

Immigration Enforcement and Rights

Overview

This is a one-class period lesson for high school to be conducted by lawyer volunteers in conjunction with the classroom teacher. First, the presenter will share a PowerPoint that overviews current federal immigration enforcement policies and the due process rights of those subject to enforcement including detainees. Next, students will work in small groups to determine which of three policies they would recommend to the President using evidence-based arguments on immigration policy.

Objectives

By the conclusion of the lesson, students will be able to:

1. Describe current federal immigration enforcement policies.
2. Identify due process rights of non-documented immigrants subject to enforcement.
3. State and support a position on current immigration enforcement policies.

Materials

- Handout A - Essentials of Immigration Enforcement and Rights – 1 per student
- Handout B - Presidential Immigration Advisors – 1 per student
- Additional Resources (handout) – 1 per student

Preparation

This lesson is ideally presented by a lawyer-volunteer who acts as a resource person for the class. A teacher can present this lesson, however, without a resource person. Explanatory notes in the notes section of each slide in the presentation are intended to help guide presenters in providing information to students.

Standards Addressed

National High School U.S. History Standard 31. Understands economic, social, and cultural developments in the contemporary United States. (2) Understands how recent immigration and migration patterns, and demographic shifts, impacted social and political issues . . .

National High School Civics Standard 25. Understands issues regarding personal, political, and economic rights. (1) Understands the importance to individuals and to society of personal rights such as freedom of thought and conscience, privacy and personal autonomy, and the right to due process of law and equal protection of the law.

California History-Social Science Standard 11.9. Students analyze U.S. foreign policy since World War II. (7) Examine relations between the United States and Mexico in the twentieth century, including key economic, political, immigration, and environmental issues. **California History-Social Science Standard 12.2.** Students evaluate and take and defend positions on the scope and limits of rights and obligations as democratic citizens, the relationships among them, and how they are secured. (1) Discuss the meaning and importance of each of the rights guaranteed under the Bill of Rights and how each is secured (e.g., privacy).

Common Core State Standards:

RH.11-12.7. Integrate and evaluate multiple sources of information presented in diverse formats and media (e.g., visually, quantitatively, as well as in words) in order to address a question or solve a problem.

SL.11-12.1. Initiate and participate effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grades 11-12 topics, texts, and issues, building on others' ideas and expressing their own clearly and persuasively.

SL.11-12.1.b. Work with peers to promote civil, democratic discussions and decision-making, set clear goals and deadlines, and establish individual roles as needed.

Procedures

1. Introduction and Focus Discussion

- a. Teacher will introduce the lawyer volunteer (presenter) and overview the objectives of the session.

2. Slide Presentation and Discussion

- a. Presenter will lead students through a short presentation to last 10 minutes. (NOTE: The notes section of each slide of the presentation contains additional information and explanations for students.) The presentation has two sections:

- (1) An overview of the how immigration law is made and enforced with the separation of powers and roles of Congress and the president (slides 1-3).

Check for students' understanding by asking the following questions:

- What constitutional power has Congress used to pass a number of laws regulating immigration? (*Answer: The power to regulate naturalization.*)
- What kinds of powers does the president have generally over immigration? (*Answer: To determine whether non-citizens may work in the U.S., whether to grant anyone permission to reside in the U.S. without a visa, and to decide whether to delay or prioritize certain deportations.*)

- (2) Examples of enforcement policy, emphasizing the changes from President Obama to President Trump (slides 4-9).

Check for students' understanding by asking the following questions:

- What are the major changes in policy on immigration between Presidents Obama and Trump? (*Answer: Obama used executive branch immigration powers to place restrictions on immigration enforcement and instituted the DACA program by executive order. Trump reversed many of Obama's policies also through executive orders. For example, he increased the number of people who could be deported through "expedited removal" and did not limit it to persons caught within 100 miles of the border*)
- What are some of President Trump's enforcement priorities? (*Answers may vary. Executive orders for a border wall, expedited removal expansion, prioritizing removal of persons convicted of any criminal offense (not just felonies or serious misdemeanors).*)

- b. Presenter will lead students through a short presentation of 10 minutes focusing on how enforcement affects undocumented immigrants today, with an overview of what the rights and the challenges are for undocumented immigrants (e.g., notaries/notarios vs. attorneys) (slides 10-20).

- At the conclusion of the presentation, distribute **Handout A – Essentials of Immigration Enforcement and Rights**, which lists the main takeaways from the PowerPoint presentation for students to use during the activity to follow.
- Ask students for any questions they may have about what is on the handout.

3. Activity: Immigration Enforcement Policy

Step 1: Presenter will explain to students that in this activity they will take the role of members of an advisory group to make recommendations to the president on immigration enforcement.

Step 2: Assisted by the teacher, presenter will divide the class into small groups of four or five students and distribute **Handout B – Presidential Immigration Advisors** to each group. Have students review the handout and address any questions they might have.

- The handout (1) instructs each group to prioritize the proposal they want the president to adopt and then present their group's choice, providing at least two reasons for their choice; and (2) describes two policy proposals: (a) maintaining the president's enforcement priorities (Jan. 25 executive orders), and (b) modifying the Trump administration's policies by deporting only those convicted of more serious crimes, insuring a DACA exception, and limiting ICE enforcement actions. The handout will also instruct each group to choose a spokesperson who will make the group's report to the class.

Step 3: Presenter and teacher circulate among groups to monitor progress and answer questions.

Step 4: Presenter calls on each group to make its report. As an option, after all have reported, a class vote could be taken to determine the most popular option.

Conclusion: Presenter makes final remarks and thanks students for their participation. Then presenter distributes **Handout C – Additional Resources** that contains take-home information such as access to the full PowerPoint; a list of general rights of undocumented immigrants; and resources for further information, legal self-help, and protection against notario fraud.

Credits

These materials are a production of Constitutional Rights Foundation in collaboration with Public Counsel.