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Immigration and Surveillance

Introduction

“The Immigration and Naturalization Service really doesn’t have to abide by the kinds of procedures that a criminal prosecution does. They don’t have to go to grand juries, they don’t have to allow people to see lawyers, they don’t have to file charges the way you do in a criminal proceeding ... And I think in addition what you see is, of course, a kind of underlying prejudice on the part of the American people that allows for these kinds of procedures to take place.”

Dr. Ellen Schrecker, Yeshiva University, NY

Dr. Schrecker, a historian, has studied the history of surveillance in the U.S. and its impact on immigrant populations. Her observations are often grim. Those who immigrate to the United States are not guaranteed the same basic rights as U.S. citizens. It can be argued that the U.S. government does have an obligation to its citizens to ensure that those who apply for citizenship will uphold the established values of the country, but this is a difficult goal to achieve.

While immigrants may not receive the same protections that are guaranteed by the U.S. Constitution their basic human rights should be respected. *The Universal Declaration of Human Rights* (UDHR) was adopted by the United Nations General Assembly in 1948. The UDHR provides for certain protections of people regardless of their country of residence. The United States served on the committee that helped draft the document and voted for its adoption.

This lesson will provide students with an opportunity to review the UDHR and use it as a framework for analyzing the experience of the resident aliens included in the testimonies, as well as to the required questionnaires for those entering the United States today.

Grade Level

9-12

Time Requirement

One class period (55 minutes)

Objectives

1. Review the Universal Declaration of Human Rights (UDHR).
2. Determine those who should be protected under the UDHR.
3. Apply the articles of the UDHR to the experiences of immigrants in the U.S.
4. Analyze the conundrum that can arise while protecting national security and yet preserving human rights.

Materials

1. Handout: The Universal Declaration of Human Rights (UDHR)
2. Handout: U.S. Immigration Forms
3. Worksheet: Immigration and Surveillance
4. Transcripts for Arturo Shibayama and Ricardo Attie (Roxanne Attie)

Procedure

Divide students in small groups and provide them with either the testimony of Arturo Shibayama or Ricardo Attie (Roxanne Attie) and copies of:

1. Handout: The Universal Declaration of Human Rights (UDHR)
2. Handout: U.S. Immigration Forms
3. Worksheet: Immigration and Surveillance

Ask the groups to review these handouts on their own and then convene as a group to complete the worksheet. After students have completed the worksheet pair together groups that worked with different testimonies (either Shibayama or Attie) and ask them to share their assessment of each case. Provide approximately fifteen minutes of time to reconvene as a class and present their worksheet answers.

After you have reviewed the worksheet post the quote below on the chalkboard.

“The Immigration and Naturalization Service really doesn’t have to abide by the kinds of procedures that a criminal prosecution does. They don’t have to go to grand juries, they don’t have to allow people to see lawyers, they don’t have to file charges the way you do in a criminal proceeding ... And I think in addition what you see is, of course, a kind of underlying prejudice on the part of the American people that allows for these kinds of procedures to take place.”

Dr. Ellen Schrecker, Yeshiva University, NY

Use the quote as a springboard to discuss when tracking alien residents is an appropriate measure for national security and when it becomes a violation of individuals’ basic human rights. Discuss the difficulty of striking a balance of protecting the security of the U.S. and the rights of people guaranteed by the UDHR. For further examples play the testimony of Samina for the class.

Assessment

For homework ask students to write a brief paragraph about the above quote. Tell students to reference a historical event from the twentieth century where prejudice impacted the rights granted to either citizens or residents in the U.S. Students should use *Tracked in America* (www.trackedinamerica.org) to find their case. For example, students may want to use the experiences of Julian Bond during the civil rights movement.

Standards

**From McRel Online Standards (<http://www.mcrel.org/standards-benchmarks>)*

Civics

Level IV (Grades 9-12)

Standard 22. Understands how the world is organized politically into nation-states, how nation-states interact with one another, and issues surrounding U.S. foreign policy
<http://www.mcrel.org/compendium/standardDetails.asp?subjectID=14&standardID=22>

Benchmark 1. Understands the significance of principal foreign policies and events in the United States' relations with the world (e.g., Monroe Doctrine, World Wars I and II, formation of the United Nations, Marshall Plan, NATO, Korean and Vietnam Wars, end of the Cold War)

Benchmark 11. Understands the role of the United States in establishing and maintaining principal international organizations (e.g., UN, UNICEF, GATT, NATO, OAS, World Bank, International Monetary Fund)

Standard 23. Understands the impact of significant political and nonpolitical developments on the United States and other nations
<http://www.mcrel.org/compendium/standardDetails.asp?subjectID=14&standardID=23>

Benchmark 3. Understands the effects that significant American political developments have on other nations (e.g., immigration policies; opposition to communism; promotion of human rights; foreign trade; economic, military, and humanitarian aid)

Benchmark 4. Understands why transnational loyalties such as those to ethnic, religious, tribal, or linguistic groups sometimes supersede allegiance to a nation-state (e.g., Communist International, Islam, Christianity)

Worksheet: Immigration and Surveillance

Group Members:

After reading the Universal Declaration of Human Rights, your assigned testimony and the reviewed the immigration questions answer the question below on your own sheet of paper.

1. Briefly describe the U.S.'s relationship to the Universal Declaration of Human Rights (UDHR).
2. Who is protected under the UDHR?
3. List the articles of the UDHR (if any) that were violated based on the testimony and experiences of either Arturo Shibayama or Ricardo Attie (Roxanne Attie). Next to each article number refer to an example from your transcript.
4. Review "Handout: U.S. Immigration Forms" which contains the *I-687, Application for Status as a Temporary Resident*. Review the questions immigrants are asked to answer on the form with your group. Are there relevant questions in the form that immigrants should answer? Why?
5. Are there questions on the form that you object to? Why? If yes, support your opinion citing articles from the UDHR?

Handout: Universal Declaration of Human Rights

all human rights for all

FIFTIETH ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

1948 - 1998

Adopted and proclaimed by General Assembly resolution 217 A (III) of 10 December 1948

On December 10, 1948 the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights the full text of which appears in the following pages. Following this historic act the Assembly called upon all Member countries to publicize the text of the Declaration and "to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories."

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1.

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2.

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3.

Everyone has the right to life, liberty and security of person.

Article 4.

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5.

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6.

Everyone has the right to recognition everywhere as a person before the law.

Article 7.

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8.

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9.

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10.

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11.

(1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12.

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13.

(1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14.

(1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15.

(1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16.

(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17.

(1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

Article 18.

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19.

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20.

(1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

Article 21.

(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22.

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23.

(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24.

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25.

(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26.

(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27.

(1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28.

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29.

(1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30.

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

<http://www.un.org/Overview/rights.html>

Handout: U.S. Immigration Forms

I-687, Application for Status as a Temporary Resident Under Section 245A of the Immigration and Nationality Act

This form was designed for use during the Immigration and Nationality Act (INA) section 245A legalization program of the 1986 Immigration Reform and Control Act which ended in 1988. The form will now be used to apply to USCIS for benefits under the terms and conditions of certain settlement agreements.

31. AFFILIATIONS OR ASSOCIATIONS: To which you belong or have belonged. Please list all affiliations or associations, clubs, organizations, churches, unions, businesses, etc. to which you belong or have belonged. If you need more space, attach an additional sheet(s). Indicate on the sheet(s) that the information refers to question **Number 31**.

Name of Organization	Location (City and State)	From (mm/yy)	To (mm/yy)

39. Have you ever:

- a. within the past 10 years been a prostitute or procured anyone for prostitution, or intend to engage in such activities in the future? Yes No
- b. engaged in any unlawful commercialized vice, including, but not limited to, illegal gambling? Yes No
- c. knowingly encouraged, induced, assisted, abetted or aided any alien to try to enter the United States illegally? Yes No
- d. illicitly trafficked in any controlled substance, or knowingly assisted, abetted or colluded in the illicit trafficking of any controlled substance? Yes No

Have you ever engaged in, conspired to engage in, or do you intend to engage in, or have you ever solicited membership or funds for, or have you through any means ever assisted or provided any type of material support to any person or organization that has ever engaged or conspired to engage in sabotage, kidnapping, political assassination, hijacking or any other form of terrorist activity? Yes No

- Do you intend to engage in the United States in:
- a. espionage? Yes No
 - b. any activity a purpose of which is opposition to, or the control or overthrow of, the government of the United States, by force, violence or other unlawful means? Yes No
 - c. any activity to violate or evade any law prohibiting the export from the United States of goods, technology or sensitive information? Yes No

Have you ever been a member of, or in any way affiliated with, the Communist Party or any other totalitarian party? Yes No

Did you, during the period from March 23, 1933 to May 8, 1945, in association with either the Nazi Government of Germany or any organization or government associated or allied with the Nazi Government of Germany, ever order, incite, assist or otherwise participate in the persecution of any person because of race, religion, national origin or political opinion? Yes No

Have you ever engaged in genocide, or otherwise ordered, incited, assisted or otherwise participated in the killing of any person because of race, religion, nationality, ethnic origin or political opinion? Yes No

Have you ever been deported from the United States, or removed from the United States at government expense, excluded within the past year, or are you now in exclusion, deportation, removal or rescission proceedings? Yes No

Are you under a final order of civil penalty for violating section 274C of the Immigration and Nationality Act for use of fraudulent documents or have you, by fraud or willful misrepresentation of a material fact, ever sought to procure, or procured, a visa, other documentation, entry into the United States or any immigration benefit? Yes No