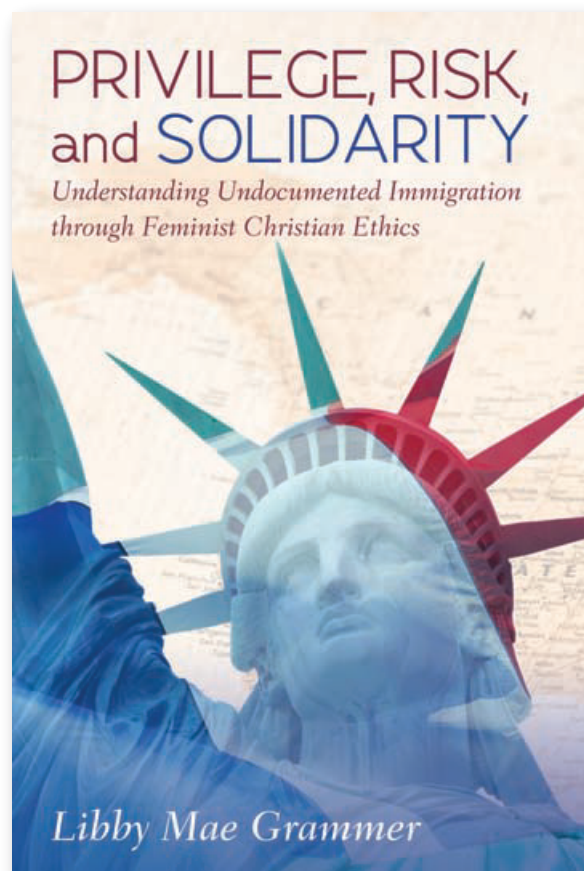


PRIVILEGE, RISK, and SOLIDARITY

*Understanding Undocumented Immigration
through Feminist Christian Ethics*

Libby Mae Grammer

The issue of undocumented immigration cannot be described as either a *problem* or a *possibility* in the current political climate—it simply is a reality, and how individual Christians and churches respond to it relies heavily on their theological understanding of what it means to be an immigrant and what it means to be privileged. Taking a combined approach of scriptural exegesis and feminist theology and ethics, this book provides new ways to approach the pressing ethical issue of undocumented immigration. Rich in immigration law and history, along with purposeful looks into the work of feminist scholarship and the stories of immigrants themselves, this book asks hard questions of those with privilege about taking risks to stand in solidarity with some of the most marginalized in U.S. society—our undocumented immigrant neighbors.



ISBN: 978-1-5326-0682-3

134 pp. | \$18 | paper

Rev. Libby Mae Grammer is an ordained minister in the moderate Baptist tradition serving as a minister on staff at River Road Church, Baptist in Richmond, VA. She is a doctoral student at McAfee School of Theology at Mercer University and has almost a decade of experience as an Immigration Legal Assistant at a large law firm in the Southeast.

“An important, well-informed debut from a promising young scholar-minister. Highly recommended.”

—**DAVID GUSHEE**, Distinguished University Professor of Christian Ethics, Mercer University; Author of *Kingdom Ethics*

“*Privilege, Risk, and Solidarity* weaves diverse threads into a singular ethical challenge for today’s Christians. Blending migration law and feminist theology, Libby tells the stories of, and for, marginalized persons, giving a voice to the undocumented immigrants in our midst. How can we redeem a culture that leaves more people out than it invites in? Read, learn, discern, and respond in faith.”

—**BOB DALE**, PhD, leader coach, Richmond, VA

“This book offers a timely and provocative look at the US immigration system that is rich with stories from scripture, theology, and lived experience. Written in a way that is accessible for use in the classroom or the congregation, Grammer invites her readers on a journey where they will learn how to stand in solidarity with those who are undocumented while simultaneously working to create a more just system.”

—**MELISSA BROWNING**, PhD, McAfee School of Theology, Mercer University

Media, Examination, and Review Copies:
Contact: James Stock
(541) 344-1528, ext 103 or James@wipfandstock.com

Orders: Contact your favorite bookseller or order directly
from the publisher via phone (541) 344-1528,
fax (541) 344-1506 or e-mail us at orders@wipfandstock.com

Privilege, Risk, and Solidarity

*Understanding Undocumented Immigration
through Feminist Christian Ethics*

Libby Mae Grammer

WIPF & STOCK • Eugene, Oregon

PRIVILEGE, RISK, AND SOLIDARITY

Understanding Undocumented Immigration through Feminist Christian Ethics

Copyright © 2017 Libby Mae Grammer. All rights reserved. Except for brief quotations in critical publications or reviews, no part of this book may be reproduced in any manner without prior written permission from the publisher. Write: Permissions, Wipf and Stock Publishers, 199 W. 8th Ave., Suite 3, Eugene, OR 97401.

Wipf & Stock
An Imprint of Wipf and Stock Publishers
199 W. 8th Ave., Suite 3
Eugene, OR 97401

www.wipfandstock.com

PAPERBACK ISBN: 978-1-5326-0682-3

HARDCOVER ISBN: 978-1-5326-0684-7

EBOOK ISBN: 978-1-5326-0683-0

Manufactured in the U.S.A.

FEBRUARY 21, 2017

Contents

Acknowledgments | ix

Introduction | xi

1	Learning the Experience	1
2	Telling the Stories, Part I	31
3	Telling the Stories, Part II	48
4	Recognizing the Realities	71
5	Responding Appropriately	84
6	Conclusion	107

Bibliography | 111

Introduction

YOU MIGHT APPROACH THIS book with a few questions in your mind: What is feminist ethics, really? Who are undocumented immigrants? How could these two topics possibly have anything to do with one another? Bringing together the tenants of feminism, especially those legacies in Black feminist liberationist theology, Womanist theology, and *Mujerista* theology, with the issues and lives of marginalized undocumented immigrants makes sense. This is because feminism is a movement spawned by strong women, marginalized by deeply patriarchal cultures, and undocumented immigrants lead similar lives of marginalization and oppression under current U.S. immigration policy and U.S. social culture, which are composed of systemic racism and xenophobia. Additionally, the work of feminists for decades of scholarship has allowed the voices of women and many other marginalized people to be heard in the public sphere. So, whether you are an academic researching issues through different theological lenses or a layperson trying to understand the deeply complex legal and theological world of undocumented immigration, this book can provide some aid to grasp some of the basic concepts so that we may all better understand this issue, as told from the margins.

Foremost, feminism *listens* as much as it tells. It listens to the historically left-out groups.¹ In its best forms, it halts the speech

1. Though feminism is not without its flaws. We will explore later in the

INTRODUCTION

of those who would drown out minority voices. It draws up those who are bent down by oppression. Feminism to me is simply good Christianity. A study of scripture—from its narratives and mandates—also opens a wide variety of stories in our own sacred tradition that listens to the voice of the least and the last. This kind of scriptural study in the midst of listening to the most unheard comes naturally for me, a Baptist with high regard for the stories of God's love by those faithful who have come before. And more than that, as a woman who came from a rather conservative background that did not support my ordination or pastoral ministry, my story in its own small way resonates with those left out. When I begin to see my own oppressors and their blindness to their own prejudices, I also begin to see my own complicity and privilege among those with even less of a voice in this world. This is what I believe Jesus was saying when he wanted his followers to see the Son of God in the person with no home, the person in prison, the stranger in your midst, or the person with no food or clothing.² Pay attention. *See*. Hear the voices speak their own truths about their lives rather than trying to speak it for them. Learn, and grow alongside people on the margins. This is how to be a follower of God in this world.

Feminist theology and ethics reminds me to be this kind of follower of Jesus, and its implications run far and deep in my life. For almost a decade, I have spent many hours assisting immigration clients with their paperwork, and while most of it was typical corporate immigration work, some family-based cases reached into my soul and reminded me that for every visa application I filled out, for every hardship application sent in, there was a story and a life of migration, change, and hospitality (or lack thereof). Who would I be in this world? Would I be the person that put myself and my own interests first, assuming that if I did not think

book how feminism began as largely a white, wealthy, female phenomenon. Thankfully, with time and lots more listening, feminism is beginning to listen to a wider range of female voices, including our Black liberationist sisters, our Womanist sisters, and our *Mujerista* sisters.

2. Matt 25:35–40. All Scripture quoted is from the NRSV, unless otherwise indicated.

INTRODUCTION

I had done anything wrong that obviously I had not? Or would I stop to hear how my daily living might be causing someone else harm? Would I then act in solidarity to improve the lots of those whose lives are precious, but who have been bent down in fear for too long? Or would I cower away in guilt and say and do nothing? My whiteness and my U.S. citizenship limits me in so many ways when it comes to issues which do not harm me personally. How can I begin to write about an issue when I have no first-hand experience? I have never emigrated anywhere. My five month study abroad in college notwithstanding, I have not even truly lived abroad. Who am I to speak of these issues? True, I have spent a good deal of time in study, but more than any theory of justice, or more than any explanation of problems with laws, the truth is in stories. As we seek to understand feminist ethics, to understand immigration law, to explore the foundations of a way to be Christian that calls us to a radical way of life, I hope this book also gives space and voice to the lives most impacted by structural problems leading to their oppression, even as it challenges those of us who have the privilege in this country to call for change.

What is Feminist Ethics?

Christian feminist ethics is a subset of the larger philosophy and movement known as feminism. Functioning at its most base form, it represents a fundamental belief that gender discrimination should be identified and opposed. Sexism in society—whether individual or structural—has led feminists to oppose “gendered patterns of domination and subordination, gendered role differentiation, gender-biased unequal access to goods and services.”³ Feminist ethics, then, is the study of the practices that seek equality of respect and recognition of personhood regardless of gender. Feminist ethics takes into account the well-being and experience of real women rather than simply seeking universal principles alone (but without discounting the importance of some guiding

3. Farley, “Feminist Ethics,” 5.

INTRODUCTION

and universal principles across cultural lines). Feminism seeks to take particularity and universality and work them into a cohesive ethical reflection that focuses on the autonomy, equality, and mutuality of women and women's experience. Feminist theology, in much the same way, critiques religious practices and beliefs that exalt the attributes of men while subordinating the role of women. This work of seeking mutuality and equality in the midst of seeking the autonomy of women has led Christian feminist ethicists to seek justice for any oppressed or marginalized group, addressing issues of responsibility, violence, class, ethnicity, power, and societal change.

In other words, feminist thought and theology does not exist solely to speak to "women's issues." To be sure, feminism was borne of the need for women's voices to be heard, as they were marginalized and excluded from public and academic discourse. But ultimately, feminism, and its more specific voices in Black Feminist Liberationist theology, *Mujerista* theology, and Womanist theology all are pointing out weaknesses in our academically privileged discourse; namely, that we often ignore and marginalize those who hold little power in a society dominated by white, male power structures—women, minorities, those with minority sexual orientations, and any others who do not conform to male and heteronormative ideals that are entrenched in our culture.

Feminist theology and ethics takes into account various categories and contextualization to better understand the realities of social injustices. From the goals of seeking to recognize the personhood and embodied nature of all individuals to the idea that human beings are intrinsically connected through shared stories in community, feminist ethics asks about the whole of our being as humans, and thus reaches beyond mere *theories* of justice and into the lives and stories of the marginalized people themselves. Feminism is thus more than identity politics, setting women's interests above that of other groups (read: feminism is not just about man-hating or seeking a matriarchal society). No, feminist ethics is part of a systematic thought process that involves the addressing of hierarchical structures while seeking to shift how we all see the

INTRODUCTION

world around us. This new “way of seeing” provides a new point of view to both the privileged and the marginalized, re-telling the narratives we take for granted based on our social locations, ultimately leading to better understanding, more open dialogue, and the hope for changes to better support one another in our shared humanity.

Why Feminism for Undocumented Immigration?

As we explore the timely and important issue of undocumented immigration, one might ask—why feminism? While feminist theology is not the only effective theology to employ to approach this issue,⁴ it does offer specific perspectives that help Christians in ways other theologies may fall short. Feminist literature provides valuable insight for Christians trying to understand how to approach the issue of undocumented immigration by revealing the worth of the marginalized and listening to them. It also indicates to the privileged their shortcomings and aids them in finding new ways to interact with the marginalized that improve everyone’s lots (and souls). Specifically, feminist theology does three important things:

- It supports the cause of immigration reform through its emphases on giving voice to the marginalized;
- It recognizes the autonomy of the marginalized; and
- In doing the first two, it teaches the privileged how to stand in solidarity with the marginalized.

4. Virtue ethics, deontological consequentialism, liberation theology, and even biblical literalism, have all been used to support arguments for immigration reform (and some have been used against reform as well). I argue that where these fall short in their arguments for reforming immigration laws to aid those most marginalized—the undocumented—is their lack of attention to the voices of the marginalized and/or their lack of attention to how the privileged can help in ways that do not overpower the autonomy of marginalized people. Feminist theology and ethics deals with these specific issues in helpful ways, as we will explore here.

INTRODUCTION

In this book, then, we will explore all of these avenues and then offer some concrete approaches for focusing Christian energies into the good work of welcoming those around us into our tradition and society in better ways than we have in the past. These will include ways to advocate politically and ways to serve one another individually and in church communities. In chapter one, “Learning the Experience,” we explore a brief history of U.S. immigration to provide a frame of reference, including outlining many of the important legal decisions about immigration of the last century and examining the legal shortfalls in detail. Chapter two, “Telling the Stories, Part I,” examines the importance of story for Christians, beginning with biblical exegesis of relevant immigrant passages in the Old and New Testaments. Chapter three, “Telling the Stories, Part II,” then frames the importance of story within Black Feminist Liberationist and *Mujerista* theology, followed by outlining the stories and lives of real immigrants and the social and legal predicaments they find themselves in due to outdated immigration laws. Chapter four, “Recognizing the Realities,” goes on to provide a Womanist understanding of culturally-produced evil and explores further how the U.S. legal system is steeped in systemic injustice for the marginalized. This chapter also includes a frank look at what it means to have white, U.S. Citizen privilege and what it means to be marginalized. Chapter five, “Responding Appropriately,” gives ways in which feminist theology can aid in a comprehensive Christian response to this issue, including a thorough understanding of the need to see and listen (based on a review of various sources, incl. *Ana Maria Isasi-Díaz*, *Traci West*, *Emilie Townes*, etc.); the need for responsibility and autonomy for the marginalized (incl. secular feminist *Martha Nussbaum*); and the importance of risk taking (incl. *Sharon Welch*) and solidarity (incl. *Rebecca Todd Peters*).

Learning the Experience

AMERICANS CONSISTENTLY GATHER INFORMATION related to the topic of United States immigration through news networks and viral internet rumors, including recent outright falsehoods politicians and news programming report as truth. For instance, the presidential campaign for President Donald Trump insisted time and again that Mexico is “sending the bad ones over”¹—suggesting that only criminals are crossing the border, leaving the United States bombarded with upwards of 30 million (note: there are approximately 11 million)² unauthorized and mostly dangerous immigrants.³ These constant barrages of partial-and non-truths can often lead to misinformation and enflamed passion from those who choose to look no further than media-driven political soundbites. Far right-wing political forces in this country have begun to lean sharply toward a deportation and enforcement-only culture that

1. Jacobson, “Donald Trump: ‘The Mexican government . . . they send the bad ones over.’”

2. Sherman, “Donald Trump wrongly says the number of illegal immigrants is 30 million or higher.”

3. Whether or how the new Trump administration will follow through on campaign promises to deport millions of undocumented immigrants, insist on registration for all Muslim-Americans, build a costly wall at the Mexican-American border, or require Congress to pass laws ensuring lowered immigration from countries with ties to ISIS, remains to be seen. The 2016 election results have left palpable fear among minorities and the undocumented.

PRIVILEGE, RISK, AND SOLIDARITY

seeks to homogenize American culture and undo the immigrant effects of changing culture. The party base for the Tea Party and increasingly, the mainstream Republican party, are largely white and support mass deportation or some derivation of that policy, including registration of certain minorities simply for their faith tradition; and further, they want leaders who consistently speak up against any further immigration to the United States, especially from Mexico or Arab-speaking countries/Muslim immigrants.⁴ While a few conservative lawmakers and politicians have called for a more welcoming immigration policy,⁵ the deepening divide between Democrats and Republicans, along with a sensationalist media-driven push toward extremism, has left us with an elected Congress that remains in a stalemate, unable to make but a few positive and bipartisan decisions.

In light of so much false information saturating the last decade of ever-widening polarization of American politics, U.S. Christians must look beyond the political editorializing and into the facts and real-life stories of undocumented immigration in the United States today.⁶ For Christians who take seriously the claims in Scripture to love the stranger and practice hospitality, the reality of over 11 million undocumented persons living within our borders on the farthest margins of society, with no access to social resources and without a voice to defend themselves, creates a very real theological and ethical problem with which to grapple. The problem of undocumented immigration forces U.S. citizen (especially privileged, white) Christians, to face an ever-present human issue. This requires deep introspection about their own privilege⁷

4. Bacon, "Trump Supporters Deeply Wary of Illegal Immigration, Syrian Refugees in the U.S.: Polls."

5. Altman, "In Historic Vote, Senate Passes Historic Bipartisan Immigration Bill."

6. For more answers to questions posed by the editorializing of sensationalist journalism and politics, the American Immigration Council's Immigration Policy Center has compiled a list of comprehensive answers to frequent questions raised about immigration on their website: "Giving the Facts a Fighting Chance."

7. As will be discussed later in this work, privilege must be recognized by

LEARNING THE EXPERIENCE

as citizens as well as spiritual conviction about, and thoughtful analysis of, this problem from a place of solidarity, responsibility, and mutual love.

To explore how Christians can respond faithfully to this issue to the ends mentioned above, many types of ethical methodology have been used. Virtue ethics, deontological consequentialism, liberation theology, and even biblical literalism, have all been used to support arguments for immigration reform (and some have been used against reform as well). Where these fall short in their arguments for reforming immigration laws to aid those most marginalized—the undocumented—is their lack of attention to the voices of the marginalized and/or their lack of attention to how the privileged can help in ways that do not overpower the autonomy of marginalized people. Feminist theology and ethics deal with these specific issues, providing a plethora of tools with which to approach issues of social importance in deeper, more meaningful ways. The work of feminist ethicists (both Christian and secular) has been developed in scholarship for decades, and its function should not be to simply support or erase other methodologies, but to provide a new method of imagining ethical dilemmas. These new approaches to ethics focus on listening to the voices of those most often left out of the equations in methodologies focused on solving problems, and instead hear deliberately the voices of those affected by the ethical issues raised. To be sure, no methodology will provide the answer to all of the questions in a given social issue, but methodologies that listen to those affected will most fully reflect the work of Christ, who listened, taught, and lived among people of all walks of life. This book will look at the realities of undocumented immigration while exploring a subset of the scholarship of Christian (and some secular) feminist ethicists because the methodologies within these works can be applied to important

those who hold it. Doing this entails first-world (or in this case, U.S. citizen—especially Caucasian) persons recognizing their own responsibility, complicity, and privilege in relation to those on the margins of their society, including and especially those without proper legal immigration status. See Peters, *Solidarity Ethics*, 38ff.

PRIVILEGE, RISK, AND SOLIDARITY

aspects of undocumented U.S. immigration as a political and social problem.

As mentioned in the introduction, feminist literature provides valuable insight for Christians trying to understand how to approach the issue of undocumented immigration. It affirms the worth of the marginalized and listens to them, and it indicates to the privileged their shortcomings and aids them in finding new ways to interact with the marginalized that improve everyone's lots (and souls). Specifically, feminist theology does three important things:

1. It supports the cause of immigration reform through its emphases on giving voice to the marginalized;
2. It recognizes the autonomy of the marginalized; and
3. In doing the first two, it teaches the privileged how to stand in solidarity with the marginalized.

Who are Undocumented Immigrants?

Before exploring the biblical and feminist scholarship on this issue, it is helpful to know a little about those persons the U.S. immigration system labels "undocumented" or "unauthorized" immigrants.⁸ Undocumented (or unauthorized) immigrants are those persons present in the United States without proper immigrant or nonimmigrant⁹ status, as authorized by the U.S.

8. Note that while U.S. immigration law does use the term "alien" as a technical term for foreign nationals, this term has fallen out of use in academic circles due to its use by anti-immigrant groups as a slur that dehumanizes a large swath of the U.S. population. For purposes of this work, I will interchangeably use "undocumented immigrants" and "unauthorized immigrants" as descriptive only of the immigrant's lack of legal immigration status, not as a descriptor of their personhood or worth.

9. Immigrants are those persons seeking to live long-term or permanently in the United States. Nonimmigrants are those who enter the U.S. for short term purposes (visiting, studying, or working). Those without status may have entered legally and then overstayed their allotted time in the U.S. and now no longer have legal status, or they may have sneaked across the U.S. border, never

LEARNING THE EXPERIENCE

Citizenship and Immigration Services (USCIS) of the Department of Homeland Security (DHS). The realities of the sheer scope of the marginalization of huge groups of people are one place to begin to understand the problem at hand. Thus, we begin by studying the facts surrounding those that current U.S. law deems “undocumented.”

Statistics

According to the Pew Research Center, there were approximately 11.2 million unauthorized immigrants in the U.S. as of the year 2012, a number that has not changed much since 2009. Before that time, U.S. undocumented immigration had been rising rapidly, peaking at 12.2 million in 2007, the beginning of the Great Recession.¹⁰ Undocumented immigrants are overwhelmingly Latino/a, with over 8.8 million of the 11.2 million undocumented coming from Latin America. Of these, 7 million are of Mexican heritage.¹¹ To contrast with these numbers, the overwhelming majority of foreign-born persons in the U.S. have legal immigration status (temporary/nonimmigrant status or permanent residence). There are approximately 40.4 million foreign-born persons present in the U.S., fewer than 30% of whom currently have no legal immigration status.¹²

In 2008, there were 6.3 million men, 4.1 million women, and 1.5 million children under age 18 living as undocumented immigrants in the U.S. Three quarters of households headed by unauthorized immigrants are married or cohabitating couples with or without children. Notwithstanding the abundance of young men (35% of unauthorized immigrants are men age 18–29, compared with only 14% among U.S.-born population), the majority of unauthorized immigrants live in the U.S. with their family. Nearly half

having held any legal immigration status.

10. Passel and Cohn, “A Portrait of Unauthorized Immigrants.”

11. Passel and Cohn, “Origins of Unauthorized Immigrants.”

12. Pew Hispanic Research Center, “Data Trend—Society and Demographics, Immigrants.”

PRIVILEGE, RISK, AND SOLIDARITY

of all unauthorized family heads are living with both a spouse and children under age 18 (48%). Many families are “mixed-status,” or families with unauthorized immigrants and their U.S. citizen children or legal resident family members. In this group, 3.8 million are unauthorized immigrant adults and half a million are unauthorized immigrant children. The U.S. citizens (mostly children) and the legal immigrant family members make up the rest. The information from the Pew Center states that “Since 2003, the number of children (both U.S. born and unauthorized) in these mixed-status families has increased to 4.5 million from 3.3 million. This increase is attributable almost entirely to the increasing number of U.S. citizen children living with undocumented parents.”¹³

The 2007 median income for undocumented immigrants was \$36,000 per year, which is well below the mean of \$50,000 per year for U.S.-born persons. The income of undocumented immigrants, as compared with that of other legal-status immigrants and American citizens on the whole, does not increase significantly the longer they live in the United States. According to the Pew Center’s research, “a third of the children of unauthorized immigrants and a fifth of adult unauthorized immigrants live in poverty. This is nearly double the poverty rate for children of U.S.-born parents (18%) or for U.S.-born adults (10%).”¹⁴ Thus, unauthorized immigrants are not only unrepresented in the country where they live, a large number of them are living at or below the poverty line with their families and receive little to no government support.

U.S. undocumented immigration is a particularly human issue because it involves vulnerable humans seeking to improve their lot in life; but the issue is particularly relevant and appropriate to the field of Christian feminist ethics because of its focus on the plight of the marginalized and oppressed, its resolution requiring attendance to systemic issues of injustice through reform of immigration laws. Oppression of the undocumented comes in multiple forms, such as lack of access to representation in government, low wage earnings at often back-breaking jobs with no recourse to

13. Passel and Cohn, “Demographic and Family Characteristics.”

14. Passel and Cohn, “A Portrait of Unauthorized Immigrants.”

LEARNING THE EXPERIENCE

government assistance or worker's rights, lack of access to health insurance,¹⁵ lack of access to basic identification documents due to some state laws barring all undocumented immigrants from obtaining legal state ID or driver's licenses,¹⁶ and an ongoing fear of deportation and family separation.¹⁷ Undocumented immigrants are some of the most socially and politically marginalized persons in the United States, and their plight warrants the attention of Christians who care about social justice and making social and political changes to improve the life circumstances of others, their neighbors created in the image of God.

Additionally, feminist ethics focuses strongly on recognizing the structures and systems behind such oppression. Whether it is Martha Nussbaum's capabilities approach, emphasizing autonomy and equal regard, Traci West's liberationist feminist thought, stressing the conditions that ensnare the socially marginalized, Emilie Townes' Womanist approach to the ways culture can produce evil, or Ana Maria Isasi-Díaz's *Mujerista* stories and emotive moves toward change, feminist ethics (especially Christian feminist ethics) has much to say to human issues involving systems of oppression and the struggles of the marginalized, as well as to those who do the oppressing and benefit from such structures. We will explore these perspectives in more detail in the following chapters, along with some ways in which they can speak directly to the specific issue of undocumented immigration.

15. Ibid.

16. Only about ten states will issue driver's licenses to undocumented immigrants, including most recently, California. Berman, "California Begins Issuing Driver's Licenses Regardless of Immigration Status."

17. U.S. deportation of undocumented immigrants reached an all-time high in 2013, the fifth year of the Obama administration, which had campaigned on promises of immigration reform and has only in the last year begun the process of reining in deportations of non-criminals and young people brought illegally into the country as young children: Pew Hispanic Research Center, "Unauthorized Immigrants."

A Brief Modern History of Undocumented Immigration

Christians must first become informed, do research, and learn the historical and legal realities of immigration and its history in the United States to fully grasp the problems at hand. Most people recognize that the United States, a nation founded by immigrants, has long been viewed by other nations as inherently welcoming. Made up of largely European immigrants seeking new lives, the country faced the struggle throughout the years to begin deciding who was worthy to be admitted into the union and who was not.¹⁸ The freedom given to those foreigners who came to the United States once the country was founded was limited, even from the earliest Asian workers, to enslaved Africans, forced by their fellow humanity to emigrate to the new nation.¹⁹ So this trend continues, in varying ways, even as the country has grown into a more tolerant society. Worries about who these “others” are and why they come, along with the ongoing fears associated with cultures that appear different than mainstream American culture, leave the political process paralyzed.

Immigration has a long and complex history, especially beginning in the twentieth century. After World War I, the country began to seek to limit immigration in ways it had not sought in previous centuries. The Immigration Act of 1924 was the culmination of the fears and desires of a nation struggling with a more globally-connected world. The act limited the number of

18. While the focus of this book will be on the United States immigration system and Christian responses to it, we wish to also give voice to those oppressed by the forcible taking of this land by European immigrants. The Native Americans are those to whom those of us of other origins in the U.S. all owe a debt for our stories’ existence; for in fact, those of us with non-Native heritage were immigrants to their ancestral land and they have paid dearly for our poor treatment of them upon our ancestral arrival. For more history of the Native American plight under European immigrant conquests, see these books: Smith, *Conquest*; Zinn, *A People’s History of The United States*.

19. For more on the history of African enslavement and the slave trade, see: Berlin, *Many Thousands Gone*; or again, as above: Zinn, *A People’s History of The United States*.

LEARNING THE EXPERIENCE

immigrants allowed into the United States by using a national origins quota, meaning that the number of people allowed to enter the U.S. as immigrants would be limited to two percent of those people of the same nationality already living in the U.S. as of the 1890 census. The act also excluded all immigrants from Asia and gave priority to immigrants from white, European nations like those of British ancestry.²⁰ Following World War II, the country again revisited its immigration laws, instituting the Immigration and Nationality Act of 1952. This act ended Asian exclusion and introduced a system of preferences. These preference categories prioritized certain immigrants over others based on their special skills or close family ties (a system still used, with modifications, today). But the law, instituted in the midst of the Cold War, was still guided by national security concerns over Communist infiltration. While the world was getting smaller through the use of technology and communications, legislators debating the issue of immigration were seeking to separate from the global shifts to preserve national identity and become more isolationist out of fear of another form of government stripping away the (relatively recently understood) “American way of life.”²¹

With the new and growing global population, the quota system of past immigration laws quickly became outdated and unsustainable. In 1965, the Immigration and Naturalization Act (Hart-Cellar Act) was passed by Congress, eliminating the quotas based on national origin and establishing a policy of immigration predominantly based on family reunification and the importing of skilled labor into the country. This act, still in place (though with many modifications over the years), was born of the civil rights movement, which saw the earlier quota systems as discriminatory. Then-president John F. Kennedy described the older system as “intolerable.”²² After the assassination of the president, Congress,

20. U.S. Department of State Office of the Historian, “The Immigration Act of 1924.”

21. U.S. Department of State Office of the Historian, “The Immigration and Nationality Act of 1952.”

22. “U.S. Immigration Since 1965,” *History*.

PRIVILEGE, RISK, AND SOLIDARITY

including the late president's brother Ted Kennedy, heavily supported the new law. Congress and the new president, Lyndon B. Johnson, did not think the new law to be any kind of major revolution the way other civil rights laws had been, however. The move to include people from different countries was not meant to be a boon to immigration, but simply a less racially-partial system. But the bill's new and improved preference categories, including those for relatives of U.S. citizens and permanent residents, those with special work skills, and those from war-torn countries opened new doors for previously quota-capped countries to apply for residence in the U.S. Though still lined with per-country caps in some areas and caps on total immigration, the work of family reunification and the open doors to more Asian countries (including those fighting in Southeast Asia) and to more Eastern European countries faced with brutal communist regimes led to a threefold increase in immigration to the United States in the following three decades, as compared to the three decades preceding the law. In the 1950s, more than half of the nation's immigrants were European, only 6% Asian, and by the 1990s only 16% were European and 31% were Asian, and the Latino population expanded exponentially, with over 4.3 million immigrants from Mexico alone between 1965 and 2000.

The 1980s and 1990s conversation on immigration moved toward the issue of undocumented immigration, leading to a series of reforms to try to curtail the problems faced by employers, U.S. workers, and social welfare programs. While some bills provided some modicum of openness to immigrants who had entered the country illegally, others sought mainly to enforce border protection measures and detain and remove those who had entered the country without being properly vetted. With the growing public awareness of undocumented workers arriving from Mexico in the 1970s, a bill was passed in 1986 called the Immigration Reform and Control Act (IRCA), which primarily dealt with the issue of undocumented immigration. This bill provided amnesty for certain undocumented persons who had been present since 1982 (or who had worked on farms for several seasons during that time),

LEARNING THE EXPERIENCE

allowing them to seek temporary, and then permanent residence. A second main feature of the IRCA was the “employer sanctions.” This provision made it illegal for employers to knowingly hire undocumented workers. Both amnesty and employer sanctions provided legal avenues for immigrants to avoid being treated unfairly under the law, but amnesty did not provide new and better avenues for future immigrants. The employer sanctions made employers liable to enforce immigration laws, which some still continue to ignore, continuing to hire undocumented workers and exploiting them for cheap labor.²³

In 1996 another major response to illegal immigration was passed called the Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA), which addressed border enforcement and the use of social services by immigrants. More border patrol agents were deployed, new border control measures were implemented, government benefits were reduced for immigrants, avenues of relief and defense from deportation were limited, and the government introduced as a pilot program the “employment verification program,” a voluntary electronic program whereby employers and social service agencies can attempt to verify the identity and eligibility of a worker or immigrant applying for public service benefits. Additionally, the law expanded the meaning of “aggravated felony” to include non-violent offenses that an immigrant may have been involved in before gaining immigration status. This retroactive new law required these immigrants to undergo mandatory detention, as they were suddenly defined as “aggravated felons.” This same law established three-and ten-year bars on re-entry for any immigrant present in the United States without status, leading to a number of immigrants suddenly becoming fearful about leaving, as the bar would go up and they would be stranded outside the U.S. for up to a decade before they could then legally enter again. The circular migration of immigrants was effectively stopped with this legislation. The 1996 law also began the first strain of antiterrorism laws that “expedited procedures for the removal of suspected foreign terrorists from the United States,

23. Wilbanks, *Re-Creating America*.

PRIVILEGE, RISK, AND SOLIDARITY

allowed the detention and deportation of non-U.S. citizens on the basis of ‘secret evidence’ that neither they nor their attorneys are allowed to see, and instituted more stringent procedures for the granting of asylum.”²⁴

After the terrorist attacks of September 11, 2001, Congress passed the Homeland Security Act of 2002, which moved the former INS into the newly created the U.S. Department of Homeland Security (DHS).²⁵ In addition, “the federal government instituted a number of law-enforcement measures that targeted people of particular nationalities in the name of national security. Most infamously, a ‘special registration’ system (NSEERS) and a ‘voluntary interview’ program were instituted in 2002 that singled out foreign-born Muslims, Arabs, and South Asians,”²⁶ sadly a program making the news again, as the new administration decides about how to implement campaign promises to register potential terrorists (i.e., most Muslim and Arab immigrants), with little to no oversight to ensure the religious freedom and human rights of those Muslim and Arab immigrants in the U.S. with no ties to terrorism.²⁷ Also, several new laws that combine anti-terrorism concerns with renewed attempts to control undocumented immigration were passed:

The Enhanced Border Security and Visa Entry Reform Act of 2002 implemented new procedures for the review of visa applicants and required that travel and entry documents be machine-readable, tamper-resistant, and include biometric identifiers. The REAL ID Act of 2005 required states to demand proof of citizenship or legal immigration status before issuing a driver’s license, and to make driver’s licenses resistant to fraud or tampering. The Secure Fence Act of 2006 called for the building of

24. Ewing, “Opportunity and Exclusion.”

25. Congress of the United States, “Immigration Policy in the United States.”

26. Ewing, “Opportunity and Exclusion.”

27. Price and Patel, “Muslim Registry or NSEERS Reboot Would Be Unconstitutional.”

LEARNING THE EXPERIENCE

an additional 850 miles of fencing along the U.S.-Mexico border.²⁸

Reactions to these immigration laws have been intense. *Time* has reported that the border fencing and increased patrol of normal crossing areas are funneling the undocumented into remote deserts, leading to the deaths of many more immigrants than in previous years, while proponents say the fence and extra border control is working, keeping more people out of the country each day.²⁹ Since 2006, Congress has been debating various immigration bills, with many members of Congress wanting full-scale reform of what they see as a broken immigration system. Even as some of the more conservative members of Congress dismissed the bills as amnesty measures and the more liberal members would not pass them without more open-border and family reunification provisions, President George W. Bush pushed unsuccessfully for a decision from both parties.³⁰ Some bills have been proposed for comprehensive immigration reform in recent years, though none have bi-partisan support.³¹ One of the bills, called the DREAM act,³² so named as an acronym for “Development, Relief, and Education for Alien Minors,” was first introduced in Congress in 2001 with bipartisan support,³³ but failed to become law, and even after having as many as 48 Congresspersons’ support over the years (it was re-introduced multiple times between 2004–2009), with various votes on the measure, the act has never moved toward becoming law. This act would have allowed those undocumented college-bound high school students and current college students in the U.S. who were brought to the country by their parents as minor children to have a path for work and long-term residence. These students often have little to no connection to their country

28. Ewing, “Opportunity and Exclusion.”

29. von Drehle, “The Great Wall of America.”

30. Runtenberg, “Bush Takes On Conservatives Over Immigration.”

31. Immigration Policy Center, “The Comprehensive Immigration Reform Act of 2010.”

32. “The DREAM Act,” *White House*.

33. American Immigration Council, “The DREAM Act.”

PRIVILEGE, RISK, AND SOLIDARITY

of birth, and some may not even know they are in the country illegally until it is time to go to college. While some states have allowed for undocumented students to attend colleges at in-state tuition rates, others strictly prohibit state funds covering tuition for undocumented students. Despite how a student may excel in school in the only country they have ever known, many will never be able to find a pathway to residence and citizenship under current immigration law.

Because of the congressional deadlock on the issue of immigration, President Obama used executive authority in recent years to try to bridge the gap of immigration reform. June 2012 saw the first of a series of executive actions by the Obama administration to attempt to end-run congressional deadlock on pressing immigration issues. The president announced the government would accept requests for Deferred Action for Childhood Arrivals (DACA), a move designed to temporarily suspend the deportation of undocumented young people residing here who were brought to the United States as children by their undocumented parents.³⁴ These young people must meet criteria established under legislative proposals like the DREAM act, including if they:

1. Were under the age of 31 as of June 15, 2012;
2. Came to the United States before reaching their 16th birthday;
3. Have continuously resided in the United States since June 15, 2007, up to the present time;
4. Were physically present in the United States on June 15, 2012, and at the time of making their request for consideration of deferred action with USCIS;
5. Had no lawful status on June 15, 2012;
6. Are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, or are an

34. American Immigration Council, "Deferred Action for Childhood Arrivals."

LEARNING THE EXPERIENCE

honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and

7. Have not been convicted of a felony, significant misdemeanor, or three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.³⁵

In November 2014, President Obama announced his “Immigration Accountability Executive Action” that included a series of actions to provide new temporary immigration protections for many undocumented parents of U.S. citizens and lawful permanent residents, as well as “highly technical regulatory proposals to fix outdated visa provisions.”³⁶ The main action in the reform is an expansion of DACA to include Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) to provide temporary relief from deportation for parents of U.S. citizens (children born in the United States) as well as those with children who have gained lawful permanent residence (green cards). While the executive actions stem from the executive branch’s authority to “exercise discretion in the prosecution and enforcement of immigration cases,”³⁷ allowing up to three years of deferred deportation of these classes of undocumented immigrants, the moves do not create paths to residence or citizenship, as this falls outside the scope of the executive branch’s authority. Still, those who oppose any move to provide relief to these and other undocumented groups have forced much of the 2014 order into temporary injunction by the courts, with a Supreme Court review underway.³⁸

Even with the former president’s actions seeking some relief for some groups of undocumented immigrants, legal paths to residence and citizenship have not been approved by Congress and the long-term status of these individuals remains unknown,

35. United States Citizenship and Immigration Services (USCIS), “Consideration of Deferred Action for Childhood Arrivals (DACA).”

36. Immigration Policy Center, “A Guide to the Immigration Accountability Executive Action.”

37. American Immigration Council, “Understanding the Legal Challenges to Executive Action.”

38. *Ibid.*

PRIVILEGE, RISK, AND SOLIDARITY

leaving them less fearful in the immediate future, but still without long-term recourse to live in the United States permanently. And, President Obama, though largely immigrant-sympathetic, has fallen under great scrutiny for his administration's handling of immigrant deportation and detention over his two terms as president. Just three years into his presidency, in October 2011, PBS ran a documentary entitled "Lost in Detention," outlining the Obama administration's record-setting deportation and detention levels, including complaints of abuse.³⁹ Nearly two years later, in August 2013, complaints continued when the administration brought back the use of and expanded immigration family detention centers and raids by Immigration & Customs officials that separate families or lock up U.S. citizen children in detention with their undocumented parents. The process for deportation has been sped up, with largely disastrous results for families, as the bureaucratic processes can be fraught with errors and leave families with no legal representation or recourse to fight the deportation orders.⁴⁰

The overall pattern of laws (excepting executive reprieves from deportation) have increasingly tightened U.S. borders and yet have never effectively dealt with undocumented immigrants living in the United States, nor deterred much the entrance of those without documentation. As we enter the second decade of the twenty-first century, the United States remains as collectively conflicted as ever when it comes to the issue of undocumented immigration. Recently, to attempt to deal with the immigration dilemma, some more conservative state governors and legislatures have begun tightening state laws affecting immigrants and seeking to use state power to usurp federal immigration law. States have taken various measures to change (largely restrict) the laws concerning undocumented immigrants. These laws have restricted undocumented immigrants seeking driver's licenses or in-state tuition at state universities and colleges, but others have gone even

39. "Lost in Detention," *PBS Frontline*.

40. Tan, "President Obama Wants to Continue Imprisoning Immigrant Families."

LEARNING THE EXPERIENCE

further.⁴¹ For example, Arizona passed a state law SB 1070⁴² that “includes provisions adding state penalties relating to immigration law enforcement including trespassing, harboring and transporting illegal immigrants, alien registration documents, employer sanctions, and human smuggling.” The United States public is concerned for many reasons about the presence and activities of the undocumented population. Without federal immigration reform (more open or less open), states will continue the trend of attempting to preempt federal law with measures designed to restrict benefits of functioning in the state as an undocumented immigrant (dubbed “enforcement through attrition”).

Even laws once regarded favorably on both sides of the political spectrum such as refugee and asylum cases are largely being attacked politically by states and politicians seeking to play on the fears of voters. Shortly after the Islamic State (ISIS) attacked civilians in Paris in November 2015, with the attacker pretending to be a Syrian refugee by carrying a Syrian passport, more than half (31) of U.S. state governors had declared they would not accept Syrian refugees for resettlement. Despite their politically and fear-driven announcements, however, state governments have no jurisdiction over federal immigration laws, including undocumented

41. For more information on state immigration laws, see National Conference of State Legislatures, “Immigration Policy Project.”

42. “In April 2010, Arizona enacted two laws addressing immigration, SB 1070 and HB 2162. These laws added new state requirements, and created crimes and penalties related to enforcement of immigration laws and were to become effective on July 29, 2010. Before the laws could go into effect, the U.S. Department of Justice filed a lawsuit asking for an injunction against these laws arguing that they are unconstitutional. On July 28, Judge Bolton granted the request for injunction in part and enjoined those provisions related to state law officers determining immigration status during any lawful stop; the requirement to carry alien registration documents; the prohibition on applying for work if unauthorized; and permission for warrantless arrests if there is probable cause the offense would make the person is removable from the United States. Arizona Governor Jan Brewer has appealed the injunction and arguments will be heard by the 9th U.S. Circuit Court of appeals on Nov. 1, 2010.” See: National Conference of State Legislatures, “Analysis of Arizona’s Immigration Law.”

PRIVILEGE, RISK, AND SOLIDARITY

immigration or refugee resettlement.⁴³ Even rather conservative judges, like David Godbey of the District Court of Austin, have ruled against the states seeking to sue the Obama administration regarding resettlement of refugees.⁴⁴

Since the beginning of the Trump administration, multiple executive orders have been issued related to immigration. The first, and most provocative, was an order issued on January 25, 2017, just a week into his presidency, called “Executive Order: Border Security and Immigration Enforcement Improvements”⁴⁵ that barred any foreign national from seven majority-Muslim countries (Iraq, Syria, Iran, Libya, Somalia, Sudan and Yemen) from entering the US for 90 days, all refugees for 120 days, and any Syrian refugees indefinitely. The ensuing confusion from the order, including immigrants from these countries on flights bound for the U.S. being suddenly detained at the border, some of whom already held green cards, along with refugees nearing the completion of the vetting process suddenly having their plans derailed, left Customs and Border Patrol seeking further guidance, and lawyers fervently defending clients from the order, taking the case to the highest courts. A new executive order is in process at the time of this writing that will likely address some of the confusing issues for the border patrol officers and Department of Homeland Security, but will not backtrack much on the restricting of immigration from the same Muslim-majority countries.⁴⁶ Executive orders, once criticized by the far right, are now the vehicle by which the country’s top leader has chosen to drive the immigration policy further to toward mass deportation of low-income workers with U.S. family members, fewer visa options for all categories, and an unwelcoming U.S. presence in the world.

The ever-tightening borders, as well as laws and statements seeking to deter further immigration or even force out undocumented immigrants (and perhaps all immigrants, or at least

43. Gulasekaram and Ramakirshnan, “The Law is Clear.”

44. “Texas,” *The New York Times*.

45. “Executive Order,” White House Press Office.

46. de Vogue and Kopan, “New Trump travel ban order nearing completion.”

LEARNING THE EXPERIENCE

immigrants of certain countries or ethnicities or faiths), have left United States immigration policy at a crossroads. Either the country will work toward immigrant-positive rhetoric and laws or continue to tighten laws and force out whole groups of people (either by removing their voice from the national conversation on immigration or removing their person or their family members through deportation). Sadly, no group of immigrants is immune to what largely amounts to racism and xenophobia on the part of some vocal groups of people in power, and undocumented immigrants bear the brunt of most of the struggle. They are largely poor and uneducated, seeking a new life and education in the United States, and the process for finding ways to live permanently here are at best confusing and at worst, completely out of reach.

Immigration: The Process

Even when new immigrants want to follow the law, the complexities of the systems involved for immigration make the process difficult. In order to immigrate permanently to the United States, for the most part, an individual must be sponsored by either an employer or qualifying family member, be randomly selected from countries who do not send many immigrants through sponsorship paths (called the Diversity Visa Lottery Program), or show fear of persecution in one's home country on account of immutable characteristics (asylum and refugee status). To obtain status, the parties involved must complete a series of forms and processes and prove financial support. The costs for these processes can be substantial, as the government filing fees alone for just one step in the process can be over \$1,000 per person. Many immigrants need help filing their documents, which adds on attorney fees or requires help from a local charitable organization. Employer sponsorship often involves processes to show unavailability of U.S. workers. Numbers of visas in each category are limited and issued on an annual basis with arbitrary visa number caps. Waits for visa numbers can take years, even decades, for some lower-skilled workers or family members of permanent residents or siblings of U.S. citizen

PRIVILEGE, RISK, AND SOLIDARITY

sponsors. The process is simpler and the line shorter, however, for the higher-skilled laborers, executives, and close family members, such as spouses and children of U.S. citizen sponsors (excepting those who happen to have sneaked across the border more than once, as a legal bar would prevent them from re-entering the U.S. for three or ten years, or perhaps even permanently).

Once immigrants obtain permanent status, they receive a permanent resident card, more commonly known as a green card,⁴⁷ that allows them to live and work in the United States permanently. Nevertheless, even a permanent resident can have their status revoked or even be deported for such offenses as claiming to be a U.S. citizen, voting, staying abroad for too long a period of time, or committing certain crimes. Permanent residents in good standing can in turn sponsor other qualifying family members for residence as well, though for nationals of certain countries (like Mexico, China, and India), this sponsorship path can take years, even decades. After holding a green card for five years, permanent residents can apply for naturalization by submitting a lengthy biographical questionnaire, undergoing biometrically-based criminal record checks, and passing an English and U.S. history/civics examination. The current government fee for this process is \$725, plus any private fees to cover help with learning English or understanding U.S. civics.

Breaking Down the Current Problems with the System

The Immigration Policy Center (IPC) issued a detailed and helpful report entitled “Breaking Down the Problems: What’s Wrong With

47. The “green card” is a common name for the (until recently, pinkish-white) card, form I-551. The card contains a photo of the immigrant, details the immigrant’s name, date of birth, alien registration number (“A” number), date of admission as a permanent resident, and expiration date of the document itself (as the status does not expire). As of May 2010, these permanent residence cards are green once again, with further security measures in place to protect against fraud (see USCIS, “New Design: The Green Card Goes Green,” for further information on these changes).

LEARNING THE EXPERIENCE

Our Immigration System” in October 2009, which I will lean on heavily as a relevant source of information on the pitfalls of our current immigration system. IPC was created as a research body, part of the American Immigration Council, which seeks “to shape rational conversation on immigration on and immigrant integration . . . Formed in 2003, [IPC is] a non-partisan organization that neither supports nor opposes any political party or candidate . . . [IPC’s] work helps to bridge the gap between advocates and academics, policy experts and politicians. Through forums, briefings, and special publications, [IPC brings] diverse groups together to help shape the immigration debate.”⁴⁸ With this in mind, their thoughtful analysis of the immigration dilemma in the United States is unparalleled and immigrant-friendly, which as noted in later chapters, is a Christian ideal. In its publication, IPC notes that the problems with immigration in the United States do not center solely on the problem of having 11 million undocumented immigrants, but instead involve a broader range of issues, including structural failure of the current immigration system and inadequate responses on the part of the federal government to address these issues. The general information contained in this report will be summarized here.⁴⁹ There are other organizations who take differing stances toward these problems and how to solve them;⁵⁰ however, because the Immigration Policy Center focuses its energies on protecting families and supporting immigrants (biblical goals, as explored in later chapters), this study will primarily focus on these issues and strategies.

The IPC report begins by highlighting five areas of the immigration system “that are broken and need remedy.”⁵¹ First, family-based immigration has backlogs that keep families sepa-

48. Immigration Policy Center, “Mission.”

49. Immigration Policy Center, “Breaking Down the Problems.”

50. See the Center for Immigration Studies (CIS) for competing views that focus on deportation/removal of most, if not all, immigrants in the United States, along with enhanced border control and stricter immigration laws, *Center for Immigration Studies*, online: <http://www.cis.org/>

51. Immigration Policy Center, “Breaking Down the Problems,” 7.

PRIVILEGE, RISK, AND SOLIDARITY

rated. There are three main causes for this: (1) “Demand exceeds supply”: U.S. citizens can apply for visas for their immediate family (spouses, children, and parents) without regard to number caps, but other family members such as children over the age of twenty-one must wait years. In addition, those immigrants who only hold a green card must wait even longer to sponsor family members; (2) “Per-country limits create long backlogs in certain countries”: A 1976 law created per-country caps for all countries, meaning Mexico has the same numbers available as all other even with a higher number of immigrants in demand from that country—specifically, 7% of the total in any category. That means countries that have higher immigration rates to the U.S. (Mexico, China, the Philippines) must wait much longer for visas than those from other countries; (3) “Processing delays and inconsistent policies heighten problems and create more illegal entry”: Lack of resources and rigid bureaucratic procedures have not allowed the immigration system to work expeditiously to conduct quick background checks or coordinate visas between agencies (the DHS and the Department of State). While waiting for a green card, family members have almost no chance of getting a temporary visa to travel to visit the U.S., leaving families apart for the many years it takes to procure one.⁵²

Second, the “employment-based visa system is not responsive to employers’ labor needs.” Only 140,000 employment-based green cards are available annually to qualified immigrants. This arbitrary number was chosen by Congress many years ago without regard to real labor-market needs and “has not been updated to conform to current economic realities.”⁵³ The ebb and flow of need in an economy would require consistent monitoring to know how many visas should be issued each year. For example, in a recession, the 140,000 may be sufficient, but when the economy turns around, U.S. employers will need more workers. Some will only need temporary workers, but others will require permanent workers for their positions and may not be able to procure a permanent

52. Ibid.

53. Ibid., 8.

LEARNING THE EXPERIENCE

visa under that year's allocated numbers (or any upcoming years, as they allow the worker to remain in temporary work visa status waiting on a permanent number). As such, the current system cannot meet the ever-changing economic needs of the United States. Additionally, there are only 5,000 permanent residence visas allocated annually for less-skilled workers, such as hotel workers, landscapers, and construction workers. IPC believes the insufficient number of green cards for these workers is at the heart of the unauthorized immigration issue. The industries that need these workers cannot meet their demands with local labor pools and petitioning for workers is backlogged for many, many years. IPC states, "until there are more legal avenues for employers to hire immigrant workers to meet economic demands, unauthorized immigration will continue to fill the gap, and we will not be able to regain control over immigration."⁵⁴

Third, "millions of unauthorized workers and other immigrants, many with U.S.-citizen families, reside in the United States with no means to become legal residents."⁵⁵ The laws and regulations that penalize behaviors such as overstaying a visa or working without authorization "often produce unintended and illogical results."⁵⁶ Many of these minor infractions carry extreme consequences with few exceptions for waivers. For example, as mentioned previously, the IIRIRA of 1996 "created bars on admission to the United States for individuals who have been unlawfully present in the country."⁵⁷ These bars state that persons who have been unlawfully present in the United States for more than 180 days but less than one year and who voluntarily depart may not enter the country again for three years. People unlawfully present for more than one year are subject to a ten-year bar on re-entry. Because of such laws, people otherwise qualified for work or family visas are unable to adjust their status, and if they leave the country to get a visa at a consulate abroad, they cannot re-enter the

54. Ibid.

55. Ibid.

56. Ibid.

57. Ibid.

PRIVILEGE, RISK, AND SOLIDARITY

United States until the time of the bar has elapsed. Thus, unauthorized immigrants who are eligible for visas often are encouraged by these laws to remain in the country without status rather than risk separation from their families for three or ten years (or possibly permanently).⁵⁸

Fourth, “unscrupulous employers who hire unauthorized workers in order to maximize profits are lowering wages and working conditions for ALL workers.”⁵⁹ Without status, unauthorized workers are vulnerable to abuse by unscrupulous employers because they cannot organize to petition against poor working conditions or low wages for fear of deportation. And, those employers trying to follow the law are competitively at a disadvantage because they choose not to use low-wage labor to enhance their bottom lines.⁶⁰

Fifth and lastly, “inadequate infrastructure causes delays in the integration of immigrants who want to become U.S. citizens.”⁶¹ Integration (learning English, understanding and adapting to U.S. culture, etc.) is an important aspect of immigration for most Americans because it enables immigrants to contribute to the country and realize their full potential. The United States, however, has no comprehensive integration strategy. Immigrants have little access to ESL programs as funding continually gets cut for these programs, despite higher demands. And, as stated previously, the naturalization process is costly and demanding.⁶²

The report goes on to discuss the inadequate government responses to these issues. Even when the federal government has been spending billions of dollars on border enforcement, the number of undocumented immigrants in the United States has nearly tripled since 1990. In addition, 25–40% of all unauthorized immigrants do not sneak across the border but instead enter legally and overstay their visas. Since 1992, the annual budget

58. *Ibid.*, 9.

59. *Ibid.*

60. *Ibid.*

61. *Ibid.*, 10.

62. *Ibid.*

LEARNING THE EXPERIENCE

of the U.S. Border Patrol has increased by 714 percent and the number of Border Patrol agents along the southwest border has grown 390 percent.⁶³ But “border security without adequate legal channels for immigration has created a more dangerous border and reduced ‘circularity’ of migration.”⁶⁴ The enhanced border security at traditional points of entry has diverted immigrants to more dangerous areas, and the probability of death or injury has increased dramatically, up to one per day. Because of this danger, many immigrants cannot survive the journey alone and hire a smuggler, most of whom charge thousands for their services. The debt owed the smuggler often ends up following the immigrant for months or years and can endanger the lives of the immigrant’s family members. Once here, the immigrants are very likely to stay because of the enhanced security measures. Before such measures were in place, many immigrants were ‘circular’ meaning that they would come for short periods to work and then return to their home countries in a repeating pattern.⁶⁵

The report then notes that this “enforcement culture” created by the enforcement measures is actively criminalizing immigration violations and resulting in mistakes by law enforcement in the violation of immigrants’ civil rights. Because of the focus on identifying and detaining unauthorized immigrants for deportation, the government has expanded its priorities to include the ever-expanding Immigration and Customs Enforcement (ICE) detention system. “ICE operates the largest detention and supervised-release program in the country. A total of 378,582 immigrants from 221 countries were in custody or supervised by ICE in FY 2008.”⁶⁶ The crimes for which immigrants may be deported and the crimes for which immigrants get mandatory detention have expanded, and the budget for ICE has nearly doubled between 2005 and 2009. The report notes that many unauthorized immigrants live in mixed-status communities (some family members and neighbors

63. *Ibid.*, 13.

64. *Ibid.*, 14.

65. *Ibid.*, 15.

66. *Ibid.*, 16.

PRIVILEGE, RISK, AND SOLIDARITY

are U.S. citizens and Lawful Permanent Residents). When ICE raids workplaces and performs door-to-door raids, these family members and neighbors are directly affected, especially the U.S.-citizen children who are left in an untenable situation when one or both parents are deported. Moreover, this enforcement has led to numerous mistakes and violations of civil rights; even U.S. citizens have been erroneously detained and deported.⁶⁷

The report then states that “the enforcement-only model has pushed immigrants further underground, undermining community safety and national security.”⁶⁸ Undocumented immigrants are less likely to report crimes or cooperate with authorities in criminal investigations for fear of deportation, making everyone in a community less safe. Sometimes ICE works directly with local police to find and detain undocumented immigrants, frightening the immigrant population and slowing the criminal processing for other, violent crimes. Furthermore, the enforcement-only method is not enhancing national security. By spending billions identifying undocumented immigrants and creating a border situation where smugglers and traffickers decide who makes it into the country, the American public cannot feel secure. The government needs to bring these undocumented individuals out of the shadows by correctly identifying them and encourage people to enter the country through legal channels. This in turn would allow law-enforcement and border-enforcement agents to focus on people who pose a threat to public safety or national security.⁶⁹

In closing, the report notes that:

It is clear that relentlessly building up enforcement resources has not worked in the past and is not a realistic solution to our current problems. The underlying flaws of the legal immigration system must be addressed first. The United States must create a fair, humane, and practical immigration system for the 21st century that is

67. Ibid.

68. Ibid., 17.

69. Ibid.

LEARNING THE EXPERIENCE

responsive to the needs of our economy and encourages legal behavior.⁷⁰

Economic and Social Fears

According to Dana W. Wilbanks in his book *Re-Creating America*, the most influential view about why immigrants come to the United States is the “push-pull” theory. The “push factors” in the home country are circumstances that make individuals want to leave the country. The “pull factors” from within the United States are ways in which the United States lures migrants, which can include tangible necessities, such as better jobs and wages, or intangible desires, such as better general opportunities. Wilbanks also states that other forces may be at work besides simple push-pull factors, such as the dynamics of the global economic systems which move labor across borders, as well as established trade of labor between neighboring countries.⁷¹

Despite the reasons these undocumented immigrants come, many Americans still struggle with how their presence is affecting the U.S. economy, public welfare, and taxes. Many assume that undocumented immigrants are draining the U.S. economy and costing billions to maintain, largely due to the voices of nativist commentators like Bill O’Reilly’s “Talking Points”⁷² and more militant immigration opponent groups such as the Minutemen Project. This latter group, based in California, waxes and wanes as the group leaders often face prison time for their efforts. Their goals are the immediate forced removal of all “illegals” as well as stricter border enforcement (often resorting to their own patrol of the border). They say that the government cannot or will not handle the issue of undocumented immigration, and thus their volunteers must take up arms to patrol the 2,000 mile border with

70. Ibid., 18.

71. Wilbanks, *Re-Creating America*, 68.

72. An example of the rhetoric used by Bill O’Reilly and others on Fox News can be found at: “The Left’s Secret Immigration Plan,” *Fox News*.

PRIVILEGE, RISK, AND SOLIDARITY

Mexico (which they did from 2005–2010). The movement died down some after one of its key members robbed and murdered a Border Patrol Agent in 2010, but one of their leaders, John Gilchrest, has continued to be vocal about issues related to immigration, accusing the Obama administration of not taking the “threat” of undocumented immigration seriously enough (despite the administration’s influx of over 21,000 more border patrol agents), periodically vowing to reinstate civilian border patrols.⁷³ Still other groups, such as the Center for Immigration Studies (CIS), which was named to sound like an immigration-neutral think tank, are in fact distributing anti-immigrant propaganda, systematically working to increase restrictions on foreigners and to limit immigration reform. CIS is closely allied with the Federation for American Immigration Reform (FAIR),⁷⁴ a group that provides “facts” concerning foreigners and aims to demonize their presence in the United States.⁷⁵

When the numbers are evaluated, however, the picture changes. For example, the 1986 immigration law made employers legally liable for hiring undocumented immigrants, so many undocumented immigrants have since resorted to using fake IDs, including fake social security numbers, to gain employment. Employers thus have hired the workers under the impression that the worker had legal status. When the Social Security Administration

73. Miller, “Minuteman Project Ready to Return to Border Amid Wave of Illegal Immigration.”

74. Federation for American Immigration Reform (FAIR) is a self-proclaimed, “non-profit, non-partisan organization of concerned individuals who believe that our immigration laws must be reformed to better serve the needs of current and future generations . . . FAIR seeks to reduce overall immigration to a level that is more manageable and which more closely reflects past policy. Reducing legal immigration from well over one million presently, to 300,000 a year over a sustained period will allow America to more sensibly manage its growth, address its environmental needs, and maintain a high quality of life . . . America has reached a point where perpetual growth cannot realistically continue within limited space. FAIR believes that without common sense limitations on immigration and the resulting population growth, virtually every social cause is a lost cause.”

75. Hake, “What the Bible Really Says about Immigration Policy.”

LEARNING THE EXPERIENCE

(SSA) began to see in the 1980s that these numbers were not matching the bearer's name (or were simply fake), they held off fully investigating the matter and began receiving a surplus of money from these "no match" social security numbers.⁷⁶ Over \$189 billion worth of wages was recorded in this SSA fund in the 1990s. The file is now growing, on average, "by more than \$50 billion a year, generating \$6 billion to \$7 billion in Social Security tax revenue and about \$1.5 billion in Medicare taxes."⁷⁷ While the SSA cannot definitively say that all of the money from the "no match" numbers is from undocumented immigrants, they suspect a large percentage is. The SSA's chief actuary says that the administration thinks that about three-fourths of undocumented immigrants pay payroll taxes using false or fake social security numbers.⁷⁸ In addition to payroll taxes, all undocumented immigrants also pay sales tax when they shop and pay property taxes (either directly as homeowners or as part of their monthly rent payment), consistently adding to the U.S. economy's growth.⁷⁹

Undocumented immigrants may actually help with the deficit of money in government agencies because they are ineligible for most government benefits. Undocumented immigrants cannot legally obtain Temporary Aid for Needy Family (TANF), or welfare, cannot collect food stamps or live in public housing, have no disability benefits, and cannot get Medicare or Medicaid. In some states, the only public aid an undocumented immigrant *might* be eligible for is "emergency and prenatal healthcare, immunizations

76. The SSA began sending "no match" letters to employers in 1994 when a social security number produced a "no match." Largely employers ignored these violations. In September 2007, the Department of Homeland Security proposed its safe harbor rule that required the SSA to insert a letter from ICE with the "no match" letter to the employer. This letter warned the employer not to ignore the "no match" designations because they could be fined heavily. President Obama has now pulled that rule and the SSA has not resumed sending "no match" letters. See this explanatory article for more detail on the history of "no match" letters and the SSA: Migration Policy Institute, "Social Security 'No-Match' Letters: A Primer."

77. Porter, "Illegal Immigrants Are Bolstering Social Security With Billions."

78. Ibid.

79. Soerens and Hwang, *Welcoming the Stranger*, 34–35.

PRIVILEGE, RISK, AND SOLIDARITY

and treatment for communicable diseases, certain nutritional programs aimed primarily at children, and noncash emergency disaster relief (such as in the wake of Hurricane Katrina).⁸⁰ Children of undocumented immigrants may attend school as well, but no undocumented immigrant can legally receive any cash benefit from the government. Even many documented immigrants are ineligible for public benefits. Immigrants need to have been permanent residents for at least five years before they can receive any welfare funds for their family (with a few exceptions).⁸¹ While it is true that many undocumented immigrants use stolen or fraudulent identities to gain employment, there is no way to calculate what government benefits, if any, they have obtained using those same identities. Unfortunately, the systems used by welfare agencies to check identity can only detect fake identities, not stolen ones. ICE is leading an investigation into identity theft by immigrants; however their efforts are not well funded due to more pressing concerns, such as drug smuggling and violent criminals.⁸² Many immigrants use fraudulent and stolen identities mainly to seek employment, not maliciously.⁸³

Once Christians have evaluated the legal and historical realities with a critical eye, there is yet more work to be done. Namely, Christians must not only think with their head about issues of moral importance, they must also explore their faith tradition through study of Scripture and the stories that make up the foundation of their worldview. In that process, too, they must begin the hard work of listening to the people who have been marginalized and used as political pawns in our ever-growing struggle against those considered “other.”

80. *Ibid.*, 42.

81. *Ibid.*

82. Immigration and Customs Enforcement, “ICE Investigations.”

83. Leland, “Some ID Theft Is Not for Profit, but to Get a Job.”