

# A Christian Ethic of Immigration

Kristin E. Heyer, Ph.D.  
 Bernard J. Hanley Professor  
 Department of Religious Studies  
 Santa Clara University  
 Santa Clara, Calif.

## Introduction

On July 8, during his first official trip outside Rome since his election, Pope Francis celebrated mass on Lampedusa, an island in the southern Mediterranean that has become a safe haven for African migrants seeking passage to Europe.<sup>1</sup> He chose this site after the suffering of migrants who had recently died at sea while attempting to cross from North [Africa](#) revisited him like “a thorn in the heart.” Investments of penitential violet, the pope celebrated mass within sight of the “graveyard of wrecks,” where fishing boats carrying migrants and asylum seekers end up after they drift ashore. He repented in his homily for the cruelty present in us all and in “those who anonymously make socio-economic decisions that open the way to tragedies like this,” lamenting a “globalization of indifference.” His powerful witness made visible the cost of migration often occluded in our own context as well, where migrants die trying to cross the increasingly fortified U.S.-Mexico border. The death toll of migrants crossing the deserts of Arizona has steadily mounted even as crossings decline.

Ten years ago the U.S. and Mexican bishops urged both nations to address root causes of and legal avenues for migration and to safeguard family unity in their pastoral letter, “Strangers No Longer: Together on the Journey of Hope.” By contrast, border enforcement has remained the primary focus for so many, issuing dehumanizing consequences for undocumented migrants and deepened divisions within communities. The consequent deportation-by-attrition practices and removal quotas along with the growth of the “immigration industrial complex”<sup>2</sup> have nevertheless failed to resolve the problem of a significant undocumented presence within the United States or the need for Mexican and other migrants to enter its borders. The global phenomenon of human mobility has only intensified: today, one person in nine lives in a country where international migrants comprise one-tenth or more of the total population.<sup>3</sup>

Amid this shifting milieu marked by new fears, along with more timeless reservations regarding power and security, the immigration debate in the U.S. context has been framed in terms that distract from actual motives and consequences for migrants and

communities. Contemporary congressional debates about how to address the cultural and economic impact of the estimated 11 million undocumented immigrants residing in the United States continue to reflect a market logic, xenophobic fears, and indifference to vulnerable populations. By contrast the centrality of human life and dignity in the Catholic tradition challenges death-dealing policies and practices.

Mounting border deaths and policies that compel and then punish irregular migration are profoundly at odds with Catholic commitments. In particular, the tradition's understanding of human rights, the political community, and the universal destination of created goods squarely challenge the persistent reality that the vast majority of contributing and vulnerable migrants remain excluded from a viable, timely path to citizenship and its protections.<sup>4</sup>

### Scripture and Immigration

To what do the demands of discipleship call Catholics amid these human realities at our borders, in our fields, and within our parish and civic communities? How might Christian ethics inform our reflection on the health care needs and barriers facing undocumented immigrant populations? The Christian faith brings rich resources to bear on the complicated questions of immigration. The formative liberation of Israel by God from enslavement by the Egyptians led to commandments regarding hospitality to strangers (Ex 23:9; Lv 19:33). Indeed,

after the commandment to worship one God, no moral imperative is repeated more frequently in the Old Testament than the command to care for the stranger. When Joseph, Mary, and Jesus fled to Egypt, the émigré Holy Family became the archetype for every refugee family. In Jesus' parables such as the Good Samaritan (Lk 10:25-37) and the Last Judgment (Mt 25:31-46), he identified love of neighbor and just living with care for the vulnerable stranger among us.

This centrality of love of neighbor does not reduce the immigration paradigm to charity or largesse, or move it out of the inclusive civic conversation. Rather it enjoins justice. This summons does not circumvent basic fairness, which is already in short supply; the United States accepts their labor, taxes, and purchasing power, yet does not offer undocumented migrants the protection of its laws.<sup>5</sup> As the signs of our times attest, undocumented immigrants encounter legion examples of distributive, commutative, structural, and even legal injustice, which the Catholic tradition bids citizens to resist and redress. For example, the widespread exploitation of undocumented day laborers violates fundamental fairness in exchange (commutative justice). The regional juxtaposition of relative luxury and misery while basic needs go unmet challenges basic notions of distributive justice. The asymmetry and impact of free trade agreements and utterly outmoded visa policies impede rather than empower persons' active participation in societal life (social justice).

With a recollection of biblical narratives that recount humans' experience of God's hospitality, of our own being as gift (and ancestry as immigrant), we are called to restore the covenant in turn. Becoming neighbor enjoins not only compassion but also liberation. For just as the Good Samaritan promises additional recompense to the innkeeper, Christians are called to enter the world of the neighbor and "leave it in such a way that the neighbor is given freedom along with the very help that is offered."<sup>6</sup> The "unfreedom" of present and would-be migrants pointedly illustrates the urgency of this responsibility. In the contemporary U.S. context, this lack of freedom immigrants experience fundamentally stems from their exclusion from membership in civic society. Undocumented immigrants remain deprived of the primary good of membership, or the "right to have rights."<sup>7</sup>

### **The Catholic Social Tradition— Human Dignity, Rights, and the Common Good**

A Catholic immigration ethic is grounded not only in a scriptural heritage but also in its vision of the person as inherently sacred and made for community. In the Catholic tradition, a person imaged in a relational, Trinitarian God is endowed with human rights understood not as absolute claims made by radically autonomous individuals, but rather, claims to goods necessary for each person to participate with dignity in society's communal life.<sup>8</sup> Thus whereas a Christian anthropology does not compromise autonomy, it understands humans as profoundly relational and interdependent.

Flowing from this vision, 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 understanding of human rights and the nature of the political community ground a defense of twin rights to emigration and immigration that generally privileges reception over exclusion. The Catholic tradition's affirmation of social and economic rights establishes persons' rights *not to migrate* (fulfill those rights in their homeland) and *to migrate* (if they cannot support themselves or their families in their country of origin).<sup>9</sup> 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 of basic human rights, people may seek a new home elsewhere.

Once migrants do seek life in new lands under such circumstances, a Catholic anthropology profoundly critiques patterns wherein stable receiving countries accept the labor of millions of immigrants without offering legal protections or viable paths to citizenship. Such "shadow" societies risk 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 for profit another's need, to Pope Francis' recent condemnations of global economic practices that are rooted in idolatry and profit off of human need, the protection of human dignity remains the central criterion of economic justice. The encyclical tradition makes clear that "every

economic decision and institution must be judged in light of whether it protects or undermines the dignity of the human person . . . realized in community with others.”<sup>10</sup> In *Laborem exercens*, for example, Pope John Paul II roots his condemnation of the social and financial exploitation of migrant workers in the principle that “. . . the hierarchy of values and the profound meaning of work itself require that capital should be at the service of labor and not labor at the service of capital.”<sup>11</sup>

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.<sup>12</sup> The tradition promotes rights to just wages, benefits, safe working conditions, and health care assistance, especially in the case of on-the-job injuries, and rights to association.<sup>13</sup> Within the U.S. labor market, the pervasive exploitation of undocumented immigrants in terms of substandard wages and protections, disproportionately unsafe conditions, wage theft, and a lack of mechanisms to enforce humane protections thus constitute basic violations.<sup>14</sup> Offering unauthorized immigrant laborers and their family members a viable path to legalization remains the best hope for countering this pervasive exploitation in an effective and enduring way. At the same time, such avenues would provide stability and augment productivity in the workforce and potentially serve public health ends.<sup>15</sup>

Beyond its foundation in the social and economic rights flowing from a relational anthropology, the Catholic right to migrate is also rooted in the universal destination of created goods. As the tradition holds, state sovereignty “cannot be exaggerated” to the point that access to land is denied to needy people from other nations, provided that the national common good “rightly understood” does not forbid it.<sup>16</sup> Flowing from the understanding of rights articulated above and this notion of the goods of creation, a key component of the Catholic right to migrate remains its inclusion of economic rights violations alongside political oppression as legitimate causal factors.<sup>17</sup> While the social tradition recognizes the right of sovereign nations to control their borders, the right is not understood to be absolute in nature.

Contemporary push factors continuing to drive much of the immigration to the United States and the treatment of the undocumented within its borders threaten the common good. The Catholic recognition of both the right of sovereign nations to control their borders and its temperance by conditions of social justice and the universal destination of created goods continue to warrant citizenship rights for many who remain within the United States without viable avenues to pursue this basic right and responsibility. Given the role the United States has played in shaping conditions that directly contribute to irregular migration and its relative ability to absorb newcomers into its communities and economy, it has a particular obligation to the reception and

accommodation the Catholic social tradition urges.<sup>18</sup>

With more than 60 percent of undocumented immigrants in the United States having lived here for over ten years, over 16.5 million U.S. households home to mixed-status families, and 2 million undocumented students in primary and secondary schools across the country, a “double society” increasingly threatens the common good, “. . . one visible with rights and one invisible without rights—a voiceless underground of undocumented persons.”<sup>19</sup> The legalization of eligible immigrants serves the ends of proportionate security in addition to human rights protections. Bringing unauthorized immigrants out of the shadows by means of opportunities to meet certain conditions and regularize their status would allow the U.S. government to account for its society’s members and focus enforcement efforts on genuine security threats. Continuing to disallow viable paths to legalization 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 of disenfranchised persons, undermining not only Christian commitments but also significant civic values and interests.

Finally, a Catholic theory of nationality calls for new immigrants (as all community members) to concretely contribute to dignified life in the community of all—demonstrating solidarity with their fellow residents and

contributing to society. Rather than fearfully navigating in the shadows or hitting the “ceiling” of high school or rare college scholarships, a path to legalization would allow immigrants to work, advance in their studies, and to secure basic health services and police protection, thereby furthering the good of all. In the Catholic tradition, rights fundamentally secure participation in the life of the community, and imply correlative responsibilities. Hence the Catholic vision of the person and its consequent rights and responsibilities—civil, political, economic, social, cultural, and religious in nature—confer not only rights of protection in one’s homeland, migration where these remain unrealized, reception and dignified conditions in countries of destination, but also meaningful participation in the life of one’s new community.

## Conclusion

Whereas a Christian immigration ethic requires more than a policy response, it necessarily entails attention to the politically possible in light of the stakes of ongoing suffering. At a concrete level, justice requires, negatively, that countries refrain from creating or substantially contributing to situations that compel people to emigrate and that host countries refrain from exploiting or extorting undocumented laborers. Positively, receiving immigrants fleeing situations of dire economic need, offering citizenship protections to those they do employ, and developing policies that reflect actual labor needs and hiring practices and protect family unity are obligations in justice.

Given these demands of justice, the United States has obligations to redress its role in abetting irregular migration and to offer those who live and work within its borders a viable path to earned legalization. Care must be taken that reform efforts not accomplish greater justice for new immigrants at the expense of low-wage native-born workers. Solutions that “raise the floor” for all workers must be sought. Just as our repeated failure to pass the DREAM act betrays a lack of recognition of the connection between children and families’ well-being and the wider social order, the exclusion of immigrants from health care that is truly accessible threatens the common good.

An approach rooted in Catholic commitments must both reduce the need to migrate and protect those who find themselves compelled to do so as a last resort. Safeguarding justice and compassion for immigrants will require commitment over the long haul, regardless of what transpires on Capitol Hill this year.

<sup>1</sup> Portions of this article appeared in Kristin E. Heyer, *Kinship Across Borders: A Christian Ethic of Immigration* (Washington, D.C.: Georgetown University Press, 2012) and are reprinted with permission. Other sections are adapted from “Legalization and the Undocumented According to Catholic Social Teaching,” in Todd Scribner and Kevin Appleby, eds., *On ‘Strangers No Longer’: Perspectives on the Historic U.S.-Mexican Bishops’ Pastoral Letter on Migration* (Mahwah, NJ: Paulist Press, 2013).

<sup>2</sup> Whereas in the United States private companies control nearly half of total detention beds and 7 of 11 British detention centers are run by for-profit contractors, Australia has entirely outsourced its enforcement to a succession of three publicly

traded companies since 1998. For a genealogy of “immigration industrial complex,” which alludes to the conflation of national security with immigration law enforcement and “the confluence of public and private sector interests in the criminalization of undocumented migration, immigration law enforcement, and the promotion of ‘anti-illegal’ rhetoric,” see Tanya Golash-Boza, “The Immigration Industrial Complex: Why We Enforce Immigration Policies Destined to Fail” *Sociology Compass* 3.2 (Feb 2009): 295–309 at 295ff.

<sup>3</sup> Forty years ago, the ratio was 1:29; see Aaron Terrazas, *Migration and Development: Policy Perspectives from the United States* (Washington, D.C.: Migration Policy Institute, 2011): 1; available at: <http://www.migrationpolicy.org/pubs/migdevpolicy-2011.pdf> (accessed July 17, 2012).

<sup>4</sup> Pope Pius XII, *Exsul familia (On the Spiritual Care to Migrants)* (August 1, 1952) in *The Church’s Magna Charta for Migrants*, ed. Giulivo Tassarolo, 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](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](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).

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

<sup>6</sup> John R. Donahue, *The Gospel in Parable* (Philadelphia: Fortress Press, 1988), 133.

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

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

<sup>9</sup> See Pope John XXIII, *Pacem in terris* (April 11, 1963) no. 106. 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.

<sup>10</sup> 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.

<sup>11</sup> Pope John Paul II, *Laborem exercens*, no. 23.

<sup>12</sup> 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.

<sup>13</sup> Pope John Paul II, *Laborem exercens*, no. 19-20.

<sup>14</sup> 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.

<sup>15</sup> Donald Kerwin and Charles Wheeler, “The Case for Legalization, Lessons from 1986, Recommendations for the Future.” This article originally appeared in *Issues in Immigration*, Vol. 1 (Center for Migration Studies, 2004). It was reprinted by *Bender’s Immigration Bulletin*, Vol. 12, No. 3 (Feb. 1, 2007).

<sup>16</sup> *Exsul Familia* introduction and *Pacem in terris*, no. 106.

<sup>17</sup> The 1969 *Instruction on Pastoral Care* asserts that “where a state which suffers from poverty

combined with great population cannot supply such use of goods to its inhabitants...people possess a right to emigrate, to select a new home in foreign lands and to seek conditions of life worthy of man.” Sacred Congregation for Bishops, *Instruction on Pastoral Care*, no. 14. For a helpful discussion of Catholic teaching on economic refugees, see Drew Christiansen, “Sacrament of Unity: Ethical Issues in the Pastoral Care of Migrants and Refugees,” in Office of Pastoral Care of Migrants and Refugees, Bishops’ Committee on Migration, National Conference of Catholic Bishops, *Today’s Immigrants and Refugees: A Christian Understanding* (Washington, D.C.: United States Catholic Conference, 1988), 81-114 at 90-1.

<sup>18</sup> “Strangers no Longer,” no. 36.

<sup>19</sup> National Conference of Catholic Bishops, *Together a New People, Pastoral Statement on Migration and Refugees*, November 8, 1986, p.10.