



## Migration—Lesson Plan

### Student Outcomes

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

- Define *migration* and the reasons for workers to migrate.
- Describe the legal problems migrant workers face and what actions democracies have taken to protect these workers.
- List at least three reasons to support and three reasons to oppose the extension of equal rights and protections to migrant workers and native workers alike.
- Identify and evaluate international organizations and treaties related to the rights of migrant workers.
- Explain how migrant workers' rights can be protected under international laws and covenants as well as under domestic laws of democratic nations.
- Identify areas of agreement and disagreement with other students.
- Reach a decision, individually and collectively, on the deliberation issue using evidence and sound reasoning.
- Explain the importance of deliberating this question in a democratic society.

### Question for Deliberation

*In our democracy, should legal foreign workers have the same labor rights as citizens?*

### Topic Materials

- Reading
- Glossary—Supplemental Handout
- Quotations—Supplemental Handout
- Map of Remittance—Supplemental Handout
- Selected Resources

### Deliberation Materials

- Deliberation Procedures
- Handout 1—Deliberation Guide
- Handout 2—Deliberation Notes
- Handout 3—Deliberation Reflection

## Migration—Reading

***In our democracy, should legal foreign workers have the same labor rights as citizens?***

1 In June 2008, a dozen workers from India went on a four-week hunger strike in Washington,  
2 DC. They claimed that their employer had abused them and hundreds of other Indian workers.  
3 They said the company-provided housing was unclean, that the company paid, low wages, and  
4 that it even threatened some workers. The workers said the company promised they could  
5 become permanent residents of the United States of America. Instead, they became temporary  
6 workers. They did not have the same rights as citizens or permanent residents. Eventually, the  
7 workers filed a lawsuit against the company.<sup>1</sup>

8 In a democracy, ***economic freedom*** is a vital principle. Citizens, whether employers or  
9 workers, have rights to economic freedom. ***Migrant workers*** have economic freedom just as  
10 ***native workers***. But citizens disagree about how far that freedom should go. Some people believe  
11 that legal foreign migrant workers are entitled to the same economic freedom as native-born  
12 workers. Others think that the economic freedom of migrant workers should be limited.

### 13 **Migration of Workers**

14 Migrant workers cross borders from one country into another.<sup>2</sup> According to the United  
15 Nations, a “migrant worker” is someone who is paid for work “in a state [country] where he or  
16 she is not a national.”<sup>3</sup> The country migrant workers leave is their home country. The country  
17 they enter is the ***host country***. In 2004, approximately 86 million people worldwide were foreign  
18 migrant workers.<sup>4</sup>

19 While some migrant workers travel from one country to another without state approval, a  
20 legal foreign migrant worker has state approval to work in the host country. Some legal migrants

21 are given approval to stay for only a given amount of time. Others can remain in the host country  
22 indefinitely.

23 Workers migrate mainly for economic reasons. Their home country's economy might not  
24 provide them with an adequate income. Thus, they *emigrate*, or leave, their home country to find  
25 work. Market economies of many democratic nations allow the *immigration* of foreign workers.  
26 Countries may experience both immigration and emigration. In 2003, approximately 2,300,000  
27 Peruvians, or about 9 percent of Peru's total population, lived outside of Peru.<sup>5</sup> Some migrate  
28 seasonally to Ecuador to harvest bananas and mangoes.<sup>6</sup> At the same time, many Ecuadorians  
29 migrate to Spain to work. Immigrants also travel from Romania, Morocco, Colombia, Bolivia,  
30 and elsewhere to work in Spain.

31 Many people who work in the United States of America today also come from foreign  
32 countries. In 2009, about 24 million U.S. workers were foreign-born.<sup>7</sup> Each foreign worker needs  
33 a *visa* in order to work in the U.S.A. legally. With that visa, eligible workers sometimes apply to  
34 become permanent residents. After several years, they may even become citizens.

### 35 **Protections for Legal Foreign Migrant Workers**

36 Cases involving *human trafficking*, a modern form of slavery, have caused international  
37 organizations to take steps to protect migrant workers. In 1990 the United Nations created the  
38 International Convention on the Protection of the Rights of All Migrant Workers and Members  
39 of Their Families (ICRMW). This agreement went into effect in 2003. By June 2011, 59 nations  
40 had signed onto the ICRMW. These include Albania, Argentina, Bolivia, Chile, Colombia,  
41 Ecuador, Egypt, Libya, Mali, Mexico, Peru, Sri Lanka, Syria, and Uruguay. The United States of  
42 America has not signed the ICRMW.<sup>8</sup>

43       The countries that have signed have agreed to protect migrant workers—that is, people who  
44 are not working in their home country—from many forms of discrimination. The ICRMW  
45 protects freedom of religion, the right to own property, and the right to join trade unions. The  
46 ICRMW also protects migrant workers from forced labor, violence, and threats. The ICRMW  
47 guarantees that migrant workers have “equality of treatment with nationals” in many areas.  
48 Migrant workers have equal rights to social security, education, access to housing, and other  
49 rights that nationals (citizens) have.

50       Regions of the world have also tried to increase protections for migrant workers. The Andean  
51 Community of Nations includes Bolivia, Colombia, Ecuador, and Peru. It has recognized one  
52 standard migration card for all four nations. It has also agreed to the Andean Labor Migration  
53 Instrument. This agreement will eventually provide “equal treatment and opportunities” for all  
54 Andean nationals moving through the four countries.<sup>9</sup> Likewise, the Regional Conference on  
55 Migration, which includes Mexico and the United States of America, favors equal rights of  
56 migrant workers. These rights include the right to have their families join them in the host  
57 countries. This process is called *family reunification*.

58       Nations may also protect migrant workers under their own law, called domestic law. Article  
59 1 of the Mexican Constitution, for example, gives rights to equal protection of the Constitution to  
60 every person in Mexico. All workers may seek help from the Labor Public Defender if they have  
61 a conflict with an employer.<sup>10</sup>

62       The Fourteenth Amendment to the U.S. Constitution also makes clear that no State may  
63 “deprive any person of life, liberty, or property, without due process of law; nor deny to any  
64 person within its jurisdiction the equal protection of the laws.” Foreign migrant workers within

65 the U.S.A, have rights, then, to equal protection of the laws and due process, or fair treatment,  
66 under the laws.

### 67 **Equal Rights for Legal Foreign Migrant Workers: Supporters and Opponents**

68 Supporters of equal rights for legal foreign migrant workers argue that this group of workers  
69 is very vulnerable. Women migrant workers, in particular, are vulnerable to sexual abuse and  
70 mistreatment. Powerful groups such as the World Bank and the World Trade Organization help  
71 govern the flow of money and goods from country to country. Yet there is no similar  
72 organization to help govern the flow of people.<sup>11</sup>

73 Supporters note that sometimes key industries or specialty occupations might have a *labor*  
74 *shortage*. Foreign migrant workers fill the need for workers when there is a shortage. They also  
75 tend not to compete with native workers for jobs.<sup>12</sup> Therefore, these workers have the right to  
76 expect decent working conditions, benefits, education, and other rights that native workers do.

77 Supporters argue that migrant protections are important to several economies in the world. In  
78 2009, migrants sent \$317 billion in *remittances*, or money sent back to their home countries. At  
79 least seven countries count on remittances for large parts of their gross domestic product.<sup>13</sup> This  
80 vital group of workers deserves the protections that native workers receive in the host country.

81 Supporters also note international agreements to protect the rights of legal foreign migrant  
82 workers do not require nations to give up *sovereignty*. Sovereignty is the power to govern  
83 oneself. Article 79 of the ICRMW, for example, ensures nations that sign the treaty shall have  
84 the right to make their own rules about admitting migrant workers and their families.

85 Opponents do not believe in abusing migrant or native workers. They do argue, however, that  
86 equal rights for migrant workers are unnecessary or harmful. Equal rights are unnecessary  
87 because there are already human rights standards that extend to citizens and non-citizens alike in

88 any country. The Universal Declaration of Human Rights (UDHR) is an example. Opponents  
89 see no reason to make rights for migrant workers equal to those of native workers if laws already  
90 protect them from abuses like forced labor or trafficking. Most countries also have existing laws  
91 to punish crimes against women and other vulnerable groups.

92 Opponents also argue that immigration reduces wages and increases unemployment for  
93 native workers. With more workers available, employers can pay less.<sup>14</sup> Because migrants are  
94 temporary workers, they are cheaper and easier to hire and replace than native workers. If they  
95 had equal rights, they would compete even more with native workers.

96 Opponents also argue that equal rights under international agreements like the ICRMW will  
97 lead to almost unlimited immigration through family reunification. A migrant worker with the  
98 rights of a citizen has the right to invite family members from home countries to stay. Those  
99 family members would have the same protections and rights to state benefits, like social security.  
100 Opponents argue that this increase in immigration would lead to economic burdens on  
101 democracy, because “not all immigrants are workers.”<sup>15</sup>

102 More fundamentally, opponents argue that giving migrant workers the same rights as native  
103 workers is harmful to national sovereignty. Some people in the government of the United  
104 Kingdom, for example, have argued that granting equal rights would make it impossible for the  
105 United Kingdom to restrict what work a migrant could do there. Equal rights would mean that  
106 migrants could choose their work, regardless of what is on their work permits.<sup>16</sup> If an immigrant  
107 worker has the same rights as a native-born worker, then the democracy of the host country loses  
108 its ability to decide who can enter the country and for how long.<sup>17</sup>

109 The migration of workers worldwide is not new, but it is a growing trend. Democracies must  
110 decide how to protect the economic freedom of native workers and the human rights of migrants.

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- <sup>1</sup> David Shadovitz, "Putting the Brakes on Labor Trafficking," *Human Resource Executive Online* (May 20, 2011), <http://www.hreonline.com/HRE/story.jsp?storyId=533338035> (accessed June 24, 2011).
- <sup>2</sup> This article concerns only foreign migrant workers, who are different from internal migrants. Internal migrants do not come from other nations. For example, in China approximately 120 million urban workers come from rural areas within the borders of China. Austin Ramzy, "Migrant Workers Suddenly Idle in China," *Time Magazine* (February 1, 2009), <http://www.time.com/time/world/article/0,8599,1868667,00.html> (accessed June 25, 2011).
- <sup>3</sup> Article 2, Section 1, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Art. 2, Sec. 1 (New York: Office of the United Nations High Commissioner for Human Rights, entered into force July 1, 2003), <http://www2.ohchr.org/english/law/cmw.htm> (accessed June 25, 2011).
- <sup>4</sup> "86 Million Migrant Workers Active in Global Economy, Says New ILO report," Press Release (Geneva, Switzerland: International Labour Organization, May 21, 2004), [http://www.ilo.org/global/about-the-ilo/press-and-media-centre/press-releases/WCMS\\_005197/lang-en/index.htm](http://www.ilo.org/global/about-the-ilo/press-and-media-centre/press-releases/WCMS_005197/lang-en/index.htm) (accessed June 25, 2011).
- <sup>5</sup> Teofilo Altamirano, "El Perú y el Ecuador: Nuevos países de emigración," Conferencia regional "Globalización, migración, y derechos humanos," Universidad Andina Simon Bolivar (Ecuador), September 16-18, 2003, <http://www.uasb.edu.ec/padh/revista7/articulos/teofilo%20altamirano.htm> (accessed June 25, 2011).
- <sup>6</sup> Jorge Durand and Douglas S. Massey, "Continuities and Changes in Latin American Migration," *The Annals of the American Academy of Political and Social Science* (Philadelphia, PA: American Academy of Political and Social Science, July 2010).
- <sup>7</sup> "Foreign Born Workers: Labor Force Characteristics: 2009," News Release (Washington, DC: U.S. Department of Labor, Bureau of Labor Statistics, March 19, 2010).
- <sup>8</sup> International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Family: Status, United Nations Treaty Collection, Chapter IV: Human Rights (New York: United Nations, 2011), [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-13&chapter=4&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-13&chapter=4&lang=en) (accessed June 25, 2011).
- <sup>9</sup> "Intracommunity Migration" (Lima, Peru: Comunidad Andina, n.d.), <http://www.comunidadandina.org/ingles/Exterior/migrations.htm> (accessed June 25, 2011).
- <sup>10</sup> *Migrant Workers Rights in North America* (Washington, DC: Commission for Labor Cooperation, 2010), 72.
- <sup>11</sup> Jason DeParle, "Global Migration: A World Ever More on the Move," *New York Times* (June 26, 2010), <http://www.nytimes.com/2010/06/27/weekinreview/27deparle.html> (accessed June 25, 2011).
- <sup>12</sup> Barbara Castelletti, Jeff Dayton-Johnson, and Angel Melguizo, "Migration in Latin America: Answering Old Questions with New Data," *VOX* (March 19, 2010), <http://www.voxeu.org/index.php?q=node/4764> (accessed June 25, 2011).
- <sup>13</sup> DeParle.
- <sup>14</sup> Will Somerville and Madeleine Sumption, *Immigration and the Labor Market: Theory, Evidence and Policy* (Washington, DC: Migration Policy Institute, March 2009) <http://www.migrationpolicy.org/pubs/Immigration-and-the-Labour-Market.pdf> (accessed June 25, 2011).
- <sup>15</sup> Timothy Hatton and Jeffrey G. Williamson, "Global Economic Slumps and Migration," *VOX* (April 29, 2009), <http://www.voxeu.org/index.php?q=node/3512> (accessed June 25, 2011).

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<sup>16</sup> MacDonald, 52.

<sup>17</sup> MacDonald, 64.



## Migration—Glossary

**Economic freedom:** The principle of democracy holding that people should be allowed to choose their own work and the government should not totally control the economy.

**Emigrate:** Leave a country.

**Family reunification:** The legal act of bringing family members together who were once separated by geography.

**Host country:** A country that allows immigrants or foreign-born residents within its borders.

**Human trafficking:** Illegal trading in human beings.

**Immigrate:** The act of entering a foreign country.

**Labor shortage:** The presence of too few workers to fill available jobs in a society.

**Migrant worker:** A worker who travels away from his or her home country to work in another country.

**Native worker:** A worker who is a citizen or permanent resident of the host country to which a migrant worker travels.

**Remittances:** Payments sent from a migrant worker back to the worker's home country.

**Sovereignty:** The right of a nation to make its own laws and to reach agreements with other nations.

**Visa:** A permit to travel from one country into another.

## Migration—Quotations

“So why do millions of these border-crossers head to Europe, the United States or elsewhere in the West? Easy. Stable democracies and free markets ensure economic growth, rising standards of living and, thus, lots of jobs, while these countries’ birth rates and native populations fall. In contrast, immigrants usually flee mostly failed states that cannot offer their people any real hope of prosperity and security.”

~ Victor Davis Hanson, “*The Global Immigration Problem*” (2007)

Victor Davis Hanson, “The Global Immigration Problem,” *Real Clear Politics* (May 31, 2007), [http://www.realclearpolitics.com/articles/2007/05/the\\_global\\_immigration\\_problem.html](http://www.realclearpolitics.com/articles/2007/05/the_global_immigration_problem.html) (accessed June 25, 2011).

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“In an increasingly globalized system, ever-growing innovations in transportation and communications technologies have greatly facilitated contact across international borders. If this is the case among labor migrants, how much more so among professionals whose economic resources and levels of information are significantly greater.”

~ Alejandro Portes, *Professor of Sociology and Director of the Center for Migration and Development at Princeton University* (2007)

Alejandro Portes, “Migration, Development, and Segmented Assimilation: A Conceptual Review of the Evidence,” *The Annals of the American Academy of Political and Social Science* (Philadelphia, PA: American Academy of Political and Social Science, March 2007).

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“Regional dialogues on migration matters are useful; we believe that many specific issues could be approached in greater depth in the framework of regional encounters, to seek schemes for cooperation. Nonetheless, migration is a phenomenon that is not limited to regional dynamics. Therefore, we need to preserve the broad and inclusive framework of the United Nations to assure that its analysis will take account of all aspects of a complex reality, as a global phenomenon linked to development.”

~ Alejandro Borda, *Colombian Vice Minister of Foreign Affairs* (2006)

Alejandro Borda, “High-level Dialogue on International Migration and Development” (New York: Colombian Mission to the United Nations, September 15, 2006).

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“In the Mexican United States all individuals shall be entitled to the privileges and immunities granted by this Constitution. Such privileges and immunities shall not be restricted or suspended, but in the cases and under the conditions established by this Constitution itself.”

~ Constitution of Mexico, Article 1

“The Political Constitution of the Mexican United States,” translated by Carlos Pérez Vázquez (Mexico City: Universidad Nacional Autónoma de Mexico, 2005), <http://www.juridicas.unam.mx/infjur/leg/constmex/pdf/consting.pdf> (accessed June 25, 2011).

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“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

~ U.S. Constitution, Amendment XIV, Section 1

“The Constitution of the United States,” Amendment XIV, Section 1.

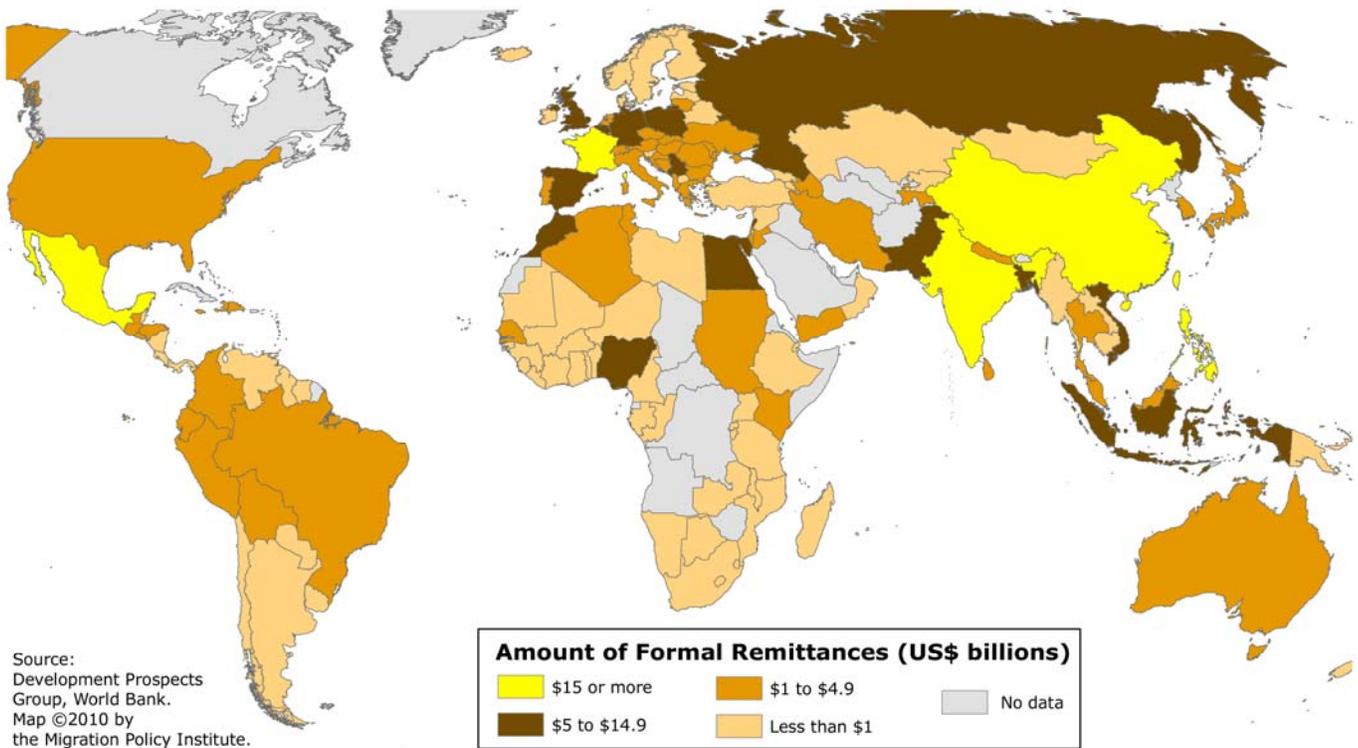
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## Migration—Map of Remittance

This map illustrates the amount of money sent by migrant workers to their home countries. For example: French migrant workers sent more than \$15 billion (USD) to France in 2009.



### Global Picture of Remittances: Amount of Formal Remittances Inflow in 2009 by Migrants' Countries of Origin



“Global Remittances Guide,” MPI Data Hub (Washington, DC: Migration Policy Institute, 2011), <http://www.migrationinformation.org/DataHub/remittances.cfm> (accessed June 25, 2011).



## Migration—Selected Resources

- Bonilla, Adrian, Gioconda Herrera, and Jacques Ramirez, “Migraciones Latinoamericanas: Proceso Político, Flujos y Remesas,” paper presented at the Forum of Biarritz, France, November 3–4, 2008.
- Borda, Alejandro, “High-level Dialogue on International Migration and Development” [Statement on-line] (New York: United Nations General Assembly, September 15, 2006), <http://www.un.org/migration/statements.html> (accessed May 25, 2011).
- Canales, Alejandro I., and Christian Zolniski, “Comunidades Transnacionales y Migración en la Era de la Globalización,” *Notas de Población*, no.73 (Santiago de Chile, Chile: 2001), 221-252.
- De la Torre, Adela, and Julia Mendoza, “Immigration Policy and Immigration Flows: A Comparative Analysis of Immigration Law in the U.S. and Argentina,” *The Modern American* (Summer–Fall 2007).
- Durand, Jorge, and Douglas S. Massey, “New World Orders: Continuities and Changes in Latin American Migration,” *The Annals of the American Academy of Political and Social Science* (Philadelphia, PA: American Academy of Political and Social Science, July 2010).
- MacDonald, Euan, and Ryszard Cholewinski, *The Migrant Workers Convention in Europe* (Paris, France: United Nations Educational, Scientific and Cultural Organization, 2007).
- Migrant Workers’ Rights in North America* (Washington, DC: Commission for Labor Cooperation, 2010).
- Portes, Alejandro, “Migration, Development, and Segmented Assimilation: A Conceptual Review of the Evidence,” *The Annals of the American Academy of Political and Social Science* (Philadelphia, PA: American Academy of Political and Social Science, March 2007).



## Deliberation Procedures

### PART I (In class the day before)

1. **Introduction.** Teachers review the meaning of deliberation, the reasons for deliberating, and the rules for deliberation. (Handout #1)

### PART II (approximately 30 minutes)

2. **Careful Reading of the Text.** Students read the text individually, in small groups of 4 or as a whole class in order to reach a common understanding of the reading. If students do not understand the reading, the deliberation will not be successful. As a whole class or in their small groups, students agree on at least three interesting facts and/or ideas. (Handout #2).

**Note on Supplemental Resources.** Each deliberation includes both a basic reading and one or more supplemental resources. Supplemental resources may be a graph, a political cartoon or image, a glossary, a page of expert quotes, or a primary source or independent news story. These supplemental resources are optional materials that can be used to provoke discussion and critical thinking. These materials may be used by teachers as part of the lesson—as part of the *Introduction (Step 1)*, *Careful Reading of the Text (Step 2)*, *Presentation of Positions (Step 4)*, *Reversal of Positions (Step 5)*, or *Reflection (Step 8)*. Teachers can use these materials to differentiate instruction with some or all the students in class. Supplemental resources also can add depth or enrich the deliberation.

3. **Clarification.** After checking for understanding of the terms and content, the teacher makes sure students understand the deliberation question. (Handout #2)
4. **Presentation of Positions.** Students work in small groups of 4 divided into pairs (A & B). Each pair is assigned a position. The position of the A's is to find at least two compelling reasons to say YES to the deliberation question. The position of the B's is to find at least two compelling reasons to say NO to the deliberation question. A's teach B's at least two reasons to say YES to the deliberation question. B's teach A's at least two reasons to say NO to the deliberation question. (Handout #2)
5. **Reversal of Positions.** The pairs reverse positions. The B pair now adopts the position to say YES to the deliberation question; the A pair adopts the position to say NO to the deliberation question. The A's & B's should select the best reason they heard from the other pair and add at least one additional compelling reason from the reading to support their new position. (Handout #2)

### PART III (approximately 15-20 minutes)

6. **Free Discussion.** Students drop their assigned roles and deliberate the question in their small groups. Each student reaches a personal decision based on evidence and logic.



## **PART IV (approximately 10-15 minutes)**

- 7. Whole Class Debrief.** The teacher leads the whole class in a discussion to gain a deeper understanding of the question, democracy, and deliberation.
- 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 is your position? (Poll the class on the deliberation question.) In what ways, if any, did your position change?
  - Is there an alternative policy that might address the problem more effectively? What, if anything, might you or your class do to address this problem?
  - What principles of democracy were inherent in this discussion? Why might deliberating this issue be important in a democracy?
  - Add other questions relevant to your curriculum.

## **PART V (15-30 minutes either in class or for homework)**

- 8. Student Reflection.** Students complete the reflection form either at the end of class or for homework. (Handout #3)



## **Handout 1—Deliberation Guide**

### **What Is Deliberation?**

Deliberation is the focused exchange of ideas and the analysis of multiple views with the aim of making a personal decision and finding areas of agreement within a group.

### **Why Are We Deliberating?**

People must be able and willing to express and exchange ideas among themselves, with community leaders, and with their representatives in government. People 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 people 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.
- Understand and analyze what others are saying.
- 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.
- Remain engaged and respectful when controversy arises.



## Handout 2—Deliberation Notes

The Deliberation Question:

Review the reading and in your group determine at least three of the most important facts and/or interesting ideas. Ask about any terms that are unclear.

Reasons to Support the Question - YES	Reasons to Oppose the Question - NO



## Handout 3—Deliberation Reflection

**What I think:**

1. What did I decide and why? Did I support or oppose or have a new idea?
  
2. What did someone else say or do that was particularly helpful?
  
3. What, if anything, could I do to address the problem?

**What we think:**

1. What did we agree on?
  
2. What, if anything, could we do to address the problem?

**Rate yourself and the group on how well the rules for deliberation were followed:**

(1 = not well, 2 = well, 3 = very well)

	Me	Group
Read the material carefully.		
Focused on the deliberation question.		
Listened carefully to what others said.		
Understood and analyzed what others said.		
Spoke and encouraged others to speak.		
Referred to the reading to support ideas.		
Used relevant background knowledge and life experiences in a logical way.		
Remained engaged and respectful when controversy arose.		

1. What can I do to improve my deliberation skills?
  
2. What can the group do to improve the deliberation?