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Testimony of
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Citizenship, Refugees, Border Security, and International Law
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The Ethical Imperative for Reform of Our Immigration System

Madame Chairwoman, distinguished members of Congress, thank you for inviting me to testify on this important issue regarding immigration. My name is Mat Staver and I am the Founder and Chairman of Liberty Counsel, a national public interest litigation, education and policy organization specializing in religious liberty, the sanctity of human life, and the family. Founded in 1989, Liberty Counsel has offices in Florida, Texas, Virginia, and Washington, DC, and has hundreds of affiliate attorneys throughout the country. I also serve as Dean and Professor of Law at Liberty University School of Law. The law school is one of ten colleges at Liberty University, which is the largest Christian university in the

world with over 62,000 students between its residential and online programs. I am also the Founder and Chairman of the Freedom Federation, which is a federation of some of the nation's largest independent multiracial, multiethnic, and multigenerational faith-based and policy organizations, representing about 40 million people.

The crisis the country is witnessing in Arizona over immigration is the result of a failed immigration policy at the federal level. Arizona lawmakers felt compelled to act because the federal government has not adequately protected the borders. The Arizona law is a symptom and a cry for help. However, the Constitution places the responsibility for immigration on the federal government, not on the states. Therefore, it is imperative that Congress act sooner than later to reform our immigration system. It is a matter of national security, domestic tranquility, and national identity. We are a nation of immigrants. While upholding the rule of law, we must be true to our core values and devise a system that is compassionate and just. For me as an evangelical Christian, the two general guiding principles from the Bible include Leviticus 19 and Romans 13. The former passage admonishes that we should show respect, compassion and justice to the alien or foreigner in our midst. The latter passage establishes the principles of lawful order.

The immigration debate does not belong to any political party, nor does it belong to any socio-economic or ethnic group. I believe it is a moral issue. While there are many aspects of immigration, and no one single solution to the problem, we should not allow partisan politics or the difficulty of crafting a solution to deter us from the ultimate goal of fixing a broken system. To fix the system, we must secure our borders, enforce our laws, and we must deal with the undocumented illegal immigrants currently living in the shadows.

Secure the Borders

Our national security and domestic tranquility depend on secure borders. We must act swiftly to secure the borders. Secure borders are not closed borders. Violent criminals and drug traffickers take advantage of open borders. Such criminals are a threat to everyone in every community, including Latinos who are disproportionately victimized by them.

Enforce our Laws

We must enforce our laws against those who knowingly employ undocumented immigrants, those who entice them to come here illegally, and those who take advantage of them once they cross the border. To some extent our failure to adequately secure our borders and our haphazard enforcement of our laws has contributed to the situation we face today with roughly 12 million undocumented

immigrants. On the one hand, we have a “Now Hiring” sign alongside a “Keep Out” sign. These conflicting messages are confusing.

A Just Solution for Undocumented Immigrants Living in the United States

Regarding the undocumented immigrants currently living in the United States, there are essentially three options: (1) amnesty, (2) deportation, or (3) earned legal status.

Amnesty flaunts the rule of law, rewards those who break the law, and is a disservice to those who are and have worked their way through the naturalization process. I am opposed to amnesty. It is not a fair or workable solution.

Mass deportation is impractical, immoral, and unjust. Many undocumented children came with their parents and many wives have followed their husbands. Some children are naturalized citizens, having been born in America. Yet, their parents remain undocumented. Deportation in these circumstances would rip apart families, which no fair-minded American wants to do.

While undocumented felons or those who have committed violent crimes in America should be deported, we should invite the millions of undocumented and otherwise law-abiding persons living in our midst to come out of the shadows by providing them with an opportunity to gain legal status. The pathway for earned legal citizenship or temporary status should involve a program of legalization for

undocumented persons in the United States, subject to appropriate penalties, waiting periods, background checks, evidence of moral character, a commitment to full participation in American society through an understanding of the English language, an understanding and affirmation of the rights and duties of citizens and the structure of America's government, and the embrace of American values.

We must create a rational and just immigration policy which acknowledges that we are both a nation of immigrants and a nation of laws. It is our obligation to provide a just solution to those people who are currently undocumented under the present policy. That solution is neither amnesty nor mass deportation. A just policy would put otherwise law-abiding undocumented persons on one of three paths: one path leads to pursuing earned legal citizenship or legal residency; one leads to acquiring legal guest-worker status; and one leads back across the border, including a swift process for the deportation of undocumented felons or violent offenders.

America has an obligation to preserve within her borders the culture that has made her successful. Assimilation is both key to protecting that culture and to the immigrant's chances of success. History has proven that Latinos are quite capable of rapid assimilation. As a group, they have strong moral convictions, a strong sense of family, and a strong work ethic.

A just assimilation immigration policy respects the traditions held by people of many backgrounds that make up America while recognizing the importance of a shared language, history and cultural values. Those who choose legal citizenship should have the opportunity to fully participate in the American dream by removing any barrier to achieving those dreams. America is not a nation divided. There should be no Black America, White America, Latino America, or Asian America. There is one America made up of many races and ethnicities with a common history, culture, and values. Although Americans may speak many languages, they share English as their common language. The immigration process should provide a just assimilation policy by teaching English, the history and founding documents of America, and the common values of liberty and justice which are embodied in the Declaration of Independence, the Constitution, and the Bill of Rights. Naturalized citizens renounce all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, and declare allegiance to the United States. They pledge to defend America against all enemies, foreign and domestic, and they pledge to support the Constitution and the laws of the United States.

Let me be clear – an earned pathway to citizenship is not amnesty. I reject amnesty, as do the many evangelical leaders with whom I collaborate on this issue.

I call upon those who label an earned pathway to legal status as amnesty to stop politicizing this debate needlessly and to honestly acknowledge the difference.

For those who do not wish to become citizens, we should make available a temporary residency or worker visa status. In order to survive, some people enter this country illegally because they cannot obtain a temporary worker visa. Once here, they are caught between a rock and a hard place. If they leave they may not be able to return. If they stay, they are forced to live in the shadows. A temporary worker visa recognizes the need of domestic companies and the free market to employ people from field workers to engineers. For those immigrants not wishing to become citizens, there should be similar penalties, waiting periods, and background checks prior to the provision of guest worker visas.

The time to forge a rational consensus is now. America is a country of immigrants, a melting pot of individuals from various ethnicities and cultures. It is this rich heritage of immigration on which this country was established, and, in accordance with a just immigration policy, this country will continue to thrive. America deserves a just immigration policy; one that begins with securing, not closing, our borders, one that enforces the laws, and one that offers the opportunity for earned legal status.

We are compelled by our common faith and heritage to acknowledge that the history of immigration is filled with stories of triumph and tragedy. While Latinos are often the subject of today's immigration debate, nearly every American can trace their ancestry to one or many foreign lands. America's astounding success can be largely attributed to the fact that we are a nation of immigrants and we have proven to the world that people from diverse backgrounds can come to America, live in peace with their neighbors, pursue their dreams, and succeed. The overwhelming attraction of America is her freedom. As the world's standard-bearer for freedom, America's light shines as hope for the world. We must never quench the torch of liberty. We must always stand for the freedom that makes our shores the object of desire for people without hope.