

The Catholic Church Responds
to
The Immigration Crisis in the United States of America

Asociación Nacional de Sacerdotes Hispanos

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Before I begin my remarks today, I would like to thank Monsignor Heberto Diaz for his kind invitation to participate in this important conference on immigration. I commend you for focusing your attention on this vital issue in our country, indeed in our world, today. I deeply admire you all for what you are doing to welcome and support the stranger in our midst. I pray that my talk will add in some small way to your discussions and deliberations this week.

In speaking about immigrants or people on the move, I am reminded of a little anecdote regarding a grammar school Christmas pageant. This story involves a little first grader who was selected to play the part of the innkeeper in his school's Christmas play. He practiced day and night, although he only had two short lines, "There's no room in the inn. Go away!" (repeat) His parents were very patient and he was the best-prepared actor ever! The night of the performance, Joseph and Mary knocked on the door and his moment came. "There's no room in the inn," he shouted, "but why don't you come in anyway and have dinner!" Well, it brought the house down!

There is a wonderful instinct in that little guy. A marvelous sense of hospitality, compassion and warmth all rolled into one loving embrace. I believe that we human beings come by that naturally. We are social creatures and we are by nature interested in each other and even caring of each other. But what happens to that instinct? Where does it go as we mature? Where do the fences come from? All of a sudden, we hear, “not in my backyard” or “I was here first” or “welcome to such and such a place, now go home” or “certain people need not apply.”

A friend of mine recently summed it up well. She said that, as a country, we do not open our arms to strangers as widely as we used to. Whatever the reason, the mood in our country has changed and yet, I believe one could make the case that we are more prosperous, more powerful, more gifted now than ever before in our history, even though these last weeks certainly point to serious flaws in our economic system. Do Emma Lazarus’ words, engraved on the base of the stature of liberty, ring true today? “Give me your tired, your poor, your huddled masses yearning to breathe free...”

There is no doubt in my mind that immigration is one of the most important social issues facing our country and our world today. It affects not only a few States along the border or our big cities—it impacts virtually every community in our nation. This is much different from twenty or thirty years ago. Since that time, our nation has experienced an unprecedented wave of immigration. How we handle immigration now will determine the future of our country—and the type of country we are—for the twenty-first century.

I have been asked to speak on the Catholic Church’s response to the immigration crisis our country: the “what” of our response. You already know well the reasons why the Church is so intimately involved in this question. There are numerous

scriptural passages that cause us to speak to this issue, none more poignant than those referring to Christ himself as a refugee and as an itinerant preacher. There is a rich history of papal encyclicals that spurs us to respond to the question of immigration as well as many fine documents emanating from the USCCB and other Episcopal conferences, especially our joint work with Mexico, that call us to action. Such a response is only natural since we are truly an immigrant church in a country of immigrants.

And as a church, we are indeed very intimately involved in the immigration experience. As pastors, educators, and social service providers, we are painfully aware of the plight of immigrants. We are approached for legal, pastoral, social and emotional assistance on a daily basis. Sadly, we witness families being separated, migrant workers being exploited, and families mourning the death of loved ones who die on their journey to the United States. The Church is present at every point of migration—in the “sending communities,” along the route, along the border, and in receiving communities. Catholics are involved in migration as elected officials, border patrol agents, service providers, and as migrants. We have an obligation to show leadership on this issue so that our country can find a just solution to the immigration crisis.

In short, the Church has a great deal of experience with migration, and thus much to offer in understanding this complex reality. Unlike many commentators and contributors to the debate, we see it from a global perspective, which informs our view and the solutions we offer and support. We are a universal institution and unlike other commentators, we do not see the issue only in economic, social, or cultural terms. To the Church, the immigration issue is primarily a humanitarian one. Because it affects

the human rights, human dignity, and the *lives* of millions of human beings, it has moral implications and must be viewed through a moral lens.

Moreover, the recent renewal of the Bishops' Pastoral Letter *Faithful Citizenship* gives yet another perspective as to why the Church is involved in the public debate on the issue of immigration. Paragraph thirteen reads:

In the Catholic Tradition, responsible citizenship is a virtue, and participation in political life is a moral obligation. This obligation is rooted in our baptismal commitment to follow Jesus Christ and to bear Christian witness in all we do. As the *Catechism of the Catholic Church* reminds us, "It is necessary that all participate, each according to his (or her) position and role, in promoting the common good. This obligation is inherent in the dignity of the human person...As far as possible citizens should take an active part in public life" (nos. 1913-1915).

And in the following paragraph of the same document, we read that "[t]he Catholic call to faithful citizenship affirms the importance of political participation and insists that public service is a worthy vocation."

Clearly, then, the Catholic Church is right in the thick of the immigration conversation, or debate if you prefer, in the United States. The Church believes that the United States current immigration system has an adverse impact on the rights, dignity, and lives of human beings and must be reformed. This, then, is the central piece of the Church's response to the immigration dilemma today: we need comprehensive immigration reform.

I believe that to understand the church's response to the immigration issue, we must understand the context within which the church is working. It is clear that half of the earth's inhabitants live in poverty and struggle to maintain their dignity, health, indeed their very survival. In our hemisphere, such poverty exists in our country as well

as in Mexico and Latin America. In this hemisphere and other parts of the world, workers migrate in order to support their families because they can find work elsewhere and normally make much more in wages than in their home country.

This is true in the United States. The overwhelming majority of migrants simply want to work, and they work hard and contribute to the American economy. They labor in important industries in our economy—agriculture, construction, and service – and overall contribute through their taxes, purchasing power, and “sweat equity.” They pay into the income, property, and sales tax system and into the Social Security system every year. In fact, undocumented immigrants pay \$700 million into the Social Security system each year yet do not benefit from it. As five percent of the workforce, they pay as much as \$3 billion in income taxes each year, not including sales and property taxes. Studies show that over an immigrants’ lifetime, they contribute more than they consume in services. I read in the Tribune’s public forum a few months ago an interesting letter to the editor from Caitlin Cahill who said that immigrants are people “who come here with little, work for little and ask for little...” I quite agree.

In short, our immigration system is outmoded and ill-equipped to accommodate the migration flows that reflect this new era of globalization, present here and all over the world. As many as 500,000 migrants without legal status come to the United States each year, 40 percent by overstaying their visas. Approximately 90 percent obtain work within six months. Despite these numbers, our immigration system allots only 5,000 immigrant visas each year for low-skilled workers. This represents a broken system.

Instead of trying to update an outmoded system based on illegality with a modern system based upon legal status and legal migration, our nation has employed an enforcement-only approach, an approach that has failed and led to more human suffering. Since 1993, when our nation commenced a series of border blockade initiatives, we have spent close to \$30 billion on enforcement, tripled the number of Border Patrol agents, and added 80 miles of fencing and barriers to our border. During the same period, the number of undocumented persons has more than doubled, from 5 million in the 1990 census to almost 12 million today. It is clear that an enforcement-only prescription does not work.

As a result of this outmoded system, migrants, desperate to survive and support their families, are compelled to enter the country illegally and, because of their undocumented status, become subject to abuse, exploitation, and even death in the desert. According to the Border Patrol, over 3,000 migrants have died in the American desert since 1996. Families are continually separated and in some cases are never reunited.

In short, our national immigration policies are not consistent, but contradictory. While we post a “no trespassing” sign at our border, we erect a “help wanted” sign at the workplace. This incongruent policy leads not only to division and discord in state and local communities – which must bear the initial costs of new arrivals – but also to the exploitation, abuse, and even death of our fellow human beings.

Now, with comprehensive immigration reform having failed in Congress, we see enforcement raids that separate children from their parents and strike fear in immigrant communities. We see state and local law enforcement targeting immigrants instead of

pursuing real criminals. In addition, we witness state and local communities passing laws designed to drive immigrants from these areas. Undocumented immigrants have become the subject of harsh rhetoric by some, fomenting an atmosphere of cynicism and despair, lessening us as a people and fanning the flames of racism and xenophobia.

So, how does the Church propose to correct such an unjust and inhumane system? What is our response? First, let us look at five principles that govern how the Church looks at immigration law and the immigration system. These come from a joint pastoral letter, *Strangers No Longer: Together on the Journey of Hope*, from the Catholic Bishops of the United States and Mexico, released in 2003.

1) Persons have the right to find opportunities in their homeland

This principle states that a person has a right not to migrate. In other words, economic and political conditions in their homeland should provide an opportunity for a person to work and support his or her family in dignity and safety. In public policy terms, efforts should be made to address global economic inequities through just trade practices, economic development, and debt relief. Peacemaking efforts should be advanced to end conflict that forces persons to flee their homes.

Several years ago I had the moving and yet sad experience of visiting Burmese refugees in northern Thailand. In the Mae Hong Son area there were thousand of these refuges, many of whom have been there since the mid 1980's. When we asked them if they would like to relocate in the United States, many said "no." They were waiting for things to change in what is now called Myanmar so they could go back home. After all those years in primitive, camp conditions, they still yearned to return to their homes and

farms. People, given the opportunity, most often want to remain home, an inalienable right of all human beings.

2) Persons have the right to migrate to support themselves and their families

When persons are unable to find work and support themselves and their families, they have a right to migrate to other countries and work. This right is not absolute, since Pope John XXIII stated that this right applies when “there are just reasons for it.” However, in the current condition of the world, in which global poverty is rampant, migrants who leave their homes and risk their lives to enter a nation are seeking to survive and support their families, a just reason for migration. This principle supports the public policy position of the Church in support of the legalization of undocumented persons.

During that same trip I mentioned just a bit ago, we also went to Northeastern China to visit North Korean refugees. Although we could not meet with them officially out of fear for their safety, we talked to the local parish priest, himself just coming off house arrest for assisting them. He told us the conditions were abysmal in North Korea and that thousands of refugees were risking death or long prison sentences and hard labor in order to flee the hunger, despair and persecution they were experiencing in their country. It is true that they were technically breaking the laws of both North Korea and China but they were exercising a God given right to migrate, especially since they certainly had “just reasons.”

3) Sovereign nations have a right to control their borders

The Church recognizes the right of the sovereign to protect and control its borders in the service of the common good of its citizens. However, this is not an absolute right. Nations also have an obligation to the universal common good, as articulated by Pope John XXII in *Pacem in Terris*, and thus should seek to accommodate migration to the greatest extent possible. Powerful economic nations, such as the United States, have a higher obligation to serve the universal common good. In the current global environment, in which there are jobs in the United States that immigrants fill, the United States should establish an immigration system that provides legal avenues for persons to enter the nation legally in a safe, orderly, and dignified manner. In other words, according to the Church's view, nations are obligated to exercise their right of sovereignty with compassion and prudence, seeking to achieve a common good that goes beyond any one country's borders.

4) Refugees and asylum seekers should be afforded protection

Persons who flee their home countries because they fear persecution should be afforded safe haven and protection in another country. Conflict and political unrest in many parts of the world force persons to leave their homes for the fear of death or harm. The United States should employ a refugee and asylum system that does not erect high barriers to prevent persons from obtaining safety in our country.

5) The human rights and the human dignity of undocumented migrants should be respected

Persons who enter a nation without permission should be treated with respect and dignity. They should not be detained in deplorable conditions for lengthy periods, shackled by their feet and hands, or abused in any manner. They should be afforded due process of the law and allowed to articulate a fear of return to their home before a qualified adjudicator. They should not be blamed for the social ills of a nation.

These broad yet basic principles provide a general framework for the development of a fair and just immigration policy. While these principles do not yield detailed legislation, they do provide a lens through which proposed measures can be judged and evaluated. The challenge is always in moving from general principles to concrete policy. Often times, it requires reconciling rights that are held in tension with one another.

For instance, how is it that, on the one hand, a person has a right to migrate out of economic necessity or to protect his life and that of his family and, on the other hand, a sovereign nation has the right to control its borders? Do these principles not conflict?

The answer lies in the fact that neither of these rights is absolute. They must be balanced by several factors including the ability of the receiving country to receive immigrants and that of the immigrant's home country to provide economic opportunity. Still, a more powerful and stable economic country like the United States may have a higher obligation to receive immigrants than a poorer, less developed neighbor. Two factors should shape our response: first, the capacity of the United States to accept immigrants, and; secondly, recognition that our economy needs and benefits from this immigrant labor force. To reap such tremendous benefits from an immigrant labor force

without reciprocating with opportunities for those workers to regularize their status is not just.

In attempting to reform a broken system, what policy solutions, what response, does the Church offer that comport with these principles?

Since immigration is a global reality, the Church favors a global solution. First, we need to examine the root causes of migration and analyze how U.S. economic and trade policies influence economic flight. Over the long term, we also must consider how living wage employment can be generated in “sending communities.” Migrants, overall, would prefer to remain in their home communities to support themselves and their families. Migration should be driven by choice, not necessity.

Second, the church calls us to comprehensively address and update the broken U.S. immigration system. The United States Catholic Bishops Conference (USCCB) believes that meaningful immigration reform must properly balance the right to migrate and the right to regulate migration. Thus, the USCCB opposes “enforcement only” immigration policies because they lack proper accommodation of the right to migrate. Instead, the USCCB supports “comprehensive” immigration policies that pare valid enforcement laws with fair and generous legalization measures. The U.S. Catholic Bishops have outlined various elements of their proposal for comprehensive immigration reform. The key elements of comprehensive reform advocated by the Bishops are:

Earned Legalization: An earned legalization program with a path to citizenship would require unauthorized workers to work for several years, take English courses, and pay a

fine in order to participate in the program. Such a program would help stabilize the workforce, promote family unity, and bring a large population “out of the shadows,” as members of their communities.

Enforcement: The Bishops support the legitimate and important role of the United States government in enforcing immigration law at the border and in the interior. The Bishops also believe that by replacing illegal migration with legal migration, law enforcement will be better able to focus upon those who truly threaten public safety: drug and human traffickers, smugglers, and would-be terrorists. Any enforcement measures must be targeted, proportional, and humane.

Future Worker Program: A worker program to permit foreign-born workers to enter the country safely and legally would help reduce illegal immigration and the loss of life in the American desert. Any program should include workplace protections, living wage levels, safeguards against the displacement of U.S. workers, and family unity.

Family-based immigration reform: It currently takes years for family members to be reunited through the family-based legal immigration system. This leads to family breakdown and, in some cases, illegal immigration. Changes in the family-based immigration should be made to increase the number of family visas available and reduce family reunification waiting times.

Addressing Root Causes: Congress should examine the root causes of migration,

such as wage inequities and the lack of job opportunities in sending countries, and seek long-term solutions. The antidote to the problem of illegal immigration is sustainable economic development in sending countries. Ideally, migration should be driven by choice, not necessity.

Restoration of Due Process Rights: Due process rights taken away by the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) should be restored, particularly the use of judicial discretion in deportation proceedings.

Of course, critics call part of this prescription an “amnesty.” I would like to address that assertion, since it seems to resonate among some portions of the American public. First, we must consider whether an earned path to citizenship is itself an amnesty, which means, according to Webster’s Dictionary, “an act of forgiving, a general pardon of the offenses of subjects against the government.” By requiring at least six or more years of work, the payment of fees and a fine, as well as English proficiency, we are not forgiving or providing a general pardon. We are exacting a penalty for an offense. The principle of the “rule of law,” upon which our democracy is built, is maintained because the offenders pay a penalty and remain accountable to the law.

Some will argue that the penalties imposed in an earned citizenship program are insignificant and not commensurate to the offense. They also suggest they are irrelevant because, at the end of the program, an individual becomes eligible for citizenship and thus receive a “reward” for lawbreaking. I respectfully disagree.

In exacting punishment in our country, courts and legislatures consider both the intent of the lawbreaking and the effect of the lawbreaking. In the case of the migrant, the intent is to work and support his or her family and the effect is that this work helps our economy to move forward. The *intent* is not to harm and the *effect* is to help, thus mitigating the penalty. As for the arduous path to citizenship that persons must take, individuals must wait in the back of the line and, under many proposals, wait as long as eleven to thirteen years before becoming eligible for citizenship.

I would say that we want Americans who are willing to sacrifice for the value of citizenship, a value many Americans take for granted. More importantly, citizenship ensures that America does not employ a permanent underclass without full rights in the society, a hallmark of our democracy.

In considering the penalty for unlawful migration, we also must consider whether the law that has been broken is itself a just one. This also should mitigate the penalty exacted. In the history of the United States, we have enacted and implemented several unjust laws, including laws that have discriminated against certain types of persons based on race, gender, and national origin. We just celebrated Martin Luther King, Jr. Day. In Dr. King's letters from a Birmingham jail, he details that an unjust law—one that violates the human dignity of the person---should engender civil disobedience. While I am not advocating such action in this case, I would argue that our current immigration laws are unjust as well: we employ and accept the labor and taxes of the undocumented yet deny them the protection of the law. As a matter of moral principle, we cannot have it both ways. It is not so much a matter of immigrants breaking the law as it is that immigration laws are broken and need fixing.

Let me address another criticism leveled at those who favor comprehensive reform, including criticism of the Church. Simply because we do not support an enforcement-only approach to the problem of illegal immigration does not mean we support “open borders” or do not support efforts to secure our country. In fact, it is our belief that a comprehensive approach will best help us secure our nation.

First, it will bring the undocumented population out of the shadows by offering them legal status, requiring them to identify themselves to the government. Is it not better to know who is in our country, so that we can distinguish between those who are here to work and pursue the American dream and those here for nefarious purposes?

Second, it will create legal avenues for migrants to enter in a safe and orderly manner, so that we know who is entering our country and for what purpose. Legal avenues for migration would also reduce the pressure on our southern border, permitting law enforcement to focus upon drug smugglers, human traffickers, and other criminal or terrorist elements.

Moreover, the enforcement of U.S. immigration law need not be conducted in a manner that undermines basic human dignity. Enforcement raids, for example, fail to meet this test, as they separate parents from children and alienate immigrant communities. The raids that have taken place in our country in the past several years are horrifying, to say the least. We experienced raids twice in Utah, one tragically on December 12, 2006, the Feast of Our Lady of Guadalupe of all days! In these raids, several hundred immigrants without appropriate documentation were deported to their home countries. Children came home to empty houses. It is hard to image the fear and anxiety of both parents and children as they scrambled to find out what was happening.

The sacred bond between parent and child must be honored and not used as a cudgel that in effect does nothing to improve the situation one way or the other. We do not question the government's right to enforce the laws but we do question raids that are ineffective and inhumane.

In this regard, comprehensive immigration reform also has the benefit of protecting families, which is the cornerstone of the church position. By legalizing the undocumented population, families are kept together by providing legal status to all family members. As many as 52 percent of immigrant families are of "mixed" status, in which at least one family member is undocumented—in many cases, the parents have no legal status while the children are U.S. citizens. Thus, reform prevents families from being ripped apart in harsh enforcement actions. Reform of our family immigration system will ensure that families are reunited in a more timely fashion. Currently, a Mexican legal permanent resident must wait as long as 10 years through the legal immigration system to bring a spouse and child to the United States. Such long waits encourage undocumented immigration and the loss of mothers and children in the Sonoran desert.

An approach to the immigration debate informed by the riches of the Catholic tradition respects the human dignity of our fellow human beings, does not scapegoat them for our social problems, and does not pit one community against another. All too often we hear and see, on cable television, talk radio, and on our streets, voices of fear and dissension that dehumanize immigrants. The faith community, in particular, must speak out against these divisive voices with the strong message that immigrants who

come to this nation are equal in God's eyes, work hard, share American values, and love and worship God as we do.

For some time now I have been talking about the Church's response to the immigration crisis in our country and world. But you and I are the church. What can we do, practically, to respond to the immigration question and to immigrants themselves? What can you do in your parishes and communities of faith? Allow me to suggest just a few possibilities.

First of all, it is important to know the issues. It is important to know what immigrant families are facing, whether it be enforcement raids, deportation proceedings, families being separated, lack of legal status or whatever. We do not have to be experts but we should be conversant with the issues. We should be familiar with Church documents and government positions. It is especially helpful to know the theology behind our position. An excellent work just out is ? And we should know to whom to go for help. The Justice for Immigrants Campaign of the USCCB is an excellent resource as is the Catholic Legal Immigration Network known as CLINIC.

In addition, we should know not just the facts but the immigrants themselves. Spending time with them, hearing their stories and journeying with them gives us a perspective that most citizens just do not have. In this way, we can truly support the immigrant with credibility and empathy.

Secondly, we need to be a voice for the immigrants. They cannot speak for themselves but we can speak for them. Whether from the pulpit or in the parish hall, we have opportunities to educate, challenge and hopefully change hearts. In this regard it is important to use the right messaging. Migration and Refugee Services is of

the USCCB is currently looking at how best to message the immigration issue so that you do not receive difficult responses from your parishioners. We can provide you with homily notes, bulletin inserts and other materials for use in your parish. National Migration Week, the first week in January, is a good opportunity to use these materials. You should receive a packet on NMW soon with these helpful materials.

Perhaps the best way to speak for the immigrants is by example, ensuring that all immigrant groups are welcome in the parish. Setting a tone of welcome, sponsoring discussion groups, engaging the parish council on immigration issues, spearheading clothing and food drives and creating reading or discussion groups around the issue of immigration are just some of the ways to foster a welcoming and open parish that welcomes the stranger in our midst.

Third, we can advocate for the immigrant. We must make our voices heard by those in power. All too often, the loudest voices are those that promote fear, hatred and suspicion. These strident voices tell our elected officials that we are being inundated by waves, swarms or hordes of immigrants, all words that connote disaster, disease and calamity. We must counter these shrill and false claims with a voice of reason and hope. This is the kind of advocacy that can turn the heads and hearts of our leaders and give them the confidence they need to bring about true comprehensive immigration reform.

Finally, we must pray. Whether at Mass or in the home, in the classroom or the parish hall, we must lift our voices in prayer, asking the one who himself fled the violence of his native land to help accompany those on a journey of hope.

I believe that you and I are called upon to be true reconcilers, helping our nation to find common ground. Cardinal Bernardin's Common Ground Initiative reminds us that even the most diametrically opposed viewpoints can be reconciled in at least some ways. Recognizing that no point of view has a monopoly on the truth, presuming good faith until proven otherwise, seeking to truly understand the other's position and being careful about ascribing motives can help us to find common ground and lead to the common good.

The immigration debate finds us at odds over legal and economic issues. We look at the immigrants through different lenses, some seeing danger, others hope. There are those who feel safer with simple and measurable solutions and others who prefer to engage the complexities of the debate. For some the immigrant is a symbol of danger and threat and for others, the reason for a secure future. While there are those who believe that immigrants have caused their own suffering there are others who see themselves as companions on the journey, called to help those they meet along the way. Yet, despite these seemingly intractable differences, we must never tire of seeking common ground. That common ground might just be the realization that we are all on a journey in this life and we are more likely to reach our goal if we look out for each other as opposed to going it alone. Comprehensive immigration reform is the first step on that journey to common ground where we can live and work together in a manner befitting a country that is called united.

To conclude, I would like to call to our minds two very disillusioned followers of one who claimed to be the Messiah, walking from Jerusalem to their home in Emmaus. They met a person who fascinated them by his serene demeanor and incredible

knowledge of the scriptures. He talked at length about the very person they were following, seeming to have an unspeakable intimacy with him. As the day wore on and night approached, they invited the stranger to come in with them for a meal. And it was around that table of hospitality that they recognized Jesus in the breaking of the bread. We are called to do no less. We are called to welcome the strangers in our midst, to hear their story, and to invite them to our table. When we do, we will once again recognize Jesus in our midst. I believe that when all is said and done, and despite what some might say, there is always room at the banquet table. Indeed, we are never too old to open the door wide and offer those who knock a warm meal. Thank you very much for your attention this morning.