

A More Perfect Union

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To the national debate over immigration in America, churches bring keen insights gleaned from biblical wisdom and from years of experience spent working directly with immigrants. For our union to become more perfect, churches must continue not only to talk about but also to walk with immigrants.

The human dimensions of immigration, the issue's economic importance, and its significant cultural impact all contribute to strongly held convictions about what should be done to welcome the stranger, if indeed he should be welcomed at all. But religion and morals contribute to the formation of our views as well. For Christians, Scripture provides ample food for thought, if not a specific blueprint for immigration reform.¹

In this article we discuss what Christian churches say about immigration and how they have responded to various proposed reforms of U.S. immigration law. We also discuss the effect Christian churches have had on the immigration debate, before closing with a few suggestions for how that debate might be made more productive.

CHRISTIAN CHURCHES AND IMMIGRATION

The three most basic questions concerning migration are "Who has the right to migrate?" "Where can individuals migrate?" and "How should migrants be treated in receiving countries?" The first question generated much controversy and debate during the Cold War, with the Soviet Union and Eastern European countries, among others, implementing and defending various restrictive emigration policies. Over the past two decades, these restrictive policies have largely, though not entirely, been rescinded, and as

this has occurred, the issue of who has the right to migrate has assumed a decidedly lower profile. In short, with some narrow exceptions, the now generally accepted (although not unanimous) view among governments and Christian churches is that almost everybody has the right to migrate.

The second and third questions, however, deeply divide societies all over the world. Indeed, the issues raised by these questions have gained salience in recent years. Among other things, differences arise from conflicting conceptions of national sovereignty and the rule of law, from varied views of the necessity for and likelihood of assimilation and/or integration of immigrants, and from opposing assessments of immigration's overall economic impact.

At the root of these differences is this: while the difficult personal circumstances of most immigrants are very widely recognized and create much sympathy, immigration restrictions exist largely because many citizens believe that – all humanitarian impulses aside – as a practical matter, we cannot do more (and perhaps must do less).

In this debate, Christian churches in the United States have often taken the opposite approach, prodding society to do more and admonishing it not to do less. Sometimes the prods and admonishments are gentle, and sometimes they are not. They have their genesis in dozens, perhaps hundreds, of particular contexts, but may productively be considered to fall within just two categories: what types of migrants should be allowed to enter and stay in the United States, and how should migrants, of whatever type, be treated after they have crossed the border?

WHO SHOULD BE PERMITTED TO IMMIGRATE TO THE U.S.?

Opinions as to who should be allowed to enter and settle in the United States vary widely and are in many respects irreconcilable, but we shall begin with a rare area in which we find basic agreement among the churches, the law, and society. The issue involves refugees, who are defined by international (and U.S. domestic) law as persons unable or unwilling to return to their home country because of past persecution or a well-founded fear of future persecution on account of race, religion, nationality, membership in a particular social group, or political opinion if returned home. There is essentially unanimous belief that refugees should be granted asylum upon an adequate showing of past or likely future persecution. A recent joint pastoral letter by the U.S. and Mexican Catholic Bishops reflects the consensus opinion: "The right to asylum must never be denied when people's lives are truly threatened in their homeland."²

To a certain extent, however, this happy consensus is more wide than deep. Many churches have expressed opposition, for example, to laws that mandate detention of asylum applicants pending resolution of their claims, to the imposition of short deadlines to file asylum claims, and to the replacement of full with truncated hearings for some asylum claimants. Religious

groups that have expressed opposition to one or more of these laws include organizations of the Society of Friends and the United Church of Christ, and of the Catholic, Episcopal, Lutheran, and Mennonite churches.³

These disputes about refugee law are important, but less fundamental than differences concerning the admission of non-refugees, a category that largely consists of economic migrants. While the general consensus and the law would gladly admit all refugees who prove refugee status, proving economic need is, by itself, of no legal benefit. Nor does the court of public opinion recognize economic need as being of decisive, or even of any, importance. The main basis for opposition to such recognition is the pragmatic concern that opening the door wide to economic migrants would create a substantial risk that more immigrants would enter than the country has the capacity to absorb, just as the opening of floodgates creates a high risk of damage from the ingress of more water than the land has the capacity to absorb. Another concern motivating opposition to economic migration is the fear that, by allowing admission on the basis of economic hardship, we would make it more difficult to help economically deprived U.S. citizens.

Christian churches recognize the importance of these concerns, as well as the overall complexity of the issue and the right of a nation to control its borders. Such recognition, however, has not led to universal support for the current immigration system. Many churches, for example, have called for greater acceptance of economic migrants. "Catholic social thought," for instance, "suggests that at least some desperately poor economic immigrants may deserve something akin to asylum status," which is to say, there are some economic migrants who *must* be accepted by a receiving country.⁴ The World Council of Churches likewise has "challenge[d] the conventional wisdom of a sharp differentiation between refugees and migrants." The WCC has urged similar treatment for all "uprooted people...regardless of the labels they are given by the international community."⁵

From the belief that severe economic disparity is a legitimate justification for migration, it is a short step to the conclusion that undocumented economic migrants should be provided a path to legalization. And indeed many churches have urged the development of such a path. Thus, the Presbyterian Church (USA) has called for "the establishment by law of a comprehensive legalization program for undocumented persons already living and working in the United States."⁶ The Catholic, Episcopal, United Methodist, and Mennonite churches, among others, as well as a substantial minority of evangelical churches, have done the same.

The support of these churches, of course, has not yet led to any concrete result. The reason for this is plain: to put it mildly, American society lacks a national consensus on what to do about undocumented immigrants. Some people urge strengthened deportation efforts; some urge a policy of "attrition," brought about through the enactment of measures that make life so difficult for undocumented migrants that they voluntarily depart; some

highlight the advantages of enacting a general “pause” in immigration; some focus on improving border enforcement; some urge liberalization of citizenship requirements; and many pick and choose from these various agendas. With no side able to claim clear majority support for substantial reform, the unsatisfactory status quo becomes the de facto majority fallback position, subject on the national level to minor changes at most.

HOW SHOULD IMMIGRANTS BE TREATED?

The stalemate at the national level has encouraged local action. The states and their subdivisions cannot mandate the rules for deciding questions of immigration status, nor do they have any direct responsibility for controlling the migration of persons across national borders. What they have been doing, at an increasing rate, are enacting laws designed to make life more difficult for undocumented migrants, often by imposing stiff penalties for those who employ, rent housing, or otherwise aid persons without documentation. A proponent of these laws, John Vinson, the president of the American Immigration Control Foundation, has explained their purpose as follows:

What we believe in is attrition enforcement.... By gradually tightening the screws, you make it more difficult for [undocumented immigrants] to stay here and, ultimately, you encourage many of them to deport themselves. If we enforce our laws on hiring with businesses, if we cut off benefits to them, if we make it hard for them to stay here and break our laws, eventually they will go home.⁷

Many Christian churches have been very vocal in opposing these laws, and have sometimes done so in highly charged language. For example, Oklahoma recently enacted a law (House Bill 1804) that makes it a felony to knowingly shelter or transport illegal immigrants, sets up barriers to hiring them, and restricts benefits they can

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receive from the government and its contractors. The Catholic Bishop of Tulsa, Edward J. Slattery, described the law as creating “an atmosphere of terror and repression.” The Baptist General Convention of Oklahoma also issued a statement in opposition to the law, as did the Oklahoma Conference of Churches. Indeed, the latter organization—an umbrella group of African Methodist Episcopal, Baptist, Catholic, Episcopal, Evangelical Lutheran,

Mennonite, Presbyterian, and United Methodist churches, among others – called HB 1804 “a disastrous effort” which “instigates fear and prejudice” and enjoined the faithful to reject it.⁸

Churches elsewhere have responded with similar intensity and directness to “attrition” legislation passed in other states, to an extent that provides a marked contrast with the response accorded other immigration proposals. Thus, while church commentary on laws regulating the entry of immigrants is often subdued and at pains to detail the complexity of the issues, church responses to “attrition” legislation are much more uniformly and sharply negative.

Explaining the difference is the perception (well-founded, we think) that “attrition” legislation often risks criminalizing acting in accordance with the tenets of the faith. “The provision of hospitality to the stranger is one of the most frequently cited marks of covenant faithfulness. In the New Testament, Jesus identifies with the stranger and emphasized hospitality as one of the indispensable acts of discipleship.”⁹ Given this, can a church-run homeless shelter that receives some government funding close its door to a homeless undocumented immigrant if the law requires it? Can it decline to “transport” a pregnant woman to a prenatal care doctor’s appointment for fear of legal sanction? Is Christian hospitality dispensable in these cases?

These questions implicate in a fundamental way core concerns about what it means to be a Christian. Other types of immigration issues are important – perhaps more important – but their complexity and distance make them more ethically ambiguous. A 2006 statement by the Lutheran Church-Missouri Synod explores this distinction in a way that sheds light on why “attrition” legislation has tended to receive heightened criticism from Christian churches:

Today, issues related to immigration and immigration laws are causing distress in our land. As corporate citizens of this nation, we recognize that solutions to the problem of illegal immigration are complex. There are many factors that deserve consideration, each exhibiting its own value. Secure borders, national security, policy enforcement, national stability, inexpensive labor, decent income, budget limits, human rights, and work opportunities are only the beginning of the long list....

Christians equally committed to God’s word may reasonably arrive at different conclusions on specific aspects of [immigration] issues and their resolution. However, this much is certain: God, in His Word, consistently shows His loving concern for “the stranger in our midst” and directs His people to do the same....

[So], in order to fulfill our Christian obligation, we...request that the charitable act of providing assistance to undocumented aliens not otherwise engaged in illegal activity not be criminalized....¹⁰

IMPACT OF CHURCHES ON THE IMMIGRATION DEBATE

Given the tension that exists between the law as it is and the expressed preferences of many Christian churches, one may rightly ask, is anyone listening to the Christian churches? Many approaches might be taken in answering this question.

First, we can note that, on many immigration issues, Christian churches do not speak with one voice. Thus, on any particular issue, it is possible for the same person to lament that one Christian church has not been heard, and to lament that another has been heard all too well.

We also can acknowledge that this divergence of views is entirely to be expected and can even be healthy. As the statement of the Lutheran Church-Missouri Synod quoted above indicates, immigration is an immensely complicated field, and our determinations about it often are necessarily based on prudential judgments involving subject matters on which churches have no special institutional competence. Hence, alternative views on immigration among Christian churches can present an opportunity to learn. At a minimum, our awareness of differing views can be useful in making plain the sometimes hidden assumptions that underlie our own opinions. And sometimes we may learn that our assumptions about prudential matters are incomplete or even mistaken. The lesson, then, is that even if Christian churches disagree among themselves and nobody else is listening to them, they and their members would do well to listen to each other.

Second, to the extent that Christian churches do speak with one (or almost one) voice, two scenarios present themselves. In the first, as has sometimes happened,

Christian churches are heard and provide a leading and perhaps even decisive influence on events. For example, in 1996, one of the authors (Professor Pistone) was involved in the campaign to defeat a Congressional proposal to establish a thirty-day deadline for filing asylum applications; she can testify from personal experience

that a unified and involved religious community was crucial in winning a very close vote that extended the deadline to one year. So sometimes, at least, one can rejoice that Christian churches are being heard in the immigration debate and that their combined impact is apparent and significant. The known successes should encourage churches to continue to make their views known.

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On the other hand, at other times a largely unified Christian community may seem to be ignored by the larger society. This is no reason for discouragement. Such occasions—perhaps “attrition” legislation provides a few—are opportunities for the Christian community to raise a prophetic voice.

Third, it cannot be denied that many people do not listen to the views of the churches. There are many individual reasons for this, but the natural

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and very human temptation is always to lay blame on some presumed defect of those who have covered their ears. Churches that face resistance to their views might do well to recognize, however, that opponents often may embrace their positions out of highly commendable motivations. Support for immi-

grants is only one aspect of a more general Christian preference for the poor. Some putative opponents may work on behalf of poor non-immigrants and regard immigrants as making life harder for other poor people. Perhaps some who have tuned out the church’s message believe that the best solution to the “problem” of immigration is to increase economic growth in developing nations, and so they work hard and make financial contributions toward that end. Committed people of this sort are not opponents, but allies in a larger cause. Churches should do more to recognize them as fellow laborers in the vineyard and take care not to reinforce their alienation.

Fourth, the increasing popularity of “attrition” legislation of various kinds, despite the expressed opposition of many churches, makes it clear that in some contexts the churches are certainly not being heard. In some cases this is troubling not only on the merits, but also because to the extent such legislation makes it harder for churches to do their chosen work of serving the poor, the legislation indicates a disturbing discounting of the value of churches as mediating institutions. Such institutions, existing between the central governing authority and the individual, bring us a better world than government could acting alone; they smooth over the rough edges of life and the law by delivering assistance and providing community in a way that government cannot. Perhaps the apparent discounting of this important structural role is a sign that the churches have not stressed it enough. If so, it is crucial that this failure be remedied, for the sake of immigrants and much, much more.

Finally, while in the end we can never really know if anyone is listening to the churches on immigration (because we do not know what the world would be like in the absence of their voices), perhaps it is healthy for churches to

assume that no one is in fact listening. If that is the case, additional importance is placed on what is done, rather than on what is merely said. The belief that words are falling on deaf ears may be a blessing in disguise if the result is an increased incentive to fulfill directly the command of Matthew 25:35 to give the hungry something to eat and to invite the stranger in. Much good could result, and it is always possible that some who do not have ears to hear may have eyes to see.

CONCLUSION

Immigration is a contentious issue, and likely to remain so for the foreseeable future. Christian churches widely partake in, and sometimes lead, our national debate over the issue. All things considered, it is good that they do so, for the churches bring keen insights to the debate, gleaned not only from biblical wisdom but also from many years of experience spent working directly with immigrants. For our union to become more perfect, churches must continue to talk about and walk with immigrants, as we all struggle to learn which of our current imperfections are necessary products of our time and which could be presently overcome with greater commitment and imagination.

NOTES

1 Among the biblical materials relevant to migration are the flight of the holy family into Egypt (Matthew 2:12-23), Jesus' parable of the Good Samaritan (Luke 10:29-37), and the laws regarding Israel's treatment of resident aliens (e.g., Exodus 23:9; Leviticus 19:33-34; Deuteronomy 10:17-19 and 27:19). Recall how the Son of Man judges "the nations" in another of Jesus' parables: "I was a stranger and you welcomed me" (Matthew 25:35c).

2 United States Conference of Catholic Bishops and Conferencia del Episcopado Mexicano, *Strangers No Longer: Together on the Journey of Hope, A Pastoral Letter Concerning Migration from the Catholic Bishops of Mexico and the United States* (Washington, DC: U.S. Conference of Catholic Bishops and Conferencia del Episcopado Mexicano, 2003), paragraph 31. This pastoral letter is available online at www.usccb.org/mrs/stranger.shtml.

3 Philip G. Schrag, *A Well-Founded Fear: The Congressional Battle to Save Political Asylum in America* (New York: Routledge, 2000), 264-266, notes the opposition by all these groups to a filing deadline on asylum applications in the United States and to an expedited removal process for individuals who arrive at the border without proper visas or other travel documents. In addition to issuing statements of their own, religious groups have been instrumental in building coalitions, like the Detention Watch Network (www.detention-watchnetwork.org), to advocate against certain U.S. detention practices for asylum seekers.

4 "Immigration Policy in the United States," in Michael L. Coulter, et al., eds., *Encyclopedia of Catholic Social Thought, Social Science, and Social Policy* (Lanham, MD: Scarecrow Press, 2007), 541-543, here quoting from 542.

5 *Resolution on Uprooted People*, No. PI 4 (Potsdam, Germany: World Council of Churches Central Committee, 2001), available online at www.wcc-coe.org/wcc/who/cc2001/pi4-e.html.

6 Presbyterian Church (USA), *Comprehensive Legalization Program for Immigrants Living and Working in the United States* (Louisville, KY: The Office of the General Assembly, 2004), 9. This resolution approved by the 216th General Assembly (2004) is available online at www.pcusa.org/oga/publications/immigrant-legal.pdf.

7 Sarah Kellogg, "Immigration Reform and the American Identity," *Washington Lawyer* (February 2007), 26.

8 Edward J. Slattery, "The Suffering Faces of the Poor Are the Suffering Face of Christ" (The Diocese of Tulsa, November 25, 2007), available online at migrante.com.mx/pdf/BISHOP.pdf; Carla Hinton, "Church Panel Adds Its Voice to Opposition," *The Oklahoman* (November 2, 2007), available online at newsok.com/article/3162187.

9 *Comprehensive Legalization Program for Immigrants*, 6-7.

10 Gerald B. Kieschnick and Matthew Harrison, "Joint Statement Regarding Immigration Concerns" (The Lutheran Church-Missouri Synod, June 2, 2006), available online at www.lcms.org/pages/internal.asp?NavID=10023.



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