

Catholic Church and Immigration

POINT: The Judeo-Christian tradition and Catholic social teaching call persons of faith to work to safeguard the rights of migrants and newcomers, including those who entered the country illegally or who otherwise lack immigration status.

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COUNTERPOINT: The Christian mandate to love one's neighbors and welcome the stranger does not require endorsing lawlessness or ignoring the consequences of illegal immigration for the "national family."

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Introduction

Controversy over the Catholic Church's stance on immigration is, at its core, a debate about what should be the guiding principles defining U.S. immigration policy: moral and ethical considerations or transient pragmatic considerations. This is not a new debate. In any age, there is tension over whether immigration policy should be informed by moral values and political ideals, or whether it should derive from the national self-interested sensibilities of the time.

The Catholic Church advocates immigration policies based on Christian teaching rooted in human rights and the dignity of every human being. And while the United States is a pluralistic society whose constitution requires a separation of church and state, it is also a predominantly Christian nation. A 2007 survey by the Pew Research Center's Forum on Religion and Public Life found that 78.4 percent of Americans are Christians and 23.9 percent are Catholic. And while the mandate to "welcome the stranger" is a central tenet of Christianity, this imperative also exists in other religious traditions. Further, these religious traditions resonate with the "self-evident" ideal enshrined in the Declaration of Independence and rooted in the Enlightenment that "all men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness." In other words, it is not surprising that a tension exists between moral values and self-interest in relation to U.S. immigration policy, and it is difficult to imagine a policy arena with more relevance to national identity and to the meaning of citizenship.

As U.S. immigration policy grew more restrictive over time, pragmatic self-interested considerations increasingly displaced moral values or political ideals in its formation. It became a *political* decision by the early twentieth century, and U.S. immigration laws now derive from complex interactions between domestic politics, international diplomatic, and political imperatives, as well as the place of the United States in the larger world order. Public sensibilities about immigration evolve in subtle ways with global diplomatic and economic trends, and these shifts in turn shape changes to immigration laws. While there is generally a lag between this evolution and changes to immigration law itself, it is instructive to examine U.S. immigration policy and public sentiment about immigration during the second half of the twentieth century.

The end of World War II and the start of the Cold War marked the emergence of the United States as the leader of the free world. This role complicated maintenance of then-extant highly restrictive immigration laws that discriminated against the majority of the world's population on the basis of race. Thus, while the 1952 McCarran-Walter Immigration Act continued the national origins provisions of 1920s immigration legislation, it did eliminate a color bar in naturalization. The Cold War also increased public awareness of the diplomatic importance of winning the hearts and minds of people around the world with regard to freedom and democracy. People fleeing Fidel Castro's Cuba and entering the United States outside

of normal immigration processes were not treated as illegal immigrants. Instead, they were welcomed as refugees from a tyrannical dictatorship and, more importantly, as people who were rejecting communism in favor of freedom and democracy. Immigrants were understood to have embraced American ideals, in effect endorsing capitalism and rejecting communism. This Cold War sentiment and the civil rights movement of the 1960s combined to effect a replacement of national origins quotas laws with the 1965 Hart-Cellar Act, an immigration regime based on family reunification.

With the end of the Cold War in the 1980s, the ideological battle between capitalism and communism ended. The United States was the world's remaining super power and capitalism the ascendant economic paradigm. The diplomatic importance of advancing the virtues of freedom and democracy and of winning the hearts and minds of people around the world waned. Global economic integration became the post-Cold War focus of U.S. international leadership. Globalization saw the elimination of most trade barriers, the reduction or elimination of barriers to direct foreign investment, and technology-driven changes in how goods were manufactured, distributed, and consumed around the world. These changes stimulated an increase in global migration as people moved in response to the dislocations and opportunities wrought by globalization.

But this global economic integration occurred in *everything except labor*. Countries, especially wealthy countries, maintained immigration regimes that restrict labor mobility. In the United States, the legal immigration system proved to be ill suited to the changed economic conditions and to the demographics of an aging population. The result was an increase in both legal and illegal immigration that has fostered heated debate about controlling illegal immigration and about how much and what kind of legal immigration to allow. These debates focus on immigration's impacts on the economy and on native-born Americans.

It is not surprising that current immigration debates focus on whether immigrants are good for the economy, whether they are a fiscal drain on public coffers, and what immigration means to national identity. This focus on the economic and social costs and benefits of immigration reflects sensibilities that derive from today's global economic and political realities. In a world characterized by global economic competition, raw economic self-interest is of utmost salience. There is a vast economics literature attempting to measure immigration's impacts on wages, economic output, economic growth, and technological innovation. Moral imperatives, human rights considerations, and founding political ideals are not generally on the radar screen in these discussions.

The Catholic Church, in articulating its values with regard to immigration, extends the discussion beyond the current era's sensibilities of economic self-interest as the appropriate arbiter of immigration policy. It reminds participants in these debates that they are rooted in current transient economic and political conditions, and that ideals related to the rights of the greater human family are also relevant.

POINT

In Hebrew scripture, the Jewish people endure deportation, Exodus, exile, and dispersion. Based on their long history as migrants and dispossessed people, they learn to love and to empathize with the “stranger.” In the Gospels, Jesus enters the world in the midst of a journey, carries out an itinerant public ministry, and personally identifies with migrants and newcomers. He teaches that on judgment day God will assemble the nations and separate people based on whether they have welcomed the stranger and embraced the dispossessed. Catholic social teaching—the 130-year-old body of authoritative church documents on social questions—views migration as a way to unify diverse peoples on the basis of their shared values. It recognizes the right of persons to migrate in order to realize their God-given rights, the corresponding responsibility of sovereign states to accept them, and the moral imperative that newcomers be allowed to participate fully in their adopted communities and country. Drawing from these principles, the U.S. Catholic bishops lead a coalition of Catholic dioceses and agencies that support the following:

- An “earned legalization” for the nation’s 11 million unauthorized immigrants
- Reform of the U.S. legal immigration system to expedite family reunification and to admit necessary workers
- Strong refugee protection policies and due process for persons at risk of removal (deportation)
- A concerted push to integrate the nation’s 38 million foreign-born persons and their children

While people of good faith can differ on immigration issues, the policy positions and strategies advocated by some in the U.S. immigration debate offend Catholic teaching. These include opposition to humanitarian assistance to unauthorized immigrants, invocation of the “rule of law” to justify the denial of human rights, use of the language of illegality and criminality to marginalize and demean self-sacrificing people, scapegoating unauthorized immigrants, and exploiting animus towards immigrants to pursue policies at odds with Catholic teaching.

IDENTITY AND THE HUMAN FAMILY

In the Judeo-Christian tradition, migration is a mystery in plain view. It consistently provides the occasion for God’s self-revelation to human beings. Hebrew scripture describes the Jewish people’s long saga of uprooting, deportation, Exodus, exile, persecution, dispersion, and return to the Promised Land. Migration provides the backdrop to Jesus’s birth in Bethlehem. The wise men follow the star on their sojourn to the newborn. The Holy Family flees to Egypt to escape wicked King Herod. Jesus journeys from God to man, so that human beings might return to God. In his public ministry, he moves from place to place, laments having nowhere to lay his head (Luke 9:58), and refers to himself as “the way” (John 14:16). The apostles encounter the resurrected Lord on the road to Emmaus. St. Paul experiences conversion on the road to Damascus. The earliest Christians referred to themselves as *pároikois*, which roughly means “resident aliens.” The word “parish” derives from *pároikois*. True to their etymology, the world’s parishes have been populated—and the reach of the Christian faith extended—through migration.

Migration occupies such an exalted place in the Judeo-Christian tradition that the journey has become its central metaphor for the lives of the faithful, who are never truly at home in the world, but are always en route to their final, spiritual home. In St. Augustine’s formulation, Christians are pilgrims on a journey to the City of God. In this journey, they can turn away and reject their brothers and sisters, or they can walk with them.

What lessons can be drawn from this tradition? In the Pentateuch, the first five books of the Bible, the injunction to love the stranger appears more than 30 times. God calls the Jewish people to remember their own experience of migration and exile, to love resident aliens and to treat them no differently than natives (Lev. 19:33). Jesus takes the themes of hospitality, compassion, and empathy to a new level by personally identifying with the stranger. He preaches that salvation depends on how truly Christians welcome the stranger and serve the dispossessed (Matt. 25:35). In pursuing the Christian mission to gather together God’s scattered children (John 11:52), distinctions between people diminish in importance: “There is neither Jew nor Greek, there is neither slave nor free man, there is neither male nor female” (Gal. 3:28).

To Christians, migration should not be seen as a cause for division, but as an opportunity to build the “human family.” In Catholic social teaching, cultural diversity need not be a barrier to national unity. Because the values of immigrants invariably find expression in their native cultures, migration can be the means to unify peoples based on their deepest values. Of course, culturally embedded values may be life-giving or not, and the Catholic Church seeks to “evangelize” the cultures of both immigrant communities and receiving states. At the same time, it urges that host communities be open to the positive values of immigrants, and that newcomers embrace the positive values of their new communities.

It might be argued that this body of teaching speaks to religious or personal commitments, and does not have public policy implications. However, the very purpose of Catholic social teaching is to apply enduring Christian values and principles to pressing social questions or “signs of the times.” On immigration, it asks: how can public policies reflect the God-given dignity of immigrants, our “brothers and sisters”?

HUMAN RIGHTS AND RESPONSIBILITIES

Mary Ann Glendon argues that human rights language has been used so promiscuously in public policy discourse that its effectiveness has been compromised. In her view, the rhetoric of rights has become less a way to express the core protections and conditions that apply to all human beings, and more an instrument to pursue an expanding list of causes. Moreover, rights claims have increasingly taken on an absolutist cast. If partisans can articulate a desired social outcome in the language of rights, they seem to believe that this should curtail dialogue and end debate.

Catholic teaching uses the language of rights in a different way. To the Catholic Church, rights derive from the radical equality of all people as the children of God. They speak to individual and collective responsibilities, grounded in love of God and neighbor. They are not a tool to attain socioeconomic or political advantage, but a way to speak about and to honor our duties to each other. As such, rights serve the “common good,” defined as the minimal conditions that allow *all* members of a community to flourish.

From this perspective of Catholic social teaching, a purely instrumental view of human rights reflects an impoverished sense of rights and the common good. Conversely, a diminished sense of the shared good of the community lays the groundwork for denying the God-given rights to marginal populations, who are invariably the persons most likely to be excluded from the “goods” of the community. Furthermore, it does not suffice to recognize or honor rights in the abstract. Christians have the responsibility to restore people whose rights have been violated to full membership in the human family. Beyond simply respecting juridical rights, they are called to love their neighbors, to act justly, and to extend hospitality to them.

How does this sense of rights and responsibilities apply to the phenomenon of migration? According to Catholic social teaching, migration should be a matter of choice, not necessity. People have a right not to have to migrate, and states have a responsibility to provide the minimal conditions that would allow their residents to flourish and realize their God-given rights at home. However, when states fail to meet this responsibility, persons have a right and responsibility to seek conditions that will allow them to live in dignity and support their families.

The Catholic principle of “subsidiarity” holds that decisions should be made by the competent authority closest to a particular issue or problem. Migrants and their families are typically in the best position to decide whether sustaining themselves requires one or more of their members to migrate. In fact, these wrenching decisions are often made as part of a family survival strategy. In these circumstances, migration is an act of self-sacrifice and even an act of self-realization. In giving of themselves, migrants are becoming who God calls them to be.

According to Catholic social teaching, the right to migrate creates a corresponding moral responsibility on the part of states to receive and to welcome immigrants. The Catholic Church has been criticized for its alleged support of “open border” policies. In fact, it recognizes the right and the responsibility of nations to regulate immigration. Yet it teaches that this responsibility must be tempered by a commitment to safeguard rights and to promote the common good, which it sees as the very purpose of states. In Catholic thought, a state’s responsibilities to its own residents does not relieve it of the responsibility to defend the rights of the greater human family. This concept—known as the universal or “borderless” common good—starts from the premise that certain minimum “goods” (including rights) apply to all people and must be afforded to all, even if doing so requires states, individually or collectively, to reach beyond their borders.

Immigrants, in turn, have a right and a responsibility to contribute to the good of their new communities. Beyond their labor and family commitments, immigrants should embrace the life-giving values of their host nations. Receiving

communities, in turn, have a responsibility to allow newcomers to participate fully in their communities. Catholic teaching uses the terms “social justice” and “contributive justice” synonymously. The latter term conveys the idea that just relations between people turns on the ability of all members of a community to contribute. For this reason, the United States Conference of Catholic Bishops (USCCB) has decried the creation of a dual society, with the rights of some of its members honored and the rights of others denied.

PUBLIC POLICY IMPLICATIONS

The bishops in the United States have developed several principles for immigration reform in light of Catholic social teaching. They have created the Justice for Immigrants (JFI) campaign to pursue public policies that are rooted in these principles. First, the bishops support policies and programs designed to mitigate the need to migrate and to allow persons to live in dignity in their home countries. Thus, the USCCB and other Catholic entities advocate in favor of generous foreign aid, just trade agreements, and debt relief, and agencies like Catholic Relief Services (CRS) fund development and self-help initiatives that seek to facilitate economic opportunities in migrant-sending communities.

Second, the bishops support reform of the legal immigration system of the United States, with a particular focus on the insufficient number of low-skilled permanent work visas available (5,000 per year) and multiyear delays in granting visas to the close family members of U.S. citizens and lawful permanent residents (LPRs). The U.S. legal immigration system has not been significantly modified since 1990, and it has not been overhauled since 1965, despite immense changes in the U.S. labor market and the global economy. This outdated system has contributed significantly to the growth of the unauthorized population in the country.

Third, the bishops support allowing certain unauthorized residents to earn legal status over many years through work, good character, and English language proficiency. They have been particularly vocal in favor of legalizing young people who were brought to the United States as children, and who are American in every way but immigration status. The Development, Relief, and Education for Alien Minors Act (the DREAM Act)—though defeated in the waning days of the 111th Congress in 2010—would provide conditional legal status to unauthorized persons who entered prior to age 16, have been present for at least 5 years, have been admitted to an institution of higher education or have earned a high school diploma or a General Education Development (GED) degree, and have not reached age 35. After 6 years, applicants would be able to become full LPRs if they have (1) obtained a degree from an institution of higher education, completed at least 2 years in a program for a bachelor’s degree (or higher), or honorably served at least 2 years in the U.S. military; (2) demonstrated good moral character; and (3) not become inadmissible or deportable on specified grounds.

Fourth, the bishops support strong refugee protection policies for those at risk of persecution, torture, or death in their home countries. They also support due process for immigrants who are facing removal from the United States. For many years, the Catholic Church has sponsored the nation’s largest refugee resettlement and immigrant legal service networks. Its public policy positions have arisen out of its intimate knowledge of the needs and aspirations of these populations.

Fifth, the bishops recognize the need to integrate the record number of U.S. immigrants—roughly 38 million, with about an equal number of children of immigrants—to mainstream society. The foreign-born represent roughly one in every eight U.S. residents, one in every seven workers, one in every five low-wage workers, and (adding their children) perhaps one in every two Catholics. While crucial to integration, legal status should be viewed as a step on the way to full incorporation into U.S. society. Like natives, immigrants need educational opportunities, jobs that pay a living wage and have an upward trajectory, and the ability to participate fully in the political life of their communities and nation. Since the nation’s prospects increasingly depend on the contributions of its historic number of immigrants and their children, particular attention needs to be paid to these core integration needs.

POLICY STANCES AND STRATEGIES AT ODDS WITH CATHOLIC SOCIAL TEACHING

Catholic teaching views migration from the perspectives of God-given human dignity and promotion of the common good. In practice, respect for rights and the common good go hand in hand. Educating immigrant children and youth benefits them as well as the larger society. Extending police protection to immigrants increases public safety. Providing public and emergency health services to immigrants improves public health and safeguards the community.

Catholic teaching provides broad principles that can frame and inform complex public policy issues. However, it would be inconsistent with the church's view of the nature of human beings, as imbued with reason and conscience, if its teaching did not permit a range of views on complex policy questions. At the same time, certain arguments and strategies that have emerged in the bitter U.S. immigration debate offend Catholic social teaching.

First, attacks on institutions and individuals that provide humanitarian assistance to migrants are inimical to Catholic teaching. Along these lines, the U.S. bishops furiously opposed legislation in 2005 that would have made it a crime "to assist" unauthorized immigrants. A protestor outside a church in Tucson, whose members leave water for desperate migrants along the U.S.-Mexico border, carried a placard that read "Good Samaritans, Bad Americans." In Catholic teaching, however, the very purpose of sovereign states is to protect God-given human rights. It cannot be unpatriotic to meet the basic human needs of desperate people.

Nor can Catholic social teaching be used to justify the personal rejection of immigrants who have settled in communities throughout the United States. In a town hall meeting in northern Virginia, a supporter of a restrictive legal ordinance made the point to his immigrant neighbors that he did not hate them personally. Rather, he did not welcome them. Yet in the Christian faith, it is not enough not to hate one's neighbors. Christians believe that their lives will be judged by how truly they love God and neighbor, particularly the "stranger" and persons from other marginal groups (Matt. 25:35).

Second, Catholic teaching supports the "rule of law." This ancient concept initially spoke to the need for rulers to be bound by the law. In more recent years, a stronger sense of this concept has emerged, which requires democratically sanctioned legal systems that safeguard human rights and that apply their laws even-handedly. The "rule of law" is often misused in the public debate to support the notion that people without immigration status have no rights. It is true that the federal government possesses broad power to regulate immigration—to determine who can enter, who can stay and on what terms, and who must leave—and that it can exercise this power in ways that might otherwise be deemed to violate constitutional rights. At the same time, U.S. constitutional rights extend to persons, including those without status in matters that do not implicate the immigration power. The federal government could not, for example, deny indigent immigrants (without status) government-appointed legal counsel in a criminal trial, or take their property without compensation, or suppress their speech, or torture them.

The "rule of law" is often invoked to support legislative proposals that would further marginalize immigrants. However, attempts to criminalize work or mere presence in the United States by persons without immigration status, or to deny citizenship to U.S.-born children with unauthorized parents, do not honor the rule of law. If successful, these initiatives would create a permanent underclass without rights, security, or prospects—precisely the kind of dual society that Catholic social teaching deplors. The assault on birthright citizenship also runs squarely against the plain language of the Fourteenth Amendment's citizenship clause, its legislative history, and the Supreme Court's ruling in *United States v. Wong Kim Ark* (1898), which affirmed that the amendment applies to the children of immigrants.

Many states have also passed legislation that seeks to regulate immigration through an explicit strategy of "deportation by attrition." These laws seek to force unauthorized immigrants and their families to leave their communities by denying them housing, schooling, work, police protection (in effect), and other basic rights. Part of this strategy has been aimed at overturning the U.S. Supreme Court's decision in *Plyler v. Doe* (1982), which extended public education through high school to all children, regardless of their immigration status. Such strategies, in the guise of a bedrock commitment to the rule of law, seek to deny rights as a means to an end, which is inimical to Catholic teaching on God-given rights and on the role of sovereign states.

The emphasis on absolute adherence (by others) to ever-stricter rules and laws, coupled with disdain for the hopes and aspirations of immigrants, evokes a pharisaical mind-set. The defining sin of the Pharisees, who persistently treated Jesus as a lawbreaker, was that they idolized the law while hardening their hearts to Jesus's message. Christianity calls for conversion—to love God and neighbor—which cannot be reconciled with the steady drumbeat of attacks against "illegals," "aliens," and "criminal aliens" by politicians, media, and anti-immigrant groups.

The U.S. and Mexican bishops addressed this trend in their 2003 pastoral statement, *Strangers No Longer: Together on the Journey of Hope*. Faith in God's presence in migrants, they said, should lead to a conversion of heart and mind and a sense of solidarity with immigrants. Time and again, Jesus urges his followers not to condemn others, but to examine their own flaws and consciences.

Third, Catholic social teaching argues against categorizing people in ways that fail to recognize their full dignity, that give preeminence to relatively superficial aspects of identity, or that expose them to ridicule and hatred. Yet politicians and advocacy groups consistently label person without immigration status “illegal aliens” or “criminal aliens.” In the Catholic tradition, persons can break the law, but it is sacrilegious to call God’s children “illegal.” Moreover, there is nothing “alien” about immigrants in a church that reveres and identifies with immigrants and that has become a “universal” church through migration.

In 1920, 75 percent of U.S. Catholics were foreign-born. All of the defining institutions of the Catholic Church in the United States arose in response to the needs and aspirations of successive waves of immigrants. At different points in U.S. history, Catholics faced sharp bigotry and well-organized opposition. Nativists viewed Catholics as inherently unpatriotic and unassimilable, just as some today view Muslim Americans in this way. An 1876 cartoon by Thomas Nast depicted a swarm of bishops crawling onto U.S. soil, their mitres open like crocodile jaws waiting to devour American schoolchildren, while their followers led off Lady Liberty. Anti-Catholic sentiment may not be so explicit today, but the rhetoric directed against immigrants, most of whom are Catholic, rivals that of earlier periods in U.S. history.

Fourth, an age-old feature of anti-immigrant movements, including those that historically targeted Catholic immigrants, has been to blame immigrants for whatever social problems happen to be prominent at the time. In recent years, persons without immigration status have been collectively blamed for terrorism, the health-care crisis, mortgage defaults, the “Great Recession,” high unemployment, displacement of U.S. workers, federal and state budget shortfalls, and the return of leprosy to the United States. The phenomenon of scapegoating—with its roots in the ritual of Yom Kippur of symbolically laying the communal sins of a people on a goat and casting it into the wilderness (Lev. 16:5, 7–10)—undermines the Christian commitment to build the human family.

A related tactic has been to ascribe the offenses of individual immigrants, particularly high-profile crimes, to all unauthorized immigrants. Yet noncitizens are sentenced for violent crimes and, excluding federal immigration-related offenses, commit crimes at far lower rates than natives. More to the point, lack of status does not cause crime anymore than U.S. citizenship does. If a citizen commits a crime, that person might be categorized as pathological, mean, immoral, disturbed, crazy, or simply bad. If an unauthorized immigrant commits a crime, it is attributed by many to their immigration status. Blaming a highly diverse group for the crimes of individual members is a smear tactic and a textbook example of stereotyping.

More recently, alternative “faith” voices have criticized immigrants for their purported greed and selfishness in coming to the United States. This criticism cannot be squared with Catholic teaching, the Catholic Church’s long experience of migration, and the lives of millions of self-sacrificing, hard-working immigrants. Jesus held out the despised foreigner of his day, the Good Samaritan, as the model of Christian charity and generosity. Many of today’s immigrants follow in that same path and should be seen as a source of hope for the United States.

Finally, anti-immigrant measures often mask underlying public policy agendas. Many restrictionist agencies, for example, arose in response to environmental concerns related to population control. As a result, these activists oppose both illegal immigration and current rates of legal immigration. Occasionally, this agenda surfaces in the immigration debate in ways that conflict with Catholic teaching. For example, a scholar at a restrictionist think tank opined in early 2011 that U.S. immigration policy should prioritize the admission of immigrants who promise not to have children or to petition for family members to join them. Under his “fantasy proposal,” immigrants who violated this pledge would be summarily removed. The proposal offends Catholic teaching on life and family, as well as the church’s core conviction that human beings should never be treated as a means to an end.

The 2003 pastoral letter of the U.S. and Mexican bishops squarely addressed the tension between the authority of sovereign states to regulate immigration and the right of persons to seek fully human lives in other countries. Rather than balancing sovereignty and rights, the bishops reconciled these two concepts through an understanding of the common good that encompasses the rights of migrants: “While the sovereign state may impose reasonable limits on immigration, the common good is not served when the basic human rights of the individual are violated.” Furthermore, the bishops presumed that due to rampant “global poverty and persecution, . . . persons must migrate in order to support and protect themselves.” According to Catholic social teaching, development does not refer solely to economic well-being. It must be “integral,” encompassing the fulfillment of each person and the “whole” person. A nation is underdeveloped if it cannot

provide the basic necessities of life to its residents. However, nations can also be underdeveloped if, despite their immense wealth, they exclude and reject human beings who are seeking conditions that are consonant with their dignity as the children of God.

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COUNTERPOINT

Religious touchstones can provide common ground for a more productive dialogue on immigration. Catholic social teaching recognizes the authority and responsibility of sovereign states to regulate migration in furtherance of the common good. It teaches that states exist to safeguard the rights and to promote the good of all of their members. The “common good,” which serves as the linchpin to Catholic teaching on migrants and newcomers, speaks to the minimal conditions that allow all persons in a (local or national) community to flourish and live fully dignified lives. This begs the question of how membership should be determined. Catholic teaching provides support for aspects of “civic nationalism,” particularly the notion that membership should turn on the shared “civic values” that constitute the “American creed.” However, this generous view of membership raises a dilemma for pro-legalization activists, since for many “the rule of law” represents a defining feature of the “American creed.”

Catholic teaching does not require supporting reforms as extensive as those proposed by the Catholic bishops in the United States. The “common good” would best be served by allowing far fewer low-skilled immigrant laborers to enter the country, by prioritizing the needs of the native working poor, and by enforcing labor standards in industries with substantial numbers of unauthorized immigrants. It also argues for making the U.S. legal immigration system more responsive to the supply and demand characteristics of the labor market, and for allowing immigrant families to reunify in a timely way. The United States should abandon large-scale legalization proposals in favor of proposals to legalize discrete, worthy groups of unauthorized persons. Finally, Catholic teaching supports prioritizing the integration of lawful immigrants and strictly enforcing the law, both as a good in itself and as a way to educate newcomers on the value that the nation places on the rule of law.

RELIGIOUS TOUCHSTONES AND THE U.S. IMMIGRATION DEBATE

The U.S. immigration debate is highly polarized and will not be satisfactorily resolved if partisans continue to speak past one another and exclusively to their own constituents. The often unrealized promise of religious language, and of Catholic teaching in particular, is that it allows persons of diverse viewpoints to speak to each other from common touchstones. In the immigration debate, religious conviction has the potential to serve as common ground for a genuine dialogue. A central tenet of Catholic teaching is that all human beings are created in the image and likeness of God. For this reason, all are entitled to respect. None should be vilified, and nobody has a corner on wisdom, particularly when it comes to passionately contested, complex social issues like immigration.

A good midcourse correction in the immigration debate would be to attribute good motives to one’s opponents and to recognize that they may be approaching the issue from a place of values, rather than bad faith, selfishness, or even hatred. This approach may prove to be naive, and it will not be successful in addressing the pathologically aggrieved, dishonest, or angry. However, to appeal to what are assumed to be shared values, and to try to convince fellow citizens of how society falls short of them, is a precondition to democratic dialog. It is also the legacy of the civil rights movement, whose mantle pro-immigrant activists claim. More importantly, this approach respects the God-given dignity of those with whom we disagree.

CATHOLIC TEACHING

The touchstones of Catholic teaching on migrants and newcomers cannot be contested. But the Hebrew scripture passages on offering hospitality and succor to the stranger do not prove the merits of particular public policy positions. Rather, their timeless themes and lessons infuse the Judeo-Christian tradition, calling on people to respect and empathize with migrants and newcomers. They are a reminder that all peoples have been unsettled, driven from their homes, and needful of compassion and acceptance.

The Catholic Church is, at its heart, the community of believers that comprises what St. Paul called the mystical body of Christ. As such, the church does not see migrants in “them versus us” terms: instead, it emphasizes a shared humanity and recognizes that all have been, are, and will again be migrants and newcomers.

These core themes have been drawn on to produce the body of authoritative texts known as “Catholic social teaching,” or simply “Catholic teaching.” Its lessons can be inspiring, challenging, and maddeningly broad. It leaves abundant room for disagreement on particular policy positions.

SOVEREIGNTY

According to Catholic teaching, sovereign states possess the authority and responsibility to regulate immigration. The Catholic bishops in the United States have criticized particular enforcement programs and strategies, but they have never disputed the need for effective enforcement of the law. Another tenet of Catholic teaching is that states must provide the conditions that allow their members to live with dignity and to realize their God-given rights. Human beings, in turn, bear the responsibility to fulfill their potential, according to God’s plan. If states fail to meet this fundamental duty, persons have a right to improve their situations, either through migration or other means.

People who migrate because they cannot survive or sustain themselves or their families—whether the very poor, victims of natural disaster, or refugees—must be accepted and embraced by host nations, consistent with the common good of those nations. While something of an amorphous concept, the “common good” does not allow the rejection of needy migrants for purely economic reasons. Instead, the goods of the earth belong to all, have a “universal destination” and are held in a “social mortgage.” In short, private property must serve the good of society. As a matter of justice—defined as the “right relations” between peoples—newcomers must also be allowed to participate in the life of their new community. It is not acceptable for societies to benefit from the labor of immigrants but prevent them from participating in other aspects of community life. What does this teaching mean and how should it be applied in the context of the U.S. immigration debate?

It has become more commonplace to view the notion of sovereign nation-states, widely credited as coming into being in the Peace of Westphalia (1648), as an anachronism. Some have argued that globalization has diminished the relevance and viability of nation-states. Others have questioned the salience of the idea of sovereignty in light of international human rights.

Catholic teaching rejects the totalitarian view of sovereignty as an expression of absolute state power. In Catholic thought, natural law and divine law limit the power of states. At the same time, Catholic social teaching places on states an immense responsibility: to defend rights and to promote the common good of their citizens. Hannah Arendt argued in the *Origins of Totalitarianism* (1951) that persons not deemed to belong to a state have nobody to defend their inalienable rights. In the current era, the importance of sovereign states has been further dramatized by the threats to rights posed by terrorist organizations in failed states and ungoverned territories. Finally, the Catholic Church recognizes civil and political rights (to vote and to practice one’s religion, for example), socioeconomic rights (to sustenance, clothing, housing, education, work, and family life), and other rights that are necessary to live a fully human life. As a practical matter, such an expansive array of rights could not be realized absent local communities and sovereign states.

While often criticized, U.S. immigration policies exemplify the vital role states can play in safeguarding rights. Immigrants and their children represent a full one-fourth of the U.S. population, the largest total in U.S. history. Between 2000 and 2010, the United States granted lawful permanent resident (LPR) status to more than 11 million persons. Since 1975, it has admitted and resettled nearly 3 million refugees. Each year, it also awards political asylum to tens of thousands of persons and “temporary protected status” to thousands more who would face refugee-like conditions if returned home.

As Catholic teaching documents have frequently urged, the United States has adopted the relevant international protocols and conventions to protect refugees and persons at risk of torture. In 1968 the United States ratified the 1967 United Nations Protocol relating to the Status of Refugees. In doing so, it became bound by the 1951 United Nations Convention relating to the Status of Refugees. As a result, it cannot “expel or return” a refugee to territories “where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.” In 1994 the United States ratified the UN Convention against Torture, which prevents the return of persons to countries where they are more likely than not to be tortured.

NATIONAL MEMBERSHIP

It does not follow from the idea that nations exist to honor God-given rights and to promote the common good that they cede the authority to determine who can belong. The question of the common good mostly speaks to the shared

good of members in a local or national community. In addition, Catholic teaching views humans as social beings, with circles of association that begin with their families and extend to neighbors, local communities, and nations. The Catholic organizational principle of subsidiarity holds that the competent body closest to an issue should be vested with the authority to address it. This principle assumes coherent, engaged, and viable communities, not amorphous groupings to which anybody could choose to belong or could abandon at their convenience. Honoring the national common good—that is, providing the conditions that allow established residents (much less newcomers) in a community to flourish—presents real challenges for even wealthy nations. This point need not be belabored at a time of high unemployment and (involuntary) part-time employment.

A relatively recent development in Catholic teaching has been the idea of a universal or “border-less” common good that encompasses the broader international community. This concept gives states the responsibility to defend the rights of citizens of other states, including social and economic rights that involve complex distributive decisions. Yet, as world events regularly prove, the ability of one state to influence another’s treatment of its own nationals can be very limited. In addition, even with the best of intentions, meaningful social change requires a long-term commitment to sound educational systems, laws and legal systems that honor the rule of law, robust democratic institutions, and broadly inclusive social and economic policies. For these reasons, the notion of a universal common good should be seen as highly aspirational and, thus, less credible as a guide to state behavior or as a tool to influence state action. In fact, it might best be viewed as a simple affirmation that nations—as their resources, proximity, and capacity permit—should attempt to provide some level of support or protection to vulnerable persons in other nations. The scope, shape, and urgency of foreign intervention would also depend on the level of privation or repression involved.

What does the Catholic Church teach about how nations should constitute themselves or decide who can belong? Its criteria for membership cannot be divorced from the issue of national identity, broadly understood to mean how a nation understands or views itself. While the Catholic Church decries racism and nationalism, its teaching on political membership is relatively underdeveloped. In U.S. history, there have been three, often overlapping views on national identity and membership.

Nativists, or “ethnocultural” nationalists, believe that membership should turn exclusively on characteristics that noncitizens cannot change, such as ancestry, national origin, race, ethnicity, or religion. To nativists, nothing but these characteristics matter—not the contributions of immigrants, not their character, hard work, time in the country, U.S. families, military service, or reasons for having come to the United States. Of course, the people behind the labels are precisely who *does* matter in Catholic teaching. Fortunately, only a small percentage of U.S. citizens can accurately be labeled nativist, though this term has been unfairly used to describe all persons who support further restrictions on immigration and oppose legalization of the nation’s 11 million unauthorized immigrants.

Conservative “civic nationalists” believe that memberships should be defined by a core national culture. The late Harvard political scientist Samuel Huntington, for example, argued that the United States is primarily a Christian country, but with a strong tradition of respect for religious minorities. According to Huntington, the defining U.S. culture encompasses Anglo-Protestant values, the work ethic, the rule of law, the English language, a European artistic and philosophical heritage, and the principles of the American creed.

Although Huntington endorsed a multiracial, multiethnic nation, his emphasis on religion as a defining cultural characteristic could be criticized as nativist. At the same time, many of the characteristics he posited—hard work, respect for the rule of law, and the English language—would be accessible to persons of different races, creeds, and religions.

Under the more “liberal” form of civic nationalism, membership should turn on a shared commitment to democratic political institutions and civic ideals such as freedom, equality, rights, liberty, justice, and opportunity. This does not mean that all persons who accept what might be seen as universal values should be able to become U.S. citizens. It does mean that a precondition of membership should be acceptance of the “American creed,” and that the response to immigrants who embrace and embody these values should be one of openness and generosity.

In his first inaugural speech, President George W. Bush drew heavily on the language and principles of Catholic social teaching to set forth a vision of membership not bound by ancestry or by birth on U.S. soil (the traditional criteria for citizenship), but rather by ideals that “move us beyond our backgrounds” and “lift us above our interests.” In Bush’s formulation, these ideals are that “everyone belongs,” “everyone deserves a chance,” and “no insignificant person was ever born.” President Barack Obama, in his January 2010 State of the Union speech, struck a similar theme, arguing that ideals and values “built America” and “allowed us to forge a nation made up of immigrants from every corner of the globe; values that drive our citizens still.” However, Obama appropriately conditioned equal treatment and protection under the

law to adherence to the law and to shared values. “No matter who you are or what you look like,” he said, “if you abide by the law you should be protected by it; if you adhere to our common values you should be treated no different than anyone else.”

The Catholic Church views itself as a symbol—a “sign and instrument”—of unity that is not based on ethnicity, ancestry, or race. Nativism conflicts with this vision. On the other hand, Catholic teaching recognizes the responsibility of immigrants to contribute to the good of their adopted communities and nation, to embrace its positive values, and to obey its laws. Thus, it offers support for certain aspects of civic nationalism.

The “rule of law” presents a challenge for pro-immigrant groups that subscribe to this generous understanding of membership, but that also favor legalizing the nation’s 11 million unauthorized immigrants. Laws presumably reflect the defining ideals of “creedal” nations. This may be why the “rule of law” plays a prominent role in the immigration debate, both in the United States and globally. A 2010 survey found that respondents in many European states viewed “respecting political institutions and laws” as a more important precondition to citizenship than even U.S. respondents did. For many U.S. natives, persons who break the law in entering or in using fraudulent documents start their lives in their new nation by defying its core values. To this way of thinking, lack of status creates a presumption that unauthorized immigrants do not value obedience to the law, do not want to belong, and perhaps even chose to be “illegal” as a way to enjoy the benefits of national membership without the responsibilities. This presumption can be overcome through contact with hard-working, law-abiding immigrants, whether neighbors, coworkers, employees, or coreligionists. However, even then, many natives distinguish the “good” immigrants they know from the mass of undifferentiated lawbreakers to whom they would not award legal status.

Some Catholics have responded to their bishops’ support for a massive legalization program with incredulity. When earlier waves of Catholic immigrants faced hostility, the church responded with a two-pronged strategy. First, it took every opportunity to promote, encourage, and publicize the patriotism of Catholics. Second, it created a “cradle to grave” set of institutions to serve Catholics that included parishes, grade schools, high schools, universities, labor schools, charities, hospitals, insurance companies, and fraternal and sororal societies. This “parallel” society helped to ensure that Catholics received the services and support they needed in a hostile nation and could integrate into the larger society from a position of acceptance and strength.

In recent years, the Catholic Church has adapted many of the institutions that arose in response to earlier waves of immigrants to the needs of today’s immigrants. However, these programs and ministries are not well known outside of immigrant communities. Thus, to many, the Catholic Church does not appear to be taking on the hard and important work of integrating immigrants as it did in the past. However, the Church has been quite public in its support for the legalization of 11 million unauthorized residents, a position that many long-settled Catholics view as unpatriotic.

PUBLIC POLICY IMPLICATIONS

If immigrant restrictionists negatively stereotype unauthorized immigrants, pro-immigrant advocates—including faith communities—idealize them. In fact, not all immigrants reinvigorate U.S. culture, reflect emblematic U.S. ideals, or even want to remain permanently. As with any group, U.S. immigrants include violent criminals, substance abusers, and troubled persons of every variety. In addition, not all migrants seek to support their families; in fact, some have abandoned their families abroad and started new families in the United States. Fortunately, Catholic teaching does not condition love of neighbor on the virtue or merits of our neighbors. The Catholic Church is a church of self-acknowledged sinners. Yet, for whatever reason, this most worldly of churches fails to recognize the following inconvenient truths about immigration and the policy implications that flow from them. If its public policy positions reflected these facts, these policies would enjoy greater support.

First, the ability of receiving nations to influence migrant-producing conditions in sending nations can be very limited. In most situations, the “right not to have to migrate” can best or only be realized by the sending nation itself. However, it may be possible to develop programs that would create modest economic opportunities in communities that have been decimated by emigration.

Second, the most desperate people generally lack the resources, support structures, and wherewithal to migrate to the United States. Most of those who enter illegally are poor compared to most Americans, but not abjectly so. U.S. residents

benefit from lower-cost goods and services as a result of low-wage immigrant workers. However, immigration has a negative impact on the wages of less-educated U.S. workers, a group that ought to be of primary concern to the Catholic Church in the United States. It undermines the common good of the United States, particularly in difficult economic times, to admit high numbers of low-skilled immigrants or to fail to stop them from entering illegally.

In addition, certain employers prefer unauthorized workers because they can pay them less and treat them more unfairly than other workers. In this way, these employers drive down wages and working conditions for all workers, thus gaining an unfair competitive advantage over their law-abiding competitors. For this reason, the enforcement of labor standards in industries that hire substantial numbers of unauthorized workers should be a high priority.

Third, the United States increasingly finds itself in competition for entrepreneurs and highly skilled workers, who can help create jobs for others. It needs to attract more of these immigrants and should be particularly open to persons who have attended graduate school and been trained in the United States. Mostly, however, it needs a legal immigration policy that is flexible and supple enough to identify and admit the kinds of workers that the nation needs, when and where it needs them. In setting admissions categories and numbers, it needs information on unemployment rates, labor market needs, demographic trends, and immigrant integration. The Migration Policy Institute has proposed the creation of a Standing Commission on Immigration and Labor Markets that would make recommendations to Congress and the president on admissions policies based on the best, most current research on these kinds of issues. Congress should act on this recommendation.

Fourth, Catholic teaching sees the family as the fundamental building block of society. Thus, U.S. legal immigration policies should ensure that immediate family members of U.S. citizens and LPRs can immigrate in a timely matter. On the other hand, Congress should review and limit admissions under the immigration categories for more distant family relations, such as the adult brothers and sisters of U.S. citizens. Finally, the Catholic Church should acknowledge that just as deportations have divided immigrant families in the United States, so has immigration itself divided families in sending communities.

Fifth, not all unauthorized immigrants have equal claims to remain in the United States. The major flaw of large-scale legalization proposals is that they do not sufficiently distinguish groups that have the strongest claims to remain, whether based on their length of residence, family ties, potential to contribute, willingness to fill certain jobs, or their entry as children. The unauthorized comprise the following:

- The parents of 4.5 million U.S. citizen children
- 2.1 million residents who would be *prima facie* eligible for legal status under the DREAM Act
- Several million persons whose family-based visa petitions have been approved, but who have not yet received them
- Roughly 6 million residents who have resided in the United States for 10 years or more, and 1.4 million who have lived in the United States for at least 20 years
- More than 5 percent of the U.S. labor force

Deportation does not represent an acceptable or proportional solution for many persons who fall into these categories. Yet a “path to citizenship” represents an equally unfitting, and politically unrealistic, alternative for many authorized immigrants.

Since its first systemic restrictions on immigration in the 1920s, the United States has regularly seen the need to extend permanent legal status to discrete populations without immigration status and to certain temporary residents. Unauthorized persons with the following characteristics, particularly those who fit into more than one group, should be considered for legalization under the principles of Catholic social teaching:

- Young people brought to the United States as children who lack legal status and who have shown that they wish to contribute to their adopted country
- Certain unauthorized farm workers, guest workers, and other workers demonstrably in short supply in the U.S. labor market, as well as their spouses and minor children

- Immediate family members of LPRs who have not yet received family-based visas due to multiyear delays and other barriers in the visa process
- Persons repeatedly granted “temporary protected status” (based on untenable conditions in their homelands) who have built their lives in the United States
- Very long-term residents (in excess of 15 years) with strong family and equitable ties in the United States

Sixth, Catholic teaching strongly supports and values immigrant integration policies. Integration takes place through (1) civics classes, citizenship programs, and English language instruction; (2) job-training programs; (3) school, work, and other commitments; (4) mediating institutions such as churches, labor unions, political parties, and the armed services; and (5) participation in self-help groups and community-based organizations. Public and private institutions need to commit themselves to expanding these services and promoting immigrant integration in whatever ways they can.

However, the essential preconditions for integration are the capacity of communities to accommodate newcomers while preserving the positive aspects of their identity, and the willingness of immigrants to become full members of their new communities. In a nation defined by civic values, “patriotic” assimilation assumes a particular significance. Immigrants will not be bound by ideals that they fail to understand or to which their new nation pays only lip service. Catholic teaching recognizes the authority of sovereign states to regulate immigration in furtherance of the common good. Aggressive enforcement of U.S. immigration laws, combined with these other reforms, would send an important message about core U.S. values to newcomers and persons who are considering entering the country illegally or overstaying a visa.

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