ETHICAL IMPERATIVE FOR REFORM OF OUR IMMIGRATION SYSTEM

HEARING

BEFORE THE

SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP, REFUGEES, BORDER SECURITY, AND INTERNATIONAL LAW

OF THE

COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

ONE HUNDRED ELEVENTH CONGRESS

SECOND SESSION

JULY 14, 2010

Serial No. 111–103

Printed for the use of the Committee on the Judiciary

Available via the World Wide Web: http://judiciary.house.gov

U.S. GOVERNMENT PRINTING OFFICE

57–431 PDF WASHINGTON : 2010

For sale by the Superintendent of Documents, U.S. Government Printing Office
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ETHICAL IMPERATIVE FOR REFORM OF OUR IMMIGRATION SYSTEM

WEDNESDAY, JULY 14, 2010

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP,
REFUGEES, BORDER SECURITY, AND INTERNATIONAL LAW
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Subcommittee met, pursuant to notice, at 9:35 a.m., in room 2141, Rayburn House Office Building, the Honorable Zoe Lofgren (Chairwoman of the Subcommittee) presiding.

Present: Representatives Lofgren, Conyers, Berman, Jackson Lee, Waters, Pierluisi, Gutierrez, Gonzalez, Chu, King, Smith, Lungren, and Poe.

Staff Present: (Majority) Ur Mendoza Jaddou, Subcommittee Chief Counsel; David Shahoulian, Counsel; and (Minority) George Fishman, Counsel.

Ms. LOFGREN. This hearing of the Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law will come to order.

I would like to welcome our witnesses, Members of the Immigration Subcommittee, and others who have joined us today for the Subcommittee's hearing on the "Ethical Imperative for Reform of Our Immigration System."

Today, we welcome very important leaders from the faith community, who are here to share with us their perspectives on current immigration policy and the need for an overhaul of our Nation's system.

Faith-based organizations often lead our Nation in the ongoing discussion over immigration reform. Over the past decade, faith leaders have often shepherded the often contentious national debate over our immigration system by framing it as a moral and ethical question.

The United States Conference of Catholic Bishops was an early leader in bringing faith communities to the table. More recently, organizations and denominations such as the National Association of Evangelicals, the Southern Baptist Convention, and the Liberty Council Legal Ministry, have assumed significant leadership on the issue.

Creating unprecedented coalitions across the denominations, each of these groups has passed a resolution supporting comprehensive reform that provides for secured borders, immigration laws that meet the economic and family reunification needs of our

country, and an earned path of legal status for hardworking immigrants who pay a fine, pass a criminal background check, and learn English.

While these groups and I don't always agree on every issue, we do agree on this issue, as do most of the American people. A recent bipartisan survey found that the vast majority of Americans—over 74 percent—support comprehensive immigration reform that follows the above principles: border security; immigration laws that meet our Nation's needs and the needs of our families; and a pathway to legal status for hardworking immigrants. In fact, this poll found that 84 percent of people who support the Arizona law also support comprehensive immigration reform.

Today, we will hear from those to whom we look for moral and ethical guidance about their support for a firm, rational, and just immigration policy. I commend our witnesses' efforts and their leadership.

And now I would recognize our minority for an opening statement. I understand from Mr. King that he would like Mr. Smith, the Ranking Member for the full Committee, to offer his opening statement at this time.

Mr. SMITH. Thank you, Madam Chair.

A recent Zogby survey reenforced what many of us already know: Americans, including the religious faithful, want America's immigration laws enforced. According to the study of likely voters, 54 percent of Catholics, 61 percent of Protestants, and 65 percent of born-again Christians support attrition of illegal immigration through enforcement.

I suspect we will hear today that it is somehow immoral or unethical to enforce our Nation's laws and that, in fact, sometimes we should ignore those laws. For those who want to take this approach, there is just one problem. The Bible contains numerous passages that support the rule of law. The scriptures clearly indicate that God charges civil authorities with preserving order, protecting citizens, and punishing wrongdoers.

A prime passage is Romans 13: "Let every person be subject to governing authorities." On this passage, the late Father Patrick Bascio wrote in his book on the immorality of illegal immigration, "Clearly, this is advice to Christians to follow the laws of their nation and to respect the laws of other nations. Although Christianity encourages acts of charity, we cannot be both charitable and lawbreakers."

Now consider Leviticus: "When a stranger sojourns with you in your land, you shall not do him wrong." Some claim that the passage mandates we welcome any and all foreigners, even those in our country illegally. But this and other passages do not imply that foreigners should disregard civil laws to enter or that we should overlook it when they do. For instance, the law for Israel allowed legal distinctions to be drawn between native Jews and resident aliens.

The Hebrew term for "sojourn," as well as the dictionary definition, means "temporary stay." A related term used in some scriptural translations is "stranger." So this passage offers no scriptural sanction for allowing millions of illegal immigrants to remain permanently in the United States. Furthermore, in the New Testa-

ment, according to "The New Westminster Dictionary of the Bible," the word "stranger" denotes one who is simply unknown, not necessarily a foreigner.

Related to the Leviticus citation is the passage about treatment of "the least of these, my brothers, the hungry, the naked, the stranger, the prisoner." This quote from Matthew plainly advocates individual acts of kindness and does not mandate a public policy.

A note in "The New Interpreter's Bible" says, quote, "It is the individual human being, not nations as corporate political structures, that stand before the judgment." This suggests little Biblical support for anyone's claim to have a right to remain where they have lived illegally or to obtain public benefits, including citizenship.

Father Bascio takes it a step further stating, quote, "The Christian church currently favors an immigration policy that assists those who violate our laws rather than enter the legal process that leads to legal immigration. The Christian church in some quarters actually recommends to its ministers and priests that they break the law by helping illegal immigrants who break the law. The church's position disappoints those who play by the rules, placing legal immigrants and businesses that respect our laws at a great disadvantage," end quote.

Bascio contends that "the Christian leadership of this country, not really comprehending the wide-ranging problems connected with illegal immigration, has blessed violating the sovereignty of our Nation, depressing the wages of American workers, encouraging the growth of the most violent gangs in America, driving up Black unemployment."

A prime example comes from the *Wall Street Journal.* After a wave of raids by Federal immigration agents on Labor Day weekend, a local chicken processing company called Crider lost 75 percent of its 900-member workforce. But for local African-Americans, the dramatic appearance of Federal agents presented an unexpected opportunity. For the first time in years, local officials say, Crider aggressively sought workers from the area's State-funded employment office, a key avenue for low-skilled workers to find jobs. Of 400 candidates sent to Crider, most of them Black, the plant hired about 200.

Bascio says rightly that, quote, "Those who build their empires by constructing the world economic order on the foundation of cheap labor are immoral, and their sins cry out to heaven for vengeance. Church leaders, we plea with you to take note of this," end quote.

The fact is that Americans need not repent for wanting to uphold the rule of law and provide jobs for legal workers. I agree with Father Bascio's sentiment when he said that illegal immigration is not a victimless crime. There are an abundance of real victims whom Christians have the moral obligation to aid and protect. A truly Christian moral approach would be not to acquiesce to illegal immigration but to work to end it.

Our Nation has a wonderful tradition of welcoming newcomers. We admit more than 1 million legal immigrants a year—as many as all other nations combined. There is a clear difference, though, between those who play by the rules and come in the right way and those who don't.

Madam Chair, before I yield back, let me say that I have another Committee markup at which I have an amendment to offer, so I will be gone for some time but expect to return. And, with that, I will yield back.

Ms. LOFGREN. The gentleman yields back.

Mr. Conyers, I believe, is on his way and wishes to offer an opening statement. But while we await his arrival, I will recognize the Ranking Member for his opening statement.

Mr. KING. Thank you, Madam Chair.

And I want to thank the witnesses in advance for your testimony and for coming forward here today.

This is very interesting to me. This is a bit of a turn from what normally we see. The folks on my side of the aisle generally are holding scripture and talking about our faith and the core of the things that motivate us; people on the other side are saying, well, this really isn't a—sometimes even on the floor in the Congressional Record say this is not a Christian nation. Well, I believe it is. And so, let's examine some of that today while we talk about our core values.

And it turns out—I might have been reading a copy of the Bible that is a little different than what we might hear about today. I didn't realize that Moses was an illegal immigrant. And neither did I realize that King David was an illegal immigrant, or that Mary and Joseph were illegal immigrants. I didn't realize that the Bible barred the enforcement of immigration laws. And neither did I realize that it erased borders, demanded pathway to citizenship for illegal immigrants, or that the Bible forbids the leaders of a nation from caring most about the wellbeing of its own citizens. However, the goal of this hearing is apparently to certify the self-evident truth of all of these propositions.

Not only must I have been reading a faulty copy of the Bible, but in the land of the Bible, the leaders of today's Israel must have been reading the same copy, because they built border fences to protect their citizens from terrorists and illegal job seekers alike. They deported over 136,000 illegal foreign workers between September of 2002 and May of 2005. That is modern-day Israel. The percentage that is the equivalent of that was about 6.5 million removals in the United States had we done the same thing over that same period of time.

And the law of return applies only to Jews. You know, anything less would certainly result in the annihilation of the whole of the Jewish people that reside today in Israel. And for those reasons, they have their policy, which don't seem to be objected to by the clergy in America and certainly not by me. I think they have a right for their determination in that faith.

But, at the base, this concept that animates this hearing appears to be that the only Biblically acceptable immigration policy is an open-borders policy. Never mind the fact that 4 out of every 10 Mexican adults that were surveyed would migrate to the United States if given the opportunity to do so, and that there are 5 billion people on the planet that have a lower gross domestic product per capita income and equivalent standard of living than the people that—that is out of about 6 billion people on the planet, about 5 billion of them live in a lower standard than the average citizen in

Mexico. And never mind the devastating effects illegal and low-skilled immigration in general are having on this country and especially on our most vulnerable citizens.

And I am pleased that Jim Edwards is here testifying today. He has done much to articulate and write about the real clarity of the issues in the Bible and how it addresses the immigration issues of today and how it applies today.

He has pointed out some things that I think he may not have time to say, and so I would reiterate those here. And one is to look back through primarily the Old Testament, but not exclusively. Deuteronomy 32:8, "When the most high gave to the nations their inheritance, when he divided mankind, he fixed the borders of the peoples according to the number of the sons of God." And in Ezekiel 47, it details the promised land's boundaries. In Numbers 34, describes the borders the Lord established for each tribe of Israel. Deuteronomy 19 commands against "moving a neighboring tribe's boundary stone marking a given tribe of Israel's inheritance in the promised land."

Mr. Edwards also writes elsewhere, and St. Paul takes this same issue up in Acts. And as St. Paul addresses the Athenians, he explains that, and I quote, "From one man, God made every nation of men, that they should inhabit the whole of the earth. And he determined the time set forth for them and the exact places where they should be," end quote.

Mr. Edwards points out, of course, some other issues in the Old and New Testament. One is in Matthew where Jesus says, "Therefore render unto Caesar the things that are Caesar's and unto God the things that are God's."

Mr. Edwards also writes in Timothy that Paul warns that if anyone does not provide for his relatives and especially for his own family, he has disowned the faith and is worse than an unbeliever. Here it is made plain that we each have a very special obligation to those who are closest to us by family and blood ties, and their needs and welfare must stand tops in our priorities.

And what is said here about the local civic community can also be said about the civic community on a larger scale. We, as Americans, have a greater and more immediate and moral obligation to be concerned with the welfare and quality of life in the United States than in other countries, just as the residents of those other countries should be more concerned with what goes on in their countries.

Each of us has ties to very peculiaristic communities, and we must all acknowledge the legitimacy of those ties and the special obligation that we all have to direct our immediate attention to the welfare of those very special communities that each of us calls our own. Statesmen and political leaders have a special obligation to look out for the wellbeing of the political communities that are entrusted to our care.

I would just point out a couple of other points here as I close, and that is my church sponsors a Hispanic congregation in Minnesota. We take up a collection on a regular basis. And that is something that we feel very good about doing.

And I have sat down and had many conversations with pastors that are primarily in my district. And the conflict that we have, sit-

ting here as the people who have been entrusted to make the laws and the people whose profession and spiritual obligation it is to mission to all of the peoples of the earth, is that our job is to faithfully make the laws and see to it that they are enforced by our executive branch. And I hope you will respect that, all of you. And I respect your job and your mission to mission to all peoples on earth.

And so, with that, and I hope that is the appropriate tone for this hearing today, Madam Chair, and I would yield back the balance of my time.

Ms. LOFGREN. The gentleman's time has expired.

We will recognize Mr. Conyers for his statement when he arrives. And, at this point, in the interest of proceeding through the witnesses, we will ask other Members to submit their statements for the record. And, without objection, all opening statements will be placed in the record.

[The prepared statement of Ms. Jackson Lee follows:]

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CONGRESSWOMAN SHEILA JACKSON LEE,

OF TEXAS

STATEMENT Before

The Subcommittee on Immigration, Citizenship,

Refugees, Border Security, and International Law

Hearing On

THE ETHICAL IMPERATIVE OF IMMIGRATION

REFORM

JULY 14, 2010

Thank you, Madame Chair; and welcome to our

distinguished witnesses: Dr. Richard Land, President, Ethics

and Religious Liberty Committee of the Southern Baptist Convention; Most Rev. Gerald F. Kicanas; Bishop, Archdiocese of Tucson, Arizona and Vice-President of United States Conference of Catholic Bishops; Rev. Mathew D. Staver, Founder and Chairman, Liberty Connsel Dean and Professor of Law, Liberty University School of Law; and Dr. James R. Edwards, Jr., Fellow, Center for Immigration Studies

I have been a longtime supporter of Comprehensive Immigration Reform. Like many of our honored witnesses on the panel, I believe we in the United States Congress have a moral and ethical imperative to provide our country and our citizens with an immigration system that works. We can only achieve this through a comprehensive and integrated reform of the many components that make up this complicated system, from security at the border, to enforcement of employment laws, to efficiency in our legal immigration system.

First, we have to face the facts; our immigration system does not work; it is broken in many different places. Millions of people are living an underground life in our country without documentation; people driven from their home countries by poverty and violence are entering our country illegally; criminal organizations smuggle drugs, arms, and people, launder money, and engage in human trafficking; and our legal immigration system has enormous backlogs, preventing valuable contributors to our prosperity and productivity from entering the country.

To make things more complicated, these problems are interrelated, and it becomes impossible to solve one problem without addressing all the others. In other words, it does no good to pour all our resources into enforcement on the border if people can still overstay their visas and find work once they are inside the couutry; it does no good to have laws against employiug illegal immigrauts if we do uot have the resources to enforce those laws; it does uo good to offer a pathway to

citizenship for undocumented workers if our legal immigration system is still broken. Comprehensive Immigration Reform is the only way to adequately, efficiently, fairly and securely address all these problems.

Comprehensive Immigration Reform is indeed our ethical imperative to our own country. First and foremost, we have an obligation to secure our nation against terrorist threats and criminal organizations. Our immigration system must also prevent iilegal entry and crack down on employers who knowingly hire illegal immigrants. As part of our tradition as a nation of immigrants, we also have an ethical imperative to reform our immigration system so that people looking for a better life are not forced to wait sometimes forever for a decision or use illegal means to enter our country. And finally, in response to the over 11 million illegal immigrants currently living underground in our country, we must require illegal immigrants to register with the government to legalize their status, pay a fine and back taxes on their income, learn

English, undergo a criminal background investigation, and go to the back of the line and become regularized like any other immigrant seeking a better life in the United States would legally have to do.

The issue is complex, difficult, and contentious, and the frustration of the American people at a Federal Government that has dragged its feet for far too long is palpable. The recent Arizona Immigration Law is a clear expression of this frustration, and I recognize it as just that. Misguided and incendiary as it may be, we must recognize that reactions like the one in Arizona should serve as a clarion call to lawmakers across the United States: we cannot ignore the issue of comprehensive immigration reform any longer; we cannot delay action any further; we must act now. We must have comprehensive immigration reform now.

And to those who would derail this effort for political gain, let me be clear. We are not here to talk about amnesty; we are here to talk about a comprehensive strategy that

secures our borders from the threat of terrorism and of drug, arms and humau trafficking. We are here to talk about au immigration system capable of enforcing its own laws at the border and at the workplace. We are here to talk about an immigration system that is efficient, honors onr history as a nation of immigrants, and responds to economic and social realities. We are here to agree on a sensible policy for those who, although possibly violating our immigration laws, have been productive, law-abiding, contributing members of our society.

I look forward to hearing the testimonies of our distinguished witnesses today. I share the view that it is immoral to continue to perpetuate a broken system that has insufficient resources, inaccurate assessments, ineffective laws, and that does not enforce the laws it has.

I know there are divergeut views ou how to fix this system, bnt I believe we can all agree that it needs fixing. I hope we can begin our discussion with this fundamental

agreement, and realize that we all want the same things: a border that is secure, laws that are effective, an immigration system that is just.

Thank you, Madame Chair. I yield back the remaiuder of my time.

[The prepared statement of Ms. Waters follows:]

Opening Statement & Questions
of the
Honorable Maxine Waters, D-35th CA

Immigration, Citizenship, Refugees, Border Security and International Law Subcommittee

Hearing on

The Ethical Imperative for Reform in our Immigration System

July 14, 2010
2141 Rayburn Building
9:30 a.m.

Thank you, Madam Chair for organizing this hearing to discuss how the faith-based community is organizing behind immigration reform. I am very anxious to hear from our witnesses today as they discuss the moral justifications for a federal solution to our unsustainable immigration system. Many of my constituents, including my dear friend Bishop Kirkland, have asked my advice on how they should instruct their congregations and communities on immigration reform. Clearly, this issue is very important to many people, and it is my hope that both Republicans and Democrats can work together to reach a solution. This must begin, with at least a consensus on some basic guiding principles to set a framework for comprehensive immigration reform. In this regard, I have yielded to the leadership and work of Congressman Gutierrez. I know that he has traveled across the country trying to build a large coalition and support-base behind comprehensive immigration reform. I believe that his framework gives us a good starting point from which we can begin to create a path to earned citizenship for immigrants, make sure our domestic workforce is protected (while preventing employers from exploiting undocumented immigrants), examine our guest worker

programs, and reform our inadequate, and sometimes inhumane, detention and deportation system.

It is imperative to discuss how we may take proactive steps to remedy immigration reform. If we do not take action, more and more states will begin to enact laws similar to what Arizona has implemented. The bill allows Arizona law enforcement to regulate immigration by establishing a new state crime for anyone who violates federal immigration law (regarding registration and carrying registration documents). It gives local police officers the authority to investigate, detain, and arrest people for perceived immigration violations. Seemingly, it perpetuates racial profiling and this should not be allowed. To that end, I am very pleased that the Justice Department has decided to take action and examine the constitutionality of Arizona's new law and whether it displaces federal responsibilities.

If this new law wasn't enough, soon after its passage, Arizona enacted H.B. 2281 which prohibits school districts from maintaining curriculums that promote the overthrow of the U.S. government or foster hostility between races. This has been widely concluded to be a ban on "ethnic studies." We are now beginning to hear that other states are planning to enact similar laws. Thus it is imperative that the federal government assume responsibility and comprehensively reform our immigration system.

Our broken immigration system is a national problem that requires a federal response, and this will REQUIRE bipartisan action. The federal government must take bold action and pass comprehensive immigration reform. If the government does not act, we will continue to see more and more states responding with

piecemeal legislation that does not comprehensively repair the broken immigration system.

There is an apparent intersection between the interest of undocumented individuals, state laws, advocacy on behalf of the ethical human duty that one owes to another, and what the resulting immigration reform will look like. Many falsely believe that comprehensive immigration reform (and creating a path to citizenship for undocumented immigrants) will in some way deprive them of economic opportunities they would otherwise have if ALL immigrants were deported. However, this philosophy is not only inconsistent with our nation's constitutional standards, but it is inconsistent with the message and principles that many of our clerics here today seek to exemplify and impress upon their Christian congregations. To those ends, I am delighted that the faith-based community has chosen to take action, and I look forward to hearing their testimony today.

Thank you, and I yield back the balance of my time.

[The prepared statement of Mr. Chaffetz follows:

Prepared Statement of Representative Jason Chaffetz (UT-03) for Hearing of the Judiciary Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law on the Ethical Imperative for Reform of our Immigration System

22 July 2010

Mr. Chairman, thank you for holding this hearing. I agree with colleagues on both sides of the aisle that the status quo is in many ways immoral, and that Congress has an ethical responsibility to address the flaws in our immigration system after failing to do so for so long. For years the federal government has looked the other way while immigrants have been incentivized to enter the U.S. illegally, and then have been exploited by unscrupulous employers and others.

Our first responsibility must be to citizens and legal immigrants. The Administration's recent proposals for a supposedly "tough but fair" path to citizenship for illegal immigrants fail those who have tried to play by the rules by obeying our laws. These proposals would reward those who broke our immigration laws, who succeeded primarily because of their proximity to the U.S., by allowing them priority preferential treatment over those who have obeyed the laws and waited their turn.

These reduced consequences are a form of amnesty, which I must reject. It is a form of amnesty because those who entered unlawfully are permitted to remain and enjoy the benefits of living in America while their status is pending, even if they are at "the end of the line." Those who might have entered unlawfully, but did not, are not permitted to live in America and enjoy its benefits while their status is pending, making rather hollow the consolation that they are ahead "in line" of those who came unlawfully. This perversely inequitable result violates fundamental principles of law and fairness.

The proposal of the Administration that illegal immigrants should pay a fine, pay back taxes, learn English, and "go to the back of the line" should be evaluated more carefully. Requiring illegal immigrants to pay back taxes only requires them to obey, after the fact, another law they were breaking while working here illegally. No one will argue that they should have been paying these taxes as part of their employment. Paying back taxes already owed is merely a way to begin making amends, without discussion of the penalties or interest their legal working counterparts would be required to pay on back taxes. Learning English is no penalty, given that it is already required under current law.

Going to "the back of the line," when the front of the line is in the country of origin but the back is in America, makes clear that these immigrants have clearly jumped to the most advantageous place in line, whether we call that the back or the front. The only "penalty" in this proposal is that of paying a fine, which for most who want to come to America would seem a small price to

pay for the privilege of being allowed to enter unlawfully, and then remain lawfully in the United States while their status is pending.

Becoming a citizen of the United States of America should always be something special. We cannot allow this privilege to be cheapened by privileging those who have cheated the system by entering illegally.

No one is proposing "rounding up" the estimated 12 million illegal immigrants in mass deportations. If we enforce the current laws, including terms on non-immigrant visas, then illegal employment will dry up, unlawful workers will be far less motivated to cross the border, and the vast majority will self-remove. This will leave our federal agencies, currently stretched with the scope of their missions, to handle human trafficking, drug and weapons smuggling, and violence at the border and within the U.S.

There are other difficult issues. Some have citizen family members in the U.S., or believed through no fault of their own since infancy that they were citizens. These are admittedly more complicated cases in terms of policymaking than others. But a blanket policy, like those President Obama has spoken about, would grant amnesty to tens of millions of illegal immigrants on the basis of a limited number of close cases.

My approach to immigration policy is guided by the following seven principles:

1. Fix legal immigration
2. Reject amnesty
3. Lock down the border and enforce visas
4. Enforce current laws
5. Remove incentives to be here illegally
6. Give businesses the tools to operate legally
7. Insist on assimilation

I do want to be compassionate toward those who come here seeking a better life. Acts of mercy by individuals are appropriate. But we should not reward people for breaking the law. If we reward those who follow the rules, more people will do so. Rewarding those who break the rules sends the wrong message and gives people an incentive to come illegally. What will we do with those who enter illegally after a new amnesty is passed? Considering the failures of the 1986 amnesty, offering another now seems more like a pattern than a final resolution of the issue.

Clearly, something must be done. But if we wish to speak of moral imperatives on the issue of immigration, one overriding consideration should be the moral imperative owed to our American citizen constituents. Their view seems overwhelmingly to be that amnesty, or anything akin to it, is itself immoral, and should be rejected as a means of addressing illegal immigration.

Ms. LOFGREN. And, without objection, the Chair is authorized to declare a recess of the hearing at any time.

Now I would like to introduce our witnesses. Each one is esteemed.

And, first, it is my pleasure to introduce Dr. Richard Land. Since 1988, Dr. Land has served as president of the Southern Baptist Convention's Ethics and Religious Liberty Commission, the policy

arm of the largest Protestant denomination in our country. He is the host of several nationally syndicated radio programs and was featured as one of the 25 most influential evangelicals in America by *Time Magazine* in 2005.

Most recently, Dr. Land has been an active convenor of Conservatives for Comprehensive Immigration Reform and has co-authored a white paper on principles for just immigration reform, which lays out a moral approach to a comprehensive overhaul of our Nation's immigration system.

Next, I would like to introduce Bishop Kicanas. The Most Reverend Gerald F. Kicanas is the seventh bishop of the Catholic Archdiocese of Tucson, Arizona, where he has served since 2003. He is the vice president of the U.S. Conference of Catholic Bishops and a member of the Conference's Committee for Migration. He previously served as auxiliary bishop for the Archdiocese in Chicago and was director of the Mundelein Seminary. For his extraordinary leadership, Bishop Kicanas was awarded the Cardinal Joseph Bernadin Award in 2008.

Next, I would like to introduce Reverend and Dean Mathew D. Staver. Dean Staver is chairman and founder of Liberty Counsel, a nonprofit legal ministry with a focus on litigation, policy, and education. He is dean and professor of law at the Liberty University School of Law. A former Seventh Day Adventist pastor, Dean Staver has argued twice before the Supreme Court of the United States and is the author of 11 books and hundreds of articles.

Most recently, Dean Staver has been active in Conservatives for Comprehensive Immigration Reform, a group of over a dozen conservative faith-based groups pushing for an overhaul of our Nation's immigration system.

And, finally, I would like to introduce the minority's witness, Dr. James Edwards, Jr. Dr. Edwards joined the Center for Immigration Studies in 2009 as a fellow. Dr. Edwards was a legislative director for Representative Ed Bryant, a former colleague of ours and a Member of the House Judiciary Immigration Committee when he served here.

Dr. Edwards was an adjunct fellow with the Hudson Institute and was selected as 1998 Lincoln fellow by the Claremont Institute. Dr. Edwards authored, with James G. Gimpel, "The Congressional Politics of Immigration Reform." He earned his doctorate at the University of Tennessee and his bachelor and master's degrees at the University of Georgia.

Now, you have written statements, and those statements will be made part of our official record. We are inviting you to address us in about 5 minutes' time.

That little machine on the table, you probably noticed before. When it is green, it means there is a lot of time left. But when it turns yellow, it means—and it is always surprising—there is only 1 minute left. And when it turns red, it means actually it has been 5 minutes. Now, we won't cut you off in the middle of a sentence, but we would ask that you to try to summarize if it goes red so that we can have time for Members to pose questions to you subsequent to the testimony.

So, with that, let us begin with Dr. Land. Thank you so much for being here.

TESTIMONY OF RICHARD D. LAND, D.PHIL, PRESIDENT, THE ETHICS AND RELIGIOUS LIBERTY COMMISSION OF THE SOUTHERN BAPTIST CONVENTION

Mr. LAND. Thank you. Good morning, Chairwoman Lofgren and Ranking Member King, and Members of the Subcommittee.

The Southern Baptist Convention is the Nation's largest Protestant denomination, with more than 16 million members and more than 44,000 autonomous local congregations. The Ethics and Religious Liberty Commission is the public policy arm of the Southern Baptist Convention.

With an estimated 12 million men, women, and children living and working in an undocumented status in the United States, we have a crisis. And despite the impasse of previous Congresses on immigration reform, I do not believe that that crisis is insurmountable. I believe Congress can and should devise a plan to bring these people out of the shadows.

The more protracted the delay in action, the more severe the problem will become. I look upon the Arizona law and other similar laws to be a symptom. They are a cry for help from States that are suffering because the Federal Government has not done its duty.

Like other religious bodies, the Southern Baptist Convention has been vocal in the issue of immigration reform. In June 2006, the Southern Baptist Convention gathered in Greensboro, North Carolina, for its annual meeting and passed a resolution by a nearly unanimous vote which called for enforcement of immigration laws balanced with compassion for those who are here illegally and urged a pathway to legal status for them after having secured the border.

Chief among the resolution's admonitions was a call for the Federal Government to provide for the security of our Nation by controlling and securing our borders. Clearly, our Federal Government has not done that for several decades.

Fundamentally, I believe Southern Baptists and other evangelicals view immigration through the lens of their faith. As citizens of the United States, we have an obligation to support the government and the government's laws for conscience's sake, Romans 13:7. We also have a right to expect the government to fulfill its mandate to punish those who break the laws and reward those who do not.

But Southern Baptists also recognize a Biblical mandate to care for those who are the least among us, Matthew 25; to care for the strangers who reside in our land and to act justly and mercifully, Micah 6:8.

Bearing this in mind, Southern Baptists pledged in their 2006 resolution, among other things, to call upon Southern Baptists to act redemptively and to reach out to meet the physical, emotional, and spiritual needs of all immigrants, to start English classes on a massive scale, and to encourage them toward a path of legal status and/or citizenship.

But acts of mercy by the church have been and will remain insufficient to repair our broken immigration system. Nor is the church's responsibility equivalent to the government's. While Southern Baptists and other evangelicals will do their part individually and collectively as churches to reach out to those who are

here illegally, only a proper government response can resolve our immigration crisis. Your responsibility and obligation is different than ours.

I believe that first of everything must start with border security. We have to secure the border. And I think most Americans do not accept the argument that our government cannot secure the border. The Federal Government has the resources to do what it chooses to do and has the will to do. The Internal Revenue Service comes to mind. The American citizenry understands if we don't pay our taxes, you will come and get us.

And we believe that we have to commit whatever resources are necessary to secure the border. That does not mean to close the border, but it means to have control of the border, to have control over who goes in and who goes out.

But, you know, the statement was made earlier that it is immoral that—some people would argue that it is immoral to enforce our Nation's laws. I don't think that is fair and I don't think it is right. What is immoral is to not enforce the Nation's laws for over two decades and then to say, "Oh, now we are going to enforce the law, and we are going to enforce the law retroactively."

You know, it would be like if the government sent out a letter to every driver in America and said, "By the way, for the last 24 years, we have been conducting surveillance by satellite on the interstates. And up until now, we haven't had the ability to ticket you for all of the times you exceeded the speed limit, but we do now. And so now we are going to send you a ticket for every time you exceeded the speed limit retroactively over the last 24 years." I don't think most Americans would think that was fair, and I don't think most Americans would accept it.

I believe that we have to, once we have secured the border—and I believe that has to be done with agreed-upon metrics that the government puts together and certifies, we have met this metric, we have met this metric, we have met this metric—then I believe we have to have a 6- to 9-month grace period for people who are here in an undocumented status to come forward, to register, to agree to pay fines, to pay back taxes, to undergo a background check, to learn to read, write, and speak English and pass a test that they have done so, and go to the back of the line so that they are not being rewarded for having come here in an undocumented status, behind those who are trying to come here legally. And over a time period, they have the opportunity to then get to legal status.

I do not believe that you can strain the English language into saying that that is amnesty. Amnesty is what President Carter gave those who avoided service during Vietnam. I would have let them come back, too, as President Carter did, but I would have let them spend 2 years working at minimum wage in veterans hospitals, caring for those who took their place.

Thank you.

[The prepared statement of Mr. Land follows:]

PREPARED STATEMENT OF RICHARD D. LAND

Testimony of

Richard D. Land, D.Phil.
President
The Ethics & Religious Liberty Commission
of the Southern Baptist Convention

Before the U.S. House Committee on the Judiciary
Subcommittee on Immigration, Citizenship, Refugees, Border Security,
and International Law

Hearing on

The Ethical Imperative for Reform of Our Immigration System

July 14, 2010

INTRODUCTION

Good morning, Chairwoman Lofgren, Ranking Member King, and members of the subcommittee. I am Dr. Richard Land, president of the Southern Baptist Convention's Ethics & Religious Liberty Commission. As you are aware, the Southern Baptist Convention is the nation's largest non-Catholic denomination, with more than 16 million members worshipping in nearly 44,000 autonomous local congregations. The Ethics & Religious Liberty Commission is the official Southern Baptist entity charged by the Southern Baptist Convention to speak to our nation's moral, cultural, and religious liberty issues. I appreciate the opportunity to speak to this committee this morning from a faith-based perspective on comprehensive immigration reform.

The subcommittee is well aware that something must be done to address our current immigration situation. With an estimated 12 million men, women, and children living and working illegally in the United States, it is no less than a crisis. Despite the impasse in previous Congresses on immigration reform, our crisis is not insurmountable. Congress can and must devise a plan to bring these people out of the shadows. The more protracted the delay in action, the more severe the problem will become. Unfortunately, Congress has yet to write a bill on comprehensive immigration reform, appropriately addressing both enforcement of immigration law and the status of millions of people here illegally, that would garner support among most Southern Baptists and other Evangelicals.

SOUTHERN BAPTISTS AND IMMIGRATION REFORM

Like some other religious bodies, the Southern Baptist Convention has been vocal on the issue of immigration reform. In June 2006, the Southern Baptist Convention, gathered in Greensboro, N.C. for its annual meeting, passed a resolution[1] by a nearly unanimous vote, without debate, which called for enforcement of immigration laws balanced with compassion for those here illegally. The resolution "urge[s] the United States Congress to address seriously and swiftly the question of how to deal realistically with the immigration crisis in a way that will restore trust among the citizenry." Chief among the resolution's admonitions are calls for "the federal government to provide for the security of our nation by controlling and securing our borders" and "to enforce all immigration laws, including the laws directed at employers who knowingly hire illegal immigrants or who are unjustly paying these immigrants substandard wages or subjecting them to conditions that are contrary to the labor laws of our country."

Fundamentally, Southern Baptists and other Evangelicals view immigration through the lens of their faith. As citizens of the United States, we—meaning Southern Baptists—have an obligation to support the government and the government's laws for conscience' sake (Romans 13:7). We also have a right to expect the government to fulfill its divinely ordained mandate to punish those who break the laws and reward those who do not (Romans 13:1-7). But, Southern Baptists also recognize a biblical mandate to care for

[1] Southern Baptist Convention, Resolution "On the Crisis of Illegal Immigration," adopted June 14, 2006, available at http://www.sbc.net/resolutions/amResolution.asp?ID=1157 (See Appendix 1).

"the least of these among us" (Matthew 25:34-40), to care for the "strangers" who reside in our land (Leviticus 19:34; Hebrews 13:2), and to act justly and mercifully (Micah 6:8). Bearing this in mind, Southern Baptists pledged in the 2006 resolution to, among other things, "act redemptively and reach out to meet the physical, emotional, and spiritual needs of all immigrants, to start English classes on a massive scale, and to encourage them toward a path of legal status and/or citizenship."

Acts of mercy by the church have been and will remain insufficient to repair our broken immigration system. Nor is the church's responsibility equivalent to the government's. While Southern Baptists and other Evangelicals will do their part individually and collectively as churches to reach out to those here illegally, only a proper government response can resolve our immigration crisis.

THE CONTOURS OF COMPREHENSIVE IMMIGRATION REFORM

Over the last four years, the Southern Baptist Convention's Ethics & Religious Liberty Commission has repeatedly called for comprehensive immigration reform. In April 2006, two months prior to the Southern Baptist Convention's formal action on the issue, I laid out the parameters of a plan to address our immigration problem in a comprehensive manner. My holistic approach, published in *Baptist Press*, rests on three broad pillars that expand upon the Convention's resolution: a secure border, enforcement of internal immigration laws, and a path to legal status and expanded guest-worker program.[2]

1. Border Security

Border security is a non-negotiable component of any successful immigration reform plan. Americans have a right to expect the federal government to enforce the laws regarding those who cross our borders. Border security is a question of national sovereignty, national security, and the government fulfilling its divinely mandated responsibility to enforce the law. Any successful consensus on how to address the immigration crisis must be built on the foundation of the federal government convincing the American people that it has committed the necessary resources to secure our borders. This does not mean closing our borders or installing continuous fences, but borders must be controlled. We need to know who comes in, who goes out, and who they are.

Under both Democratic and Republican administrations, the federal government has failed to fulfill its responsibility in this area, thereby fueling severe consternation among a sizable constituency of Americans and fostering the immigration crisis we face today.

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[2] Richard Land, "FIRST PERSON: Immigration Crisis Requires Biblical Response," *Baptist Press*, April 27, 2006, available at http://www.bpnews.net/bpnews.asp?id=23137 (See Appendix 2); See also Richard Land, "Immigration Reform and the SBC," *Baptist Press*, April 3, 2007, available at http://www.bpnews.net/BPFirstPerson.asp?ID=25322 (See Appendix 3); Richard Land, "FIRST-PERSON: A Moral and Just Response to the Immigration Crisis," *Baptist Press*, May 12, 2010, available at http://www.bpnews.net/BPFirstPerson.asp?ID=32916 (See Appendix 4); and Richard Land and Barrett Duke, "Principles for Just Immigration Reform," July 12, 2010 (See Appendix 5).

An unsecured border poses a direct threat to our national security. The September 11, 2001, terrorist attacks on U.S. soil serve as a chilling reminder of our broken immigration system. We now know that the 19 al Qaeda terrorists who carried out the attacks evaded immigration laws and had been living in the United States for months, and some for more than a year, plotting the hijacking of four commercial airplanes to strike the World Trade Center buildings, the Pentagon, and the White House. As a result, nearly 3,000 innocent American lives were ruthlessly ended. Nine years later, the horrifying events of that day should give pause to every American.

Porous borders give terrorists and deported illegal immigrants who wish us harm relative ease of entry and reentry into the United States. In a post-9/11 world, a failure to control our borders only makes our nation more vulnerable to future attacks. The mere enactment of laws on border enforcement, however, will not suffice. Only a demonstrated commitment to secure our borders will gain Southern Baptists', as well as most Americans', trust.

2. Enforcement of Internal Immigration Laws

The second pillar of comprehensive immigration reform is a commitment by the federal government to enforce the laws within the country, which include cracking down on businesses that employ workers illegally. Here, too, the federal government has failed. Americans know the government is quite capable of enforcing laws that it truly wishes to enforce—the Internal Revenue Service comes to mind. The government is clearly culpable for not having the will to dedicate sufficient resources to enforce the laws at our borders and within the 50 states. That must change.

One useful means of cracking down on illegal workers has been the use of an electronic verification system. The E-Verify background check program, run by the Department of Homeland Security in conjunction with the Social Security Administration, enables employers to determine the eligibility of newly hired workers by entering their tax information into a free web-based database. This program, currently voluntary for most employers, should be reauthorized and made a mandatory part of the hiring process. Employers found in breach of hiring only those legally living in the U.S. should face stiff fines.

Moreover, lessons from previous congressional debates on immigration reform should not be forgotten. The American people, many Southern Baptists included, wanted a far more tangible commitment from the government that it would take border security and enforcement more seriously *first*. Only then would they give their support to any plan to resolve the issues surrounding the millions of immigrants who are already here illegally.

3. Path to Legal Status/Expanded Guest-Worker Program

The final pillar of comprehensive immigration reform is a program with multiple paths to legal status for illegal immigrants, including citizenship, a temporary worker program, and a permanent or temporary legal residency program. Some have asked, "Why not just

insist that all of the more than 12 million illegal immigrants go home?" The simple answer is that there is neither the political nor economic will in the U.S. population for forcibly rounding up 12 million people—many of whom have children who are American citizens—and shipping them back to their country of origin. As you know, politics and public policy are "the art of the possible." The reality is that the United States is not going to deport 12 million people, whether one thinks we should or not.

Second, it would not be fair or right. We have sent at best a mixed message to undocumented workers for more than two decades. At the border, we have had two signs posted: "No Trespassing" and "Help Wanted." Further, it is manifestly unfair to not enforce a law for more than two decades and then all of a sudden announce, now we are going to enforce retroactively laws that have been dormant in terms of enforcement.

For example, suppose the federal government sent out a notice saying, "We have been monitoring your habitual exceeding of the speed limits on our interstates over the past 20 years. Now, we have the technology to ticket you for each incidence of speeding over the last 20 years. You will be billed retroactively with 20 years worth of speeding tickets." Does anyone think most Americans would find this either fair or acceptable? I think not.

Once the federal government has convinced the American people that it has the will and is committing the resources necessary to enforce its laws, then I believe a consensus can be built and will form around some type of program that would address the question of the illegal immigrants who are already in the United States.

Such a program must not involve any type of "amnesty" that would just forgive the illegal entry of people, and it must require that those who are in America illegally be placed behind those who have already applied for permanent legal status. This program would recognize that these illegal immigrants did break the law in order to come here and work. However, most of them have been hard-working, law-abiding residents since their arrival. Therefore, the program would, in effect, say to those who are here illegally: You have a one-time opportunity of perhaps one year to come forward and apply for legal status. If such immigrants could demonstrate that they have been employed, and have not broken the law since or before their illegal entry, they could apply for legal status to remain in the country.

Some critics, however, suggest that "comprehensive reform" is code for amnesty, but such action is not amnesty because it does not merely pardon an offender. My proposal requires lawbreakers to pay a fine, learn to read, write, and speak English, and follow a rigorous process for legal status. Penalties, probation, and requirements do not equal "amnesty." Going to the back of the line behind those who have, and are trying, to come here legally is not amnesty. These are principles of justice and fairness that respect the rule of law and treat all parties involved (American citizens, legal immigrants, and illegal immigrants) with dignity.

Such a proposed program would also give employers a defined window (potentially six months to one year) to come forward, pay a fine, and come clean for past offenses. At the

end of the proposed period, the government then would tell illegal immigrants and their employers that if they haven't come forward and availed themselves of this generous and compassionate offer, "The government will find you, and if you're here illegally, deport you, and if you are a business, fine you in significant ways and perhaps prosecute you criminally."

While it is important to provide paths to legal status, we must be careful to avoid problems of chain migration—the process of bringing extended members of one's family to the United States once a family member is settled here. Limiting chain migration to immediate family members (spouses and natural/adopted children) would be an appropriate solution to this potential problem. Of course, hardship exceptions may be appropriate if a person's elderly parents have no means of support in their home countries. Such chain migration limitations will allow us to maintain our commitment to bringing in additional immigrants.

Also, since the government shouldn't reward illegal activity, it should establish an expanded guest-worker program for people not currently in the country, but who would like to come to the United States to work. The government could establish such a program with a ceiling of perhaps 350,000 people a year who could come to fill jobs that have been advertised in the United States by American employers for an adequate length of time and for which they have not been able to find employees domestically. These new guest workers would also have to agree to a background check and to learn English. Under such a proposed program, they could apply for permanent resident status at the end of four years, a shorter period than illegal immigrants would face for such status. In other words, those who have come here illegally go to the back of the line behind those who have tried, and are trying, to come to the U.S. legally. I believe most Americans would perceive such a program as a fair and practical way to deal with the over 12 million illegal immigrants currently in the country.

Coming forward and earning recognized legal status would have several advantages both for immigrants and for the nation. First, it would give the immigrants protection against exploitation by employers and by others in society who prey on them as vulnerable and legally defenseless.

Second, it would allow immigrants to go home and visit their families in their country of origin and then return to the United States. When you take the time to talk to undocumented workers, you find there is a significant minority (perhaps 30 percent) who do not wish to remain in the United States permanently or bring their families here. These individuals would welcome the opportunity to be guest workers and be able to send money home to and visit their families in their home countries without fear of not being able to get back into the United States.

Third, greatly expanding the program for new guest workers would make the job of border enforcement easier. If immigrants have a meaningful, legal pathway to cross the border, there will be less temptation to enter illegally and less opportunity to remain here illegally, and the number of people attempting illegal entry would drop.

I believe a majority of Americans would support such a program that would constitute real border enforcement, enforcement of existing laws within our borders, and a fair and compassionate way to address the crisis of the 12 million illegal immigrants already here.

I would also like to add that any immigration reform plan must be sensitive to the calling faith communities feel to engage in human needs ministry. The potential impact on human needs ministry is an area of immigration reform that uniquely affects the faith community. Christians have a divine mandate to care for those in need and to give a cup of cold water in Jesus' name (Matthew 10:42). The story of the Good Samaritan also informs our spiritual obligation to reach out to those in need of assistance (Luke 10:30-37). Our government should not criminalize private citizens who give a cup of cold water, a hot meal, a warm bed or medical assistance to those who are in our country illegally. The legislation proposed in a previous Congress, for example, included no such exemption for charitable and Christian activity toward all people, regardless of their residency status. I do not, nor do most Evangelicals, support the practice of providing sanctuary to those who are here illegally, but most Evangelicals do support the practice of meeting the basic human needs of people who are here.

CONCLUSION

Part of the United States' greatness is rooted in its history of immigration. The United States is a nation of immigrants. With few exceptions, such as Native Americans, every citizen of this nation who did not personally immigrate here claims U.S. citizenship as a result of his or her ancestors' immigration. Over the last four centuries, people have left their homelands with sights set on the United States for several reasons—some in pursuit of economic fortune, while others, like my Baptist forefathers, for religious freedom. Yet their dreams share a common theme: hope for a better life than offered in their native land.

From Anglo-Saxons to Africans to Asians and countless ethnic groups in between, America's strength lies in her rich diversity. Our diversity should be not only celebrated but expanded upon. We have also drawn some of the brightest minds in such fields as science, engineering, and medicine. We need to maintain a welcoming approach to immigration to help the United States retain its longstanding position as a technological superpower.

I believe that a majority of Americans would support a plan that follows the contours I have laid out—one that is not merely labeled comprehensive, but actually offers comprehensive reform—and that Congress can likewise reach consensus. Even beyond the lines of religious persuasion or identification, I believe comprehensive immigration reform is a solution that is best for all Americans.

The architectural blueprint and the building materials for a successful consensus on comprehensive immigration reform are present in American society today. What is needed to bring that potential edifice to fruition? Statesmanship. Churchill once said that

politicians think about the next election, while statesmen focus on the next generation. We need statesmen who will put aside short-term perceived partisan advantage and bring the consensus to fruition.

Once again, I appreciate the opportunity to share before the subcommittee a comprehensive immigration reform proposal formulated from a faith-based perspective. I, and millions of other Southern Baptists, look forward to supporting a plan on immigration that both elevates trust in the rule of law and its implementation and treats our fellow members of the human race with dignity and respect. I thank you for your time, Madam Chair.

ON THE CRISIS OF ILLEGAL IMMIGRATION
Southern Baptist Convention

June 2006

WHEREAS, The crisis of illegal immigration in the United States impacts tens of millions of people in many different ways; and

WHEREAS, Christians have responsibilities in two realms: as citizens of the nation (Matthew 22:21) and as citizens of the heavenly Kingdom (Philippians 3:20; Titus 2:14; 1 Peter 2:9); and

WHEREAS, As citizens of the nation, Christians are under biblical mandate to respect the divine institution of government and its just laws, but at the same time, Christians have a right to expect the government to fulfill its ordained mandate to enforce those laws (Romans 13:1-7); and

WHEREAS, As citizens of the heavenly Kingdom and members of local congregations of that Kingdom, we also have a biblical mandate to act compassionately toward those who are in need (Matthew 25:34-40), love our neighbors as ourselves (Matthew 22:39), and to do unto others as we would have them do unto us (Matthew 7:12); and

WHEREAS, The federal government's failure to fulfill its responsibility in the area of illegal immigration, during both Democratic and Republican administrations, has caused severe consternation among a sizable constituency of Americans and has led to the crisis we now face; and

WHEREAS, The federal government has not only failed to control the borders but failed in its responsibility to enforce the immigration laws, not only with regard to the individuals who are here illegally, but also with regard to the employers who knowingly hire them; and

WHEREAS, There are reportedly 12 million immigrants and counting who are living and working in America without legal status, many of whom have children who are American citizens by birth; and

WHEREAS, Many of these hardworking and otherwise law-abiding immigrants have been exploited by employers and by others in society, contrary to James 5:4; now, therefore, be it

RESOLVED, That the messengers to the Southern Baptist Convention meeting in Greensboro, North Carolina, June 13-14, 2006, urge the federal government to provide for the security of our nation by controlling and securing our borders; and be it further

RESOLVED, That we urge the United States Congress to address seriously and swiftly the question of how to deal realistically with the immigration crisis in a way that will

restore trust among the citizenry; and be it further

RESOLVED, That we urge the federal government to enforce all immigration laws, including the laws directed at employers who knowingly hire illegal immigrants or who are unjustly paying these immigrants substandard wages or subjecting them to conditions that are contrary to the labor laws of our country; and be it further

RESOLVED, That we urge citizen Christians to follow the biblical principle of caring for the foreigners among us (Deuteronomy 24:17-22) and the command of Christ to be a neighbor to those in need of assistance (Luke 10:30-37), regardless of their racial or ethnic background, country of origin, or legal status; and be it further

RESOLVED, That we encourage Christian churches to act redemptively and reach out to meet the physical, emotional, and spiritual needs of all immigrants, to start English classes on a massive scale, and to encourage them toward the path of legal status and/or citizenship; and be it finally

RESOLVED, That we encourage all Southern Baptists to make the most of the tremendous opportunity for evangelism and join our Master on His mission to seek and save those who are lost (Luke 19:10) among the immigrant population to the end that these individuals might become both legal residents of the United States and loyal citizens of the Kingdom of God.

Greensboro, NC

http://www.sbc.net/resolutions/amResolution.asp?ID=1157
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Baptist Press
News with a Christian Perspective

FIRST-PERSON: Immigration crisis requires biblical response

By Richard Land
Apr 27, 2006

NASHVILLE, Tenn. (BP)—The immigration crisis in the United States is a huge issue, impacting tens of millions of people in many different ways. How do we approach this problem? First, we have to identify "we." When I speak of "we," I am referring to Southern Baptists and other evangelical Christians who are American citizens. As such, we have responsibilities in two realms: as citizens of the nation and as citizens of the heavenly Kingdom (Philippians 3:20; Titus 2:14; 1 Peter 2:9).

As citizens of the United States, we have an obligation to support the government and the government's laws for conscience' sake (Romans 13:7). We also have a right to expect the government to fulfill its divinely ordained mandate to punish those who break the laws and reward those who do not (Romans 13:1-7). As citizens of the Lord's heavenly Kingdom and members of local colonies of that Kingdom (congregations of Christians), we also have a divine mandate to act redemptively and compassionately toward those who are in need. Jesus commanded us to love our neighbors as ourselves (Matthew 22:39) and to do unto others as we would have them do unto us (Matthew 7:12). How do these twin divine mandates apply to the immigration crisis facing our nation?

First, as citizens of the nation, we have a right to expect the federal government to enforce the laws regarding who may cross our borders. Border security is a question of national sovereignty, national security and the government fulfilling its divinely mandated responsibility to enforce the law.

Any successful consensus on how to address the immigration crisis must be built on the foundation of the federal government convincing the American people that it is willing to commit whatever resources are necessary to secure our borders. This does not mean closing the borders, but having effective control over who comes in, who goes out, and who they are.

The federal government's disgraceful failure to fulfill its responsibility in this area, during both Democratic and Republican administrations, has caused severe consternation among a sizable constituency of Americans and has led to the immigration crisis we face. There are at least 12 million people living and working in our country who have come here illegally, and our federal government has no idea who they are and how long they have been here.

In addition to not controlling our borders, the federal government has failed in its responsibility to enforce the laws within the country by not cracking down on businesses that employ illegal workers and by not enforcing immigration laws internally.

Americans know the federal government is quite capable of enforcing laws that it truly wishes to enforce -- the Internal Revenue Service comes to mind. The government is clearly culpable for not having the will to dedicate sufficient resources to enforce its laws at our borders or within the 50 states. That must change.

Some will ask, "Why not just insist that all of the more than 12 million illegal immigrants go

home?" The simple answer is that there is neither the political nor economic will in the U.S. population for forcibly rounding up 12 million people -- many of them who have children who are America citizens -- and shipping them back to their country of origin. Politics and public policy are the "art of the possible." The reality is that the United States is not going to deport 12 million people, whether you think we should or not.

Once the federal government has convinced the American people that it has the will and is committing the resources necessary to enforce its laws, then I believe a consensus can be built and will form around some type of "guest-worker" program that would address the question of the illegal immigrants who are already in the United States.

What would the contours of such a program look like? First, it must not involve any type of "amnesty" that would just forgive the illegal entry of people. It would recognize that these people did break the law in order to come here and work. Most of them have been hard-working, law-abiding residents since their arrival.

Such a "guest-worker" program would, in effect, say to those who are here illegally: You have a one-time opportunity of six months to come forward and apply for a "guest-worker" status, agree to undergo a criminal background check and agree to learn English. If such workers could demonstrate that they have been employed, and have not broken the law since or before their illegal entry, they could pay a fine and agree to pay any back taxes owed. After a certain number of years -- depending on how long they have already been here -- they could apply for permanent resident status.

For example, if someone had been here 10 years, they might be on probationary "guest-worker" status for five years. Someone who had been here five years would have a "guest-worker" status for six years.

Such a proposed "guest-worker" program would also give employers a six-month window to come forward, pay a fine and come clean for past offenses. At the end of the proposed six-month period, the government then would tell illegal immigrants and their employers that if they haven't come forward and availed themselves of this generous and compassionate offer, "The government will find you and if you're here illegally, deport you and if you are a business, fine you in significant ways, and perhaps prosecute you criminally."

Also, since the government shouldn't reward illegal activity, it should establish an expanded "guest-worker" program for people not currently in the country, but who would like to come to the United States to work. The government could establish such a program with a ceiling of, perhaps 350,000 people a year who could come to fill jobs that have been advertised in the United States by American employers for an adequate length of time and for which they have not been able to find employees domestically. These new "guest workers" would also have to agree to a background check and to learn English. Under such a proposed program, they could apply for permanent resident status at the end of four years, a shorter period than illegal immigrants would face for such status. In other words, those who have come here illegally go to the back of line behind those who come here legally. I believe most American would perceive such a program as a fair and practical way to deal with the over 12 million illegal immigrants currently in the country.

Coming forward and receiving recognized "guest-worker" status would have several advantages both for the workers and for the nation.

First, it would give the "guest workers" protection against exploitation by employers and by others in society who prey on them as vulnerable and legally defenseless.

Second, it would allow such workers to go home and visit their families in their country of origin and then return to their jobs in the United States. When you take the time to talk to illegal immigrants, you find there is a significant minority who do not wish to remain in the United States permanently or bring their families here. These individuals would welcome the opportunity

to be "guest workers," able to send money home to, and visit their families in, their home countries without fear of not being able to get back into the United States.

Third, greatly expanding the program for new "guest workers" would make the job of border enforcement easier. If immigrants have a meaningful, legal pathway to cross the border, there will be less temptation to enter illegally and less opportunity to remain here illegally, and the number of people attempting illegal entry would drop.

I believe a majority of Americans would support such a dual program that would constitute real border enforcement, coupled with a fair and compassionate way to address the crisis of the 12 million illegal immigrants already here.

Now, what about our responsibilities as citizens of the heavenly Kingdom? Christians have a divine mandate to care for those in need and to give a cup of cold water in Jesus' name (Matthew 10:42). The story of the Good Samaritan also informs our spiritual obligation to reach out to those in need of assistance (Luke 10:30-37). Our government should not criminalize private citizens who give a cup of cold water, a hot meal, a warm bed or medical assistance to those who are in our country illegally. The legislation by Rep. James Sensenbrenner, R.-Wis., must be amended to carve out an exemption for charitable and Christian activity toward all people.

Christian churches should be reaching out to meet the physical, emotional and spiritual needs of these "guest workers," old and new. While the government must insist on the enforcement of the law and a probationary period and fines for those who have broken the law, Christians are mandated to forgive and to act redemptively within their communities toward all people, including illegal immigrants. Churches should start classes on a massive scale to help illegal-immigrants-turned-"guest-workers" learn English and help them acclimate to life in the United States.

Finally, a word to those who are here illegally or who wish to come as legal immigrants in the future. We are a nation of immigrants. Unless you are Native American, we all are immigrants, or the descendents of immigrants, and while all of our immigrant ancestors were proud of their heritage in their country of origin, they came to this country to become Americans. In reality, we are a nation of settlers, who came to "settle" in a new country. While society has days upon which Irish-Americans, Italian-Americans, Polish-Americans, and Anglo-Americans pay homage to their ancestors, these groups put their emphasis on the American part of the hyphenated term. If you are coming here to start a new life in a new country, the United States, rather than just coming here for a sojourn as a "guest worker" planning to return home someday, let's display more American flags and a lot fewer flags of your country of origin. In other words, if you came here to start a new life in a new country, then put the emphasis on the American half of Hispanic-American, for example, and you are welcome.
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Richard Land is president of the Southern Baptist Ethics & Religious Liberty Commission.

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Baptist Press
News with a Christian Perspective

Immigration reform and the SBC

By Richard Land
Apr 3, 2007

NASHVILLE, Tenn. (BP)--News reports in both the national print and electronic media have unfortunately sown some confusion over where Southern Baptists, and I, stand on the question of immigration reform.

Like most Americans, Southern Baptists and other evangelicals continue to search for a morally responsible way to address the growing immigration crisis while honoring the rule of law.

To date, legislation offering truly comprehensive immigration reform -- legislation that will garner the support of a critical mass of Southern Baptists and other evangelicals -- has yet to be written and introduced in Congress.

Immigration reform that is "truly" comprehensive and will earn my support will square with the points covered in a resolution overwhelmingly adopted by Southern Baptists' elected messengers meeting at their annual convention in June 2006.

The reform would:

-- Insure the federal government provides for U.S. security "by controlling and securing our borders";

-- Enforce immigration laws, including oversight of the hiring practices of private employers;

-- Deal judiciously and "realistically" with those in the country illegally; and,

-- Allow the people of God to act "redemptively," reaching out to meet the physical, emotional and spiritual needs of all immigrants as they work toward an earned pathway of "legal status and/or citizenship."

If I were a U.S. Congressman or Senator, I would not support any immigration bill that has been introduced. Each of the bills falls short in some critical areas.

Senate measures have been too lenient and have not adequately addressed border security. The House bill, which gained passage in the last session, was inadequate in that it focused almost exclusively on border security and failed to position the government to deal "realistically with the immigration crisis in a way that would restore trust among the citizenry," as the SBC resolution urges.

The legislation that will generate majority support among Southern Baptists and other evangelicals is still out there waiting to be written and introduced in the Congress.

It is imperative that Congress -- consistent with national sovereignty and with our national security -- expeditiously find a way to resolve this moral problem in a moral way in line with the ideals of our nation.

I am in favor of a measure that includes controlling the borders and enforcing immigration laws inside the country, while offering no amnesty for lawbreakers. This is my position and the position that emerges from any fair and objective reading of the SBC resolution.

The term "comprehensive legislation" is not code for amnesty, no matter what my critics contend. Webster defines amnesty as the "act of an authority (as a government) by which pardon is granted to a large group of individuals." Amnesty is wiping a transgressor's record clean -- it is a free ride.

Proper reform should consist of a "guest-worker" program that requires an illegal immigrant to undergo a criminal background check, pay a fine, agree to pay back taxes, learn English and get in line behind those who have legally migrated into this country in order to apply for permanent residence after a probationary period of years. Amnesty? Hardly.

To call any proposed requirement -- that individuals must learn to read and write and speak English and go through a rigorous process in order to earn their way out of a lengthy period of "probation" in order to apply for legal status -- "amnesty" is to do violence to the English language.

One must not only learn how to read, write and speak English properly; one must use the language as it was intended. Words have agreed upon meanings. One cannot change the meanings of words arbitrarily. Penalties, probation, and requirements do not equal "amnesty."

My position and the position of most Southern Baptists with whom I have spoken on this issue embraces the thought that if these immigrants choose to travel on a "path of legal status and/or citizenship," it must include certain financial, time, and other requirements. Amnesty? Hardly.

As reflected in the resolution on immigration that was overwhelmingly adopted at the Southern Baptist Convention meeting last June in Greensboro, N.C., and as I said in a press conference March 29 in Washington, D.C., on the topic of immigration, Southern Baptists will not embrace reform that is not committed to securing the borders.

As U.S. citizens, we have a right to expect the federal government to enforce the laws regarding who crosses our borders. Border security is a question of national sovereignty, national security and the government fulfilling its divinely mandated responsibility to enforce the law (Romans 13:1-7).

While the government focuses on enforcing the law, Christians are mandated to forgive and to act redemptively within their communities toward all people, including illegal immigrants. As citizens of the Lord's heavenly Kingdom, we have a divine mandate to respond compassionately toward those who are in need.

At the March 29 press conference, I not only cited extensively the SBC resolution on the immigration crisis, I also handed out copies of a first-person commentary on the issue that was published in Baptist Press in March 2006, well prior to the convention's adoption of the resolution in June of that year.

I was asked by a USA Today reporter following that press conference if my position on this issue was not somewhat ahead of where "some" of the people in the pew were. I agreed that I might be "a little bit ahead" of where some Southern Baptists are vis-à-vis this issue, but I noted voting messengers at the Southern Baptist Convention adopted the resolution on the immigration crisis with near unanimity and with no debate.

For the record, I did not say, and did not acknowledge, that I was "a little bit ahead" of where the convention was. In fact, I was at the press conference representing what the convention had said on the issue.

Once again I am reminded that it is usually far better to speak for yourself than to leave it to

others to write about what you supposedly said.

If I were in Congress I would look to the SBC resolution on immigration reform as a blueprint and plumb line for writing truly comprehensive immigration reform. None of the legislation currently being proposed or considered in the Congress comes anywhere close to rising to the standard set by our convention's messengers last June.

I remain determined to do my best to ensure that Southern Baptists and I are not misunderstood on this critical issue, in spite of how we are sometimes portrayed in the mainstream media. To understand better Southern Baptists' views on this issue, I urge you to look to our website, www.erlc.com, and Baptist Press, and not rely solely on national press reports.
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Richard Land is president of the Southern Baptist Ethics & Religious Liberty Commission.

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Baptist Press
News with a Christian Perspective

FIRST-PERSON: A moral and just response to the immigration crisis

By Richard Land
May 12, 2010

NASHVILLE, Tenn. (BP)—The time has come for our nation to resolve its immigration crisis. It is imperative that we find an acceptable solution to the plight of the millions of undocumented immigrants living in our nation. Currently, the two extremes of deportation or amnesty are being played against each other, resulting in a stalemate in Congress and growing frustration and division in society.

The recent passage of the new law in Arizona is a cry for help from the citizens of a state made desperate by the federal government's shameful and flagrant dereliction to its duty to control the nation's borders and to enforce its laws. This is manifestly a federal responsibility and the U.S. government has failed in its responsibilities to its citizens under both Democratic and Republican administrations.

The Arizona law is a symptom, not a solution. While I sympathize with the plight of the beleaguered citizens of Arizona, the law they have passed faces severe challenges. Attorneys I trust and respect tell me that if the law survives the manifold court challenges it faces and goes into effect, it will be abused by genuinely bad people (like drug dealers and human traffickers) whose unscrupulous lawyers will claim falsely that they were victims of racial profiling and prejudice when they were arrested legitimately.

Neither of the extreme solutions of deportation or amnesty are appropriate, workable solutions. To force those who are here illegally to leave is neither politically viable nor humanitarian. To offer "amnesty" to those who broke the immigration laws of our country is disrespectful of the rule of law. What is needed is a solution that respects the rule of law while at the same time treats undocumented immigrants compassionately.

As Christians, we must think through the question of illegal immigration not only as concerned citizens, but also as compassionate Christians. As citizens of the United States we have a right to expect the government to fulfill its divinely ordained mandate to punish those who break the law and to reward those who do not (Romans 13:1-7).

As citizens of the heavenly kingdom (the church), we also have a divine mandate to act redemptively and compassionately toward those in need. Jesus commanded us to love our neighbors as ourselves (Matthew 22:39) and to do unto others as we would have them do unto us (Matthew 7:12). Our Lord instructed His followers to meet the needs of those who are suffering (Matthew 25:31-36). The writer of the Book of Hebrews instructed his readers to "show hospitality to strangers" (Hebrews 13:2).

As U.S. citizens we have a right to expect the federal government to enforce the laws regarding who may cross our borders. Border security is a question of national security, domestic safety and tranquility, and the federal government fulfilling its divinely mandated responsibilities to enforce the law.

As people of faith we must lead our churches to engage in multi-faceted human needs ministries on a massive scale to meet the physical and spiritual needs of millions of men, women and children living in the shadows of society where they are exploited by the unscrupulous and victimized by predators.

As citizens, we also have a responsibility to help our nation respond to the plight of these millions of people in a manner that respects their innate dignity and humanity. The millions of undocumented workers living among us suffer as outcasts without the full protections of the law or full access to the opportunities this nation offers to all to fulfill their God-given potential.

It is imperative that the U.S. Congress -- consistent with national sovereignty and national security -- expeditiously find a way to resolve this moral problem in ways that are consistent with our national ideals.

I favor a measure that includes controlling the borders and enforcing immigration laws inside the country first, while offering no amnesty for lawbreakers. This is my position and the position that emerges from any fair and objective reading of a resolution on immigration that Southern Baptists adopted at their annual convention in June 2006.

The resolution calls on the federal government "to address seriously and swiftly the question of how to deal realistically with the immigration crisis in a way that will restore trust among the citizenry."

It also stresses that it is the government's obligation "to enforce all immigration laws, including the laws directed at employers who knowingly hire illegal immigrants or who are unjustly paying these immigrants substandard wages or subjecting them to conditions that are contrary to the labor laws of our country."

Proper reform should consist of a program that provides an earned pathway that requires an illegal immigrant who desires to remain legally in the U.S. to undergo a criminal background check, pay a fine, agree to pay back taxes, learn to speak, write, and read English and get in line behind those who are legally migrating into this country in order to apply for permanent residence after a probationary period of years. They must also acknowledge and pledge allegiance to America's governmental structure, the duties of citizenship and our core values as embodied in the Declaration of Independence. People who fail background checks or who refuse to comply with this generous opportunity to earn legal status, should be deported immediately.

This is not amnesty. Amnesty is what President Carter gave the draft dodgers who came home from Canada with no penalties, no fines, and no requirements whatsoever.

It should be remembered that most of these undocumented workers who have broken the law (and thus should be penalized) came here in order to work whereas most of our home-grown criminals break the law in order to avoid work.

While the government focuses on enforcing the law, Christians are mandated to forgive and reflect God's grace toward all people within their communities, including illegal immigrants. The recent SBC resolution encouraged "churches to act redemptively and reach out to meet the physical, emotional, and spiritual needs of all immigrants."

As citizens of the Lord's heavenly Kingdom, we have a divine mandate to respond compassionately toward those who are in need.

There is neither the political nor economic will in the U.S. population for forcibly rounding up 12 million people -- many of them who have children who are American citizens -- and shipping them back to their country of origin. Politics and public policy are the "art of the possible." The reality is that it is not feasible for the United States government to attempt to deport 12 million people. There has to be another way to resolve this issue.

In hopes of providing a biblical solution to this matter, I have joined with other evangelicals in calling for bipartisan immigration reform that:

-- Respects the God-given dignity of every person;

-- Protects the unity of the immediate family;

-- Respects the rule of law;

-- Guarantees secure national borders;

-- Ensures fairness to taxpayers; and,

-- Establishes a path toward legal status and/or citizenship for those who qualify and who wish to become permanent residents.

The reality is that we have been, and are, a nation of immigrant settlers, and the descendents of such settlers, who braved oceans and many obstacles to come to this matchless land of opportunity to become Americans. Whether our ancestors came early, or late, we are Americans, whatever nationality may be used to describe our heritage before we arrived. We should, and we will, always have room in this great nation for those who are willing to embrace the American dream and the American ideals that both inspired that dream and define it.
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Richard Land is president of the Southern Baptist Ethics & Religious Liberty Commission.

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Principles for Just Immigration Reform

The Ethics & Religious Liberty Commission
Southern Baptist Convention

by

Dr. Richard Land
President

&

Dr. Barrett Duke
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The time has come for our nation to resolve its immigration dilemma. It is imperative that we find an acceptable solution to the disposition of the millions of undocumented immigrants living in our nation. Currently, the two extremes of deportation and amnesty are being played against each other, resulting in a stalemate in Congress. We believe that neither of the two extremes are appropriate, workable solutions. To force those who are here illegally to leave is neither politically viable nor humanitarian. To offer blanket amnesty to those who broke the immigration laws of our country and their own countries is disrespectful of the rule of law. What is needed is a solution that respects the rule of law while at the same time treats undocumented immigrants in the nation compassionately.

As Christians, we acknowledge that we must think through the question of illegal immigration not only as offended, concerned citizens, but also as compassionate Christians. The Church has a duty to minister to all people in need. Jesus instructed His followers to love all men, even those who hate them (see Luke 6:27-38). He instructed His followers to meet the needs of those who are suffering (Matthew 25:31-46). The writer of the Book of Hebrews instructed his readers to "show hospitality to strangers" (Hebrews 13:2).

While we reject the law-breaking practices of the so-called Sanctuary Movement, we recognize that the undocumented immigrants in our midst are in need of our ministry. We acknowledge a two-fold responsibility in this regard. As Christians we must lead the church to engage in multi-faceted, human needs ministry on a massive scale to meet the great spiritual and physical needs of millions of men, women, and children living in the shadows of society. Since they are bearers of the image of God, fellow members of the human race, and people for whom Jesus died we can do no less for them. We pledge to help our churches develop these ministries.

As citizens, we also have a responsibility to help our nation respond to the plight of these millions of people in a manner that respects their dignity and value as well. This document is our effort to help our nation address the plight of the millions of human beings living here illegally. Their current experience is neither good for them or for our nation. They suffer as outcasts, without access to all this country has to offer to empower them to fulfill their God-given potential. Our nation suffers as it reels under the division caused by their dilemma and by the loss of their vast capacity to contribute more fully to the life of our nation.

As Christian citizens, we believe God has something to say to us about how our nation deals with this issue. We have turned to the Bible for spiritual principles to guide our thinking and policy suggestions. The result of that search has brought us to the place where we believe our nation must think about immigration from the perspective of justice. The kind of justice we are talking about, however, considers the impact of decisions from the perspective of all parties affected. We

believe that God sought to teach Israel to think about justice in this way as well. He told His people, "You shall do no injustice in judgment; you shall not be partial to the poor nor defer to the great, but you are to judge your neighbor fairly" (Leviticus 19:15).

In our thinking about immigration policy, we believe the Old Testament provides some very clear guidance about how a nation should treat those who come to live within its borders. The Old Testament has two principal words, one mainly positive or neutral in its perspective and the other mainly negative, to refer to non-citizens living within the nation of Israel. The primary positive word is *ger*, commonly translated as "stranger" or "alien." The term speaks principally of one's civil standing. It refers to someone who has no inherited civil rights. In other words this person is not a citizen by birth. He has not inherited through any genetic relationship the rights and privileges of the descendants of Jacob who entered into covenant with God at Mount Sinai. Despite this lack of family connection, God gave many explicit instructions about appropriate treatment of these "aliens" or "strangers."

The Old Testament uses a different term to speak about non-Israelites from a negative perspective. In these instances, it typically uses the Hebrew term *nokri,* often translated as "foreign" or "foreigner." This is the term used in Ezra 10 and Nehemiah 13 to speak of the "foreign women" or "foreign wives" some of the Jewish men in post-exilic Israel had married (e.g., Ezra 10:10, 17, 44; Nehemiah 13:23-27). Nehemiah also used the term to refer to the "foreign women" Solomon married who led him astray. It also refers to the "foreign" things Nehemiah removed from Israel (see v. 30). In these instances, the concern is clearly with threats to the cultural or religious purity of Israel. It appears, then, that the Old Testament distinguishes between non-Israelites who are not a threat to the spiritual or cultural vitality of the nation and those who are. In this context, the *ger* is welcomed; the *nokri* is not.

When we bring this Old Testament perspective together with our nation's historic attitude toward immigration, it is clear that we should think of the undocumented immigrants in our nation as *ger* (i.e., positively) not *nokri* (i.e., negatively). It would be inappropriate to think of them from either a theological or cultural perspective. Given that the United States is not a theocracy, nor does it apply a theological test for entrance into our nation or for citizenship, we should not apply a theological test to immigrants. Furthermore, our nation has not stated that cultural similarity is a prerequisite for immigration. Indeed, if cultural difference were used as a criterion for denying entrance into the United States, most of the world's peoples would not be candidates for admittance. Of course, a nation has a right to expect that those who enter its borders would not seek to undermine its culture, and that those who seek citizenship would adopt its core cultural values. Rather than taking a negative attitude toward the vast majority of undocumented immigrants in our nation, there is plenty of reason to take a positive perspective toward them. The majority of them have proven their desire to work hard, provide for their families, and obey the law, except of course for immigration law. The main point is that the majority of these immigrants have proven their desire to live among us in peace.

If God instructed His covenant people to make careful distinctions between people in their midst, we would be wise to do the same. We acknowledge that the United States is not Israel. The nation of Israel was a theocracy. Its civil and religious components were intermingled. Many of God's instructions were intended to help the Israelites maintain religious purity. God has not structured any other nation in this way. Therefore, the United States is not obligated to adopt the civil laws God laid down specifically and uniquely for Israel. Nevertheless, we acknowledge that these laws often reflect universal principles that God expects any nation to honor. Indeed, we find the New Testament, including many statements by Jesus, often reiterating and reapplying these principles to a broader context.

As we have sought biblical guidance on how to address our nation's current immigration dilemma, we believe some core biblical values speak clearly. The recurrence of these values in the teachings of Jesus, assure us that they transcend Israelite national polity and are indeed universal in scope. The values we identify below apply to the civil relationships between any

people living together in community, and so they apply in our nation's context. Regarding the undocumented immigrant, we urge our nation to take the following core Biblical values into consideration.

- Neighbor love. God told the Israelites, "The stranger (*ger*) who resides with you shall be as the native among you, and you shall love him as yourself" (Leviticus 19:34). He instructed them, "You shall love your neighbor as yourself" (Leviticus 19:18). Jesus taught that everyone is our neighbor (Luke 10:25-37).
- Compassion and mercy. We should treat the weak and vulnerable with kindness (Micah 6:8, Malachi 3:5-6, Matthew 12:7).
- Provision. Finding ways to meet the needs of others is a core Christian value (Leviticus 23:22, Matthew 25:31-46).
- Dignity. God said, "You shall not wrong a stranger (*ger*) or oppress him" (Exodus 22:21). We are to "do justice" (Micah 6:8). We should treat all people as persons of worth and treat them in a way that respects their status as bearers of God's image. This is the essence of the Golden Rule (Matthew 7:12).

The issue of immigration must also be considered from the perspective of the core values of the welcoming nation. God ordained civil government (Romans 13:1-7). He charged it with the responsibility of providing for the security, wellbeing, and protection of the people under its authority. As such, the civil authority has a responsibility to assure that its policies honor this charge from God. From this perspective, we must consider the following core values, at a minimum.

- Constitutional obligations. Citizens have a right to expect the civil authority to fulfill its constitutional obligations.
- Covenantal obligations. The civil authority has a responsibility to make sure that its citizens are free to pursue the blessings of life, liberty, and happiness.
- Fiduciary obligations. A civil authority should not take on more financial obligations than the citizens can afford. Everyone suffers if a nation experiences financial collapse.
- Cultural obligations. Nations tend to thrive when the citizens share a certain set of core cultural values. These values should be honored and followed by incoming people to help maintain the values of the welcoming nation. In America's case those core values are embodied in the Declaration of Independence.

While we are certain that many details must be addressed, we offer below what we consider to be the primary features of a just immigration policy. We believe these features incorporate our nation's core values and God's guidance for the treatment of immigrants in a way that respects both the rule of law and the dignity of the millions of men, women, and children who are currently living here illegally.

Secure Borders. This is indispensable for any immigration policy to succeed. We must be able to control who enters this country. To simply address the situation of the millions who are here illegally without securing our borders is inviting another repeat of our dilemma. Border security must be actively maintained. We do not require fencing the entire borders north and south, but we expect any system that is put in place to be able to prohibit illegal entry.

Paths to legal status. A one-size fits all legal status is not constructive. The nation should offer multiple forms of legal status with appropriate requirements for each. Some undocumented immigrants likely desire citizenship. Others may only desire to remain here for a while and then return to their home countries when they have achieved certain goals. Others may desire to work here indefinitely but retain citizenship in their countries of origin. We see this as especially true, but not exclusively true, for highly skilled workers. We propose that our nation pursue all these avenues simultaneously, such as citizenship, permanent or temporary legal residency, temporary worker, etc.

We recognize that applying this approach to those who have come here illegally is not fair to those who have followed the law and have been waiting for long periods of time to gain legal entrance into our nation. We regret the additional frustration this creates for them. But we would point out that our proposal puts those who are here illegally behind those who have already applied for permanent legal status to enter or remain in this country. The primary benefit undocumented immigrants will derive is the opportunity to remain in the United States while they wait for their legal status to be conferred. Of course, this is a considerable benefit. Nevertheless, we currently have millions of people who are already here and we must find a just way to bring them out of the shadows.

Appropriate and adequate penalties and requirements. Those who are here illegally broke our laws and those of their own nations to get here. These laws were put in place in order to help the nations adequately manage the flow of people in and out of their borders. Immigration law in the U.S. is driven primarily by the national interest in assuring the ability of our nation to absorb and assimilate the influx of people. These laws are necessary. Those who came here illegally were aware that they were circumventing the process. If they desire to remain here, they must undergo a criminal background check, pay a fine, agree to pay back taxes, learn to speak, write, and read English and get in line behind those who are legally migrating into this country in order to apply for permanent residence after a probationary period of years. They must also acknowledge and pledge allegiance to America's governmental structure, the duties of citizenship and our core values as embodied in the Declaration of Independence.

This is not amnesty. Amnesty is what President Carter gave the draft dodgers who came home from Canada with no penalties, no fines, and no requirements whatsoever.

Financial penalties must be just, not only from the perspective of our nation's sense of justice but also for those who will be required to pay them. In other words, the penalties should seek restitution, not retribution. People who fail background checks or who refuse to comply with this generous opportunity to earn legal status, should be deported immediately.

Cut-off date for application for legal status. The offer for legal status for those who are here illegally must have a cut-off date. We recommend that this be one year after the passage of appropriate legislation. After that, anyone who is still here illegally will be deported and any employer who hires someone here illegally will suffer stringent penalties.

Limits on chain migration. Chain migration, the process of bringing extended members of one's family to the United States once one family member is settled here, is a significant concern to us and many people in the nation. If we are to allow millions of people to remain here, we must find a way to limit the influx of extended family members so that we leave room in our nation for future immigrants who have no family here. We propose that chain migration be limited to spouses and their natural or adopted children. We recommend that hardship exceptions be part of the limits to enable children to bring elderly parents to the U.S. who have no means of support in their home countries. In order to maintain our commitment to bringing in additional immigrants, we recommend that the number of family members who can be united with family members in the U.S. be subject to an annual cap.

Incentives for highly skilled immigrants. Our nation is in a competitive situation in a growing worldwide economy. In order to remain competitive and maintain our economic leadership in the world, we must encourage immigration of highly skilled workers in needed fields. This number should also be capped, but it should be sufficiently high to enable businesses to attract these highly skilled workers to the U.S.

Adequate penalties for those who hire undocumented immigrants. Businesses that hire workers illegally do so for profit. They think of undocumented immigrants as vulnerable and

exploitable. Consequently, they give them lower pay and fewer, if any, benefits. Such businesses should be penalized for their own participation in the encouragement of illegal immigration and breaking the nation's employment and labor laws. Penalties should be sufficient to remove any financial incentive to hire people illegally.

A dependable worker verification system. Businesses are not the only ones to blame for their hiring of undocumented immigrants. Our nation has not provided any dependable worker verification system. Undocumented immigrants with false or stolen social security numbers can easily subvert a company's safeguards. The government must provide businesses with a responsive, up-to-date system that enables them to verify a worker's status within one week. If the system fails to notify the employer in that period, the employer should no longer be held liable for hiring an undocumented immigrant if it has taken appropriate steps to verify the legal status of its employee.

Ms. LOFGREN. Thank you very much, Dr. Land.

Father Kicanas?

TESTIMONY OF MOST REVEREND GERALD F. KICANAS, BISHOP, TUCSON, AZ, VICE-PRESIDENT, U.S. CONFERENCE OF CATHOLIC BISHOPS

Reverend KICANAS. Madam Chairman, I am Bishop Gerald Kicanas, the bishop of Tucson, Arizona, and vice president of the U.S. Conference of Catholic Bishops. And I testify today on behalf of the U.S. Catholic Bishops.

I would like to thank you, Madam Chairman, as well as our Ranking Member, Steve King, for holding this hearing today on so critical an issue and inviting me to testify. I appreciate it.

Madam Chairman, in my written testimony, I outline at length what I and the Catholic bishops are convinced is the just and effective public policy needed for repairing our broken immigration system. I would like to emphasize this morning what I and my fellow bishops think are some of the ethical and moral issues in this debate confronting our elected officials and our Nation.

The immigration issue is often dissected in terms of the economic, social, or legal impacts on our Nation. What is not often acknowledged, and, frankly, is sometimes dismissed, is that immigration is ultimately a humanitarian issue, since it impacts the basic rights and dignity of millions of persons and their families. As such, it has moral implications, especially how it impacts the basic survival and decency of life experienced by human beings like us.

Madam Chairman, our current immigration system fails to meet the moral test of protecting the basic rights and dignity of the human person. As the bishop who oversees the diocese along the whole of the Arizona-Mexico border, the epicenter of migrant movement, I witness the human consequences of our broken immigration system in my diocese's social service programs, hospitals, schools, and parishes.

Regularly, anxious and troubled immigrants come to ask our priests, employees for assistance for a loved one, a parent who has been detained, a child who has lost a parent, or, tragically, a family member who has lost a loved one in the harsh Arizona desert. We strive as best we can, realizing that, unless we change the laws which apply to immigration, we are only providing a Band-Aid to this situation.

Because of a broken system, immigrant families are being separated, migrant workers are subject to exploitation by unscrupulous employers, and those attempting to find work by coming north are being abused and taken advantage of by human smugglers.

It is shocking to realize that about 5,000 men, women, and children have died in the desert since 1998. One such victim was Jocelyn Hernandez, age 14, from El Salvador. Her and her 9-year-old brother were attempting to reunite with their mother in California when they became lost in the desert. Jocelyn became dehydrated and survived for 4 days until she died. She was found on the 12th day. Jocelyn's story, sadly, is being repeated far too often along our Arizona border.

Madam Chairman, the overwhelming majority of migrants coming to the United States come not for nefarious purposes but to ei-

ther find work to support their families or to join their loved ones. Once here, they do contribute their work and skills to our country.

Yet, on their way north and while in our country, they and their families often are subject to the dangers and abuses that I have mentioned. This is a situation from a humanitarian and ethical standpoint that needs to be addressed. From a moral perspective, as a Nation, we cannot accept the toil and taxes of immigrants without providing them protection of law.

Let me address the issue of the rule of law, which is a flash point in the debate and to which many immigration reform opponents point in arguing against legal status for the undocumented. The U.S. Conference wholeheartedly agrees the rule of law is paramount and that those who break the law should be held accountable. As our testimony points out, comprehensive immigration reform would honor the rule of law and help restore it by requiring 11 million undocumented to pay a fine, pay back taxes, learn English, and get in the back of the line. We believe that this is a proportionate penalty.

Let me also address the issue of border security, the topic of much discussion recently, especially in our own State of Arizona. Church teaching acknowledges and upholds the right of a nation to control its borders. It is our view that the best way to secure our southern border is through immigration reform. We have spent $100 billion on immigration, border, and interior enforcement. The border patrol in the Tucson and Yuma sectors, whose work I deeply respect, are trying their best to address this difficult situation.

And I will close there.

[The prepared statement of Reverend Kicanas follows:]

PREPARED STATEMENT OF GERALD F. KICANAS

Statement of

Most Reverend Gerald F. Kicanas
Bishop of Tucson, Arizona
Vice-President, U.S. Conference of Catholic Bishops

Before

The House Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law

on

The Ethical Imperative for Reform of Our Immigration System

July 14, 2010

I am Bishop Gerald F. Kicanas, bishop of Tucson, Arizona, and Vice-President of the U.S. Conference of Catholic Bishops (USCCB). I testify today on behalf of the USCCB and its Committee of Migration, of which I am a consultant, on the Catholic Church's perspective on comprehensive immigration reform.

Madam Chairman, I am pleased to have the opportunity to testify today on this important topic. I would like to thank you, Madam Chairman, and Representative Steve King (R-IA), ranking member of the subcommittee, for holding this hearing on such a vital issue to our nation. I would also like to recognize Representative John Conyers, chairman of the House Judiciary Committee, and Representative Lamar Smith (R-TX), ranking member of the committee, for their support of this hearing.

We are hopeful that today's hearing marks part of a process which will result in the passage of comprehensive immigration reform in the near future. Our nation cannot wait to repair our broken immigration system, which does not accommodate the migration realities we face in our nation today, serve our national interests, or respect the basic human rights of migrants who come to this nation in search of employment for themselves and better living conditions for their children.

In order to achieve real reform, the Obama Administration and Congress must work together on a comprehensive package which would legalize undocumented migrants and their families in the U.S., provide legal means for migrants to enter our nation to work and support their families, and reform the system whereby immigrants come to the United States to be reunited with close family members. We also must restore due process protections to immigrants, many of which were taken away under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. Perhaps most importantly, the United States must work with Mexico and other nations to address the root causes of migration, so that migrants and their families may remain in their homelands and live in dignity.

Madam Chairman, in January 2003, the U.S. and Mexican Catholic bishops issued a historic joint pastoral letter on the issue of migration entitled *Strangers No Longer: Together on the Journey of Hope*. Among its many recommendations, it outlines the elements which the bishops of both nations believe are necessary to reform U.S. and Mexican immigration policy in a comprehensive and just manner. With your permission, Madam Chairman, I ask that the chapter of the pastoral letter addressing policy recommendations be included in the hearing record.

My testimony today will focus on many of the recommendations contained in the U.S.-Mexican bishops' joint letter, including 1) the need to address the root causes of migration so that migrants can remain home to support themselves and their families; 2) the need to reform U.S. immigration policy so that migrants can enter in a safe, legal, orderly, and humane manner; 3) the need to reevaluate our immigration enforcement policies so that the abuse, exploitation, and death of migrants are eliminated at the same time legitimate national security concerns are addressed; and 4) the need to restore due process protections for immigrants and their families.

Specifically, my testimony recommends that Congress—

- Enact comprehensive immigration reform legislation which provides a legalization program (path to permanent residency) for undocumented workers in our nation; reforms the

employment-based immigration system so that low-skilled workers can enter and work in a safe, legal, orderly, and humane manner; and reduces waiting times in the family preference system for families to be reunited.

- Examine the "push" factors of migration such as international economic policies and enact policies which encourage sustainable economic development, especially in sending communities;

- Enact in reform legislation the Agricultural Job Opportunity, Benefits, and Security Act of 2009 and the Development, Relief, and Education for Alien Minors Act (DREAM);

- Adopt immigration enforcement policies that ensures our nation's borders are secure at the same time that the abuse and deaths of migrants are prevented and their basic human rights and dignity are protected;

- Include the necessary elements in any legislation to efficiently implement any new immigration program, including taking actions to prepare the U.S. Citizenship and Immigration Service to implement any new program and to properly fund such implementation.

I. Catholic Social Teaching and Migration

The Catholic Church is an immigrant church. More than one-third of Catholics in the United States are of Hispanic origin. The Church in the United States is also made up of more than 58 ethnic groups from throughout the world, including Asia, Africa, the Near East, and Latin America.

The Catholic Church has a long history of involvement in the immigration issue, both in the advocacy arena and in welcoming and assimilating waves of immigrants and refugees who have helped build our nation throughout her history. Many Catholic immigration programs were involved in the implementation of the Immigration Reform and Control Act (IRCA) in the 1980s and continue to work with immigrants today. In fact, the USCCB was a national coordinating agency for the implementation of IRCA's legalization program. We have a strong working relationship with the Department of Homeland Security (DHS) and with U.S. Citizenship and Immigration Services (USCIS), the agency that would be largely responsible for implementing any new legalization and temporary worker programs. There are currently 158 Catholic immigration programs throughout the country under the auspices of the U.S. bishops.

The Church's work in assisting migrants stems from the belief that every person is created in God's image. In the Old Testament, God calls upon his people to care for the alien because of their own alien experience: "So, you, too, must befriend the alien, for you were once aliens yourselves in the land of Egypt" (Deut. 10:17-19). In the New Testament, the image of the migrant is grounded in the life and teachings of Jesus Christ. In his own life and work, Jesus identified himself with newcomers and with other marginalized persons in a special way: "I was a stranger and you welcomed me." (Mt. 25:35) Jesus himself was an itinerant preacher without a home of his own as well as a refugee fleeing the terror of Herod.
(Mt. 2:15)

In modern times, popes over the last 100 years have developed the Church teaching on migration. Pope Pius XII reaffirmed the Church's commitment to caring for pilgrims, aliens, exiles, and migrants of every kind, affirming that all peoples have the right to conditions worthy of human life and, if these conditions are not present, the right to migrate.[1] Pope John Paul II stated that there is a need to balance the rights of nations to control their borders with basic human rights, including the right to work: "Interdependence must be transformed into solidarity based upon the principle that the goods of creation are meant for all."[2] In his pastoral statement, *Ecclesia in America,* John Paul II reaffirmed the rights of migrants and their families and the need for respecting human dignity, "even in cases of non-legal immigration."[3]

In an address to the faithful on June 5, 2005, His Holiness Pope Benedict XVI referenced migration and migrant families; "… my thoughts go to those who are far from their homeland and often also from their families; I hope that they will always meet receptive friends and hearts on their path who are capable of supporting them in the difficulties of the day."

During his visit to the United States in April, 2008, His Holiness Pope Benedict XVI chose migration and immigration as one theme of his visit, citing the importance of keeping families together and addressing the issue not only nationally, but regionally and globally as well: "The fundamental solution is that there would no longer exist the need to emigrate because there would be in one's own country sufficient work, a sufficient social fabric, such that no one has to emigrate. Besides this, short-term measures: It is very important to help the families above all."[4]

In our joint pastoral letter, the U.S. and Mexican Catholic bishops further define Church teaching on migration, calling for nations to work toward a "globalization of solidarity." "It is now time to harmonize policies on the movement of people, particularly in a way that respects the human dignity of the migrant and recognizes the social consequences of globalization."[5]

The U.S. and Mexican bishops also point out why they speak on the migration issue. As pastors, we witness the consequences of a failed immigration system every day in the eyes of migrants who come to our parish doors in search for assistance. We are shepherds to communities, both along the border and in the interior of the nation, which are impacted by immigration. Most tragically, we witness the loss of life at points along our southern border when migrants, desperate to find employment to support themselves and their families, perish in the desert.

For these reasons, the Catholic Church holds a strong interest in the welfare of immigrants and how our nation welcomes newcomers from all lands. The current immigration system, which can lead to family separation, suffering, and even death, is morally unacceptable and must be reformed.

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[1] Pope Pius XII, *Exsul Familia (On the Spiritual Care of Migrants)*, September, 1952.
[2] Pope John Paul II, *Sollicitudo Rel Socialis,* (On Social Concern) No. 39.
[3] Pope John Paul II, *Ecclesia in America (The Church in America)*, January 22, 1999, no. 65.
[4] Interview with His Holiness, Pope Benedict XVI, during his flight to America, April 15, 2008.
[5] *Strangers No Longer: Together on the Journey of Hope. A Pastoral Letter Concerning Migration from the Catholic Bishops of Mexico and the United States,"* January 23, 2003, n. 57.

II. The Immigration Debate

We are heartened by a recent address delivered by President Obama on immigration reform, reaffirming that it is a priority for his Administration, and that he is committed to supporting legislation and working for its enactment in the near future.

In order to achieve this goal, however, Congress and the president must work in tandem throughout the legislative process, and efforts must be taken to minimize the harsh rhetoric which has characterized much of the past and present debate.

I must say upfront that the U.S. bishops are very concerned with the tone on Capitol Hill toward immigrants. We do not agree with terms that characterize immigrants as less than human, since no person is "illegal" in the eyes of God. Such harsh rhetoric has been encouraged by talk radio and cable TV, for sure, but also has been used by public officials, including members of Congress.

We are hopeful that the national debate on immigration will begin to focus upon the many contributions that immigrants, both documented and undocumented, make to our country and not scapegoat newcomers for unrelated economic or social challenges we face as a nation. History informs us that our nation has been built, in large measure, by the hard work of immigrant communities. We must remember that, except for Native Americans, we are all immigrants or descendants of immigrants to this great land.

I ask the subcommittee today to take the lead in ensuring that the upcoming debate is a civil one and refrains from labeling and dehumanizing our brothers and sisters. While we may disagree on the substance or merit of a position, we should never disagree that the conversation should remain civil and respectful.

As you know, Madam Chairman, my state of Arizona recently passed SB 1070 (as amended by H.B. 2162), a state law that has generated much controversy, both in Arizona and around the nation. It has highlighted the divisions in this country on the immigration issue.

Madam Chairman, the frustration of the country with federal inaction on immigration reform is at an all-time high. Arizona has taken matters into its own hands, with the possibility of many states following, to the detriment of local communities and the nation. We are concerned that passage and implementation of these laws take away time and resources from local and federal law enforcement, making it more difficult for them to focus on dangerous criminals. These laws also could put U.S. citizens and legal residents at risk of arrest and detention.

While the Arizona bishops and the USCCB opposed SB 1070, its passage does represent an opportunity for the U.S. Congress to reassert federal control over immigration policy by enacting comprehensive immigration reform. A patchwork of immigration laws across the nation will not solve the underlying problems besetting our federal immigration system. We are hopeful that this hearing today will mark the beginning of a process to achieve comprehensive immigration reform in 2010.

III. Policy Recommendations

Madam Chairman, the U.S. Catholic bishops believe that any comprehensive immigration reform bill should contain the following elements:

- a legalization program ("path to citizenship") that gives migrant workers and their families an opportunity to earn legal permanent residency and eventual citizenship;
- a new worker visa program that protects the labor rights of both U.S. and foreign workers and gives participants the option to earn permanent residency ;
- reform of our family-based immigration system to reduce waiting times for family reunification;
- restoration of due process protections for immigrants, including asylum-seekers; and
- policies that address the root causes of migration, such as the lack of sustainable development in sending nations.

During my testimony, I will attempt to spell out in more detail our recommendations in this regard, as well as point out the policy provisions the USCCB would oppose in any immigration reform bill.

A. Legalization for the Undocumented

With regard to immigration policy reform, it is vital that Congress and the administration address a legalization program with a path to permanent residency for the undocumented currently in the United States; employment-based immigration through a new worker visa program; and family-based immigration reform. Without addressing reform in each leg of this "three-legged stool," any proposal will eventually fail to reform our immigration system adequately.

A main feature of any comprehensive immigration reform measure should be a legalization program which allows undocumented immigrants of all nationalities in the United States the opportunity to earn permanent residency. Such a feature would provide benefits to both our nation and to immigrants and their families, who would be able to "come out of the shadows" and become members of the community.

It is vital, however, that any earned legalization program is both **workable** and **achievable.** In other words, the program cannot be so complicated as to be unworkable, or not easily administered, nor should the requirements be so onerous as to disqualify or discourage otherwise qualified applicants.

We are concerned, for example, with proposals which would require the undocumented population to return home in order to qualify for legal status or permanent residency. We believe that such a proposal could "chill" members of the immigrant community from participating in the program, fearing that they would be unable to return to their families. We also believe that such a proposal may be unworkable and overly cumbersome.

We also would support a shorter waiting time for applicants for the legalization program to "earn" permanent residency. Some proposals in the past have suggested waiting times as long as 10 years or more before an applicant could apply for permanent residency. We find this period too lengthy, and believe the American public would agree. Polls and other surveys of the American public find that Americans want immigrants integrated into society as soon as possible, so that they are "playing by the same rules," as U.S. citizens.

We also support broad eligibility requirements for the legalization program, including generous evidentiary standards and achievable benchmarks toward permanent residency. This also would include a recent arrival date. The payment of fines should be achievable and English competency, not fluency, should be required, with a demonstration that an applicant is working toward fluency.

It is important that any legalization program capture the maximum number of those who currently live in the shadows, so that we significantly reduce, if not eliminate, the undocumented population in this country.

Finally, the U.S. bishops would oppose any proposals that only grant temporary legal residence to the undocumented and withhold any opportunity for permanent residency and citizenship. Creating a permanent underclass in our society, without full rights in our communities, cuts against American tradition and values.

In our view, an earned legalization and a path to permanent residency would provide many benefits, as follows:

- **Legalization would keep families together and improve the well-being of U.S.-citizen children.** Legalization would help stabilize immigrant families and would protect U.S.-citizen children in "mixed" status families. A 2009 study by the Pew Hispanic Center found that 47 percent of unauthorized immigrant households were couples with children. 3.1 million U.S.-citizen children live with one or more undocumented parents. Undocumented immigrants are more likely than either U.S. born residents or legal immigrants to live in a household with children, a growing share of whom—73 percent—are U.S. born citizens. [6]

- **Legalization would recognize and maintain the economic contributions of the undocumented.** Undocumented workers are an integral part of many industries across the country, including agriculture, service, construction, meatpacking, and poultry processing. For example, undocumented workers make up more than 13 percent of the labor force in agriculture, and 25 percent of the labor force in farming. Of the roughly 8.3 million undocumented workers in the U.S. labor force, the Pew Hispanic Center estimates that more than 1 million are in manufacturing, 1.7 million in construction, 1.4 million in the leisure and hospitality industries, and over 300,000 in agriculture.[7] In addition, undocumented workers

[6] Jeffrey Passel and D'Vera Cohn, *A Portrait of Unauthorized Immigrants in the United States*, Pew Hispanic Center, April 14, 2009.
[7] *A Portrait of Unauthorized Immigrants in the United States*, Pew Hispanic Center, April 14, 2009.

contribute billions to the tax and Social Security systems, paying $520 billion into the Social Security system since 1975.[8]

- **Legalization would improve wages and working conditions for all workers.** By legalizing the labor force in a way which allows immigrants to become permanent residents, wages and working conditions would improve for all workers. According to a North American Integration and Development Center study, a new legalization program would increase the wages of immigrant workers by 15 percent, similar to the effect after passage of the 1986 Immigration Reform and Control Act.[9] Legalization also would allow workers to organize and assert their rights, leading to better working conditions and wages for all workers.

- **Legalization would help create new job opportunities for Americans.** Increased legal and illegal immigration in the past fifteen years has not increased the number of people living in poverty in the United States. In fact, the number of people living in poverty decreased during this period as U.S. economic growth expanded, and native-born Americans attained higher levels of education and new job skills. Legalization combined with a new worker program would likely continue this trend, creating additional middle-class job opportunities for native-born workers.[10]

- **Legalization would help bring U.S. immigration policy in line with U.S. economic policy.** The United States, Mexico, and Central America are more integrated than ever. U.S. immigration policy has yet to adjust to the fact that U.S. economic policies such as NAFTA have facilitated rapid interdependence between Mexico and the United States. As economic policies are integrated, so, too, must bilateral migration policies. We live in a globalized region and world, and the movement of labor must be regularized to protect basic rights.

- **Legalization would make us more secure.** By legalizing the 11 million undocumented and requiring that they register with the U.S. government, law enforcement will be able to focus on others who are in the United States to harm us, not those who are here to work and contribute to their communities.

Despite the dire warnings of opponents of legalization for undocumented workers, evidence suggests that legalization would yield benefits at many levels by preserving family unity, securing the economic contributions of migrants, and raising the wages and working conditions of all workers. It would also ensure the participation of all undocumented workers because of the opportunity for permanent residency and eventual citizenship.

B. *Employment-Based Immigration*

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[8] Testimony of Patrick P. O'Carroll, Jr., Inspector General of the Social Security Administration, before the U.S. Senate, Committee on Finance, regarding "Administrative Challenges Facing the Social Security Administration," March 14, 2006.

[9] Raul Hinojosa Ojeda, *Comprehensive Migration Policy Reform in North America: The Key to Sustainable and Equitable Economic Integration.* Los Angeles, California: North American Integration and Development Center, School of Policy and Social Research, UCLA, August, 2000.

[10] Daniel T. Griswold, "As Immigrants Move In, Americans Move Up," The CATO Institute, July 21, 2009.

Perhaps the most problematic aspect of immigration policy reform is the creation of a new worker program that protects the basic rights of all workers, both foreign and domestic. The history of "guest worker" programs in the United States has not been a proud one. Indeed, the *Bracero* program, the largest U.S. experiment with temporary laborers from abroad, ended abruptly in 1964 because of abuses in the program. The U.S. Catholic bishops have long been skeptical of large-scale "guest worker" programs. Nevertheless, the status quo, which features a large underclass of undocumented workers unprotected by the law, is unacceptable.

In this regard, the U.S. and Mexican bishops have proposed a new model for a worker program which includes several elements, better labeled a new worker program. Each of these elements, properly implemented, would, in our view, help protect the rights of foreign and U.S. workers and ensure that legal avenues are provided for future migrants so that they can enter the country in a safe, legal, and humane manner.

- **Wage and Benefit Levels.** Any worker program must feature wage levels and benefits given domestic workers in an industry. Overtime pay should be available. Benefits such as worker's compensation, social security, housing, and health-care should be made available.

- **Worker Protections and Job Portability.** Workers should enjoy the same protections of U.S. labor law as U.S. workers, regardless of industry, including a right to redress grievances in federal court and a transparent arbitration system; safe and sanitary working conditions; and expressed terms of employment. Workers should be able to move to other employment within an industry and not be tied to one employer. Work accrued toward permanent residency should not be affected by changing jobs or employers.

- **Family Unity.** Workers should be able to be joined by spouse and children in the United States during the length of the worker's visa. Either spouse should be eligible for work authorization, regardless of whether they work in the program. Spouse and children should be able to become eligible for permanent residency at the same time as the worker in the program.

- **Labor-Market Test.** A mechanism should be included to ascertain whether U.S. workers within an area are adversely impacted by the hiring of workers from abroad. Employers should be required to advertise job openings to the maximum extent practicable and make good-faith efforts to recruit U.S. workers for a sufficient amount of time.

- **Mobility.** Workers and their families should be able to travel throughout the United States, travel back and forth from the United States to their country of origin, as well as travel from work site to work site, regardless of location, for the duration of their visa. Visas should be renewable as long as workers meet the requirements of the program, and applicable waivers to bars to admission should apply.

- **Enforcement Mechanisms.** Resources should be appropriated to ensure proper enforcement of worker protections in the program. Workers should be given the right to sue in federal court for violation of rights.

- **Path to Residency.** Workers should have the option of working to earn permanent residency over time, similar to an earned legalization program, as outlined in my testimony.

In our view, any new worker program must contain these elements in order avoid the abuses of past such programs and to ensure that worker's rights are protected. In addition, it should be enacted in conjunction with a legalization program for the undocumented so that groups of workers are not pitted against each other. A just worker program also will mitigate the amount and effects of undocumented migration, which can lead to the abuse, exploitation, or even death of migrants.

Standing Commission on Labor Markets. Last year, the AFL-CIO and Change to Win labor coalition announced an agreement on the establishment of a standing commission to oversee employment-based immigration. We welcome this agreement and applaud all parties for their hard work in reaching it.

While the U.S. bishops do not oppose the concept of a commission, we believe that the scope of its oversight and its authority should be limited.

First, we do not believe that visa programs outside the employment-based system, particularly family-based categories, should be placed under the commission's purview. We also believe that niche programs, such as the Religious Worker Visa Program, should be excluded, as the levels and structure of such programs should be decided by Congress, in consultation with the full range of faith groups who benefit from it.

In addition, we believe that Congress should establish a floor for annual visas in any new worker program, with the commission examining environmental factors and making an annual recommendation to Congress regarding a level of visas above the floor. We also believe that the commission should consider humanitarian factors, such as the rates of deaths in the American desert, so that the program can be adjusted accordingly.

Religious Workers. We urge you to include a permanent extension of the special immigrant non-minister portion of the Religious Worker Visa Program in any reform legislation. This program permits 5,000 non-minister religious and lay persons each year to enter the United States and work on a permanent basis. They work in religious vocations and contribute to their denominations, but also work in the community helping U.S. citizens.

Family-Based Immigration

Family reunification, upon which much of the U.S. immigration system has been based for the past 40 years, must remain the cornerstone of U.S. immigration policy. Immigrant families contribute to our nation and help form new generations of Americans. Even while many migrants come to the United States to find employment, many come as families.

The U.S. family-based immigration system, which helps keep families together, is in urgent need of reform. The current visa quota system, last revised by Congress in 1990, established statutory ceilings for family immigration that are now inadequate to meet the needs of immigrant families wishing to

reunite in a timely manner. The result has been waiting times of five years or more—and up to seven years for Mexican permanent residents—for spouses to reunite with each other and for parents to reunite with minor children. The waiting times for adult siblings to reunite can be twenty years or longer.[11]

Such lengthy waiting times are unacceptable and actually provide unintentional incentive for some migrants to come to the United States illegally. Substantial changes must be made to the U.S. family-based immigration system so that it will meet the goal of facilitating, rather than hindering, family unity. Such changes can be made in several ways, but they should not alter the basic categories in the family preference system.

The U.S. Conference of Catholic Bishops strongly supports the inclusion of S.1085, the Reuniting Families Act, introduced by Senator Robert Menendez (D-NJ), Senator Kirsten Gillibrand (D-NY), and Senator Charles Schumer (D-NY), in any comprehensive immigration reform legislation. This legislation would, among other provisions, permit the use of unused family-based and employment-based visas previously allocated by Congress but which remain unused; classify the spouses and children of permanent residents as "immediate relatives," thus permitting them to reunite immediately with family members; and increase the per-country limit on family and employment-based visas.

We believe that the inclusion of S. 1085 would help solve the long waiting times for family reunification under the current family reunification system.

In addition, we must revise stringent income requirements ("public charge") which prevent family members from joining their families and we must repeal bars to admissibility for unlawful presence, which can separate families for up to ten years.

Opposition to a "point" system to replace family-based immigration. Madam Chairman, during the 2007 immigration reform debate, the U.S. Senate strongly considered replacing the family-based immigration system with a "point" system, which would allocate visas to applicants based on the number of points they scored on different criteria. This idea is based on the Canadian model, which currently employs that system.

We oppose the imposition of a point system, in that it would place higher value on highly-educated and skilled immigrants than on family ties. We reject the premise that the family-based system has historically not worked in the best interest of this nation. Indeed, there is evidence that immigrant families represent the backbone of communities in this nation, especially in urban areas. They have started and maintained family businesses, from restaurants to dry cleaning stores and from auto mechanic businesses to pastry shops. Immigrant families also take care of each other and ensure that all members of the family are provided for, as well as contribute their talents to the strengthening of local neighborhoods.

Family reunification has been the cornerstone of the U.S. immigration system since the inception of our republic. It would be foolhardy to abandon this system, as the family unit represents the core of our society and culture.

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[11] *U.S. Department of State, Visa Bulletin October 2009.*

Opposition to S. 424/H.R. 1024 , the Uniting American Families Act. Madam Chairman, we are opposed to the inclusion of H.R. 1024, the Uniting American Families Act (UAFA), in comprehensive immigration reform legislation. The legislation would permit same-sex partners to enjoy the same immigration benefits as married couples in our immigration system. While our tradition and teaching values all persons as children of God, we believe that the enactment of UAFA would erode the institution of marriage and family by according marriage-like immigration benefits to same sex relationships, a position that is contrary to the very nature of marriage, which pre-dates the Church and the state. We also believe its inclusion into comprehensive immigration reform would add another controversial issue to an already polarized and divisive debate.

D. ***Enforcement Policies***

Madam Chairman, we believe that the best way to secure our borders and to ensure that our immigration laws are just and humane is to enact comprehensive immigration reform legislation.

Others maintain that the United States must first "secure its border" and only then consider broader immigration reforms.

We believe that enforcement is part of a immigration reform package, but must be complemented with reforms in the legal immigration system. "Enforcement First" has been the de facto U.S. strategy for over twenty years, yielding too many costs and too few results. The costs have indeed run high. Since 1993, Congress has appropriated and the federal government has spent about $50 billion on border enforcement, multiplying the number of Border Patrol agents by a factor of five (over 20,000 agents)[12] and introducing technology and fencing along the border.[13] Border Patrol in particular has seen a nine-fold budget increase since 1992.[14] Border fencing and other physical barriers have cost $2.6 billion since fiscal year 2005.[15]

In addition, the Obama Administration has continued enforcement initiatives, increasing the number of detention beds, committing National Guard troops to the border, and pledging an additional $500 million in border enforcement funding.

Proponents of an enforcement first strategy counter that enforcement is worth the investment. They point to border apprehensions between ports of entry which have dropped from 1.7 million in FY 2005

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[12] C. Stewart Verdery, "Brick by Brick: A Half-Decade of Immigration Enforcement and the Need for Immigration Reform", Center for American Progress, p. 10, *available at* www.americanprogress.org/issues/2010/06/pdf/dhs_enforcement.pdf (accessed 07/07/10).

[13] Immigration Policy Center, "Throwing Good Money After Bad: Immigration Enforcement without Immigration Reform Doesn't Work", May 26, 2010, p. 1, *available at immigrationpolicy.org/just-facts/throwing-good-money-after-bad* (accessed 07/07/10); *see also* Douglas Massey, "Backfire at the Border: Why Enforcement without Legalization Cannot Stop Illegal Immigration," CATO Institute, Center for Trade Policy Studies, June 13, 2005, *available at* www.freetrade.org/pubs/pas/tpa-029.pdf (accessed 07/07/10).

[14] See IPC at fn. 2.

[15] See Verdery at fn. 1, citing Richard M. Stana, "Secure Border Initiative: Technology Deployment Delays Persist and the Impact of Border Fencing Has Not Been Assessed," Statement, *available at* http://www.gao.gov/new.items/d10651t.pdf.

to 556,000 in FY 2009.[16] While the economic recession explains part of this trend, many argue that border enforcement efforts should be credited as well.

The problem is that apprehensions are only part of the story; unauthorized migrants continue to enter the country in significant numbers. Over 500,000 unauthorized migrants entered through the southern border annually between 2005-2008.[17] Tragically, since 1998 nearly 5,000 migrants have perished in the desert trying to enter the United States.[18] This trend shown no signs of decreasing -- border deaths in 2009 reached their highest level in three years, despite the efforts of Border Patrol teams that have rescued thousands of desert-crossers.[19] Judging by these measures, enforcement first has largely failed to end illegal immigration on its own.

This "enforcement first" strategy has failed partly because of its unintended effects. For instance, by tightening border checkpoints, it has spawned a booming human smuggling industry. In fact, these "coyotes" have become very good at evading detection, helping migrants gain a nearly 100% success rate at eventually entering the United States.[20] Border security build-up has also disrupted "circular migration" – preventing some immigrants from returning home to Mexico and Central America after a few years of work in the United States. Instead, these workers bring their families to settle in the United States.

At root, "enforcement first" has failed because it has not addressed the underlying cause of illegal immigration: an outdated immigration system that does not meet the economy's demand for workers. We are hopeful that comprehensive immigration policy reform which emphasizes legal avenues for migration will mitigate the perceived need for continuing to increase the number of border patrol agents and the amount and length of border fencing. Such reform could alleviate the pressure on border enforcement by undermining human smuggling operations and reducing the flow of undocumented migrants across the border. It also could help create a more stable atmosphere for the implementation of enforcement reforms, such as biometric visas and passports, which will help better identify those who come to harm us.

Mr. Chairman, I would like to offer the position of the USCCB on several enforcement issues you may consider during consideration of comprehensive immigration reform:

National Employer Electronic Verification System. Madam Chairman, we know that there has been significant discussion and debate, including legislative proposals, to enforce the workplace by imposing

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[16] Department of Homeland Security, "Budget-in-Brief Fiscal Year 2011," *available at* www.dhs.gov/xlibrary/assets/budget_bib_fy2011.pdf (accessed 07/07/10).

[17] Jeffrey Passel and D'Vera Cohn, *Trends in Unauthorized Immigration: Undocumented Inflow Now Trails Legal Inflow*, Pew Hispanic Center, October 2, 2008.

[18] Stuart Anderson, "NFAP Policy Brief", National Foundation for American Policy, May 2010, p.1 (citing border patrol statistics), *available at* www.nfap.com/pdf/0505brief-death-at-border.pdf (accessed 07/07/10); *see also* Spencer Hsu, "Border Deaths Are Increasing," The Washington Post, September 30, 2009, *available at* http://www.washingtonpost.com/wp-dyn/content/article/2009/09/29/AR2009092903212.html?hpid=topnews (accessed 07/07/10).

[19] See Hsu, at fn. 11.

[20] Even if the migrant is apprehended on his first attempted entry, he has a nearly 100% success rate on subsequent attempts especially if he uses a coyote. Wayne Cornelius, et al., Controlling Unauthorized Immigration from Mexico: The Failure of "Prevention through Deterrence" and the Need for Comprehensive Reform, Washington, DC: Immigration Policy Center, American Immigration Law Foundation, June 10, 2008, p. 34.

a mandatory electronic verification system on employers nationwide, so that employees who are hired are in the country legally and authorized to work. While we are not *per se* opposed to such a system, several steps must be taken to ensure that any system is applied uniformly and accurately.

We would not oppose the adoption of a mandatory employer verification system provided that 1) it is accompanied by a broad-based legalization program, so that all workers have an opportunity to become legal and not remain outside of the system; 2) the system is phased in at a reasonable rate with objective benchmarks so implementation is feasible for both employers and the government; 3) inaccuracies in the government databases used to cross-check identification and eligibility are corrected so that employees are not wrongfully dismissed; 3) protections are put in place so that employers do not use the system to wrongfully discharge certain employees; and 4) employees who have a false positive are given the opportunity to correct any misinformation that lead to the false positive.

Reform of Detention Standards and Practices. Madam Chairman, we are deeply concerned with the status quo when it comes to the detention of immigrants, especially vulnerable immigrants such as children and families. We applaud Secretary Napolitano for her initiative to reform the detention system, but believe that statutory change is necessary. We support the inclusion of the S. 1594, the Secure and Safe Detention Reform Act, introduced by Senator Joseph Lieberman, in any immigration reform bill, provided that it does not include the provision of abortion services in any health-care plan offered in the detention system.

S. 1594 would require that asylum seekers and others have their detention promptly reviewed by an immigration judge, and to be considered for release if they pose no risk to public safety; create nationwide alternatives to detention programs; improve standards for detention conditions, including prompt medical care in compliance with accreditation requirements, access to legal counsel, and standards for families, children, and victims of persecution and torture; and establish a new Office of Detention Oversight at the Department of Homeland Security. We urge the inclusion of S. 1594 in any reform legislation.

Asylum-seekers and refugees should be afforded protection and provided exception to some enforcement laws. Those who come to our shores in need of protection from persecution should be afforded an opportunity to assert their claim to a qualified adjudicator and should not be detained unnecessarily. The expansion of "expedited removal," a practice that puts *bona fide* refugees and other vulnerable migrants at risk of wrongful deportation, should be halted. At a minimum, strong safeguards, such as those suggested by the U.S. Commission on International Religious Freedom, should be instituted to prevent the return of the persecuted to their persecutors. We urge the subcommittee to include these reforms in any reform legislation.

We also believe that the definitions of terrorist activity, terrorist organization, and what constitutes material support to a terrorist organization in the Immigration and Nationality Act (INA) were written so broadly and applied so expansively that thousands of refugees are being unjustly labeled as supporters of terrorist organizations or participants in terrorist activities. These definitions have prevented thousands of bona-fide refugees from receiving protection in the United States, as well as prevented or blocked thousands of applications for permanent residence or for family reunification.

We urge the committee to re-examine these definitions and to consider altering them in a manner which preserves their intent to prevent actual terrorists from entering our country without harming those who are themselves victims of terror—refugees and asylum-seekers. At a minimum, we urge you to enact an exception for refugees who provide assistance to a defined terrorist organization under duress.

Madam Chairman, we urge you to include S. 3113, the Refugee Protection Act, in any comprehensive immigration reform legislation. This proposal would help address many of the issues adversely impacting refugees and asylum-seekers in this country.

Madam Chairman, the U.S. Catholic bishops reaffirm the right of our nation to secure our borders and enforce our immigration laws. This should be done, however, in a manner that protects the basic human rights and dignity of the person.

Finally, we urge the committee to reexamine the changes made by the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), which eviscerated due process protections for immigrants. We urge you to restore judicial discretion in removal proceedings so that families are not divided, repeal the 3-and 10-year bars to re-entry, and revisit the number and types of offenses considered as aggravated felonies as a matter of immigration law.

E. Passage of the Agricultural Job Opportunity, Benefits, and Security Act of 2009 and the Development, Relief, and Education for Alien Minors Act of 2009

While we urge the committee and Congress to place comprehensive immigration reform as a top priority, there are two measures which enjoy bipartisan support which can be enacted in the near future.

The Agricultural Job Opportunity, Benefits, and Security Act of 2009, "AgJobs", represents a bipartisan initiative which would help protect both a vital industry and a labor force which is vulnerable to exploitation. Introduced by Senator Dianne Feinstein (D-Ca.), the measure, which represents a negotiated agreement between the agricultural employers and the United Farm Workers, would both stabilize the labor force in this important industry and ensure that employers have access to a work-authorized supply of labor, if necessary.

Currently, more than fifty percent of the agricultural labor force is undocumented and is subject to abuse and exploitation. AgJobs would provide a path to permanent residency for many of these undocumented farm workers in the United States. This would allow these workers to earn permanent status, thus stabilizing their families and allowing them to "come out of the shadows." It also would allow employers to hire such workers without fear of penalty, thus providing them with a legal and stable supply of workers. In addition, it would codify in statute many worker protections for farm workers, including a three-fourth work guarantee (ensuring work during three-fourth of a season) and expressed terms of employment.

The Development, Relief, and Education for Alien Minors Act (DREAM) represents a bipartisan initiative which would allow some undocumented students to be eligible for in-state tuition and give them an opportunity to become permanent legal residents. Having entered the United States as very

young children, often through no fault of their own, these students have otherwise contributed to their schools and communities. Many have lived in the United States for years.

We urge Congress to enact both of these important pieces of legislation before the end of the 111th Congress by including them in a comprehensive immigration reform measure.

F. Addressing the Root Causes of Migration

In our pastoral letter, the U.S. and Mexican Catholic bishops write that "the realities of migration between both nations require comprehensive policy responses implemented in unison by both countries. The current relationship is weakened by inconsistent and divergent policies that are not coordinated and, in many cases, address only the *symptoms* of migration and not its *root causes*."[21]

It is critical that the Congress and the administration look at the immigration issue with Mexico and other governments as part and parcel of the entire bilateral relationship, including trade and economic considerations. Addressing the immigration systems of both nations, for example, will not control the forces which compel migrants to come to the United States.

Without a systematic approach which examines why people migrate, the U.S. and Mexican governments will not be able to address the underlying causes of migration. It is clear that Mexican and other nationalities continue to come to this nation regardless of enforcement strategies pursued by both governments. What attracts them is employment which either cannot be found in their own communities or better opportunities because of underemployment in sending nations, in which jobs do not pay enough or are not full time.

In an ideal world for which we must all strive, migrants should have the opportunity to remain in their homelands and support themselves and their families. In this regard, we renew our call to both the U.S. and Mexican governments to resume bilateral migration negotiations so that all issues which impact migration to the United States are addressed.

IV. Implementation of Immigration Policy Reform

It is important to understand that the manner in which comprehensive immigration reform is implemented is vital to its success. A public-private partnership is necessary so that immigrant communities are aware of the facts of the application process (thus eliminating the involvement of "notarios") and are able to receive assistance in accessing the program.

It will be essential that Congress provide adequate resources for DHS to implement and execute any earned adjustment program. As passed by the Senate, for example, the Comprehensive Immigration Reform Act (CIRA) of 2006, adopted by this body in 2006, anticipates this by establishing fees that will generate approximately 66 billion dollars of revenue dedicated to processing applications for earned adjustment.

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[21] *Strangers No Longer, n. 56.*

The fee-generated funds, alone, will not be adequate, however. Congress will also need to directly appropriate funds to get the program started. And it will need to be vigilant to ensure that fee-generated funds are not diverted for other purposes, as has often been done in the past.

While some may quarrel with the use of appropriated funds for this purpose, I would suggest that the alternative would likely require the expenditure of far more funds and yield a less desirable result. Imagine how much it would cost to apprehend, detain, and deport the estimated 12 million aliens who are in the United States illegally? The cost of properly implementing an earned adjustment program is tiny when compared to the cost of the alternative approach.

Mr. Chairman, we believe that any comprehensive legislation can be implemented through reasonable fees imposed on applicants and with some supplemental funding appropriated by Congress. Fees should not be imposed, however, which place the program out of the reach of qualified applicants.

We recommend the inclusion of the following elements in any legislation to ensure that a program is implemented appropriately:

- **Confidentiality.** Applicants for both the legalization and temporary worker program should be extended confidentiality and not be subject to arrest and deportation if they fail to qualify for the program. This would ensure maximum participation in the program and that those who do qualify are not discouraged or intimidated from applying.

- **Qualified Desiguated Eutities.** Board of Immigration Appeals (BIA)-accredited Qualified designated entities (QDEs) should be created to assist in implementation of both programs.

- **Reasonable Implementation Period.** Sufficient time should be given between enactment and implementation so that regulations, procedures, and infrastructure are in place. Deportations of prospective applicants should be suspended between these two dates.

- **Creation of a Separate Entity.** A separate entity, similar to the asylum corps, should be created within the U.S. Bureau of Citizenship and Immigration Services (USCIS) to implement the legislation; such an entity should be adequately funded through appropriations.

- **Derivative Benefits.** Immediate family members should receive the same immigration benefits under legalization/temporary worker program as the worker.

- **Generous Evidentiary Standards.** For purposes of verifying an alien's eligibility for legalization, evidentiary standards should be based upon "preponderance of the evidence" and should include a wide range of proof, including attestation.

- **One-Step Legalization.** A one-step legalization program would verify eligibility and security and background checks in one process up front and not in a two-step process, i.e. upon conditional status and then permanent status.

- **Operational Terms should be defined:** Operational terms in the bill, such as "continuous residence," "brief, casual, and innocent," and "known to the government," should be defined in the legislation to avoid later confusion.

- **Broad humanitarian waiver.** A broad waiver of bars to admissibility for legalized aliens, such as unlawful presence, fraud, or other minor offenses, should be included in the legislation.

The inclusion of these elements in any legislation would facilitate the implementation of any program.

In addition, the Congress and the administration should take steps to reduce the immigration adjudication backlogs which now exist so that immigrants receive benefits in a timely way and that USCIS is able to implement any new program.

Moreover, in 2007 the government enacted an increase in fee applications by three times for green card applications, leaving these benefits financially out of reach of many applicants.[22] This has led to a drop in naturalization applications in 2008 and 2009. USCIS recently announced that it may raise fees even further in the near future. We urge the subcommittee to reassess these fee increases and authorize the use of general funds for processing of applications.

Mr. Chairman, reduction in the current backlogs in naturalization and adjustment of status applications as well as the maintenance of affordable fees should be part of our nation's efforts to reform our immigration system. We recommend that Congress evaluate the budget of the USCIS and provide more directly appropriated funding for infrastructure and backlog reduction. Without more efficiency in the system, a new comprehensive reform program of any type may be unworkable, absent the creation of a new entity to implement it.

VI. Conclusion

Madam Chairman, we appreciate the opportunity to testify today on the issue of comprehensive immigration reform. We urge you and the committee to consider our recommendations as you consider the myriad issues in this vital area.

We are hopeful that, as our public officials debate this issue, that immigrants, regardless of their legal status, are not made scapegoats for the challenges we face as a nation. Rhetoric which attacks the human rights and dignity of the migrant are not becoming of a nation of immigrants. Neither are xenophobic and anti-immigrant attitudes, which only serve to lessen us as a nation.

Madam Chairman, the U.S. Catholic bishops strongly believe that comprehensive immigration reform should be a top priority for Congress and the Administration. We look forward to working with you and the administration in the days and months ahead to fashion an immigration system which upholds the valuable contributions of immigrants and reaffirms the United States as a nation of immigrants.

Thank you for your consideration.

[22] 69 Federal Register 5088 (February 2, 2007)

Ms. LOFGREN. Thank you very, very much.

Dean Staver, we would be delighted to hear from you.

TESTIMONY OF REVEREND MATHEW D. STAVER, FOUNDER AND CHAIRMAN, LIBERTY COUNSEL, DEAN AND PROFESSOR OF LAW, LIBERTY UNIVERSITY SCHOOL OF LAW

Reverend STAVER. Madam Chairman, thank you, distinguished Members of Congress, for inviting me to address this important issue of immigration. I am Matt Staver, founder and chairman of

Liberty Counsel, a national legal organization, policy and education organization.

I also serve as dean and professor of law at Liberty University School of Law. Liberty University is the largest Christian university in the world, with over 62,000 students coming from 74 countries.

I also meet with and chair an organization called the Freedom Federation that represents some of the Nation's largest multi-ethnic, multi-racial, and multi-generational organizations, representing over 40 million people in America.

The crisis that the country is facing in Arizona is a symptom and a cry for help. It is an example of our failed immigration policy. 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.

While upholding the rule of law, we must devise a system that is compassionate and just. The immigration debate does not belong to a political party or any socioeconomic or ethnic group. It is, in my opinion, a moral issue.

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. We must secure our borders, enforce our laws, and then we must deal with the undocumented immigrants who are currently living within our borders.

On the national security issue, this is a national security and a domestic tranquility issue. It depends upon secure 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.

We must also 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.

Regarding the undocumented immigrants currently living in the United States, there are essentially three solutions: amnesty, deportation, or earned legal status.

Amnesty, in my view, flouts 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.

Mass deportation, however, is impractical, immoral, and unjust. Many undocumented children have come here with their parents. Some children are naturalized citizens, having been born in America, yet their parents remain undocumented. Deportation in these and many other circumstances would rip families apart, 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 opportunity for earned legal status should involve a program of legalization subject to appropriate penalties, waiting periods, background checks, evidence of moral character, a commitment to the 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 the government, and an embrace of the 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. A just policy would put otherwise law-abiding 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 deportation of undocumented felons or violent offenders.

A just immigration policy respects the traditions held by the 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 barriers to achieving those dreams.

Let me be very clear. An earned pathway to legal status is not amnesty. I reject amnesty. And 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.

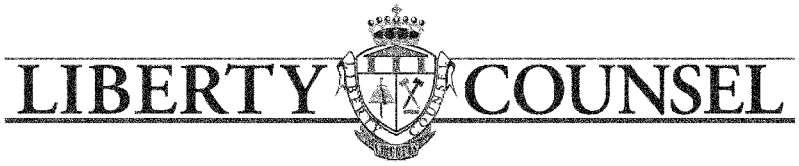
The time to forge a national consensus is now. America is a country of immigrants, a melting pot of individuals from various ethnicities and cultures. America deserves a just immigration policy, one that begins with securing, not closing, the borders, one that enforces our laws, and one that offers an opportunity for earned legal status.

The overwhelming attraction of America is her freedom. As the world's standard bearer for freedom, America's light shines as a hope for those around 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.

Thank you.

[The prepared statement of Reverend Staver follows:]

PREPARED STATEMENT OF MATHEW D. STAVER



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Testimony of
Mathew D. Staver
Founder and Chairman, Liberty Counsel
Dean and Professor of Law, Liberty University School of Law
Before the U.S. House Judiciary Committee's Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law
July 14, 2010

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.

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Ms. LOFGREN. Thank you very much, Dean.
And now we would like to hear from Dr. Edwards.

TESTIMONY OF JAMES R. EDWARDS, JR., Ph.D., CENTER FOR IMMIGRATION STUDIES

Mr. EDWARDS. Thank you, Madam Chairman.

First, I will discuss a key Biblical principle that relates to today's immigration debate. And, second, I will discuss important implications of comprehensive immigration reform.

First, each Christian is bound by a high moral imperative: Love the Lord with all your heart, soul, strength, and mind, and love your neighbor as yourself. These cornerstone precepts instruct believers personally to "love your enemies," to "bless those who curse you," to care for "the least of these my brothers."

It is unreasonable, though, to try to require civil authority to display the same kind of mercy or compassion individual Christians are called to show. The God-given role of civil governments is as God's agents to constrain evil within their jurisdictions. Civil authority wields the sort of justice to protect the innocent and punish lawbreakers. The "things that are Caesar's" are concentrated on justice.

Public acts of government differ fundamentally from individual acts. An individual showing mercy decides willingly to bear an injustice. It is merciful when a private person turns the other cheek, goes the extra mile, or gives up his tunic as well.

But the government can only obligate the members of its society and their common resources. Trying to codify mercy in that way, government can end up imposing injustice upon the innocent. What might constitute an act of mercy when an individual does it becomes an injustice when government uses the sword of justice to compel such mercy. Even if well-intended, such action is unjust.

Second, we must consider the impact of comprehensive immigration reform on our fellow Americans. More than the welfare of illegal immigrants is at stake. The foremost obligation, legally and morally, of the U.S. Government is the welfare of American citizens. The American people would end up the forgotten victims of comprehensive immigration reform. It would put the most vulnerable Americans at risk, including native-born minorities, high school dropouts, and teenagers.

We had 21 million unemployed or underemployed native-born Americans as of third quarter 2009, just a year ago. Comprehensive immigration reform would put them up against many more job competitors, forcing down the wages these Americans could otherwise command.

Today, fewer than half of American teens have jobs, compared with two-thirds in 1994. Yearly average wages of native-born men fell 4 percent between 1980 and 2000. For native dropouts, it was about twice that, 7.4 percent.

Consider vulnerable Americans' unemployment situation as of a year ago. I am citing the broader U-6 unemployment figure. For native-born high school dropouts: 32.4 percent. For native-born Blacks 18 to 29 years old with just a high school diploma: 39.8 percent. For native-born Blacks who dropped out of school: 42.2 percent. For native-born Latinos without a high school diploma: 35.6 percent. For native-born Latinos 18 to 29 with only a diploma: 33.9 percent.

There is also the effect on America's current fiscal crisis. Many beneficiaries of amnesty would qualify for many public programs from which they are currently disqualified. Consider Medicaid. Health reform expanded Medicaid up to 133 percent of poverty. About 3.1 million current illegal aliens would qualify for Medicaid. That is an extra $8.1 billion annually, or $48.6 billion from 2014 to 2019. That is the first budget window.

In short, what comprehensive immigration reform would do unto "the least of these" fellow Americans hardly ranks as ethical treatment.

In closing, scripture doesn't detail a normative immigration policy. Thus, we have to exercise prudential judgment. In 1986, we tried immigration reform that looked much like today's proposals. Within a decade, the illegal population had grown to three times the size of the 1986 level. The enforcement measures failed to secure the border or shut down the jobs magnet.

Pursuing essentially the same failed solution would force compassion on our fellow Americans that they can't afford. Perhaps the most ethical thing Congress could do is to suspend most immigration, at least until unemployment rates drop to pre-recession levels.

Thank you.

[The prepared statement of Mr. Edwards follows:]

PREPARED STATEMENT OF JAMES R. EDWARDS

Testimony of James R. Edwards, Jr., Ph.D.
Before the
House Immigration Subcommittee
on
"Ethical Imperative for Immigration Reform"

July 14, 2010

Madame Chairman, Ranking Member King, and distinguished members of the subcommittee, thank you for inviting me to appear before you today. It is right to consider how Scripture and Judeo-Christian principles should inform such public issues as immigration. I appreciate the opportunity to share my own considered views on this subject.

The critical point to begin from is to differentiate between what the Bible teaches are moral imperatives applicable to individuals and those that are applicable corporately. That is, some precepts might bind one as a Christian that do not apply to the United States government. Indeed, biblical precepts in which Christ requires us personally to show mercy or compassion or forgiveness might not apply to the civil government of the nation-state of which we are citizens. Sometimes, such application would actually be harmful and wrong.

First, I will discuss a key biblical principle that relates to today's American immigration debate. Second, I will suggest some implications of "comprehensive immigration reform" that ought to inform Congress's immigration policymaking.

* * *

To begin, what are the most relevant principles from Scripture that relate to U.S. immigration policy in 2010? I have written about this at length elsewhere and testified before this subcommittee on the subject.[1] So, I will focus this morning on one key principle.

Christians as individuals are bound to a high moral imperative, which should be familiar to many of us: Love the Lord with all your heart, soul, strength, and mind, and love your neighbor as yourself. These cornerstone precepts, as

[1] See "Walls or Laws or Amnesty and Grace? Faithful Responses to Illegal Immigration in the United States," *Vital Speeches of the Day*, Feb. 2008, pp. 92-95; "A Biblical Perspective on Immigration Policy," *CIS Backgrounder*, Sept. 2009; "A Biblical Perspective on Immigration Policy," *Debating Immigration*, Carol M. Swain, ed., Cambridge Univ. Press, 2007, pp. 46-62; "Seeking Biblical Principles to Inform Immigration Policy," ChristianityToday.com, Sept. 20, 2006 (available at http://www.christianitytoday.com/ct/2006/septemberweb-only/138-32.0.html); "'Mankind was my Business:' An Examination of a Christian Business Ethic and Its Applications to Various Ethical Challenges," *Business and Religion: A Clash of Civilizations?*, Nicholas Capaldi, ed., M&M Scrivener Press, 2005, pp. 245-257; testimony before the House Immigration Subcommittee, May 22, 2007.

elaborated by Jesus in the Sermon on the Mount and elsewhere in the Bible, instruct believers to go so far as to "love your enemies," "bless those who curse you," and care for "the least of these my brothers." Considered alongside Micah 6:8 — "He has showed you, O man, what is good. And what does the Lord require of you? To act justly and to love mercy and to walk humbly with your God." — it becomes clear that faithfully living up to those standards is tough. In fact, it is impossible even for those indwelt by the Holy Spirit. In other words, exhibiting Christian mercy and compassion is not for sissies.

But do these high standards apply to civil government? To an extent. For instance, U.S. laws reflect such biblical standards as providing for due process, impartial justice, and prohibiting torturous punishment of criminals. But to attempt to require civil authority to display the same manner of mercy or compassion that individual Christians are commanded to display would be ludicrous. Yet that is what certain advocates in the immigration debate unreasonably demand.

We must understand the God-given role of civil government. Romans 13 clearly teaches that civil authorities are God's agents in their own specific jurisdictions to constrain evil. Civil authority wields the sword of justice to protect the innocent within its jurisdiction and to punish lawbreakers. The mission, described here and in I Peter 2 and Titus 3, is to "carry out God's wrath on the wrongdoer." In the Bible, the "things that are Caesar's" are concentrated on justice. God deputizes civil authorities as part of His common grace, because we live in a fallen world. Evil exists, and government constrains evil within a body politic.

A civil government necessarily and prudently refrains from overdoing compassion or mercy. The reasons include that officials act merely as agents of the citizens they represent. Public acts of government differ fundamentally from individual acts. Grasping this concept is critical. Otherwise, it could lead to misguided and erroneous courses of action, such as jumping from the early church members' voluntarily sharing their private resources within the body of believers in Acts 2 to conjuring some supposed biblical directive for socialism.

Compassion and mercy, as exercised by an individual, amount to his or her deciding willingly to bear an injustice. It is merciful when a private person turns the other cheek, goes the extra mile, gives up his tunic, and shares with a beggar. However, the government cannot itself do any of those things. Rather, the government only can obligate the members of its society and their common resources.

Thus, a compassionate act often becomes an injustice when compelled by civil government. Trying to codify mercy, the agents who are supposed to be the guardians of justice for their citizens can end up imposing injustice upon the innocent. What might constitute an act of mercy when an individual does it becomes an injustice against the members of the body politic when government

employs its sword of "justice" to compel such "mercy." This amounts to a grotesque misuse of power. Even if well intended, such government action is actually unjust.

* * *

So how does this discussion apply to our present immigration debate? It is advisable to consider the impact of proposed "comprehensive immigration reform" on our fellow Americans. More than the welfare of illegal immigrants is at stake here. And the foremost obligation, legally and morally, of the U.S. government is the welfare of American citizens.

The American people too often end up being the forgotten victims of "comprehensive immigration reform." That is certainly the case were the CIR ASAP Act or the Schumer-Reid-Graham proposal to be enacted. The goals of those bills are principally granting legal status to nearly all of the estimated 11 million unlawful alien residents, as well as guaranteeing a flood of job competition from foreign workers every year for the foreseeable future.

The supposed penalties such schemes would impose on illegal aliens amount to what the law currently would require: payment of certain fees, undergo a background check, and some modest step toward English acquisition. These sanctions hardly constitute meaningful penalty or punishment. Plainly, the government's display of "mercy" toward millions of people who willfully broke this nation's laws forces its own innocent citizens to stomach substantial injustice.

Who would "comprehensive immigration reform" hurt? It would put the most vulnerable Americans at risk — native-born minorities, Americans with no more than a high school education including dropouts, legal immigrants, our teenagers trying to land that first rung on the career ladder, veterans, the disabled, and convicts seeking to amend their lives in society.

Before the recession started, native-born youth and those with less education were experiencing extra high unemployment — 11.6 percent for dropouts and 10.6 percent for those with only a high school diploma in the third quarter 2007. Needless to say, their joblessness has worsened. Some 21 million unemployed or underemployed native-born Americans lacked a job or were discouraged from looking for work in the third quarter 2009. "Comprehensive immigration reform" would exacerbate their economic prospects, both by adding many more job competitors to the U.S. labor pool and depressing the wages that U.S. workers could otherwise command. This policy amounts to substituting labor for capital, which runs directly counter to the "American system of manufacture," based on a tighter labor market and led to the development of a strong middle class.

Today, fewer than half of American teens are in the labor force, compared with two-thirds in 1994. Adding more foreign workers who have displaced our

teenagers from job opportunities accounts for a large share of this situation. The one-two punch of amnesty and massively more "guestworkers" would further kill summer job opportunities for our teens.

The impact of legalizing the 7-8 million illegal aliens in the U.S. workforce and the 11 million total estimated unlawfully resident aliens, plus the untold thousands of foreign workers brought in under the proposed "guestworker" program (lopped on top of the several existing guestworker visa programs) would force Americans who face the toughest job-search circumstances into head-to-head job competition with unimaginable numbers of foreign competitors. It would also drive down their wages. Already, immigration of the scale we have had in recent decades negatively affects U.S. natives' wages. Scholarly analysis bears this out. For example, Harvard economist George Borjas has attributed immigration with directly reducing yearly average native-born men's wages by 4 percent, or $1,700, between 1980 and 2000. For native dropouts, immigration's wage depression was 7.4 percent over the same period. Northeastern University scholars found nearly all the U.S. job growth from 2000 to 2004 was filled by immigrant workers.

Consider in detail vulnerable Americans' employment situation, which was already bleak as of third quarter 2009. I am citing the U-6 unemployment figure, which counts those actively looking but without a job, the underemployed, and people who have stopped looking for full-time employment. U-6 unemployment for native-born high school dropouts: 32.4 percent. U-6 unemployment for native-born blacks 18-29 years old with a high school diploma only: 39.8 percent. U-6 unemployment for native-born blacks who dropped out of school: 42.2 percent. U-6 unemployment for native-born Latinos without a high school diploma: 35.6 percent. U-6 unemployment for native-born Latinos 18-29 years old with only a diploma: 33.9 percent.

We do not have a labor shortage. Further, the wages of the least educated and less skilled fellow Americans have been declining for decades, beginning well before the current recession. Male high school dropouts have seen hourly wages fall 22 percent between 1979 and 2007, for example. Immigrants in general and illegal aliens in particular tend to fall into the lower end of the job scale, because of their low education and skills levels. With figures like those above, it would seem impossible to justify either amnesty or a generous guestworker program. To do both would be unconscionable, at least from a biblically informed perspective. The most vulnerable of our national community would see 7-8 million jobs currently held by illegal aliens permanently tied up and those jobs foreclosed to jobless Americans. And "comprehensive immigration reform" would vastly increase the number of working-age immigrants legally brought into the country year after year into the future.

Another set of consequences of "comprehensive immigration reform" must also be carefully and fully considered. Those include the impact of legalizing 11

million illegal aliens on America's dire fiscal crisis. Beneficiaries of amnesty would qualify for many public programs from which they currently are disqualified on account of their unlawful presence. Those programs include welfare, health care, the earned income tax credit, and entitlement programs. Because illegal aliens are predominately less educated and unskilled, they would disproportionately participate in these programs and collect far more in benefits than they would ever contribute in taxes.

This means native-born American taxpayers would effectively be required to subsidize foreign-born public program participation, on an even larger scale. It also means enriching former illegal aliens at the expense of lawful immigrants who played by the rules.

Consider the fiscal impact of "comprehensive immigration reform" on just one entitlement program, Medicaid. While illegal aliens are excluded from Medicaid, many would in all likelihood become eligible when they gained legal immigration status under amnesty. Under the recently enacted health reform, Medicaid is expanded substantially. In 2014, those with incomes up to 133 percent of the official poverty level will qualify for Medicaid. Analysis I have just completed indicates that 3.1 million current illegal aliens would have incomes that qualify them for Medicaid. They would add an extra $8.1 billion annually to the cost of the Medicaid program. In the budget window the Congressional Budget Office used for estimating health reform's costs, amnesty would cost taxpayers another $48.6 billion during the years 2014-2019.[2]

The entire fiscal impact of amnesty and massively expanded immigration must be factored into the consideration of any immigration legislation. Rather than add to the nation's unsustainable fiscal obligations through immigration, it would be more fiscally responsible to reduce immigration and forego legalization.

In short, what "comprehensive immigration reform" would do unto "the least of these" fellow Americans hardly ranks as ethical treatment.

* * *

In closing, it would be unwise to misapply biblical principles in any public policy area. This is true with respect to immigration. Immigration is one of those issues in which Scripture does not detail a normative public policy. This issue differs from clear-cut biblical precepts such as prohibiting murder, stealing, or perjury. Thus, we have to consider which biblical principles do appropriately apply, carefully assess the situation at hand, consider this nation's experience and unique characteristics, judiciously estimate the impact of various policy options, and then exercise prudential judgment.

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[2] "The Medicaid Costs of Legalizing Illegal Aliens," *CIS Memorandum*, July 2010.

For biblical principles to inform our immigration policy, we must tread carefully. There is no proof text that justifies or mandates broad legalization, visas for certain countries or groups or skill levels, country quotas, or anything like that. Migration, where it comes up in Scripture, is incidental. The most precise teachings relate to fair treatment of resident aliens. Those who assert a biblical imperative for enacting "comprehensive immigration reform" or a specific bill are skating on thin ice.

Thinking prudentially, we know that in 1986, we tried immigration reform that looked largely the same as today's proposals: amnesty with border enforcement and employer sanctions. Some 3 million illegal aliens were legalized, including a number suspected of doing so fraudulently. Within a decade, the illegal population had mushroomed to three times the 1986 amnesty level. The supposed enforcement measures failed to secure the border or shut down the jobs magnet, because of fundamental flaws that guaranteed failure. The most vulnerable Americans have suffered the consequences most severely.

Then as now, what passed for "enforcement" mainly amounted to inputs — hire this many more border officers, etc. — and completely ignored requiring results — curb illegal entry to near zero, reduce visa overstays to near zero, achieve near zero attempted re-entries by those previously removed or excluded, reduce to near zero the number of illegal aliens holding American jobs, etc.

Pursuing essentially the same failed "solution" hardly measures up to prudence. Today's proposals punish our fellow Americans through forced "compassion" they cannot afford. Perhaps the most ethical thing Congress could do is to suspend most immigration, at least until unemployment rates return to prerecession levels.

Thank you, and I am pleased to respond to your questions.

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Ms. LOFGREN. Thank you, Dr. Edwards.

And before proceeding with questions, first, I would like, without objection, to submit for the record the testimony of the United Methodist Church. We didn't have room for everybody who wanted to testify, so that will be added to the record.

[The information referred to follows:]

PREPARED STATEMENT OF THE GENERAL BOARD OF CHURCH AND THE UNITED METHODIST CHURCH

General Board of Church and Society of The United Methodist Church

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Statement of the General Board of Church and Society of The United Methodist Church

Submitted to the House Committee on the Judiciary, Subcommittee on Immigration, Citizenship, Refugees Border Security and International Law

For the July 14, 2010 Hearing: "Hearing on the Ethical Imperative for Reform of our Immigration System"

The United Methodist Church is the third largest denomination in the United States and has over 11 million members worldwide. The General Board of Church and Society is tasked with bringing "the whole of human life, activities, possessions, use of resources, and community and world relationships into conformity with the will of God. It shall show the members of the Church and society that the reconciliation that God effected through Christ involves personal, social, and civic righteousness."

From the position of incarnational relatedness to immigrants from throughout the world, United Methodists witness firsthand the brokenness of the U.S. immigration system and have taken a lead among the grassroots movement in the faith community in advocating for just and humane reform. The biblical narrative forms the response of United Methodists to the issue of immigration.

> In Scripture, Jesus continually manifests compassion for the vulnerable and the poor. Jesus incarnated hospitality as he welcomed people and ministered to their greatest need. Jesus' presence on earth initiated the Kingdom reality of a new social order based on love, grace, justice, inclusion, mercy, and egalitarianism, which was meant to replace the old order, characterized by nepotism, racism, classism, sexism, and exclusion. The broken immigration system in the United States and the xenophobic responses to migrants reflect the former social order. The calling of the people of God is to advocate for the creation of a new immigration system that reflects Jesus' beloved community. (*Welcoming the Migrant to the U.S.*, Book of Resolution, 2008)

There are an estimated 11 million people living in the United States with no lawful immigration status. These are people who migrated here to join their families, to work, or to seek refuge from persecution, violence and other horrors. Hundreds of thousands of immigrants are detained every year in jail-like settings when more humane alternatives are available. Moreover, countless families are separated by stringent immigration laws or must wait years, even decades to receive a visa to reunite. And numerous families are experiencing terror

For the thousands of United Methodists who have been actively advocating for just and humane immigration reform, we see this issue as primarily a human rights issue. Building fences and militarizing the border has not secured the border and has worked to prevent any real reform from taking place. The United Methodist Church

has stated that while "all nations have the right to secure their borders, the primary concern of the Christian is the welfare of the immigrant." (*Welcoming the Migrant to the U.S.*, Book of Resolutions, 2008)

As such, we advocate for the following, which we identify as the components of just and humane immigration reform:

- An opportunity for legal status for all undocumented migrants. Any pathway created for undocumented migrants should have minimal obstacles and those requirements should not be designed to preclude migrants from eligibility for legalization.
- Clearing the backlogs and reunifying families separated by migration or detainment. .
- An increase in the number of visas for short-term workers to come into the United States to work in a safe, legal, and orderly way. Opportunities for legalization should be available for those who wish to remain permanently.
- The protections of all workers who come to stay for a certain period of time as well as for those who stay permanently. The right to bargain for higher wages, to protest against poor working conditions, and to preserve their human rights should be maintained by all workers, documented and undocumented alike.
- Elimination of privately-operated detention centers, which are not regulated by the federal or state governments.
- Elimination of indefinite detention, incarceration of children, and the expanding prison population, which also benefits privately-owned detention centers and prisons.
- Preservation of due process and access to courts and to adequate legal representation for all migrants regardless of legal status.

We specifically want to urge the strengthening of family reunification as the cornerstone of any reform. Family reunification has been the basis of the U.S. immigration system for the past 40 years. Immigrant families are integral to our communities, schools and churches and contribute to the spiritual, economic, and cultural health of our nation.

The current family-based is in urgent need of reform. Families remain separated for far too long, including waiting times of five years or more—and up to seven years for Mexican permanent residents—for spouses to reunite with each other and for parents to reunite with minor children. The waiting times for adult siblings to reunite can be twenty years or longer. These wait times for children, parents, and siblings must be lowered and families must be reunited.

As part of reforming the family immigration system, we strongly encourage the inclusion of the Uniting American Families Act. Today, gay and lesbian American citizens cannot sponsor their foreign born partners for immigration, no matter how long they have been together or how committed their relationship. Thus, gay and lesbian families are not afforded the basic dignity of living together as a family.

The United Methodist Church believes "the family to be the most basic human community through which persons are nurtured and sustained in mutual love, responsibility, respect, and fidelity. We affirm the importance of loving parents for all children. We also understand the family as encompassing a wider range of options than that of the two-generational unit of parents and children." The terrible choice that many gay and lesbian families must make between remaining together or uprooting children from their homes is abhorrent and unnecessary. Splitting families doesn't just hurt gay and lesbian Americans – it hurts their parents, their extended families, their employers, and their communities. The Uniting American Families Act would eliminate this

discrimination against gay and lesbian families and would maintain the importance of family as an essential characteristic of the U.S. immigration system.

GBCS looks forward to working with members of the 111th Congress and the administration to ensure the inclusion of these basic elements into immigration reform legislation. If you have questions about this statement, please direct them to Bill Mefford, Director of Civil and Human Rights, for the General Board of Church and Society of the United Methodist Church, 202/488-5657, bmefford@umc-gbcs.org.

Ms. LOFGREN. Our Chairman of the full Committee, Mr. Conyers, has arrived. And I don't know if he had an opening remark that he would like to make.

Mr. CONYERS. If I could just briefly, Madam Chairman and Ranking Member King.

This hearing, I think, is very clearly sort of a landmark in this discussion, this national discussion that we are entering into. And I am so pleased that the bishop is here, that the president of the Southern Baptist Convention is here, that the dean of Liberty University Law School is present with us, and, of course, Dr. James Edwards. We welcome you all.

And I have just mentioned to the Chairperson here, and I haven't talked to Steve King about it yet, but I just want to put on the record that we might like to meet with you after the hearing itself to talk about how we can expand our discussion beyond the formalities of Committee hearings.

And I am so pleased and honored that you would be with us here in the Judiciary Committee.

And, if I could, Madam Chair, I would like to yield the balance of any time, a few minutes, to our distinguished colleague from Illinois, Mr. Gutierrez, who has been deeply immersed in this subject.

Ms. LOFGREN. Without objection, our colleague, Mr. Gutierrez, and also the chair of the Immigration Task Force for the Hispanic Caucus, would take the remainder of the time.

Mr. GUTIERREZ. Thank you.

Let me say to Chairman Conyers, I think your suggestion is well-needed. And I would encourage us, as when we met with the Speaker of the House, to say to the men and women of faith that I think you can save us from ourselves and from our own partisan, political bickering. This is a moral issue, and so, therefore, I would suggest that you call us to order and that you convene the meetings, so that men and women from this side of the aisle can meet with men and women from that side of the aisle, to put it that way. And you can then discern who is working in good faith in order to achieve the goals that we should as a government.

Now, I want to begin just by saying to Dr. James Edwards, I listened very closely to your comments. And you want to make a distinction between the scripture and civil government, between we as Christians and the civil government.

But our government should be a reflection of who we are. What is government but a reflection of the millions of people that constitute that government? So when you say that the civil government should be different and has a different task, I don't see it that way. I want my government to be the best and the highest of our moral and ethical standards and of justice. That is what I want my government to be. I want it to be a reflection of my values, not distance itself from my values.

And so, I am sorry, I just have to disagree. I think that, as I listen to the panelists and they speak—because what are we talking about? We talk about them in these terms. And, you know, one Member said, "Well, we give money to the Hispanic congregation, and so that means I am not a bad person," and "4 out of 10 Mexicans"—well, ladies and gentlemen, why do we always focus the issue of immigration on the Latino and the Mexican community when we know that 40 percent of undocumented workers that are in this country came here legally?

As a matter of fact, we can go to the mall today and there are tourists who came here on a tourist visa and will not return. There are students that are going to graduate, hopefully not from Liberty University, but there are students who are going to graduate and never return to their country of origin.

The fact is there are millions of undocumented workers that cross legally. And so, when we speak about secure the border, secure the border, secure the border, let's be careful about the mes-

sage that we are sending to America, that this is not a fight between the United States and Mexico.

Hundreds of Mexicans died this year, in the last 12 months, fighting the drug cartel, fighting the drug cartels that provide the insatiable—the thirst that this America has for the drugs that come across those borders. We, too, have a responsibility—we, too, have a responsibility—for the effect that it is having on the civil society in Mexico and their inability to continue to create and foster.

So I just want to say to all of you, thank you for coming forward, but let's focus on the human being.

One last point, if I could just have 15 more seconds.

Ms. LOFGREN. Without objection, the gentleman has 15 more seconds to finish.

Mr. GUTIERREZ. Because I think what is important is that we focus on family. Who are these undocumented workers?

In my household, I am like most Americans, where only 2 out of 10 Americans live with children. Did you know that? In a family household, only two. But if you look at the undocumented, 5 out of 10 of them live with children. Of course, if you came to my house at dinnertime or on the weekend, Sunday morning, you would think we still have children, because they are always showing up.

But my point is, these are families. Think about it: 4 million American citizen children of the undocumented. That 7-year-old girl asked the First Lady, can you help my mom get some papers? We should respond to that 7-year-old girl by saying, "Yeah, we are going to get your mom your papers so she can raise the best American citizen child ever in the United States of America."

Ms. LOFGREN. The gentleman's time is expired.

And because we went to the Chairman for his opening statement, I would like to recognize Mr. King for any questions. To be fair, I am going back and forth.

Mr. KING. I thank the Chair for recognizing me.

First, I am looking at the numbers of people we have on our side of this, which looks like two. And I look down this end, and I see a lot of Democrats that are eager.

Ms. LOFGREN. So you are declining?

Mr. KING. And over here I see three witnesses and one witness here, so I would like to defer to the Chair.

Ms. LOFGREN. That is absolutely fine. I will go first then.

Let me first thank all of you for your testimony. It was thoughtful and informative.

And I would like to give my first question to you, Dean, because not only are you a faith leader, but you have argued twice before the Supreme Court and you are dean of a law school.

And I was interested in your comment, in your written testimony, that you reference in your oral testimony, that there is a difference between providing amnesty and providing a path to status, and that we need to stop the debate from being unnecessarily politicized.

We all believe that the laws need to be obeyed, but we make the laws. And I remember, in 1996, we changed immigration laws retroactively. I mean, we made it the case that someone who was here—you know, I have run into these situations where someone

who was brought as a child to the United States really was raised in the country, and now they have married, you know, their high school boyfriend and they are a married couple, and yet that woman has to leave the United States and leave her husband for 10 years under the law we passed. That was retroactive.

So I am wondering if you could talk to us about the rule of law and how the Congress has an opportunity to make changes to have a more rational set of laws, as well as the amnesty question, how we might get a grip on that question that is constantly thrown about.

Reverend STAVER. Thank you, Madam Chairman.

Certainly, as dean and professor of law at Liberty University School of Law and also founder and chairman of Liberty Counsel, a legal organization, and a practicing attorney, I support strongly the rule of law. We obviously must be a Nation of laws and of rule of law. So I believe that this issue is critically important, that we do support our laws.

Amnesty, however, that has oftentimes been used as a hot-button flash word. And I believe that is how it oftentimes is used, to simply politicize this debate and shut down any rational discussion of this debate—should ultimately be defined. Amnesty is what Dr. Land said Jimmy Carter did, President Jimmy Carter, with those who avoided the draft in Vietnam. Amnesty is what President Ronald Reagan did in 1986 with the immigration issue. Amnesty is complete forgiveness without any consequences whatsoever. That is amnesty.

What I propose is something different. And the reason why I propose that is because of several factors. I propose, first of all, that you have a pathway to earned legal status, whether that is citizenship or temporary residency or worker visa status. Something that would be earned, not just simply given. Not something that would be guaranteed, but something that would be an opportunity to those who are here.

We oftentimes get into this debate and we forget about—we talk about securing our borders. I think people agree we need to do that. We talk about enforcing our laws. People agree we need to do that. But then they forget about the 12 million or so people that are here. We have to deal with them. We cannot just simply starve them out, hope that they will go away. We have to deal with them and bring them out of the shadows. These are individuals like you and I that want to pursue the American dream, but sometimes our laws have ultimately put a barrier between that and that goal.

I propose a pathway to earned legal status. And that includes those various items that I mentioned: penalties, all of the other items, going to the back of the line, and so forth. That is different than amnesty.

And if you look at any law, for example, there is not a cookie-cutter penalty for any law that we have. For example, if the government were to entrap someone to break the law, the penalty on the government is complete victory for that individual who is entrapped. In other situations where we have different kinds of gradations of violations, we don't give everybody the same penalty, whether it is civil or criminal penalties. We tailor it based upon the individual.

Ms. LOFGREN. Right.

Reverend STAVER. But, in this case, to just simply deport everybody is immoral, and it is not consistent with the rule of law. I propose that we have something that deals with this, upholding the rule of law, but compassionately and justly deals with those who are here within our borders.

Ms. LOFGREN. Thank you.

Dr. Land, you have spoken out today and also before today on the issue of immigration reform. And I understand, and, as a matter of fact, gave you a flyer that my office got yesterday, that some are suggesting, you know, that they supported you before you spoke out, but that now maybe you don't actually speak for the pews in your congregation.

Do you speak for the Southern Baptists, do you think?

Mr. LAND. Well, no one speaks for all Southern Baptists.

Ms. LOFGREN. Well, that would be true for all Catholics, as well.

Mr. LAND. The old joke is wherever there are two Southern Baptists, there are at least three opinions.

But I think it is clear that I speak for a majority of Southern Baptists. In 2006, the Southern Baptist Convention, the last time the Congress was debating this issue, passed a resolution overwhelmingly, a 95%-plus vote. And you understand that when the Convention passes a resolution, those are elected messengers from the 44,000 churches. Each local church elects its messengers who go to the Convention and vote their conscience. And I think any fair reading of that resolution is a policy that secures the borders and then finds a way toward legal status, an earned pathway toward legal status.

Now, I have had some in the press who have said, well, how do you know that Southern Baptists agree with you? Well, I decided to test that theory. I presented what I have argued is a fair and just policy to our Southern Baptist Convention in Orlando in June. I have a reporting time during the time of the convention, and I gave what I presented today in more detail. And it was very enthusiastically supported by the messengers that were there. And these are the most involved, the most faithful Southern Baptists.

You have to understand that about—you know, we have hundreds of thousands of Hispanic Southern Baptists, many of them undocumented, who have come here to the United States. And I don't think it is a secret that Southern Baptists are evangelistic, which means that we will witness to anyone that will stop and listen to us. And so, as a consequence, many of those undocumented workers have become Southern Baptists and members of Southern Baptist churches and leaders in Southern Baptist churches during the last two decades.

In fact, I had the privilege of speaking to the Southern Baptist Hispanic caucus in Orlando during our convention, and, of course, they were very supportive of this. They were very supportive of what I had laid out, including an earned pathway and going to the back of the line, et cetera.

And, I would hasten to add at the last, I am elected, as you are, by Southern Baptists. And our Convention has fired two agency heads in the last 5 years. So they know how to do it, and they are

not bashful about doing it if they think that I am not speaking what most Southern Baptists believe.

Ms. LOFGREN. Thank you very much.

I would recognize Mr. King now for his questions.

Mr. KING. Thank you, Madam Chair.

This would be an interesting conversation to carry on in a setting where we could have point-counterpoint. But I appreciate all your testimony here.

I will maybe start with Reverend Staver and the statements that you have made about the word "amnesty" politicizing this, and you would prefer that we not use that language at all. Of course, it is in our dictionary, it is in Black's Law, and you recognize that definition when you state that, as one definition of it, when Reagan signed the amnesty legislation in 1986, with a promise that there would never be another amnesty and that there would be full Federal enforcement. And I reacted to that as an employer. I have my I-9 forms from probably all the way back to 1986 still in my files.

But I would submit this: that we do need to define amnesty in a way with more clarity than using examples. And I would define amnesty this way—and I have for years, and it is this: that to grant amnesty is to pardon immigration law-breakers and reward them with the objective of their crime.

And I would just submit that definition to you and ask, as a lawyer, an attorney, as a pastor and someone who has studied this thoroughly, how you would react to that definition: a pardon for immigration law-breakers coupled with the reward of the objective of their crime.

And we don't know whether their objective is to obtain citizenship or a job or to do some of those things that we all object to in this discussion.

Reverend STAVER. Congressman King, that definition would not be consistent with the rule of law. It wouldn't be consistent with the definition that is in Blackstone or Black's Law Dictionary.

Amnesty would be forgiveness, complete forgiveness, where you have absolutely no penalty. That is what Ronald Reagan did. I don't support what Ronald Reagan did. I don't suppose that that is what I am proposing here.

I am not saying don't use the word "amnesty," but use it when you really talk about amnesty.

Mr. KING. Then I would submit, then, Reverend, that the path that you have described here is pay a fine, pay the back taxes, learn English—that those things are designed to provide the objective of the person who had already broken the law. Whether it is a fine that is less than one pays a coyote to be smuggled into the United States, learning English is something that helps one in this path in this country, I don't see that as a penalty or any kind of recompense for breaking the law. And at least 60 percent of them are actually—they commit the crime of crossing the border illegally.

Reverend STAVER. With all due respect, Congressman King, if we just simply—I mean, we really have three options: deport everybody, give them all complete forgiveness with no consequence, or deal with them somehow.

I think it is impractical and impossible to just simply deport 12 million. And, in fact, if you do that, you will tear apart families. You will tear apart families where the children are legal and their parents are not. You will tear apart families or people who have no idea what their home country is, cannot even speak the language of their home country. And I don't think any of us want to see those kinds of people on national television.

Mr. KING. Well, let me submit this. What I am suggesting we do is that people that break our laws, we put them back in the condition that they were in before they broke the law.

And I would turn then to Reverend Land—and, again, I appreciate your testimony, as well—an example that you used was if we had, let's say, video cameras up and we were able to record speeders for 20 years and then we would send them all a ticket for every time that they speeded.

I would argue that there is another viewpoint on that, and what I am hearing advocated here, by some of the members of this panel at least, is that—I would use this other metaphor, that, well, no, let's grant them—however our definition is, and I will stick by mine, on amnesty. But we are going to do this, we are going to give people a pass for all the times that they speeded, but they didn't have a driver's license. And we are going to give them not only the driver's license but we are going to let them then speed the rest of their life, as well.

That is what I think is the real metaphor here, the difference between granting amnesty and calling this something equivalent to a traffic violation from some years ago.

Mr. LAND. With all due respect, the one thing that you didn't mention that Matt and I did mention was going to the back of the line, that they go to the back of the line behind those people who have been and are trying to come here legally, so that they pay a penalty of going back to—as if they were just coming into the country.

Mr. KING. Where does that line form, Reverend Land? That back of the line, when they go to the back of the line, physically, where are the people that go to the back of the line?

Mr. LAND. Well, you know, I am very impressed with the U.S. Government's ability to keep records. I have been audited once, and I was very impressed with their recordkeeping.

Mr. KING. Me, too. Actually, more than once.

Mr. LAND. By the way, I came through okay, but it was an interesting experience. It gets your—it focuses your full attention.

I think we have a broken immigration system that needs to be fixed, and it is your job to fix it. So you need to decide where that line forms.

It forms in government recordkeeping that you have to—you go to the back of the line—you registered on this date. You came forward during the grace period, and you registered on this date, and you agreed to pay these fines. You agreed to pay these fines——

Mr. KING. Reverend, watching our clock, I am sorry, but watching our clock, that line actually is still in the United States.

Mr. LAND. Yes, sir.

Mr. KING. People don't go back to their home country. The back of the line is actually in the other countries where people are wait-

ing to come into the United States of America. And that is my point.

And I would just briefly then ask Bishop Kicanas this question. You testified that about 5,000 people lost their lives in the Arizona desert during a period of time, I believe, 1988 until present. It is tragic, and I share that sense of empathy that you have expressed in your testimony.

But I would ask if you have contemplated or if you know the numbers of Americans who died at the hands of some of those who did make it across the desert as victims of crimes and that are part of the drug culture that we heard from Mr. Gutierrez and just part of the violence that comes from the about 4 million a year that try at the border.

Do you have any idea how many Americans died at the hands of those who made it across the desert?

Reverend KICANAS. Well, it is certainly true to say, Congressman, that some who enter this country do so with criminal intent and act in ways that harm others. But that is clearly not the majority of those who are entering this country illegally.

The vast majority of those are good people who are looking for a decent way of life for themselves or their families, who want to contribute to the community, who want to add to the life of the society. And it is that individual that is of concern.

Certainly, a person who comes here with criminal intent or who harms another person, this is something that the law must address and needs to address.

I was humbled to be able to celebrate the funeral mass for Rob Krentz, the rancher who died in Cochise County. There were 1,200 ranchers present for his funeral. It was a sad and painful moment for Susie, his wife, and for the whole family and for the whole community. This is tragic.

Now, we don't know exactly yet what happened, but perhaps it was a drug smuggler, and that is an unconscionable crime that needs to be addressed, that needs to be dealt with fairly and justly. On the other hand, the person, if it were a drug smuggler or a migrant who perpetrated that crime, that is not characteristic of the numbers of people who are crossing the border. It is an entirely different situation.

Mr. KING. You recognize the American victims are in multiples of the 5,000 that you testified to, I think, though, also. I thank you very much.

Thank you, Madam Chair. I yield back.

Ms. LOFGREN. The gentleman yields back.

I recognize Mr. Conyers, the Chairman of the Committee, for his questions.

Oh, I think Chairman Conyers is deferring to Chairman Berman, who is recognized for 5 minutes.

Mr. BERMAN. Well, thank you, Madam Chairman.

And thank you, Chairman Conyers.

Dean Staver, this issue of what is amnesty and what is not—what Jimmy Carter did was a blanket amnesty. It defined a group of people and said, they are okay, notwithstanding what they did.

The 1986 law that Ronald Reagan signed turned out to be seriously flawed, not because it gave a blanket amnesty; it required in-

dividuals to apply, to pay money, to take English language courses. It didn't have all the features of what we talk about now with earned legalization, but it was a specific, individual generated legalization program that conferred a temporary status before it confirmed a permanent resident status.

The flaws were that it didn't—while it attempted to, in terms of increasing border patrol numbers, it didn't, quote, "secure the border." It didn't deal with the population that Mr. Gutierrez referred to that comes on student visas or tourist visas and then overstays and melds into the society. And, most of all, the I-9 forms that Mr. King keeps in his files were not a substitute for an effective process of requiring employers to verify the status of their workers. And so we have a problem compounded at this particular time.

You mentioned three alternatives. There is a fourth alternative. It is the alternative we seem to be locked into, which is railing about the issue and leaving the status quo, with all of the problems that exist, including the exploitation and the continued magnets that exist and created this situation.

But, Dr. Land, I really did appreciate your testimony, and I take your point. It doesn't deal with that part of the population that my colleague, Mr. Gutierrez, referred to, but it certainly is a significant part of the issue, the control of the border and the securing of the border.

I did not take what you were saying to: We now spend greater time and effort to figure out how to truly secure the border. We know all kinds of efforts have been taken. We know, to some extent, it is far more difficult to cross the border now than it used to be.

I took your comments to mean: a logical process as we pass legislation that focuses, at its initial stages, on an effort to do better at the border; that you create metrics and tests for determining when that is met; and when that test is met, a process that allows—and you, at the same time, implement the kind of employer verification system that tells people about legal status. And when that system is designed and ready to be implemented, you allow a process where people, under the test that you have outlined for an earned legalization program—payment of fines, tax issues, back of the line—comes into being.

It isn't that you—because sometimes people use the argument, "Secure the border," as an argument to do nothing else now. And so, I just want to clarify that your notion is a total scheme that puts that as the first test, but then, at the point where it is reasonable to conclude that has been achieved, these other operations move into effect.

Mr. LAND. Yes, sir. I think that the effort last time, as noble as it was in 2006, has shown us there is not a sufficient trust level to do this simultaneously, so you are going to have to do it sequentially.

But you can do it in the same law. You can have a law that has border security. And once those metrics have been judged as having been met, then it triggers the second part of the law, which would focus on the pathway to earned citizenship or legal status.

And I think that part of border security is going to have to be—we are going to have really much tougher laws on those who ex-

ploit undocumented workers by employing them illegally, and you have to take away any excuse they have. And so I am going to get really radical here. I am going to suggest that what we really need is a tamper-proof biometric Social Security card for anybody who wants to be employed in the United States.

Because if you have—and, look, I know people get all upset about national Social Security cards——

Mr. BERMAN. I don't.

Mr. LAND [continuing]. But we all have a Social Security card. I mean, when I go teach for my best friend at Southwestern Seminary, I have to show him my Social Security card before they can employ me. So we all already have one.

And if you had a biometric tamper-proof Social Security card, this would lessen the pressure on the border. Because if they manage to get across, if you told employers, "You are going to get 6 months in jail if you hire somebody who doesn't have that card," they won't be able to survive.

Mr. BERMAN. Well, I think my time has expired.

Ms. LOFGREN. The gentleman's time has expired.

I would recognize the former attorney general of California, my colleague, Mr. Lungren.

Mr. LUNGREN. Thank you very much.

As the person who was the Republican floor manager for Simpson-Mazzoli in '86 and got the Republican votes to pass it, I recall very well the discussions in the long period of time we had in passing that bill. I must say, however, to my friend from California, it did apply to those who entered this country legally and whose legal status was overstayed, so long as that illegal status occurred 4 years before the date of the bill.

Mr. BERMAN. Will the gentleman yield?

Mr. LUNGREN. Yes.

Mr. BERMAN. My point wasn't that it didn't apply. My point was, nothing in that bill dealt with trying to remedy that problem from continuing to happen.

Mr. LUNGREN. Well, all right. The point I am trying to make is, it applied to all people who were in illegal status 4 years before the signing of the bill.

So my first question would be to all of you—and hopefully just short answers—to whom should this apply? Someone who has just gotten over the border? Someone who has been here 6 months, a year, 2 years, 3 years, 4 years, 5 years?

Because our argument back in 1986 was that, as a matter of justice, we felt that those people who had put down roots in the community ought to be treated differently than those who had not.

So if I could just ask you down the line.

Mr. LAND. Well, that would be for you to determine.

Mr. LUNGREN. No, no, no, no. I am asking, what is your opinion?

Mr. LAND. Well, I would say that you would have to have a sliding scale.

Mr. LUNGREN. Where would you start?

Mr. LAND. Those who have been here 20 years, for instance, would have less of a time of waiting and they would move up. And you would have to set that at some arbitrary date.

Mr. LUNGREN. I know. I would like to know what your opinion is, when does someone have sufficient roots in the community—1 year, 2 years, 3 years, 4 years?

Mr. LAND. That is probably above my pay grade, sir.

Mr. LUNGREN. All right.

Bishop?

Reverend KICANAS. Reform means to bring people out of the shadows. And to the extent that we can do that comprehensively, that would be our encouragement.

Mr. LUNGREN. So I guess you would say, if they have been here a day?

Reverend KICANAS. Certainly, there should be some cutoff, and I think that would be up——

Mr. LUNGREN. Well, what should that be?

Reverend KICANAS. I would say, minimum, perhaps a year.

Mr. LUNGREN. Sir?

Reverend STAVER. Congressman, I don't have a magic bullet as to when that time would be, but I would agree that there would be some kind of sliding scale.

However, because that is a difficult question, and there are many difficult questions, that question alone and any others that we face should not be used to obfuscate or delay passage of some kind of——

Mr. LUNGREN. With all due respect, sir, I am not asking to obfuscate. This is a very difficult issue. I spent 10 years trying to get it done the first time around, and these are the difficult things we have to do.

Reverend STAVER. I understand.

Mr. LUNGREN. And when you are talking about trying to have a balance between what you say is fair treatment for those who have been here legally—that is, immigration—illegal immigrants, and the rule of law, you have to determine that.

And so, my question is, do you think that is a public policy issue we have to deal with? That is, should there be a differentiation between people who have been here 5 years and just got here, number one?

And, number two, do you not understand that if you make it so close to the time of illegal entry, it encourages others to come in the future and you will never have a permanent law?

Reverend STAVER. No, I agree with you on that point, clearly. And, certainly, I think you do need to have some kind of scale, and you have to be careful that if you say you are going to provide this, that you don't have all of a sudden a flood of immigration that is illegal, that people want to take advantage of what we are trying to address here. And it makes the problem even more complicated.

Mr. LUNGREN. Let me ask this question of the three of you. When we passed this law in 1986, we made the statement it would be a one-time only, because we thought it was a one-time-only phenomenon. And one of the reasons we did that was we did not want to encourage continuing illegal immigration. And we were afraid that if it were viewed as a sequential thing—we do one now, we do one in 20 years, we do another one in 20 years—it would defeat the purpose of securing the border.

Do you understand that? And is that something that we ought to be concerned about?

Mr. LAND. Yes, sir. That is why I said border security first. And when I mean secure the border, you have control of the border. You decide. You——

Mr. LUNGREN. How do we answer the question that we did this once before, said it was going to be the only time we did it, now we are doing it again?

Mr. LAND. Well, the Federal Government didn't enforce the law and they haven't enforced the law for 24 years. That is what has bred disrespect for the rule of law. Under Republican and Democratic administrations, our own Federal Government has chosen not to enforce its own laws.

Mr. LUNGREN. Bishop?

Reverend KICANAS. Illegal immigration is not good for anyone. It is not good for the person crossing the desert at risk to their own life. It is not good for a country not to know who is crossing its border.

So, definitely, if there is an earned pathway for those who are here, it will provide, then, legal entry, if there is a worker program connected to the reform so that there is a legal way for people to come.

Mr. LUNGREN. Should that worker program allow them to bring their families with them, or should it be a temporary worker program in which they come to the United States for, let's say, 10 months out of a year but must return to their home country after 10 months, although they could then return in the following year?

Reverend KICANAS. The church has always been insistent on family integration, and the separation of families is not helpful. It is not helpful to the family, it is not helpful to the society. So, to whatever extent possible, families should be kept together in a worker program, if that is feasible.

Mr. LUNGREN. So they should be treated better than our men and women in the Armed Forces who are separated for 10, 12, 18 months' deployment?

Reverend KICANAS. Well, that is an entirely different situation——

Mr. LUNGREN. Well, I understand.

Reverend KICANAS [continuing]. And not analogous, really.

Mr. LUNGREN. The other thing I would just ask you is, do you recall the SAW Program and the RAW Program, Seasonal Agricultural Worker Program and the Replenishment Agricultural Worker Program, in the 1986 law? Do you think that worked well?

Reverend KICANAS. I know that there are concerns, in terms of, for example, in Yuma, which has a huge agricultural workforce, and the need to bring workers over the border. And there has been great concern about the fact that they have to build housing and they have to find a way to retain people, when, really, the intention of people is to go back home. They want to be back home with their families.

Mr. LUNGREN. Right. That is a different program. The only thing I am just trying to mention for you and your colleagues is we put a Seasonal Agricultural Worker Program and a Replenishment Agricultural Worker Program in the 1986 law, as opposed to a specific

temporary worker program. Unfortunately, the SAW/RAW Program had the greatest amount of fraud of any program I know, and we were not able to police it, and many people made assertions that they had worked in agriculture during the period of time we required who hadn't. And it became a backdoor way of getting in the United States even though you didn't meet the qualifications.

And I know I have overstayed my time. I just want to say this, though. As we talk about treating people fairly, I have to also think about the people in Mexico, the people in Africa, the people in the Philippines, the people in Europe, the people all over the world who have followed the law.

In the 1970's, we changed our law to have a worldwide quota system, which was supposed to mean that everyone had an equal chance to get in the United States. And when you have rampant illegal immigration, significantly from any portion of the world, it makes it unfair to those who have waited in line.

And I have to say this: As we go forward—and I hope we do do something—as we go forward, you should also think of what it does or says to those people who followed the law, who have been waiting 10 years, 20 years in the Philippines to come here, in Africa to come here, in Mexico to come here. And what does it say to them if we say, "You were the saps. And those that broke the law and came here are, frankly, going to be treated differently." And I am not saying that is the answer, but I am saying we also have to understand what justice means to those who did follow the law.

Thank you very much.

Ms. LOFGREN. The gentleman yields back.

I understand that Ms. Jackson Lee is prepared for her questions and would be recognized for 5 minutes.

Ms. JACKSON LEE. Madam Chair, thank you so very much for this very important hearing.

I could not acknowledge the clergy here today without acknowledging in my hometown of Houston Cardinal DiNardo, Reverend Clements of the National Baptist Convention, and Bishop Kyles, among many others, who have led a very potent and important convening of souls who have supported and understood the ethics and the humanitarianism of real, comprehensive immigration reform.

And I am humbled by the sincerity of my colleague from California, and I believe that he is sincere. But I think it is important to maybe go against the grain of a familiar refrain in a song that says, as I remember, "tiptoe through the tulips." And I think that we are tiptoeing through the tulips.

I would adhere to the fact that, once a law is passed, we should be meticulous in how it is implemented. Reverend Land, I believe that your controversial statement to some should be on the table. But we must have it on the table where we can all discuss it in its implementation and so you can hear the cons for those of us who may not agree and we can hear the fors. But the good news would be that we have moved forward.

I worked for a very large nondenominational church to give them relief for one of their evangelistic workers who didn't meet a standard to get a visa to be able to come in. And we attempted to change the law. I think we worked on it because it said a Catholic for a

Catholic, a Baptist for a Baptist, and we said it should just be a religious worker so that people could come in and help to save souls.

But the greatest impediment for passing legislation—and I refer to legislation that I have, Save America Comprehensive Immigration Act, and I refer to one that has drawn many, many sponsors, H.R. 4321, I call it Ortiz-Gutierrez, which—you would be shocked. Maybe you have read it. Please read it. It has pages and pages and pages of border security provisions, ones that if you took a moment to read it, you would understand that we are reasonable, we are responsible, and we are compassionate.

So the one major impediment is the Republican Party. Every single Republican is committed to denying, denouncing, and ensuring that this President fails on immigration reform, that this Congress fails on immigration reform. And you tell me, how do we overcome that kind of mindset?

Nothing you could say here today—you could take wings and fly around this room. You could create the opportunity, and President Land is looking for an opportunity, to fly. As they say, let me fly where the eagles fly. You could fly with the eagles, and you would not get them to get past the political schism that they have.

Let me share with you some numbers that I want to put into the record: 1994, 6.9 percent; 1995, 5.59 percent; 1996, 5.41 percent; 1997, 4.94 percent; 1998, 4.5 percent; 1999, 4.22 percent; 2000, 3.97 percent—U.S. Department of Labor unemployment figures.

I was a Ranking Member of the Immigration Subcommittee during that period when Republicans were in charge under Newt Gingrich and under the subsequent Speaker of the House. We could not move immigration reform, and we had the lowest unemployment that we could ever have. It bothers me now to use the excuse of unemployment for that.

Could I ask the clergy quickly to—and if I can start with President Land. What do we do about Senator McCain and Senator Graham, who committed to us to work together in a bipartisan way?

I don't think this should be a single-party issue. It should be an issue for America. And let me remind everyone that the idea of immigration reform is to take care of those who are stranded here in this country.

President Land, what should we do with that mindset that no immigration reform will pass as long as I am a Republican in the United States Congress, which I am not?

Mr. LAND. Well, I think, Congresswoman Jackson Lee, in my—you are a representative of my hometown of Houston.

Ms. JACKSON LEE. Good to see you.

Mr. LAND. And the Texas Pastors Council just had a press conference last week, issued a statement on comprehensive immigration reform signed by a lot of conservative Baptist pastors, and was a multi-ethnic statement dealing with the Texas legislature and their attempt to implement some form of the Arizona law. And I know some of those churches; those churches are filled with people who vote Republican.

I think, frankly, the country is ahead of you on this issue. I think, with all due respect, is country is significantly ahead of you on this issue.

Ms. JACKSON LEE. Excellent.

Mr. LAND. And they are waiting for leadership. They are waiting for statesmanship.

I believe that there is—the foundation and the building materials and the blueprint for a centrist comprehensive immigration reform package is there. It is out there in the country, waiting to be constructed by people who are willing to be statesmen. As you know, Churchill said, "Politicians think about the next election. Statesmen think about the next generation."

This issue is rendering the social fabric of the Nation. I think the Arizona law and the attempts to implement the Arizona in other States shows this. There is great frustration with the lack of Federal Government comprehensive immigration reform and the Federal Government enforcing its own laws.

It breeds disrespect for the rule of law when the Federal Government ignores its own laws. And I think any fair observation of what has happened over the last 24 years is that, more often than not, our own Federal Government has just ignored its own laws when it comes to border security and when it comes to immigration enforcement.

And let us understand, as well, that we as a Nation bear some responsibility for that, because we are a government of the people, by the people, and for the people. We have had two signs up at the border for at least the last two decades. One says, "No trespassing," and the other says, "Help wanted." The vast majority of these people have broken the law in order to come here and work.

Ms. JACKSON LEE. Absolutely.

Mr. LAND. Whereas our domestic law breakers break the law in order not to work.

And they have been able to do it because the jobs are there. And, by the way, I have seen studies that show that undocumented workers lower the wages of those at the lower end of the wage scale by approximately 10 percent—all workers, documented and undocumented. So that if we had comprehensive immigration reform, it would have the impact of raising the wage scale by about 10 percent at the lower echelons, where 10 percent makes a real difference and would make a real difference in the living standard of those who are in the lower echelons of our society.

So what I am doing is I am saying this is not an issue of right and left, it is not an issue of Republican and Democrat, it is an issue of right and wrong, and encouraging people to talk to their congressmen and talk to their Senators.

I didn't even know about what the Houston Baptist pastors were doing——

Ms. JACKSON LEE. Yes.

Mr. LAND [continuing]. Until they informed me. And they said, "Thank you for your leadership in Orlando, and we are going to respond to what is being attempted in Austin." And I can assure you that the churches of the pastors that are there, a significant majority of them vote Republican.

Ms. LOFGREN. The gentlelady's time has expired.

Ms. JACKSON LEE. I thank you very much.

Ms. LOFGREN. The gentlelady from California, Ms. Waters, is recognized.

Ms. WATERS. Thank you very much, Madam Chairwoman.

I appreciate your holding this hearing today. It is very important that we create a discussion and a debate about immigration reform. And it is very important that the government accepts—the Federal Government—its responsibility for immigration reform. I am pleased that we have witnesses here today.

And several times I have heard my colleagues talk about trying to create a reasonable discussion where Republicans and Democrats can get together and really talk about this issue in ways that will help to solve the problem. But what I am finding, as I learn about some of the reasons for opposition to immigration reform, is that we are so far apart philosophically that I don't know how we are going to be able to really get together and have this debate and this discussion.

I was intrigued by the testimony of James R. Edwards, Jr., Ph.D., today and this discussion about the ability for Christians to display and implement compassion and mercy but that governments can't do that, that governments should not attempt to use its civil responsibility in that way, that it can be more harmful than not.

Let me find out a little bit more. I asked my staff, find out who this gentleman is. And, as we understand it, you served as a fellow at the Center for Immigration Studies. Is that right?

Mr. EDWARDS. Yes, ma'am.

Ms. WATERS. Are you familiar with the case of Eduardo Gonzalez?

Mr. EDWARDS. No, ma'am.

Ms. WATERS. Eduardo Gonzalez I guess is being deployed on his third tour of duty with the U.S. Navy, and he has or will be serving on the USS Harry Truman in the Persian Gulf. His wife is not a U.S. citizen, and his child, and they face deportation. And their deportation was advocated for and sought out by the center where you did your studying, where you were a fellow.

Do you support that kind of deportation of the family of someone who is deployed to serve, to protect the United States of America?

Mr. EDWARDS. Well, not knowing the facts of that specific case, I hesitate to comment directly on that. But I would say in general that there are elements in the law that allow exceptions in certain cases, and that may well qualify as the exception.

Ms. WATERS. The Center advocated for his deportation. Do you believe that someone who serves in the United States Armed Forces should have to worry about their family being deported because they are not—the wife, the child are not citizens? Do you think that is right? Or is it government should not be compassionate enough to consider the plight of the wife and the child because that is not our role, as you have articulated in your testimony about the role of government?

Mr. EDWARDS. What I have said in the testimony is that it is clear from scripture that the role of government, properly, is more on the justice side. And certainly we have elements of compassion or mercy that are reflected in our government, which I would

agree, as Congressman Gutierrez noted earlier, that should be reflected to an extent, and things such as in general where it applies very even handedly, such as the role of due process or punishment that fits the offense——

Ms. WATERS. In your testimony, if I may, in closing, this is what you say: "It would be unwise to misapply Biblical principles in any public policy area. This is true with respect to immigration. Immigration," you say, "is one of those issues in which scripture does not detail a normative public policy. This issue differs from clearcut Biblical precepts, such as prohibiting murder, stealing, or perjury. Thus," you say, "we have to consider which Biblical principles do appropriately apply, carefully assess the situation at hand, consider this Nation's experience and unique characteristics, judiciously estimate the impact of various policy options, and then exercise prudent judgment."

Okay, I am clear about that. That puts us a long way apart, and let me tell you why—particularly with this separation issue.

I am in the process of reading three books right now. One is known as "The Known World." The other is known as "Wench." And of course I am reading the biography of the British legislator and abolitionist, Mr. Wilberforce. All of these books are about slavery. And I have decided to spend a lot of time trying to understand not only what took place during slavery but the implications of that even today.

One of the most vicious and heart-wrenching components of slavery was the separation of families, where children were sold off, where fathers were sold off. And when we look at this immigration issue, it emerges again that families could be separated, children could be separated from their parents.

What do you think government's role is in looking at this family situation, where families could be separated? What is the role of Christianity? What is the role of religion in looking at this, and what is government's role?

Ms. LOFGREN. The gentlelady's time has expired. By unanimous consent, we will grant the gentleman 30 seconds to respond.

Mr. EDWARDS. Where do I start?

In general, I would say that there is a distinction between those who knowingly broke the law and took a chance and would be separated by their family if they were caught and held to certain—whatever consequences, be it imprisonment or whatever. I mean, it is the same story as an embezzler or any other person who breaks the law would be separated from their family members.

The person who comes here as a lawful permanent resident, played by the rules, and is separated because of the quota of waiting the turn of his spouse and minor children because the citizens who came here before him are joined more quickly with their more extended family members, to me that is a family separation issue of greater import to the government. And it would be more compassionate to join the spouses and minor children than to prioritize more distant family members.

Ms. LOFGREN. The gentleman's time has expired.

I know Dr. Land has to leave in about 15 minutes, so I am hoping we can get to all our Members.

Mr. LAND. Could I just say that attached to my testimony that was submitted to the Committee, in Appendix 5 is "Principles for Just Immigration Reform," where we try—Dr. Barrett Duke, who has a Ph.D. in Old Testament studies, and I, who have a Ph.D. in theology—try to take the Biblical teachings and apply them to what we perceive as being an ethical immigration policy. And it is much too long to go into, but I would refer you to it.

Ms. LOFGREN. Thank you. And we will commend that to our Committee.

Mr. Gutierrez is recognized for 5 minutes.

Mr. GUTIERREZ. Thank you, Madam Chair.

I want to go back to Dr. Richard Land. Tamper-proof biometric Social Security card, it is in our bill. We want to make sure—because I agree with you totally. You want to end illegal immigration? Tell them they can't get a job in America. Now, I am saying that. I am about as pro-immigrant as you can get. Tell them they can't get a job in America, that we are going to end illegal immigration, and we are going to end it once and for all.

Let's just confess to ourselves, 1986 was a good start, but it was a flawed bill. And it was, in essence, amnesty. To the extent that people applied, if you had been here 4 years, you show up at an office, you go through a quasi-background check, and guess what? Eighteen months later, you go from temporary resident to permanent resident.

The law was passed in 1986. I got elected to Congress in 1993. In 1994, I started at the beginning of a process that brought out 50,000 people in my district to become American citizens. From what? From that bill. So you see how quickly people went from 1986—they didn't open up the first office until 1998, but by 1994 they were already applying for American citizenship.

That is pretty much—that is not what our bill says today. What our bill says today, you have to go to the back of the line. They make fun of this back of the line. It is nothing to be made fun of. The back of the line is a long time away from you ever becoming an American citizen and gaining permanency in the United States of America. Because what we do is we are family-friendly. So we say, all of those people that are waiting in line, during the next 5 years they will receive their visas. In the next 5 years, in any comprehensive bill, you must take—it is immoral, wrong, unethical, to make someone wait 25 years to bring their brother to America when we know that they are on the verge of dying, that their life is all but done.

That is not our law. Our law is to bring families together. So what we say is, let's put them—and once everybody that is in line and has been waiting lawfully in line is taken care of, then you begin with those that are undocumented. But you place them somewhere in the line.

And all I want to say to everybody is, think about it a moment. Think about it a moment. If we create a system that doesn't allow people to ultimately become American citizens, aren't we undermining our country? Isn't that what we want, is people to come here to invest themselves, not only economically but socially, but in terms of their heart and their soul by saying, "This is my country," and adopting the United States and following that position?

That is why we are not like other countries. That is why America has become the cemetery of so many foreign languages. Think about it. Germans came, buried German, right? The Polish came. We buried Italian. We just keep burying languages. And English just continues to be the language of the Nation, one after another. Why? Because we have allowed them to integrate themselves fully.

So this is really—I want to thank you all, because this is really—because we agree with you, biometric. I love when leaders of our faith-based community begin to speak simple, clear facts. We need a tamper-proof biometric. We need Dr. Land and Bishop—we need to make sure we secure that border and do everything. And if we need to get metrics to figure it out, let's figure out what those metrics are so that we can secure that border.

But we need to secure everything totally, so we agree with that. We need to punish those employers that exploit them. We agree. Every Democrat here on this side is ready to put them to jail for long jail sentences if they hire undocumented workers and illegal workers in this country.

Now, after hearing all of this, you said, "Well, Luis, then what is the problem? You are for securing the border. You are for a biometric card. You are for putting employers in jail. That is going to be the solution to ending illegal—what is the problem, Luis?" The problem is, what do we do with the 12 million undocumented workers that are already here?

And you know what? You have been—you have heard it again here today. So I want to thank—especially I want to thank the Reverend Mathew Staver. It isn't amnesty, but you know what they have done with amnesty? They have changed it from a seven-letter word to the dirtiest four-letter word that can be. And if today were Halloween, instead of kids knocking on their door and them saying "boo" as is the tradition, they would say "amnesty," as though to scare us once again. That is what they have done with the word, a word that has no relationship with what we are doing.

What we are saying is, quite simply—now, you know, it has become the norm here not to speak about charity, not to speak about forgiveness, not to speak about—look, I am not a theologian, I didn't come here with my Bible. You know, I am a good Catholic, you know. But I will tell you, I learned two things: to love God above everything else and to love my neighbor as I love myself.

And let me tell you, I cannot fulfill that principle if when I sit in a pew and I know the person sitting in the pew next to me is undocumented and I don't love them as much. And when I register my kids to go to school—and this is not hyperbole—when I registered them in 1st and 2nd and 3rd grade, when I take them to school, I know there are undocumented children. When I go to teacher-parent conferences, when I go to the park—everywhere I go they are there. They are an integral part of my life.

They are so ingrained in our life. They are our neighbor, not only in the spiritual sense but in the factual sense. They live next to us, they live among us, 4 million American citizen children, hundreds of thousands of American citizen wives, hundreds of thousands, and husbands who are married to undocumented—do you really propose that the government go out there and destroy these fami-

lies? Do you know what it would do to the fabric of American society to take 12 million people and rip them asunder?

It is not reasonable. So what I suggest to all of you is that we meet again, that this testimony is good, but you guys got a little different thing than most people that come here. You know, you have a mission in your life. You have different objectives and different goals, in terms of what you want to do. I want to see if you can help us reach those goals. And for that, I thank you for the wonderful testimony here this morning.

Ms. LOFGREN. The gentleman's time has expired.

Mr. Smith wants to catch his breath. Oh, he is ready? The Ranking Member of the full Committee, Mr. Smith, is recognized for 5 minutes.

Mr. SMITH. Thank you, Madam Chair.

Mr. Land, let me direct my first question to you. And I apologize for being gone during your testimony because of having to attend another Committee's markup.

But, as I understand it, you do have some concerns about chain migration. And to the extent that you didn't elaborate on that, could you tell us what aspects of chain migration you would eliminate and which ones you would keep?

And to the extent that you agree with it, what would you substitute for chain migration? Would you put a greater emphasis on those who have the education and skills we need in America, for example?

Mr. LAND. Well, in Appendix 5 of my testimony, which is attached, I talk about chain migration.

The process of bringing extended members of one's family to the United States once one family member is settled here is a significant concern to us and many people in the Nation. If we are to allow millions of people to remain here, we must find a way to limit the influx of extended family members so that we leave room in our Nation for future immigrants who have no family here.

We propose that chain migration be limited to spouses and their natural or adopted children. We recommend that hardship exceptions be part of the limits, to enable children to bring elderly parents to the U.S. who have no means of support in their home countries. In order to maintain our commitment to bringing in additional immigrants, we recommend that the number of family members who can be united with family members in the U.S. be subject to an annual cap.

Mr. SMITH. Thank you.

Mr. LAND. And the reason for this is that, otherwise, you get into numbers that are extremely large.

Mr. SMITH. Right. Okay. Thank you.

Mr. LAND. It is a hard decision, but that is the decision that we recommend.

Mr. SMITH. Right. Thank you for that answer, and it is appreciated.

Bishop Kicanas, I know that the Conference of Catholic Bishops does not or claims not to support open borders. My question to you is, what illegal immigrants would you agree to deport or not admit?

In the case of those individuals that we might send home, would you agree to send individuals home, for example, who had been

convicted of crimes? Would you agree to send individuals home who are working illegally in the United States?

I want to give you an opportunity to show that you are not just for open borders, that you do agree to enforce some immigration laws.

Reverend KICANAS. Yes, clearly, the bishops of the United States do not support open borders. We call for border security to address appropriate issues that are concerns along the border. For example, drug trafficking, human trafficking, weapons smuggling—these are all serious issues.

Mr. SMITH. What about the category of individuals I asked specifically about? Would you support deporting those individuals who had been convicted of crimes and those individuals who were working illegally in the United States?

Reverend KICANAS. I think we would certainly support a judicial decision that someone should be deported or a decision that is made about someone——

Mr. SMITH. Would you deport individuals in those two categories?

Reverend KICANAS. I missed the second category. The category was those who had committed crimes?

Mr. SMITH. Those who had been convicted of crimes and those who had been found to be working illegally in the United States.

There seems to be bipartisan agreement on those two categories of individuals. I just wondered if you all, as a conference, also supported the deportation of those individuals.

Reverend KICANAS. What we support is comprehensive immigration policy reform. With regard to deportation, clearly, this is something that the government has to determine who should be deported. We would certainly support——

Mr. SMITH. No, I understand that. My question is, does the Conference support deporting individuals who had been convicted of crimes and who have been found to be working illegally in the United States? Yes or no? Does the Conference have a view on that?

Reverend KICANAS. That really isn't—I mean, the position of the Conference is to reform our immigration policy. Now, the issue of deportation is affected by a comprehensive immigration policy.

Mr. SMITH. But you are not willing to state those individuals should be deported. It sounds to me, if you are not, then I don't know who you would agree to deport, if anyone.

Reverend KICANAS. It is not a matter of agreeing to deport. The government determines who is deported. The church doesn't determine who is deported. So we wouldn't stand in the way.

In fact, what we do is try to assist people on the other side of the border who have been deported. That is what the church's responsibility is.

Mr. SMITH. I don't think I am going to get a further answer to my question, but I thank you for your response.

Any remaining time I have—in a minute, I am going to yield to the Ranking Member—but, Mr. Edwards, a question for you: Do you consider to be the comprehension immigration reform, so-called, is equivalent of amnesty or not? And if so, why.

Mr. EDWARDS. I do consider it amnesty. And because the parameters of what was proposed in the 2006 bills in the Senate and

2007, the most recent proposals on the table, they have about the same exact requirements, a *de minimis* sort of fine or fee, you know, some modest steps toward English, but there is no real requirement of acquisition of English language. There is, you know, a number of other things that are pretty small potatoes.

And exactly like Congressman King said, those things are actually benefits to the people who—in the most part, are benefits to the people who are the benefits of the legalization. And that is, they are going to be better off if they learn English. They are going to be in better stead for the future.

If you wanted to look at real things—and I take into account what Congressman Gutierrez said, that, yes, generally you want everybody who comes here, even people illegally, to form a positive emotional and cultural attachment to this Nation and a loyalty, a political or patriotic loyalty to this Nation. But that doesn't mean that everybody should be able to go the entire route to citizenship. You may consider that there are disabilities attached to people who are beneficiaries, and you have to sort out all the distinctions. I mean, some people have been here 20 years, some people 20 days. Some people have education; some people don't. Some people have citizen children; some don't.

You have to design something that sets up all of that and deals with each of those specific groups in a way. And some of those may benefit from naturalization, citizenship, but others may not. But you need to think long and hard about exactly who should be held to what standard.

Mr. SMITH. Thank you, Mr. Edwards.

Thank you, Madam Chair.

Reverend STAVER. Madam Chair, may I have 2 minutes?

Ms. LOFGREN. Yes, without objection. Yes, sir.

Reverend STAVER. Thank you.

Mr. SMITH. I think I technically have to be the one to ask for the 2 minutes, but I will be happy to do so.

Ms. LOFGREN. We are very cooperative in the running of the hearings.

Reverend STAVER. I just again want to thank everybody here for being here on this important issue and, again, encourage you to continue this dialogue. It is very critically important.

The more that I review immigration laws throughout the history of America—and we have had many—every time that we have taken an anti-immigration position, it has been the wrong side of history.

When I was recently in Yad Vashem in Jerusalem in January and February of this year, I came across a letter that was actually startling. It was from a Member of Congress to our then-President. It was regarding the ship that was filled with people fleeing the Holocaust, the Jews that were fleeing Hitler's regime. And they were circling in the Atlantic, wanting to land on the shores of America. He wrote a letter to the President urging him not to move forward with immigration reform, urging him to deny that ship's entrance, which we eventually did.

The same arguments that were raised in that letter are the same arguments that we hear today, with regard to jobs, diluting our

economy, diluting our culture. We were on the wrong side of history then, and I urge us not to be on the wrong side of history now.

Thank you.

Ms. LOFGREN. Thank you, Dean.

I would recognize Mr. Gonzalez, our colleague from Texas, for 5 minutes.

Mr. GONZALEZ. Thank you very much, Madam Chair.

My questions will be directed to Dr. Edwards. And I am going to be reading from your written testimony as well as some previous remarks attributed to you.

Quote, "We may fairly conclude that it displays questionable judgment to rigidly construct an immigration policy for 21st-century America based on a handful of scripture passages taken out of context." And then in your written testimony today, I think you make reference to some of those.

And you also comment, "But to attempt to require civil authority to display the same manner of mercy or compassion that individual Christians are commanded to display would be ludicrous. Yet, that is what certain advocates in the immigration debate unreasonably demand."

I am not real sure where you make reference to, as certain advocates making that kind of a demand, because that has not been the testimony of the other witnesses here today, nor of any Member up here on the Democrat side.

But let me ask you this. You say, "But do these high standards apply to civil government?" And then you say, "To an extent."

So I am going to take some of those passages—and you know what? I don't think you are entirely wrong. You are substantially wrong, but not entirely wrong.

So, "To care for the least of these my brother"—all right, maybe government shouldn't do that. Maybe civilian authorities shouldn't do that. "Love your enemies"—difficult thing to do in time of war. "Bless those who curse you"—we don't really turn the other cheek all the time. "Love mercy, walk humbly"—no one may vote for me if I love mercy and walk humbly, maybe you are right.

You left one out: to act justly, to act justly. I think that does have application, whether it is in the religious sphere or whether it is in government service. Would you agree to act justly is an objective or a goal that should be sought by all?

Mr. EDWARDS. Well, earlier in the testimony, I did cite Micah 6:8 in full, where it does say act justly, and I fully agree that——

Mr. GONZALEZ. All right, I am quoting you.

Mr. EDWARDS. Yes.

Mr. GONZALEZ. Because "act justly" seems to be one where you would find a lot of disagreement, that it may not have an application as we form public policy here in Congress, to act justly. I am just—I actually, that is what I thought we were all elected to do, fundamentally.

So you would agree that that is one passage, whether taken out of context or not, that has application in what we seek to do here today, to act justly?

Mr. EDWARDS. That is one passage—and, in fact, it is not out of context, because there are so many other passages, and the ref-

erence point is scripture best taken is to—scripture interprets itself.

Mr. GONZALEZ. To act justly.

Mr. EDWARDS. You have to take it as a whole. And it is very clear from scripture that the principle of justice and acting justly is fully in order, both for individual Christians or civil——

Mr. GONZALEZ. Okay, that is a long answer to say, yes, you would agree with my proposition that to act justly is something we should all seek, regardless of context, regardless of our roles, right?

Is the present immigration law on the books just? Is it fair? Is it just?

Mr. EDWARDS. In general. It has a lot of weaknesses because it is a political decision, but it has, in general, elements of justice. It is thought through in many regards. It allows for exceptions, the kind of merciful exceptions on a case-by-case basis, such as parole.

Mr. GONZALEZ. Well, let me ask you, is it just to view the 12 million workers and their families in this country as someone that is here illegally without any chance of remaining in this country?

Because it appears to me that you agree with some on the other side of the aisle that anything short of deportation would be amnesty. Because that is all you have provided us today. For the 12 million workers and their families—and they are all not from Mexico, by the way, or south of the border—one size would fit all, that they would be deported.

Is that justice?

Mr. EDWARDS. No, sir.

Mr. GONZALEZ. And so, you would agree that we need to reform our laws and find exactly what the other witnesses have spoken to today, find an answer or solution that is fair and just.

And we have been talking about an earned pathway to legal status. That does include penalty. In every courtroom in the United States, whether it is administrative, criminal, or civil, where there are penalties and punishments, there are gradations. It is not one-size-fits-all. And people are basically also placed on a probationary period. If they don't comply, then the full import of the law or punishment or consequence will be visited on them.

But what I am hearing from the other side and from you today is not just and it is not fair. And that is what we are attempting to do here today.

So I welcome and I appreciate the testimony of the other witnesses, and I hope that we can move forward.

And I yield back.

Ms. LOFGREN. Thank you.

The gentleman's time has expired. The gentlelady from California?

Mr. EDWARDS. May I respond?

Ms. LOFGREN. I think that would be fair. By unanimous consent, the gentleman is granted an additional 30 seconds so you may respond.

Mr. EDWARDS. Thank you.

What I was trying to say earlier is very much in line with what you are pointing out. You cannot treat all of the 11 million currently illegal aliens exactly the same, because some have been here

20 years, others have been here 20 days. Some have families, some don't. Some have U.S. citizen children, others have no children.

You have to design very specific penalties according to each of those categories of circumstance. That would be the prudent approach, rather than saying everybody gets to stay here forever and become a U.S. citizen, regardless of whether you just crossed any border or whether you overstayed a visa or whatever.

I think, exactly as Congressman Gutierrez pointed out earlier, it would be well in order to deal with the problem of visa overstays.

Ms. LOFGREN. The gentleman's time has expired, and the gentlelady from California, Ms. Chu, is recognized for 5 minutes.

Ms. CHU. I would like to ask some questions pertaining to labor and jobs. And, first, I would like to ask Dr. Edwards and then have a response from Reverend Staver.

I am particularly disturbed by your testimony, Dr. Edwards, where you state that Harvard economist George Borjas has attributed immigration with directly reducing yearly average native-born men's wages by 4 percent. And I am disturbed because you only tell part of the story.

Citing the statistic alone is misleading, because you fail to mention that Borjas concluded that, while immigration reduces the wages of native workers by 3.4 percent over the short run, he finds that immigration has no effect on such wages over the long run.

In fact, it is a zero percent effect on such wages.

And you also fail to mention that the majority of economists who write on this issue, such as David Card, Giovanni Peri, Rachel Friedberg, Jennifer Hunt, Gerald Jaynes, differ from Borjas and conclude that immigration has actually had a positive effect on the wages of most, if not all, Americans.

And this is because, for one, immigrants buy things and increase demand on products and services. Secondly, immigrants tend to work in industries that, like agriculture and landscaping in certain parts of the U.S., would become unviable without their labor. And, thirdly, immigrants tend to complement American workers, rather than directly compete against them.

And let's just take the example of agriculture. We do have exceedingly high unemployment levels right now. But for all the unemployment out there, Americans are not running back to the fields to do certain manual labor. And this has been highlighted by the Take Our Jobs campaign being run by the United Farm Workers and discussed on the Steven Colbert show. Farm workers are saying to America, "You want our jobs? Then come take it." But after months of advertising this particular campaign, where they actually encourage people to come take these jobs, only 60 people signed up and only three have made it to the fields.

And, in fact, there are estimates that there are 2.5 million undocumented farm workers and their families in the U.S., but without them we don't grow citrus, berries, tomatoes, and other fruit. Our food would not be able to compete with the cheaper food from overseas.

And if our farms go away, it is not just farm work that goes away; it is all the jobs that go along with it, such as packaging, processing, trucking, accounting, advertising. That all goes away. And these are jobs that are actually held by Americans. In other

words, if you send the farm workers home, you eliminate millions of American jobs. Any farmer will tell you that.

So, Dr. Edwards, what would you have to say about the fact that most labor economists have found that immigration has had a positive effect on the wages of Americans? And, also, if we lost the undocumented farm workers, would you still be in favor of rounding them up and shipping them home, considering so many Americans in complementary jobs would lose their jobs? Where would we get the people to perform the jobs of farm workers?

Mr. EDWARDS. Again, where do I start?

If you take Borjas's work as a whole, including his entire work, his book called "Heaven's Door" and other of his scholarly publications—I have read a good bit of Borjas and other economists—and, in general, it is the case that, where there are more people in the labor force, there are lower wages.

Where there is the ability to substitute capital for labor—that is, mechanization—which happened in the tomato industry, for instance, at the end of the Bracero Program, we ended up with fewer jobs in California, particularly in the tomato industry, but they were higher-paying jobs, they were better-quality jobs, there was much more productivity and output.

This is a much more complicated subject than I can answer in 30 seconds. But the truth is that there are plenty of people who would, if the wages naturally were to rise because of a tighter labor market, might be attracted to different sectors, maybe not as stoop labor but for other mechanized jobs in the agriculture sector.

Ms. CHU. Reverend Staver?

Reverend STAVER. Thank you.

I think the idea that if you just simply—that this is going to adversely affect the economy is an oversight. Because anybody who has lived in Florida or Texas or some of these other agricultural States—and I was raised in Florida—knows that there is a lot of vegetables and flowers and agriculture that is grown there. And a lot of these individuals are illegal; they are undocumented workers. If you all of a sudden ship them back to wherever they have originated from, you are simply not going to have those fields and those employers filled with individuals clambering to go out there and give us what we enjoy as Americans—a watermelon or a tomato or have salads. Those come from someplace. They don't come out of thin air. And if we were just to simply ship everyone back, that is going to have a negative impact on our economy and on our way of life.

I think that what we ultimately see is that argument being used throughout history. We have continually addressed this issue of immigration. We have historically been opposed to immigration against various kinds of identifiable groups, whether they are Italians at one particular time that have our disfavor, whether they are Asians that have our disfavor, or Japanese or Chinese or other people of Asian descent, or Jews during the Holocaust. And now it seems as though it is the Latinos, and those primarily coming from Mexico. Every time we have had that issue, we have always raised the issue that, if we allow these individuals, they are going to take our jobs. And, historically, that has been absolutely proven incorrect.

Moreover, I think that we need to not stereotype every one of these that are illegal or undocumented workers or immigrants here. It is not just the Mexicans, it is not just Italians. There are some other individuals from all different kinds of descents, from all different spectrums of the world. And we can't just have this cookie-cutter approach to simply say, "Because they will affect our jobs, we will ship them all back overseas." I think that that is not an appropriate, it is not a just, it is not a moral, it is not an ethical approach.

Ms. LOFGREN. The gentlelady's time has expired.

As a matter of fact, all of the Members have had an opportunity to ask—I understand Ms. Jackson Lee has a unanimous consent request.

Ms. JACKSON LEE. I ask unanimous consent to conclude with a comment. I did not get a chance for my opening comment. I just wanted to make one brief comment.

Ms. LOFGREN. Without objection, the gentlelady is granted 1 minute.

Ms. JACKSON LEE. Thank you.

To all of the participants and panelists, let me thank you very much.

And, President Land, because of our Houston connection, let me make it very clear how excited I am about the bipartisanship of our congregation, many of whom I worship with. And, of course, many constituents in my own district are Republicans because they are Americans.

What I would ask as you proceed, and what I wanted the action item to be, is to be ever-pressing on those names and others who I have classified in one party—I am talking to everyone—to give them the message that you are giving. Otherwise, we will not move forward. And to give Dr. Edwards a rebuttable answer to what he has articulated. Because, with much respect, it is wrong.

When we had low unemployment, Republicans blocked us from moving. And I am speaking not of the constituency but of the elected body. What I would pray for, and I truly pray for it, that we distinguish the 12 million undocumented here in the country. That is where the crisis is. And we have made it very clear, put them on the back of the line, let them work. When they work, others work. It is well-known.

So my challenge to you and my question, and I would like to be part of it, is to convince Dr. Edwards, because he carries the banner for those who think they can hide under this banner of religiousness. I would ask that we work with those who are blocking us in the Senate and blocking us in the House in a humanitarian manner.

And I yield back.

Ms. LOFGREN. The gentlelady's time has expired.

I would like to thank all of the witnesses for being here today. A lot of people don't realize, the witnesses come as volunteers to help our country. And I think you all have helped our country today with your testimony, both oral and written. It is thoughtful, and it has been very helpful.

A little housekeeping here. The Members of the Subcommittee will have 5 legislative days to submit any additional written ques-

tions to you. And if that occurs, we would request that you answer those promptly so that they can be made part of the record.

And, without objection, the record will remain open for 5 legislative days for the submission of any other additional materials.

I would just like to note that I learned some things today. It is always a good day when you learn something. And, as I listened to you, I became hopeful. Too often here in Washington, we are at loggerheads. But I think what I heard today is that people who can disagree on many, many other things can come together in a thoughtful, rational, cool-headed manner to say what is good for our country, how do we solve problems. That is our job, and I think you are leading us in that regard.

As Mr. Berman said, doing nothing is the soft amnesty. Anywhere I go, no one says "do nothing" about this, whatever people think on the subject. So I do hope that we will be able to pull together across the aisle and across our country.

Obviously, America has the right to decide who is going to come and join us and become Americans here with us. That is an obligation that we have. But our rich history shows that we are made stronger by immigration. I think of my own grandfather who got off the boat at age 16 because he wanted to be free, he wanted to be here in America. And because of his bravery, I am sitting here today, and I give thanks for that.

So this hearing is adjourned, with a thank you to all of the witnesses.

[Whereupon, at 11:55 a.m., the Subcommittee was adjourned.]

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING RECORD

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Statement of
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Director of National and Legislative Affairs
Office of Government and International Affairs
American Jewish Committee

Submitted on behalf of the American Jewish Committee to
The House Judiciary Subcommittee
On Immigration, Citizenship, Refugees, Border Security, and International Law
Membership

Hearing on
The Ethical Imperative for Reform of our Immigration System

July 14, 2010

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From its founding in 1906, the American Jewish Committee (AJC) has been a strong voice in support of fair and generous treatment of immigrants, participating actively in many of the major immigration debates of our time: opposing reductions in the flow of legal immigrants; supporting increased "family unification" immigration; supporting efforts to reduce the flow of illegal immigration and enforce immigration laws within the context of due process and humane treatment; supporting policies that assure that the U.S. fulfill its role as a haven for refugees fleeing persecution; supporting access to public benefits for legal immigrants on the same basis as citizens; and supporting programs designed to educate and integrate new citizens.

In advocating for these policies, AJC acts in accord with the Americau Jewish community's longstanding interest in, and commitment to, a United States immigration and refugee policy that represents our nation's best traditions. According to Jewish tradition, "strangers" are to be welcomed and valued, as we were once "strangers in the land of Egypt." The Torah tells us: "The strangers who sojourn with you shall be to you as the natives among you, and you shall love them as yourself; for you were strangers in the land of Egypt" (Leviticus 19:33-34). Further, we recall how our pareuts and grandparents made their way to this country seeking a better life, often fleeing persecution, and know that we have prospered because of all that this country has offered us. That same opportunity should be available for others as well.

AJC continues to reaffirm its commitment to fair and generous immigration policies, as fundamentally good for the United States and consistent with Jewish values. Even today, Jewish immigrants, refugees and asylum seekers immigrate to the United States from all corners of the world, including such places as the former Soviet Union, Yemen, Iran, and Central and South America. But our commitment to appropriate immigration policies is not only about the Jewish community, which today constitutes only a small portion of the immigration flow. It is fundamentally about what we see as in the best interests of our country overall, as well as assuring that our nation acts in accord with its highest values. At the same time, we recognize the urgent need for reform of our visa, border and admissions systems, in order to keep out those who wish to do us harm. American immigration policies must be consistent with safeguarding our national security through maintaining control over our nation's borders and enforcing the nation's immigration laws in a fashion consistent with due process and humane treatment. We are also committed to measures that better incorporate newcomers into American society and culture.

We call for immigration reform because each day in our congregations, service programs, healthcare facilities, and schools we witness the human consequences of a broken and outdated system. We see the exploitation of undocumented workers and the plight of separated families, as well as the escalation of community fear due to enforcement measures that are neither smart nor humane. Comprehensive immigration reform would help put an end to this suffering, opening the door to a better life for those who desire to work hard and contribute in a positive way to American society but for now must live in the shadows, a situation that offends the dignity of all human beings.

History has demonstrated that immigrants enrich this nation economically and culturally, and immigration remains a central ingredieut to retaining America's economic strength and its proud tradition of democratic pluralism. According to a CATO Institute report, legalization of immigrants would yield significant income gains for American workers and households.[1] The study found that legalization of low-skilled immigrant workers would result in an income gain of 1.27 percent of GDP or

$180 billion for U.S. households. Furthermore, legalization would allow immigrants to have higher productivity and create more openings for Americans in higher skilled occupations. As such, a fair and generous immigration policy not only reflects our highest values of freedom, opportunity, and family cohesion, but would also benefit our nation materially.

Comprehensive immigration reform must provide a holistic approach to reforming our immigration system. Such reform should include:

1. **Changes to family immigration laws and adjusting quotas for future flows of immigrants, including high and low-skilled worker visas.**

Family is the cornerstone of American society. United families build strong individuals and strong communities. Right now, many immigrant families remain separated for years – sometimes even decades – because of the bureaucratic visa delays. Comprehensive immigration reform means reforming the immigration system to expedite the visa process in favor of family reunification. This includes making family-based visas more accessible, reducing the current backlog of family-based visas, and generally reorienting the visa system to prioritize family unity. Further, it is important that, in reforming the immigration system, we push back against efforts to deny citizenship to immigrant children born in the United States, which violates the 14th Ameudment of the U.S. Constitution. Also, we must ensure that family-based visas are not placed in competition with other visa categories. Provisions such as these are inhumane and harmful to the goal of family unity.

The current immigration system has not been updated in 20 years, and the massive backlog in visa applications is one of many clear signs that the system is not working. Instead of a steady, manageable flow of legal immigration that unites families and meets our nation's high and low-skilled employment needs, we have an out-of-control flow of illegal immigration. Every year, thousands of visas go unused because of bureaucratic red tape, meaning that an average of 20,000 immigrants who could legally receive a visa do not get one. The system is broken, and we need to fix it now.

2. **A path to legalization for immigrants already in the United States.**

There are an estimated 11 million undocumented immigrants currently residing in the United States. Compreheusive immigration reform would provide these immigrants with a path to legal status and eventual earned citizenship. This track to citizenship should be realistic, rather than being so burdensome that it prevents integration. Reasonable criteria may include learning English, having a job, maintaining a criminal-free background, and/or paying a modest fine. However, fines should not be excessive, exemptions should be made for vulnerable populations, and immigrants should not have to returu to their country of origiu to apply for legal status or citizeuship. These measures would only deter participation in the legalization process.

3. **Facilitation and support for immigrant integration.**

Many immigrants desire to naturalize but lack the necessary tools. AJC believes that the successful acculturation of immigrants is fundamental to a sound immigration policy, and urges greater efforts to facilitate newcomers' adjustment to American society. Acculturation efforts should convey an understauding of and appreciation for American democratic institutions, patriotism, aud constitutional

principles, including equality under the law and due process. At the same time, without a vigorous commitment to pluralism and respect for immigrant cultures, America risks increasing ethnic tension and resentment. Both the successful incorporation of immigrants and a respect for pluralism are necessary to preserve the "American dream" and sustain democracy.

Consistent with these beliefs, AJC supports the creation and/or reinvigoration of, as well as increased funding for programs and practices designed to effectively acculturate immigrants, including increased support for programs for adults and children Also, comprehensive immigration reform should include greater emphasis on the importance of learning English by newcomers—adults and children—with greater funding for such programs so that all who wish to do so have the opportunity to learu English upon their arrival in the U.S. or soon thereafter. Finally, there must be recognition that acculturation cannot be accomplished without the significant participation of community institutions.

4. Smart and humane enforcement measures that bolster our national security.

Border policies must be consistent with humanitarian values and with the need to treat all individuals with respect, while allowing the United States to implement its immigration laws and identify and prevent the entry of criminals, and of persons who wish to do us harm or otherwise pose a risk to our national security.

In updating and reforming border security measures, there should be (1) greater intelligence sharing regarding potential terrorists among the nation's intelligence and gatekeeper agencies; (2) increased use of state-of-the-art anti-fraud technology to create counterfeit-resistant passports and visas, and analyze suspect documeuts; (3) layers of security with multiple screening points for those departing for aud arriving in the U.S.; and (4) improvements in the system that tracks foreign nationals who enter and leave the U.S., including the vigorous monitoring of those who enter with student, visitor, or employment visas; matching of entries into and exits from the U.S. in order to better alert the government to those who stay in the U.S. beyond the terms of their visas; and improved enforcement of applicable laws for those who overstay their visas.

To the extent Congress considers, as part of comprehensive immigration reform, the creation of a mandatory electronic work-eligibility verification system and action on "employer sanctions" that penalize employers for the knowing employment of unauthorized immigrants, such measures should incorporate adequate safeguards to protect workers from discrimination in the workplace.

5. Reforming detention policies, due process protections, and special protection for asylum seekers, refugees and vulnerable populations.

Immigration policies should respect human rights and ensure due process for all persons. We have witnessed how indiscriminate immigration raids have caused trauma and hardship for thousands of iudividuals. Such raids separate families, destroy commuuities, and threaten the basic rights of immigrants and U.S. citizens alike. The suffering caused by the overreliance on Immigration and Customs Enforcement (ICE) raids in homes and workplaces, and by the INA 287(g) program (which has led to widespread misuse of local law enforcement in civil immigration matters and racial profiling, and has imposed a chilling effect on communities), underscores the problems with current U.S. immigration policies and the urgent need for reform.

We urge the new Administration and Congress to reduce the use of detention for immigrants, especially vulnerable groups and those seeking asylum, and improve detention conditions by enacting clear, enforceable reforms that include rigorous medical treatment standards and increased access to pastoral care, legal counsel and legal orientation programs. Furthermore, the government should expedite the release of asylum seekers and others who pose no risk to the community, and expand the use of community-based alternatives to detention, which are more humane and cost effective. In short, enforcement measures such as detention and raids should be narrowly tailored, and should be carried out in a humane fashion and in accord with due process.

In sum, AJC calls upon our elected officials to enact legislation that includes the following: An opportunity for hard-working immigrants who are already contributing to this country to come out of the shadows, regularize their status upon satisfaction of reasonable criteria and, over time, pursue an option to become lawful permanent residents and eventually United States citizens; reforms in our family-based immigration system to significantly reduce waiting times for separated families who currently wait many years to be reunited; the creation of legal avenues for workers and their families who wish to migrate to the U.S. to enter our country and work in a safe, legal, and orderly manner with their rights fully protected; reduce the use of detention for immigrants, especially vulnerable groups and those seeking asylum; and border protection policies that are consistent with humanitarian values and with the need to treat all individuals with respect, while allowing the authorities to carry out the critical task of identifying and preventing entry of terrorists and dangerous criminals, thereby bolstering our national security as well as pursuing the legitimate task of implementing American immigration policy.

AJC urges our elected officials to conduct the immigration reform debate in a civil and respectful manner, mindful not to blame immigrauts for our social and ecouomic ills or for the atrocities committed by the few who have carried out acts of terrorism. A polarized process lacking in civility hinders deliberative discourse and fails to serve our nation's best interests.

As a faith-based organization, we call attention to the moral dimensions of public policy and pursue policies that uphold the human dignity of each person, all of whom are made *b'selem elohim*, in the image of G-d. We engage the immigration issue with the goal of fashioning an immigration system that facilitates legal status and family unity in the interest of serving the God-given dignity and rights of every individual, even as it enhances out national security and promotes respect for the rule of law. It is our collective prayer that the legislative process will produce a just immigration system of which our nation of immigrants can be proud.

AJC appreciates the opportunity to submit this statement and welcomes your questions and comments.

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[1] Peter B. Dixon and Maureen T. Rimmer, *Restriction or Legalization? Measuring the Economic Benefits of Immigration Reform*, Center for Trade Policy Studies, CATO Institute, No. 40, August 13, 2009, P.1.

HIAS Statement

Submitted to the Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law
Regarding the hearing on the Ethical Imperative for Reform of our Immigration System

July 14, 2010

HIAS is pleased that the Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law is hosting a hearing on the Ethical Imperative for Reform of our Immigration System because the urgent need for reform increases every day that Congress fails enact legislation to fix our broken immigration system.

Throughout its 127-year history, the Hebrew Immigrant Aid Society (HIAS) -- the American Jewish community's international migration agency -- has advocated for a generous immigration system that honors America's tradition as a welcoming nation. On June 3, 2003, the HIAS Board of Directors endorsed resolution urging Congress to adopt comprehensive immigration reform that: a) reunites families; b) offers a path to citizenship to the estimated 12 million undocumented immigrants living in the shadows; c) creates wider legal channels for future foreign national workers with worker protections; d) includes serious enforcement and border security measures that are meaningful, effective, and humane; and e) ensures appropriate resources to help new immigrants integrate into society.

Family is the cornerstone of Jewish history, education, and values. According to Jewish tradition, "kin and family resemble a heap of stones; if one stone is taken out of it, the whole collapses." (Genesis Rabbah). A fair and humane immigration system keeps families together. Immigration laws that separate loving families or force them to leave their homes, jobs, and communities in the U.S. in order to remain together do not honor the basic principle that families should remain together. Unfortunately the current broken system keeps families separated for years as close relatives wait patiently in the family visa backlog. Furthermore, we know that nearly 1 in 10 U.S. families with children is a mixed-status family, where one or more parents is a noncitizen and one or more children is a citizen. Thus we are presented with the constant separation of families, often without regard to the well being of U.S. citizen children.

Family separation is not the only problem making the need for immigration reform so urgent. As a result of the lack of federal legislation, states have begun taking this issue up by creating their own solutions to deal with the undocumented population. As HIAS and other Jewish leaders pointed out in a letter to Arizona governor Jan Brewer in April 2010, "By prohibiting counties and cities from enacting policies that make sense for their communities regarding local enforcement of federal immigration laws, SB 1070 will undermine the trust that police have built with the communities they work to protect. When individuals become afraid of their local police, they are unlikely to report crimes and the safety of the entire community is compromised."

The ethical imperative for reforming our immigration system is clear. We are glad the committee is working towards a solution by holding this important hearing, and we urge Congress to enact legislation soon.

Franciscan Action Network
Transforming the World in the Spirit of St. Francis and St. Clare
P.O. Box 29053 • Washington, DC 20017 • 202-527-7575 • 1-888-364-3388 (toll free) • 202-527-7576 (fax)

Franciscan Action Network Statement of Principles for Comprehensive Immigration Reform

Submitted to the House Committee on the Judiciary, Subcommittee on Immigration, Citizenship, Refugees Border Security and International Law

For the July 14, 2010 Hearing: "Hearing on the Ethical Imperative for Reform of our Immigration System"

The United States is at a critical moment in establishing just and humane policy in immigration legislation. U.S. policy impacts the lives of 12 million people due to their undocumented status. U.S. policy impacts the communities where they live, and the spiritual, social and economic well-being of the entire country. Franciscan Action Network (FAN) relies on the great Catholic and Franciscan traditions to promote immigration reform that expresses the Gospel, "...when I was a stranger you welcomed me." Inspired by Francis' love of the poor and vulnerable we look to policy priorities.

The current immigration policy in the United States emphasizes enforcement by the Department of Homeland Security. This one-dimensional policy is evidenced by growing local interests in criminalizing the undocumented. This attitude has prompted massive raids and disrupted family and civic life. The enforcement policy treats people violently, deprives them of their dignity and human rights, and splits families. In many cases, it licenses local officials to enforce federal regulation which deteriorates respect for the rule of law. Enforcement is sometimes cruel and oppressive. Family members of immigrants seeking visas face a backlog of years. Abrupt deportation replaces due process and a path to documentation.

In the spirit of St. Francis, a saint who cherished Christian hospitality, who desired a more fraternal world, and who was particularly attentive to those whom society counted as less, FAN proposes these essentials in advocating comprehensive immigration reform:

Immigration reform that is compassionate. ***"... the soul of Francis melted toward the poor, and to those to whom he could not extend a helping hand, he at least showed his affection." (Celano, Second Life Chapter 5)***
FAN advocates policies that promote human rights. In law enforcement, this would mean probable cause as determined by competent federal authorities observing due process in arrest and detention procedures. Immigration laws should promote, not ignore, the integrity of the family. FAN favors policies which reunify the family by reducing the wait for immigrant visas.

Immigrants should be able to benefit from basic public services in health and education. Immigrants should feel free to worship where they wish and participate in community life and services.

Immigration reform that is comprehensive and just; ***"pilgrims and strangers" (1Pt.2:11) and (Rule of the Lesser Brothers)***
Immigration is a reality that always has been and always will be integral to the development of the United States. Immigration is recognized as a right in Catholic Social Teaching. Immigration has had and continues to have a positive social and economic impact on many communities. FAN seeks to build on the great history of immigration which has contributed to the development of our nation. It is, therefore, in the national interest to put forth the energy to make comprehensive immigration reform a national priority. FAN favors immigration policy that balances respect for the rule of law and the sovereignty of our nation with the desirable contributions that immigrant populations make to communities in the country. Penalties should be reasonable, and options and resources for regularized documentation multiple. Deportation should never occur without due process.

Immigration policy should promote the common good; ***"... you shall eat the fruit of your handiwork; happy shall you be and favored" (Ps. 127) and "... if anyone was unwilling to work, neither should that one eat" (Thess. 3:10).***
Catholic Social Teaching exalts the dignity of work. A significant portion of the workforce in the United States is composed of immigrant people. Massive deportation has a devastating effect on an already struggling economy. FAN favors policies that promote the dignity of the worker, just compensation, and humane working conditions. Employers are always expected to comply with state and federal standards relative to compensation, benefits, and taxes. Permits and authorizations to work in the United States should indeed be regulated but should take into account the current number of jobs supplied by the immigrant population. Because immigrants work, they contribute to the common good. They enhance the life of the local community by the cultural values they bring and--like everyone else--they bring their resources to the common good.

We urge the 111th Congress to pass Comprehensive Immigration Reform (CIR). We believe that CIR will benefit the common good of our nation, protect basic human rights, and promote a well-ordered system of law that will continue to make our national character strong.

www.lirs.org

Statement of Lutheran Immigration and Refugee Service

Submitted to the House Committee on the Judiciary, Subcommittee on Immigration, Citizenship, Refugees Border Security and International Law

For the July 14, 2010 Hearing on the Ethical Imperative for Reform of our Immigration System

Founded in 1939, Lutheran Immigration and Refugee Service (LIRS) assists and advocates on behalf of refugees, asylum seekers, unaccompanied children, immigrants in detention, families fractured by migration, and other vulnerable populations and provides services to immigrants through over 60 grassroots legal and social service partners. LIRS is the national agency established by Lutheran churches in the United States to carry out the churches' ministry with uprooted people and is a cooperative agency of the Evangelical Lutheran Church in America (ELCA), the Lutheran Church-Missouri Synod (LCMS), and the Latvian Evangelical Lutheran Church in America, whose members comprise over 7 million congregants nationwide.

Lutherans recognize the importance of providing welcome to migrants. Following World War II, one out of every six Lutherans in the world was displaced. With the participation of 6,000 congregations, Lutherans in the United States opened their homes, churches and communities to assist tens of thousands of migrants and their families. Lutherans have continued this ministry and every day bear witness to how our society is strengthened and renewed by the contributions of migrants.

In setting forth immigration reform principles, LIRS draws upon our faith tradition and the biblical imperative to display compassion toward newcomers in our midst (Exodus 23; Matthew 25). The Bible teaches, "When an alien resides with you in your land you shall not oppress the alien. The alien who resides with you shall be to you as the citizen among you," (Leviticus 19:33-34, NRSV).

LIRS also takes into account the positions of our Lutheran church partners. In November 2009, the ELCA approved a social policy resolution which declared that "now is the time…to pursue comprehensive immigration reform through the establishment of laws better aligned with America's historic values…and more responsive to the needs of immigrants, society, and the economy." In 2006, the LCMS acknowledged that people "may reasonably arrive at different conclusions" but that the "challenges of illegal immigration are real and solutions must be found."

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There are an estimated 11 million people living in the United States with no lawful immigration status. These are people who have migrated to this country to join their families, to work, or to seek refuge from persecution, violence and other dangerous situations. Hundreds of thousands of immigrants are detained every year in jail-like settings when more humane alternatives are available. Moreover, countless families are separated by stringent immigration laws or must wait years, even decades to receive a visa to reunite.

President Obama's July 2, 2010 speech in support of comprehensive immigration reform was a much welcomed step, but members of Congress and the administration must redouble their efforts to develop and advance bipartisan solutions to the nation's broken immigration system. Any comprehensive immigration reform legislation must accomplish the following:

- Provide an earned pathway to lawful permanent residency and eventual citizenship for undocumented immigrants and their families.
- Ensure the humane enforcement of U.S. immigration laws, specifically within the immigration detention system to reduce the reliance upon the incarceration of vulnerable immigrants and to promote the use of community-based alternatives-to-detention programs.
- Protect families from separation and ensure an adequate supply of visas for families seeking to reunite to reduce the long delays currently experienced by immigrants awaiting family reunification.
- Ensure the protection of U.S. citizen and immigrant workers.
- Provide adequate resources and protections to ensure the successful integration of refugees, asylees, unaccompanied minors and other vulnerable migrant populations.

LIRS looks forward to working with members of Congress and the administration to ensure the inclusion of these basic elements into immigration reform legislation. If you have questions about this statement, please contact Eric B. Sigmon, Interim Director for LIRS Washington Office, 202/626-7943, esigmon@lirs.org.

The 2009 ELCA social policy resolution on immigration can be found here:
http://www.elca.org/What-We-Believe/Social-Issues/Social-Policy-Resolutions.aspx

The 2006 LCMS immigration statement can be found here:
http://www.lcms.org/pages/internal.asp?NavID=10023

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