

# You have heard it said.

## Myths and facts of Comprehensive Immigration Reform in 2013

In Matthew, following the Beatitudes, Jesus explores the law and what it required of listeners. Then he turns the law on its head, highlighting the common thread of love that binds our lives together. Through a series of teachings where he teaches, "You have heard that it was said...But I say to you..." we learn that love and forgiveness are necessary elements of the laws that govern our lives together. Christians can remember Jesus' sermon when engaging in the debate about immigration reform.

As proposals for comprehensive immigration reform develop, media coverage of them is likely to occur in sound bites while we are left to discern whether proposals are in-line with faith values like hospitality, family unity, freedom, and justice. During these times it is important to ask hard questions and explore how policies will likely to impact families and communities.

At times we are told that reform is not a viable option right now. Below are four often cited reasons to delay immigration reform and therefore justice, for families living and working in the U.S. as well as a response.

### **Reforming immigration would be detrimental to the U.S. economy.**

It is often said that providing work authorization for the people currently in the U.S. without authorization, would increase unemployment or take jobs from people who are already authorized to work. However, this argument fails to recognize the reality that there are nearly 11 million undocumented immigrants already living and working in the U.S. However, immigrants working without proper documentation are often vulnerable to unscrupulous employers and have a higher risk for wage theft, unsafe work conditions, and are less likely to report labor and safety violations.

The reality is when individuals are granted immigration status, after having been undocumented, their wages typically increase and they are less vulnerable to exploitation. In fact, commonsense, and research conducted after the Immigration Reform and Control Act of 1986<sup>i</sup>, shows that when individuals have proper documentation they can seek loans, access more educational opportunities, purchase homes, and receive higher wages, meaning they can spend more and help stimulate the U.S. economy.

### **Providing a roadmap to citizenship is really just amnesty.**

Amnesty is defined as a pardon issued, typically, by a government. A pardon is excusing an offense without penalty. Offering a path to eventual citizenship that includes giving that aspiring citizen responsibilities, is not amnesty. Proposals by the

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President and the Senate require that undocumented individuals pay a fine and pay any back taxes that may be due in order to regularize their status. In 1986, the only time the U.S. has provided an opportunity for a large number of people to regularize their status, individuals did not have to pay a fine or back taxes.<sup>ii</sup>

Most everyone agrees that it is not feasible, financially or morally, to deport 11 million people, often to a country where they haven't lived for perhaps 15 or more years, or in the case of some brought to the US as children, a place they don't even remember. Rep. Goodlatte, chair of the House Judiciary Committee stated no one wanted to create a "Trail of Tears to the border."<sup>iii</sup> Often families are comprised of members with mixed immigration status, some members may be undocumented and other members may be U.S. citizens or lawful permanent residents. It is more prudent and just, to provide a way for those already living and working in the U.S. to have the opportunity to earn citizenship.

These proposals are not amnesty but a way to earn citizenship. This will not occur overnight or without responsibility on the part of the person granted immigration status. However, demanding too high a punishment on those who aspire to become citizens will result in too few coming forward and be contrary to the purpose of the reform and result in some people being further pushed underground.

Further, legislation that creates a pathway to citizenship would not "encourage people to break the law" by entering the U.S. without authorization because legislation would set forth a point in time by which people would have to prove that they were in the U.S. before they would be eligible.

### **Border security should come first.**

Over the last quarter century the immigration policy of the U.S. has been one of enforcement. Some have demanded that the border to be "sealed" before discussing a commonsense approach to immigration. However, this argument ignores the fact that the border is safer than ever<sup>iv</sup> as a result of meeting benchmarks set in 2007<sup>v</sup> and increasing the number of border patrol agents from 12,185 in 2006 to 21,444 in 2011. In 2010, the budget for U.S. Customs and Border Patrol was \$3 billion<sup>vi</sup> compared to \$1.4 billion in 2002.

While there is always room for improvement, it is impossible to "seal the border," especially a southern border that is over 2,000 miles, and still allows for the passage of goods and people necessary for a healthy vibrant economy. The investment in

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our border maintenance, coupled with the decline of the U.S. economy has resulted in attempted border crossings at levels not seen since the 1970s.<sup>vii</sup> While drug related violence in border towns has increased over the last few years, this issue should be explored in relationship to drug abuse among the American population and not confused with the unauthorized movement of people across the border. Interestingly, the increase of border patrol presence in all but the most treacherous areas of the border has created a demand and market for smugglers to lead individuals through the desert as well as increased the number of deaths among migrants.

### **Birth right citizenship for is incongruent with the intentions of the 14th Amendment and the Amendment should be repealed.**

The 14th Amendment to the U.S. Constitution concerns citizenship in the U.S. The relevant section states:

*All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.*

The Amendment was adopted in response to the Supreme Court's 1857 decision in the case, *Dred Scott v. Sanford*<sup>viii</sup>. In that case a slave, who was living in a free state with his master, sued his master for freedom after his attempt to purchase his freedom, and that of his wife, was refused. The Supreme Court held that Dred Scott could not use the federal courts to sue for his freedom because he was not a citizen of the U.S., as he was of African descent. The result was that no person of African descent, slave nor free, could become a U.S. Citizen. Just nine years later, the 14th Amendment was ratified reversing the Court's decision in *Dred Scott*.

For over 150 years, every person born in the U.S., not subject to the jurisdiction of another country – courts have interpreted this to include the children of diplomats for example – have been born a U.S. citizen thereby giving them all the rights and responsibilities that come with citizenship. In the immigration context the Supreme Court, in the 1898 case *U.S. v. Wong Kim Ark*, that the 14<sup>th</sup> Amendment extended to the children of unauthorized immigrants.<sup>ix</sup>

Creating a group of Americans who are unable to access citizenship would create a second-class group of individuals in this country, this is clearly not an American value.<sup>x</sup> In addition, repealing the 14<sup>th</sup> Amendment would be the first time the Constitution would be altered to restrict, rather than enlarge, rights.

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While the details of immigration laws are complicated, people of faith are reminded of the call to radically welcome and love neighbors and strangers whom we are to make family. The presence of undocumented workers has long benefited the U.S. economy and provided a source of labor that has lowered the cost of food, services, and construction. Providing a pathway to citizenship so that families, who have given so much to the growth of the U.S., may enjoy the rights and responsibilities of citizenship is a commonsense way to improve communities.

You have heard it said that immigration is a political issue but for the 11 million people living in the shadows without a voice in overhauling our nation's immigration system, immigration is a deeply spiritual issue.

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<sup>i</sup> Article on economic impact for immigrants, [http://www.huffingtonpost.com/andrew-wainer/legalizing-immigrants-can\\_1\\_b\\_2138181.html](http://www.huffingtonpost.com/andrew-wainer/legalizing-immigrants-can_1_b_2138181.html).

<sup>ii</sup> For more on lessons from the Immigration Reform and Control Act of 1986, please visit: [http://www.migrationpolicy.org/pubs/PolicyBrief\\_No3\\_Aug05.pdf](http://www.migrationpolicy.org/pubs/PolicyBrief_No3_Aug05.pdf)

<sup>iii</sup> Goodlatte interview with Fox News:

<http://video.foxbusiness.com/v/2094237640001/steps-to-reforming-immigration/>

<sup>iv</sup> A 2011 report explores the increase in border security and the number of apprehensions and is available at: [http://www.americanprogress.org/wp-content/uploads/issues/2011/08/pdf/safer\\_than\\_ever\\_report.pdf](http://www.americanprogress.org/wp-content/uploads/issues/2011/08/pdf/safer_than_ever_report.pdf)

<sup>v</sup> A report by American Immigration Lawyers Association explores the 2007 benchmarks, <http://www.aila.org/content/default.aspx?docid=43061>

<sup>vi</sup> See figure 1 and accompanying footnote, <http://www.immigrationpolicy.org/just-facts/throwing-good-money-after-bad-immigration-enforcement>

<sup>vii</sup> Article on attempted border crossings,

<http://www.csmonitor.com/USA/2011/1214/Behind-decline-in-US-Mexico-border-crossings-higher-risks-lower-rewards>.

<sup>viii</sup> For PBS documents on Dred Scott, <http://www.pbs.org/wgbh/aia/part4/4h2933.html>.

<sup>ix</sup> For information on the Wong Kim Ark Case,

<http://librarysource.uchastings.edu/library/research/special-collections/wong-kim-ark/case.htm>.

<sup>x</sup> For more information on the impacts of repealing the 14<sup>th</sup> Amendment visit:

<http://www.migrationpolicy.org/pubs/BirthrightInsight-2010.pdf>.