

Educating Non-Citizens—Lesson Plan

Student Objectives

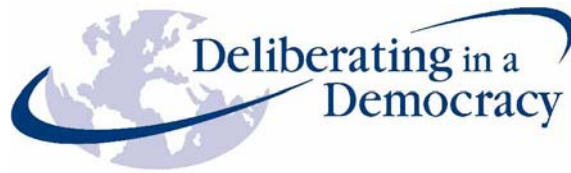
- Cite publicly funded education as a governmental benefit that citizens expect.
- Distinguish between rights enjoyed by all persons and privileges reserved for citizens in a democratic society.
- Understand the importance of education in preparing young people to participate in the national life of 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 have entered the country illegally?

Materials

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



Educating Non-Citizens—Reading

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

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

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

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

18 **Democratic Nations and Non-Citizens**

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

25 The presence of non-citizens is a significant issue for many democratic nations. According to
26 the European Commission against Racism and Intolerance (ECRI), for example, approximately
27 9% of the population of Federal Republic of Germany are non-citizens. Almost half (49%) have
28 lived there 11 years or more; some were even born there (1997, SOPEMI). In France, 5.6% of
29 the total population are non-citizens (1999). Based on the March 2005 Current Population
30 Survey from the U.S. Census and other recent data, the Pew Hispanic Center estimated that as
31 of March 2006 there were between 11.5 and 12 million unauthorized migrants living in the
32 United States. According to the U.S. Immigration and Nationalization Service in 2000, about
33 40% are in the country on expired visas.

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

40 **The Right of a Child to an Education**

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

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

57 **Access to Education by Unauthorized Alien Youth in the United States**

58 According to estimates, hundreds of thousands of undocumented youth are enrolled in
59 American elementary and secondary schools; most were brought by their parents. More than
60 400,000 such students have been in the United States for at least five years, and each year nearly
61 50,000 of them graduate from high schools. For these children, “home” is the United States.

62 Their friends, culture, and self-identify are American. Although they do not enjoy legal status,
63 they can attend public schools because of a decision in 1982 by the U.S. Supreme Court.

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

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

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

80 In 1996, Congress passed and President Clinton signed the Illegal Immigration Reform and
81 Immigrant Responsibility Act. Section 505 of this legislation restricted state educational benefits
82 to unauthorized alien students by making them ineligible for any state loans or scholarships to

83 public colleges and universities; these students were already ineligible for federal financial aid.
84 These two policies left most of these students without a chance to attend college.

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

92 **The DREAM Act: Supporters and Opponents**

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

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

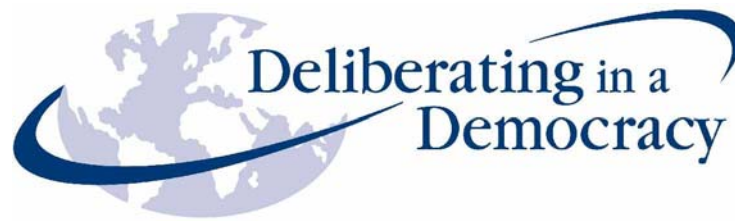
103 Other supporters say that education is a human right. Undocumented children did not decide
104 to enter the country by themselves—their parents made that decision. Public education for both

105 citizens and non-citizens fulfills a basic need of every person in our democracy. Education today
106 reasonably includes the opportunity to attend college for those students who are ready
107 academically. Such a policy does not create a special privilege for these youth: it levels the
108 playing field by removing barriers that currently prevent them from reaching their full potential.

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

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

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



Educating Non-Citizens—Selected Resources

- “Border Security and Immigration” (Alton, IL: Eagle Forum, 2005), <http://www.eagleforum.org/topics/immigration/index.shtml>.
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- Feinstein, Dianne, “Senate Judiciary Committee Approves ‘The DREAM Act’” (October 23, 2003), <http://feinstein.senate.gov/03Releases/r-dreamact3.htm>.
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- Passel, Jeffrey J. *The Size and Characteristics of the Unauthorized Migrant Population in the U.S.: Estimates Based on the March 2005 Current Population Survey* (Washington, DC: Pew Hispanic Center, March 7, 2006), <http://pewhispanic.org/files/execsum/61.pdf>.
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- Simon, Julian L., *Immigration: The Demographic & Economic Facts* (Washington, DC: Cato Institute and the National Immigration Forum, December 11, 1995), http://www.cato.org/pubs/policy_report/pr-immig.html. See especially Sections 1 and 2.
- “United Nations High Commissioner for Refugees (UNHCR)” (Geneva, Switzerland: UNHCR, 2005), <http://www.unhcr.ch/cgi-bin/texis/vtx/home>.



Educating Non-Citizens—Deliberation Question with Arguments

Deliberation Question

Should our democracy extend government support for higher education to immigrants who have 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 have 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.