

**SHOULD UNDOCUMENTED IMMIGRANTS HAVE THE SAME CIVIL
RIGHTS AND EMPLOYMENT RIGHTS AS ANYONE ELSE IN THE
UNITED STATES?**

Margaret Spellen

SWK 555

February 13th, 2023

INTRODUCTION

I believe that undocumented immigrants should have the same civil rights and employment rights as anyone else in the United States. We are all immigrants except the First Nation population who are rightfully citizens of this country. Undocumented immigrants are socially, economically, and culturally relevant in our society. As America is described as the world's melting pot, there is a plethora of diversity in culture, history, ethnicity, heritage, and traditions that contributed from generations to generations of great triumphant, accomplishments, and phenomenal establishments in building this great nation. In this paper, I will argue the pros and cons of this politically controversial issue.

IN SUPPORT: Civil and Employment Rights for All

“Civil rights are an essential component of democracy. They’re guarantees of equal social opportunities and protection under the law, regardless of race, religion, or other characteristics. Examples are the rights to vote, to a fair trial, to government services, and to public education. In contrast to civil liberties, which are freedoms secured by placing restraints on government, civil rights are secured by positive government action, often in the form of legislation.” (Hamlin, R. 2023). Under the Constitution of the United States, all people on American soil, the Constitutional protection of due process and equal protection applies to every person, including non-citizen, even those here unlawfully. Except for the rights to vote, run for office, and obtain federal jobs, a lot of undocumented immigrants don’t know their rights here in the United States. Whether their tourists visa expired, or they illegally crossed, or were smuggled across the border, their greatest fear is being discovered on job, at school, living within a community.

Some of the basic rights such as, Right to due Process, The Right to Legal Counsel, The Right to be with Your Family, The Right to Vote (depending on states and only local elections),

The Right to Education, in the Constitution there is no right to education but there is a clause when considering whether undocumented migrant children should have access to education. “In the case Plyer v. Doe, the Supreme Court ruled that is children who citizens have access to a free, public education, so should undocumented immigrant children. That is because the 14th Amendment says the government cannot “deny to any person within its jurisdiction the equal protection of the laws.” (Frazee, 2018). In addition, there is Right against unreasonable search and seizure, the 4th Amendment establishes the right “against unreasonable searches and seizures.” The courts upheld the border searches and considered them “not unreasonable” just like legal searches at airports for both citizens and non-citizens. There are debates about this law.

Undocumented immigrants are of course seeking a better life, leaving their native land for the American dream. How socially effective that can be to the community. “A better-developed sense of community and along it all its elements leads to a greater satisfaction level: a sense of community is crucial for groups to feel healthy and resilient, as well as for fostering social, political, and cultural change. However, because immigrants leave their previous community, they must establish a new one because a sense of community is “something greater than oneself and is a basic human need.” (Ramos, et al., 2018, Mosqueda, M. 2022). Not only is it a basic human need but it also strengthens the community and brings in resources and services. In all, these low-skilled workers will create more jobs. Undocumented immigrants that work is contributing to the economy. “Economists have found that immigrants are more mobile than natives in response to local economic conditions, perhaps because they have fewer long-standing familial and community ties, helping labor markets to function more efficiently. Other economist has also shown that immigrants boost innovation, a key factor in generating improvements in living standards.” (Rouse, Barrow, Rinz, & Soltas, 2021).

Most of the modern migration is not voluntary but is driven by globalization-related forces such as labor demand from industrialized nations. Many of undocumented immigrants need better paying jobs just to survive. Globalization forces undocumented migration. Also, the undocumented are not stealing jobs from Americans, but because they are undocumented, employers offer cheap labor. “Industries have aimed to address their cheap labor needs is through the employment of immigrants, mainly undocumented immigrants who are not protected under American labor laws, and as such, industries can (and do) exploit their labor without any regulations or transparency in the process. Even the process for naturalization and legalization for immigrants is purposefully long and difficult, forcing immigrants to still pay taxes, without receiving any benefits that documented immigrants would receive.” (Bhattar, K. 2022). This is unlawful. The undocumented deserve the same employment rights especially if they’re paying taxes just like everyone else.

IN OPPOSITION: Undocumented, Underserved

One of the leading debates of a basic civil right is opposing noncitizens to vote. Allowing undocumented immigrants to vote would discourage them from seeking citizenship. City Councilman Ydanis Rodriguez (D-New York), stated in the New York Post editorial section, “Citizenship should mean something, and the right to vote is a big part of it. And while most Americans are born citizens, an immigrant’s affirmative decision to become a citizen is a vital acceptance of duties as well as privileges.” (New York Post Editorial Board 2020).

Many Americans believe that undocumented immigrants are taking all the all the jobs. “It’s estimated that the illegal alien population in 2017 was approximately 12.5 million, of which we estimated at least 7 million in the U.S. work force. This number has almost certainly gone up

since the U.S. unemployment has fallen and, according to our research, the illegal alien population has risen to approximately 14.3 million as of 2019.”

(<https://www.fairus.org/issue/workforce-economy/illegal-aliens-taking-us-jobs>). This is observed mostly in African American communities where job opportunities are offered to undocumented immigrants because employers are willing to pay low wages. This is also harming the legal immigrants also. “Opponents of undocumented workers point to scholarship indicating that the presence of undocumented workers does indeed drive down the wages of documented workers (Hotchkiss & Quispe-Agnoli, 2008). Some others note that any amnesty or path to citizenship for undocumented workers and illegal immigrants as a whole would be tantamount to a reward for breaking the law. They also argue that the same methods—such as identification cards—that could be used to root out undocumented workers could also be used to identify potential terrorists and terrorist cells on US soil. “(Hotchkiss & Quispe-Agnoli, 2008 et al. Donnelly, 2021)

Undocumented immigrants take more from the United States government than they contribute. This is why it’s important to ask about citizenship in The 2020 Census “The Census is designed to measure a wide variety of political, social, and economic variables that are used in a wide array of means, including the realignment of congressional seats and the distribution of federal funds for health, education, and welfare. And those benefits should be designed to be distributed among U.S. citizens, not undocumented immigrants.” (*USA Today* 2023).

CONCLUSION

Undocumented immigrants should have the same civil rights and employment rights as everyone else in the United States. Though the unlawful entry to our country is a concern

especially at the borders, not everyone has the proper means of finding the resources to arrive to the United States like the refugees and asylum seekers. We are called to rescue and help those that suffer oppression, and not deem anyone unworthy of wanting a piece of the American dream.

REFERENCES

1. Hamlin, Rebecca. "civil rights". Encyclopedia Britannica, 5 Jan. 2023,
<https://www.britannica.com/topic/civil-rights>. Accessed 30 January 2023
2. Frazee, G. (2018 June 25) "What Constitutional Rights do Undocumented Immigrants Have?" PBS News Hour. [What constitutional rights do undocumented immigrants have? | PBS NewsHour](#)
3. Mosqueda, M. (2022). Decades of longing and effort towards a sense of community: A multiple case study on immigrants in the United States. *International Journal of Youth-Led Research*, 2(1). <http://doi.org/10.56299/jlk318>
4. Rouse, C., Barrow, K. R., & Soltas, E. (2021) The Economic Benefits of Extending Permanent Legal Status to Unauthorized Immigrants.
<https://www.presidency.ucsb.edu/documents/press-release-the-economic-benefits-extending-permanent-legal-status-unauthorized>
5. Bhattar, K. (2022) The Trafficking of Migrants by American Political Leaders. The University of Alabama. [immigration – UAB Institute for Human Rights Blog](#).
6. Donnelly, M. "Undocumented Worker." *Salem Press Encyclopedia*, 2021. EBSCOhost, search.ebscohost.com/login.aspx?direct=true&db=ers&AN=89185800&site=eds-live&scope=site.
7. "We Should Ask about Citizenship in Census." *USA Today*. EBSCOhost, search.ebscohost.com/login.aspx?direct=true&db=a9h&AN=J0E250165666618&site=eds-live&scope=site. Accessed 13 Feb. 2023.

