

Undocumented Persons: Should we blame or welcome them?

Blaming the Victim

There is a lot of blaming of immigrants that has gone on and is going on in the United States. As the economy struggles and as political debates about immigration rage, people look for someone to blame for many of the problems we have in this country. The undocumented are an easy target. Citizens of the United States, including Christians from many denominations, get sucked into the efforts to find someone to blame. It is easy to get caught up in the arguments and contribute to the escalation of the rhetoric of blame. Employers want workers that they can pay low wages, the undocumented need a job and are aware that following immigration procedures will not get them that job, and Congress has struggled for years unable to pass any kind of comprehensive immigration reform that would make it possible for employers and workers to have an authorized and fair system of finding each other. This paper is offered as a way of looking at some of the issues involved in the immigration debate in a more in-depth way than is possible in the arguments we regularly hear through short news media clips on immigration.

Welcoming the Stranger

As Christians, we have a higher calling than wallowing in debates or contributing to rhetoric that inflames ill will toward other persons who are also created in the image of God. We are called to welcome the stranger, entertain angels unaware, and remember that we were once strangers in a foreign land. We are a pilgrim people passing through this earth on our way to an eternal home where all are part of the family of God. In these days especially, we need to remind ourselves of our higher calling. We need to be called back to our basic principles as Christians and as brothers and sisters of the undocumented persons who are suffering as a result of the blame that is being placed upon them. Readers are invited to reflect theologically about immigration by using our “Welcoming the World to our Doorsteps” packet and pledge available at <http://www.discipleshomemissions.org/pages/RIM-WelcomePledge>.

Our faith should inform our opinions

When God created the world, there were no borders on it. It was human beings that began to create separations between people and form nation states that claimed for themselves the right to make laws, to govern the land within their borders, and to decide who could and couldn't live on that land.

The Bible is filled with stories that show God's concern for the welfare of those who were unable to be self-sufficient – sojourners, foreigners, strangers, widows, and orphans. Throughout those stories, the presence of a stranger was seen as an opportunity for hospitality. Jesus demonstrated his concern for such persons by feeding hungry crowds, healing those who reached out to him, and accepting into fellowship people who were marginal in the society of that time. As Christians, we are called by Christ to carry on that ministry of welcoming the stranger. To further reflect on what the Bible has to say about immigration, see the above-mentioned “Welcoming the World to our Doorsteps” packet and the following:

- “What Does the Bible Say about Refugees and Immigrants” – available from our Refugee and Immigration Ministries Web site at <http://www.discipleshomemissions.org/files/RIMBible.pdf>.

- “The Bible as the Ultimate Immigration Handbook” – available from the Church World Service Web site at <http://www.churchworldservice.org/PDFs/refugees/Biblehandbook.pdf>.

Our heritage should inform our opinions

In reality, most people in the world do not move out of their countries of origin, nor do they even want to move. The process of moving to another country has deep physical, psychological, social, economic, religious, and linguistic consequences; so most people prefer to stay at home. The poorest of the poor hardly move at all, because they do not have the resources they need to move. It takes people with exceptional motivation, energy, and purpose to leave behind all the things that tie them to their country of origin and start new lives in another country.

That said, no nation has so successfully combined people from different backgrounds within a single society as has the United States. Diversity has been a source of strength and has given the United States a competitive advantage in the world. However, even though the United States is a nation made up of immigrants, throughout its history it has also displayed much anti-immigrant sentiment. The United States has welcomed workers for their labor, but excluded them from legal protections and recognition in American society. In times of economic uncertainty, persons in the United States have often looked for someone to blame. Immigrants have been the easy choice. Sometimes the hysteria over immigration policy has led to cruelties that we later regret (e.g. the Asian exclusion laws, Operation Wetback which deported more than a million workers, the Japanese relocation camps, and the turning away of Jewish refugees on the SS St. Louis). This kind of treatment of immigrants has hurt our image as a defender of human rights.

As a denomination formed by immigrants (Thomas and Alexander Campbell, Walter Scott, and many of their first converts), we have a unique relationship to the issue of immigration. In those days, the issues of immigration were probably less contentious than they are today, but our denomination continues to struggle with immigration issues as we grow in size, because of new immigrant congregations. We now have members who face issues related to immigration that daily impact their lives. Especially difficult are the growing numbers of pastors from other countries who have difficulty getting the immigration permission they need to pastor these immigrant congregations. Equally frustrating are the many undocumented members of our congregations who can't travel safely to attend important meetings of our denomination at the regional and general level. How can they fully participate in the life of our denomination if they are second class members of our denomination because of immigration status? Regions also have to spend time and funds in finding immigration attorneys who can help out in these situations. It is a struggle that will only continue as more immigrant churches affiliate with the Disciples, as the anti-immigrant sentiment continues to rage, and as the United States struggles to determine what it means to be an American.

To further reflect on our heritage as it relates to immigration, see the following: “History of our Immigrant and Anti-Immigrant Nation” and “History of our Immigrant Denomination” – available at <http://www.discipleshomemissions.org/files/RIMHistory.pdf>.

The undocumented are real people

Many people in the United States have been against immigration in general, but when they meet an individual immigrant and hear the story of that person, it is much harder for them to be against the immigration of that person into the United States. Misunderstanding and resentment between immigrants and citizens often arise because they know little about each

other and have few opportunities to meet and intermingle. This is especially true of the undocumented who are perceived mainly as law violators. Here again, when people get to personally know an undocumented person and understand their motivation, they feel moved to help find a solution to the person's immigration status. Therefore, it is very important that church people have opportunities to get to know immigrants and undocumented persons on a personal basis.

To learn more about how our immigration laws have impacted the lives of real people read the stories of some of these people in *Deporting our Souls: Values, Morality, and Immigration Policy* by Bill Ong Hing, available in your local bookstore.

For the most part, people in the United States are receptive to immigrants who come to the United States through the regular immigration processes. They are especially welcoming of refugees who are fleeing persecution, star athletes, and persons coming for high-skilled jobs, like doctors and computer programmers. They are not as receptive to persons who come without proper documentation – persons who cross borders, land at our shores, or overstay their temporary visas. Therefore, the following questions and responses focus primarily on issues related to undocumented immigration.

To better understand the limited processes by which persons can legally immigrate to the United States and, therefore, why only a handful of people can use those processes to get documentation to work, see “Understanding U.S. Immigration Categories” – available in English and Spanish at http://www.discipleshomemissions.org/pages/RIM-RIM_Packet_Content.

Who Decides Immigration Law?

With the passage of SB1070 by the Arizona legislature, many states and cities began having discussions about laws that they could pass that would have an impact on undocumented immigration in their part of the country. While SB1070 is being tested in the courts (probably eventually being decided by the Supreme Court), the inaction of the federal government to deal with immigration reform has been the major instigation for these kinds of laws. If the federal government would act on immigration reform, many of the problems experienced by states and cities would be solved and local and state governments would stop considering immigration laws.

Since the mid-1800s, the Supreme Court has upheld and expanded the federal government's primacy in establishing and enforcing immigration policy. Allowing states or cities to set their own immigration policies violates the supremacy clause of the Constitution. The federal government can permit states and localities to act on its behalf in immigration matters, but it must expressly delegate that authority. Congress passed legislation in 1996 that allows the Department of Homeland Security (DHS) to make agreements with states – called 287(g) agreements – to assist in immigration enforcement. Those kinds of agreements are constitutional, but without an agreement with the federal government a state or local immigration law runs the risk of violating the Constitution.

Questions being asked today:

Are the numbers of undocumented increasing? In 1910, at the height of the great wave of immigration, immigrants represented 14.7 percent of U.S. residents. The immigrant population now accounts for 12.4 percent. Canada has 18 percent and Australia has 24 percent. Most recently, experts in the Census Bureau, the Department of Homeland Security and some think tanks have estimated that the number of undocumented persons have dropped to about 10 million, due to the U.S. economy and border enforcement efforts.

The Pew Hispanic Center reported that the number of Mexicans who managed to get through the border in the year ending in March 2009 was 175,000, the lowest number since 1970 and down from roughly 650,000 in 2005. The fertility rate in Mexico has undergone one of the steepest declines in history, from about 6.7 children per woman in 1970 to about 2.1 today. In coming years it is expected to dip even further, thus making families more sustainable without the need to go in search of jobs.

Why don't undocumented persons wait their turn to come like everyone else? Some people believe that good immigration laws are being broken by bad, selfish, impatient people. That assumption is based on the idea that immigrating to the United States is a relatively easy process. In fact, people trying to come to work or join family find themselves caught in a system of outdated laws, inept bureaucracy, and restrictive numbers of available visas. The rules are set up to exclude most people from ever having a way to legally immigrate. Even visitor visas are very hard to get. To get one, people usually must own property, have a steady well-paying job, have a lot of money in the bank, and prove that they don't intend to stay permanently in the United States.

The United States does have a process that allows many people to immigrate to the United States to join their relatives already here and to work in specific jobs, but those numbers are limited. As this is being written, a man from Mexico who became a Permanent Resident in December of 2006, and applied for his wife and minor children to join him, would just now (June of 2010) be buying the bus tickets for them to come. Once that same Mexican becomes a citizen, he could apply for his sister to come too. But it would take at least another 15 years after he is a citizen for his sister to get her visa to come. Those long delays separate families and put a strain on family relationships.

Waiting times for most other nationalities (except persons from China, India, and the Philippines) are shorter, because the number of people waiting to come is less. With a limited number of visas available for each nationality, those countries with the largest groups wanting to come join their relatives have a longer wait. Imagine waiting four years to join your spouse somewhere else! Would you cross a border without the proper documentation in order to be together? As of 2006, people who enter the United States without permission can't even gain legal status by marrying a U.S. citizen. That law is splitting up families of American citizens.

Some persons are able to come through an employment visa system to work in low-skilled jobs, but those numbers are very limited (5,000 as of 2010), and most people have to wait years to get this kind of employment visa. Yet, at the same time, our economy relies on millions of low-skilled laborers from other countries. If you had children who told you every night that they were hungry, would you wait about 10 years to get a visa for a job that paid little more than enough to feed you and your children, or would you cross a border and get fake papers to obtain a similar job? Our economy employs millions more of these workers than can come legally. One of the great failures of our current employment-based immigration system is that the level of legal immigration is set arbitrarily by Congress – as a product of political compromise – without regard to real labor market needs.

Other persons who cross our borders without documentation are fleeing persecution and threats upon their lives. They don't have time to wait for permission to leave their countries and come to the United States. They are like Jesus who was forced to flee across a border into Egypt to escape the killing of the innocents of his day.

A chart (called "What Part of Legal Immigration Don't You Understand?") shows this complicated process that prevents many people from coming legally to the United States. It can be found at <http://www.reason.com/blog/show/128999.html> (click on the chart to see it better).

We have a U.S. guest worker program; why don't people apply to come that way? A little over 100,000 persons come to the United States through the guest worker system each year.

They come for agricultural work and for jobs in forestry, seafood processing, landscaping, construction, etc. When their work visas expire they must leave the United States. Although this might seem like a way for workers to come to the United States in a documented process, this often creates a sub-class of workers who are effectively unable to defend their rights. In some places, it is a modern form of slavery. This is due to the fact that:

- They can work only for the employer who petitioned for their services (even if they are mistreated once they get here);
- They often have to pay a recruitment fee of \$500 to \$10,000 to the persons who recruit them for the jobs;
- For those working in industries other than agriculture, there is no free housing (they often pay exorbitant rents to their employers), no guarantee that they will get the number of hours of work promised them in the contract, no reimbursement for transportation to the United States, and no process for reporting violations of basic labor laws;
- Their identity documents are often taken by their employers to make sure they do not leave in the middle of the contract;
- Fatality rates (for agriculture and forestry industries) are ten times the national average;
- Filing a worker's compensation claim often results in their being let go;
- Explicit age discrimination in hiring agricultural workers is not against the law; and
- The majority of female agricultural workers experience sexual harassment.

Many additional employers are seeking workers, but advocates for immigrants do not support increasing the guest worker program and subjecting additional employees to this kind of potential mistreatment.

Why do the undocumented come to work temporarily and stay forever? For several years the U.S. government has been tightening border controls and making it harder for people to come. This has made the border more secure, but it has also made it perilous to enter the United States. People have died crossing the Arizona desert. Smugglers have substantially increased their prices. Consequently, the undocumented who might normally come and work for a few months or a couple of years and then return home are afraid that they would not be able to get back into the United States for future employment if and when they need it, so they never leave the country. The very act of attempting to keep people out is keeping people in.

We need a humane system that allows people to get temporary visas to come for a short time, return home, and then reapply for another visa to come again when they need to do so to support their families and when employers need to hire them. The families they leave behind would be more stable families if the breadwinner was able to periodically spend time with them. The workers in the United States would be less prone to become depressed about their separation from their families and be able to lead more stable lives.

Why do we reward criminals for breaking our laws? Undocumented persons have violated U.S. immigration laws, which often are not necessarily a criminal offense. Persons entering the United States without permission (illegal entry) or with fraudulent documents are guilty of a criminal misdemeanor, with a maximum prison (not detention) sentence of six months. (However, this law is being implemented only in a few small areas of the country right now. Most Mexicans are simply picked up and returned across the border; while other nationalities are held in detention [not prison] until they can be deported to their home countries.)

Persons who overstay their temporary visas and thereby become undocumented are guilty of only a civil offense; they are not guilty of the misdemeanor criminal offense of illegal entry. Living or working in the United States without permission (regardless of how the person entered) is just a civil offense, not a crime. Under the law, it is comparable to the legal

categories involved in jaywalking or speeding, but hardly comparable in its punishment. The punishment is more than a fine – it is detention and deportation.

The Supreme Court has held that “a deportation proceeding is a purely civil action to determine the eligibility to remain in this country, not to punish an unlawful entry...” Those undocumented who have not violated a criminal law in the United States are not entitled to an attorney at the government’s expense. They must hire their own attorney or go without an attorney as they pursue their immigration case through the system. Deportation is a civil process run entirely by the Department of Homeland Security. In most cases, there is no possibility of bail; suppression of illegally-seized evidence is impossible; there are no Miranda rights; there are no “selective prosecution” defenses for those who may have been singled out for political, racial profiling, or religious reasons; and there is no right to a jury trial. Also, deportation may be retroactive – a person can be deported for something that was not a deportable offense when it happened. For those seeking relief from deportation, there is no possibility of mercy from an immigration judge, no matter how compelling the situation, because there is no judicial review of Department of Homeland Security deportation decisions – unless the person applies for another kind of immigration status, like asylum.

Those undocumented persons who are detained (pending the outcome of their immigration case or while awaiting deportation) are placed in immigration detention facilities rather than criminal prisons. Because there are not enough U.S. detention centers, the Department of Homeland Security sometimes contracts with local prisons to hold people in detention, but they are supposed to be treated differently than the criminals in detention.

There are some undocumented persons who are criminals, but they are criminals because they have committed a crime after entering the United States. They must serve the sentence for their crime, and after serving that sentence they are deported. Recent studies have shown that first generation immigrants (which include many undocumented) are substantially less likely to commit crimes than are citizens or immigrants who have been here for many years. The fear of being discovered to be in the country without documentation contributes to the lack of crime among undocumented persons.

On the other hand, it is difficult to deliver police services to a community of people who are afraid to have any contact with the police. This results in an increase in unreported crime, reluctant victims and witnesses, and the targeting of immigrants by criminals because they know that many will not call the police. Public safety increases when people have trust and confidence in their police department.

Doesn’t our government have the right to determine who comes into our country and who doesn’t? Does saying that national sovereignty and self-determination is the ultimate authority on immigration issues mean that the will of the nation is more important than treating people humanely? If each national government is responsible for the well-being of the people within its borders, does that mean that it doesn’t have any responsibility for the humane treatment of people from other nations? Does an extremely rich nation have any responsibility for persons from poorer nations? If bad immigration laws are hurting people, don’t the citizens of the nation have a responsibility to work to change those laws?

New trade agreements and implementation of NAFTA and CAFTA, which the U.S. government helped implement, are creating the very conditions of poverty which are driving people to come to the United States. When they get here, anti-immigrant measures like border patrols, raids, and no-match social security checks don’t stop the movement of people, but they do create misery for people.

All kinds of enforcement efforts have been instituted in the last few years, but they have not resulted in a major decrease of undocumented entering the country – in fact the number of undocumented tripled to 12 million between 1990 and 2008. Enforcement efforts reduced those entering around urban areas like San Diego and El Paso, but the main effect was to force the

undocumented to change their routes, resulting in smugglers charging exorbitant rates and hundreds of deaths in remote areas, especially the Arizona desert. The increased enforcement has also trapped people in the United States who would have otherwise returned home and perhaps come back sometime in the future. Most undocumented persons want to come for a few years to earn money and then go back home to visit family. The increased danger and cost of returning has kept them from leaving in the first place, adding to the numbers of undocumented in the country.

Why do the undocumented take jobs away from U.S. citizens? From the mid-20th century, scholars have investigated if and how immigration affects the wages and employment of citizens. Although there is no absolute consensus, many studies reveal that immigration has little to no negative impact on citizen workers. Most employers and economists agree that the undocumented fill important gaps in the U.S. labor market. However, the economic incentives that drive employers to hire the undocumented lower the floor on health, safety, and wage protections for all workers.

Dr. Alan Greenspan, noted economist, has said that there is little doubt that undocumented immigration has made a significant contribution to the growth of our economy. Undocumented immigrants serve as a flexible component of our workforce, often a safety valve when demand is pressing and among the first to be discharged when the economy falters.

The United States imports and exports billions of dollars of goods and services every day. So jobs in the United States have a lot to do with the global economy, not just what's happening in the United States. U.S. corporations are moving production facilities and jobs around the world in an effort to reduce labor costs and maximize profits. National borders don't matter in these movements. As a consequence, American workers find their standard of living threatened, and many low-wage workers have seen whole sectors of the job market change.

The search for lower labor costs and higher profits causes employers to seek the help of undocumented workers. There are no jobs that U.S. workers have not done or will not do. The shortage of workers is in reality a shortage of employers willing to pay living wages, provide decent benefits and institute safe and respectful workplace standards. As long as workers remain undocumented and outside the full protection of U.S. employment and labor laws, in a status that makes them vulnerable to employers and afraid to speak out when their rights are violated, they can become a subordinate labor class, which helps companies depress wage and benefit standards throughout entire industries. If the undocumented were allowed to work legally, they could help in demanding fair wages and more easily organize for their rights. That would bring up the wage scale for all workers. However, that would mean inflation of prices on many goods and services. Are we as a nation ready to pay more for every-day necessities?

Estimates are that undocumented persons fill at least one-fourth of all roofing, meat processing, maintenance, and farming positions. In addition they fill many cleaning, construction, and food preparation positions. It is obvious that the economy of our country would collapse if all undocumented persons were immediately deported – there would be a loss of over eight million jobs. Most studies suggest that the undocumented create jobs even as they fill job vacancies. This is due to the fact that they are not only workers, but also consumers who use goods and services that other workers are needed to provide. Regions of the country with the most immigrants actually have the lowest unemployment rates and vice versa.

In only a very few circumstances do undocumented persons actually take jobs away from citizens – in small impacted communities and in groups that do not have a high school diploma. Because they must compete for the same low-end jobs, persons without such a degree can be adversely impacted. This especially impacts African-American and Hispanic citizens, due to the added issue of racism. However, recent studies have shown that as the undocumented fill lower-skilled jobs, they push citizens up the economic ladder into employment that requires more English or knowledge about how the U.S. system works.

Estimates are that the U.S. economy will need 3.5 million additional laborers each year to replace the 78 million baby boomers who began retiring in 2008. The number of people in the labor force who are 55 and older is increasing at six times the rate of those who are 25 to 34, and the U.S. fertility rate is projected to fall below replacement level by 2015. By 2030, one in every five persons in the United States is projected to be a senior citizen. Immigrant workers are the main solution to these kinds of statistics.

Our school systems are increasingly failing to produce the skilled workers needed. The consequence of this educational shortfall is that a highly disproportionate number of our exceptionally skilled workers are foreign-born – two/fifths of the science PhDs in our workforce, for example, are foreign born. But they are finding it harder and harder to enter the United States. Bill Gates, chairman of Microsoft, testified before Congress saying, “America will find it infinitely more difficult to maintain its technological leadership if it shuts out the very people who are most able to help us compete.” He added that we are “driving away the world’s best and brightest precisely when we need them most.”

Why don’t the undocumented pay taxes? They do. All undocumented workers pay sales taxes. Many undocumented workers pay taxes using an Individual Taxpayer Identification Number (ITIN), which does not require legal status. According to the IRS, the number of ITIN numbers assigned annually has risen from 615,414 in 1999 to 1,837,583 in 2009, as the undocumented hope to use them to prove tax payments in preparation for a hoped-for immigration reform bill that would require proof of tax payments for undocumented to get status.

In fact, most undocumented pay more in taxes than they use in services, because they are not entitled to most services. The IRS estimates that undocumented immigrants paid almost \$50 billion in federal taxes from 1996 to 2003. The Social Security Administration estimates that 50 to 75 percent of undocumented persons pay federal, state, and local taxes, including Medicare and six to seven billion in Social Security taxes that will never benefit them.

The only undocumented persons who don’t always pay taxes are persons who are paid “under the table” or “off the books.” They make up only about one-fourth of the undocumented workers. U.S. citizens who work “under the table” or “off the books” often do not pay taxes on that income either. In 2005, it was estimated that employers in New York City who paid workers (citizens and immigrants) off the books cost the government \$342 million in lost tax revenue. If undocumented workers were given status, many would not be paid “off the books” and the tax basis of our country could be greatly improved.

Because undocumented persons earn less income, they pay less in taxes than citizens do, who have larger incomes. Because of their low income, the undocumented also are less likely to own property. Therefore, they pay fewer taxes on property. In impacted areas, the fiscal burden to citizen property taxpayers can, therefore, be greater.

There are some government services that undocumented persons do benefit from – public schools, emergency medical care, and the public safety system. These services are federally mandated for all people, regardless of immigration status.

Why do we let undocumented persons go on welfare? We don’t. Undocumented persons are not entitled to any governmentally-funded services, except emergency medical care and school for their children. There are some undocumented persons who do have forged documents they use to access some services. The only way to stop that would be to make immigration agents out of every one who looks at a document that people use to access services. If we did that, we would face the possibility that people checking the documents would reject persons from services because of their skin color or appearance, even if they were citizens.

Many undocumented persons give birth while in the United States and their children, thereby, become citizens. The citizen children of undocumented persons are eligible for all

governmentally-funded services, but often the parents of such children are afraid to apply for the benefits – such as Temporary Assistance for Needy Families, Food Stamps, and Medicaid. This fear keeps their citizen children from receiving the crucial assistance to which they are entitled as citizens.

Undocumented persons have funds removed from their paychecks for social security, but will never be able to access social security. As of October 2006, the reported earnings of those workers who cannot receive Social Security benefits because of discrepancies with SSA records totaled \$586 billion. The undocumented are supporting the social security system that we depend on for our old age. Without their contributions, the social security system would be even more precarious than it already is. If undocumented workers were given an opportunity to become documented, they would significantly increase the funds available in the Social Security system, because immigrants in general tend to be younger than the native-born. It is estimated that over the next 50 years, new legal immigrants entering the United State will provide a net benefit of \$407 billion in present value to our social security system.

Why don't the undocumented want to learn English? Most of them do, but we don't have enough English as a Second Language (ESL) classes available to them at the hours they aren't working. Over half of the ESL providers in the United States report significant waiting lists for their classes – some as long as three years.

Those that don't want to learn English are just like us. If we went to another country and lived most of the time in an area of a city where most people were Americans and spoke English, would we be in a hurry to struggle learning the new language? Those undocumented who learn the most English are ones who interact with citizens most often. Imagine how your congregation could help with the integration of non-English speakers if you offered ESL classes.

Because their children are in school, the children of the undocumented usually become the first to learn English and by the third generation the grandchildren are speaking mostly English and losing their ability to speak the grandparents' native language.

Don't we have to stop terrorists and criminals from getting into our country? In the news media today, the undocumented are being equated with potential terrorists. There is no connection between undocumented immigrants and terrorists. All nineteen of the suspected 9/11 hijackers came to the United States legally on valid visas, and once here, only two violated the terms of those visas. Most other terrorists have been home grown in the United States. Several immigration experts have pointed out that the crackdown on immigrants has actually put this country at greater risk by diverting resources away from in-depth, responsible intelligence work and by alienating and intimidating communities that could help with terrorism investigations.

According to the FBI, the four large U.S. cities with the lowest violent crime rates are San Diego, Phoenix, El Paso and Austin, all in border states. From 1999 to 2006, the total crime rate declined 13.6 percent in the 19 highest-immigration states, compared to a 7.1 percent decline in the other 32 states. In Arizona, the state's overall crime rate dropped 12 percent in 2009 and between 2004 and 2008, it decreased by 23 percent. The incarceration rate for native-born men age 18 to 39 has been five times higher than the rate for immigration men. Even with increased immigration, the violent crime rate in the United States has declined 34.2 percent and the property crime rate has fallen 26.4 percent.

A recent conference of border and national-security experts analyzed the reality of crime and violence along the U.S./Mexico border. They concluded that nearly twenty years of immigration policy focusing on "securing the border first" has failed to address the underlying issues and criminal cartels that are the real cause of violence along the border. They noted that immigration laws and policies of the past two decades have, ironically, made the border less safe and have actually benefitted the traffickers and smugglers who operate there. They recommended that a work-visa program be created so that the large number of people crossing

the border would no longer use the border to access jobs. This would make it easier for the Border Patrol to focus on the criminal and terrorist aspects of protecting the border.

Don't most Americans want to stop undocumented immigration? Most modern-day surveys show that as many as 80 percent of the people they poll think that the current level of all immigration is bad for our country. However, when Americans are asked to name our serious societal problems, immigration is either ranked low or not even mentioned.

It is often the media attention on immigration issues which causes Americans to respond negatively, even those Americans in areas of the country that have very few, if any, undocumented. Given Americans' inclination to ask for complicated issues to be explained in the simplest of terms, the media uses shock value to tell the story of the undocumented. Nuanced information that shows pros and cons of issues is not good material for headlines. Many politicians believe that being tough on the undocumented will aid in their re-election. They simply feed the negative press about the undocumented.

Many Americans put their whole focus on the law, rather than on the consequences the laws have on people, but some of our country's honored leaders have put that into perspective. Henry David Thoreau warned against undue respect for law, urging people to rely instead on conscience. Martin Luther King insisted that laws be judged from the standpoint of conscience and morality.

Why don't we just build a wall along the southern border? First of all, why aren't we asking why we don't just build a wall along the Canadian border too? Is it because Canadian undocumented persons (of which there are many in the United States) are more "like us"?

If we did build a wall, would that stop people from coming? No, they would just build boats and come to our shores. When people are in such dire circumstances that they cannot feed their children, they will do anything that gives them the possibility of choosing life, even if there is a possibility of death in the process.

Is building a wall a sign of the friendly relations we want between Mexico and the United States? The Berlin Wall was an expression of control and oppression to keep people in. The border wall would soon become an expression of control and oppression to keep people out and potentially lead to strained relations between Mexico and the United States.

Those people who live along the Mexican border have seen increased lengths of border wall being added in their neighborhoods. They are concerned about the disruption it has brought to the migratory paths of endangered species, the disruption it has brought to the sense of community life in communities that are located on both sides of the border, and the disruption it has brought their daily lives as they try to carry out their business on both sides of the border.

The framework for thinking about immigration for the last 30 years has started with the idea that the country can be sealed and that the government can stand at the entries deciding who gets in. It hasn't worked, despite increased walls, Border Patrol, and surveillance tools. On the other hand, over the last 30 years, we've changed our ideas about our economy. We now live in the age of a globalized economy and we see money, commodities, and information constantly being interchanged across many countries' borders. Perhaps the approach that would work best to slow down undocumented immigration would be a similar approach that sees immigration as a part of our relations with sending countries, that addresses the causes of migration, and that reaches out to treat people well and to help them integrate into American society if they do come.

Why do we allow "anchor babies"? When an undocumented woman or a woman on a temporary visa gives birth to a child in the United States, that child automatically becomes a U.S. citizen – sometimes referred to as an "anchor baby". However, that does not mean that the parents of that baby are entitled to any U.S. immigration status. If a U.S. citizen child wants to

submit a family reunification application for his or her parents, U.S. immigration law requires the child to be 21 years old before filing the application. Between 1998 and 2007, the federal government estimated that it deported more than 108,000 undocumented parents of U.S. citizen children.

Questions that need to be asked:

Who are the undocumented? Robin Hoover is pastor of First Christian Church in Tucson, Arizona, and founder of Humane Borders, an organization that provides water in the desert to persons crossing the border. (See <http://www.humaneborders.org/> to learn more about Humane Borders.) He has said: “People who make \$1.50 per day ride rubber rafts across the Suchiate River into Mexico [from Guatemala] on their way to ride a train that may cut their legs off if they go to sleep and fall, all so that they can come here and subcontract roofing jobs from undocumented Mexicans working for builders who try to evade detection from third generation Mexican law enforcement agents who are trying to prove their loyalty to their new nation, while all of them attend the same church.”

Robin’s statement shows the nature of the interaction we have with the undocumented in this country. The undocumented aren’t all Mexicans and Central Americans, however. People who overstay their visas make up a major proportion of the undocumented in the United States (about 40 percent). Most of those persons come on tourist visas or student visas, and they come from countries around the world. The U.S. media seems to focus our attention on the southern border and people crossing from Mexico and Central America, rather than on all these other undocumented. Many of them have blended so well into our communities that we just assume they have legal immigration status.

Racism plays a part in who we perceive to be undocumented. For example, there are an estimated 30,000 Irish undocumented living in New York City. When Hillary Clinton was running for President, she had her picture taken holding a shirt that read: “Legalize the Irish.” No politician would hold up a similar shirt reading: “Legalize the Mexicans.” Another example are the many Canadian undocumented persons, many of them senior citizens, who now live in Florida and Arizona. The new Arizona law which requires the police to look for undocumented persons has not caused the undocumented Canadians there any fear.

It is important to remember that each undocumented person is an individual with a compelling life story that has influenced his/her decision to come to the United States. They are characteristically hard working, ambitious entrepreneurs, and willing to take risks. They are relatives of U.S. citizens; many of them have children who are U.S. citizens. They are people seeking freedom – both political and economic freedom. They are people who want a better life for their children.

It is also true that the undocumented are us. There are members of Disciples congregations that are undocumented. They tithe; they are Elders and Deacons; and they serve on committees. They follow in the tradition of our Disciples founders who came to the United States without going through any visa process.

What would happen to agriculture and the service industry without the undocumented?

We would all find less food to buy in our local grocery stores and would pay more for it. More restaurants would become cafeterias because of the lack of people to serve the food. We would grow our own food because there would be no one to package our meat or pick and ship our vegetables. We would have to change our own hotel sheets. We would have to wait longer to get repairs done on our homes or to build new homes. Companies would go out of business due to the lack of workers. Our economy would suffer further. In addition, the logistics of deporting all the undocumented would be a nightmare. It would take 200,000 buses, bumper-

to-bumper, in a convoy 1,700 miles long to take them to a border. If we really thought about life without the undocumented, we would realize how much of our economy depends on them and how desperate we would be without their help. It is estimated that undocumented workers make up roughly five percent of our labor force.

What forces are pushing the undocumented to come to the United States? Most people don't leave their country for the adventure of it, but because they can barely survive. Extreme poverty is the primary "push factor" that forces people to risk their lives in order to find a job in another country. The causes of the poverty that push people across borders include:

- global economic injustice;
- the depletion of the country's natural resources by wars, political violence, and multinational corporations that take away natural resources and give nothing back;
- free trade treaties that destroy small-scale farming and industry; and
- policies imposed by the World Bank and International Monetary Fund that bring down wages, cut back services, and increase unemployment.

When people resist, they are confronted with violence and repression. In many cases, especially in Latin American countries, it has been U.S. policies that supported the economic elites who resisted reforms and perpetuated unequal political and economic systems that fueled poverty, civil war, and the resulting economic crisis.

Despite the poor wages they are paid here, the undocumented make eight to nine times more than what they could earn in their own countries. The undocumented send large amounts of money back to their families, typically one out of every ten dollars they make. This brings about \$30 billion a year to Latin America alone. Money sent home is Mexico's second largest contributor to the economy, after oil. Grandparents who get money to care for children left behind would be destitute without the payments.

What forces are pulling the undocumented to the United States? The three main factors that influence people who decide to cross borders are economic opportunities in the destination country, the presence of friends or family in that country that can help them get a job and find a place to live, and the distance, difficulty, and expense of getting to the country. The United States has economic opportunities, many immigrants already present, and is somewhat easy to get to.

Companies and businesses across the United States are finding it harder and harder to get enough of the workers they need, especially workers willing to work for low wages. It used to be that the undocumented came for jobs primarily in California, Florida, New York, and Texas. Today the need for workers has spread across the country, and we are seeing a major growth of the undocumented in additional states like Arkansas, Colorado, Georgia, Nebraska, Nevada, North Carolina, Tennessee, and Utah.

Imagine living in a situation where you have nothing and can barely feed your children. Then imagine learning about a country a short distance away that wants workers and will pay you more than you could ever make at home. Wouldn't you want to go to that country and make money to send back home?

Who benefits from undocumented immigration and who is hurt? People who own businesses and commercial interests that use cheap undocumented labor benefit the most. They get a supply of compliant low-cost workers who are afraid to complain about their working conditions. Businesses also benefit from the buying power of the undocumented who live among us. Cities with thriving immigrant populations also benefit, often bringing vitality back to their inner city.

Couples who hire the undocumented to care for their children and drive them to school, tend their lawns, clean their houses and wash their cars also benefit. Senior citizens benefit because most undocumented arrive early in their working lives and contribute taxes to the Social Security system for years. They are helping reduce the Social Security deficit, even though they will never be able to claim any benefits from it.

The church benefits. Regular attendance at church is declining in many Westernized countries. The United States, however, is not having a religious decline, and that is in part because of immigrants, many of whom are undocumented. Many of them bring their faith with them, and that faith blossoms while they are here. Who else, than God, can they truly rely on in their situation?

High school dropouts have the most to lose. A bad U.S. minimum wage policy and globalization that compels companies to move to other countries have had a direct impact on low-skilled workers' incomes. The existence of a large underground labor market keeps wages in some industries artificially low, weakens workplace safety, and undermines the well-being of all workers.

Obviously, the undocumented benefit from the opportunity to have a job that allows them to send money back home, but is that benefit worth the risks of getting here and the fear while living here? The undocumented are hurt by being part of an underground society that is vulnerable to exploitation and abuse. Employers can get away with abusive situations because they know that the undocumented won't go to the authorities to complain. They can deny labor rights, including the right to organize freely. They can threaten to call for an immigration raid at their workplace when workers attempt to stand up for their rights.

While many persons leave their homes with the intention of returning within a year or so, often that period is extended indefinitely. Because they can't cross the border easily, they often can't even go home for the funerals of loved ones. They become isolated from their families back home. Young children grow up without knowing one or even both parents. There are over a million undocumented children in the United States; most of them have spent many years separated from their parents before being old enough to follow their path to the United States. Those children suffer a lot from the separation from their parents. Once they get to the United States, they often find that life is not what they expected. To reflect more on this family-reunification "pull factor" read *Enrique's Journey: The Story of a Boy's Dangerous Odyssey to Reunite with his Mother* by Sonia Nazario, available in your local bookstore.

Why is free trade of goods across the border OK but not free movement of people? With the implementation of free trade agreements, goods pass easily across borders. People, however, are not allowed easy passage. NAFTA did not consider the existing economic disparities between Mexico and the United States; as a result, Mexico has lost far more jobs than it has gained under NAFTA. Mexico, where corn is the most important commodity, is now importing most of its corn from the United States. Mexican corn farmers have gone out of business, undercut by U.S. prices. Those farm workers have lost their jobs, and now they look for work in the United States.

In contrast, the European Union provided development funding for its poorer member countries prior to including them in the trading block. This was done to establish a more level playing field in the region and to reduce the possibility of widespread displacement of workers and farmers in the poorer countries. This approach worked. For example, it turned Ireland's economy around and made a country that had been a place of steady outward migration, now a country attracting immigrants.

Especially if we are going to try to prevent people from moving across borders, we must work to promote development in Mexico and Central and South America. This will give would-be immigrants the option of living in dignity in their home countries and with their families. Better roads, telecommunications, and post-secondary education will improve conditions for

greater trade within these countries which will help create more jobs so that people don't have to leave to survive.

A video clip that tells the story of how a Church World Service economic development agriculture project helped a young man to stay home in Guatemala (raising tomatoes in a greenhouse to support his family) rather than migrating to the United States is available at http://www.churchworldservice.org/video/Guatemala/publish_to_web/index.html.

Why have all our efforts to strengthen the border led to more undocumented immigration? “Sealing” the border has become a popular phrase. More than 670 miles of border fences, walls, bollards and spikes that Congress decreed in 2006 (at a cost of \$4 billion) are almost complete. The Border Patrol, which increased from 9,000 agents in 2001 to 20,000 in 2009, costs \$4 billion annually. However all this border control has done little to reduce the number of undocumented immigrants. In fact, it seems to have increased their numbers – the opposite effect desired. Immigration, both legal and undocumented, is driven more by the economy than it is restrained by border enforcement.

By making the crossing more dangerous and expensive, the border control discouraged seasonal laborers from going back to Mexico when they were not working. Workers who used to shuttle between jobs in California or Texas and then back home to Mexico have begun to stay put and send for their families, becoming permanent residents. The tighter border controls in Texas and California squeezed the smuggling of immigrants and drugs into Arizona.

What does it cost us to try to keep people out? It costs billions of dollars a year to try to keep the undocumented, who come here to work, out of the country. If a process was developed that would allow people to come for jobs we want them to fill, we could put that money to other uses to benefit our society.

Over the last few years the U.S. government has spent billions of dollars instituting tighter restrictions along our southern border - tripling the Border Patrol, sending in the National Guard, updating technology, and building sections of a wall. The Border Patrol has become the largest arms-bearing branch of the U.S. government, excluding the military. These efforts have not had any dramatic impact on the number of people crossing the border. These persons have just been forced to cross in more remote and dangerous locations, where many have lost their life in the process. About 4,000 people have died crossing the border in the last decade.

A recent report by the Center for American Progress showed that immigration reform that would provide a pathway to legal status for undocumented persons and reform the visa system would dramatically increase the Gross Domestic Product by \$1.5 trillion over 10 years, including increases in tax revenue, investments, wage growth, and job creation.

What role does fear play? Most undocumented persons live in an underground manner without any legal protections. They try to stay invisible. They are afraid to call the police in emergency situations because their undocumented status may be discovered. They are afraid to report abuse or exploitation by employers for fear of losing their jobs. This fear results in the lack of efforts to integrate into the wider American society.

Why do we fear the undocumented? In the news media, immigrants are equated with potential terrorists. We more readily accept this concept post 9/11. We are afraid of anyone who is different than people with whom we've have previous experience. Therefore, xenophobia teaches us to fear immigrants. The result is that much of our time and energy is wasted on divisive debates, distracting us from the efforts to incorporate newcomers into our society.

Perhaps what underlies this fear is our idea of scarcity. Our culture wants us to believe in scarcity. There is never enough time, money, or things. We have to do more, produce more, spend more, and consume more. Our sense of never having enough makes it possible for us to

resent anyone we perceive to be in competition for the limited resources we have. On the other hand, our faith is a faith of abundance that calls us to share with all out of the abundance that God has given us.

Should we be deporting the parents of citizens? It has always been U.S. policy that children born in the United States automatically become citizens. As they age, they are as American as any other child born to a citizen. If their parents are discovered to be undocumented, what are the parents' choices? They can be deported back home and leave their child in the care of someone else, or they can take their child with them and perhaps ruin the child's possibilities for a good education. When the undocumented are picked up in raids on businesses, it is often the citizen children who suffer the most. No one picks them up at school that night. There is no one home to feed them supper and tuck them into bed. If there is no family member left to care for them, they can be put into the U.S. foster system. It is estimated that 15% of U.S. families are composed of citizen children and immigrant parents, many of whom are undocumented. U.S. citizen children have to be 21 years old in order to sponsor their parents for legal residency.

Should we be deporting people that have lived here their whole life? Many undocumented are brought to the United States as tiny children by their parents and grow up as American as their citizen schoolmates. Should we deport them back to a country where they don't understand the culture and may not even know the language? If we deport them, we are making them victims of their parents' decisions. They didn't decide on their own to violate U.S. immigration laws. Each year our system sends many U.S.-raised young people to places they may have never known, where they have to communicate in languages they cannot speak, and where they live in cultures they do not understand.

Many Disciples are concerned about young people in their congregations who were brought to the United States by their undocumented parents when they were toddlers. They, like their parents, are undocumented; but they have lived their whole lives here and don't know anything about their home country. What should happen to them? We can blame their parents for putting them in this situation, but how will that help resolve the problem? They have grown up in our school system, which is open to children regardless of immigration status. Now that they are ready for college, they don't have the residency requirements that would make them eligible for financial aid. Their dreams for their future can go unrealized.

What does it mean to be an American? The percentage of immigrants (which includes the undocumented) in the United States has been increasing for years. The percentage is now higher than at any point since the mid-1920s. The actual number is also bigger than at any previous time in history. This is problematic for those that want Americans to continue to be the same as those who originally settled the United States, wrote our Constitution, and established our democratic institutions. Our ethnicity-driven approach to immigration admissions tries to control immigration mainly through family reunification procedures, which tend to keep the ethnic mix of the country within the bounds of what it has been. Immigration that is not controlled, such as undocumented immigration, can affect the ethnic balance.

Around the world, nations face violence and instability as a result of their increasing pluralism and diversity. However, the United States has a strong national identity forged out of a commitment to values of tolerance, religious pluralism, enterprise, opportunity, and equality under the law – strong enough to hold together its widely divergent communities. Throughout history, the handful of superpowers reveals a remarkable pattern – they all have been tolerant and pluralistic. In fact, the decline of those superpowers repeatedly coincided with xenophobia. The secret of our success for more than 200 years has been our ability to attract the best and brightest from all over the world. But we may be at the point where too much diversity becomes a liability triggering conflict, strife, and backlash.

How do we hold together a nation if the ethnic balance changes to a point where descendants of European immigrants are no longer the majority of the people in the United States? How can we hold together a country made up of diverse ethnicities? The best way to keep Americans in favor of immigration may be to take national identity seriously while maintaining our heritage as a land of opportunity for people who are ethnically different.

A relatively open immigration policy is also one of the most effective ways for the United States to forge goodwill and close ties with the countries of the world.

Are we really all one family? We talk and sing about the family of God and say that we are all equal before God. Why is it that we are not all equal before each other? God's love knows no boundaries. If God loves an undocumented person as much as God loves a citizen, why is it OK to treat the undocumented person so poorly?

Although in many ways, all people are alike; we are also different in many ways. Those differences are a blessing if we choose to allow ourselves to truly experience them. Without the presence of people who are not like us, we get comfortable and narrow our vision. But when we encounter differences, new possibilities are open to us that we would have otherwise missed. We need the stranger, possibly even more than the stranger needs us. The stranger calls us to change and become more fully a part of the one family of God.

How can we be a part of the solution to the problem? Feliberto Pereira is the pastor of Iglesia Cristiana Ebenezer in Los Fresnos, Texas, and the Executive Director of the Southwest Good Samaritan Ministries (SWGSM). SWGSM is a border ministry helping persons who have crossed the border into Texas. It helps people join their relatives and friends across the United States. (See <http://www.swgsm.org> to learn more about SWGSM.) Feliberto has said: "Together, we must lift our voices to eliminate the many obstacles which prevent refugees and immigrants from achieving freedom and liberty."

Our Refugee and Immigration Ministries (RIM):

- sends out periodic Action Alerts on immigration issues through Rapid Response – sign up to get these e-mail Action Alerts at <http://www.discipleshomemissions.org/pages/RIM-Advocacy>;
- posts updated information on refugee and immigration issues about four times a year – sign up to get e-mail notification when "Update" is posted at <http://www.discipleshomemissions.org/pages/RIM-WhatsNew>; and
- makes available an Alternative Giving Catalog that offers opportunities to support ministries to immigrants through Christmas/Birthday/Mother's and Father's Day gifts to family and friends – see <http://www.discipleshomemissions.org/pages/RIM-AltGiving> for details.

Church World Service (CWS):

- sends out periodic Action Alerts on immigration issues through Speak Out – sign up to get these e-mail Action Alerts at http://www.churchworldservice.org/site/PageServer?pagename=how_adv_register; and
- gathers information on services provided to immigrants and presents the information to Senators and Representatives to show that actions of service speak louder than anti-immigrant words – learn more about *SERVICE SPEAKS* at <http://www.churchworldservice.org/site/DocServer/ServiceSpeaks.pdf?docID=1081>.

How is Christ present in the undocumented? When Jesus began to teach, they said about him: "Is this not Jesus, the son of Joseph, whose father and mother we know? How is it then that he said, I come down from heaven?" It is part of our human nature that often prevents us from seeing the work of God in the lives of those closest to us. Jesus noted in three of the

Gospels how a country could not accept its own prophets. Since we cannot seem to accept God's message from the familiar, God sends us the unfamiliar to open us up to hearing the Word of God. Throughout the Bible, God used an outsider or a foreigner who migrated to a new land to deliver God's message. God sent Jonah to Nineveh, rather than raising up someone in Nineveh. God sent Samuel to Eli because Eli's own sons were corrupt and wicked. God sent Paul, a fanatical persecutor of the Christian church, to deliver the gospel to the Gentiles. And God sent God's own Son, Jesus, to bring salvation.

The Bible teaches us that when we welcome the stranger, we are welcoming Christ. It also teaches us that when we don't welcome the stranger, we are accursed and will be "cast into the eternal fire". What argument can stand against that admonition?

Early in human history a conspiracy developed against movement. The builders of the tower of Babel wanted to build a city, make a name for themselves, and not be scattered over the face of the earth. God stopped that effort, moved the people out, and scattered them over the face of the earth.

Given the movement of people throughout the Bible, perhaps God is facilitating God's agenda still today through the movement of people. According to Paul, "in God we live and move, and have our being." Perhaps God is at work in human migration, developing God's people in the context of movement.

We cannot expect the Bible to tell us what U.S. immigration policy should be, but our faith provides us direction for our reflections about the issue. As Disciples, it is our faith that should guide our opinions about immigration, especially as we try to be faithful to the gospel message.

What about obeying immigration laws – rendering to Caesar the things that are Caesar's? Governments serve a valuable function providing protection and stability that makes life bearable. However God does not appoint specific governments or specific laws. When people focus on the importance of obeying the law, they may forget to look at the consequences the laws can have on people. We tend to forget that Jesus proclaimed the rule of God, contradicting the Roman claim that the King Caesar was God. Paul called Jesus the Son of God and Savior, contradicting the Roman claim that applied all these titles to Caesar. John the Baptist was executed by Herod Antipas, the Roman representative of Caesar in Galilee. Jesus, Paul, and Peter were also executed by Rome. Governments, made up of humans, cannot help being fallible and unfair at times.

The Gospel calls us to live in anticipation of God's coming reign. That means that the example set by Jesus should be more important to us than what the government wants done. Prayerful choices must be made about laws that harm people. Isn't it more informative to how we should live our lives to consider who would Jesus deport? We have all been treated with mercy by God, so we need to extend mercy.

So, should we blame or welcome them? Aren't the undocumented really the victims of situations that force them into hard decisions about how to sustain the lives of their families? They have trouble getting driver licenses or other kinds of documents, which may block them from finding a place to live, opening a bank account, applying for a job, registering for school, or getting medical treatment. They must avoid traveling, since there is always the danger of being stopped and having their documents checked. They have no recourse against unscrupulous employers or landlords. They live in fear of immigration raids. They don't feel free to report crimes against them because of the possible immigration implications. Most are separated from their families for years. They are forced into jobs that are often more dangerous and that pay less. If they complain about their working conditions, their employers can call the immigration authorities and have them deported. If they are hurt on the job, they find it extremely hard to get any compensation.

If something needs to be blamed, shouldn't the blame go to a system that offers them no alternative than to violate civil law? If there was a process for them to get jobs that U.S. employers desperately want them to have, they would all take advantage of that process, rather than risking their lives crossing the border in secret. A process that gives people the chance to come for a short term and return to their families for a while and then to come again for a short term is what most of them are looking for. Isn't that a welcome that it would be easy for us to provide? And those that have lived decades here, shouldn't we give them a process whereby they can come out of the shadows, stand up for worker rights, and live their lives without a threat constantly being over their heads? Isn't that a welcome that it would be easy for us to provide also? Changing our immigration laws to make these things possible would be a way to fulfill the Gospel call to welcome the stranger!

To learn more about many of the issues raised in this paper read “*They Take our Jobs*” by Aviva Chomsky or *Politics of Immigration* by Jane Guskin and David L. Wilson. Both are available in your local bookstore.

(Updated 2010)