

Immigration

Background:

On June 28, 2007, the Comprehensive Immigration Reform Act of 2007, legislation which would have, among other things, legalized 12 million undocumented persons in the United States, failed in the U.S. Senate. Since that time, opponents of immigration reform have stepped up efforts to enact “enforcement-only” legislation designed to strengthen border and interior immigration enforcement.

In November, 2007, Representatives Heath Shuler (D-NC) and Brian Bilbray (R-CA) introduced H.R. 4088, the Secure America through Verification and Enforcement (SAVE) Act. This “enforcement-only” legislation mandates a flawed employer verification system and increases funding for detention and border enforcement. It does not reform other aspects of the immigration system, however, including legal immigration. Earlier this year, the sponsors circulated a petition, consistent with House rules, to bring the legislation to the floor outside the normal legislative process. In order to receive a vote, the petition requires 218 signatures; it has garnered 190 signatures to date. (See Attachment A)

In the meantime, during 2008 the Immigration and Customs Enforcement (ICE) agency of the Department of Homeland Security (DHS) has conducted immigration raids around the country. The raids have created havoc in immigrant communities, dividing families and harming children. DHS also has been working to complete the construction of over 700 miles of fencing along the southern border. (See Attachment B)

On the positive side, Representative Zoe Lofgren (D-CA) and James Sensenbrenner (R-WI) have introduced the Family Visa Recapture Act of 2008 (H.R.5882), legislation which would “recapture” lost family visas not processed in one year to be processed in another year. USCCB supports this legislation. (See attachment C)

USCCB Position:

The U.S. Conference of Catholic Bishops has consistently called for comprehensive immigration reform, including 1) an earned legalization program for the undocumented in the country; 2) employment-based reform, including a new worker program so foreign-born labor can enter the nation legally and safely; 3) family-based immigration reform; 4) restoration of due process protections; and 5) policies to address the root causes of migration. The USCCB believes that the most effective enforcement method is comprehensive reform legislation, since legalization would bring persons ‘out of the shadows’ and employment and family-based reforms would ease the pressure on the border. Thus, USCCB has opposed the SAVE Act and has asked legislators to oppose it.

The USCCB also has raised concerns about the immigration enforcement raids around the country, citing the impact on families, children, and communities. USCCB has written DHS officials asking that they follow protocols that ensure that children and primary caregivers are not separated during a raid and that detained persons are given access to legal counsel. They also have asked that churches, social service programs, and schools not be targets of immigration raids. (See attachment C) **(OVER)**

The USCCB strongly supports H.R. 5882, legislation introduced in the House of Representatives that would ‘recapture’ lost family-based visas not adjudicated in one year so that they are considered the next year. This will help alleviate the long waits for family reunification.

Remember to ask your Senator/Representative to:

- Commend your Representative for **not signing** the SAVE Act petition, or express your disappointment that they **signed** the SAVE Act petition.
- Communicate to your Senator or Representative your opposition to raids because they damage and divide families and because they force many immigrants into desperate economic situations. Ask them to express concern with the Department of Homeland Security (DHS) regarding the ways the raids are conducted, especially the care of children and the legal process whereby those arrested are prosecuted.
- Ask your Senator or Representative to support H.R. 5882, the Family-based Visa Recapture Bill [Sponsor: Zoe Lofgren (D-CA) in the House; to be introduced by Senator Robert Menendez (D-NJ) in the Senate]. This bill would “recapture” approximately 93,000 family visas each year that would otherwise be lost to bureaucratic delay. This would aid family members outside the country in reuniting with loved ones in the United States.
- Stress that Comprehensive Immigration Reform (CIR) is the most just and sustainable solution to our nation’s immigration problems. Advocate that Congress return to the business of enacting CIR as soon as possible.

For more information, contact Ryan Dwyer, Policy Advisor—USCCB, at 202-541-3207

TALKING POINTS--IMMIGRATION

- We would like to speak to you about the issue of immigration. As you may know, the USCCB favors a comprehensive approach to the issue, including reform of our legal immigration system. Although the church acknowledges the role of government to secure our borders, we do not believe that an enforcement-only approach is humane or effective.
- In this regard, we are pleased/disappointed that you supported/did not support the petition on H.R. 4088, the Secure America through Verification and Enforcement (SAVE) Act. The SAVE Act contains enforcement-only provisions and does not include legal immigration reforms, such as legalization of the undocumented.
- Moreover, the SAVE bill mandates the use of a Social Security Administration (SSA) database which is fraught with errors. According to the SSA Office of Inspector General, the SSA database contains 17.8 million errors, with 12.7 million pertaining to U.S.-born citizens. This means that U.S. citizens could lose their jobs.
- We also are very concerned with the ongoing enforcement raids around the country. We believe they separate families, hurt children, create fear in immigrant communities, and, above all, do not solve the problem of illegal immigration. They particularly harm children, who account for 30 percent of those impacted by raids. In many of the raids, a single parent or sole caregiver was separated for several days from their U.S.-citizen children.
- There is also concern that those detained by the raids are not receiving appropriate representation and due process. In Postville, Iowa, there is evidence that detainees, who were charged criminally for a variety of offenses, did not understand the violations against them.
- We acknowledge and understand the right of the U.S. government to enforce immigration laws and the right to use enforcement raids as a tool, but we do not agree that it is the best approach. We also think that the Department of Homeland Security should adopt better protocols to ensure that the rights of the detained and their families are protected. I would like to leave you with a copy of a letter sent by the U.S. bishops to the Department of Homeland Security outlining our concerns.
- We also would like to ask for your support for H.R. 5882, the Family Visa Recapture Bill, introduced by Representatives Zoe Lofgren (D-CA) and James Sensenbrenner (R-WI) in the House of Representatives. It is yet to be introduced in the U.S. Senate, although Senator Robert Menendez intends to introduce it soon.
- The Family Recapture bill would permit family visas not adjudicated in a certain year to be “rolled over” into the next year, thus ensuring that they are not “lost” in the system. Currently, there are an estimated 4 million family-based immigrants who are waiting in line to join family members. In 2007, only 152,526 family preference visas were issued by the U.S. government. **(over)**

Questions you may be Asked

If you and USCCB do not support the SAVE Act or enforcement initiatives like raids, what kind of enforcement do you support, if any?

Catholic teaching is clear that a sovereign has the right to control its borders and enforce the law. We simply disagree with the *methods* by which our government is enforcing immigration law. We do not believe that enforcement-only methods will work, because immigrants and their families are drawn here for work and for a better life. We need to acknowledge the reality that immigrants work hard and fill important jobs in our economy and must adjust our legal system to accommodate that, so that these workers are not exploited. Moreover, by legalizing undocumented workers, they come out of the shadows and identify themselves to the government. By creating a “future flow” worker program, the pressure on the border would ease and law enforcement could focus upon apprehending smugglers, traffickers, and would-be terrorists.

Comprehensive reform will likely not pass Congress because it contains an “amnesty”—is that what you are advocating?

No, we are not advocating an “amnesty.” An *amnesty* would give a pardon without penalty, but our proposal would require the payment of a fine and back taxes, English proficiency, and several years of work before the granting of legal permanent residence. It also would bring several benefits, including the stabilization of the labor force, prevention of family separation (by making all members of a family legal), and, as mentioned, better security because the undocumented would identify themselves to the government.

The family bill that you are advocating—would that not create “chain” migration, in which family members could then petition for more family members to come to the United States?

No, the bill would merely ensure that applications are not lost—it would not create one more green card than already authorized under the law. Currently, bureaucratic delays lead to certain green card applications not being adjudicated for years, if at all. At midnight on the last day of the fiscal year, green cards that are not issued the year they are allocated simply vanish.

As for chain migration, it takes years for a legal permanent resident to bring in a family member—7 to 10 years for immediate family members and up to 20 for extended family members. Chain migration is a myth.