

1.7.6.2 - Wong Kim Ark and Birthright Citizenship **(Secondary)**

The Asian American Education Project

Grade Levels	7-12
Lesson Overview	<p>Wong Kim Ark was born in San Francisco, California, in 1873 to Chinese immigrant parents. In 1894, Wong traveled to China to visit his parents who had repatriated to China. Wong was denied re-entry upon his return to the United States. He was denied on the grounds that he was not a U.S. citizen due to the Chinese Exclusion Act of 1882. Wong took his case to court, arguing that because he was born in the United States, the Citizenship Clause of the Fourteenth Amendment made him a citizen. The Supreme Court ruled in favor of Wong, effectively establishing birthright citizenship in the United States. In January 2025, an executive order was signed and threatened to end birthright citizenship. In this lesson, students will learn about the life and legacy of Wong Kim Ark and the social and political impacts of birthright citizenship.</p>
Lesson Objectives	<p>Students will:</p> <ul style="list-style-type: none"> ● Identify barriers to immigration and citizenship that early Asian American communities faced. ● Describe the life and legacy of Wong Kim Ark. ● Define birthright citizenship and analyze its impacts on Asian American immigrants and other immigrant communities.
Standards	<p>College, Career, and Civic Life (C3) Framework for Social Studies State Standards</p> <ul style="list-style-type: none"> ● D2.Civ.3.6-8. Examine the origins, purposes, and impact of constitutions, laws, treaties, and international agreements. ● D2.Civ.3.9-12. Analyze the impact of constitutions, laws, treaties, and international agreements on the maintenance of national and international order <p>Common Core State Standards: English Language Arts Standards » History/Social Studies » Grade 6-8</p> <ul style="list-style-type: none"> ● CCSS.ELA-Literacy.RH.6-8.2 Determine the central ideas or information of a primary or secondary source; provide an accurate summary of the source distinct from prior knowledge or opinions. <p>Common Core State Standards: English Language Arts Standards » History/Social Studies » Grade 9-10</p> <ul style="list-style-type: none"> ● CCSS.ELA-Literacy.RH.9-10.2 Determine the central ideas or information of a primary or secondary source; provide an accurate summary of how key events or ideas develop over the course of the text. <p>National Council for the Social Studies Standards</p> <ul style="list-style-type: none"> ● Power, Authority, and Governance - Students explore this theme by confronting questions such as: How are individual rights protected and challenged within the context of majority rule? What conflicts exist among fundamental principles and values of constitutional democracy? What are the rights and responsibilities of citizens in a constitutional democracy?

Wong Kim Ark and Birthright Citizenship Essay

Asian American communities have spent decades fighting for **immigration** and **citizenship rights**. Long before waves of Asian immigrants arrived in the United States, President George Washington (1731-1799) signed the **Nationality Act of 1790**, restricting citizenship rights only to “free, white persons.” It was the first law that defined eligibility for citizenship by **naturalization**. Many immigrants struggled to claim citizenship in the United States because of this law.

Decades after the first major wave of Chinese immigrants arrived in the United States in the 1850s, an **economic depression** plagued the country. This led to high rates of unemployment. Instead of blaming the government, Asian immigrants became the **scapegoat**. A rise of anti-Asian hate and violence fueled a series of **discriminatory** laws. The **Page Act of 1875** banned the immigration of Chinese women to the United States, making it difficult for early Chinese immigrants to reunite with their families and resettle in the country. Another law that limited immigration and citizenship rights was the **Chinese Exclusion Act of 1882**, prohibiting the immigration of Chinese laborers to the United States. It was the first and only law in U.S. history that targeted a specific **racial group**. The **Geary Act of 1892** extended the Chinese Exclusion Act and required all Chinese immigrants to register and carry a certificate of residence. Those who were unable to provide a certificate of residence were detained and **deported**. These restrictions were in place until the Chinese Exclusion Act was repealed in 1943.

Despite the discrimination that Asian immigrants faced, many individuals and communities stood up for their rights and fought against **injustice**. One of the most influential to do this was Wong Kim Ark (circa 1873-1950*), who was born in San Francisco, California to Chinese immigrant parents. Wong’s father was a merchant with a store on Sacramento Street, above which the family lived. Faced with the decline of his business and the challenges posed by the Chinese Exclusion Act, Wong’s father took his family back to China. However, Wong decided to return to California to work as a cook. In 1894, Wong traveled to China to visit his parents. When he returned to the United States, he was denied re-entry on the grounds that he was not a U.S. citizen under the Chinese Exclusion Act. For months, Wong was detained on ships anchored at San Francisco Bay. Instead of accepting his unjust detention, he decided to take his case to the **Supreme Court**.

In March 1897, Supreme Court hearings of the case *United States v. Wong Kim Ark (1898)* began. Lawyers debated whether Wong’s birth in San Francisco made him a U.S. citizen. Those who argued against Wong claimed that since he was born to parents who were “subjects of China,” he was also considered a subject of China and thus not a U.S. citizen. Lawyers who defended Wong claimed that he was a U.S. citizen under the Fourteenth Amendment, which granted citizenship to “All persons born or naturalized in the United States.” The Fourteenth Amendment was adopted in 1868, overruling the Supreme Court decision in *Dred Scott v. Sandford* (1857), which declared that citizenship did not extend to enslaved Africans and their descendants. The Fourteenth Amendment thus allowed formerly enslaved Black Americans to become citizens. (Notably, the Fourteenth Amendment did not extend birthright citizenship rights to Native Americans. These rights were granted in 1924 through the Indian Citizenship Act.)

In 1898, the Supreme Court ruled in favor of Wong, effectively establishing **birthright citizenship** in the United States. Birthright citizenship is a legal principle under which citizenship is automatically granted to individuals upon birth. Birthright citizenship is guaranteed by the Fourteenth Amendment, which states, “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.”

There are two forms of birthright citizenship: **ancestry-based citizenship** (*jus sanguinis*, or “right of blood”) and **birthplace-based citizenship** (*jus soli*, or “right of soil”). Ancestry-based citizenship provides citizenship to children born to U.S. citizens regardless of where they are born. Birthplace-based citizenship grants citizenship to anyone born on U.S. soil, regardless of their parents’ status.

The ruling in *United States v. Wong Kim Ark* (1898) set a **precedent** for birthright citizenship in the United States, establishing that any person born on U.S. soil is a citizen. This precedent is still in effect today. It has been cited in several Supreme Court cases related to the citizenship of Asian immigrants, including *Weedin v. Chin Bow* (1927), *Morrison v. California* (1934), and *Nishikawa v. Dulles* (1958). For generations, birthright citizenship has made it possible for immigrants from all over the world to put down roots in the United States and raise their families without fear for their future. Birthright citizenship also **enfranchised** generations of Asian American communities, giving them a voice in political decision-making.

Despite the impact of Wong Kim Ark’s landmark case, efforts to undermine and eliminate birthright citizenship continue to this day. On January 20, 2025, President Donald Trump (born 1946) issued an **executive order** that challenged the Fourteenth Amendment’s long-standing guarantee of birthright citizenship. The executive order states that if one parent was “unlawfully present in the United States” and the other was not a citizen or a “lawful permanent resident at the time of a child’s birth,” the child cannot claim birthright citizenship. The order also applies to children of one parent with a temporary **visa** and another parent who is **undocumented**. (Note that information is rapidly changing as communities respond to the executive order. Please consult trusted news sources for current information.)

The end of birthright citizenship can have serious consequences on multiple communities in the United States. Asian Americans are one of the fastest growing racial groups in the United States. As it continues to grow, tens of thousands of children born into undocumented families will not be able to claim citizenship. This will also **disenfranchise** generations of immigrant communities and restrict their rights and access to services such as food assistance and healthcare. If birthright citizenship was revoked, a generation of U.S.-born children would be vulnerable to deportation. Asian Americans and other communities of color would face a dramatic rise in **racial profiling** and hate. Due to harmful stereotypes like the **perpetual foreigner stereotype**, communities of color will be more vulnerable to discrimination and violence.

Today, immigrant communities, advocates, and **judicial** leaders are coming together to continue the fight for rights to citizenship. On January 23, 2025, a federal judge temporarily blocked President Trump’s executive order to end birthright citizenship, claiming it as “blatantly unconstitutional.” Since its issuing, the executive order has faced lawsuits from attorneys general of twenty-two states. Many organizations are also educating the public about the history of Wong Kim Ark and birthright citizenship to ensure that Wong’s legacy continues to protect the rights of future generations.

** Exact life years unknown. Various sources list 1870-1873 for birth. Wong left for China in 1931 and filed documents for his intent to return before leaving, but he never returned to the United States so the year of his death is unknown.*

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Vocabulary:¹

- **ancestry-based citizenship (*jus sanguinis*):** principle that anyone born to citizen parents is a citizen of the state at birth²
- **birthplace-based citizenship (*jus soli*):** principle that anyone born within a country's territory is a citizen of the state at birth, regardless of their parents' citizenship status²
- **birthright citizenship:** the legal principle that anyone born within a country's territory is a citizen upon their birth²
- **Chinese Exclusion Act of 1882:** a law that placed a 10-year ban on Chinese immigration to the United States; the Chinese Exclusion Act was in effect until 1943³
- **citizenship:** status of being a member of a country who owes allegiance to its government and is entitled to protection from it
- **deport:** to force (a person who is not a citizen) to leave a country
- **discriminatory:** applying or favoring prejudiced outlook, action, or treatment
- **disenfranchise:** to take away the legal right to vote and other rights
- **economic depression:** a long-lasting period of greatly reduced general economic activity marked especially by widespread unemployment and declines in trade and production
- **enfranchised:** admitted the right to vote and other rights
- **executive order:** a signed, written, and published directive from the President of the United States⁵
- **Geary Act of 1892:** a law that extended the 10-year ban on Chinese immigration to the United States and added restrictions to the Chinese Exclusion Act of 1882³
- **immigration:** the act of travelling to another country for the purpose of permanent residence there
- **injustice:** violation of right or of the rights of a person; unfairness
- **judicial:** belonging to the branch of government that is in charge of trying all cases that involve government and the administration of justice

- **Nationality Act of 1790:** a law that defined eligibility for citizenship by naturalization to free white persons⁴
- **naturalization:** the course of action undertaken to become a citizen of a country
- **Page Act of 1875:** a law that banned the immigration of Chinese women brought for “immoral purposes” to the United States⁴
- **perpetual foreigner:** a racist stereotype that implies that members of ethnic minorities will always be seen as “other”⁶
- **precedent:** something done or said that may serve as an example or rule to authorize or justify a subsequent act of the same kind
- **racial profiling:** the act of suspecting or targeting a person on the basis of race
- **scapegoat:** to place blame on a person or group of people
- **Supreme Court:** the highest court in the nation
- **visa:** an endorsement made on a passport by the proper authorities denoting that it has been examined and that the bearer may proceed
- **undocumented:** lacking documents for authorized immigration or residence

¹ Definition adapted from [Merriam-Webster Dictionary](#)

² Definition adapted from [American Immigration Council](#)

³ Definition adapted from [National Archives](#)

⁴ Definition adapted from [Immigration History](#)

⁵ Definition adapted from [American Bar Association](#)

⁶ Definition adapted from [New American Economy](#)

Discussion Questions:

1. Who is Wong Kim Ark?
2. Why and how did Wong Kim Ark fight for his rights?
3. What is the legacy of Wong Kim Ark?
4. What is birthright citizenship? Why is it an important outcome of Wong Kim Ark’s case?
5. What are the impacts of birthright citizenship on Asian American and other immigrant communities?
6. Why are there continuing efforts to end birthright citizenship?
7. How would the end of birthright citizenship affect Asian American and other immigrant communities?
8. How are Asian American and other immigrant communities fighting for birthright citizenship today?

Activity 1: Identifying Barriers to Immigration and Citizenship

- A. Show students the image entitled, “[The Chinese Must Go - Magic Washer - 1886 anti-Chinese US cartoon](#).” Ask students the following questions:
 1. What stands out to you in the image and why?
 2. Why do you think this cartoon was created?
 3. What is the purpose of the cartoon?
 4. What do you think were the impacts of this cartoon?
- B. Tell students the following: “This political cartoon was published during a time in which anti-Chinese hate plagued the country. The cartoon was also created after the enactment of the Chinese Exclusion Act of 1882, the first and only law that banned the immigration of a specific racial group.”
- C. Show students a clip (0:00 to 6:34) of the video entitled, “[Exclusion: The Shared Asian American Experience](#)” by the 1990 Institute. Have students take note of the discriminatory laws that restricted

the rights of Asian American immigrants shown in the video.

- D. Have students independently read the first two paragraphs of the “Wong Kim Ark and Birthright Citizenship” Essay.
- E. Distribute the worksheet entitled, “[Exclusionary Laws Index](#).” Have students complete the worksheet to identify and define exclusionary laws described in the essay and video.
 - 1. Have students write the name of the law in the left column.
 - 2. Have students write a description of the law in the middle column.
 - 3. Have students describe the impacts of the law in the right column.
- F. Reconvene as a whole class. Facilitate a discussion by asking the following questions:
 - 1. What barriers did Chinese American immigrants face that kept them from rights to immigration and citizenship?
 - 2. What led to the enactment of laws against Chinese immigration and citizenship?
 - 3. How did discriminatory laws impact the Chinese American community in the 19th century?

Activity 2: Learning about the Life and Legacy of Wong Kim Ark

- A. Have students Pair-Share and respond to the questions: “What does it mean to ‘fight for your rights’? Who is a figure you have learned about who fought for their rights? What did they fight for?” Provide an opportunity for students to share their responses to the whole class.
- B. Tell students: “Today we are going to learn about Wong Kim Ark, an Asian American hero who fought for his rights to citizenship.”
- C. Have students read the rest of the “Wong Kim Ark and Birthright Citizenship” Essay. Consider the following options:
 - 1. OPTION 1: Have students read the essay independently either for homework or during class time.
 - 2. OPTION 2: Read aloud the essay and model annotating.
 - 3. OPTION 3: Have students read aloud in pairs or small groups.
- D. Facilitate a discussion by asking the Discussion Questions.
- E. Show students the video entitled, “[Wong Kim Ark’s Fight for Birthright Citizenship](#)” by Untold History. Ask students the following questions:
 - 1. What is something new that you learned about Wong Kim Ark?
 - 2. What else do you want to know about Wong Kim Ark?
 - 3. What is the legacy of Wong Kim Ark?

Activity 3: Examining Birthright Citizenship

- A. Tell students the following: “Wong Kim Ark’s Supreme Court case, *United States v. Wong Kim Ark* (1898) established birthright citizenship in the United States. Birthright citizenship is the legal principle that anyone who is born in the United States is a citizen, regardless of the citizenship status of their parents. It is protected by the Citizenship Clause of the Fourteenth Amendment in the U.S. Constitution.”
- B. Distribute the worksheet entitled, “[Excerpt Analysis](#).” Have students work in pairs to analyze the

following excerpts of the Citizenship Clause in the Fourteenth Amendment:

1. “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;”
2. “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States;”
3. “Nor shall any State deprive any person of life, liberty, or property, without due process of law;”
4. “Nor deny to any person within its jurisdiction the equal protection of the laws.”

C. Have students complete the “[Excerpt Analysis](#)” by reading each excerpt and responding to the following prompts in the boxes below each excerpt.

1. What does the excerpt mean? Write the excerpt in your own words.
2. How does this excerpt address birthright citizenship rights?

D. Reconvene as a whole class. Facilitate a discussion by asking the following questions:

1. How are citizenship rights addressed in the Fourteenth Amendment?
2. How does the Citizenship Clause of the Fourteenth Amendment address birthright citizenship rights?
3. How does birthright citizenship affect the other rights of citizens (i.e., equal protection, due process, voting, land ownership, etc.)?
4. What role does interpretation play in regard to the enforcement of amendments, laws, etc.?
5. What roles does time (i.e., changing historical periods) play in regard to the interpretation of amendments, laws, etc.?

Activity 4: Analyzing Primary Sources

A. Have students work in small groups. Assign each group one of the following primary sources:

1. Group 1: Sworn Statement of Witnesses verifying Departure Statement of Wong Kim Ark – [Part 1](#), [Part 2](#) (November 1894)
2. Group 2: [Application of Wong Kim Ark for Writ of Habeas Corpus](#) (October 1895)
3. Group 3: [Statement in Opposition to the Application for the Writ of Habeas Corpus of Wong Kim Ark](#) (November 1895)
4. Group 4: [Opinion Rendered in the Matter of Wong Kim Ark on Habeas Corpus](#) (pp. 1-4) (January 1896)
5. Group 5: [Discharge of a San Francisco Judge in the Matter of Wong Kim Ark](#) (January 1896)
6. Group 6: [Form 430 - Application of Alleged American-born Chinese for Preinvestigation of Status by Wong Kim Ark](#) (p. 1) (October 1913)
7. Group 7: [Form 430 - Application of Alleged American Citizen of the Chinese Race for Preinvestigation of Status by Wong Kim Ark](#) (July 1931)

B. Distribute the worksheet entitled, “[Wong Kim Ark Source Analysis](#).” Have students read and analyze their primary source documents and complete the worksheet.

1. Have students respond to the following questions in the “Observe” section:
 - a. What type of document are you observing (photograph, written document, speech, etc.)? How do you know?
 - b. What are the important things that you see on the document? Why are these important?
 - c. What other details do you notice?
2. Have students respond to the following questions in the “Reflect” section:
 - a. What is the purpose of this document?
 - b. What is the significance of this document? Why is this important?
 - c. What can you learn from this document? What does it tell you about Wong Kim Ark’s life?
3. Have students respond to the following question in the “Question” section:
 - a. What questions do you have? What do you wonder about the document, the creator, etc.?

- C. Have students form new groups, such that each new group has at least one student representing each of the assigned primary source documents.
1. Have each student share a summary of the document they analyzed using the worksheet entitled, “[Wong Kim Ark Source Analysis](#).”
 2. Start with the student representing Group 1, then have the student representing Group 2 share, etc. such that the documents are shared in chronological order.
- D. Reconvene as a whole class. Facilitate a discussion by asking the following questions:
1. What did you learn from the primary source documents?
 2. How do these primary sources corroborate or contradict the information from the lesson essay and videos?
 3. What do these documents reveal about the life of Wong Kim Ark?
 4. What do these documents reveal about the experiences of Asian Americans in the late 1800s to mid-1900s?
 5. What is the importance of primary source documents in studying history?

Activity 5: Examining the Impacts of Birthright Citizenship on Asian American and Immigrant Communities

- A. Show students the video entitled, “[The history and legacy of birthright citizenship in the U.S.](#)” by PBS News Hour. Facilitate a discussion using the following questions:
1. What is the current status of birthright citizenship?
 2. What are the impacts of birthright citizenship on Wong Kim Ark’s descendants? What does this imply about other Asian American families?
 3. How has birthright citizenship benefited American society?
- B. Have students identify and read three contemporary sources about the impacts of birthright citizenship.
- C. Have students complete the worksheet entitled, “[Impacts of Birthright Citizenship](#).”
1. Have students list the source (title, author, date, publisher) in the left column.
 2. Have students list claims the source author makes about the impacts of birthright citizenship in the middle column.
 3. Have students list at least three examples or pieces of evidence the source author uses to justify their claims in the right column.
- D. Have students write an essay, letter to the editor, an op-ed, or a letter to Congress in response to the following prompt: “How has birthright citizenship impacted Asian American and other immigrant communities? What are the potential impacts of ending birthright citizenship in the United States?”

Extension Activities

- A. Have students learn more about the life of Wong Kim Ark after the case *United States v. Wong Kim Ark* (1898) by reading the articles, “[How the Fight for Birthright Citizenship Shaped the History of Asian American Families](#)” and “[He won a landmark birthright citizenship case at the US Supreme Court. El Paso tried to deport him anyway.](#)” Have students discuss the legal challenges Wong and his family faced after the case, and how the Wong family were impacted by, and responded to, different immigration laws.

- B. Have students research the case *Regan v. King* (1942), which sought to overrule *United States v. Wong Kim Ark* (1898) by challenging the citizenship status of Japanese American citizens born in the United States.
- C. Have students research the history of Native American citizenship. Have students write an essay explaining why the language of the Fourteenth Amendment did not include birthright citizenship for Native Americans.
- D. Have students review the arguments in the [*United States v. Wong Kim Ark* \(1898\)](#) court case. Have students interpret the Citizenship Clause from the perspective of those who fought against birthright citizenship and those who supported it.
- E. Post [artifacts related to Wong Kim Ark](#) around the classroom. Have students do a gallery walk responding to the artifact with a comment or question. Have students write a reflection about what they learned about Wong Kim Ark based on the artifacts.
- F. Have students research other countries that practice birthright citizenship. Have them compare and contrast the impacts of birthright citizenship on immigrants in other countries and in the United States.

Further Information

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- The Asian American Education Project lesson entitled, "Citizenship: Introducing the Theme of Citizenship in Asian Pacific Islander Desi American (APIA) History." <https://asianamericanedu.org/intro-citizenship.html>.
- The Asian American Education Project lesson entitled, "Tereza Lee and Undocumented Asian America." <https://asianamericanedu.org/tereza-lee-and-undocumented-asian-america.html>.
- The Asian American Education Project lesson entitled, "Redefine American." <https://asianamericanedu.org/redefine-american.html>.