

TOWARD IMMIGRATION REFORM

A decade ago, California voters passed a referendum measure that would have denied publicly financed health care to people, including children and the elderly, who did not have proper immigration documents.* Though later overturned by the courts, this public expression against undocumented people—and immigrants in general—provided a preview of a growing anti-immigrant sentiment taking hold in the country.

Between 1965 and 1996, U.S. immigration policy derived from the politics of expansion and inclusion, resulting in increased numbers of immigrants and refugees coming to the United States. In 1996, however, this trend came to a dramatic halt. Driven by a politics of restriction and exclusion, Congress that year passed two pieces of legislation that had far-reaching repercussions for immigrants in the United States. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 altered the way immigrants are treated when it comes to having access to the basic “safety net” that all Americans rely on from time to time. This law denied immigrants (regardless of their ability to work) nutritional and medical safety net programs, such as Supplementary Security Income (SSI), food stamps, Medicaid, the State Children’s Health Insurance Program (SCHIP), and Temporary

*U.S. Bishops
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BY MARK FRANKEN

Assistance for Needy Families (TANF). Although Congress, recognizing that it had gone too far in this legislation, has since restored some of these critical programs to some immigrants, for the most part, immigrants do not currently have access to the very safety net benefits that are supported by their taxes, simply because they are not citizens or legal residents.

The other law enacted that year that had a detrimental impact on immigrants was the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. This measure has been characterized as “one of the most sweeping changes in immigration law in American history.”¹ It contains provisions designed to strengthen penalties against undocumented people and those who attempt to enter the country on fraudulent grounds. However, the effect of the law also harms citizens and lawful permanent residents, as well as some who seek asylum in this country for fear of persecution in their home countries. This law greatly expanded border enforcement, stiffened penalties for illegal entry, authorized “expeditious removal” of aliens without recourse to judicial review, eliminated due-process rights, and expanded the use of detention for asylum seekers and people under orders of deportation.

Last spring, some members of Congress once again turned a restrictionist eye on immigrants. On May 18, 2004, the U.S. House of Representatives defeated legislation introduced by Rep. Dana Rohrabacher (R-CA) under the title Undocumented Alien Emergency Medical Assistance Amendments of 2004. This bill would have required hospitals to report to the U.S. Department of Homeland Security the names, immigrant statuses, employers, and financial data



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*California’s Proposition 187 was approved in 1994.

of undocumented patients they treated. Failure to comply could have resulted in the loss of federal funds to compensate for those patients' care.

A regulation recently proposed by the Centers for Medicare & Medicaid Services would have required hospitals that receive federal funds for the uncompensated care of undocumented persons to ask patients about their legal status before treating them.² The proposal was rescinded after strenuous protests from the health care community and others.

Throughout our nation's history, despite the fact that we are a people primarily derived from the immigrant experience, we have been ambivalent about immigration. In times of economic downturn, we tend to become restrictionists, seeing immigrants as potential threats to our financial security and competitors for what we perceive as scarce resources. On the other hand, in robust economic times, we see in the immigrants essential sources of labor to fuel our economic growth.

The U.S. economy continues to influence our attitudes, but today other forces seem to be more at play in shaping how we perceive immigrants and immigration. Perhaps two of the more influential forces at work are the contemporary demographics of immigration and post-9/11 security concerns.

THE DEMOGRAPHICS OF IMMIGRATION

In earlier times, immigrants tended to settle, at least initially, in states with major port cities, such as New York, California, Texas, Florida, and Illinois. In recent times, however, newly arrived immigrants are, lured by job opportunities, settling in virtually every location of the country and

in rather large numbers.

In 1990, according to the census, 19.8 million people living in the United States had been born in another country. That figure represented about 8 percent of the total U.S. population. By 2000, 28.4 million U.S. residents were foreign born—about 11 percent of the population. During the 1990s, immigrants constituted 41 percent of the nation's population growth. This latest flow of immigrants, estimated to be approximately 13.65 million between 1990 and 2000, represented the largest number of immigrants in any single decade of U.S. history, exceeding in numbers even the "Great Wave of Immigration" between 1890 and 1910.³

More significant than the total number of immigrants, however, has been their dispersion. The 1990 census revealed that there were just over 115,000 foreign-born people in North Carolina. By 2000, the population of foreign-born residents of that state had grown to 430,000, a 273.7 percent increase. Georgia's foreign-born population during this period grew by 233 percent. Nevada saw its foreign-born population grow by more than 200 percent and Arkansas went from 24,867 foreign-born residents in 1990 to 73,690 in 2000, a 196.3 percent increase. In general, the South saw its population of foreign-born people increase by 88 percent between 1990 and 2000, whereas the Northeast (a traditional immigration venue) saw a growth of only 38 percent.

The 2000 census also indicated that there were 7.5 million people in the country without proper immigration documentation. Other authorities place the number of undocumented at between 8 million and 10 million.⁴ In any event, between

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SUMMARY

For the most part, immigrants in the United States do not have access to the very safety-net benefits supported by their taxes, nor to essential due-process rights, simply because they are not citizens or legal residents. Contemporary demographics of immigration and post-9/11 security concerns have colored our traditional hospitality as a nation of immigrants and made life more difficult for immigrants.

The Catholic Church has a rich history of scriptural and social teaching that addresses the question of immigration. Stories of forced migration in the Pentateuch led to commandments regarding strangers and the responsibility to be welcoming. In the New Testament, we see that the Holy Family themselves were refugees. The Gospel of St. Matthew tells us that we will be judged by the way we respond to migrants and others in need. In *Exsul Familia*, Pope Pius XII reaffirms the commitment of the church to care for pilgrims, aliens, exiles,

and migrants. In *Ecclesia in America*, Pope John Paul II states that the ultimate solution to illegal immigration is the elimination of global underdevelopment and that, in the meantime, the human rights of all migrants must be respected.

In 2003, the bishops of Mexico and the United States jointly issued the pastoral letter *Strangers No Longer: Together on the Journey of Hope*. In this letter, the bishops say that U.S. immigration policy should protect the human rights and dignity of immigrants and asylum seekers. The bishops also offer a number of proposed public policy responses toward that end.

To advance the principles contained in *Strangers No Longer*, the bishops have decided to mount a national campaign designed to unite and mobilize a growing network of Catholic organizations and individuals, as well as others of good faith. In addition, the campaign will seek to dispel myths and misperceptions about immigrants.

1990 and 2000, the number of undocumented people residing in the United States has at least doubled.⁵

POST-9/11 SECURITY CONCERNS

Since the terrorist attacks on our nation in 2001, the anti-immigrant voice has effectively (if erroneously) painted prospective immigrants to our shores as would-be terrorists. Immigration policy is now inextricably tied to our homeland security policies. In fact, when the Homeland Security Act was passed in November 2002, responsibility for implementing immigration policy and enforcing the immigration laws was given to the new U.S. Department of Homeland Security.

Americans are justifiably concerned about their safety; we expect our government to protect us from terrorists. Indeed, even before 9/11, reforms were needed in our nation's systems and processes for verifying the identities of would-be immigrants and tracking the departures of those in our country on temporary visas. Thankfully, these needed reforms have been instituted. However, seeing immigrants as people who want to do us harm is to deny reality. The vast majority of today's immigrants value the freedoms and opportunities the United States provides; they make sacrifices and contribute to this nation just as earlier immigrants did. In this post-9/11 period, though, our fear for personal safety has colored our traditional hospitality as a nation of immigrants.

CHURCH TEACHING ON MIGRATION

The Catholic Church has a rich history of scriptural and social teaching that addresses the question of migration. These teachings serve to inform and inspire Catholic responses to this ageless phenomenon. In the Old Testament stories of Abraham and Sarah, Jacob and Joseph, and the Chosen People, forced migration is a central theme, which led to commandments regarding strangers and the Judeo-Christian responsibility to be welcoming (Ex 23:9; Lv 19:33). "So you too must befriend the alien, for you were once aliens yourselves in the land of Egypt" (Dt 10:19). In the New Testament, we see that the Holy Family themselves were refugees. "Out of Egypt I called my son" (Mt 2:15). In St. Matthew's Gospel, the presence of Jesus in the migrants is described, and we are told that we will be judged by the way we respond to migrants and others in need. "I was a stranger and you welcomed me" (Mt 25:35). "Amen, I say to you, whatever you did for one of these least brothers of mine, you did for me" (Mt 25:40).

The church has provided an extensive body of what is known as "Catholic social teaching," based on the life and teachings of Jesus. Catholic

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social teaching, which began more than a century ago with the encyclical of Pope Leo XIII, "On the Condition of Labor" (*Rerum Novarum*), is an effort to spell out what it means to be a follower of Christ in contemporary society.⁶ In modern times, this teaching has been developed extensively in response to the worldwide phenomenon of migration. In "On the Spiritual Care to Migrants" (*Exsul Familia*), Pope Pius XII reaffirms the church's commitment to caring for pilgrims, aliens, exiles, and migrants, affirming that all people have the right to migrate to achieve a life worthy of human dignity.⁷ While recognizing the right of the sovereign state to control its borders, *Exsul Familia* also argues that this right is not absolute, stating that the needs of migrants must be measured against the needs of the receiving countries. "The sovereignty of the state, although it must be respected, cannot be exaggerated to the point that access to this land is, for inadequate or unjustified reasons, denied to needy and decent people of other nations, provided, of course, that the public wealth, considered very carefully, does not forbid this."

Most recently, Pope John Paul II, who has described himself as a migrant, has addressed the more controversial topic of undocumented migration. In his 1995 message for World Migration Day, he notes that such migrants are used by developed nations as a source of labor.⁸ In *Ecclesia in America*, Pope John Paul II says that the ultimate antidote to illegal immigration is the elimination of global underdevelopment and that, in the meantime, the human rights of migrants, even in cases of nonlegal immigration, must be respected.⁹

In a landmark pastoral letter issued jointly by the bishops of Mexico and the United States, *Strangers No Longer: Together on the Journey of Hope*, the bishops strive to discern Scripture and Catholic social teaching in the face of the unprecedented levels of migration occurring in this hemisphere.¹⁰ The bishops say that U.S. immigration policy should protect the human rights and dignity of newcomers and provide legal and safe means of entry for prospective immigrants and asylum seekers. They acknowledge that while "globalization" has led to greater and freer flows of goods, technology, capital, and information, the migration of people has become more restricted, even as the new world economy requires a more mobile labor pool. The bishops also express deep concern over current public policies that deny migrants their basic rights and, in the case of U.S. border policies, have led to the deaths of many would-be immigrants.

In this pastoral letter, the bishops offer a number of proposed public policy responses for

dealing with the migration phenomenon. They call on governments to invest in their people and economies so that the economic reasons that compel desperate people to seek a life and livelihood elsewhere may be overcome. They call on the U.S. government to expand opportunities for legal immigration so that would-be immigrants can reunite with family members and obtain jobs. The bishops call for a broad legalization program for the undocumented in this country who have built up equities and otherwise have contributed to U.S. society. They call for reforms in our nation's border enforcement policies that would result in more humane treatment of migrants. And, they call for the restoration of some of the due-process rights eliminated in the 1996 laws.

CATHOLIC CAMPAIGN FOR IMMIGRATION REFORM

These are difficult times, politically and economically, in which to achieve the types of reforms on behalf of immigrants envisaged by the bishops. Public attitudes, including those of many Catholics, tend to be anti-immigrant, especially toward the undocumented, and public policies in the wake of the War on Terror are increasingly restrictive. How, then, will the church realize her vision for justice and human rights for immigrants in the United States?

The bishops have decided to mount a national campaign designed to unite and mobilize a growing network of Catholic organizations and individuals, as well as others of good faith, in support of comprehensive immigration reform. The goal of the campaign is to maximize the church's influence in the public policy arena to advance the principles contained in *Strangers No Longer: Together on the Journey of Hope*. The bishops intend to embark on this campaign with these objectives:

- To educate the public, especially the Catholic community, including Catholic public officials, about church teaching on migration and immigrants
- To create political will for positive immigration reform
- To enact legislative and administrative reforms based on the principles articulated in the pastoral letter
- To organize Catholic networks to assist qualified immigrants in obtaining the benefits of the reforms

CHA will be a part of this effort, along with such groups as Catholic Charities USA, the Catholic Legal Immigration Network, Catholic Relief Services, National Association of State Catholic Conference Directors, National Conference of Catholic Women, National Catholic Educational

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Association, the Conference of Major Superiors of Men, and several offices in the U.S. Conference of Catholic Bishops.

A large part of the campaign will be aimed at dispelling myths and misperceptions about immigrants. Some Americans have the false perception that immigrants take jobs away from Americans; that they are a drain on our economy; that our nation is being overrun by immigrants; and that today's immigrants are not interested in becoming a part of American society. All of these myths have been dispelled by objective and credible research, yet the misconceptions remain. The bishops are convinced that once Catholics in this country and others of good will understand the facts, they will want to do what is right and restore the hospitality and welcome that has made our nation great. □

NOTES

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2. Proposed Implementation Approach for Public Law 108-173, Sect. 1011, *Federal Reimbursement of Emergency Health Services Furnished to Undocumented Aliens*.
3. Andrew Sum, Neeta Fogg, and Paul Harrington, *Immigrant Workers and the Great American Job Machine: The Contributions of New Foreign Immigration to National and Regional Labor Force Growth in the 1990s*, Diane Publishing Co., Collingdale, PA, 2003, pp. 8-10.
4. Jeffrey Passel, "New Estimates of the Undocumented Population in the United States," *Migration Information Source*, May 22, 2002, which can be found at www.migrationinformation.org/USfocus/display.cfm3ID=19.
5. Office of Policy and Planning, *Estimates of the Unauthorized Immigrant Population Living in the United States*, U.S. Citizenship and Immigration Services, Washington, DC, 2003, p. 6, which can be found at http://uscis.gov/graphics/shared/aboutus/statistics/III_Report_1211.pdf.
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8. Pope John Paul II, "Message for Migration Day," *The Pope Speaks*, January-February 1995, p. 31.
9. Pope John Paul II, *Ecclesia in America*, 1999, which can be found at www.john_paul_ii/apost_exhortations/documents/hf_jp-ii_exh_22011999_ecclesia-in-america_en.html.
10. U.S. Conference of Catholic Bishops and Conference del Episcopado Mexicano, *Strangers No Longer: Together on the Journey of Hope*, Washington, DC, 2003; the text can be found at www.usccb.org/mrs/stranger.htm.

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