

H.R. 1645: The Security Through Regularized Immigration and a Vibrant Economy Act of 2007 Position of the U.S. Conference of Catholic Bishops

On March 22, 2007, Representatives Jeff Flake (R-Az) and Luis Gutierrez (D-Ill.) introduced the Security through Regularized Immigration and a Vibrant Economy Act of 2007 (STRIVE Act). Below is an analysis of the proposal in comparison to the principles laid out by the U.S. Bishops.

1. Broad legalization for the undocumented (Title VI)

The legislation requires six years of work, a fine, back taxes, English and civics requirements, and a "legal re-entry" requirement in order to qualify for permanent residency. In order to qualify for conditional residency, you must attest to previous work (a generous June 1, 2006, cut off date) and not have committed a crime, etc. The title also includes AgJOBS and DREAM Acts.

Analysis: The requirements here are the same as McCain-Kennedy of last year, absent the "legal re-entry," or "touch back" provision. The test here is that any earned legalization program should not be so onerous as to discourage participation and must be fair, workable, and achievable. The formula here meets this test, provided that the "touch back" provision, which only requires leaving the U.S. briefly and re-entering, does not change. Since it is only leaving the country while being processed here, and it can be done over a 6 year period, it can be achievable and workable.

2. Temporary worker program with protections, wages, portability, path to citizenship, etc. (Title IV)

Creates an H-2C visa which is valid for three years and is renewable, with an initial cap of 400,000. Prevailing wage, with Davis-Bacon protections for certain industries, portability, the ability to travel between countries, family unity, worker protections as U.S. workers, and opportunity to apply for permanent residency after five years in the program. Also contains a provision which requires enforcement of labor protections.

Analysis: The worker program contains all the elements outlined by the bishops, except Social Security savings.

3. Family-based immigration reform and backlog reduction (Title V)

This is identical to McCain-Kennedy of last year, in which immediate relatives of U.S. citizens is moved outside the numerical limit of 480,000, and the per-country limit is raised. It would eliminate the backlogs in family categories in five years, prior to anyone from the undocumented population getting in line. It doubles the number of employment-based green cards in the system.

Analysis: This comports with USCCB position on eliminating family-based backlogs.

4. Restoration of Due Process Protections (Titles I, II, and III)

The legislation authorizes an increase in border patrol agents, immigration enforcement officers, and the federal detention space available in this country. In addition, it requires that the Secretary of Homeland Security report to the President and Congress on the status of border surveillance technology, the implementation of tamper-resistant immigration documents, and the implementation of an Electronic Employment Verification System, before any temporary worker program or legalization provisions may be adjudicated.

The legislation expands the class of individuals who are subject to expedited removal proceedings, would amend the grounds of inadmissibility and would subject certain vulnerable populations to criminal and civil penalties for certain acts, including refugee who misuse immigration documents and certain individuals who transport or harbor undocumented aliens.

On the positive side, a Legal Orientation Program would be required for all detained non-citizens in removal and asylum proceedings. The legislation further requires the use of less-restrictive detention facilities and secure-alternatives to detention.

The legislation would require the development and implementation of an Electronic Employment Verification System that would be used by U.S.-based employers for the recruitment and regulation of foreign workers. The system includes anti-discrimination clauses to prevent workers from being exploited under the system.

Analysis: While many of the provisions in these titles seem harsh, they have been watered down significantly from S. 2611, the Senate-passed bill, from last year. Nevertheless, they prevent MRS/USCCB from fully endorsing the STRIVE Act, particularly because there are no due process protections restored under the bill, including restoration of judicial review. These provisions could be improved, however, during the legislative process.

5. Addressing the Root Causes of Migration

The legislation requires the Secretary of State to assist the Mexican government to develop economic opportunities and provide job training for citizens and nationals of Mexico, to implement programs for border security and reduce gang-related crimes and human-trafficking, and to provide education for Mexican nationals and citizens about U.S. immigration laws and practices.

MRS/USCCB POSITION: MRS/USCCB generally supports the STRIVE Act as a good starting point for the immigration debate, but will seek improvements in the enforcement provisions and will work to ensure that any legalization program is kept workable, fair, and achievable so the maximum number of undocumented persons are given relief. (See talking points)

JUSTICE FOR IMMIGRANTS

a journey of hope

IMMIGRATION MYTHS

Talking Points

- **Immigrants don't pay taxes.**

Immigrants pay taxes, in the form of income, property, sales, and taxes at the federal and state level. As far as income tax payments go, sources vary in their accounts, but a range of studies find that immigrants pay between \$90 and \$140 billion a year in federal, state, and local taxes. Undocumented immigrants pay income taxes as well, as evidenced by the Social Security Administration's "suspense file" (taxes that cannot be matched to workers' names and social security numbers), which grew by \$20 billion between 1990 and 1998. Source: http://www.immigrationforum.org/about/articles/tax_study.htm

- **Immigrants come here to take welfare.**

Immigrants come to work and reunite with family members. Immigrant labor force participation is consistently higher than native-born, and immigrant workers make up a larger share of the U.S. labor force (12.4%) than they do the U.S. population (11.5%). Moreover, the ratio between immigrant use of public benefits and the amount of taxes they pay is consistently favorable to the U. S. In one estimate, immigrants earn about \$240 billion a year, pay approximately \$90 billion a year in taxes, and use about \$5 billion in public benefits. In another cut of the data, immigrant tax payments total \$20 to \$30 billion more than the amount of government services they use. Source: "Questioning Immigration Policy - Can We Afford to Open Our Arms?" Friends Committee on National Legislation. Document #G-606-DOM, January 25, 1996. <http://www.fas.org/pub/gen/fcnl/immigra.html>

- **Immigrants send all their money back to their home countries.**

In addition to the consumer spending of immigrant households, immigrants and their businesses contribute \$162 billion in tax revenue to U.S. federal, state, and local governments. While it is true that immigrants remit billions of dollars a year to their home countries, this is one of the most targeted and effective forms of direct foreign investment. Source: <http://www.cato.org/research/articles/griswold-020218.html>

- **Immigrants take jobs and opportunity away from Americans.**

The largest wave of immigration to the U.S. since the early 1900s coincided with our lowest national unemployment rate and fastest economic growth. Immigrant entrepreneurs create jobs for U.S. and foreign workers, and foreign-born students allow many U.S. graduate programs to keep their doors open. While there has been no comprehensive study done of immigrant-owned businesses, we have countless examples: in Silicon Valley, companies begun by Chinese and Indian immigrants generated more than \$19.5 billion in sales and nearly 73,000 jobs in 2000. Source: Richard Vedder, Lowell Gallaway, and Stephen Moore, Immigration and Unemployment: New Evidence, Alexis de Tocqueville Institution, Arlington, VA (Mar. 1994), p. 13.

- **Immigrants are a drain on the U.S. economy.**

During the 1990s, half of all new workers were foreign-born, filling gaps left by native-born workers in both the high- and low-skill ends of the spectrum. Immigrants fill jobs in key sectors, start their own businesses, and contribute to a thriving economy. The net benefit of immigration to the U.S. is nearly \$10 billion annually. As Alan Greenspan noted, 70% of immigrants arrive in prime working age. That means we haven't spent a penny on their education, yet they are transplanted into our workforce and will contribute \$500 billion toward our social security system over the next 20 years. Source: Andrew Sum, Mykhaylo Trubskyy, Ishwar Khatiwada, et al., Immigrant Workers in the New England Labor Market: Implications for Workforce Development Policy, Center for Labor Market Studies, Northeastern University, Boston, Prepared for the New England Regional Office, the Employment and Training Administration, and the U.S. Department of Labor, Boston, Massachusetts, October 2002.
<http://www.nupr.neu.edu/1102/immigration.PDF#search='center%20for%20labor%20market%20studies%20at%20Northeastern%20University%20studies'>

- **Immigrants don't want to learn English or become Americans.**

Within ten years of arrival, more than 75% of immigrants speak English well; moreover, demand for English classes at the adult level far exceeds supply. Greater than 33% of immigrants are naturalized citizens; given increased immigration in the 1990s, this figure will rise as more legal permanent residents become eligible for naturalization in the coming years. The number of immigrants naturalizing spiked sharply after two events: enactment of immigration and welfare reform laws in 1996, and the terrorist attacks in 2001. Source: American Immigration Lawyers Association, "Myths & Facts in the Immigration Debate", August 14, 2003.
<http://www.aila.org/contentViewer.aspx?bc=17,142#section4> Source: Simon Romero and Janet Elder, "Hispanics in the US Report Optimism" New York Times, August 6, 2003.

- **Today's immigrants are different than those of 100 years ago.**

The percentage of the U.S. population that is foreign-born now stands at 11.5%; in the early 20th century it was approximately 15%. Similar to accusations about today's immigrants, those of 100 years ago initially often settled in mono-ethnic neighborhoods, spoke their native languages, and built up newspapers and businesses that catered to their fellow emigres. They also experienced the same types of discrimination that today's immigrants face, and integrated within American culture at a similar rate. If we view history objectively, we remember that every new wave of immigrants has been met with suspicion and doubt and yet, ultimately, every past wave of immigrants has been vindicated and saluted. Source: Census Data:

<http://www.census.gov/prod/2002pubs/c2kprof00-us.pdf><http://www.census.gov/prod/2002pubs/censr-4.pdf>

- **Most immigrants cross the border illegally.**

Around 75% of today's immigrants have legal permanent (immigrant) visas; of the 25% that are undocumented, 40% overstayed temporary (non-immigrant) visas. Source: Department of Homeland Security <http://uscis.gov/graphics/shared/statistics/index.htm>

- **Weak U.S. border enforcement has lead to high undocumented immigration.**

From 1986 to 1998, the Border Patrol's budget increased six-fold and the number of agents stationed on our southwest border doubled to 8,500. The Border Patrol also toughened its enforcement strategy, heavily fortifying typical urban entry points and pushing migrants into dangerous desert areas, in hopes of deterring crossings. Instead, the undocumented immigrant population doubled in that timeframe, to 8 million-despite the legalization of nearly 3 million immigrants after the enactment of the Immigration Reform and Control Act in 1986. Insufficient legal avenues for immigrants to enter the U.S., compared with the number of jobs in need of workers, has significantly contributed to this current conundrum. Source: Immigration and Naturalization: http://www.ncjrs.org/ondcppubs/publications/enforce/border/ins_3.html

- **The war on terrorism can be won through immigration restrictions.**

No security expert since September 11th, 2001 has said that restrictive immigration measures would have prevented the terrorist attacks; instead, the key is effective use of good intelligence. Most of the 9/11 hijackers were here on legal visas. Since 9/11, the myriad of measures targeting immigrants in the name of national security have netted no terrorism prosecutions. In fact, several of these measures could have the opposite effect and actually make us less safe, as targeted communities of immigrants are afraid to come forward with information. Source: Associated Press/Dow Jones Newswires, "US Senate Subcommittee Hears Immigration Testimony", Oct. 17, 2001. Source: Cato Institute: "Don't Blame Immigrants for Terrorism", Daniel Griswold, Assoc. Director of Cato Institute's Center for Trade Policy Studies. See: <http://www.cato.org/dailys/10-23-01.html>

Questions and Answers

What, in a nutshell, is the U.S. bishops' position on immigration reform?

The Catholic Church believes that the current U.S. immigration system is broken and needs to be reformed in all aspects, or, comprehensively. This would include a path to citizenship for the 11-12 million undocumented in the country; a new worker program to allow migrant workers to enter safely and humanely; and family-based immigration reform which allows families to be reunited more quickly. The Church also teaches that the root causes of migration—namely, global economic disparities—need to be addressed.

The Church has taken a position on immigration because, besides being an economic, social, and legal issue, it is also a humanitarian one, and, ultimately has moral implications. Each day church social service programs, hospitals, schools, and parishes see the human consequences of a broken system: families are divided, migrant workers are exploited and abused, and human beings die in the desert. This impacts human dignity and human life and should be addressed.

Moreover, migration is a major theme in the Gospels. Jesus and the Holy Family were refugees who fled the terror of Herod and Jesus, the Son of Man, was an itinerant teacher while on Earth, with "no place to lay His Head." Jesus also taught us to "welcome the stranger," for "what you do to the least of my brethren, you do unto me."

Some charge that the Church is in favor of a nation without borders, that we support illegal immigration. How do you respond to that?

The Church does not favor illegal immigration in any sense. It is not good for the migrant, who often suffers abuse by smugglers, exploitation in the workplace, and even death in the desert. It is not good for society or for local communities, because it creates a permanent underclass with no rights and no opportunity to assert them. That is why the Church supports the creation of legal avenues for migration and legal status for migrants. The Church has always supported the right of a sovereign nation to secure its borders, although it should be done in a manner that protects human life, to the greatest degree possible.

What about respecting the rule of law? If we grant an amnesty, won't we be rewarding those who break the law?

This is a good question, but you must consider all the elements involved in illegal immigration. First, those who come here fill crucial jobs in vital industries in our nation, and thus benefit our economy overall. While we accept their labor and taxes, we do not provide them any protection of the law and we scapegoat them when convenient. This is unjust. While we are a nation of laws which must be respected, we also are a nation conceived on the principle of justice. When laws are not just, then they must be changed.

In addition, we must consider the intent and effect of such "law breaking," two mitigating factors often considered by courts. The intent of migrants is to support their families and the effect is that they fill crucial jobs in our economy. This actually helps our country in the long run, not hurt it.

An earned legalization or path to citizenship for the undocumented, as proposed in several bills in Congress, is not an "amnesty," or a "giveaway" as Webster's Dictionary defines it. Rather, it requires six years of work, English and civics proficiency, and payment of fines and back taxes before a person can apply for permanent residency. It provides those who have built equities in our country the right to earn the opportunity to remain and become full members of their communities.

Does the Church have the right to speak out on immigration reform, which is largely a political issue?

All public policy issues—abortion, euthanasia, stem cell research, poverty reduction, and immigration reform—have political aspects to them. The Church is well within her rights to speak out on public policy issues of moral consequence and often does. In fact, the Church has a moral obligation to speak out on issues which impact human dignity and human life. In the immigration area, the Church brings special expertise to the table because we are an immigrant church and we have helped assist immigrants assimilate into the nation for years.

In general, is immigration good for our country or does it create new burdens on U.S. citizens?

Except for Native Americans, we are all descendants of immigrants or are immigrants ourselves. Immigrants have helped build the great nation we enjoy today. While opponents of immigration will attempt to raise the fears of U.S. citizens that immigrants today take away jobs, change the culture, and eat up public resources, the truth of the matter is that today's immigrants are no different than previous generations. They come to work hard and to support their families, not to take public resources or commit crimes. This is borne out in the majority of research studies on the subject, which conclude that, overall, immigrants are contributors to our economy and helpful to our local communities. They also bring a spiritual energy and richness which enriches our worship and Church.

Specifically, how do undocumented immigrants help our economy?

Fiscally, undocumented immigrants pay about \$7 billion into the Social Security System each year and as much as \$144 billion into the tax system-sales and income. The National Research Council found in 1997 that immigrants between 1990 and 1996 contributed net about \$500 billion. Undocumented immigrants also perform jobs in important industries: manufacturing, agriculture, retail and service, and construction.

What is a "guest worker" program? Won't such a program only encourage more illegal immigration?

A "guest worker" program is a political term for a program which provides temporary visas for migrant workers to come and work in specific industries, such as agriculture, service, and construction. The U.S. bishops have traditionally opposed such programs because they have traditionally lead to the exploitation of workers and the lowering of wages. The reality, however, is that we now have an unofficial "guest worker" program in our nation known as the undocumented population. They have no rights in the workplace but work hard and have no laws to protect them. The U.S. bishops support a program which protects the rights of both U.S. and foreign born workers and allows them the opportunity to assert their rights in the workplace. The bishops also support a program which gives workers the option to apply for permanent residency over time. By creating legal avenues for migration, we will reduce illegal immigration flows.

Some say that letting in too many immigrants, because they are often a cheap source of labor, could hurt the wages of workers already in the country. Is this known to be true?

Immigrant workers generally do not compete with U.S. workers for unskilled jobs. Some studies show that immigrant workers may have an impact on the job status and wages of low-skilled American workers, such as high school dropouts. The effect is minimal. Overall, however, immigrant workers fill crucial jobs in important industries that many Americans will not do, such as agriculture. By enacting immigration reform, the wages of immigrant workers will increase because they will be better able to assert their rights in the workplace and because the pool of unauthorized workers will dwindle.

Won't a more generous immigration policy risk allowing terrorists and other undesirables into the United States?

Quite the contrary. An immigration policy based on legality will ensure that government authorities can identify and monitor who is coming into the country. If a migrant comes in legally, they will identify themselves to the government and be subject to background checks and criminals and would-be terrorists can be weeded out. Now, persons who come in without papers are not known to the government and their whereabouts are not known.

What level of border enforcement do the bishops see as necessary and appropriate?

The U.S. bishops believe that comprehensive immigration reform will reduce the pressure on the southern border by letting migrants who otherwise would cross the border illegally to enter legally through ports of entry. It also would bring the undocumented population out of the shadows to identify themselves to the government. These policies would allow border patrol officials, who have a difficult task, to better protect us from smugglers and traffickers and other criminal elements. The erection of fences along our southern border will not necessarily stop illegal immigration but could lead to migrants depending more on unscrupulous smugglers and taking more dangerous routes through the desert.