



# IN THE NEWS

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FEATURED: MAY 2013

## New Immigration Bill: A Compromise?

### Introduction

On the hottest May day in the recorded history of San José, California, 20,000 people marched from the east side's Our Lady of Guadalupe Roman Catholic Church—the spiritual heart of a community comprised primarily of documented and undocumented Mexican and Central American immigrants—to the gleaming city hall in the urban core of a metropolitan area that is driving America's booming high tech sector. The starting and ending points of the march were significant—those marching were rallying in support of a Senate immigration reform bill that, if passed, will have a significant impact both on undocumented migrants and on the high-tech industry, which benefits from the skills and talents of well-educated and highly trained immigrants.

A bipartisan group of eight senators—Charles Schumer (D-NY), John McCain (R-AZ), Richard Durbin (D-IL), Lindsey Graham (R-SC), Robert Menendez (D-NJ), Marco Rubio (R-FL), Michael Bennet (D-CO), and Jeff Flake (R-AZ)—wrote the bill whose introduction to the Senate inspired the enthusiastic support of those marching through the streets of San José. The ideas set forth in the legislation under consideration contain many of the elements that President Obama hopes to see in an immigra-

tion bill, and the House is in the early stages of considering similar proposals.

This movement on immigration reform energized the marchers who hope to see laws enacted that will grant the possibility of legal status for America's estimated 11.5 million undocumented immigrants (estimate from the Department of Homeland Security; see [http://www.dhs.gov/xlibrary/assets/statistics/publications/ois\\_ill\\_pe\\_2011.pdf](http://www.dhs.gov/xlibrary/assets/statistics/publications/ois_ill_pe_2011.pdf)).

Under the terms of the bipartisan proposal in the Senate—an eight-hundred-page document whose main points are covered here—those who have been in the United States since before December 31, 2011 may apply for Registered Provisional Immigrant (RPI) status. This process includes clearing a criminal background check, paying back taxes, and a five-hundred-dollar fine. Those with RPI status would be granted permission to work and to travel legally, and, in states that require legal residency to obtain a driver's license (which is most states), those with RPI status will be able to drive. RPI status will not, however, make immigrants eligible for benefits such as social security, Medicare, or the health care protections of the Affordable Care Act.

Once an immigrant has held RPI status for ten years he or she may apply for permanent residency

and may begin the three-year process of becoming a citizen of the United States. In all, the journey from RPI to U.S. citizen will take thirteen years at the minimum.

But (and this is a big but), if the proposed immigration reform becomes law, no one with RPI status can begin the decade-long wait to achieve permanent residency until \$3 billion worth of security measures along the 2000 mile U.S.-Mexico border are in place. These measures include extra fencing and a system of improved surveillance along the border, as well as a better system for tracking those who enter the United States through airports or by crossing the Canadian border. Also required before those with RPI status can begin the ten-year wait for permanent residency would be the nationwide implementation of “e-verify,” an electronic and technologically advanced way for employers to verify the legal status of their employees. The proposed bill also requires immigrants with RPI status to “go to the back of the line,” meaning that their applications would be processed only after any non-RPI immigrant application backlog has been addressed.

## A more dangerous border crossing does not result in fewer immigrants; it results in more people dying as they try to cross.

The proposed legislation would limit certain kinds of immigration by ending many of the family reunification policies that have been a hallmark of U.S. immigration policy since the sixties. In place of family reunification, U.S. immigration policy would encourage immigration by those willing or able to do work that strengthens the American economy, such as agricultural work, low-skilled labor, and jobs that require special training and technical expertise.

## A Brief History of American Immigration Policy

Over the years our nation’s lawmakers have enacted immigration policies that have encouraged some kinds of immigration and limited others. To date, the most open laws regarding immigration were written by the framers of the constitution, who stipulated that no limits on immigration would be enacted during the first ninety years of the country’s existence; as soon as the initial ninety-year era of open borders expired, politicians enacted a series of race-based limits on immigration, starting with laws prohibiting immigration of almost all Asian women (later, all immigration from Asia was prohibited). During the first half of the twentieth century, immigration laws encouraged arrivals from Protestant northern Europe and limited the immigration of Jews and Catholics from eastern and southern Europe. In the 1960s, focus of immigration laws changed to encourage family reunification. This new set of rules opened the United States to immigrants from all over the world.

For more than two hundred years, migration across the United States’ land borders was more or less unregulated. In part this is because it’s nearly impossible to shut down borders that are as long as those the United States shares with Canada and Mexico. This laxity was also partially because businesses in the United States came to rely on immigrants from Mexico as a source of inexpensive labor. In the 1930s and again in the 1950s, the government attempted to round up undocumented Mexican immigrants and send them home. However, for the most part, people migrated freely across the U.S.-Mexico border, and many lived and worked in the United States for decades. In 1984 the Reagan administration,

recognizing the limits of the government's ability to deport those who had crossed the open border, gave amnesty to many of the six million undocumented immigrants then living in the United States.

In the late 1990s the Clinton administration began what has become an ongoing attempt to build a system of walls to close down the U.S.-Mexico border. By 2010, a system of barriers (with varying degrees of efficacy) stretched from the Pacific Ocean to El Paso, Texas, where the Rio Grande creates a natural barrier that continues thereon from the high desert to the Gulf of Mexico.

The proposed immigration reform bill in the Senate seeks to continue and strengthen the fence-building regime begun by the Clinton administration, to revive the spirit of Reagan's amnesty, and to replace the family-reunification system of immigration policy with a policy that encourages immigration by workers whose labor and/or skills are beneficial to the United States' economy.

### **Divergent Perspectives on Immigration Reform**

Historically, immigration has been a divisive issue for Americans, and the proposed immigration reform bill is a compromise with elements sure to please and anger people on both sides of the debate. Those who favor strict limits on immigration generally are pleased by the bill's attempts to bolster immigration control with security along the southern border and better enforcement of employment laws in the nation's interior. However, many object to giving undocumented migrants a pathway to citizenship, which can seem like rewarding unlawful entry and residency in the United States.

Those who favor a more lax immigration policy (including the folks marching in San José), are happy with what they would consider a path out of the shadows for undocumented migrants.

Especially appealing are provisions in the bill allowing those brought to the United States as children a quicker path to permanent residency and citizenship. Many are concerned, however, with the focus on enforcement along the border because a more dangerous border crossing does not result in fewer immigrants; it results in more people dying as they try to cross.

Often lost in the give and take of the immigration debate are the voices of immigrants themselves. While marching, I met and talked with Alán, a man who is undocumented and works as a janitor in a supermarket in San José. He has not seen his three sons in more than five years. As we talked about immigration, his opinions seemed to me typical of most immigrants that I've spoken to: he didn't seem to care much about the particulars of the policy; mostly he just wanted to see his children and was in favor of any new laws that could make that happen.

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Alán grew up in the southern Mexican state of Oaxaca and spent eleven years in the Mexican Army. He spent much of it fighting the so-called *narcotraficantes*, the well-organized and highly vindictive Mexican drug cartels. After retiring from the army, Alán was afraid that his former adversaries would punish him or harm his family in retribution for his service to his country. To protect his family and himself, he divorced his wife and made his way north to California's Silicon Valley where he makes enough to get by and to send money home to his children who he hopes, one day, will join him in California.

The proposed legislation currently being debated in the Senate, should it become law, would not be a panacea for all of Alán's troubles.

The freedom to work and to drive would be liberating, empowering, and economically beneficial, and the freedom to travel back and forth from Mexico would enable him to visit his children, but it is unlikely that he would be able to bring his children to California.

While the proposed legislation eliminates most of the family reunification provisions of current immigration law, it does provide for reunification between parents and children under the age of 31. Alán's children currently are teenagers. However, by the time he can petition for them to come join him, Alán's children will probably be too old to qualify for family reunification visas. Unless they are able to get unskilled labor visas or agricultural guest-worker visas—or if they go to college, study electronic engineering and find employment where there is a demand for foreign workers in the high-tech sector—they will remain in Mexico.

## Immigration and the Bible

Christians surely will respond to proposals for immigration reform in different ways, often quoting the Bible in support of divergent opinions. There is in the Bible a strong directive to “render unto Caesar the things that are Caesar’s” (Mark 12:17) and to honor the laws of the state (Rom. 13:1–7). To reside in the United States without citizenship or visa is against the law. Technically, crossing the border without papers is a crime, while unauthorized residency in the U.S. is an infraction and not a criminal offense; either way, illegal immigration is illegal, and for many Christians this is the most important issue at play in discussions surrounding undocumented immigration.

Other Christians will observe the Bible's several passages that urge hospitality toward strangers (Heb. 13:2), justice for sojourners (Deut. 24:17), and love of neighbors (Mark 12:28–31), and will be convinced that Christians should support any measure that protects and provides justice for immigrants regardless of legal status.

In addition, a growing number of Christians

are recognizing that the Bible's treatment of immigration is more than a simple list of verses that can be quoted in support of one position or another. Immigration is a recurring theme that runs through the whole Bible and provides a framework that holds the Bible's radically different parts together. From the time Adam and Eve are kicked out of the garden of Eden until the day in the fullness of time when all of God's children live as immigrants together in the City of God, the people of God are on the move in the Bible's various stories. And the pattern of the Bible shows that when the people of God are migrating, they are faithful; when they settle down, they start worshiping idols and serving mammon.

Recognizing the Bible's immigrant spirituality, the early church thought of itself as a body of sojourners—foreigners living in a strange land. This is a theme that was revived during the Reformation, when many Protestants (especially Calvinist Protestants) were forced to live as refugees in Europe and, later, in North America.

In many ways the biblical witness and the Protestant Christian tradition don't just call us to help people like Alán by supporting immigration reform (though such support is good), but in fact call us to *be* Alán, to recognize ourselves in the story of 11.5 million undocumented immigrants living on American soil. This is more than just theological speculation. In several places, the biblical call for justice for immigrants is framed as an act of empathy: “You shall not wrong or oppress a resident alien, *for you were aliens in the land of Egypt*” (Exod. 22:21). This injunction is particularly meaningful for American Christians, a people almost entirely descended from immigrants. (The only Americans *not* descended from immigrants are Native Americans, some of whom are descended from nomadic people whose lives were marked by migration.)

Such an understanding of Scripture might not remove from immigrants a moral responsibility

to abide by the dictates of American laws, but it probably does suggest a certain urgency on the part of American citizens to reform our laws so that they are born of empathy and to strive to create an immigration system that is just.

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**Ben Daniel** is Pastor of Foothill Presbyterian Church in San Jose, California. He is a regu-

lar blogger for the *Huffington Post* and provides commentary for KQED FM, the largest NPR affiliate in the United States. His book, *Neighbor: Christian Encounters with Illegal Immigration*, was named the Religion Book of the Year by *ForeWord Reviews*. His most recent book is *The Search for Truth about Islam: A Christian Pastor Separates Fact from Fiction*.



# RESOURCES AND ACTIONS

- For those interested in learning more about the ways different Christians respond to immigration, I recommend three books. First there is my book *Neighbor: Christian Encounters with “Illegal” Immigration* (Westminster John Knox Press, 2010), which attempts to put a human face on the issues that surround the United States’ immigration policy. For the perspective of an Evangelical biblical scholar, I suggest *Christians at the Border: Immigration, the Church, and the Bible* by M. Daniel Carroll R. (Baker Academic, 2008). For a book by a Christian biblical scholar that suggests a more conservative view on immigration issues, I recommend *The Immigration Crisis: Immigrants, Aliens, and the Bible* by James K. Hoffmeir (Crossway, 2009).
- The Presbyterian Church (U.S.A.) maintains a great Web site with current information on immigration law and on proposed changes to the laws: <http://oga.pcusa.org/section/departments/immigration/immigration-reform-debate-2013/>.
- For a statement on immigration reform by the United States Conference of Catholic Bishops see: [http://www.usccb.org/issues-and](http://www.usccb.org/issues-and-action/human-life-and-dignity/immigration/churchteachingonimmigrationreform.cfm)
- [action/human-life-and-dignity/immigration/churchteachingonimmigrationreform.cfm](http://www.usccb.org/issues-and-action/human-life-and-dignity/immigration/churchteachingonimmigrationreform.cfm).
- For a Jewish perspective on immigration reform, see [http://www.ajc.org/site/c.7oJILSPwFfJSG/b.8467015/k.CC42/Immigration\\_Reform.htm](http://www.ajc.org/site/c.7oJILSPwFfJSG/b.8467015/k.CC42/Immigration_Reform.htm).
- For an excellent Evangelical blog on immigration, see <http://lovingthe stranger.blogspot.com/>.
- For those desiring a personal encounter with immigration issues, I recommend learning about the work of Frontera de Cristo ([www.fronteradecristo.org](http://www.fronteradecristo.org)), a bi-national ministry based out of Douglas, Arizona and Agua Prieta, Mexico. Better yet, go visit and see first-hand what is happening.
- If you cannot travel, go out for dinner at a restaurant run by immigrants and get to know your servers. Don’t worry if you don’t speak their language—they probably speak English, and if they don’t, they want to learn and are eager to practice. Learn their stories and allow what you learn to form your opinions.
- If you feel inclined to support immigration reform, find out when folks are marching in your community. It’s a great way to meet immigrants, hear their stories, and to develop friendships with people like Alán

# QUESTIONS FOR DISCUSSION

1. Would you join a march in support of the Senate's proposed reform of the United States' immigration laws? Why or why not?
2. How does hearing about Alán's desire to attain legal status and bring his children to America (as opposed to a simple reading of the legislation) affect your thinking on issues surrounding immigration reform?
3. In what ways has your Christian faith been like a journey, and how do you see that journey reflected in the lives of those who have immigrated to the United States without papers?