country privileges citizens over non-citizens. In a democracy, citizens participate in the decisions of government and therefore receive special benefits such as the right to vote, to travel in and out of the country freely, and to receive public support for higher education.

3. Government support for higher education is an allocation by citizens of limited public resources. Providing unauthorized alien students with a college education means less money for other programs that benefit legal immigrants and citizens.

4. While children are not responsible for the decisions of their parents, our democracy is responsible for meeting only their basic human needs. Our democracy does not owe unauthorized immigrant children a college education.

5. People should not be rewarded for illegal behavior. Providing government support for college education to unauthorized alien students will only encourage more families to enter our country illegally so that their children can benefit. Taxpaying citizens subsidize the education of people who broke the law.
Lesson Procedures

Step One: Introduction

Introduce the lesson and the Student Objectives on the Lesson Plan. Distribute and discuss Handout 1—Deliberation Guide. Review the Rules of Deliberation and post them in a prominent position in the classroom. Emphasize that the class will deliberate and then debrief the experience.

Step Two: Reading

Distribute a copy of the Reading to each student. Have students read the article carefully and underline facts and ideas they think are important and/or interesting (ideally for homework).

Step Three: Grouping and Reading Discussion

Divide the class into groups of four or five students. Group members should share important facts and interesting ideas with each other to develop a common understanding of the article. They can record these facts and ideas on Handout 2—Deliberation Activities (Review the Reading).

Step Four: Introducing the Deliberation Question

Each Reading addresses a Deliberation Question. Read aloud and/or post the Deliberation Question and ask students to write the Deliberation Question in the space provided on Handout 2. Remind students of the Rules for Deliberation on Handout 1.

Step Five: Learning the Reasons

Divide each group into two teams, Team A and Team B. Explain that each team is responsible for selecting the most compelling reasons for its position, which you will assign. Both teams should reread the Reading. Team A will find the most compelling reasons to support the Deliberation Question. Team B will find the most compelling reasons to oppose the Deliberation Question. To ensure maximum participation, ask everyone on the team to prepare to present at least one reason.

Note: Team A and Team B do not communicate while learning the reasons. If students need help identifying the arguments or time is limited, use the Deliberation Question with Arguments handouts. Ask students to identify the most compelling arguments and add any additional ones they may remember from the reading.

Step Six: Presenting the Most Compelling Reasons

Tell students that each team will present the most compelling reasons to support or oppose the Deliberation Question. In preparation for the next step, Reversing Positions, have each team listen carefully for the most compelling reasons.
• Team A will explain their reasons for **supporting** the Deliberation Question. If Team B does not understand something, they should ask questions but **NOT** argue.
• Team B will explain their reasons for **opposing** the Deliberation Question. If Team A does not understand something, they should ask questions, but **NOT** argue.

**Note**: The teams may not believe in or agree with their reasons but should be as convincing as possible when presenting them to others.

**Step Seven: Reversing Positions**
Explain that, to demonstrate that each side understands the opposing arguments, each team will select the other team’s most compelling reasons.
• Team B will explain to Team A what Team A’s **most compelling** reasons were for **supporting** the Deliberation Question.
• Team A will explain to Team B what Team B’s **most compelling** reasons were for **opposing** the Deliberation Question.

**Step Eight: Deliberating the Question**
Explain that students will now drop their roles and deliberate the question as a group. Remind the class of the question. In deliberating, students can (1) use what they have learned about the issue and (2) offer their personal experiences as they formulate opinions regarding the issue.

After deliberating, have students find areas of agreement in their group. Then ask students, as individuals, to express to the group their personal position on the issue and write it down (see My Personal Position on **Handout 2**).

**Note**: Individual students do **NOT** have to agree with the group.

**Step Nine: Debriefing the Deliberation**
Reconvene the entire class. Distribute **Handout 3—Student Reflection on Deliberation** as a guide. Ask students to discuss the following questions:
• What were the most compelling reasons for each side?
• What were the areas of agreement?
• What questions do you still have? Where can you get more information?
• What are some reasons why deliberating this issue is important in a democracy?
• What might you or your class do to address this problem? Options include teaching others about what they have learned; writing to elected officials, NGOs, or businesses; and conducting additional research.

Consider having students prepare personal reflections on the Deliberation Question through written, visual, or audio essays. Personal opinions can be posted on the web.

**Step Ten: Student Poll/Student Reflection**
Ask students: “Do you agree, disagree, or are you still undecided about the Deliberation Question?” Record the responses and have a student post the results on [www.deliberating.org](http://www.deliberating.org) under the partnerships and/or the polls. Have students complete **Handout 3**.
Handout 1—Deliberation Guide

What Is Deliberation?
Deliberation (meaningful discussion) is the focused exchange of ideas and the analysis of arguments with the aim of making a decision.

Why Are We Deliberating?
Citizens must be able and willing to express and exchange ideas among themselves, with community leaders, and with their representatives in government. Citizens and public officials in a democracy need skills and opportunities to engage in civil public discussion of controversial issues in order to make informed policy decisions. Deliberation requires keeping an open mind, as this skill enables citizens to reconsider a decision based on new information or changing circumstances.

What Are the Rules for Deliberation?
- Read the material carefully.
- Focus on the deliberation question.
- Listen carefully to what others are saying.
- Check for understanding.
- Analyze what others say.
- Speak and encourage others to speak.
- Refer to the reading to support your ideas.
- Use relevant background knowledge, including life experiences, in a logical way.
- Use your heart and mind to express ideas and opinions.
- Remain engaged and respectful when controversy arises.
- Focus on ideas, not personalities.
Handout 2—Deliberation Activities

Review the Reading
Determine the most important facts and/or interesting ideas and write them below.
1) __________________________________________
2) __________________________________________
3) __________________________________________

Deliberation Question

Learning the Reasons

<table>
<thead>
<tr>
<th>Reasons to Support the Deliberation Question (Team A)</th>
<th>Reasons to Oppose the Deliberation Question (Team B)</th>
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</thead>
<tbody>
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<td></td>
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My Personal Position
On a separate sheet of paper, write down reasons to support your opinion. You may suggest another course of action than the policy proposed in the question or add your own ideas to address the underlying problem.
Handout 3—Student Reflection on Deliberation

Large Group Discussion: What We Learned

What were the most compelling reasons for each side?

Side A:      Side B:

What were the areas of agreement?

What questions do you still have? Where can you get more information?

What are some reasons why deliberating this issue is important in a democracy?

What might you and/or your class do to address this problem?

Individual Reflection: What I Learned

Which number best describes your understanding of the focus issue? [circle one]

NO DEEPER UNDERSTANDING  1  2  3  4  5 MUCH DEEPER UNDERSTANDING

What new insights did you gain?

What did you do well in the deliberation? What do you need to work on to improve your personal deliberation skills?

What did someone else in your group do or say that was particularly helpful? Is there anything the group should work on to improve the group deliberation?