

Immigration in 2008: Drafting a Position Statement

Introduction:

This lesson would be best used after students have experienced lessons from *The New Coloradans* curriculum on the history and current status of immigration in Colorado. To allow the lesson to be used on its own, however, it opens with an overview of immigration issues, with a particular focus on Colorado; the overview is presented through a jigsaw activity. In their jigsaw groups, students are then given the profile of one of the candidates for the U.S. Senate from Colorado—Congressman Mark Udall (D) and former Congressman Bob Schaffer (R). Based on the information on their candidate and the background on immigration, students create a position statement on immigration that will (1) address the most pressing immigration problems, (2) reflect their candidate’s values and beliefs, and (3) win votes for their candidate. They then compare their positions with the actual positions taken by the two candidates and discuss why candidates for statewide office might moderate their positions and the effects that might have on government.

Objectives: At the conclusion of this lesson, students will be able to:

- Identify issues related to immigration nationally and in Colorado.
- Describe the purposes of immigration reform.
- Formulate a position on immigration for a specific candidate for U.S. Senate.
- Analyze the candidate’s actual position.
- Consider negative and positive effects of candidates’ changing their positions to win votes.

Materials and Preparation: You will need enough copies of each of the Jigsaw Readings for one-fourth of the class to have each. You will need enough copies of the Candidate Profiles for half the class to have each. You will also need to print out copies of the positions of the two senatorial candidates (found at http://www.markudall.com/content/page/immigration_reform and <http://www.bobschafferforsenate.com/index.php?c=issues.open&id=24&p>); if feasible, you may have students access the position statements online.

Procedure:

1. Tell students that some studies indicate that candidates usually focus on no more than three major issues in their campaigns. Why might this be true? (*Accept all answers students can support.*) Point out that an issue like immigration, which does not divide neatly along party lines, is a special challenge for candidates because no matter what their position is, they may alienate some voters whose support they had planned on. For example, a candidate’s position on allowing unauthorized migrants who are college-aged to pay instate tuition might offend voters who oppose any rights for migrants who have broken the law or voters who do not think young people should be punished for the actions of their parents.

2. Explain that in this lesson students will have the opportunity to help a candidate for the U.S. Senate formulate their position on immigration. This year's senatorial election in Colorado is an important one because a long-time Senator, Wayne Allard, is retiring.
3. To prepare for their role as advisors to the candidates, they will need some background information on immigration (if you have done other lessons in *The New Coloradans*, you may want to skip this phase of the lesson). Organize the class into four groups and give each group one of the Jigsaw Readings. Each group is to read the handout, discuss the information provided in their group, and identify three to four important points to share with class members who have read other information.
4. When students have completed the reading and discussion, create new groups of four students, with one "expert" on each reading in each group. Allow groups about 10-15 minutes to share what they learned on their different handouts. Then ask them to try to agree in their groups on a statement of Colorado's most important concerns regarding immigration.
5. Using what they have learned to date, students are now to craft a position statement on immigration for one of the candidates for Senate, either Republican Bob Shaffer or Democrat Mark Udall. Give half the groups the profile for Shaffer, the other half the profile for Udall. Allow time for students to work on their position statements.
6. Have groups share their position statements; encourage students to discuss differences among the statements crafted by different groups for the same candidate and between the statements created for the two candidates. How much weight did students give the information about the candidate's previous votes? How much importance did they give to political expediency—that is, the drive to win votes?
7. Following the discussion, give students the position statement for the candidate they "advised" or have them find the statements online. What do they notice about the candidates' positions? (*Both of them have moderated their positions on the issue.*) Why do you think this is true? (*Both previously represented relatively "safe" districts; now they must appeal to a statewide audience; moderating their positions helps them project a more moderate image, perhaps winning them more votes.*)
8. Conclude the lesson by leading a discussion of the effects of this moderating of positions on government. What are possible positive effects? What are possible negative effects?

Extension/Enrichment:

While the senatorial candidates are moderating their positions, the presidential candidates (as of August) seem to be avoiding talking about immigration. Interested students could investigate the presidential candidates' positions on immigration and whether those positions have changed. Senator McCain provides an especially interesting case study because he has a long history of moderate leadership on the issue of immigration; he is now backing away from some of his earlier positions, appealing to a more conservative audience. Why would a candidate for the presidency be moving away from the center while Colorado's senatorial candidates are moving toward the center? Is there an advantage to having a much "shorter" record on the issue, as Senator Obama does? Why or why not?

Jigsaw Reading 1

A Brief Summary of U.S. Immigration Policy

Who Can Immigrate to the United States?

About 900,000 people legally immigrate to the United States each year. They enter under one of the following categories. The limits in each category result in long waiting lists.

- **Employment-based preference.** Most of these immigrants have high-level skills in demand in the economy and not available among U.S. citizens. In recent years, this group has been dominated by engineers and people with skills related to computers. Up to 140,000 visas per year can be issued in this category; 10,000 visas per year are made available for low-skilled workers.
- **Family-sponsored immigrants.** This category actually includes two subcategories: (1) a limited number of relatives who can be sponsored by an individual, which includes adult children of U.S. citizens, spouses and children of legal resident aliens, and siblings of citizens and (2) an unlimited number of minor children, spouses, and parents that can be sponsored by U.S. citizens. Up to 480,000 visas can be issued in this category annually.
- **Diversity.** This category allows individuals to come to the United States based on the fact that their home country was underrepresented among immigrants in the recent past. Up to 55,000 people can get these visas, which are decided by a lottery.
- **Refugees/Asylees.** This category includes people fleeing their home countries because of persecution “on account of race, religion, nationality, membership in a particular social group, or political opinion.” Refugees are chosen from applicants outside the United States; asylees are people who reach the United States and then apply for entry. The President decides how many refugees can enter the country. The number of asylees is not limited.

Naturalization

Legal immigrants have most, but not all, of the rights of citizens. They cannot vote or hold political office. They are ineligible for food stamps and Supplemental Security Income, a program for older and disabled people, until they have lived in the United States for five years. The law provides a process for legal immigrants to become citizens: they must live in the United States for five years, be of good moral character, demonstrate proficiency in English, and pass a test on U.S. history and government. Recently, the percentage of immigrants becoming citizens through this naturalization process has increased from 40 to just over 50 percent.

Controlling Illegal Immigration

The United States has policies designed to control illegal entry into the United States. First, the Border Patrol, which has nearly tripled in size since 1990, works to stop illegal border crossings. In addition, fences have been built along some of the most popular crossing points on the U.S.-Mexico border. In 2006, the government authorized building even more fences. Problems have plagued some of the fence-building projects. For example, a pilot for a high-tech fence has been delayed several years because of the need for a complete redesign. Yet some observers say the fence is working, cutting down on the number of illegal border crossings.

Second, employers must check the documents of all workers they hire; they can be subject to sanctions if they are found to employ unauthorized immigrants. However, employers need only check that documents appear to be genuine. Checking more closely or asking for more documents might constitute unlawful discrimination.

In the past two years, the federal government has stepped up enforcement of immigration laws. Several employers with many unauthorized migrants in their work force have been raided. The Department of Homeland Security has ended the “catch and release” policy, which allowed unauthorized migrants who were arrested to be released from jail back into the community. In addition, the Justice Department is pursuing prosecutions against unauthorized migrants who are arrested at an unprecedented rate, particularly along the U.S.-Mexico border. In March 2008, federal criminal charges against such immigrants were up 73 percent over March of the previous year.

Jigsaw Reading 2

States Act on Immigration

With the federal government repeatedly failing to enact immigration reform, states have tackled immigration on a large scale. At its annual meeting in early August 2007, the National Conference of State Legislatures released a report indicating that all 50 state legislatures had debated immigration bills in the first six months of 2007 and 41 states had passed a total of 171 immigration bills in the same time period. That number was more than double the 84 laws passed in the entire previous year. According to Sheri Steisel, NCSL immigration policy director, “Given the absence of federal consensus of national immigration reform, state legislators are stepping into the void and doing their best....They have to deal with the reality of how immigrants impact their communities.”

State activity has continued in 2008. As of March 31 (most recent information available from NCSL), at least 1,106 bills had been considered in 44 states. The top three areas addressed by state legislators were law enforcement, employment, and identification documents.

Immigration was a “hot topic” in the Colorado legislature in 2006. Governor Bill Owens even called the legislature into a special session on immigration two months after the regular legislative session ended.

Here are some of the major bills passed by the legislature in 2006:

- **House Bill 1023** requires all adults applying for nonemergency services to provide proof of citizenship or legal residence. This law, effective August 1, would stop unauthorized migrants from receiving retirement, welfare, disability, public housing, food assistance, unemployment, or similar payments. In addition, unauthorized migrants would not be able to get any grants, contracts, loans, or business licenses from state or local government.
- **House Bill 1017** requires businesses to swear that they have verified the legal status of their employees. Employers found to have “reckless disregard” for the law can be fined \$5,000 to \$25,000.
- **Senate Bill 90** prohibits local governments from enacting policies limiting officials from cooperating with federal immigration authorities.
- **Senate Bill 110** prohibits forging documents providing eligibility for employment.
- **Senate Bills 206 and 207** make smuggling of humans and trafficking in humans class 3 felonies.
- **Senate Bill 225** creates a special 24-person division of the Colorado State Patrol to deal with human smuggling.

The legislature also referred two measures to the voters:

- **House Bill 1020** prohibits employers from deducting wages of unauthorized migrants on their taxes. This measure was passed by the voters.
House Bill 1022 authorizes a lawsuit against the federal government to demand federal enforcement of immigration laws. This measure was passed by the voters.

There was less action on immigration in 2007, but three bills did pass:

- **House Bill 1040 - Warrants and Bonds for Illegal Immigrants:** This law requires courts to issue a warrant for anyone turned over to the federal Immigration and Customs Enforcement (ICE) who has posted bond on a criminal charge. It also prohibits courts from dismissing charges upon deportation; charges can only be dismissed by the district attorney. Bond agents or others posting bonds must forfeit premiums or fees paid for deported defendants.
- **House Bill 1255 – Child Abduction Prevention:** This law allows a court acting on child custody issues to consider the probability that a party will abduct a child to another state or foreign jurisdiction. The law enables the court to issue an abduction prevention order if it finds evidence of a credible risk of abduction if the petitioner or respondent is undergoing a change in immigration or citizenship status that would adversely affect the respondent's ability to remain in the United States legally.
- **House Bill 1314 - Permanent Rules Relating to Identification Requirements:** Requires the director of the Department of Revenue to issue rules regarding additional forms of identification that are acceptable to prove lawful presence to apply for public benefits. This new law relates to implementation of 2006's HB 1023, which required all adults applying for nonemergency services to provide proof of citizenship or legal residence. Related to that law, the legislature also passed House Bill 1313, which defined what type of identification was acceptable in applying for a Colorado identification card or driver's license. Governor Ritter vetoed the bill because he felt it impinged on the executive branch's rule-making authority.

In 2008, the Colorado legislature passed a bill designed to increase the availability of farmworkers:

- **House Bill 1325 – Concerning the Colorado Nonimmigrant Agricultural Seasonal Worker Pilot Program:** Requires the director of the department of labor and employment to implement a pilot program designed to expedite recruitment, application, and approval of workers through the federal H-2A certification process. The goal is to help agricultural employers get the labor they need.

Jigsaw Reading 3

Census Data on Immigration in Colorado

Colorado 2005 Census Estimates

Colorado Population: 4,562,244
 Foreign-Born Population: 460,294
 Born in Another U.S. State: 2,113,104

Naturalized: 141,684
 Not Citizens: 318,610

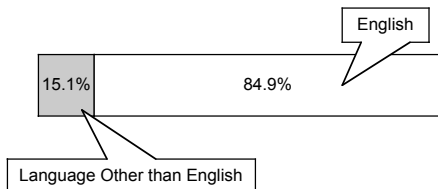
States with Fastest Growing Foreign-Born Population, 1990-2000

Rank	State	Foreign-born in 2000	Foreign-born in 1990	Percent Change
1	North Carolina	430,000	115,077	273.7
2	Georgia	577,273	173,126	233.4
3	Nevada	316,593	104,828	202.0
4	Arkansas	73,690	24,867	196.3
5	Utah	158,664	58,600	170.8
6	Tennessee	159,004	59,114	169.0
7	Nebraska	74,638	28,198	164.7
8	Colorado	369,903	142,434	159.7
9	Arizona	656,183	278,205	135.9
10	Kentucky	80,271	34,119	135.3

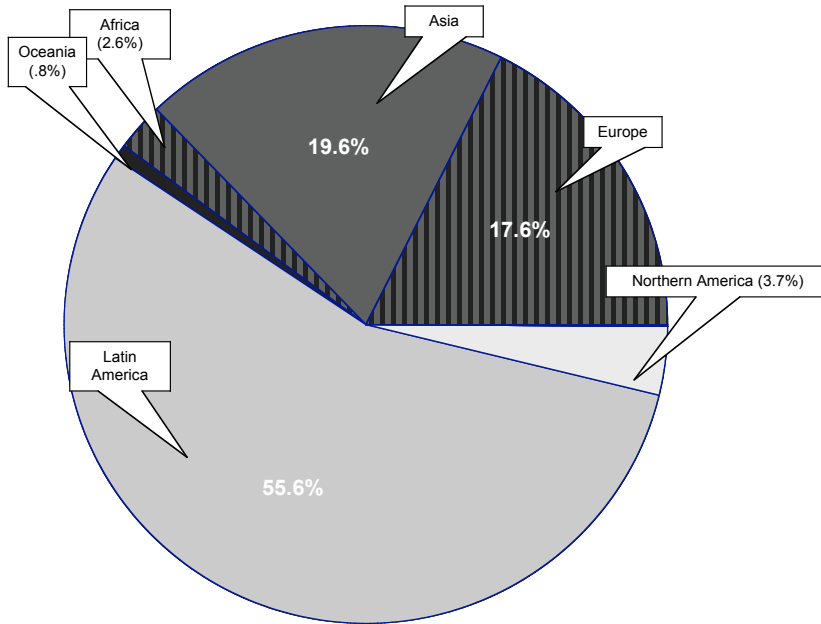
Colorado Counties with Highest Percent of Foreign-Born Residents

County	Percent Foreign-Born Residents
Eagle	18.2
Lake	15.6
Morgan	14.6
Saguache	14.5
Adams	12.5
Arapaho	11.0
Denver	11.0
Pitkin	10.9
Prowers	10.6
Garfield	10.4

Language Spoken at Home



Region of Origin of Colorado's Foreign-Born Residents, 2000



1990 Census:

Europe – 32.8%
 Asia – 26.6%
 Africa – 2.4%
 Oceania – 0.8%
 Latin America – 31.0%
 Northern America – 6.4%

Some Data on the Early Years of the 21st Century in Colorado

Percent change in population, 1990-2004 – 37%
 Percent change in foreign-born population, 1990-2004 – 205%
 Foreign-born share of change of population, 1990-2004 – 24%
 Foreign-born share of labor force 2004 – 13%
 Linguistically isolated households as percent of total – 4%
 Percent change in linguistically isolated households, 1990-2004 – 207%
 42% of immigrants lack high school diplomas, compared to 5% of native born

Colorado College State of the Rockies Project 2008 Report

The State of the Rockies project at Colorado College recently issued its fifth annual report on the region. The report presents five key findings about immigration in the Rockies:

- The percentage of the population of the Rocky Mountain region that is foreign-born today is about 11 percent, compared to 18 percent in 1900.
- The immigration population in the region is growing more rapidly than it is nationally (27 percent compared to 16 percent from 2000-2005).
- Of the eight states in the region, six are in the highest percentage found nationally of unauthorized migrants among their foreign-born residents (40 to 54 percent).
- About two-thirds of immigrants in the Rocky Mountain region are Latino, but more than 60 percent of Latinos in the region are not immigrants.
- Although immigrants are less likely to have health insurance than poor U.S. citizens, they do not use as many public services.

Jigsaw Reading 4

Immigration Reform: An Overview

The number of immigrants to the United States and to Colorado has grown rapidly since 1990; today, the number of immigrants living in the United States is at an all-time high. A substantial proportion of the new immigrants are in the United States without authorization—they entered the country illegally or they have overstayed their visas. In Colorado, one of 13 states that experienced immigration growth more than double the national rate in the past decade, many of the unauthorized migrants are from Mexico. These immigrants come to the United States seeking work or better paying work—the difference in per capita income between Mexico and the United States is the largest of any two neighboring countries in the world. The migrants from Mexico stay, in part, because traveling back and forth across the border—once a common practice—is now too difficult and dangerous. Thus, stepping up enforcement may actually have increased those here unlawfully.

Public Attitudes about Immigration Reform

Coloradans think immigration is an important problem. The 2006-2007 demonstrations around the state and nation show there are deep divisions about what to do to solve the problem. Although most Americans agree on the need to secure our borders to protect national security, we are divided on what to do about the millions of unauthorized immigrants already in the country (Balz 2006).

However, there is some agreement. According to one survey, more than three-in-four likely voters agreed on the following statements about the issue of immigration (Tarrance Group 2005):

- The immigration system is broken and needs to be fixed.
- If an immigrant has been in this country working, paying taxes, and learning English, there should be a way for them to become a citizen.
- Fixing our immigration system to make it safe, legal, and orderly will make us more secure from terrorists.

In another survey, voters said that they think it would be impossible to deport all illegal immigrants and that they want realistic solutions to deal with future immigrants and the millions of undocumented workers already here (“Earned Legalization” 2005).

Policies to Address Illegal Immigration

Policies for reform are currently being proposed at all levels of government. Most proposed reforms fall into one of four categories, according to their purpose:

- **Proposals that promote adherence to rule of law and the enforcement of immigration laws.** There are millions of people working and residing in the United States without authorization. Yet we take pride that our democracy is based on “rule of law,” a principle requiring every member of society to follow the laws.
- **Proposals that address national security needs.** It is very much in our interest to secure our borders. We must protect ourselves from unauthorized immigrants who pose a national security threat.
- **Proposals that provide assistance for immigrants to become citizens and assimilate into our society.** Services for health care, education (including English language acquisition), and social programs have historically helped immigrants adjust, find work, and contribute to our communities as citizens.
- **Proposals that promote economic growth and development.** Immigrants have historically contributed to our economic well being by fulfilling employment needs. As long as there is a market for low-skilled labor, thousands of people choose to immigrate to the United States. Assisting economic development in nations that immigrants are leaving might also address U.S. immigration concerns.

Candidate Profile

Bob Schaffer

Bob Schaffer is the Republican candidate for the U.S. Senate from Colorado. Schaffer served six years (1997-2003) in the U.S. House of Representatives. He set a “term limit” for himself and stuck with that limit. He represented Colorado’s Fourth District, which includes most of Colorado’s Eastern Plains, as well as the northeastern cities of Greeley, Loveland, Fort Collins, and Greeley. During Schaffer’s tenure in the House, the district was solidly Republican.

While in Congress, Schaffer was regarded as a conservative. He was a member of Tom Tancredo’s Immigration Reform Caucus, calling it the “only organization in Washington looking at finding balanced, sensible solutions.” He cosponsored a bill severely reducing allowable numbers of family-related legal immigrants. As a member of the Republican National Committee, he supported a resolution that eliminated birth-right citizenship for the children of unauthorized migrants who are born in the United States.

Your Task: Draft a Position Statement on Immigration for Candidate Bob Schaffer

As you draft your position, think about what you know about immigration issues in Colorado and citizens’ views on those issues. Also think about what you know about Bob Schaffer’s record on immigration. Craft a position that you think will appeal to the voters, address the issues related to immigration, and be true to Schaffer’s views on the issue.

Candidate Profile

Mark Udall

Mark Udall is the Democratic candidate for the U.S. Senate from Colorado. Udall has served in the U.S. House of Representatives since 1999. He represents Colorado's Second District, which straddles the Continental Divide north and west of Denver; Boulder is the largest city in the district, which has been solidly Democratic for decades..

While in Congress, Udall has been regarded as a liberal. He supported the comprehensive immigration reform package that died in Congress last year. That bill included President Bush's guest worker program and a path to citizenship for the millions of unauthorized immigrants currently living in the United States. He has been a cosponsor of the defeated Dream Act, which would allow undocumented students who have been in the United States for several years to pay in-state tuition at state-supported colleges.

Your Task: Draft a Position Statement on Immigration for Candidate Mark Udall

As you draft your position, think about what you know about immigration issues in Colorado and citizens' views on those issues. Also think about what you know about Mark Udall's record on immigration. Craft a position that you think will appeal to the voters, address the issues related to immigration, and be true to Udall's views on the issue.