

***Migration and Refugee Services/Office of Migration Policy and Public Affairs***

***The United States Conference of Catholic Bishops***

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**Comprehensive Immigration Reform**

According to the Pew Hispanic Center, there are currently 11.2 million unauthorized persons residing in the United States. Each year, approximately 300,000 more unauthorized immigrants enter the country. In large part, these immigrants feel compelled to enter by either the explicit or implicit promise of employment in the U.S. agriculture, construction, and service industries, among others. Most of this unauthorized flow comes from Mexico, a nation struggling with severe poverty, where it is often impossible for many to earn a living wage and meet the basic needs of their families.

Survival has thus become the primary impetus for unauthorized immigration flows into the United States. Today's unauthorized immigrants are largely low-skilled workers who come to the United States for work to support their families. Over the past several decades, the demand by U.S. businesses, large and small, for low-skilled workers has grown exponentially, while the supply of available workers for low-skilled jobs has diminished. Yet, there are only 5,000 green cards available annually for low-skilled workers to enter the United States lawfully to reside and work. The only alternative to this is a temporary work visa through the H-2A (seasonal agricultural) or H2B (seasonal non-agricultural) visa programs which provide temporary status to low-skilled workers seeking to enter the country lawfully. While H-2A visas are not numerically capped, the requirements are onerous. H-2B visas are capped at 66,000 annually. Both only provide temporary status to work for a U.S. employer for one year. At their current numbers, these are woefully insufficient to provide legal means for the foreign-born to enter the United States to live and work, and thereby meet our demand for foreign-born labor.

In light of all of this, many unauthorized consider the prospect of being apprehended for crossing illegally into the United States a necessary risk. Even after being arrested and deported, reports indicate that many immigrants attempt to re-enter the United States once again in the hope of bettering their lives.

Adding to this very human dilemma is the potentially dangerous nature of crossing the Southern border. Smugglers looking to take advantage of would-be immigrants extort them for exorbitant sums of money and then transport them to the U.S. under perilous conditions. Other immigrants have opted to access the U.S. by crossing through the Southwest's treacherous deserts. As a result, thousands of migrants have tragically perished in such attempts from heat

exposure, dehydration, and drowning.

## **Catholic Social Teaching**

The Catholic Catechism instructs the faithful that good government has two duties, both of which must be carried out and neither of which can be ignored. The first duty is to welcome the foreigner out of charity and respect for the human person. Persons have the right to immigrate and thus government must accommodate this right to the greatest extent possible, especially financially blessed nations: "The more prosperous nations are obliged, to the extent they are able, to welcome the *foreigner* in search of the security and the means of livelihood which he cannot find in his country of origin. Public authorities should see to it that the natural right is respected that places a guest under the protection of those who receive him." Catholic Catechism, 2241.

The second duty is to secure one's border and enforce the law for the sake of the common good. Sovereign nations have the right to enforce their laws and all persons must respect the legitimate exercise of this right: "Political authorities, for the sake of the common good for which they are responsible may make the exercise of the right to immigrate subject to various juridical conditions, especially with regard to the immigrants' duties toward their country of adoption. Immigrants are obliged to respect with gratitude the material and spiritual heritage of the country that receives them, to obey its laws and to assist in carrying civic burdens." Catholic Catechism, 2241.

In January 2003, the U.S. Catholic Bishops released a pastoral letter on migration entitled, "*Strangers No Longer: Together on the Journey of Hope*." In their letter, the Bishops stressed that, "[w]hen persons cannot find employment in their country of origin to support themselves and their families, they have a right to find work elsewhere in order to survive. Sovereign nations should provide ways to accommodate this right." No. 35. The Bishops made clear that the "[m]ore powerful economic nations...ave a stronger obligation to accommodate migration flows." No. 36.

## **USCCB Position**

The United States Conference of Catholic Bishops (USCCB) opposes "enforcement only" immigration policies and supports comprehensive immigration reform. In *Strangers No Longer: Together on the Journey of Hope*, the U.S. Catholic Bishops outlined the elements of their proposal for comprehensive immigration reform. These include:

### **Earned Legalization:**

An earned legalization program would allow foreign nationals of good moral character who are living in the United States to apply to adjust their status to obtain lawful permanent residence. Such a program would create an eventual

path to citizenship, requiring applicants to complete and pass background checks, pay a fine, and establish eligibility for resident status 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.

#### **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 family-based immigration should be made to increase the number of family visas available and reduce family reunification waiting times.

#### **Restoration of Due Process Rights:**

Due process rights taken away by the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) should be restored. For example, the three and ten year bars to reentry should be eliminated.

#### **Addressing Root Causes:**

Congress should examine the root causes of migration, such as underdevelopment and poverty in sending countries, and seek long-term solutions. The antidote to the problem of illegal immigration is sustainable economic development in sending countries. In an ideal world, migration should be driven by choice, not necessity.

#### **Enforcement:**

The U.S. Catholic Bishops accept the legitimate role of the U.S. government in intercepting unauthorized migrants who attempt to travel to the United States. The Bishops also believe that by increasing lawful means for migrants to enter, live, and work in the United States, 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.