

Immigration: A Notre Dame Forum

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**His Eminence
Cardinal Roger Mahony
Archbishop of Los Angeles**

I would like to thank Father John Jenkins, CSC, President of the University, for his invitation to participate in this Forum. It is a welcome opportunity to be able to speak to the faculty, alumni, and students of this important and vital Catholic university. I also extend my warm greetings to Senator Melquiades Rafael “Mel” Martinez, Governor Janet Napolitano, and Mayor Louis J. Barletta.

Immigration is one of the most important social issues facing our country today. It impacts not only a few States along the border or our big cities—it impacts virtually every community in our nation. This is much different than twenty or thirty years ago. Since that time, our nation has experienced an unprecedented wave of immigration. How we handle immigration now will determine the future of our country—and the type of country we are—for the twenty-first century.

Some of you might ask why the Catholic Church would speak out on the issue of immigration. It is primarily because of the Gospel mandate, with strong roots in the Old Testament, in which Jesus instructs us to “welcome the stranger,” for what “you do to the least of my brothers, you do unto me” (Matthew 25:31-46). In the face of the immigrant we see the face of Christ.

It is also because the Catholic Church in this country is itself an immigrant Church that has grown with the newcomers who have arrived on our shores. Today, the Church in the United States has members from countries all over the world— countries in Africa, Asia, Europe, and Latin America. In a phrase reminiscent of that well-known toy store: “Immigrants R Us.”

As an immigrant Church we are part of the immigrant experience. As pastors, educators, and social service providers, the Bishops of this country are painfully aware of the plight of immigrants. We are approached for legal, pastoral, social and emotional assistance on a daily basis. Sadly, we witness families being separated, migrant workers being exploited, and families mourning the death of loved ones who die on their journey to the United States. The Church is present at every point of migration—in the “sending communities,” along the route, along the border, and in receiving communities.

Catholics are involved in migration as elected officials, border patrol agents, service providers, and as migrants.

In short, the Church has a great deal of experience with migration, and thus much to offer in understanding this complex reality. Unlike many commentators and contributors to the debate, we see it from a global perspective which informs our view and the solutions we offer and support. And unlike other commentators, we do not see the issue only in economic, social, or cultural terms. To the Church, the immigration issue is primarily a humanitarian one. Because it impacts on the well-being of millions of human beings, it has moral implications and must be viewed through a moral lens.

So what exactly is the perspective of the Church on the reality of immigration our nation—and indeed most nations—face?

While the Bishops are not global economic experts, it is clear that half of the earth's inhabitants live in poverty and struggle to maintain their dignity, health, indeed their very survival. In our hemisphere, such poverty exists in our country as well as in Mexico and Latin America. In this hemisphere and other parts of the world, workers migrate in order to support their families because they can find work elsewhere and normally make much more in wages than in their home country.

This is true in the United States. The overwhelming majority of migrants simply want to work, and they work hard and contribute to the American economy. They labor in important industries in our economy—agriculture, construction, and service – and overall contribute through their taxes, purchasing power, and “sweat equity.” They pay into the income, property, and sales tax system and into the Social Security system every year.

Yet, our immigration system is outmoded and ill-equipped to accommodate the migration flows which reflect this new era of globalization, present here and all over the world. As many as 500,000 migrants without legal status come to the United States each year, 40 percent by overstaying their visas. Approximately 90 percent obtain work within six months. Despite these numbers, our immigration system allots only 5,000 immigrant visas each year for low-skilled workers.

Instead of trying to update an outmoded system based on illegality with a modern system based upon legal status and legal migration, our nation has employed an enforcement-only approach, an approach which has failed and led to more human suffering. Since 1993, when our nation commenced a series of border blockade initiatives, we have spent close to \$30 billion on enforcement, tripled the number of Border Patrol agents, and added 80 miles of fencing and barriers to our border. During the same period, the number of undocumented persons has more than doubled.

As a result of this outmoded system, migrants, desperate to survive and support their families, are compelled to enter the country illegally and, because of their undocumented status, become subject to abuse, exploitation, and even death in the desert. According to the Border Patrol, over 3,000 migrants have died in the American desert since 1996.

In short, our national immigration policies are not consistent, but contradictory. While we post a “no trespassing” sign at our border, we erect a “help wanted” sign at the workplace. This incongruent policy leads not only to division and discord in state and local communities – which must bear the initial costs of new arrivals – but also to the exploitation, abuse, and even death of our fellow human beings.

Now, with comprehensive immigration reform having failed in Congress, we see enforcement raids that separate children from their parents and strike fear in immigrant communities. We see state and local law enforcement targeting immigrants instead of pursuing real criminals. And we witness state and local communities passing laws designed to drive immigrants from these areas.

To compound matters, the political season has begun and some are using immigration for perceived political gains. Undocumented immigrants have become the subject of harsh rhetoric by some elected officials, presidential candidates, and other commentators. This current national atmosphere breeds cynicism and despair and lessens us as a people.

What solution does the Church offer to this state of affairs? Just as we look at immigration from a global perspective, we favor a global solution. First, we need to examine the root causes of migration and analyze how U.S. economic and trade policies impact economic flight. Over the long term we also must consider how living wage employment can be generated in “sending communities.” Migrants, on the whole, would prefer to remain in their home communities to support themselves and their families. Migration should be driven by choice, not necessity.

Second, we must comprehensively address and update the broken U.S. immigration system. Congress must return to the matter of immigration and show the courage and leadership they have been elected to show. The central feature of this effort should be to bring the 12 million undocumented immigrants out of the shadows and offer them legal status. In return, these immigrants must learn English, pay a fine, and work for several years before earning the right to receive permanent legal status. Also included in this package is a new visa worker program, to allow more migrant workers to enter legally, and updates to our family-based immigration system.

Of course, critics call this prescription an “amnesty.” I would like to address that assertion, since it seems to resonate among some portions of the American public. First, we must consider whether an earned path to citizenship is itself an amnesty, which means, according to Webster’s Dictionary, “an act of forgiving, a general pardon of the offenses of subjects against the government.” By requiring at least six or more years of work, the payment of fees and a fine, as well as English proficiency, we are not forgiving or providing a general pardon. We are exacting a penalty for an offense. The principle of the “rule of law,” upon which our democracy is built, is maintained because the offenders pay a penalty and remain accountable to the law.

Some will argue that the penalties imposed in an earned citizenship program are insignificant and not commensurate to the offense. They also suggest they are irrelevant because, at the end of the program, an individual becomes eligible for citizenship and thus receive a “reward” for lawbreaking. I respectfully disagree.

In exacting punishment in our country, courts and legislatures consider both the *intent* of the lawbreaking and the *effect* of the lawbreaking. In the case of the migrant, the intent is to work and support his or her family and the effect is that this work helps our economy to move forward. The intent is not to harm and the effect is to help, thus mitigating the penalty. As for the arduous path to citizenship that persons must take, individuals must wait in the back of the line and, under many proposals, wait as long as eleven to thirteen years before becoming eligible for citizenship.

I would say that we want Americans who are willing to sacrifice for the value of citizenship, a value many Americans take for granted. More importantly, citizenship ensures that America does not employ a permanent underclass without full rights in the society, a hallmark of our democracy.

In considering the penalty for unlawful migration, we also must consider whether the law that has been broken is itself a just one. This also should mitigate the penalty exacted. In the history of the United States, we have enacted and implemented several unjust laws, including laws that have discriminated against certain types of persons based on race, gender, and national origin. I would argue that our current immigration laws are unjust as well: we employ and accept the labor and taxes of the undocumented yet deny them the protection of the law. As a matter of moral principle, we cannot have it both ways.

Let me address another criticism leveled at those who favor comprehensive reform, including criticism of the Church. Simply because we do not support an enforcement-only approach to the problem of illegal immigration does not mean we support “open borders” or do not support efforts to secure our country. In fact, it is our belief that a comprehensive approach will *best* help us secure our nation.

First, it will bring the undocumented population out of the shadows by offering them legal status, requiring them to identify themselves to the government. Is it not better to know who is in our country, so that we can distinguish between those who are here to work and pursue the American dream and those here for nefarious purposes?

Second, it will create legal avenues for migrants to enter in a safe and orderly manner, so that we know who is entering our country and for what purpose. Legal avenues for migration would also reduce the pressure on our southern border, permitting law enforcement to focus upon drug smugglers, human traffickers, and other criminal or terrorist elements.

Moreover, the enforcement of U.S. immigration law need not be conducted in a manner which undermines basic human dignity. Enforcement raids, for example, fail to meet this test, as they separate parents from children and alienate immigrant communities.

An approach to the immigration debate informed by the riches of the Catholic tradition respects the human dignity of our fellow human beings, does not scapegoat them for our social problems, and does not pit one community against another. All too often we hear and see, on cable television, talk radio, and on our streets, voices of fear and dissension that dehumanize immigrants. The faith community, in particular, must speak out against these divisive voices with the strong message that immigrants who come to this nation are equal in God's eyes, work hard, share American values, and love and worship God as we do.

As future leaders of our republic, you, the students of Notre Dame, have the opportunity to shape the type of country and world in which you will live during the twenty-first century. I challenge you to enter this debate and confront those who use the immigration issue to divide neighbor against neighbor. Do you want to live in a country that employs a permanent underclass? Do you want to live in communities divided by fear and suspicion? Do you want to live in a society that discriminates and marginalizes on the basis of an unjust law? These are questions you must consider, take seriously, and respond to, in your words and deeds, with a resounding "no."

In this regard, I have an immediate assignment for you. According to Senate Majority Leader Harry Reid of Nevada, the U.S. Senate will consider an important piece of legislation prior to Thanksgiving. It is called the Development, Relief, and Education for Alien Minors Act, better known as the DREAM Act, sponsored by Senator Richard Durbin of Illinois. What does the DREAM Act do? It permits young persons, like yourselves, who are foreign-born, without legal status, and have lived in the United States at least five years an opportunity to adjust their status and eventually become citizens. By completing at least two years of college or vocational training, these young persons—about 65,000 a year—would receive permanent legal status within six years, eventually leading to citizenship. This is not an amnesty, because the young persons who would qualify came to this country with their parents at a younger age and are without legal status through no fault of their own. Other than their legal status, they are Americans. What the DREAM Act does is give these students a future in our country, a chance to become American citizens and fully contribute to our nation. I ask that you contact your Senators and ask them to support the DREAM Act.

The contributions of immigrants are what have made America what it is today—a nation of immigrants who together have built the greatest democracy and superpower on earth. To abandon this legacy could change the character of our nation in the twenty-first century and dim our prospects for the future. This is your challenge, students of Notre Dame: to work to preserve America's position as a leader and moral force in the world by keeping it as a beacon of hope and freedom to our fellow human beings around the globe. I have every confidence that you can and will meet this challenge!