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Immigration Reform: Relationship before Citizenship

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EXPERIENCE

A young mother, Mirian, and her son fled their home in Honduras, seeking asylum due to political violence: “Each day people were disappearing,” she recalls, “I fled just after the military tear-gassed our home.” Well-aware that crossing into the U.S. meant “walking toward an uncertain future,” Mirian decided to take the risk because she “was leaving behind a life of known danger.” After applying for asylum immediately and spending the night of their arrival in a detention facility, Mirian woke up to the news that officers would be taking her son to another location. She was told to strap her son, a pre-verbal 18-month-old, into a car seat, so they could take him to a shelter, but she was not told why or where it would be. He cried as she buckled him, and he screamed as they drove the car away without his mother in it. Mirian and her little boy were forced to live apart for more than two months.¹

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Another young mother from Guatemala was abused and trafficked as a sex worker by a local gang. When

she finally managed to escape, she fled to the United States with her three-year-old son. She sought refuge, but instead was apprehended and separated from her son by border agents, who took the boy to the Office of Refugee Resettlement as an unaccompanied minor and transferred her to adult detention. They still have not been reunited.²

These stories, sadly, are not unusual. In the past two months, more than 2000 children were taken



from their parents at the U.S. border.³ Due to the current administration’s “zero-tolerance” policy for people entering the U.S. illegally, immigrants coming from violence-ridden Central America have been charged with the criminal offence of unlawful entry and detained, during which time their children have been removed from their custody and placed in shelters. As the Jesuit ministry, Kino Border Initiative, recognizes, “The suffering is exacerbated by not knowing when, how, or if reunification will occur. Children often do not have documents that identify their family members, and parents are not necessarily notified of where their children are, leading to weeks or months of efforts to get that information or make contact.”⁴

This is only the latest in traumatic immigration policies. For example, the current administration has terminated protections for children brought here illegally, through no fault of their own. The Deferred Action for Childhood Arrivals (DACA) program was implemented by the previous administration as a way to protect from deportation certain undocumented young people – the so-called “Dreamers,” who must meet specific eligibility qualifications, such as having been born between 1981 and 1997 and brought to the U.S. as children. DACA does not make recipients eligible for citizenship,



but it does grant certain legal protections that enable recipients to live, work, and obtain an education, among other things. The end of these protections means that young people who have lived in this country for most of their lives face the terrifying prospect of having their lives upended through deportation. As I emphasized elsewhere, “Beyond the worry of deportation and separation from family and community, losing DACA protections will render (former) DACA recipients ineligible to work, and this will affect their economic stability as well as healthcare and educational prospects for themselves and their families. Research shows that DACA recipients open businesses and hire employees at higher rates than their American counterparts, so their communities will be affected, too, if they become unable to hire workers or provide the services they currently offer.”⁵

The president did sign an executive order to halt the separation of families, and DACA protections are still in effect due to court injunctions against its termination. However, the heartrending upheaval that these policies have caused is ongoing: there is no clear plan or efficient process for reuniting children and their parents,⁶ and families apprehended subsequently will now be detained

together indefinitely; for DACA recipients, the loss of security remains an immobilizing blow.

ANALYSIS

The drama of the past months highlights the need for comprehensive immigration reform. The House of Representatives failed to pass two bills in their efforts to overhaul the system, but they are still hoping to put together a passable version, as of June 27, 2018. These bills,⁷ if passed, would move further away from family-oriented immigration policies by cutting the number of immigrants who are granted legal acceptance, and moving toward a merit-based system of approval. They also would limit DACA protections. In addition, the bills would provide more than 20 billion dollars for a border wall, and they would limit the ability of immigrants to seek asylum – despite the fact that the U.S. has played a role in creating the political unrest in Central America through its support of leaders who perpetuate human rights abuses.⁸

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The reasoning of those who favor tightening U.S. immigration laws goes something like this: “Those who wish to enter this country should do so legally, and the U.S. should prioritize the entrance of those who will benefit our country with certain skills. If we grant amnesty to those who circumvent the system, we will be overrun by criminals who could not enter through legal means. We must maintain the rule of law. Further, prosecuting adults entering with children will deter those who would traffic children across U.S. borders.” This is why the current administration issued the zero-tolerance policy, stating, “If you enter our country illegally, you have broken the law and will be referred for prosecution. DHS has zero tolerance for those who break the law and will no longer exempt classes or groups of individuals from prosecution. Whether you are a single adult or an adult member of a family

unit, if you are apprehended you will be prosecuted and put in removal proceedings.”⁹

This policy reverses the previous approach to detention, which prioritized certain groups for prosecution and deportation, according to their perceived danger-level. Gang members and those with prior criminal records used to be high priorities, detained and prosecuted immediately, while parents with children were given a court date and an ankle bracelet to ensure cooperation.¹⁰ Now, however, all immigrants who enter illegally are subject to immediate criminal prosecution, despite one’s first illegal entry being only a misdemeanor. Families fleeing violence and hardship are prosecuted with the same intensity as drug smugglers. As Attorney General Jeff Sessions put it, “If you are smuggling a child then we will prosecute you, and that child will be separated from you as required by law. If you don’t like that,” he went on, “then don’t smuggle children over our border.”¹¹

While proponents of this approach have cited increased numbers of unauthorized border crossings as justification,¹² research shows that their reference point of fiscal year 2017 is an outlier – the numbers in 2018 are comparable to 2016, and indicate an overall decrease in illegal border crossings. In reality, “The total number of people apprehended for illegally crossing the southern U.S. border has been steadily falling for almost two decades.”¹³

This approach is touted as a way to discourage illegal entry, thereby maintaining the rule of law and “keeping U.S. citizens safe” from those who would traffic drugs or people across our borders. However, the zero-tolerance policy makes it more difficult for border control agencies to prosecute and deport people who are actually dangerous. The backlogged system simply cannot handle all of the cases efficiently, and it is more difficult to find and

prosecute known (violent) criminals since the same effort must be expended on everyone. Further, the U.S. Department of State’s own “Trafficking in Persons Report” condemns the practice of placing children in institutionalized settings because it makes them more susceptible to trafficking.¹⁴ In addition, the zero-tolerance approach is more expensive than the ankle bracelets of the “Alternatives to Detention Program,”¹⁵ and it also has proven to be ineffective: “Stepped-up border security may make it more difficult and dangerous for people to successfully cross the border, but research has found that criminalizing unauthorized entry into the U.S. does not deter those fleeing violence, and may only delay those seeking to reunite with family.”¹⁶

Finally, the political and social violence affecting much of Central America is often a motivating factor in a person’s decision to leave home

without waiting to go through the immigration application process, risking detainment in the U.S.¹⁷ Lawmakers who try to solve the border crisis simply through increasing “border security” and immigration policy will be unsuccessful because they ignore the root causes of immigration: “Like it or not, this is the reality: Americans will bear part of the cost of the nexus of crime, corruption, violence, and poverty no matter what policymakers in Washington do. This migration strains U.S. border resources — agents cannot focus on counterterrorism, human trafficking, and drug smuggling if they are continually intercepting children seeking a glass of water and a safe place to sleep.”¹⁸ It is not simply a desire to “cut in line” for a chance at the “American Dream” that drives immigration, but rather the innate human desire to attain the basic rights of freedom and security.¹⁹

REFLECTION

Catholic social thought (CST) maintains that human beings have the right to migrate to a “political community where [they hope they] can more fittingly provide a future

for [themselves] and [their] dependents. Wherefore, as far as the common good permits, it is the duty of that state to accept such immigrants and to help to integrate them into itself as new members.”²⁰ The challenge, then, is to balance the right of a person to enter a more fitting political community with the right of that community to autonomy and development. A healthy community depends upon individuals seeking the good of others, but it also requires that all members enjoy access to the necessities of life. The State’s role is to ensure that the basic rights of its citizens (to life, work, healthcare, education, etc.) are met, while

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also recognizing its role in facilitating the good of persons around the globe.²¹ States, then, are obligated to “harmonize the different sectoral interests with the requirements of justice ... to interpret the common good of their country not only according to the guidelines of the majority but also according to the effective good of all the members of the community, including the minority.”²²

Note that CST does not oppose State borders or State sovereignty. Indeed, the autonomous State plays a critical role in furthering the common good of the human family:

The responsibility for attaining the common good, besides falling to individual persons, belongs also to the State, since the common good is the reason that the political authority exists. ... The individual person, the family, or intermediate groups are not able to achieve their full development by themselves for living a truly human life. Hence the necessity of political institutions,

the purpose of which is to make available to persons the necessary material, cultural, moral and spiritual goods.²³

CST does condemn, however, States that exclude other nations from participating in the goods of their development.²⁴ CST holds that “we must remember that, of its very nature, civil authority exists, not to confine its people within the boundaries of their nation, but rather to protect, above all else, the common good of the entire human family,”²⁵ including future generations.²⁶ States have a responsibility to be actively engaged in fulfilling – not just recognizing – the rights of individuals, both their own citizens and global citizens.²⁷ Indeed, to facilitate the common good, the more fortunate States, along with individuals, “should renounce some of their rights so as to place their goods more generously at the service of others.”²⁸ Thus, when a nation seeks to promote the good of its members by denying, limiting, or overlooking the rights of anyone, even foreigners, it is not acting in accord with its God-ordained function and cannot be said to be flourishing.



As I have argued elsewhere, “When considering policy reform on immigration issues, then, the actual, embodied relationships of undocumented immigrants ... should count for more than their legal status. This is not to say that their citizenship is an unimportant factor in the policy-making, but it is not the only, nor the foremost, consideration. There must be a balance between seeking the wellbeing of [a nation’s] citizens and upholding the rights of immigrants who seek a better life.”²⁹ The policies that attempt to put “America First” by turning a blind eye toward violence, abuse, and broken relationships are unacceptable. We would do well to recall St. Augustine’s admonition: “Pride hates a fellowship of equality under God, and seeks to impose its own dominion on fellow men, in place of

God's rule. This means that it hates the just peace of God, and loves its own peace of injustice."³⁰

Any immigration policy – from family detainment to DACA renewal – must be grounded firmly in the conviction that every immigrant is an integral member of our human family. Of course, not every person making an unauthorized entry is fleeing imminent danger, and there are those who do seek to take advantage of lax border policies – our immigration laws should be able to distinguish between those cases and those that are motivated by poverty and violence; and in every case, we ought to encounter the immigrant as a person, equally made in the image of God, reflecting Christ to us and deserving of justice, peace, and compassion. When we take the Trinity as “the basis, source and goal of all community,”³¹ we are able to recognize, with Pope Francis, that “everything is interconnected, and this invites us to develop a spirituality of that global solidarity which flows from the mystery of the Trinity.”³² Indeed, right relationships – relationships

that affirm the dignity of ourselves and the other – are “key to our own fulfillment.”³³

Let us adopt just immigration policies in the spirit of the Jubilee law of the Old Testament, which was, Pope Francis teaches,

An acknowledgment that the gift of the earth with its fruits belongs to everyone. Those who tilled and kept the land were obliged to share its fruits, especially with the poor, with widows, orphans and foreigners in their midst: “When you reap the harvest of your land, you shall not reap your field to its very border, neither shall you gather the gleanings after the harvest. And you shall not strip your vineyard bare, neither shall you gather the fallen grapes of your vineyard; you shall leave them for the poor and for the sojourner” (Lev 19:9-10).³⁴

“Our Christian community is called to journey with [our migrant brothers and sisters] in their anxiety and pain on the road to liberation. ... God wishes to save his people today, by making a new history. We are called to action!” – Mark Joseph Seitz, Bishop of El Paso

ACTION

As you work to “educate, advocate and act in collaboration with others for the dignity of life and the care of all creation,”³⁵ below are some actions you can take to promote a welcoming spirit toward immigrants.³⁶

1. **Inform yourself** with facts, not uninformed opinions and baseless rumors (see below for suggested resources). The misinformation about migrants and refugees is often driven by racism and fear. Listen to the stories of migrants and refugees, and encounter them as individuals. Watch “[Witness from the Border: Family Separations](#),” a webinar hosted by the Ignatian Solidarity Network.
2. **Advocate for migrants with friends, family and publicly.** Continue to put pressure on your representatives to adopt humane immigration policies and to work for the reunification of separated immigrant families. Call your elected officials (switchboard [202] 224-3121). Write them letters and postcards. The voiceless need your voices! Speak up to counter misconceptions about immigrants and immigration processes, and make sure to participate in our Voter Voice campaigns as they come out!

- a. **For those in Canada**, [urge your government](#) to welcome asylum-seekers and refugees, who are [increasingly trying to enter Canada](#) from the U.S. due to the hostilities of the U.S. government.
3. **Donate to or volunteer with organizations who are helping the migrants now and/or working to mitigate the root causes of immigration**, including:
 - a. **For those in the U.S.:**
 - [Catholic Charities/USA](#)
 - [Catholic Relief Services](#)
 - [Catholic Charities of the Rio Grande Valley](#) (directed by Sister Norman Pimentel)
 - [Kino Border Initiative](#) (a Jesuit ministry)
 - [Catholic Legal Immigration Network \(CLINIC\)](#). Legal help is very important right now particularly for asylum seekers.
 - [The Family Reunification Fund](#)
 - b. **For those in Canada:**
 - [Jesuit Refugee and Migrant Services](#)
 - [Catholic Centre for Immigrants - Ottawa](#)
 - [Kairos Canada](#)
 - [Diocese of Ontario Refugee Support](#)
 - [Sisters of Saint Joseph](#)
 - [Diocese of Hamilton: Office for Refugees](#)
4. **Participate in a [Mission Awareness Process \(MAP\) Experience](#)**, which “offers participants the opportunity to learn more about migrant concerns on the Arizona/Mexico border and help those in need in Florida.”
5. **Send notes of encouragement** to detained parents and children:
 - Esperanza Center, 430 S. Broadway, Baltimore, MD 21231
 - Upbring, Attn: Amanda Angell, 8305 Cross Park Dr., Austin TX 78754
6. **Pray with us!** [Pray on your own](#), and/or organize a [prayer service](#) with your community.
7. **Please read our congregation’s [Corporate Stance on Immigration](#).**
8. **For more information**, please visit the following websites:
 - [The Vatican's Migrant and Refugee Office](#)
 - [The U.S. Conference of Catholic Bishops office of Migration and Refugee Services:](#)
 - [Jesuit Refugee Service/International](#)
 - [Jesuit Refugee Service/USA](#)
 - [The Kino Border Initiative](#)
 - [International Catholic Border Initiative](#)

¹ Mirian G., “At the border, my son was taken from me,” CNN, last modified May 29, 2018, <https://www.cnn.com/2018/05/29/opinions/immigration-separation-mother-son-mirian/index.html>.

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- ³ Garance Burke and Martha Mendoza, "At least 3 tender age shelters set up for child migrants," AP News, last modified June 20, 2018, <https://apnews.com/dc0c9a5134d14862ba7c7ad9a811160e>.
- ⁴ Kino Border Initiative, "Children and Parents at the Border," last modified June 11, 2018, <https://www.kinoborderinitiative.org/children-and-parents-at-the-border/>.
- ⁵ Kathleen Bonnette, "Deferred Action for Childhood Arrivals (DACA) and the Principle of Community and the Common Good," Education for Justice, accessed June 28, 2018, https://educationforjustice.org/system/files/Reflection_Human%20Rights-Deferred%20Action%20for%20Childhood%20Arrivals%20%28DACA%29%20and%20the%20Principle%20of%20Community%20and%20the%20Common%20Good.pdf. Data from Tom K. Wong, et al, "DACA Recipients' Economic and Educational Gains Continue to Grow," Center for American Progress, August 28, 2017, <https://www.americanprogress.org/issues/immigration/news/2017/08/28/437956/daca-recipients-economic-educational-gains-continue-grow/>.
- ⁶ Jonathan Blitzer, "The Government Has No Plan for Reuniting the Immigrant Families It Is Tearing Apart," *The New Yorker*, last modified June 18, 2018, <https://www.newyorker.com/news/news-desk/the-government-has-no-plan-for-reuniting-the-immigrant-families-it-is-tearing-apart>.
- ⁷ Cf. USCCB, "Why HR 4760 is Not an Acceptable Solution," Justice for Immigrants, accessed June 28, 2018, <https://justiceforimmigrants.org/2016site/wp-content/uploads/2018/06/HR-4760-is-not-a-good-solution.pdf>; and USCCB, "Compromise' Immigration Bill," Justice for Immigrants, accessed June 28, 2018, <https://justiceforimmigrants.org/2016site/wp-content/uploads/2018/06/Compromise-Bill.pdf>.
- ⁸ Douglas Farah, "Papers Show U.S. Role in Guatemalan Abuses," *Washington Post*, March 11, 1999, A26, <http://www.washingtonpost.com/wp-srv/inatl/daily/march99/guatemala11.htm>.
- ⁹ Department of Homeland Security, "Statement from DHS Press Secretary on April Border Numbers," news release, May 4, 2018, <https://www.dhs.gov/news/2018/05/04/statement-dhs-press-secretary-april-border-numbers>.
- ¹⁰ Associated Press, "US testing GPS-enabled ankle bracelets to track undocumented migrants," *The Guardian*, December 24, 2014, <https://www.theguardian.com/us-news/2014/dec/24/us-gps-ankle-bracelets-immigrants-mexico>.
- ¹¹ Maya Rhodan, "Here Are the Facts About President Trump's Family Separation Policy," *Time*, last modified June 20, 2018, <http://time.com/5314769/family-separation-policy-donald-trump/>.
- ¹² Cf. Donald Trump, "Remarks by President Trump at the National Federation of Independent Businesses 75th Anniversary Celebration," speech, June 19, 2018, <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-national-federation-independent-businesses-75th-anniversary-celebration/>.
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- ¹⁷ Sarah Bermeo, "Violence drives immigration from Central America," *Forbes*, last modified June 26, 2018, <https://www.brookings.edu/blog/future-development/2018/06/26/violence-drives-immigration-from-central-america/>.
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- ¹⁹ Cf. United Nations, *Universal Declaration of Human Rights*, <http://www.ohchr.org/EN/UDHR/Pages/UDHRIndex.aspx>.
- ²⁰ John XXIII, *Pacem in terris*, Encyclical letter on establishing universal peace in truth, justice, charity, and liberty, Vatican Web site, April 11, 1963, http://www.vatican.va/holy_father/john_xxiii/encyclicals/documents/hf_j-xxiii_enc_11041963_pacem_en.html, III.106.
- ²¹ For more on the effect of immigration on American low-skilled workers, in particular, see George J. Borjas, <http://www.politico.com/magazine/story/2016/09/trump-clinton-immigration-economy-unemployment-jobs-214216>. Bear in mind, however, that the ability of even the poorest Americans to access healthcare and education is often much greater than that of their foreign peers. Cf. Branko Milanovic, *The Haves and the Have-Nots: A Brief and Idiosyncratic History of Global Inequality*.
- ²² *Compendium of the Social Doctrine of the Church*, I.3.II.c.169
- ²³ *Ibid.*, I.4.II.c.168.
- ²⁴ Cf. *Pacem in Terris*, III.92; and Congregation for the Doctrine of Faith, *Libertatis Conscientia*, 90: AAS 79 (1987), 594.
- ²⁵ John XXIII, *Pacem in Terris*, III.98.
- ²⁶ *Compendium of the Social Doctrine of the Church*, I.4.II.b.166.
- ²⁷ *Ibid.*, I.3.IV.e.158.
- ²⁸ Paul VI, Encyclical Letter *Octogesima Adveniens*, 23: AAS 63 (1971), 418.
- ²⁹ Bonnette, "Deferred Action for Childhood Arrivals."

³⁰ Augustine, *City of God*, ed. David Knowles (1467; repr., Harmondsworth, UK: Pelican Classics, 1972), XIX.12.

³¹ *You Are Sent*, Constitution of the School Sisters of Notre Dame, Prologue.

³² Francis, *Laudato Si'*, Encyclical letter on care for our common home, Vatican Web site, May 24, 2015, http://w2.vatican.va/content/francesco/en/encyclicals/documents/papafrancesco_20150524_enciclica-laudato-si.html, 240.

³³ *Ibid.*

³⁴ *Ibid.*, 71.

³⁵ School Sisters of Notre Dame, Directional Statement of the 24th General Chapter.

³⁶ Much of this section is borrowed from Fr. James Martin's article, "Five things you can do to help immigrants at the border," *America: The Jesuit Review*, June 19, 2018, https://www.americamagazine.org/faith/2018/06/19/father-james-martin-five-things-you-can-do-help-immigrants-border?utm_medium=email&utm_source=newsletters&utm_content=3+-+Read+the+full+story&utm_campaign=Newsletter&source=Newsletter.