

Catholic Briefing

“Catholic Social Teaching: Reframing Immigration Reform”

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Thank you, Fr. Kiley/Greene for the introduction, and to Jill Marie Gerschutz-Bell and Kevin Appleby for the invitation to be here. I am grateful for the tireless, tremendous work of all of today’s sponsoring groups on behalf of immigrants and refugees here in the US and worldwide. I am likewise grateful for the work of public servants here today attending to legislation that directly impact immigrants’ lives.

I spent last weekend on a delegation to the Kino Border Initiative in Ambos Nogales, Arizona/Sonora, Mexico—a binational project of several Catholic groups: Jesuit Refugee Services, two Jesuit provinces and bordering dioceses, and the Missionary Sisters of the Eucharist. There I spoke with recently deported migrants at their aid center. One gentleman had spent twenty-six of his twenty-seven years in central California, brought there as a one-year-old by his uncle. He had worked harvesting pistachios and almonds to support his US citizen wife and four citizen children without trouble, even on the occasions he could not produce a driver’s license for a routine stop. In the past two years each such stop landed him in jail—with the third resulting in deportation to Nogales. He expressed dread at starting over in a country foreign to him. Up the road at Casa Nazaret, I sat with deported women planning to reattempt the journey north in spite of the considerable dangers it posed. *I brought with me today from the desert the sole of a shoe to indicate the severity of the journey migrants make daily.* The women at the shelter were simply desperate to be reunited with their families in the US or support their families at home in El Salvador or across Mexico. One had worked at a Motel 6 in Arizona for many years supporting her two citizen children on her own after her husband left them; describing their initial reason for migrating to the U.S. from Mexico she said, resigned, “at home you either eat or send your children to school.” The Nazareth House residents repeatedly broke into tears as they shared the pain of being separated from their children and their experiences in detention.

Back at home I have spoken with undocumented college students making their way through impossible situations. One recounted how a month after her high school graduation, ICE agents with loaded guns and bullet-proof vests surrounded her house and nearly pounded down her front door, demanding to see her. As she tells it: “I came out to the front yard where the head agent asked my name while pulling out handcuffs as if standing in front of some criminal. No GPA or letter of recommendation could save me then. I fell to my knees in front of the agent and began pleading with him to let me stay, telling him I was starting college in a month on a special scholarship. He said, ‘Fine, I will let you go, but only if you tell me where your dad is.’” When her mortified mother nodded “yes” to go ahead and tell them, the student revealed the information and ICE left to arrest her dad in front of his boss and coworkers and deport him. The student reflects, “I stood in complete disbelief; I had sold my own dad for an education.”

Experiences wherein questions of citizenship and enforcement tactics take on flesh and blood have deeply informed my moral reflection on immigration’s urgent challenges. Over the past 40 years, the number of international migrants worldwide more than doubled, and the United States remains the world’s leading destination for immigrants. As you know across congressional districts, U.S. residents are increasingly confronted with newcomers. In some quarters, reactions reflect our nation’s historic openness to immigrants, in others, its deep

ambivalence about “outsiders.” Even with bipartisan moves toward reform, legitimate concerns regarding the need to set workable limits understandably persist. At the same time, mounting threats to human life and dignity indicate the urgency of the system’s overhaul.

I was reminded walking the desert near Green Valley, AZ last Friday that the path of migrants en route to the United States remains paved by suffering and death, despite unprecedented fortification (“funneling” migrants toward the most dangerous stretches) and search-and-rescue operations. The death toll of migrants crossing Mexico and the deserts of Arizona has steadily mounted even as crossings decline; from 1994, there have been more than 6,000 confirmed deaths—those working in the desert estimate it’s 5-10 times that many given the vastness of the desert and the way it treats remains, within 3 months they’re usually gone. Even at 6,000 it’s roughly the same number as combined US-soldier fatalities in Iraq and Afghanistan.¹ Women are nearly three times more likely to die of exposure than men, and the vast majority of migrant women fall victim to sexual assault. For those who survive the passage north, life in the shadows dehumanizes in a host of ways, from precarious working conditions to routine denigration. The practices that violate the human rights of irregular immigrants not only threaten human life, bodily integrity, and family unity, but they also undermine the rule of law and its legitimacy.

Our immigrant nation’s “celebratory narrative” underscores ideas like hospitality, liberty, and democracy—we imagine beneath the photo here Emma Lazarus’ “give me your tired, your poor, your huddled masses yearning to breathe free.” Yet legislative debates about immigration have historically centered around issues of national security, economic instrumentalism and social costs rather than human rights. Today policy debates remain framed by a law-and-order lens, which casts unauthorized immigrants as willful lawbreakers, characterizing generous immigration policies as national security threats, evoking fears of anarchy. A criminal rhetorical frame facilitates scapegoating immigrants as lawbreakers who threaten the rule of law, without evoking skepticism about outdated policies such as the *considerable* mismatch between labor needs and legal avenues for pursuing work. The rule of law rightly occupies a privileged place in a country whose membership is based on a commitment to shared ideals rather than nationality or race. Yet I was struck this past week by the sharp contrast between our law-and-order rhetoric on the one hand, and the lack of accountability or transparency in Border Patrol procedures on the other—or the lack of due process afforded immigrant detainees.

Another dominant framework deems newcomers economic threats, whether as a net burden on the tax base or competitors for finite social resources and low wage work opportunities, a perception heightened in times of economic downturn. Beyond studies that consistently show immigrant laborers provide a net benefit to the US economy, profiteering in the detention industry commodifies irregular migrants contrary to this “economic threat” frame. A related lens is the perceived threat newcomers pose to a nation’s identity. In the United States anti-immigrant sentiment has spiked, rooted in defining national identity over and against an “outsider.” On the whole these frameworks reflect legitimate concerns regarding the contemporary status of immigration, but employed on their own, they serve to obscure key features of the whole picture. Even as reform begins to progress, these frameworks remain operative in terms of the values underlying particular priorities and restrictions (or resistance to initial proposals).

By contrast the voices of desperate migrants rarely register in debates about border control triggers or visa quotas. The testimonies I shared signal an ongoing degree of dissonance between these terms framing the immigration debate and the true motives and live consequences

for migrants and our communities. We repeatedly encounter the instrumentalization of migrants, whether in the treatment of family farmers by trade policy architects, unaccompanied women by traffickers, or contingent workers by managers. These dehumanizing patterns violate persons' intrinsic value. If maximizing profit or fear of the outsider remains the dominant script, the Catholic tradition's commitments shape a different story, a (counter)narrative of our common humanity, with implications for just immigration reform. Christian commitments regarding what it means to be human profoundly critique prevailing immigration frameworks. This afternoon I will outline how the Catholic social tradition challenges instrumentalist perspectives and the consequential harm done to immigrants.

A brief word about scripture to begin, given that the story of the Jewish and Christian communities is one of migration, exile and the call to live accordingly. The liberation of Israel by God from enslavement by the Egyptians led to commandments regarding hospitality to strangers. Indeed, after the commandment to worship one God, no moral imperative is repeated more frequently in the Hebrew Scriptures than the command to care for the stranger.² Despite convenient amnesia in our own nation of immigrants, Israel's own bitter experience of displacement grounded its ethic of compassion toward outsiders: '*You shall not wrong or oppress a resident alien, for you were aliens in the land of Egypt.*' (Ex 22:21)."³

Many who serve to take death out of the migration equation draw inspiration from the parable of the Good Samaritan, where Jesus identifies neighbor love and just living with compassion for the vulnerable stranger among us. The unlikely exemplar, the Samaritan, identifies with and becomes neighbor to the outsider.⁴ As Martin Luther King cautioned in his final speech we commemorate this month, Jesus reverses the question in this parable bidding listeners to ask not what might happen to *me* if I stop to help this man, but if I do *not* stop to help this man, what will happen to *him*. An ethic marked by compassion interprets situations from the perspective of those who suffer, inviting solidarity instead of exclusion—we have witnessed Pope Francis model this solidarity in the earliest weeks of his papacy. Yet compassion for the vulnerable is not simply a matter of hospitality or charity, but justice. The United States accepts their labor, taxes, and purchasing power, yet does not offer undocumented migrants the protection of its laws.⁵ Justice for immigrants will not be achieved by pursuing market or security concerns alone.

Flowing from its Scriptural ethic of compassion and justice, the Catholic social tradition champions robust rights for immigrants—including a *viable* path to citizenship—in its documents, outreach, and advocacy. This year marks the anniversary of the Mexican and US bishops' joint pastoral, "Strangers No Longer: Together on the Journey of Hope." Ten years ago, the joint bishops' conferences called for the United States and Mexico to address root causes of and legal avenues for migration and to safeguard family unity. By contrast, as we know, border enforcement has remained the primary focus in the US context. The consequent "deportation-by-attrition practices" and removal quotas have failed to resolve the problem of a significant undocumented presence within the United States.

Policies that compel and then punish irregular migration are profoundly at odds with Christian commitments. In particular, the tradition's understanding of human rights and the political community directly challenge the fact that the vast majority of contributing and vulnerable migrants remain excluded from a timely path to citizenship and its protections.⁶ Today the lack of freedom immigrants experience fundamentally stems from their exclusion from membership in society. Undocumented immigrants remain deprived of the primary good of membership, or the "right to have rights."⁷

A Christian immigration ethic is grounded in its vision of the person as inherently sacred and made for community. All persons are created in the image of God—loved into being by God—and therefore worthy of inherent dignity and respect (dignity is something *all* receive, not achieve). Whereas this vision does not compromise autonomy, it understands humans as profoundly interdependent—to be a person is to be in relationship. Hence human rights are understood as claims to goods necessary for each person to participate with dignity in community life.⁸ Catholic principles of economic and migration ethics protect not only civil and political rights, but also more robust social and economic rights and responsibilities. This affirmation of social and economic rights establishes persons' rights *not to migrate* (fulfill human rights in their homeland) and *to migrate* (if they cannot support themselves or their families in their country of origin).⁹ The state's purpose is to protect the common good of its citizens, and when the common good remains so distant from attainment that a population is deprived basic human rights, people may seek a new home elsewhere.

Once people do immigrate, the Catholic tradition profoundly critiques patterns wherein stable receiving countries accept the labor of millions of immigrants without offering legal protections or viable paths to citizenship. The bishops' conferences and others have repeatedly condemned such "shadow" societies as risking the creation of a permanent underclass, harming both human dignity and the common good. From Pope Leo XIII's 1891 warnings that neither human nor divine laws permit employers to exploit another's need for profit, to Pope Benedict XVI's 2009 condemnations of global economic practices that hinder authentic development, the protection of human dignity remains the central criterion of economic justice. The tradition makes clear that "every economic decision and institution must be judged in light of whether it protects or undermines [human dignity] realized in community with others."¹⁰ Blessed Pope John Paul II condemned the exploitation of migrant workers based on the principle that ". . . capital should be at the service of labor and not labor at the service of capital." This idea that the economy should serve the person rather than the other way around raises serious concerns not only about the freedom of markets compared to persons, but also about the significant financial stakes in the broken (if evolving) immigration system—detained immigrants fill beds, deportations fill private buses.

Hence the Catholic social tradition explicitly protects the basic human rights of undocumented migrants in host countries in light of longstanding teachings on human and workers' rights, which do not depend on citizenship status.¹¹ Within the U.S. labor market, the pervasive exploitation of undocumented immigrants in terms of substandard wages, disproportionately unsafe conditions, and a lack of mechanisms to enforce humane protections constitute basic violations.¹²

The right to migrate is also rooted in a global vision of the goods of creation as intended for everyone. The Catholic recognition of both the right of sovereign nations to control their borders and its temperance by conditions of social justice warrant citizenship rights for many who remain within our borders. With more than 60 percent of undocumented immigrants having lived here for over ten years and 2 million undocumented students in primary and secondary schools, a "double society" increasingly threatens the common good: As the US bishops characterize it, ". . . one visible with rights and one invisible without rights—a voiceless underground of undocumented persons."¹³ Obstructing citizenship routes for the majority of immigrants welcomed in the marketplace but not the voting booth, college campus, department of motor vehicles, or stable workplace risks making permanent this underclass. This undermines not only Christian commitments, but also significant civic values and interests.

We frequently frame immigration as a security or economic issue, yet families confront and channel the diverse impacts of migration. Whereas family reunification has been a cornerstone of US immigration, restrictions, visa backlogs and detention practices have separated families. An estimated 16.5 million people in our country live in a family that includes at least one unauthorized immigrant, and such families of mixed immigration status face acute threats to their well-being. Policies that disrupt family unity treat them as economic units, rather than recognizing their full humanity as parents and children (we encounter this in recent proposals that prioritize economic promise/merit to familial status as well as detention and deportation practices that needlessly separate family members). In the Catholic tradition, family relationships are sacred, and in-tact families are vitally important to communities as basic cells of civil society, and “schools of deeper humanity.” The separation of immigrant families not only traumatizes members themselves, it also threatens the common good, negatively impacting children’s education, future work experience, and social integration. Our repeated failure to enact the DREAM Act betrays a lack of recognition of the connection between children and families’ well-being and the wider social order. Family unity promotes the stability, health and economic productivity of family members, each with social consequences.

To conclude: when policy debates begin and end with what immigrants can do for our economy, or proposals try to out-punish immigrants according to a simplistic notion of lawbreaking—“what part of illegal don’t you understand?”—they remain a far cry from a moral framework that safeguards human dignity and promotes the common good. When our answer to a broken system relies on furthering death-dealing border security measures, we no longer revere human life. When our visa reforms prioritize economic considerations and deportation practices separate spouses and children, we cannot purport to uphold family values. When we remain agnostic about root causes and future flows (or silent about our nation’s own role in abetting irregular migration), we cannot claim to support a lasting solution. Ultimately an approach rooted in human rights championed by Catholic commitments must both reduce the need to migrate and protect those who find themselves compelled to do so as a last resort. Truly comprehensive, humane immigration reform will not only serve justice and compassion, it will honor the nation’s own founding principles and heritage.

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¹ The Arizona press reported that by the end of 2009, there were “3,300 agents, more than 200 miles of fences and vehicle barriers, and 40 agents assigned to the agency’s search, rescue and trauma team, Borstar, yet illegal immigrants [we]’re still dying while trying to cross the Border Patrol’s 262-mile-long Tucson Sector. Border-county law enforcement, Mexican Consulate officials, Tohono O’odham tribal officials and humanitarian groups sa[id] the increase in fencing, technology and agents has caused illegal border crossers to walk longer distances in more treacherous terrain, increasing the likelihood that people w[ould] get hurt or fatigued and left behind to die.” Brady McCombs, “No signs of letup in entrant deaths.” This article appeared in the December 27, 2009 *Arizona Daily Star*; unfortunately web access to the text no longer exists.”

² William O’Neill, S.J., “Rights of Passage: The Ethics of Forced Displacement,” *Journal of the Society of Christian Ethics* 127:1 (Spring/Summer 2007). O’Neill cites W. Gunther Plaut, “Jewish Ethics and International Migrations,” *International Migration Review: Ethics, Migration and Global Stewardship* 30 (Spring 1996): 18-36 at 20-21. For a comprehensive discussion of New Testament themes related to migration, see Donald Senior, ““Beloved Aliens and Exiles”” New Testament Perspectives on Migration,” Daniel G. Groody and Gioacchino Campese, *A Promised Land, A Perilous Journey: Theological Perspectives in Migration* (Notre Dame, IN: University of Notre Dame Press, 2008) 20-34.

³ Ched Myers and Matthew Colwell, *Our God is Undocumented* (Maryknoll, NY: Orbis, 2012) 15.

⁴ Spohn, *Go and Do Likewise* 91.

⁵ Cardinal Roger Mahony, “For Goodness Sake: Why America Needs Immigration Reform,” *The Tidings* 2004 (February 11, 2011).

⁶ Pope Pius XII, *Exsul familia (On the Spiritual Care to Migrants)* (August 1, 1952) in *The Church’s Magna Charta for Migrants*, ed. Giulivo Tessarolo, PSCC (Staten Island, N.Y.: St. Charles Seminary, 1962); Pope John XXIII, *Pacem in terris* (April 11, 1963) http://www.vatican.va/holy_father/john_xxiii/encyclicals/documents/hf_j-xxiii_enc_11041963_pacem_en.html; Pope Paul VI, *Populorum progressio* (March 26, 1967) http://www.vatican.va/holy_father/paul_vi/encyclicals/documents/hf_p-vi_enc_26031967_populorum_en.html; Second Vatican Council, *Gaudium et spes*, 69, 71 see also Catechism of Catholic Church, 2402. (URLs accessed July 17, 2012).

⁷ See Hannah Arendt, *The Origins of Totalitarianism* (New York: Harcourt, Brace & World, 1966), chapter 9.

⁸ Michael J. Himes and Kenneth R. Himes, *Fullness of Faith: The Public Significance of Theology* (New York: Paulist Press, 1993), 46.

⁹ See Pope John XXIII, *Pacem in terris* (April 11, 1963) no. 106. All encyclical citations are taken from David J. O’Brien and Thomas A. Shannon, *Catholic Social Thought: The Documentary Heritage* (Maryknoll, NY: Orbis, 1992), unless otherwise indicated. See also United States Conference of Catholic Bishops and *Conferencia del Episcopado Mexicano*, “Strangers No Longer: Together on the Journey of Hope” (Washington, D.C.: USCCB, 2003) no. 34-5.

¹⁰ National Council of Catholic Bishops, “Economic Justice for All: Pastoral Letter on Catholic Social Teaching and the U.S. Economy Issued by the National Conference of Catholic Bishops, November 13, 1986” (Washington, D.C.: the United States Conference of Catholic Bishops Inc., 1986), nos. 1, 14.

¹¹ Pope John Paul II’s *Ecclesia in America* “reiterates the rights of migrants and their families and the respect for human dignity ‘even in cases of non-legal immigration.’” *Ecclesia in America* (Washington, D.C.: USCCB, 1999), no. 65. Over recent decades social encyclicals have enumerated migrant rights to life and a means of livelihood; decent housing; education of their children; humane working conditions; public profession of religion; and to have such rights recognized and respected by host of government policies. See 1969 Vatican *Instruction on Pastoral Care* (no. 7); 1978 *Letter to Episcopal Conferences* from the Pontifical Commission for the Pastoral Care of Migrant and Itinerant peoples (no. 3); Pope Paul VI, *Octogesima adveniens* (no. 17); Pope John XIII, *Pacem en terris* (no. 106); National Council of Catholic Bishops, *Resolution on the Pastoral Concern of the Church for People on the Move* (Washington, D.C.: USCC, 1976) and endorsed by Pope Paul VI; and “Strangers No Longer,” no 38.

¹² Pope John Paul II, *Laborem exercens*, no. 19-20. For an analysis of day labor abuses in terms of Catholic social thought and social sin, see Kristin Heyer, “Strangers in Our Midst: Day Laborers and Just Immigration Reform,” *Political Theology* 9, no. 4 (2008): 425-53.

¹³ National Conference of Catholic Bishops, *Together a New People, Pastoral Statement on Migration and Refugees*, November 8, 1986, p.10.