

“I Was a
Stranger
and You
Welcomed
Me ...”

*A Pastoral Letter
on the Human
Rights of Immigrants*

Bishop Anthony B. Taylor
Diocese of Little Rock
November 5, 2008



Déle vuelta para leer este documento en español



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Dear Brothers and Sisters in Christ,

From September 15-23 of this year I participated in the week of reflection for new bishops sponsored by the Vatican Congregation for Bishops in Rome. The very first presentation, which set the tone for the rest of the week, was a conference regarding the “munus docendi” — the role and obligation of every bishop to teach the full truth of the Gospel of Jesus Christ courageously, in season and out of season, especially regarding the teaching of the Church in those controversial areas of faith or morality about which there is confusion among the faithful.

I believe that the major current issue about which American Catholics are most confused today has to do with immigration. Many people simply do not have accurate information, and this is certainly an area where the teaching of the Church is not well known — hence this pastoral letter on the human rights of immigrants. My purpose in “I Was a Stranger and You Welcomed Me ...” is to teach briefly, but authoritatively, the biblical and theological principles that are the indispensable foundation on which any just and humane approach to immigration must be built. I then apply these principles to the current reality of immigration and immigration law in the United States.

This pastoral letter does not propose specific legislative solutions but does emphasize that the protection of human rights should be the starting point for any attempt at immigration reform. For an application of Church teaching to current legislation, please refer to www.justiceforimmigrants.org, the official Web site of the United States Conference of Catholic Bishops’ campaign for immigration reform.

Along with this pastoral letter, I am also providing a three-week study guide to facilitate our reflection on the topic of immigration, which is intended for use during the season of Advent. Advent is a time of longing and expectation, a time of hope. Mary and Joseph found no warm welcome in Bethlehem, no room in the inn, but they trusted in God’s providence and Mary gave birth to “Christ our Hope,” to use the words of Pope Benedict XVI during his April visit to the United States. This same Jesus will later declare that whatever we do to the least of our brothers and sisters we do to him.

Does Jesus find a warm welcome in our communities? What changes do we need to make here in Arkansas in order to ensure that today’s Marys and Josephs — today’s Marías and Josés — receive a warm welcome truly worthy of the Savior whose birth we celebrate on Christmas?

Sincerely in Christ,

A handwritten signature in black ink, appearing to read "Anthony B. Taylor".

Most Rev. Anthony B. Taylor
Bishop of Little Rock

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“I Was a Stranger and You Welcomed Me . . .”

A Pastoral Letter on the Human Rights of Immigrants

Dear Friends in Christ,

The protection of human rights is a necessary component of our Catholic faith and you and I are obligated to bring the truths of our faith to bear on the issues of our day. The protection of human rights is also a necessary component of our faithful citizenship as Americans. One of the pressing issues of our day about which our faith has a great deal to offer is that of immigration and specifically the human rights of undocumented immigrants.¹ This is an issue that is very close to my heart and very important to many of the Catholics of Arkansas and thus a worthy topic for my first pastoral letter as bishop of Little Rock.

The God of the Bible is a God of immigrants and the history of salvation unfolds largely in the context of immigration:

- God called Abraham and Sarah to emigrate from their homeland and led them on a journey that ended with them settling as immigrants in Canaan.
- Joseph was sold into slavery in Egypt and later made arrangements for the immigration of his entire extended family in a time of famine.
- God called Moses to lead the exodus of the Hebrew slaves from Egypt and made a covenant with them in the desert en route to a new land he had promised them.
- God later brought his people back to Israel

from exile in Babylon, but in the subsequent centuries the Jewish people continued to migrate to cities throughout the ancient world in a diaspora scattered among the nations, sometimes due to poverty or persecution and sometimes in search of better opportunities.²

■ In the New Testament, Joseph and Mary lived in Nazareth at the time Jesus was conceived, but were apparently not citizens of Galilee (“Galilee of the Gentiles”) which would explain why they had to go to Bethlehem in Judea for the census. They were refugees in Egypt, having crossed the border without the permission of the government which they were fleeing and they eventually settled in Galilee once it became apparent that the new government of King Archelaus in Judea was no better than that of his deceased father, King Herod.

Throughout the Bible great emphasis is placed on God’s presence among his immigrant people and that we will be judged on our treatment of the alien in our midst.

“Come . . . inherit the kingdom prepared for you from the creation of the world . . . for I was a stranger and you welcomed me” . . .
“When did we welcome you away from home?” . . . “As often as you did it for one of my least brothers and sisters, you did it for me.” . . . “Out of my sight, you condemned, into that everlasting fire prepared for the devil and his angels! . . . for I was away from home and you gave me no welcome” . . .

¹ The teaching of the Church regarding immigration applies to all immigrants, but in this pastoral letter I will give special attention to the rights of undocumented immigrants and particularly those from Mexico because undocumented Mexican immigrants face greater obstacles and are numerically by far the largest group of immigrants both in Arkansas and in the United States as a whole.

² These immigrant Jewish communities of the diaspora later became the first destination of the Apostles and itinerant Christian missionaries of the first century AD. It was from these communities that the Gospel was first proclaimed throughout the Greek-speaking world.

“When did we see you away from home . . . and not attend you in your needs?” . . . “As often as you neglected to do it to one of these least ones, you neglected to do it to me.” These will go off to eternal punishment and the just to eternal life.³

TODAY’S CONTEXT

Today immigration is usually debated from an economic or political perspective, and each side presents statistical data that they believe supports their position regarding how to deal with the phenomenon of undocumented immigration.⁴ I believe that this approach is shortsighted.

National borders have almost never prevented demographic shifts of population when there were strong economic reasons for such migration

— the economic principle of supply and demand. Therefore, short of taking extreme measures, our only real choice from a historical perspective is how we will manage today’s flow. Between 1986 and 2008 the Border Patrol’s budget increased over 5,600 percent, the number of agents quintupled and border entry points were fortified.⁵ During these same years the undocumented immigrant population tripled to at least 12 million, despite the legalization of three million people following the Immigration Reform and Control Act of 1986. The reason? Insufficient legal avenues for immigrants to enter the United States, compared with the number of jobs in need of workers.

Will we take a positive approach that helps newcomers to become full participants in

society? Or will we take a negative approach that creates a marginalized underclass and a breeding ground for resentment? Expelling millions of people and closing the door to further immigration are not realistic options, historically, economically or socially. Our only real choice is whether to facilitate this process for the common good or to create as much misery as possible — and reap the undesirable consequences. There is, unfortunately, a complete disconnect between the economic and social realities that underlie immigration and current U.S. immigration law, which seeks to impede immigration from certain countries⁶ rather than facilitate the process.

Most Americans do not realize the impossible barriers placed on people who want to enter our country legally. Do you know that it is virtually impossible for Mexicans to immigrate to the United States legally unless they already have close relatives who are American citizens? Do you know that there is presently up to a 16-year wait for these family reunification visas because no more than 26,000 family-sponsored visas are allotted to Mexican immigrants in any given year? Virtually all of these are adjustments of status for persons who are already in fact present inside the United States. There are, in fact, virtually no visas available for the more than 500,000 immigrants who enter the U.S. from Mexico each year.

The Church claims no special expertise regarding the political, economic and social complexities of the immigration issue, but Catholic social teaching does offer a solid and reliable basis from which to address questions related to our God-given human dignity, the protection of which must be the starting point of any just legal system. We

Will we take a positive approach that helps newcomers to become full participants in society? Or will we take a negative approach that creates a marginalized underclass and a breeding ground for resentment?

³ Mt. 25:34-46.

⁴ For statistics dispelling common myths regarding immigration nationally and in Arkansas, see Appendix I. See also www.justiceforimmigrants.org, the official Web site of the U.S. bishops’ campaign for immigration reform. For a bibliography for further research, see Appendix IV.

⁵ See: http://www.cbp.gov/xp/cgov/newsroom/fact_sheets/cbp_overview/bdget_11bil_factsheet.xml, a fact sheet on the Border Patrol’s Web site which reports that the Border Patrol’s budget increased from \$164 million in 1986 to \$9,570 million (= \$9.5 billion) in 2008 — and the administration’s 2009 budget request is \$10,940 million (= \$10.9 billion, for a total increase of 6,670 percent).

⁶ It is much easier to immigrate from European countries than it is to immigrate from Mexico, for instance.

saw this clearly in the civil rights struggle, which was, more properly speaking, a struggle for the protection of the “human” rights of African-American people, not just their “civil” rights.⁷

The second paragraph of the United States Declaration of Independence declares:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain inalienable rights, that among these⁸ are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed ...

The consent of the governed is more than just the consent of the citizenry — “the governed” includes all who live within the territory governed by that government, independent of their legal status. In the past African-Americans and Native Americans lacked legal status. They were governed without their consent and were deprived of the exercise of their intrinsic human rights. A slave was counted as just three-fifths of a person in the U.S. Constitution, and though emancipated after the Civil War, subsequent laws and Supreme Court decisions deprived the freed slaves of their God-given human rights for much of the next 100 years. Native Americans were not counted as persons in the U.S. Constitution and did not all become U.S. citizens until 1924. African-Americans and Native Americans formed part of the voiceless “governed” without whose consent (prior to the voting rights act of 1964) laws were imposed expressly intended to marginalize these sectors of the population. Much progress has been made in race relations

during the last 44 years, but we still have a long way to go — the wounds of oppression are deep, as is the consequent alienation. Today a comparable situation is being created by immigration laws expressly intended to prevent millions of people from exercising their intrinsic human rights. Will we learn the lessons of history?

IS IMMIGRATION AN INTRINSIC HUMAN RIGHT?

Human rights were inscribed by the Creator in the order of Creation ... (they are not) concessions on the part of human institutions, (or) on the part of states and international organizations ...⁹

Intrinsic human rights derive from our inherent dignity and transcendence as persons created by God and redeemed by Christ. Even the American Declaration of Independence references a Creator who endowed all with rights that others cannot legitimately deny them. These intrinsic human rights are universal, belonging to all regardless of race, citizenship, culture or gender and valid for all times and places. They are inherent in the human person and thus inalienable, which means that they do not derive from the state and cannot be taken away by the state or otherwise forfeited. No government has the authority to deprive us of our God-given rights, nor to apply them in a selective or discriminatory manner. When God made humanity responsible for the stewardship of creation that included caring for others and defending and protecting their rights. Compassion and solidarity with the victims of human rights

7 During the struggle for Civil Rights in the United States, the terms Negro, Colored and Black were all used at various points rather than today's more usual term African-American. Such earlier identifications that referenced skin color demonstrate that basic human rights were being denied due to race. The shift to a designation such as African-American is an indicator that the protection of civil rights could be secured only after this group had first gained protection for their inalienable human rights. Human rights are the indispensable foundation on which all the rest of the civil rights struggle had to be built.

8 ... among these: the three inalienable rights listed in this part of the Declaration of Independence do not constitute a taxative list, but most human rights are expressions of these three general categories of *life, liberty and the pursuit of happiness* — as will be seen later in this document.

9 *John Paul II: Crossing the Threshold of Hope*, Vittorio Messori: Vatican City (1994), 196-197.

violations make us more human and more aware of the need to affirm the rights of all. It is part of the daily struggle to make the Kingdom of God present among us.

The United States Declaration of Independence lists three fundamental human rights that are both

abstract (in any circumstance without restriction) and indeed there are instances where the common good might prevent migration. But there is a right to migrate for those who are exercising their God-given rights and to meet their God-given obligations, for instance when necessary to protect and provide for one's family or to escape persecution.¹¹ This right to immigrate when necessary has been affirmed right from the beginning of the British colonization of the "new world."¹² It and other rights of immigrants, such as the right to work, are an extension of our intrinsic and inalienable right to life, liberty and the pursuit of happiness, as follows:

1. Along with the right to life comes the right of access to the basic necessities of life: food, clothing, shelter, basic medical care, decent employment¹³ that pays enough to provide for one's family, etc. With these rights come the obligations to work to meet one's basic needs, as well as the obligation of all — in both poor and wealthy nations — to remedy the global and local economic, social and political ills that deprive people of the basic necessities of life, making immigration necessary.

Parents are obligated to protect their children and provide for them. If they cannot do so in their place of origin, there comes a point at which they become morally obligated to pursue other options, including migration within their

But there is a right to migrate for those who are exercising their God-given rights and to meet their God-given obligations, for instance when necessary to protect and provide for one's family or to escape persecution.

intrinsic and inalienable: "Life, Liberty and the pursuit of Happiness."

Inalienable means that no one can legitimately deprive us of these rights and the reason that they are inalienable is that they are intrinsic, inherent in the human person. It was for the purpose of securing these and other rights that the founders of our nation said they were pledging, "our Lives, our Fortunes and our sacred Honor." Of these three inalienable rights, the only one which is absolute is the right to life, to which the Catholic Church continues to give eloquent witness. All other rights, whether inalienable or not, are limited by the common good, to be understood as the shared good of all residents in one's

community and nation and also by extension the entire human family.¹⁰ This term does not refer to the greater good of any particular group in a society or nation, but to all of its members and the universal good of the entire world.

The right to migrate is not a right *per se* in the

¹⁰ The common good is addressed in detail in the *Catechism of the Catholic Church*, paragraphs 1905-1927. The extension of the concept of the common good to include all of humanity is addressed by the Catechism in its discussion of human solidarity, paragraphs 1939-1948.

¹¹ See: *John Paul II: Address to the New World Congress on the Pastoral Care of Immigrants* (October 17, 1985). "Every human being has the right to freedom of movement and of residence within the confines of his own state. When there are just reasons in favor for it, he must be permitted to migrate to other countries and to take up residence there. The fact that he is a citizen of a particular state does not deprive him of membership to the human family, nor of citizenship in the universal society, the common, worldwide fellowship of men."

¹² English immigrants to Virginia in 1607 and to Massachusetts in 1621 believed they were exercising a God-given right to immigrate, as did the settlers in the other British colonies. There was no limit to the number of immigrants admitted, though there were religious restrictions in some colonies. Unfortunately, these colonists believed it to be a God-given right only for European Christians. Unlike immigrants today, these 17th century settlers made no effort to embrace the local culture. They did not want to assimilate or learn to speak the local languages (Algonquin in Virginia or Wampanoag in Massachusetts).

¹³ Current immigration laws not only unjustly deny people their right to immigrate when circumstances require, they also use the requirement of a valid Social Security number — for which undocumented immigrants are not eligible under current law — as a means also to deny them unjustly their right to work to support their families.

homeland or to another country.

This right to the basic necessities of life is intrinsic to the human person, but it is not unlimited. It comes with responsibilities, including the obligation to work within the system when possible. Unfortunately, for most poor immigrants to the United States today, working within the current system is not possible¹⁴ — which is the reason for this pastoral letter.¹⁵ The right to immigrate is also limited by the common good: the right of others to the basic necessities of life, including those already living in the land to which the immigrants wish to migrate.¹⁶ Recent studies, including that of the President’s Council of Economic Advisors, demonstrate that the most recent wave of immigration has produced economic benefits for the United States that outweigh the costs.¹⁷ In any event, both citizens and newcomers have a duty to serve the common good by reaching out to the other.

2. Along with the right to liberty comes the right to religious freedom, the right to one’s own identity, regardless of race, religion, gender, legal condition, usefulness to society, health, etc., and the

right to participate in the life of a community — a legitimate participation in the exercise of power and an equitable distribution of the goods and services of the community. There should be no second-class residents;¹⁸ the path to citizenship should be short and readily available for those who want to become citizens. The right to liberty is also limited by the common good, including the need to learn the local language (in our case English) and to respect the customs, culture and institutions of the new country and locality in which the immigrants seek to make their home. It is noteworthy that 75 percent of today’s immigrants become conversant in English within 10 years of arrival. They love America and want to become Americans; that’s why they are here.

3. Along with the right to the pursuit of happiness comes the right to the self-actualization of one’s person, created in the image and likeness of God, and includes the right to marriage (limited by natural law), the right to an education and the right to possess property (again limited by the common good, the basic needs of others).

¹⁴ The current availability of immigrant visas to the United States is detailed in Appendix II. There is a very long wait for family-sponsored visas due to the interplay between caps on the number of visas by visa category and by country of origin. Nationals who are approved for family-based visas from “oversubscribed” countries like Mexico often must wait for years, even decades, to obtain their visas. The availability of employment-based visas is even more limited. Practically no visas are available for ordinary laborers from Mexico who simply want to come to the United States, work hard and raise their families here. This is especially significant for Arkansas since the largest group of immigrants to our state come from the “oversubscribed” country of Mexico. The backlog of applicants from the rest of the world has created burdensome delays also for these applicants, but with the exception of applicants from the Philippines, the delays are not nearly as long as for Mexicans.

¹⁵ *Paul VI: Justice in the World, Statement of the World Synod of Catholic Bishops* (November 30, 1971), no. 36 Vatican Council II: More Post-Conciliar Documents, ed. Austin Flannery, OP (Northport, N.Y.: Costello Publishing Co.), 1982. “The Church has the right, indeed the duty, to proclaim justice on the social, national and international level, and to denounce instances of injustice, when the fundamental rights of man and his very salvation demand it. The Church . . . has a proper and specific responsibility which is identified with her mission of giving witness before the world of the need for love and justice contained in the Gospel message, a witness to be carried out in Church institutions themselves and in the lives of Christians.”

¹⁶ This includes ensuring that the right to decent employment of the existing citizens and residents is protected.

¹⁷ It is noteworthy that the President’s Council of Economic Advisors in their report “Immigration’s Economic Impact” (2007) made three key findings: “(1) On average, U.S. natives benefit from immigration. Immigrants tend to complement (not substitute for) natives, raising native’s productivity and income. (2) Careful studies of the long-run fiscal effects of immigration conclude that it is likely to have a modest, positive influence. (3) Skilled immigrants are likely to be especially beneficial to natives. In addition to contributions to innovation, they have a significant positive impact.” The U.S. Labor Department predicts that in the years ahead, despite the current economic slowdown, a shortage of low-skilled labor will exist in several important industries, for some beginning as early as 2010. Moreover, as baby boomers begin retiring, immigrants will help support them by paying billions into the Social Security System.

¹⁸ This obviously applies to all members of society, not just immigrants.

WHAT IS THE POINT OF NATIONAL BORDERS?

*Man has the right to leave his native land for various motives — and also the right to return — in order to seek better conditions of life in another country.*¹⁹

Since people have a God-given right to immigrate, what is the point of national borders? Should the border between the United States and Mexico be no different from the border between Arkansas and Oklahoma? Borders, like all human inventions, are at the service of the common good. At present, the common good is best served by wide-open borders between the various states of the United States. It is easy to move to a new state, register to vote and participate in elections shortly thereafter. Demographic shifts occur continually within and among the American states (for instance migration within Arkansas from the depressed Delta region to the booming north-western parts of the state), and migration between states (for instance from the northern “rust belt” to the southern “sun belt”). These internal migrations are considered normal and they simply respond to the economic principle of supply and demand. Every 10 years the U.S. House of Representatives and state legislatures reapportion the seats and districts to reflect these demographic shifts.

Because that is the case within states and between states, it should be no surprise that the same principle of supply and demand produces demographic shifts also on the international level, especially between neighboring countries. This is particularly true in our current era which is characterized by the increasing inter-dependence of peoples and the rapid movement of capital, goods and information across borders.

However, national borders are necessary creations designed to:

- create order within and between nations for the benefit of both
- identify the limits of the area in which the governmental and other public institutions of each society are to fulfill their respective responsibilities at the service of the common good
- provide for national security and protect the legitimate sovereignty and identity of the state — this includes the right and duty to protect and secure its borders
- protect each country from unjust military aggression
- prevent crime
- foster the economic well-being of each society and both societies
- prevent the spread of disease among humans, farm animals and plants
- facilitate human movement between nations for the purpose of commerce, tourism, intellectual exchange and immigration.

Above all, borders are an important way to locate, but not limit, state responsibility to safeguard the rights of their members.

The problem with immigration law in many countries, including the United States and Mexico, is that current laws impede human migration rather than facilitate it for the common good. Mexico itself has laws intended to prevent the entry of Central American immigrants across its southern border. One unintended consequence of unjustly restrictive immigration laws is that when people are forced to circumvent the border to exercise their God-given rights, it becomes easier for others to do so for reasons that are contrary to the common good.

Since the terrorist attacks on the World Trade Center and the Pentagon in 2001, the U.S. govern-

¹⁹ John Paul II: *Laborem Exercens, On Human Work*, Vatican City (1981), paragraph 23.

ment has tightened its borders dramatically in an attempt to prevent future acts of terrorism, even though none of the 9/11 terrorists entered the U.S. illegally from Mexico.²⁰ In fact, current law has exactly the opposite effect. By creating conditions whereby a flood of good, hard-working people are forced routinely to evade border security, “going around the gate,” millions of people enter the country without the government being aware of their presence and the government cannot focus its limited resources on criminals and legitimate security threats. If we seriously want to know who is here, a far better approach would be to have more generous legal immigration policies that allowed honest people to “go through the gate.” Their identity could be readily verified and closer attention could then be given to a much smaller group of people who may still be “going around the gate” to evade detection of their criminal activities — for instance, drug smuggling.

WOULDN'T AMNESTY REWARD THOSE WHO BROKE THE LAW?

This atmosphere of welcoming is increasingly necessary in confronting today's diverse forms of distancing ourselves from others. This is profoundly evidenced in the problem of millions of refugees and exiles, in the phenomenon of racial intolerance as well as intolerance toward the person whose only “fault” is a search for work and better living conditions outside his own country, and in the fear of all who are different and thus seen as a threat.²¹



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The word “amnesty” is not appropriate. Amnesty is forgiveness of someone who is guilty of a crime. Most undocumented immigrants come to this country in the exercise of their God-given human rights. There was no talk of “amnesty” of those “guilty” of civil disobedience during the lunch counter sit-ins of the Civil Rights era. They were defending their human rights in obedience of a higher law. In the case of Jim Crow laws, it was the law itself that was criminal in the eyes of God, not those who disobeyed it.²²

Rather than focus on those who are forced to break the law in order to provide for the basic needs of their families, we should focus instead on fixing the broken laws themselves: broken in the sense that they do not work and cannot work because they impede rather than facilitate the exercise of the God-given rights of migrants.

²⁰ Most of the 9/11 terrorists had legal visas and none entered the U.S. across our southern border. The Canadian border is the only border across which terrorists have been known to try to enter the United States with explosives, but no one is proposing to build a fence the length of the U.S.-Canadian border. Some post-9/11 measures targeting immigrants in the name of national security have had the opposite effect and made us less safe, as targeted communities of immigrants are afraid to come forward with information.

²¹ John Paul II, “*Welcoming the Poor: Reigniting Hope*,” *Origins* 27:36 (February 26, 1998): p. 605.

²² Moreover, all of us have benefited directly or at least indirectly from the presence of these undocumented immigrants. Why should they be penalized when so many others of us have benefitted knowingly from their “illegal” presence?

Rather than “amnesty,” what we should extend to the immigrants in our midst is “welcome.”²³

BUT THE LAW IS THE LAW!

*Give to Caesar what is Caesar's, but to God what belongs to God.*²⁴

There are those who worry that by remedying our current unjust immigration laws we will be in effect legitimizing the actions of all those who crossed the border illegally, creating disrespect for the rule of law in the present and a bad precedent for the future. This is the same argument that was lodged against those who “disrespected” the Jim Crow laws of the U.S. South. Who did more harm to the rule of law in our country, those who enacted the Jim Crow laws or those who broke the unjust laws? How many streets do we have named after Martin Luther

ISN'T ILLEGAL IMMIGRATION A BAD THING?

*Civil law must ensure that all members of society enjoy respect for certain fundamental rights which innately belong to the person, rights which every positive law must recognize and guarantee. Thus any government which refused to recognize human rights or acted in violation of them would not only fail in its duty; its decrees would be wholly lacking in binding force.*²⁶

Yes, illegal immigration is a bad thing. A very bad thing. It is very harmful to the immigrants and to a lesser degree it is harmful to our country as well. Here it would be useful to recall the distinction between “civil” infractions (undocumented presence, for instance overstaying a valid visa) and “criminal” infractions (for instance, unlawful entry).²⁷ An unintended consequence of current U.S. immigration law is that when the children of undocumented immigrants hear their good, honest parents described as “illegal,” or worse as “criminals,” the whole concept of illegality or criminality is diminished, making genuine criminal acts seem less serious as well. Moreover, people become afraid to report other crimes to the police or even to seek the help of the police when they are victimized (for instance, in situations of domestic violence) because they fear that the police might arrest them instead due to their immigration status. This makes the work of the police much more difficult because they need the support of the community in order to be effective in combating crime.

The law is sacred only insofar as it is rooted in truth and justice, and only insofar as it is in the service of the common good.

King Jr. and how many named after Jim Crow, whose unjust laws he defied? There is nothing sacred about the law in itself —“The Sabbath was made for man, not man for the Sabbath.”²⁵ The law is sacred only insofar as it is rooted in truth and justice, and only insofar as it is in the service of the common good. George Washington, Benjamin Franklin and Thomas Jefferson disobeyed England's unjust laws and demanded protection for inalienable rights that came from God and not from King George III. Jesus clarified this higher law when he said, “Give to Caesar what is Caesar's, but to God what belongs to God.”

²³ See “*Welcoming the Stranger Among Us: Unity in Diversity, A Statement of the U.S. Catholic Bishops*,” United States Conference of Catholic Bishops, November 15, 2000. See also the pastoral letter issued by the Catholic bishops of Mexico and the United States, “*Strangers No Longer: Together on the Journey of Hope*,” United States Conference of Catholic Bishops, January 22, 2003. The principal recommendations of this landmark document are summarized in Appendix III. The bishops acknowledge that the current immigration system is badly in need of reform and that a comprehensive approach to fixing it is required. The bishops offer a comprehensive set of recommendations for changing U.S. laws and policies to reflect the principles contained in Scripture and Catholic Social Teaching and to bring about a more humane and just immigration system in the United States.

²⁴ Mt. 22:21.

²⁵ Mk 2:27.

²⁶ John Paul II: *Evangelium Vitae, The Gospel of Life*, Vatican City (1995), paragraph 71.

²⁷ See Appendix I, item 4.

Unfortunately, U. S. immigration law provides people with no other alternative in the exercise of their basic human right to immigrate.²⁸ Is this a case of the ends justifying the means or the lesser of two evils — neither of which is morally admissible? No, because the act of immigration in the exercise of one’s intrinsic human rights are justifiable and not evil even when it involves the infraction of a law that is itself unjust. The solution to illegal immigration is not to make immigration even more difficult and perilous, but rather to remove the causes of illegal immigration, as follows:

1. Remove the impediments to the free flow of otherwise law-abiding people across national borders and enact immigration policies that better reflect the economic realities that underlie most migration. More generous legal immigration policies will enable us to monitor better the specific persons entering the country and better protect people from those criminal elements that exploit immigrants.
2. Work to remedy the international inequality of wealth and economic development, especially in migrant countries of origin. People leave home largely because they must, in order to protect and provide for their families.
3. Create a system that welcomes immigrants, facilitates their adaptation to life in the United States and provides an easy path to citizenship.

CONCLUSION

*You must not oppress the stranger; you know how a stranger feels, for you lived as strangers in the land of Egypt.*²⁹

One of the constant features of American history is the fact of immigration and the process of conversion whereby the receiving population learns to soften its heart and open its arms to welcome

the newcomer. As we have seen with the earlier waves of Irish, German, Italian and Eastern European immigrants, this process takes time — time for the immigrants to assimilate and time for the receiving population to become comfortable with the newcomers. The ancestors of today’s Americans faced and overcame many of the same obstacles that now confront today’s immigrants. We are astonished today to read of the mean-spiritedness of the “Irish need not apply” signs that greeted the Irish Catholic immigrants of the 1800s. But we are also edified by the poem by Emma Lazarus on the Statue of Liberty which concludes with the words:

*Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore.
Send these, the homeless, tempest-tost to me,
I lift my lamp beside the golden door!*

One of the most distinguishing features of the Catholic Church is that we are called to be “universal” in fact as well as in name. This means that there must be no dividing lines within our parishes, no second-class parishioners — all are welcome, without exception. In many instances, this will require a process of conversion within our own hearts as well as within our parish communities. I know that it sometimes takes time to adjust when encountering a new group of people, but it is precisely to this that Jesus calls us, one and all. In this, Jesus will use us to be a light to our nation, a model for what all of American society is called to be.

WHAT DOES THE POPE SAY?

In an interview on April 15, 2008, during his flight en route to his pastoral visit to the United States, Pope Benedict XVI was asked about “the increasing anti-immigrant movement in American society” and the situation of precariousness and

²⁸ For an explanation of why legal immigration is impossible for most people, see Appendix II.

²⁹ Ex. 23:9.

discrimination suffered by many Hispanics in the United States. “Was it his intention to speak to this problem and to ask America to give a warm welcome to immigrants, many of whom are Catholic?”

The pope responded:

“Of course, I will be speaking about this point. I have had various ad limina visits from bishops of Central America and also from South America, and I have seen the breadth of this problem, especially the serious problem of the break-up of families. And this is really dangerous for the social, moral and human fabric of these countries. However, it is necessary to distinguish between measures to be taken straight away and long-term solutions. The fundamental solution is that there should no longer be any need to emi-

grate because there are sufficient jobs in the homeland, a self-sufficient social fabric, so that there is no longer any need to emigrate. Therefore, we must all work to achieve this goal and for a social development that makes it possible to offer citizens work and a future in their homeland. And I would also like to speak to the president on this point, because it is above all the United States that must help these countries to develop. It is in everyone’s interests, not only these countries but of the world and also of the United States. Then, short-term measures: it is very important to help families in particular. In the light of the conversations I have had with bishops about the main problems, it appears that families should be protected rather than destroyed. What can be done should be done. Of course, it is also necessary to do everything possible to prevent precariousness and every kind of violence, and to help so that they may really have a dignified life wherever they may be. I also want to say that there are many problems, much suffering, but also such great hospitality! I know that the American bishops’ conference in particular works closely with the Latin American bishops’ conferences with a view to necessary aid. Besides all the painful things, let us not forget the great and true humanity, the many positive actions that also exist.”

Then true to his word, two days later during his homily at Washington Nationals Stadium on April 17, 2008, Pope Benedict XVI said:

“Dear friends, my visit to the United States is meant to be a witness to ‘Christ our Hope.’ Americans have always been a people of hope: your ancestors came to this country with the expectation of finding new freedom and opportunity, while the vastness of the unexplored wilderness inspired in them the hope of being able to start completely anew, building a new nation on new foundations. To be sure, this promise was not experienced by all the inhabitants of this land; one thinks of the injustices endured by the native American peoples and by those brought here

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forcibly from Africa as slaves. Yet hope, hope for the future, is very much a part of the American character. And the Christian virtue of hope — the hope poured into our hearts by the Holy Spirit, the hope which supernaturally purifies and corrects our aspirations by focusing them on the Lord and his saving plan — that hope has also marked, and continues to mark, the life of the Catholic community in this country.

Then he addressed himself to the Spanish-speaking worshippers, saying:

“Do not allow yourselves to be defeated by pessimism, inertia or problems. Rather, faithful to your baptismal commitment, deepen your knowledge of Christ daily and allow

your heart to be conquered by his love and his forgiveness. The Church in the United States, by embracing into itself so many of its immigrant children, has been growing thanks also to the vitality of the witness of faith of Spanish-speaking believers. Therefore, the Lord calls you to continue contributing to the future of the Church in this country and to the spread of the Gospel. Only by being united to Christ and to each other will your evangelizing witness be believable and flourish, producing abundant fruit of peace and reconciliation in the midst of a world that is often marked by division and confrontation.”³⁰

³⁰ *Benedict XVI: Origins: 2008 Papal Visit* (April 2008). No se dejen vencer por el pesimismo, la inercia o los problemas. Antes bien, fieles a los compromisos que adquirieron en su bautismo, profundicen cada día en el conocimiento de Cristo y permitan que su corazón quede conquistado por su amor y por su perdón. La Iglesia en los Estados Unidos, acogiendo en su seno a tantos de sus hijos emigrantes, ha ido creciendo gracias también a la vitalidad del testimonio de fe de los fieles de lengua española. Por eso, el Señor les llama a seguir contribuyendo al futuro de la Iglesia en este País y a la difusión del Evangelio. Sólo si están unidos a Cristo y entre ustedes, su testimonio evangelizador será creíble y florecerá en copiosos frutos de paz y reconciliación en medio de un mundo muchas veces marcado por divisiones y enfrentamientos.

Appendix I: Fact Sheet Regarding Immigration

1. TAXES and PUBLIC BENEFITS: Immigrants pay between \$90-\$140 billion a year in federal and state income taxes, social security taxes, property taxes and sales taxes.³¹ The Social Security Administration's "suspense file" (taxes that cannot be matched to worker's names and social security numbers) grew to \$519 billion by 2005 and is growing by over \$55 billion per year. Most of the monies in this file have been contributed by undocumented workers who will never be able to collect them. Immigrant workforce participation is consistently higher than native-born and they make up a larger share of the U.S. labor force (12.4 percent) than they do of the U.S. population (11.5 percent). They come here to work and raise their families. In one estimate, immigrants earn about \$240 billion a year, pay \$90 billion in taxes and use about \$5 billion in public benefits.³²

In Arkansas: Immigrants paid \$257 million in taxes in 2004, \$20 million more than the \$237 million spent in immigrant-related education, health services and corrections.³³

2. FAMILY VALUES: Immigrants are much more likely than native-born families to raise their children in two-parent households. They spend most of their income here to support themselves and

their families. The billions of dollars they send to their home countries³⁴ is one of the most targeted and effective forms of direct foreign investment — reducing instability in those countries³⁵ and promoting economic growth that will enable them to provide better for their citizens and eventually remove the need for future immigration.

In Arkansas: 87 percent of immigrant children in 2000 were being raised in two-parent households, compared to 81 percent of native-born whites and 45 percent of native-born African-Americans. Immigrants had an estimated total after-tax income of \$2.7 billion in 2004. About 20 percent of that income was sent home to families abroad, saved or used for interest payments. The remaining 80 percent remained in the state's economy.

3. EFFECT ON THE ECONOMY: 70 percent of immigrants arrive at prime working age. The United States does not invest a penny on their education, yet they are transferred to our workforce and will contribute \$500 billion to our social security system over the next 20 years.³⁶ During the 1990s, half of all new workers in the United States were foreign-born, filling gaps left by native-born workers in both the high- and low-skill ends of the spectrum. This latest wave of

³¹ Source: http://www.immigrationforum.org/about/articles/tax_study.htm.

³² Source: <http://www.fas.org/pub/gen/fcnl/immigra.html>.

³³ *A Profile of Immigrants in Arkansas, Volume 2: Impacts on the Arkansas Economy*, Capps, Henderson, Kasarda, Johnson, Appold, Croney, Hernández and Fix, The Winthrop Rockefeller Foundation, 2007, p.17.

³⁴ Source: <http://www.cagto.org/research/articles/griswold-020218.html>.

³⁵ Another seldom noted fact is that both immigration and the money these immigrants send back to their home countries serve as a very important "safety valve" without which these countries could become very unstable. The U.S.-Mexico border historically has been a remarkably peaceful border, but can you imagine what a hostile Mexico or a Mexico in turmoil would mean for the safety and security of the United States? The immigration of 12 million undocumented immigrants (most of whom are Mexican) over the last few decades has not only benefited the United States economically, it has also served to create a more stable Mexico and thus a more secure United States.

³⁶ Source: <http://www.nupr.neyu.edu/1102/immigration.PDF#search=center%20for%20labor%20market%20studies%20at%20Northeastern%20University%20studies>.

immigration has coincided with years of low unemployment rate and fast economic growth.

In Arkansas: During the 1990s, poverty among native-born residents declined 4 percent, but rose by 2 percent among immigrants and by 3 percent among native- and foreign-born Hispanics. A recent study by the non-partisan Winthrop Rockefeller Foundation reported that in Arkansas:

■ Immigrants added \$3 billion to the Arkansas Economy in 2004.³⁷

■ Immigrants contributed almost \$20 million more to the state budget in taxes than they used in services.³⁸

■ If all immigrants left Arkansas the state's manufacturing output would drop by \$1.4 billion and many factories would close due to an acute labor shortage.³⁹

■ Immigrant spending has created 23,100 jobs in Arkansas that are held primarily by persons born in the United States. These jobs would disappear if Arkansas' immigrant population departed. The impact would be felt especially in Northwest Arkansas and in Central Arkansas.⁴⁰

■ The education of immigrant children is an investment in Arkansas' future workforce. If given the opportunity, many will go to college and further the economic progress their parents have started.⁴¹

4. TODAY'S IMMIGRANTS COMPARED TO THE PAST: Today 11.5 percent of the U.S. population is foreign born, 100 years ago it was about 15 percent. In those days immigrants settled in mono-

ethnic neighborhoods, spoke their own languages, faced discrimination and integrated within American culture at a similar rate.⁴² Today as in the past, more than 75 percent of immigrants learn English within 10 years of arrival and demand for adult-level English classes far exceeds supply.⁴³

In Arkansas: The Hispanic population of Arkansas grew 48 percent between 2000-2005, faster than any other state. Sixty-seven percent of all Arkansas' 104,000 foreign born residents in 2005 were from Latin America (of these, two-thirds were from Mexico and one-third from other countries) compared to 50 percent nationally. Benton, Washington, Sebastian and Pulaski counties were home to 63 percent of Arkansas' immigrants. Thirty-one percent of children in immigrant families from Mexico and Central America lived in crowded housing (more than two people per bedroom) compared to 10 percent of other immigrants and the native population.

5. UNLAWFUL ENTRY VS. UNLAWFUL PRESENCE: In the confusing and most often contrary way that immigration law deals with unauthorized presence in the United States, how one entered the country is most important. For example, two immigrants, one who entered with a visitor visa but overstayed and one who entered without a visa will be treated differently based on how they entered the country, even though both are here unlawfully without status.

The person who entered the country with a valid visa has committed no crime in failing to leave

Immigrant spending has created 23,100 jobs in Arkansas that are held primarily by persons born in the United States.

³⁷ *A Profile of Immigrants in Arkansas, Volume 2: Impacts on the Arkansas Economy*, Capps, Henderson, Kasarda, Johnson, Appold, Croney, Hernández and Fix, The Winthrop Rockefeller Foundation, 2007, p- 5.

³⁸ Ibid, p. 17.

³⁹ Ibid, p. 17.

⁴⁰ Ibid, p. 5-6.

⁴¹ *A Profile of Immigrants in Arkansas, Volume 1: Immigrant Workers, Families, and Their Children*; Capps, Henderson, Kasarda, Johnson, Appold, Croney, Hernández and Fix, The Winthrop Rockefeller Foundation, 2007, p.64.

⁴² Source: <http://www.census.gov/prod/2002pubs/c2kprof00us.pdf>, and <http://www.census.gov/prod/2002pubs/censr4.pdf>.

⁴³ Source: <http://www.aila.org/content/Viewer.aspx?bc=17,142#section4>.

when his visa is expired. Unlawful presence is not a violation of the U.S. criminal code. It is a civil infraction, not a criminal infraction. He cannot be sent to jail for overstaying, even though he is an undocumented immigrant. However, he is in violation of the Immigration and Nationality Act (INA) and the federal government can impose a civil penalty for this violation, meaning they can deport him. It is estimated that about 40 percent of the 12 million undocumented in the U.S. entered with valid visas which they then overstayed.⁴⁴ The Supreme Court, in *Dada v. Mukasey*, has recently made it easier for visa overstays to adjust their status in the U.S. even though they may be in violation of specific statutory time limits for voluntary departure.

For the person who entered the country without a valid visa the situation is much different. He has violated the U.S. criminal code by entering unlawfully or without permission. The government can punish him for this action by imposing a fine of between \$50 and \$250 and/or a maximum of six months in jail as well as deport him.

This difference in how these immigrants are treated is compounded by the family-based visa situation. Once a petition is filed for a family member to receive a family-based visa, they are not likely to receive a visa to visit the U.S. So, for example, a father from Mexico who is a legal permanent resident in the United States files for a family-based petition for his wife and daughter. He will wait more than seven years for their visa to become available. During that time they will be unable to receive a visitor visa to visit him in the U.S. because they won't be able to meet the "intent" requirement of the visitor visa. Persons applying for a visitor visa must prove that they

intend to be in the U.S. temporarily which by virtue of having a family-based petition to immigrate to the U.S. they cannot prove. So during this time when the family is pending processing, the only way for the family to be together is for the father to travel to Mexico.

5. FALSE DOCUMENTS. Just as Sir Walter Scott said, "Oh what a tangled web we weave when first we practice to deceive," we could say regarding immigration law, "Oh what a tangled mess when first we start to oppress." The economic principle of supply and demand still applies, but like rivers find a way to work around sandbars and other obstacles, so also employers and employees will work around oppressive restrictions when there is no other alternative. Once again, we can assist people in exercising their right to work to earn a living or we can try to create as much misery as possible.⁴⁵

■ Employers are now required to verify the Social Security numbers their employees must provide them, but when suitable employees are scarce, they have no incentive to ask too many questions of employees they doubt have valid documentation.

■ Employees are required to present a Social Security card to their employers as a condition for employment, but undocumented immigrants cannot obtain a valid Social Security number in their own name, so in order to exercise their right to work and provide for their family, they find it necessary to use a false Social Security number.

– Sometimes these are valid numbers issued to family members or friends and borrowed by the employee, who may be known at work by that other name.

⁴⁴ Source: <http://www.uscis.gov/graphics/shared/statistics/index.htm>.

⁴⁵ The U. S. Conference of Bishops' Committee on Migration issued a statement on September 10, 2008 urging the Department of Homeland Security to reconsider the use of worksite enforcement raids as an immigration enforcement tool. The bishops said that the humanitarian costs of these raids are immeasurable and unacceptable in a civilized society.

– Sometimes these are forged Social Security cards with numbers not assigned to anyone by the Social Security Administration. These forged cards are marketed by criminal elements that prey on immigrants, who often first learn that their card is “bad” when notified by their employer.

– Sometimes, these Social Security numbers are the result of identity theft and marketed by criminal elements as “good” numbers. Because these are valid numbers, they can escape detection longer,

but usually the worker is completely unaware of the fact that his Social Security number is the result of the identity theft. His only “crime” was wanting to work to support his family.



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Appendix II: Current Availability of Immigrant Visas to the U.S.

The best way to understand the woefully inadequate supply of immigrant visas to the U.S. is to study the official publications of the U.S.

Department of State, including the monthly Visa Bulletin, which can be found at <http://travel.state.gov>. The sections of the Visa Bulletin for October 2008 relating to family-based and employment-based visas are provided and commented on below — the footnotes are not part of the bulletin. Every month the priority dates reached may (or may not) change, but the basic reality does not. There is a very long and growing

wait for family-sponsored visas due to the interplay between caps on the number of visas by visa category and by country of origin. Nationals who are applying for family-based visas from “oversubscribed” countries like Mexico often must wait for years, even decades, for their visa to become available. The availability of employment-based visas is even more limited. Practically no visas are available for ordinary laborers from Mexico who simply want to come to the United States, work hard and raise their family here.

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VISA BULLETIN FOR OCTOBER 2008

A. STATUTORY NUMBERS

1. This bulletin summarizes the availability of immigrant numbers during October. Consular officers are required to report to the Department of State documentarily qualified applicants for numerically limited visas; the Bureau of Citizenship and Immigration Services in the Department of Homeland Security reports applicants for adjustment of status. Allocations were made, to the extent possible under the numerical limitations, for the demand received by September 9th in the chronological order of the reported priority dates. If the demand could not be satisfied within the statutory or regulatory limits, the category or foreign state in which demand was excessive was deemed oversubscribed. The cut-off date for an oversubscribed category is the priority date of the first applicant who could not be reached within the numerical limits. Only applicants who have a priority date earlier than the cut-off date may be allotted a number. Immediately that it becomes necessary during the monthly allocation process to retrogress a cut-off date, supplemental requests for numbers will be honored only if the priority date falls within the new cut-off date.
2. Section 201 of the Immigration and Nationality Act (INA) sets an annual minimum family-sponsored preference limit of 226,000. The worldwide level for annual employment-based preference immigrants is at least 140,000. Section 202 prescribes that the per-country limit for preference immigrants is set at 7% of the total annual family-sponsored and employment-based preference limits, i.e., 25,620.⁴⁶
3. Section 203 of the INA prescribes preference classes for allotment of immigrant visas as follows:

⁴⁶ This means is that only 25,620 people can immigrate legally from Mexico, or any other single country, to the United States per year, but about 500,000 people — almost 20 times as many — enter the United States illegally each year or overstay their visas, according to the Pew Hispanic Center as reported on the March 2005 Current Population Survey (CPS) conducted by the U.S. Bureau of Labor Statistics and the Census Bureau.

FAMILY-SPONSORED PREFERENCES

First: Unmarried Sons and Daughters of Citizens: 23,400 plus any numbers not required for fourth preference.⁴⁷

Second: Spouses and Children, and Unmarried Sons and Daughters of Permanent Residents: 114,200, plus the number (if any) by which the worldwide family preference level exceeds 226,000, and any unused first preference numbers:

- A. Spouses and Children: 77% of the overall second preference limitation, of which 75% are exempt from the per-country limit;⁴⁸
- B. Unmarried Sons and Daughters (21 years of age or older): 23% of the overall second preference limitation.⁴⁹

Third: Married Sons and Daughters of Citizens: 23,400, plus any numbers not required by first and second preferences.⁵⁰

Fourth: Brothers and Sisters of Adult Citizens: 65,000, plus any numbers not required by first three preferences.⁵¹

Family	All Chargeability Areas Except Those Listed	CHINA -mainland born	INDIA	MEXICO	PHILIPPINES
1st	15APR02	15APR02	15APR02	08SEP92	01APR93
2A	01JAN04	01JAN04	01JAN04	01MAY01	01JAN04
2B	15DEC99	15DEC99	15DEC99	22APR92	08MAY97
3rd	22JUN00	22JUN00	22JUN00	015SEP92	01APR91
4th	22OCT97	01MAY97	22MAY97	15JAN95	08MAR86

***NOTE:** For October, 2A numbers **EXEMPT from per-country limit** are available to applicants from all countries with priority dates **earlier** than 01MAY01. 2A numbers **SUBJECT to per-country limit** are available to applicants chargeable to all countries **EXCEPT MEXICO** with priority dates beginning 01MAY01 and earlier than 01JAN04. (All 2A numbers provided for MEXICO are exempt from the per-country limit; there are no 2A numbers for MEXICO subject to per-country limit.)⁵²

⁴⁷ Of the 226,000 worldwide family-sponsored immigrants per year, 23,400 visas are allotted to the unmarried sons and daughters of U.S. citizens.

⁴⁸ Only 87,934 visas per year (77 percent of the 114,200 “second preference” visas, Category 2A above) worldwide are allotted to the spouses and children (under the age of 21) of permanent residents and 75 percent of these 65,951 are exempted from the 25,620 per country limit.

⁴⁹ Only 26,266 visas per year (23 percent of the 114,200 “second preference” visas, Category 2b above) worldwide are allotted to the unmarried sons and daughters (over the age of 21) of permanent residents.

⁵⁰ Only 23,400 visas per year worldwide are allotted to the married sons and daughters of US citizens.

⁵¹ Only 65,000 visas per year worldwide are allotted to the brothers and sisters of adult US citizens.

⁵² In July of this year, the 2A category from Mexico became unavailable until October 1. When the October 2008 Visa Bulletin was published, the 2A category had retrogressed 14 months — in June 2008, they were processing May 1, 2002. Once again we see how people can’t win in the current system even when they do stand in line. See also item “D”, later, which addresses the same reality.

EMPLOYMENT-BASED PREFERENCES

First: Priority Workers: 28.6 percent of the worldwide employment-based preference level, plus any numbers not required for fourth and fifth preferences.

Second: Members of the Professions Holding Advanced Degrees or Persons of Exceptional Ability: 28.6 percent of the worldwide employment-based preference level, plus any numbers not required by first preference.

Third: Skilled Workers, Professionals, and Other Workers: 28.6 percent of the worldwide level, plus any numbers not required by first and second preferences, not more than 10,000 of which to “Other Workers.”

Fourth: Certain Special Immigrants: 7.1 percent of the worldwide level.

Fifth: Employment Creation: 7.1 percent of the worldwide level, not less than 3,000 of which reserved for investors in a targeted rural or high-unemployment area, and 3,000 set aside for investors in regional centers by Sec. 610 of P.L. 102-395.⁵³

4. INA Section 203(e) provides that family-sponsored and employment-based preference visas be issued to eligible immigrants in the order in which a petition in behalf of each has been filed.⁵⁴ Section 203(d) provides that spouses and children of preference immigrants are entitled to the same status, and the same order of consideration, if accompanying or following to join the principal.⁵⁵ The visa prorating provisions of Section 202(e) apply to allocations for a foreign state or dependent area when visa demand exceeds the per-country limit. These provisions apply at present to the following oversubscribed chargeability areas: CHINA-mainland born, INDIA, MEXICO, and PHILIPPINES.

5. On the chart below, the listing of a date for any class indicates that the class is oversubscribed (see paragraph 1); “C” means current, i.e., numbers are available for all qualified applicants;⁵⁶ and “U” means unavailable, i.e., no numbers are available. (NOTE: Numbers are available only for applicants whose priority date is earlier than the cut-off date listed below.)

⁵³ This means that of the 140,000 employment-based visas per year, 40,040 are priority workers, 40,040 are advanced professionals or persons of exceptional ability, 40,040 are skilled workers or professionals, 9,940 are “certain special immigrants” and 9,940 are for targeted employment creation. To apply for an employment visa, you generally must apply by April 1 “and the visa, if approved, will be valid as of October 1 of that year.” In fact, however, virtually all employment-based visas for a given year are exhausted within a week of April 1 and no further employment-based visas are available during the following 51 weeks. An additional burden is that in practical terms, the sponsoring employer must want the employee badly enough to go through this lengthy and expensive process, and yet not need them so badly that they can’t wait more than six months to see if the visa request will even be approved. See also item “E”, later.

⁵⁴ This is called the beneficiary’s “priority date.”

⁵⁵ This means, for instance, that if an adult beneficiary has an adult brother who is a U.S. citizen, that brother can apply for him to get a Fourth Preference family-sponsored visa and his brother’s wife and minor children can be included as “derivatives” of the petition. Serious problems arise, however, when a beneficiary must wait many years for his petition to be granted. For instance, the Fourth Preference petitions which were filed by Mexican nationals on or before January 15, 1995, are just now being examined after an 13½ year wait. Some of the minor children included in those petitions are now well into their 20s or even as old as 30 [ex: a 17-year old minor in 1995], meaning they lost their derivative status upon reaching age 21 and thus become subject to deportation even while their parents’ petition remains active. A further example: Suppose a Legal Permanent Resident from Mexico applies for a 23-year-old unmarried daughter (category 2B). Her application has been pending for 16 years (since April 15, 1992) making her now 39 years old. Yet during all this time she may not marry or her petition filed by her father will be automatically revoked meaning she must start the process all over again, but her father will no longer be eligible to file on her behalf because only citizens may petition for their married children.

⁵⁶ There are never sufficient family-sponsored nor unskilled worker visas for all qualified applicants.

Employment-Based	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
1st	C	C	C	C	C
2nd	C	01JUN06	01JUN06	C	C
3rd	U	U	U	U	U
Other Workers	U	U	U	U	U
4th	C	C	C	C	C
Certain Religious Workers ⁵⁷	C	C	C	C	C
5th	C	C	C	C	C
Targeted Employment Areas/ Regional Centers	C	C	C	C	C

B. DIVERSITY IMMIGRANT (DV) CATEGORY

Section 203(c) of the Immigration and Nationality Act provides a maximum of up to 55,000 immigrant visas each fiscal year to permit immigration opportunities for persons from countries other than the principal sources of current immigration to the United States.⁵⁸ The Nicaraguan and Central American Relief Act (NACARA) passed by Congress in November 1997 stipulates that beginning with DV-99, and for as long as necessary, up to 5,000 of the 55,000 annually-allocated diversity visas will be made available for use under the NACARA program. This reduction has resulted in the DV-2009 annual limit being reduced to 50,000. DV visas are divided among six geographic regions. No one country can receive more than seven percent of the available diversity visas in any one year. . . . (for the rest of the text of this section, visit the U.S. Department of State Web site)⁵⁹

C. ADVANCE NOTIFICATION OF THE DIVERSITY (DV) IMMIGRANT CATEGORY RANK CUT-OFFS WHICH WILL APPLY IN NOVEMBER... (for the text of this section, visit the U.S. Department of State Web site)

D. MEXICO F2A VISA AVAILABILITY FOR OCTOBER

Heavy demand for numbers in the Mexico F2A category has required the establishment of a cut-off date which is earlier than that which applied in June (after which they became “unavailable” for the remainder of FY-2008). The Mexico F2A cut-off date for October will be 01MAY01. Forward movement during the first quarter of the new fiscal year is likely to be limited.

⁵⁷ This is the R-1 visa that allows us to bring international priests to serve the Church in Arkansas.

⁵⁸ This means that no Mexicans qualify for Diversity Immigrant visas. The text of items B, C and F has been deleted because they are not available as a source of visas for most of the people who want to immigrate to the United States, and in particular for the people most likely to immigrate to Arkansas.

⁵⁹ The Web address is <http://travel.state.gov>.

E. EMPLOYMENT VISA AVAILABILITY

Item E of the May 2008 Visa Bulletin (number 118, volume VIII) indicated that many Employment cut-off dates had been advancing very rapidly, based on indications that the Citizenship and Immigration Services (CIS) would need to review a significantly larger pool of applicants than there were numbers available in order to maximize number use under the FY-2008 annual limits. That item also indicated that if the CIS projections proved to be incorrect, it would be necessary to adjust the cut-off dates during the final quarter of FY-2008. The CIS estimates have proven to be very high resulting in: 1) the “unavailability” of all Employment Third preference categories beginning in July, 2) the “unavailability” of numbers for China and India Employment Second preference adjustment of status cases during September, and 3) the establishment of many October Employment cut-off dates which are earlier than those which applied during FY-2008.

Little if any forward movement of the cut-off dates in most Employment categories is likely until the extent of the CIS backlog of old priority dates can be determined. It is estimated that the FY-2009 Employment-based annual limit will be very close to the 140,000 minimum.

F. DIVERSITY VISA LOTTERY PROGRAM REGISTRATION PERIOD... (for the text of this section, visit the U.S. Department of State Web site)



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Appendix III:⁶⁰

Catholic Bishops' Call for Comprehensive Immigration Reform

In a landmark pastoral letter issued by the Catholic bishops of Mexico and the United States, "*Strangers No Longer: Together on the Journey of Hope*," the bishops acknowledge that the current immigration system is badly in need of reform and that a comprehensive approach to fixing it is required. The bishops offer a comprehensive set of recommendations for changing U.S. laws and policies to reflect the principles contained in Scripture and Catholic social teaching and to bring about a more humane and just immigration system in the United States.

The bishops' call for reforms includes the following elements:

GLOBAL ANTI-POVERTY EFFORTS:

Many migrants are compelled to leave their homes out of economic necessity in order to provide even the most basic of needs for themselves and their families. The bishops call for international efforts designed to create conditions in which people do not have to leave their homes out of necessity. Trade, international economic aid, debt relief, and other types of economic policies should be pursued that result in people not having to migrate in desperation in order to survive.

EXPANDED OPPORTUNITIES TO REUNIFY FAMILIES:

U.S. citizens and legal permanent residents must endure many years of separation from close family members whom they want to join them in the United States. The backlogs of available visas for family members results in waits of five, ten, fifteen, and more years for a visa to become available. The bishops call for a reduction of the pending backlog and more visas available for family reunification purposes.

TEMPORARY WORKER PROGRAM:

The U.S. economy depends upon the labor provided by migrants. Therefore, many migrants come to the United States to fill jobs. The bishops acknowledge this reality and call for a more rational and humane system by which laborers from other countries can enter the country legally to fill positions in the labor force, including on a temporary basis. Because the U.S. experience with temporary workers programs has been fraught with abuses, the bishops call for a temporary worker program that includes:

- Path to permanent residency which is achievable/verifiable
- Family unity which allows immediate family members to join worker⁶¹

⁶⁰ This Appendix III is taken in its entirety from www.justiceforimmigrants.org the official Web site of the U.S. bishop' campaign for immigration reform. It is reprinted here with permission.

⁶¹ Family members should have work authorization.

- Job portability which allows workers to change employers⁶²
- Labor protections which apply to U.S. workers
- Enforcement mechanisms and resources to enforce worker's rights⁶³
- Wages and benefits which do not undercut domestic workers
- Mobility between U.S. and homeland and within U.S.
- Labor-market test to ensure U.S. workers are not harmed.

BROAD-BASED LEGALIZATION:

For those in this country without proper immigration documentation, opportunities should be provided for them to obtain legalization if they can demonstrate good moral character and have built up equities in this country. Such an "earned" legalization should be achievable and independently verifiable.

RESTORATION OF DUE PROCESS:

In recent years, immigrants have been subject to laws and policies that debase our country's fundamental commitment to individual liberties and

due process. These laws and policies, including detention for months without charges, secret hearings, and ethnic profiling, signal a sea of change in our government's policies and attitudes towards immigrants. We are a nation with a long, rich tradition of welcoming newcomers.

Government policies that unfairly and inappropriately confuse immigration with terrorism do not make us safer, tarnish our heritage, and damage our standing abroad. The bishops urge our government to revisit these laws and to make the appropriate changes consistent with due process rights. Also in this context, the bishops call for reforming our system for responding to asylum seekers and considering their claims. Today, asylum seekers must meet a very high bar for demonstrating their claim for asylum and are incarcerated in the meantime. The bishops believe that our nation can both protect its citizens from terrorists and remain a safe haven for legitimate asylum seekers fleeing persecution.

⁶² Workers should be able to move between industries.

⁶³ Enforcement mechanisms should include right to bring action in federal court.

Appendix IV: Recommended Further Research on Immigration

Papal Teaching

Benedict XVI: Origins: 2008 Papal Visit. Pope Benedict XVI's statements during his pastoral visit to the United States (April 2008).

Benedict XVI: Message for the 95th World Day of Immigrants and Refugees (2009). Theme: St Paul migrant, 'Apostle of the peoples.' (August 24, 2008).

John Paul II, Holy See: Charter of the Rights of the Family, Vatican City (October 22, 1983), article 12: "The families of migrants have the right to the same protections as that accorded other families. (a) The families of immigrants have the right to respect for their own culture and to receive support and assistance towards their integration into the community to which they contribute. (b) Emigrant workers have the right to see their family united as soon as possible. (c) Refugees have the right to the assistance of public authorities and International Organizations in facilitating the reunion of their families."

John Paul II: Address to the New World Congress on the Pastoral Care of Immigrants (October 17, 1985).

John Paul II: Crossing the Threshold of Hope, Vittorio Messori: Vatican City (1994). On the question of human rights, see 196-197.

John Paul II: "Developing Special Concern for the Homeless," *Origins* 26:30 (January 16, 1997): 495. "In the Old Testament, the Torah teaches that strangers and the homeless in general, inasmuch as they are exposed to all sorts of dangers, deserve special concern from the believer. Indeed, God clearly and repeated-

ly recommends hospitality and generosity toward the stranger . . . , reminding Israel of how precarious its own existence had once been."

John Paul II: Evangelium Vitae, The Gospel of Life, Vatican City (1995) addresses the moral foundation of civil law. See paragraph 71.

John Paul II: Laborem Exercens, On Human Work, Vatican City (1981). See paragraph 23.

John Paul II: Migrant Pope Teaches on Unwritten Laws of Migration. Most Rev. Nicholas Dimarzio, Ph.D., D.D (*Notre Dame Journal of Law, Ethics & Public Policy*, 2007).

John Paul II, "Welcoming the Poor: Reigniting Hope," *Origins* 27:36 (February 26, 1998): p. 605.

John Paul II: World Day of Migration Messages, issued every year from 1974-2002, available at <http://www.vatican.va>.

Paul VI: Justice in the World, Statement of the World Synod of Catholic Bishops (November 30, 1971), no. 36 (*Vatican Council II: More Post-Conciliar Documents*, ed. Austin Flannery, OP [Northport, N.Y.: Costello Publishing Co., 1982.])

Paul VI: Populorum Progressio: On the Development of Peoples, (March 26, 1967), no. 67. "We shall always insist upon giving a generous welcome to others which is at once a duty of human solidarity and Christian charity . . . (They should be) welcomed with brotherly love, (with) examples of upright living in which genuine and effective Christian charity and the highest spiritual values are esteemed."

Paul VI: Second Vatican Council, Gaudium et Spes, Pastoral Constitution on the Church, (December 7, 1965), no. 66 (The Documents of Vatican II, ed. Walter M. Abbott, SJ [Chicago: Follett Publishing Co., 1966]). “The local people, moreover, especially public authorities, should all treat [immigrants] not as mere tools of production but as persons, and must help them to arrange for their families to live with them and to provide themselves with decent living quarters.”

Pontifical Council for the Pastoral Care of Migrants and Itinerant People, http://www.vatican.va/roman_curia/pontifical_councils/migrants.

Statements of the Catholic Bishops of the United States

Catholic Framework for Economic Life, A Statement of the U.S. Catholic Bishops, (1996) United States Conference of Catholic Bishops, Washington DC. “All people have a right to life and to secure the basic necessities of life (e.g., food, clothing, shelter, education, health care, safe environment, economic security).”

Compendium of the Social Doctrine of the Church, Pontifical Council for Just and Peace: United States Conference of Catholic Bishops, Washington DC, 2005.

Economic Justice For All: Pastoral Letter on Catholic Social Teaching and the U.S. Economy: United States Conference of Catholic Bishops, Washington DC, 1986.

Justice For Immigrants. <http://www.justiceforimmigrants.org>. This is the official Web site of the United States Conference of Catholic Bishops campaign for immigration reform.

Strangers No Longer: Together on the Journey of Hope: A Pastoral Letter Concerning Migration from the Catholic Bishops of

Mexico and the United States. (January 22, 2003). The bishops of the United States and Mexico acknowledge that the current immigration system is badly in need of reform and that a comprehensive approach to fixing it is required. The bishops offer a comprehensive set of recommendations for changing U.S. laws and policies to reflect the principles contained in Scripture and Catholic social teaching and to bring about a more humane and just immigration system.

Welcoming the Stranger Among Us: Unity in Diversity, A Statement of the U.S. Catholic Bishops, United States Conference of Catholic Bishops, Washington DC, November 15, 2000.

Immigration in Arkansas

“*Arkansas Is Home To Nation’s Fastest-Growing Hispanic Population*,” The Urban Institute. <http://www.urban.org/901061.html>.

Arkansas Friendship Coalition. <http://www.arfriendshipcoalition.org>.

“*Bracero Labor in Northeast Arkansas*,” Marietta Ann Lucas, *Craighead County Historical Quarterly* 6 (Summer 1968): 19-25.

“*Latino Immigration*,” *Encyclopedia of Arkansas History and Culture*, Michael Leiderman of *El Latino*, <http://www.encyclopediaofarkansas.net>.

League of United Latin American Citizens (LULAC) Arkansas. <http://www.lulacarkansas.com>.

A Profile of Immigrants in Arkansas, Executive Summary; Volume 1: Immigrant Workers, Families, and Their Children; and Volume 2: Impacts on the Arkansas Economy, Capps, Henderson, Kasarda, Johnson, Appold, Croney, Hernández and Fix, The Winthrop Rockefeller Foundation, 2007.

“Ripped at the Seams: Why the Immigration Debate in Arkansas is Raging and Why No One Can Control it,” Suzi Parker, *Talk Business Quarterly* (Second Quarter 2008): 42-49. <http://www.talkbusiness.net>.

“Social Capital and Hispanic Integration in Springdale, Arkansas: An Exploratory Study,” Warren Waren, M.A. Thesis, University of Arkansas, 2003.

“The Use of Mexicans as Farm Laborers in the Delta,” Harold Berry, *Phillips County Historical Review* 31 (Spring 1993): 2-10.

Immigration to the United States in General

The Case for Legalization, Lessons from 1986, Recommendations for the Future. Kerwin, Donald and Charles Wheeler. Catholic Legal Immigration Network, Inc., 2004.

Crossing the Border: Research from the Mexican Migration Project. Durand, Jorge 2006. Leading immigration scholars use data from the Mexican Migration Project — the largest, most comprehensive, and reliable source of data on Mexican immigrants currently available — to answer such important questions as: Who are the people that migrate to the United States from Mexico? Why do they come? How effective is U.S. migration policy in meeting its objectives?

Customs and Border Protection (CBP). Official Web site of the Border Patrol, <http://www.cbp.gov>.

Dying to Live. (DVD, 2006). “Dying to Live” is a profound look at the human face of the immigrant. It explores who these people are, why they leave their homes and what they face in their journey. This film exposes the places of conflict, pain and hope along the U.S.-Mexico border. It is a reflection on the human struggle

for a more dignified life and the search to find God in the midst of that struggle.

Immigrant Victims of Domestic Violence: Cultural Challenges and Available Legal Protections. Harrisburg, PA: VAWnet, a project of the National Resource Center on Domestic Violence/Pennsylvania Coalition Against Domestic Violence. Shetty, S. & Kaguyutan, J. (February 2002). <http://www.vawnet.org>

The Invisible Chapel (DVD, 2007). A story of faith and perseverance pitted against fear and the heated immigration debate.

The Line in the Sand: Stories from the U.S./Mexico Border. Catholic Relief Services Education DVD.

Looking at Root Causes: Why do Immigrants Come to the U.S.? Education for Justice Fact Sheet, 2006.

No One Is Illegal: Fighting Racism and State Violence on the U.S.-Mexico Border. Justin Akers Chacon (2006). Exposes the racism of anti-immigration vigilantes and puts a human face on the immigrants who daily risk their lives to cross the border to work in the United States.

Paying the Price: The Impact of Immigration Raids on America’s Children. (2007). A study by the National Council of La Raza and the Urban Institute on the impact of immigration raids that outlines implications for children, families and communities.

Sister Kathy Thill Speaks on Impact of Iowa Immigration Raids. Sisters of Mercy of the Americas, Testimony, May 20, 2008.

Slipping Through the Cracks: Unaccompanied Children Detained by the U.S. Immigration and Naturalization Service, Human Rights Watch Children’s Rights Project, New York (April 1997).

Urban Institute: Nonpartisan Economic and Social Policy Research. <http://www.urban.org>.

Wetback: The Undocumented Documentary. (National Geographic DVD, 2005). Follows in the footsteps of two friends traveling on an extraordinary and extremely dangerous journey from Central America to North America.

Why Don't They Just Get In Line? The Real Story of Getting a "Green Card" and Coming to the U.S. Legally. Immigration Policy Center Fact Sheet, March 2008. <http://www.immigrationpolicy.org>.

Appendix V: Scriptural Passages Related to Immigration

OLD TESTAMENT

You must not oppress the stranger; you know how a stranger feels, for you lived as strangers in the land of Egypt. (Ex 23:9)

If a stranger lives with you in your land, do not molest him. You must count him as one of your own countrymen and love him as yourself — for you were once strangers yourselves in Egypt. I am the Lord your God. (Lv 19:32-34)

Set aside part of your goods for almsgiving. Never turn your face from any poor man and God will never turn his from you. (Tb 4:7-8)

No more mockery of justice, no more favoring of the wicked! Let the weak and the orphan have justice, be fair to the wretched and destitute; rescue the weak and needy, save them from the clutches of the wicked! (Ps 82:2-4)

The Lord, who does what is right, is always on the side of the oppressed. (Ps 103:6)

Speak, yourself, on behalf of the dumb, on behalf of all the unwanted; speak, yourself, pronounce a just verdict, uphold the rights of the poor, of the needy. (Prv 31:8-9)

To the poor man lend an ear, and return his greeting courteously. Save the oppressed from the hand of the oppressor, and do not be mean-spirited in your judgments. (Eccl 4:8-9)

Woe to the legislators of infamous laws, to those who issue tyrannical decrees, who refuse justice to the unfortunate and cheat the poor among my people of their rights, who make widows their prey, and rob the orphan. (Is 10:1-2)

The spirit of the Lord God has been given to me, for God has anointed me. He has sent me to bring good news to the poor; to bind up hearts that are broken; to proclaim liberty to the captives, freedom to those in prison; to proclaim a year of favor from the Lord. (Is 61:1-2)

The Lord says this: Practice honesty and integrity; rescue the man who has been wronged from the hands of his oppressor; do not exploit the stranger, the orphan, the widow; do no violence, shed no innocent blood in this place. (Jer 22:3-4)

What is good has been explained to you; this is what the Lord asks of you: only this, to act justly, to love tenderly, and to walk humbly with your God. (Mi 6:8)

Apply the law fairly, and practice kindness and compassion toward each other. Do not oppress the widow or the orphan, the alien or the poor, and do not secretly plan evil against one another. (Zec 7:8-11)

NEW TESTAMENT

For I was hungry and you gave me food; I was thirsty and you gave me drink; I was a stranger and you made me welcome; naked and you clothed me; sick and you visited me; in prison and you came to see me . . . I tell you solemnly, in so far as you did this to one of the least of these brothers and sisters of mine, you did it to me. (Mt 25:35-40)

This is the first (commandment) . . . you must love the Lord your God with all your heart, with all your soul, with all your mind and with all your strength. The second is this: You must love your neighbor as yourself. There is no commandment greater than these. (Mk 12:30-31)

The spirit of the Lord has been given to me, for he has anointed me. He has sent me to bring the good news to the poor, to proclaim liberty to captives and to the blind new sight, to set the down-trodden free, to proclaim the Lord's year of favor. (Lk 4:18-19)

... there are no more distinctions between Jew and Greek, slave and free, male and female, but all of you are one in Christ Jesus. (Gal 3:28)

In your minds you must be the same as Christ Jesus: His state was divine, yet he did not cling to his equality with God but emptied himself to assume the condition of a slave, and became as men are; and being as all men are, he was humbler yet, even to accepting death, death on a cross. (Phil 2: 5-8)

You are God's chosen race, his saints; he loves you, and you should be clothed in sincere compassion, in kindness and humility, gentleness and patience. (Col 3:12-13)

Anyone who says, 'I love God,' and hates his brother, is a liar, since a man who does not love the brother that he can see cannot love God, whom he has never seen. So this is the commandment that he has given us, that anyone who loves God must also love his brother. (1 Jn 4:19-21)