

CENTRO DE INMIGRACION

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RECOMMENDATION ON IMMIGRATION TO THE NCCB
"CALL TO ACTION" CONFERENCE
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Economic policies of this nation's government and of the multi-national corporations are the basis for the influx of undocumented immigration to the United States. These economic policies are manifested through foreign policy, both governmental and corporate, immigration laws, and the negativism and ethno-prejudism with which undocumented immigrants are viewed by the majority of society. It is precisely these policies that destabilize economies in the underdeveloped and developing nations around the world, causing individual workers to be pushed out of their own countries and into the United States as economic refugees seeking economic sanctuary. All work and studies of the Church regarding this issue must focus on both international and domestic economic issues in order to accurately advocate a moral and humanitarian solution to the problem.

The Church must continuously examine multi-national corporate interference in the economies of other countries and the role of United States governmental policy in protecting these corporate interests. Economic destabilization creates exorbitant unemployment and under employment rates. This motion, in turn, forces people in these countries to seek economic refuge in the United States. As advocate for the poor and defenseless, the Church stands as critic of such disruptive policies.

The adverse effect that multi-national corporations have on Third World countries can only be overcome through control and regulation of those activities that make economic destabilization possible. The Catholic Church in the United States must be an active advocate to assure that our government maintains its moral and legal obligation to regulate such activities. As demonstrated by past actions, the government may, under certain circumstances, regulate international activities of private corporations to eliminate or minimize economic interference in the affairs of their sovereign states. International regularization of corporate activity has occurred recently through (1) the Securities Exchange Commission's (SEC) punitive action against corporations for failure to disclose to the Commission material facts such as corrupt

activities to gain favorable treatment and, (2) Congress' recent activity to pass a law penalizing U.S. corporations complying with the Arab boycott of Israel. These two instances demonstrate that governmental regulation of corporate activities abroad is possible. The Church is under a distinct obligation to assure that the government carries forth an active policy of regulating corporate activities that impose hardships and suffering upon other countries.

United States immigration policy and law are a further perpetuation of protecting corporate interests abroad rather than compensating for the harm inflicted by them. Since large numbers of those uprooted from their homeland have migrated to the United States, immigration policy has responded by increasing strict enforcement. The pattern historically followed has been that in time of labor shortage, large numbers of immigrants are encouraged to enter the country, and in time of economic crises, mass deportations help to focus the blame greatly on undocumented immigrants for this country's economic ills. By strongly discouraging individuals from immigrating into the United States and maintaining a very tight border, this policy helps to maintain a large supply of cheap labor in the Third World countries where multi-national corporations operate. This policy thus serves to perpetuate destabilized economies in Third World countries and helps to shift public sentiment domestically against undocumented immigrants by portraying them as a primary reason for soaring U.S. unemployment and a crippled economy. The Church must carry forth a policy of critical examination and study of the effects of immigration policy, particularly upon those people who bear the brunt of its weight. The major thrust of our work must address elimination of the root cause, economic destabilization of Third World countries, underlying such policy. Recognizing that there is an immediate need to address day-to-day manifestations of this policy, the work of the Church must be guided by two main principles: (1) none of the proposed solutions to remedy immediate problems should conflict with the long range goals; and (2) any solution advocated should fully consider the human and civil rights of all individuals concerned, in particular those of undocumented immigrants.

Rather than examining the economic base of the issue, current governmental policy maintains that the question of an undocumented immigrant population is one of people being within the United States unlawfully and that the solution is to be found through strict enforcement of immigration laws and policy. As a consequence, the government refers to these individuals as "illegal aliens." Usage of this term reflects insensitivity to humanitarian problems faced by undocumented immigrants and reinforces a law enforcement approach to the situation that serves only to increase infringement of human and civil rights. To avoid premature prejudice of the rights of undocumented immigrants, the Church must institute and actively maintain, a policy of not using such negative and misconceived terminology as "illegal aliens."

Advocacy of long-term solutions through major policy changes must be supplemented with short-term solutions for immediate problems facing undocumented immigrants and the Third World communities in the United States, in specific the Hispano Communities, who bear the brunt of immigration law and enforcement.

Currently, the lack of a statute of limitations on provisions which allow for deportation causes undocumented immigrants to live under perpetual fear of deportation. In the earliest deportation statutes a one year period of limitation for deportability was fixed. This was increased in later legislation to three years and in 1917 the period of limitation generally became five years. However, the 1952 Immigration Act eliminated all statutes of limitations. The result is that there is now no period of limitation restricting the time during which deportation proceedings must be commenced. Absence of this protection has led to abuse and oppression of undocumented immigrants. The Church should support legislation which would grant amnesty to present undocumented immigrants in the United States. The Church should also support legislation which reinstates a statute of limitation, preferably a three year limitation.

Under present immigration law, U.S. citizen children of undocumented immigrant parents are not allowed to have deportation of their parents suspended. Since the parents are forced to leave the United States, the U.S. citizen child is subject to de fact deportation. To expect the U.S. citizen child to remain in the United States while permitting the parents to be deported only encourages disunification of family. The Church should support legislation which allows undocumented immigrant parents of U.S. citizen children to adjust status to that of permanent resident. It should be noted that enactment of a statute of limitation would partially resolve this problem.

The Immigration and Naturalization Service (INS) serves two functions of immigration: (1) service, and (2) enforcement. It should be noted that INS has an extensive backlog in processing immigration applications and in providing adjudicatory service. This may be due to the emphasis given to enforcement activities. It is clear that a neglect of the service component places a hardship on applicants and further agitates an emphasis on the enforcement component. This conflict is illustrated by the fact that in deportation proceedings, an immigration official acts as both prosecutor and as judge. The Church should support legislation which splits the mandate to INS into a service agency and a separate enforcement agency.

Undocumented immigrants are often subjected to much physical abuse due to their unprotected status. Of particular concern is the physical abuse of undocumented immigrant women. The Church should condemn the abuse of undocumented immigrant women and should support legislation which would specifically sanction that prohibition. It should be noted that enactment of a statute of limitation would partially resolve this problem.

A state of hysteria concerning undocumented immigrants is presently being generated by the media in the United States. Just as this has occurred during similiar periods of economic recession in the past, today's media, under the prodding of INS officials, has strongly contributed to the campaign of negativism against undocumented immigrants. It has depicted undocumented immigrants as a form of "evil" silently invading the United States and taking the jobs of the "American worker." Due to the media distortion, humanitarian positions on the plight of the undocumented immigrant are not widely held. The Church should attempt to educate the public and the media as to the accurate facts on undocumented immigrants. The Church should assume the lead in taking a humanitarian position regarding undocumented immigrants.

Recently, the U.S. Department of State and the U.S. Department of Justice have reversed a long held position that Mexico and Canada, because of their special relationship to the United States, should be exempted from such legislation as H.R. 14535 which would apply a low per country numerical limitation on the immigration from Western Hemisphere countries. The repudiation of this position will lead to severe hardship on Mexican nationals wishing to immigrate. The Church should oppose the repudiation of the position that for immigration purposes, Mexico and Canada no longer have a special relationship to the United States.

There is no segment of the Spanish Speaking Community (citizen, permanent resident, or undocumented immigrant) that remains untouched by the massive impact of U.S. immigration law. No other citizenry group has been so widely harrassed by immigration officials. This is a pattern found in past history as illustrated by the maltreatment of Spanish Speaking citizens during the immigration service tactical use of "Operation Deportation" in the 1930's and "Operation Wetback" in the 1950's. Today, citizens from the Spanish Speaking Community are subjected to illegal detention by INS officers, unauthorized demands for citizenship documentation by police officers, unconstitutional search and seizures by enforcement officers, unrestrained interrogation tactics and unwarranted harrassement which only makes a mockery of the civil and constitutional rights supposedly vested in all citizens.

The immigrant's suspiciousness of the naturalization process and the cultivation of this condition by unscrupulous government conduct has left many Spanish Speaking people permanent residents rather than citizens. Intimidation of this segment of the community has taken the form of such activity as state barring of permanent residents from acquiring teacher certification, denial of student financial aid and denial of participation in the Grand and Petit jury system along with federal action which prohibits voting, denies medicare benefits to certain permanent residents and requires strict identification processes.

The segment of the Spanish Speaking Community most exploited is the undocumented immigrant. They are deceived by smugglers, abused by employers, disrespected by the public and held in contempt by state and federal government. Yet it is the activities of multi-national corporations and U.S. foreign policy which perpetuates this condition. Governmental scorn for undocumented immigrants manifests itself in state laws which deny basic human necessities such as employment, free public education and aid to families with dependent children and in federal laws which deny social security benefits, food stamps and access to other federal programs.

The Church should oppose unrestrained INS and state enforcement tactics which violate the civil and human rights of citizens, permanent residents and undocumented immigrants. The Church should recognize that undocumented immigrants do contribute positively to the community and therefore are entitled to fullfil basic human necessities. such as employment

PROPOSED AMENDMENTS TO IMPLEMENT A CONSISTENT IMMIGRATION POLICY

AMENDMENT NUMBER ONE- HUMANKIND (DEFENSE OF HUMAN RIGHTS)

Recommendation 3, Item 2, Line 19, to read: "particular attention to the operational effects, such as economic destabilization, of multinational ..."

Recommendation 3, Item 1, Line 13, to read: "...religious grounds. Also in line with these national values, we urge that the position assigning Mexico and Canada favored nation status for purposes of immigration be maintained."

Recommendation 3, Add item 7, to read: "That the Catholic community condemns the physical abuse to which undocumented immigrant women are subjected and supports legislation specifically sanctioning such prohibition."

AMENDMENT NUMBER TWO - WORLD OF WORK (RESPONSIBILITY)

Recommendation 3, Item 6, to read: "That the Church support: (1) amnesty for undocumented immigrants whose departure from the United States would impose upon them or their families any hardship, and (2) the implimentation of a statute of limitation to the Immigration and Naturalization Act (INA) provisions allowing for deportation of undocumented immigrants sot that those who have developed standing and work in the community may no longer be perpetually vulnerable to deportation."

Recommendation 3, Item 7 added, Lo read: "That the Church continue to support an end to the abuse of human and civil rights of undocu-mented immigrants and Third World communities in the United States through Immigration and Naturalization Service (INS) enforcement tactics. The Church opposes unrestrained INS and state enforcement tactics that violate human and civil rights of citizens, permanent residents and undocumented immigrants."

AMENDMENT NUMBER THREE - EDUCATION FOR GLOBAL JUSTICE

Recommendation 2, Item 4, Line 23 (P.13), to read: "...Catholic community. In particular, this press should be used to educate the public and the media as to the factual truth about undocumented im-migrants as to negate the hysteria generated by the media."

AMENDMENT NUMBER FOUR - FAMILY (FAMILY AND SOCIETY)

Recommendation 2, Line 4, (p.16), to read: "...affect family life. These coalitions should actively support legislation that preserves family unity by allowing undocumented immigrant parents of U.S. citizen children to adjust status to that of permanent resident."

AMENDMENT NUMBER FIVE - PERSONHOOD (PERSONAL DEVELOPMENT)

Recommendation 2, Add Item 3, to read: "That Catholic social action agencies and offices, recognizing that undocumented immigrants do contribute positively to the community and therefore are entitled to fulfill basic human necessities, give active support to efforts to achieve for undocumented immigrants the legal right to social service and health facilities, social security benefits, public education and employment."

AMENDMENT NUMBER SIX - NATIONHOOD (GOALS FOR PUBLIC POLICY)

Recommendation 2, Add Item 9 (Item 9 as presented becomes Item 10); to read: "To insure that the service function mandated to the Immigration and Naturalization Service (INS) not suffer at the expense of added attention to the enforcement function, that the INS mandate be split into two agencies, one a service component and the other an enforcement component."

AMENDMENT NUMBER SEVEN - ETHNICITY AND RACE (CHURCH RESPONSE TO DISCRIMINATION)

Recommendation 4, Item 2, Line 15 (p.22), to read: "...public issues. Particular attention should be given to Immigration and Naturalization Service (INS) abuse of the Spanish Speaking community through its enforcement tactics."

Extract from U.S. Bishops' statement on the Pastoral concern of the Church
for People on the Move

Among the concrete issues facing newcomers to our country are questions pertaining to legislation and the administration of immigration laws, employment opportunities, and benefits. Many special problems affect children, women, seamen and undocumented immigrants.

We are particularly concerned with the passage in October of 1976 of Public Law 94-571. While it does equalize the visa issuance of both the eastern and western hemisphere, it causes a most serious hardship in the matter of family reunification for natives of Mexico.

This is exemplified by the fact that whereas over the past few years immigration from Mexico, chargeable to the numerical ceiling, has averaged in excess of 40,000 visas per year, this present law now limits it to 20,000. Furthermore, restrictive conditions have been placed in this law that affect alien parents who have children born in the U.S. Both of these restrictions will hinder family reunification.

Therefore, we recommend:

1. That quota ceilings for natives of Mexico and Canada be increased to 35,000 persons per year.
2. That American citizen children, regardless of age, should be in a position to facilitate their parents immigration.
3. That in the light of humanitarian concerns and the preservation of family unity, a generous amnesty procedure be enacted for the undocumented aliens presently residing in the U.S.
4. That the administration and implementation of the immigration laws be reviewed and revised in order to eliminate arbitrary selective enforcement and to reflect humanitarian concerns.

A MORAL APPROACH TO ALIENS

The Inter-Religious Committee on Human Needs agrees that the United States has a moral responsibility to provide for those human beings whose lives have been uprooted as a result of the recent conflict in Indochina.

However, our committee believes that the same humanitarian spirit should prevail in the case of undocumented alien families which are established members of our communities and have emigrated to our nation in an effort to escape from poverty-stricken conditions.

Our ecumenical committee, comprised of religious leaders of various denominations, representatives of community agencies which focus on social issues and humanitarian individuals, believes that our nation should recognize its moral obligation, and not merely political, to help other human beings in need.

We find a parallel between political refugees and those who are fleeing from starvation and deprivation and believe that both groups should be treated in a like manner.

For this reason, we feel that now is the time to adopt federal legislation calling for an amnesty for those aliens without documentation who have resided in this country for a period of at least three years and have observed all of our laws set up for the protection of society. In the interim, we ask that all deportations be suspended.

Our nation is committed through the United Nations Declaration of Human Rights to the concept that every person has the right to work and to a standard of living adequate for the health and well-being of himself and his family. The proposed amnesty would put into practice the observance of these human rights in regard to all our residents of foreign descent who are now woven into our nation's social fabric.

Bishop Juan Arzube, Chairman
Inter-Religious Committee on Human Needs

May 13, 1975