

Fall 2008 Updates *The New Coloradans: Middle School Curriculum*

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The Center for Education in Law and Democracy
for The Piton Foundation**

Introduction

Since *The New Coloradans: Middle School Curriculum* was published in fall 2006, the national conversation about immigration has continued unabated. Despite a strong call from President Bush to enact comprehensive reform and considerable effort and debate in the Senate, the proposed bill fell 14 votes short of the 60 needed to limit debate and clear the way for a vote. The bill had supporters and critics in both parties; among its major provisions were providing a pathway to legal status for those who are currently in the country without authorization, tightening requirements for employers to ensure that all employees are legally in the United States and providing improved tools for checking employees' and job applicants' status, toughening border security, and establishing a guest worker program. While some reform advocates expressed optimism about enacting some provisions of the bill as individual pieces of legislation, most observers expected little to happen nationally before the 2008 presidential election—and to date little has.

State legislatures, in contrast, have enacted a large number of new laws aimed at addressing perceived immigration-related problems. 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 not abated 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.

In 2007 and 2008, states passed legislation related to education, employment, health, identification/driver's licenses, law enforcement, public benefits, and human

trafficking. Colorado did not have as many new laws related to immigration in 2007 and 2008 as it did in 2006, but the legislature did act on several immigration bills. (See update to Lesson 3 for more information.)

Of course, much of the news on immigration has come from venues other than the legislature. The U.S. Immigration and Customs Enforcement (ICE) has conducted several high-profile raids on workplaces where numerous unauthorized migrants were working, gaining praise from some and criticism from others. The U.S. Citizenship and Immigration Service has increased the naturalization fee from \$400 to \$675. Record numbers of authorized migrants have filed to become citizens, many trying to “beat” the deadline for the fee increase. Meanwhile, the process of approval for citizenship has slowed. In Colorado, Attorney General John Sutter has issued a formal opinion indicating that U.S. citizens whose parents are unauthorized migrants are entitled to in-state tuition at Colorado’s public colleges and universities. Meanwhile, departments in the state government have worked to implement 2006’s major new law limiting public benefits to unauthorized migrants.

In light of ongoing developments, The Piton Foundation and Center for Education in Law and Democracy have reviewed *The New Coloradans* lessons to make sure they remain current. Below, we provide lesson-by-lesson annotations to help teachers update the lessons. The annotations are keyed to the part of the lesson to which they apply (for example, Materials and Preparation, Procedure).

Lesson 1: Introduction to *The New Coloradans*

This lesson requires no updates.

Lesson 2: The Immigrant Experience

Materials and Preparation: Teachers may want to consider three new works of children’s literature recommended in the National Council for the Social Studies and Children’s Book Council “Notable Social Studies Trade Books for Young People”:

- *Ask Me No Questions*, by Marina Budhos (New York: Simon and Schuster, 2006). The story of two Bangladeshi girls who are in the United States without authorization and face challenges in their efforts to stay in the country following 9/11.
- *Journeys for Freedom*, by Susan Buckley and Eslpeth Leacock (New York: Houghton Mifflin, 2006). Historical stories of people who sought freedom by migrating.
- *La Linea*, by Ann Jaramillo (New Milford, CT: Roaring Brook Press, 2006). A boy and his sister face danger crossing the border to join their parents in the United States.

Lesson 3: Immigration Policy Reform

Introduction: During the past year, undoubtedly unauthorized migrants have entered the United States or stayed in the country after their visas have expired. The estimate of 11 million unauthorized migrants living in the United States is still being used, as is a higher estimate of 12 million. Because there is no actual count of unauthorized migrants, no one is sure how many are currently in the United States.

Procedure, Step 1: On the next page, we have provided current headlines on immigration from around the state of Colorado for use in the **In the News** activity.

Procedure, Step 2: One piece of information in **A Brief Summary of U.S. Immigration Policy** has changed. Recent data suggests a significant increase in the percentage of eligible authorized migrants who are seeking naturalization—up from 40 percent to slightly more than 50 percent. You might also note that the government has recently started a larger fence-building project along the U.S.-Mexico border, although the fence will still cover only part of the border and the project has run into a number of problems.

Procedure, Step 3: In 2007 and 2008 the Colorado legislature passed fewer bills related to immigration than in the previous year, but some new laws were enacted. A number of bills were also considered and not passed. Teachers may want to mention the most significant of these bills when students read **Immigration Reform: An Introduction**. Three bills passed in 2007 are:

- **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.

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In the News

Dateline Boulder: Local Tibetan Deported to Nepal (*Boulder Daily Camera*, May 11, 2008)

Dateline Greeley: Various Agencies Help Somalis Integrate into New Culture (*Greeley Tribune*, May 11, 2008)

Dateline Washington, DC: Both Parties Duck on Immigration (Denver Post, June 8, 2008)

Dateline Denver: New State Law to Speed Visas for Farm Workers (*Denver Rocky Mountain News*, June 7, 2008)

Dateline Aspen: ICE Raid Nets Eight in Aspen (*Aspen Daily News*, May 8, 2008)

Dateline Oklahoma City: Judge Blocks Oklahoma Illegal Immigration Law (*Denver Post*, June 4, 2008)

Dateline Madrid, Spain: Europe, Grappling with Illegal Immigrants, Tries Forgiveness (*Denver Post*, June 10, 2008)

Dateline Postville, Iowa: Kosher Meat Could Get Costlier After Plant Raid (*Colorado Springs Gazette*, June 10, 2008)

Dateline Pueblo: Church Opens Center to Help Immigrants (*Pueblo Chieftain*, March 10, 2008)

Dateline Longmont: Immigration Top Election Issue in TimesCall Poll (*Longmont TimesCall*, June 13, 2008)

Dateline Canon City: Mayor Hosts Meeting with Consul General of Mexico (*Canon City Daily Record*, June 13, 2008)

- **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.

Procedure, Step 4: Teachers who have used *The New Coloradans* middle school unit report that organizing the students into four groups, as directed in the lesson, results in groups that are too large to be workable. They recommend using eight groups, with two groups focusing on each reform goal.

Lesson 4: A Fence or a Pathway? A Legislative Hearing on Immigration Issues

The central activity in this lesson is a legislative hearing on two proposed policies—building a fence along the U.S.-Mexico border and providing a path to citizenship for the millions of immigrants now in the country without authorization. Congress acted on the fence question shortly after *The New Coloradans* was completed in 2006. However, because the fence legislation called for a fence on only one-third of the border and complete funding was not provided for construction, the fence still remains a “live” issue worthy of discussion.

New Background on the Fence: On September 29, 2006, just before recessing for the run-up to the mid-term election, Congress passed the Secure Fence Act of 2006, requiring construction of 700 miles of fencing along the border in Texas, New Mexico, Arizona, and California, approximately one-third of the entire expanse of the U.S.-Mexico border (targeting stretches of the border where entry by unauthorized migrants is common). Twelve days before the election, on October 26, President Bush signed the bill into law. The bill also provides for use of advanced technologies to

increase border security. The legislation does not provide for funding of the fence. While another bill signed by the president in October did appropriate \$1.2 billion for the fence, lighting, vehicle barriers, and high-tech equipment, estimates indicate that the fence may cost twice that amount or more.

At the signing ceremony, the president stressed a number of other actions being taken in addition to building the fence. These measures include increasing funding for border security (from \$4.6 billion in 2001 to \$10.4 billion in 2006), adding 3,000 new Border Patrol agents, and increasing beds in detention facilities to support ending “catch-and-release” policies.

The day before President Bush signed the Secure Fence Act, CNN released a poll indicating that only 45 percent of Americans favor the 700-mile fence, while 74 percent favor increasing the number of Border Patrol agents. The fence bill was roundly criticized by Mexican leaders and the Organization of American States. The head of the National Border Patrol Council, T.J. Bonner, was less than enthusiastic as well: “A fence will slow people down by a minute or two, but if you don’t have the agents to stop them it does no good. We’re not talking about some impenetrable barrier.”

In an excellent March 2007 four-part series about U.S. efforts to stop illegal immigration across the border, *The Denver Post* provided an update on the fence project. According to the *Post*, Homeland Security Secretary Michael Chertoff acknowledged in February that the government plans to build only 370 miles of fence. While 2000 miles of border will have a virtual fence made up of cameras and sensors in place to detect border-crossers (a similar virtual fence is planned for the U.S.-Canadian border), only the most heavily trafficked areas will see construction of a physical fence. The portion of the project slated for the U.S.-Mexican border is scheduled to be finished by 2011 at a cost of \$7.6 billion. Much of this money must still be appropriated, meaning that the building of the fence is still an open issue. (The entire *Denver Post* series on the border is available at <http://www.denverpost.com/fortressamerica>.)

In early 2008, the Department of Homeland Security that a pilot program building a 28-mile stretch of virtual fence would face major delays because problems with the fence required a complete redesign. Meanwhile, varied groups along the border have raised a range of environmental, cultural, and economic concerns about the fence.

New Background on a Pathway to Citizenship: A pathway to citizenship for immigrants who entered the country without authorization was one of the most controversial provisions of the comprehensive immigration reform package considered by but not passed by the U.S. Senate in 2007.

The 2007 Senate bill took a somewhat different approach than previous versions of the legislation. Under the bill, unauthorized immigrants who arrived in the United States before January 1, 2007, would be able to obtain a probationary card. This card would allow them to live and work legally in the United States but would not place them on the road to permanent residency or citizenship. Once border security was improved

and the high-tech worker identification program was implemented, card-holders would be able to seek permanent residency status. They would have to pay a \$5000 fine plus fees in order to obtain a “Z visa.” After getting a Z visa, the process of receiving permanent immigrant status would take eight to thirteen years.

Opponents of this provision regarded it as “amnesty” and led the battle against the bill. Supporters felt that finding some way of dealing with the 11 to 12 million people currently in the country without authorization is a necessary part of the immigration policy reform process. Thus, this provision also remains very much a live issue, although most observers believe that no significant federal action will be taken until after the 2008 election.

Resources

Three law professors at the University of California Davis Law School—Kevin R. Johnson, Bill O. Hing, and Jennifer Chacon—maintain a blog called Immigration Prof Blog. Found at <http://lawprofessors.typepad.com/immigration/>, the blog provides up-to-the-minute news on immigration and immigration law.

The Center for Immigration Studies, a think tank with a “pro-immigrant, low-immigration vision which seeks fewer immigrants but a warmer welcome for those admitted,” maintains two listservs providing immigration-related news, one daily and one weekly. For information about subscribing, see <http://www.cis.org/immigrationnews.html>.