

THE CONTROVERSY OF UNDOCUMENTED IMMIGRATION: WHY IS THE CHURCH TAKING A STAND? By Martina Keller*

Anyone following the news has seen that immigration has become one of our country's most hotly debated issues within the past year. Not only has the issue been a focal point of this year's elections, but it has also been an issue over which the U.S. Conference on Catholic Bishops and many within the Church have become vocal. Why? According to recent estimates, there are as many as 10-11 million undocumented immigrants currently residing in the United States. 2-3 million among them are children. Approximately 450,000 new undocumented immigrants enter the U.S. each year. With these kinds of figures, all agree that our current immigration system is broken.

As lawmakers and government officials consider various proposals designed to strengthen immigration law enforcement, one of the central issues in the debate is how the U.S. should respond to the presence of the large undocumented population. Some argue that increased enforcement will force this population to eventually leave the country. Others recognize that this population, which by and large works productively in the U.S. and is generally not made up of "criminals", has little or no opportunity under the current law to enter and stay in the U.S. legally. Some believe, including the US Catholic bishops, that the issue undermines basic human dignity and that these immigrants should be given the opportunity to obtain permanent legal status through an "earned" legalization program after demonstrating eligibility. The following is the first of a series of articles examining some of the specific issues in the debate with the hope of educating our Catholic community on why this issue is important.

Some people believe: "Undocumented immigrants broke the law and should not be rewarded by being allowed to stay in the U.S." Those people seeking to further restrict the immigration laws and increase the removal of undocumented immigrants see only that such people are outside of the law. They call undocumented immigrants "criminals" and are not open to a discussion of *why* these people are outside of the law or whether the *law that was violated* is in the best interest of the United States.

Those who support comprehensive immigration reform, on the other hand, argue that a closer look at the root causes of why people come to the U.S. and why our immigration system is broken is a necessary part of the analysis. First of all, most undocumented immigrants come to the United States for two principal reasons: as a means of survival and to be reunited with close family members. Yet, the opportunities to enter or stay in the country through legal channels are severely limited. The current immigration system is a patchwork of complicated and contradictory provisions that does not adequately meet labor market demands and often serves to forcibly separate families. The fact that the immigration system is broken contributes to the abuse, exploitation and even deaths of migrants who otherwise contribute their hard work and talent to this country and are often members of families with U.S. citizens and legal residents. Moreover, undocumented immigrants are *not criminals*. With rare exceptions, most undocumented immigrants have not broken criminal laws in entering the U.S., as immigration laws are civil and not criminal in nature. While undocumented immigrants are indeed outside of the law, and thus "break" the law, the unjust, outdated and inadequate law also breaks them. The nation cannot have it both ways.

Some people say: "My immigrant relatives came here legally and so should these new immigrants."

For the first 153 years of our nation, there was no general law controlling immigration into the U.S., unless targeted specifically to criminals. Furthermore, the first immigration laws to be enacted in the 20th century were seldom enforced. Congress did not authorize or appropriate funds to enforce the law until the late 1940's. The first version of the current law was enacted in 1965 and dramatically curtailed the flow of immigration to the United States by establishing arbitrary numerical limitations and limiting the categories in which people could qualify for immigration to the United States. Since 1965, Congress has continually amended the existing law on a regular basis creating the patchwork of complicated and contradictory rules that make up the current system. So unless one's relatives immigrated to the U.S. *after 1965*, chances are those family members entered the U.S. under much more lenient provisions than what immigrants are facing today. Realistically, there can be no comparison between the broken immigration system today with the immigration standards of even less than 15 years ago.

Supporters of comprehensive immigration reform recognize that the current immigration system is ill-equipped to handle the current demand for immigrant labor in the country and is responsible for the inhumane separation of families in this country. By creating a means in which people can *legally* work in the U.S. and *legally* remain here to be with family, supporters of comprehensive immigration reform believe that most undocumented immigrants would come out of the shadows and welcome the opportunity to become fully participating Americans – much in the same way our own immigrant relatives once did.

Some people say: “Providing legal status to undocumented immigrants will penalize immigrants who wait in line and come to the U.S. legally.” The current broken immigration system has led to severe backlogs in visa availability causing some categories of people to wait as long as 20 years before a U.S. visa becomes available. Many people waiting for these visas are living outside of the U.S. and have never even been here. For this reason, many people feel that an “amnesty” is unfair to all the people waiting patiently outside of the U.S. who would never consider entering the U.S. as an undocumented immigrant. Those people who seek increased immigration enforcement and view undocumented immigrants as “criminals” believe that any provision providing the undocumented with legal means for normalizing their status as a form of amnesty. They are unwilling to support any legislative change that would allow the undocumented any possibility of becoming a U.S. citizen in the future.

Contrary to what their opponents suggest, supporters of comprehensive immigration reform do not support the idea of amnesty. Instead, such supporters, including the U.S. Catholic bishops, support legislation already passed in the U.S. Senate which allows for undocumented immigrants to *earn* permanent residence in the United States through demonstration of a six year work history, payment of taxes, a knowledge of English, a criminal & security background check, and payment of a penalty. It would take an undocumented immigrant living in the U.S. today more than 11 years to become a U.S. citizen – hardly the free or easy benefit some suggest it may be. Furthermore, the Senate legislation would reduce backlogs in family based categories, helping to diminish one of the root causes of undocumented immigration in the U.S., as many of the undocumented immigrants here today are also waiting in line for visas to become available. By fixing the system through expansion of available visa numbers, the incentive to migrate outside of the law will be mitigated.

More discussion on the immigration debate and why the Church is involved will follow in the coming weeks. For more detailed information see www.justiceforimmigrants.org.

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THE CATHOLIC CAMPAIGN FOR IMMIGRATION REFORM