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The pastoral concern of the Church...

Resolution on

**THE PASTORAL CONCERN  
OF THE CHURCH  
FOR THE PEOPLE  
ON THE MOVE**

**NATIONAL CONFERENCE  
OF  
CATHOLIC BISHOPS**

NOVEMBER 11, 1976

*Catholic Church and Social  
Problems*



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# **THE PASTORAL CONCERN OF THE CHURCH FOR PEOPLE ON THE MOVE**

**A Resolution approved by the  
NATIONAL CONFERENCE OF CATHOLIC BISHOPS**

**November 11, 1976**

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## **THE CHURCH AND THE IMMIGRANT TODAY**

**Background and Commentary  
Prepared by the NCCB Ad Hoc Committee  
on Migration and Tourism**

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# NATIONAL CONFERENCE OF CATHOLIC BISHOPS

## RESOLUTION ON THE PASTORAL CONCERN OF THE CHURCH FOR PEOPLE ON THE MOVE

**November 11, 1976**

“I was a stranger and you made me welcome.” (Mt. 25:35)

The movement of people seeking their daily bread and the protection of their human rights is a growing phenomenon of our times. Large scale international migration is due chiefly to demands for plentiful and cheap labor created by technological progress and patterns of investment or to political unrest. People cross international borders for seasonal work, for temporary work, and for permanent resettlement. In all too many cases human considerations, such as family life and family values, are sacrificed to economic ones.

Massive migration from underdeveloped countries and regions is a special phenomenon of our age. The United States alone receives about 400,000 new immigrants each year. Our country continues to attract immigrants as workers and refugees.

Many of today's immigrants are doubly marginal: they are forced to migrate because of inadequate resources and unequal distribution of goods; then, in their countries of adoption, they are sometimes ignored or subjected to new injustices. Perhaps it is because of such compounded injustice that Jesus specifically promises His Kingdom to those who recognize Him in the immigrant.

In his *Motu Proprio On the Pastoral Care of Migrants* Pope Paul called for a careful balance of the immigrant's rights and duties: to the right of emigration corresponds the duty to serve the common good, especially in developing countries (e.g., the problem of 'brain drain'); the right to be accepted as an immigrant is limited by the common good of the country receiving the immigrant; to the right of immigration corresponds the duty to adapt to the new environment; to the duty of serving the common



good in the country of origin corresponds the duty of the state to create jobs in the country of origin.

As a leaven in the world, the Church is called to participate in human affairs and to recognize in the poor, the afflicted, and the oppressed the presence of the Lord summoning the Christian community to action.

Seen in this evangelical perspective, immigrants, refugees, migrant workers, seamen and other people uprooted and on the move for survival and human dignity are a theological sign to the Christian community. They are among those signs of the times to which the Second Vatican Council called our attention in order to discern the working of God's will.

While the pastoral care of the Church is directed to all, it is especially imperative that it be extended to newcomers "driven by political or economic forces to move abroad." (*On the Pastoral Care of Migrants*, I, 1). Their human and spiritual needs are great. Furthermore, the Church has a natural concern in this area, for at least three reasons.

First, a high percentage of the new immigrants to our nation come from traditionally Catholic countries such as Mexico, Cuba, the Philippines, the Dominican Republic, Colombia, Portugal, Haiti, etc. Second, the changed character of the new immigrant population, now predominantly Latin American, Caribbean, and Asian, finds in the transnational character of the Church an appropriate catalyst for a healthy adaptation to a new life. Third, the background of many of these immigrants has accustomed them to look to the Church not only as a source of spiritual guidance, but also as a natural point of cultural and social reference.

Among the concrete issues facing newcomers to our country are questions pertaining to legislation and the administration of immigration laws, employment opportunities, and health and education benefits. Many special problems affect children, women, seamen and undocumented immigrants.

We are particularly concerned with the passage in October of 1976 of Public Law 94-571. While it does equalize visa issuance for both the eastern and western hemispheres, it causes a most serious hardship in the matter of family reunification, especially for natives of Mexico and Canada.

This is exemplified, first, by the fact that, whereas over the past few years immigration from Mexico, chargeable to the numerical ceiling, has averaged in excess of 40,000 visas per year, this present law now restricts it to 20,000. Secondly, restrictive conditions have been placed in this law which affect alien parents who have children born in the U.S. Both of these restrictions will hinder family reunification.

Therefore, we recommend:

1. That quota-ceilings for natives of Mexico and Canada be increased to 35,000 persons per year.

2. That the American citizen child, regardless of age, be in a position to facilitate his or her parents' immigration.

3. That in the light of humanitarian concerns and the preservation of family unity, a generous amnesty procedure be enacted for the undocumented aliens presently residing in the U.S.

4. That the administration and implementation of the immigration laws be reviewed and revised in order to eliminate arbitrary selective enforcement and to reflect humanitarian concerns.

5. That a new and broader definition of the category of "refugee" be given in order that we may provide a haven for oppressed people from any part of the world, regardless of their race, religion, color, or creed.

All of these concerns are treated in the pastoral response which has been prepared by the Conference's Committee on Migration and Tourism.

The Church, the People of God, is required by the Gospel and by its long tradition to promote and defend the human rights and dignity of people on the move, to advocate social remedies to their problems, and to foster opportunities for their spiritual and religious growth. We pledge ourselves and urge our brothers and sisters in the Lord, to resist injustices against immigrants, to assist them in their need, and to welcome them into our nation and our community of faith as fellow pilgrims on the journey to the Father. It is our duty and our privilege to respond in this way to the biblical injunction: "The stranger who sojourns with you shall be as the native among you and you shall love him as yourself." (Lv. 19:34)





**THE CHURCH  
AND THE  
IMMIGRANT TODAY:**

**THE PASTORAL CONCERN  
OF THE CHURCH  
FOR PEOPLE ON THE MOVE**

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# **THE CHURCH AND THE IMMIGRANT TODAY:**

## **THE PASTORAL CONCERN OF THE CHURCH FOR PEOPLE ON THE MOVE**

### **I. INTRODUCTION**

The postconciliar Church shares in the experiences of all men and women, acting as a leaven of new life in the attempt to satisfy their hunger for justice and liberty. "Action on behalf of justice," stated the Synod of Bishops in 1971, "and participation in the transformation of the world fully appear to us as a constitutive dimension of the preaching of the Gospel, or, in other words, of the Church's mission for the redemption of the human race and its liberation from every oppressive situation" (*Justice in the World*)

Thus Christians carry on Jesus' commandment to love God in one's neighbor and through the institutions and structures of the human family. In this way also they follow the example of Jesus, who came to "bring good news to the poor, to proclaim liberty to captives, new sight to the blind and to set the downtrodden free." (Lk. 4:18)

The gospel of peace and justice, however, which the aggiornamento documents of the Church embody with progressively clearer awareness of its social, national and international implications, must be continuously incarnated in the concrete decisions of personal choices and of public policy. Jesus was, after all, explicit in identifying himself with the hungry, the naked, the prisoners, and the stranger. (Mt. 25:31-46) In the course of history, people afflicted by disease, poverty and injustice have represented a presence of the Lord calling the Christian community to action.

Among the victims of political repression and destructive economic structures, immigrants and refugees are doubly marginal on the world's

scene. They are normally forced out of their native environment by inadequate resources and unjust distribution of goods; they are also often voiceless, forgotten, and discriminated against in the countries of adoption. Perhaps because of this compounded injustice, Jesus specifically promised his kingdom to those who recognize him in the immigrant: "I was a stranger and you made me welcome." (Mt. 25:35)

In light of the evangelical message, immigrants, refugees, migrant workers, seamen, and other people uprooted and on the move in order to survive and maintain human dignity become a theological sign for the Christian community. They are one of those strong "signs of the times" the Second Vatican Council asks us to read carefully in order to understand the unfolding action of God in the contemporary world. (*Gaudium et Spes*)

## II. FACTS

People on the move for their daily bread and the protection of their human rights constitute a growing social phenomenon of our times. Immigration did not end at the turn of the century. Nor does immigration today conform to the nostalgic descriptions in textbooks and historical films about settlers and pioneers conquering the wilderness or establishing idealized ethnic neighborhoods. Such depictions, not even historically accurate, are today even less so true to the facts.

International migration is mostly a large displacement of manpower in response to technological progress and to patterns of investment that create a demand for labor; frequently a demand for cheap labor to maximize profit and obtain a competitive advantage in the world's markets. The result is the accelerated mobility of modern society, which includes migration over international borders for seasonal work, for longer but basically temporary work, and for permanent settlement.

Massive migration from underdeveloped countries and regions of the world is greater today than at any other time in history. Poor and generally unskilled workers form a reservoir of manpower moving from the Caribbean area toward North America and Europe; from Latin America toward North America; from tropical Africa toward South Africa; from the Mediterranean basin toward Northern Europe and the Scandinavian countries. The pattern of migration seems to hold constant wherever the imbalance of development between industrialized and underdeveloped countries or geographical areas is more pronounced. Despite economic recession, Europe has about 11 million foreign workers from North Africa, southern Europe, Turkey, and Yugoslavia within its borders at the present time. The United States receives about 400,000 new immigrants from all over the world every year. The 1970 Census shows close to 10 million people born outside this country.



Contradictory official reports estimate between two and 12 million undocumented immigrants in the United States. In 1975, over 80,000 student visas were issued, over 150,000 refugees were welcomed, and there were between 850,000 to one million holders of "sojourners visas." (U.S. Department of State, Bureau of Security and Consular Affairs, 1975 Report of the Visa Office) The United States is still a country of immigration attracting business, workers and refugees.

The pastoral care of the Church in the area of immigration is directed to all persons regardless of race or religion. This is especially true with regard to the newcomers "driven by political or economic forces to move abroad" (*Pastoralis Migratorum Cura*, I, 1) since their real human and spiritual need is greater. But in addition, the Church must be generally concerned in this field. First, a high percentage of the new immigrants come from traditionally Catholic countries such as Mexico, Cuba, the Philippines, the Dominican Republic, Colombia, Portugal and Haiti. (INS, *Annual Reports*) Second, the changed source of immigration, with a predominance now of Latin American, Caribbean, and Asian immigrants, finds in the transnational character of the Church the best ambience for a healthy transition. Third, the traditionally rural background of these immigrants has accustomed them to rely on the Church as a natural point of cultural and social reference. The current volume of immigration and its social characteristics call the Christian community and society to respond in a constructive and efficient way to the biblical injunction: "The stranger who sojourns with you shall be as the native among you and you shall love him as yourself." (Lev. 19:34)

### III. THE TEACHING OF THE UNIVERSAL CHURCH

The response of the Church to the social and spiritual needs of immigrants has been articulated in numerous statements and pastoral initiatives which extend from the hospitality of the early Christian communities to the ethnic parishes of the Middle Ages and organized social assistance of modern times. The twofold function of teaching and action regarding migration reflects the usual procedure of the Church in the social field: "first, to enlighten the minds in order to assist them to discover the truth and to find the right path to follow amid the different teachings that call for her attention; and secondly to take part in action and spread, with a real care of service and effectiveness, the energies of the Gospel." (*Octogesima Adveniens*, 48) The teaching of the Church on migration has followed a clear evolution, from a juridical and intra-Church preoccupation to an emphasis on pastoral and world-wide service. The translation of the doctrinal achievements of the Church into social action has followed the same model of development, from liturgical and sacramental services to the liberation of the entire human person.



The doctrine, law, and action of the Church, however, remain conditioned by the social context of the local community where they are received. In the United States the plight of immigrants and their aspirations for justice are heard only sporadically, through personal initiatives and limited social and legal assistance.

In the aftermath of World War II massive displacement of people created an absurd situation to which Pope Pius XII responded in 1952 in the Apostolic Constitution *Exsul Familia* on the Spiritual Care of Migrants. *Exsul Familia* was limited by a dominant concern with refugees, by the European and Italian scene, and by a clerical outlook and focus on the clergy discipline. Nevertheless, it played an important historical role and brought out clearly the fact that emigration is a natural right. In synthesis, it stated that the natural law and Christian revelation call for an adequate distribution of earthly goods to all peoples, so that if a deficiency exists in his or her own country, a person has a right to emigrate to another. Although the true common good of the country of destination must also be considered, because of human solidarity, the norms of Christian charity and justice favor a broad application of the states' regulative affirmative laws. In his Christmas Address of 1952, Pius XII returned to the interplay between the individual right to migrate and the common good of a country and implied the possibility that the Church might have to take a position for the defense of this right which would be opposed to enacted legislation. He deplored the fact that "the natural right of the individual to be unhampered in immigration or emigration is not recognized or, in practice, is nullified under the pretext of a common good which is falsely understood or falsely applied, but sanctioned and made mandatory by legislative or administrative measures." [A.A.S., vol. 45 (1953) 42].

Pope John XXIII in *Pacem in Terris* and *Mater et Magistra* linked the phenomenon of emigration to social development in explicit terms. He called for equality of rights between immigrant workers and native workers and for migration or movement of capital rather than people. Pope John and the documents of the Second Vatican Council changed the Church's attitude toward migration. The question of spiritual assistance, in terms of administration of sacraments and preaching in the immigrants' language, and the duty of a rich or spacious country to accept displaced and poor people from overcrowded areas, shifted attention to the question of international justice. The right to the maintenance of one's language and culture, and to consequent pluralism in the local community and Church, is reconfirmed in the *Constitution on the Church in the Modern World*, in the *Decree on Bishops*, and in the *Constitution on the Liturgy*. The strongest language, however, is used to show the link between migration and social justice. The *Constitution on the Church in the Modern World* states: "Justice and equity require that . . .

when workers come from another country . . . the local people, especially public authorities, should all treat them not as mere tools of production, but as persons.” (66)

In 1969 the Holy See promulgated a more comprehensive statement pointing out the changed patterns of migration and pastoral needs of migrants and updating its position in line with the changes advocated by the Vatican Council. The *Motu Proprio on the Pastoral Care of Migrants* \* and the Instructions which accompanied it restate some general principles on the right to emigration, the social function of all goods, and the value of pluralism. A new definition of migrant is given. It is more extensive than definitions in previous documents and pronouncements and reflects some contemporary sociological notions on the powerlessness of people. Migrants are people who live outside their homeland or their own ethnic community and need special attention because of real necessity. They are among the marginal groups in society, voiceless people, the poor in earthly or social goods of whom Yahweh speaks in Exodus: “I have seen the miserable state of my people . . . I have heard their appeal to be free of their slavedrivers. Yes, I am well aware of their sufferings. I mean to deliver them.” (Ex. 3:1,7)

In the new document there is a careful balance of the immigrant’s rights and duties: to the right to emigration corresponds the duty to serve the common good, especially in developing countries (e.g., the problem of ‘brain drain’); the right to be accepted as an immigrant is limited by the common good of the country of immigration; to the right of immigration corresponds the duty of adapting to the new environment; to the duty of serving the common good in the country of emigration corresponds the duty of the state to create jobs in the country of emigration. *The Pastoral Care of Migrants*, consistent with the reforms of the Council, takes into account the principle of collegiality, the primary responsibility of pastors who have the territorial care of souls, the role of religious men and women, and the active participation of laypersons in a missionary and ecumenical spirit.

One recent proposal brings to a full circle the evolution of the thinking and teaching of the Church on migration, starting from the most general recognition of the right to emigrate and now arriving at the specification of particular rights for migrant persons: the demand for a statute for migrants. At first, the idea was presented in the *Apostolic Letter on the*

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\* In the documents of international organizations, including the Church, the term “migrant” refers to both immigrants and temporary migrant workers. The terms are used here in this broad sense when quoting or referring to such documents. Otherwise, “immigrant” or “temporary migrant worker” is used in reference to these two types of people in the American context.

*Eightieth Anniversary of Rerum Novarum* in 1971. "We are thinking of the precarious situation of a great number of emigrant workers," Pope Paul wrote, "whose condition as foreigners makes it all the more difficult for them to make any sort of social vindication, in spite of their real participation in the economic effort of the country that receives them. It is urgently necessary for people to go beyond a narrowly nationalist attitude in their regard and to give them a charter which will assure them a right to emigrate, favor their integration, facilitate their professional advancement and give them access to decent housing where, if such is the case, their families can join them." (*Octogesima Adveniens*, 17) On October 17, 1973, at the conclusion of the European Congress on Pastoral Work for Migrants, Pope Paul further elaborated on the statute for migrants. "This statute," the Pope said, "which might contain variations from one country to another, would guarantee the rights of migrants to respect of their personality, security of work, vocational training, family life, schooling for their children adapted to their needs, social insurance and freedom of speech and association." (Cf. *L'Osservatore Romano*, English Edition, Oct. 17, 1973)

The Church is not alone in advocating equality of treatment for immigrant workers and their families. Other persons of good will, international organizations, and governments of various countries have recently adopted guidelines directed at insuring greater justice in the legal, economic, social, and cultural fields. In 1975 the International Labor Organization adopted the Convention and Recommendation concerning Migrations in Abusive Conditions and the Promotion and Equality of Opportunity and Treatment of Migrant Workers. The Final Act of the Conference on Security and Cooperation in Europe signed in Helsinki, also in 1975, includes a section on the economic and social aspects of migrant labor as well as the importance of family reunion. The United Nations, the World Health Organization, UNESCO, the International Nongovernmental Organizations, among others, and the World Council of Churches in particular share both in the call for the protection of the rights of immigrants and in the new understanding of the causes of the phenomenon of emigration.

Interdependence as a more obvious social reality today, the urgency of a new economic order, universal participation in the world's resources and their management, the right of development—these are all elements of a new framework within which the phenomenon of migration is interpreted and judged as a form of liberation and fulfillment of the entire human person. The Church has constantly affirmed the right to emigrate, that all creation is held in common by all mankind, and that there are limits to nationalism. The ultimate objective has been to ensure to every person growth to the full measure of Christ. Immigrants therefore remind the Christian community and all persons of good will of an



urgent, two-fold aspiration of today's society: the development and fulfillment of the individual, and just relations between countries. For both poor individuals and poor countries have a right to share in the progress and enjoyment of orderly living. In the Church's vision of the supernatural calling of the human person, specific issues which affect immigrants in regions of their work assume their proper perspective. On the other hand, this universal vision respects and in fact calls for a plurality of responses in line with local needs. "It is up to the Christian communities to analyze with objectivity the situation which is proper to their own country." (*Octogesima Adveniens*, 50) This demand of our faith asks that the community face the urgent and concrete needs of the immigrants within our gates.

#### **IV. PRACTICAL ISSUES IN THE U.S.A.**

In addition to doctrinal teaching and advocacy on behalf of immigrants, the Church has the responsibility to speak out on concrete issues affecting the life of immigrants now among us or seeking entrance into the United States. Public policy sets the framework within which immigrants seek to adjust and grow as people and children of God. Among the many needs, the following stand out.

##### **1. Legislation**

A. For over the past 50 years immigration legislation divided the world into a Western Hemisphere (the Americas) and an Eastern Hemisphere (all other countries) for purposes of granting immigrant visas. The system, which initially favored the Western Hemisphere, was changed in 1965 with the effect of creating prolonged waiting periods for natives of the Western Hemisphere and splitting up families. Important amendments which were enacted in October, 1976, including the application of a common preference system and adjustment of status regardless of the country of birth, have virtually eliminated the differences in the treatment of the two Hemispheres. Justice and equity demand that all hemispheric distinctions be abolished.

Unfortunately, however, this new law drastically curtails Mexican immigration; traditionally that of family reunion. Legislation is needed to provide increased quota numbers (e.g., 35,000) for Mexico and to enable U.S. citizen children, regardless of age, to facilitate the admission of their parents.

B. The current definition of refugees in U.S. immigration law is very restrictive in scope. A proposal pending in Congress to adopt the United Nations' definition which is widely accepted both in the United States and abroad as a more realistic definition of a true refugee, should be incorporated into immigration legislation. Thus those who must flee

tyranny can be welcomed as part of this country's commitment, along with other countries, to accept its fair share of those oppressed because of political views, religion, or ethnicity.

C. Foreign born persons in the United States are not covered by the Civil Rights Act of 1964 with respect to their alienage. Also it is legal for private employers to deny employment to a permanent resident alien lawfully in the U.S. because he or she is an alien. The traditions of this country and simple justice make it clear that all persons should be treated equally and that if a person is judged acceptable to be a permanent resident, that should not be a license to discriminate because he or she is foreign born. Therefore, the Civil Rights Act and other legislation ought to be amended to protect and provide equal treatment for all residents and citizens. The areas where equal treatment should be guaranteed are, for example: private employment, housing, ownership of property, civil service jobs, residence, use of federal courts, licenses, armed services, welfare benefits, etc.

D. A major reason for worldwide migration is the lack of jobs in developing countries. More emphasis should be put on the use of foreign aid to increase development and stimulate jobs for persons in their own countries. Such an approach will contribute to a more just distribution of the world's resources and reduce pressure on people to leave the country of their birth and culture. In line with this, the United States should not encourage the movement of skilled and professional people from developing countries. Thus, the special preference afforded by the U.S. to highly skilled persons should be restricted. Our immigration policy should not encourage a flow of educated persons needed for development in other countries, but should instead focus primarily on reuniting families. It does not make good sense to direct foreign aid to developing countries and at the same time receive reverse foreign aid in the form of professional persons whose talents are badly needed in the same countries. The law should, however, provide in a most limited way for the admission of the individual with exceptional talents which cannot be developed or utilized in his own country.

E. Currently no statute of limitations on deportation exists. The basic principle of a statute of limitations ought to be embodied in legislation. At present an immigrant who is a permanent resident and has committed certain crimes may be deported although he or she has been a resident since the age of two and the deportation takes place at age sixty. This is highly inappropriate, since in such a case the conduct may be the result of the person's experience in the United States and not the result of the environment or other factors in his or her country of origin. The protection of individuals, as well as acceptance of this country's responsibility for fostering or influencing behavior, should be reflected in a reasonable statute of limitations.



F. Immigrants to the United States, even though they are permanent legal residents, suffer certain liabilities such as:

1. They cannot hold certain types of employment, such as being a law enforcement officer, or jobs that involve making or implementing public policies.
2. They cannot be officers in the armed forces though they are subject to draft laws.
3. They are restricted in their rights to own real property.
4. They are restricted in their exercise of the right to sue in federal courts.
5. They have no vested right to remain in this country. There are two major reasons for this:
  - a) Because they are always subject to congressional legislation and Congress is not prevented from making laws which discriminate even unreasonably against aliens. Thus aliens are not protected by the constitutional prohibition of ex post facto laws. This means that at any time, Congress could create grounds for deportation and these grounds would apply retroactively even though when the immigrant came into the United States those grounds did not exist.
  - b) Misconduct may subject immigrants to deportation.
6. Private employers are not prohibited from discriminating against aliens.
7. They cannot serve on juries.

## **2. Administration of Immigration Law**

A. The United States espouses the principle of a government of law not of men. But law must be administered, and occasions arise when discretionary authority can lead to results unintended by or even contrary to the intent of legislators. Therefore, Congress should review the patterns of visa issuance and assignment of U.S. government personnel to issue visas, in order to ensure that criteria for visa issuance are not influenced by political or temporary foreign policy decisions to punish a government or to defuse political situations by opening or closing the valve on visas. The foreign policy implications of immigration policy ought to be considered and included in the law when it is framed.

B. Provision in law should be made for a Visa Review Board within

the Department of State with authority not only to review but also to modify or reverse decisions of American consular officers as regards denials of immigrant visas. Such a Board through its decisions would ensure more uniform application of the law by every consular officer in every post throughout the world.

### **3. Children**

Too frequently children feel the greatest burden of immigration. The difficulties of parents in adjusting are often compounded by injustices to children which would not be tolerated if they were adults.

A. Most children born in the United States are citizens. But their protection under the Constitution is often an academic question if for some reason one or both of their parents are found ineligible to enter or stay in the United States. The child, a U.S. citizen, is forced to depart with his or her parents. Therefore citizenship laws and the rights of minor citizens ought to be protected in order to avoid the de facto deprivation of rights of minor U.S. citizens prevented from residing in this country with their parents.

B. Children in the United States ought to have access to education. Even if their parents are here illegally, alien children should not be punished. To be sure, some added burden will result, but there is no justification for denying an innocent child access to rudimentary education. It is even less tolerable to demand proof from a citizen child that his or her parents are legally residents.

C. Educational policy should be oriented to familiarize the child with the cultures of the family and the U.S. multilingual and multicultural programs and other methods ought to be encouraged in order to engender knowledge and respect of the child's origin and family traditions as well as those of the United States, which has benefited from the contributions of persons from many nations. This should be especially the case in Catholic schools.

D. Textbooks and other teaching materials ought to reflect not only the historical but the current immigration scene in the United States and elsewhere. The contributions of the plurality of cultures to this and other countries and to humanity in general should be emphasized in materials on history, geography, literature, the arts, and sciences. Thus, the interdependence of humanity as the basis of progress and development will be underscored, and an appreciation of the resources of our own and other cultures will be fostered.

Again, particular attention should be paid to materials used in Catholic schools.

## **4. Employment**

The protection of all workers is an important function of any government as well as labor unions.

A. More attention should be given the enforcement of wage and working conditions laws by the Department of Labor. The provisions should be extended where necessary.

B. Labor unions should make special efforts to avoid discrimination in their ranks and to organize workers, especially in industries and areas where immigrants and migrant workers are concentrated. The great traditions of labor unions and their deep roots in the immigrant experience especially fit them to understand the needs of such workers and to extend and protect the hard-won benefits of their membership. They should continue the tradition of education to foster the personal growth and skills of workers.

C. Government agencies and unions should work to secure and protect the civil rights of citizens, resident aliens and migrant workers, including access to employment without discrimination, fair wages and working conditions and equal benefits for equal work.

D. Laws should be passed and enforced against transporting strike breakers which results in pitting worker against worker and reducing access to basic human rights and a decent living.

## **5. Social Security and Health**

A. The benefits of Social Security and health systems should be guaranteed to all eligible persons. In addition to citizens and permanent residents, special attention should be paid to migrant workers who enter the United States under programs for seasonal or temporary work, particularly in agriculture.

B. Access to health facilities and medical treatment is necessary not only because of the rights and needs of immigrants and temporary workers but for reasons of public health. Policy and program coordination at the federal, state, and local levels is especially needed for migrant workers while in the United States.

## **6. Temporary Migrant Workers**

Under special programs about 40,000 temporary migrant workers enter the United States annually. The Migrant Workers Convention of 1975 and Migrant Workers Recommendation of 1975 of the International Labor Organization (ILO) should be ratified and implemented. These include guaranteeing equality in treatment in matters of employ-



ment, health, social security, trade union membership, cultural freedoms.

## **7. Women**

One of the glaring gaps in our knowledge about immigrants in the United States is what happens after they arrive. Knowledge about and attention to the experience of women immigrants are especially lacking. Frequently they have the double burden of care of home and children and of participation in the work force. When not in the labor force, immigrant women at home are truly forgotten people whose isolation as homemakers and mothers is magnified by being immigrants in a strange land. Special attention must be given to meeting the psychological, educational, and spiritual needs of immigrant women who are working mothers or raising families at home.

## **8. Seamen**

A special category of people on the move, often forgotten even by those with special care for migrants, are seamen. They are often unprotected by contracts and the guarantees of minimal workers' rights. Once at sea, they are frequently at the mercy of ships' masters because the countries under which many ships sail have little social and labor legislation and little interest in such legislation. The seamen, the owning company, and the ship's registry are frequently under the jurisdiction of three different countries. No clear lines of responsibility or initiative exist to protect seamen. Nor are their families protected in case of accident or death. It is imperative to conclude international agreements and enforcement procedures to protect the personal liberty and rights of seamen as people and workers whether in port or at sea.

## **9. Naturalization**

In order to lead the newcomer to full participation in the civic life of the new country, it is important to support programs that help him or her meet the requirements for citizenship. The local churches should encourage such programs and, where appropriate, cooperate with public and voluntary agencies which offer them.

## **10. Discrimination**

The foreign born have too often been scapegoats for domestic problems in the United States. As a nation of immigrants it is time we discarded nativism and fear of foreigners. It should not be necessary to recount the long list of contributions of immigrants in building the United States. Welcoming the stranger not only aids us all in the building of the nation, it fulfills the biblical injunction and carries on the

long Christian tradition of hospitality. Underlying all the particular recommendations here is the very practical, although less concrete, need for a change of heart. At the very least we must shed the fear of foreigners and stop using them as easy targets for our frustrations. Such attitudes and the actions they generate solve no problems. Instead, welcome should be fostered and encouraged in our words and actions.

## **11. Spiritual Growth**

Respect for human rights and dignity, which all the above recommendations are meant to foster, is necessary for spiritual growth. For one who is an outcast, mistreated, denied access to basic rights and equal treatment, it is hard to grow as a person and especially to develop spiritually. Just as it is difficult to pray on an empty stomach, so it is hard to concentrate when one is worried about one's family and their basic security, or when one is treated as less than equal. By both outright and subtle discrimination the mind is poisoned and time and energy are sapped by the struggle to maintain one's dignity as a person. The spiritual mission of the Church demands, therefore, that basic rights and respect for human dignity be preserved and fostered for all, whether native or foreign born, citizen or resident, alien or migrant worker.

## **V. UNDOCUMENTED ALIENS**

A most critical social issue is the presence in the United States of a very large number of undocumented workers and their families. These aliens are legally non-persons, vulnerable to exploitation and prejudice. The Church, teacher and mother to all but particularly the more neglected of its children, has a duty to raise its voice in their defense, because of its universal mission to mankind beyond national boundaries and its vocation as a leaven in society for justice beyond the often inadequate provisions of law. Aliens who entered the country without inspection, or overstayed the time allowed, or violated the terms of their visas find themselves without adequate documentation and the consequent protection of many social laws. Extensive debate and several legislative proposals have been offered to regulate the situation of undocumented aliens. The tendency, however, has been to transform a social issue into a problem of police control clouded by emotionalism.

### **1. General Considerations**

Sound legislation in this area of immigration policy is badly needed. It must be enacted on the basis of an understanding of the political and economic realities which produce undocumented aliens: for example, a shortsighted legal definition of "refugee." Legitimate concern to prevent recurrence of the present critical situation in the future should not



distract from the need to give separate consideration to immigrants who are already in the United States and are active members of their new communities. The fact that undocumented aliens are here and are employed should be taken into consideration in assessing the responsibility of the United States government in allowing the present situation to come about.

In any case, a just solution to this problem cannot be achieved apart from legalization of their status, with a residency cutoff date for eligibility but without charging them against the numerical ceilings for immigrants from their countries of origin. Without such legislation, an underground society of undocumented persons may become a more dehumanizing and taxing problem than the current phenomenon.

The resources of the Immigration Service should be utilized for prevention rather than apprehension and deportation. Preventive control and effective enforcement of the wage and hour laws for all workers (to reduce the economic incentive of hiring undocumented immigrants as cheap labor) will help keep the problem from recurring. The alternative, penalizing employers of undocumented immigrants, would open the door to fraud and to discrimination in hiring: persons who look "foreign" or speak English poorly (or not at all) might not be hired, even though they are citizens or resident aliens, because employers might fear, or pretend to fear, sanctions for hiring an undocumented alien. The United States Commission on Civil Rights has presented the same analysis of the effects of employer sanction legislation to the House Subcommittee on Civil Rights. The Commission stated that proposed legislation "will have a direct discriminatory effect on minority persons seeking employment, whether they are citizens or aliens authorized to work in the United States."

## **2. Administration**

Due to the recent economic recession, the presence of undocumented immigrants has received wide public attention. They have been made scapegoats and blamed for unemployment and welfare costs. In fact, we know little of their impact on the economy. Sensational stories and carefully chosen anecdotes are presented to substantiate sweeping condemnations. Devotion to truth and basic principles of justice should lead us to condemn such wholesale attacks. More difficult questions must be asked. For example, why are these people here and working? What has been the attitude of our government in the past in countenancing their entry?

In the meantime, the crisis mentality that has been created has led to a number of practices which cause serious problems in ethnic communities. Law enforcement officials conduct sweeps and raids at places

of work, on public transportation, and in homes. The resulting fear, separations, and incarceration, often on little or no evidence, are producing a police state mentality affecting not only the undocumented migrants but also citizens and resident aliens.

The tactic of sweeps and raids is but one indication of the erratic and unequal enforcement of immigration law. The Immigration Service itself admits it cannot enforce the law. This unnecessary suffering and fear and this unequal dispensing of a questionable justice can be eliminated by granting amnesty as proposed and concentrating enforcement on future prevention.

Both future prevention and protection of persons in the United States from exploitation will be furthered by a more active enforcement of labor laws by the federal and state departments of labor and other agencies involved in regulating industries where immigrants are concentrated.

### **3. Privacy**

The crisis mentality about undocumented immigrants is also leading to the breakdown of other protections of basic rights of individuals. All too often information given in confidence to health, welfare and educational agencies is passed on to law enforcement officials. Using confidential information in order to inform on undocumented aliens is intolerable. One consequence is that people tend to avoid such agencies, with resulting danger to public health and safety, as well as the health and safety of the persons involved directly. If confidentiality can be violated in one instance, why not others? Violations of people's right to privacy are an injustice to them and potentially to all citizens and residents of the country.

We would go further, in fact, and suggest rescinding the provisions in the 1972 amendments for the Social Security Act which require the Department of Health, Education and Welfare, through the Social Security Administration, to pass on information on aliens to the Immigration and Naturalization Service. Given the massive amount of information which government agencies have, passing along such information, given in answer to questions about health, pension, tax or other public programs, whether mandatory or voluntary, is a threat not only to privacy but personal liberty. Not only should we not tolerate the mandatory exchange of information, we should guard against even its possibility. We must avoid making every government official a policeman and every encounter with the government a judicial process in which anything a person says can be used against him or her.

Finally, the crisis mentality has produced a flurry of proposals for a national identification card indicating citizenship and the right to work.

Many point to other countries where such identification papers are routine and without harmful effects. But is our vision so limited and our memory so short? Identification papers are used today to control people's lives in many countries; they have led and still lead to arrest, imprisonment, and extermination of innocent people for no greater crime than their ethnicity or their religious or political beliefs. Our nation's 200 years of experience of an open and free society are a powerful argument against the need of government control and information on the private lives of people. We see no reason for all persons to carry identity cards, especially not in response to a crisis mentality which produces fears, seeks scapegoats, and blindly rushes to embrace control and security at the possible price of losing freedom, as others have done.

#### **4. Public Opinion**

“Contemporary consciousness demands truth in the communications systems including the right to the image offered by the media and the opportunity to correct its manipulation.” (*Justice in the World*, 26) Undocumented immigrants, however, unable to speak up for themselves because of language barriers and lack of access to the media, find that their image is often misrepresented, either by policy of official agencies or direct prejudice. The dissemination of information regarding undocumented immigrants has succumbed to shortsighted objectives of bureaucratic growth, thus reducing immigrants and their families to means for organizational power and making them scapegoats for current economic problems, of which they are victims rather than causes. The facts about undocumented immigrants should be presented to the public in the context of the causes of emigration as well as the problematic situation in which such immigrants find themselves.

Most statements about undocumented migrants are based on information supplied by the Immigration and Naturalization Service. The factual basis of the information is admittedly weak. Scattered pieces of information, coupled with broad assumptions, result in what are essentially guesses about the number and impact of undocumented migrants. Neither Congress nor the administration has demonstrated that it has adequate information on the scope of the problem or the effects of proposed legislative solutions. The Bureau of Census and the Congressional Research Services have both criticized the research which is the basis for estimates concerning the number of undocumented immigrants and their impact. Public officials have no idea how many undocumented persons are in the country. Estimates have ranged from 2 to 12 million. It is not known whether they are holding jobs which either citizens or resident aliens would be willing to accept. It is only possible to guess at the additional costs being created by increased needs for public



services and at the amount of money being sent out of the country to their homelands by undocumented immigrants. Estimates gloss over the probability of underuse of public services due to fear of detection. They underplay the contributions to taxation, social security, and hospitalization programs. They ignore the contributions to the economy of the labor and consumer activities of these people.

Truth requires a firmer factual basis for statements about undocumented immigrants. The easy route is to blame them for our troubles. Even the popular phrase "illegal alien" stigmatizes them as criminals, personally responsible both for the economic and social conditions which have impelled them to move and for those which face them in the United States.

The public media can play a useful role by employing the methods of investigative reporting, going beyond statements of government officials and trying to present a factual framework in which to understand the phenomena which impel movement, the motives and aspirations of the migrants, and the problems they face as well as burdens they may cause.

The picture has been generally onesided. Forgotten, behind unfounded statistics and generalizations, are people. Better information and a more balanced image may lead to efforts to improve economic and social conditions in the countries of emigration, to more humane responses to people already here, to effective efforts at future prevention not only by border control but also by diplomatic and economic measures to encourage sending countries to take steps to increase employment, rural development, and other steps. In short, the media can help make clear the problem is not just the personal problem of the migrant, and not even a national problem: it is an international problem found throughout the world which has its roots in uneven development and unequal access to the fruits of the earth.

## **VI. PASTORAL ANSWER OF THE CHURCH**

Confronted with the persistence of migration and the complex practical issues it entails, the Church advocates specific legislative and social remedies so that the immigrants may find the human dignity and material prerequisites necessary for the moral growth and religious life. In fact, the Church approaches the phenomenon of immigration as a whole. The Church teaches and gives a doctrinal interpretation of migration. Its prophetic role prompts it to speak up as the conscience of society against the injustices against immigrants. As a community of faith it calls all peoples to be the People of God. This call to unity, however, must take into account the different points of departure of the various immigrant communities whose cultural heritage has shaped religious tradi-

tions and life styles. For this reason, catechesis and liturgy must adapt to cultural diversity and different languages for an effective communication of the Gospel message.

The achievement of this indispensable goal requires specialized pastoral service. It is not enough to organize social assistance in the Church. Social assistance for employment, health care, and legal protection is an important but only partial step in building the local Church community. Justice within the sanctuary would not be achieved if immigrants were welcomed only on the level of case work. An adequate response by the Church demands institutional equality and structural participation by the immigrants, as the *Apostolic Letter and Instruction on the Care of Migrants* shows. (Cf. C. IV. Norms for Ordinaries of the Place) While the immigrants have the duty to work for one local Christian community, they have a right to meet their special needs through special institutions, in a process leading to unity, not divisiveness, as the historical development of American Catholicism indicates and theological reflection supports. In fact, by valuing the cultural styles of diverse groups of people forming the Christian community, the Church shows that they are all relative and ultimately non-essential before the absolute and universal value of redemption and the consequent transformation of all ways, cultures, and styles into the "new creation." In addition, the human experience portrayed in revelation speaks of the evolution of the human condition, from its expression in the Tower of Babel and its many languages to the one universal language of love brought about by the Spirit sent by Christ from the Father on Pentecost. Therefore the methods and provisions adopted for the participation of the immigrants in the continued rebuilding of the Christian community are simply a process of response to genuine Christian life.

While the directives and recommendations of *Pastoralis Migratorum Cura* remain valid and effective at the national and diocesan levels, diocesan offices for effective coordination of pastoral ministry to newcomers, communications media for them, and consciousness-raising within the Christian community and society at large must be emphasized. A most important pastoral response is the establishment of ecclesiastical institutions on the level of the immigrant neighborhood, if this is the case, or beyond geographical boundaries at the level of the functioning network of the immigrant community, so that the immigrants may feel at home in the awareness of their mutual solidarity and participation in the life of their new society and in the respect accorded their cultural identity.

The fluctuating nature of the immigration phenomenon, on the other hand, requires creative approaches to meet the spiritual needs of immigrants. These may include specialized pastoral teams, organizations and



structures which may cut across the regular institutional framework of the receiving local Church. These approaches should be limited in time according to the ebb and flow of immigration and the ethnic succession in the immigrant neighborhoods. However, they should provide a focal point for identification of immigrants with the institutions of the Church and for the building of a real Christian community.

It is consistent with the peculiar characteristics of the immigration phenomenon, marked as it is by extraordinary mobility, that bilateral agreements between episcopal conferences of the countries of immigration and emigration be undertaken. Thus, temporary incardination of priests from the countries of emigration, exchanges for the training of priests and seminarians in the receiving Church, the use of specialized religious communities, are some practical steps which have proven effective in pastoral work and should be utilized with increased flexibility. The same experience, however, shows the mistake and damaging pastoral consequences of responding to the needs of immigrant groups with superficial knowledge of their language and culture, with the result that the Church fails in its mission of building communities of faith.

The Church has no fear of being "foreign," because it is in pilgrimage to the Father everywhere and totally at home wherever God's children are found.

## VII. CONCLUSION

The Holy Father asks: "Can it not be said that through the migratory phenomenon . . . God invites us to pull down the barriers of racism and to do away with economic and political selfishness?" (*L'Osservatore Romano*, Nov. 1, 1974, p. 5) As a sign of the human family without barriers, immigrants expect from the Christian community and from society an immediate implementation of old and new experiments of social ministry which free them from cultural and social marginality. A nation and a Church built by immigrants can properly celebrate only by continuing the work for "liberty and justice for all," including the voiceless immigrants of today, whose intelligence and labor in turn continue to build our community and us as a people. The ultimate goal is the achievement of that just social order in which the emigration of capital, export of technical assistance, the concessions of favorable terms of trade to the less developed countries, and similar arrangements will bring about a state of affairs in which no one is forced to emigrate for freedom and human dignity yet all are free to do so in pursuit of their happiness.





