

CATHOLIC SOCIAL TEACHING ON IMMIGRATION AND THE MOVEMENT OF PEOPLES

Biblical Vision of Love for Strangers

Both the Old and New Testaments tell compelling stories of refugees forced to flee because of oppression. Exodus tells the story of the Chosen People, Israel, who were victims of bitter slavery in Egypt. They were utterly helpless by themselves, but with God's powerful intervention they were able to escape and take refuge in the desert. For forty years they lived as wanderers with no homeland of their own. Finally, God fulfilled his ancient promise and settled them on the land that they could finally call home.

The Israelites' experience of living as homeless aliens was so painful and frightening that God ordered his people for all time to have special care for the alien: "You shall treat the alien who resides with you no differently than the natives born among you; have the same love for him as for yourself; for you too were once aliens in the land of Egypt" (Lv 19:33-34).

The New Testament begins with Matthew's story of Joseph and Mary's escape to Egypt with their newborn son, Jesus, because the paranoid and jealous King Herod wanted to kill the infant. Our Savior himself lived as a refugee because his own land was not safe.

Jesus reiterates the Old Testament command to love and care for the stranger, a criterion by which we shall be judged: "For I was hungry and you gave me food, I was thirsty and you gave me drink, a stranger and you welcomed me" (Mt 25:35).

The Apostle Paul asserts the absolute equality of all people before God: "There is neither Jew nor Greek . . . for you are all one in Christ Jesus" (Gal 3:28). In Christ, the human race is one before God, equal in dignity and rights.

Three Basic Principles of Catholic Social Teaching on Immigration

Although Catholic theology has always promoted human rights rooted in natural law and God's revelation, it was the encyclical *Rerum Novarum* (*On the Condition of Labor*) in 1891 that developed a systematic presentation of principles of the rights and responsibilities of people. *Rerum Novarum* commented on the situation of immigrants; in later documents, popes and bishops' conferences have synthesized the Catholic theological tradition to articulate three basic principles on immigration.

First Principle: People have the right to migrate to sustain their lives and the lives of their families.

At the end of World War II, with the fall of the Nazi empire and the subsequent creation of the Soviet "Iron Curtain," Europe faced an unprecedented migration of millions of people seeking safety, food, and freedom. At that time, Pope Pius XII wrote *Exsul Familia* (*The Emigre Family*), placing the Church squarely on the side of those seeking a better life by fleeing their homes.

When there is a massive movement of people such as during a war, natural disaster, or famine, the lands that receive these displaced people may be threatened. The influx may

make it impossible for the native population to live securely, as the land may not have enough resources to support both. Even in more orderly migrations, such as in the United States, citizens and residents of the land may fear that newcomers will take jobs, land, and resources, impoverishing the people already present.

Because of the belief that newcomers compete for scarce resources, immigrants and refugees are at times driven away, resented, or despised. Nevertheless, the first principle of Catholic social teaching regarding immigrants is that people have the right to migrate to sustain their lives and the lives of their families. This is based on biblical and ancient Christian teaching that the goods of the earth belong to all people. While the right to private property is defended in Catholic social teaching, individuals do not have the right to use private property without regard for the common good.

Every person has an equal right to receive from the earth what is necessary for life—food, clothing, shelter. Moreover, every person has the right to education, medical care, religion, and the expression of one's culture. In many places people live in fear, danger, or dehumanizing poverty. Clearly, it is not God's will that some of his children live in luxury while others have nothing. In Luke's Gospel, the rich man was condemned for living well while the poor man starved at his doorstep (Lk 16:19-31).

The native does not have superior rights over the immigrant. Before God all are equal; the earth was given by God to all. When a person cannot achieve a meaningful life in his or her own land, that person has the right to move.

Second Principle: A country has the right to regulate its borders and to control immigration.

The overriding principle of all Catholic social teaching is that individuals must make economic, political, and social decisions not out of shortsighted self-interest, but with regard for the common good. That means that a moral person cannot consider only what is good for his or her own self and family, but must act with the good of all people as his or her guiding principle.

While individuals have the right to move in search of a safe and humane life, no country is bound to accept all those who wish to resettle there. By this principle the Church recognizes that most immigration is ultimately not something to celebrate. Ordinarily, people do not leave the security of their own land and culture just to seek adventure in a new place or merely to enhance their standard of living. Instead, they migrate because they are desperate and the opportunity for a safe and secure life does not exist in their own land. Immigrants and refugees endure many hardships and often long for the homes they left behind. As Americans we should cherish and celebrate the contributions of immigrants and their cultures; however, we should work to make it unnecessary for people to leave their own land.

Because there seems to be no end to poverty, war, and misery in the world, developed nations will continue to experience pressure from many peoples who desire to resettle in their lands. Catholic social teaching is realistic: While people have the right to move, no country has the duty to receive so many immigrants that its social and economic life are jeopardized.

For this reason, Catholics should not view the work of the federal government and its immigration control as negative or evil. Those who work to enforce our nation's immigration laws often do so out of a sense of loyalty to the common good and compassion for poor

people seeking a better life. In an ideal world, there would be no need for immigration control. The Church recognizes that this ideal world has not yet been achieved.

Third Principle: A country must regulate its borders with justice and mercy.

The second principle of Catholic social teaching may seem to negate the first principle. However, principles one and two must be understood in the context of principle three. And all Catholic social teaching must be understood in light of the absolute equality of all people and the commitment to the common good.

A country's regulation of borders and control of immigration must be governed by concern for all people and by mercy and justice. A nation may not simply decide that it wants to provide for its own people and no others. A sincere commitment to the needs of all must prevail.

In our modern world where communication and travel are much easier, the burden of emergencies cannot be placed solely on nations immediately adjacent to the crises. Justice dictates that the world community contribute resources toward shelter, food, medical services and basic welfare.

Even in the case of less urgent migrations, a developed nation's right to limit immigration must be based on justice, mercy, and the common good, not on self-interest. Moreover, immigration policy ought to take into account other important values such as the right of families to live together. A merciful immigration policy will not force married couples or children to live separated from their families for long periods.

Undocumented immigrants present a special concern. Often their presence is considered criminal since they arrive without legal permission. Under the harshest view, undocumented people may be regarded as undeserving of rights or services. This is not the view of Catholic social teaching. The Catholic Church teaches that every person has basic human rights and is entitled to have basic human needs met—food, shelter, clothing, education, and health care. Undocumented persons are particularly vulnerable to exploitation by employers, and they are not able to complain because of the fear of discovery and deportation. Current immigration policy that criminalizes the mere attempt to immigrate and imprisons immigrants who have committed no crime or who have already served a just sentence for a crime is immoral. In the Bible, God promises that our judgment will be based on our treatment of the most vulnerable. Before God we cannot excuse inhumane treatment of certain persons by claiming that their lack of legal status deprives them of rights given by the Creator.

Finally, immigration policy that allows people to live here and contribute to society for years but refuses to offer them the opportunity to achieve legal status does not serve the common good. The presence of millions of people living without easy access to basic human rights and necessities is a great injustice.

It is the position of the Catholic Church that pastoral, educational, medical, and social services provided by the Church are never conditioned on legal status. All persons are invited to participate in our parishes, attend our schools, and receive other services offered by our institutions and programs.

UNITED NATIONS CONVENTIONS

***Universal Declaration of Human Rights Article 15**

Everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality, nor denied the right to change his nationality. (Article 15,

***Convention on the Rights of the Child**

Article 7 states that every child has the right to acquire a nationality,

***Convention on the Elimination of all Forms of Racial Discrimination**

Article 5 of the requires States to “prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights...the right to nationality.”

***International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (International Migration Convention)**

<http://www.unesco.org/new/en/social-and-human-sciences/themes/international-migration/international-migration-convention/>

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families entered into force in July 2003. Its primary objective is to protect migrant workers and their families, a particularly vulnerable population, from exploitation and the violation of their human rights.

- **Rights of undocumented ('illegal') workers**

The Convention recognizes that "the human problems involved in migration are even more serious in the case of irregular migration" and the need to encourage appropriate action "to prevent and eliminate clandestine movements and trafficking in migrant workers, while at the same time assuring the protection of their fundamental rights" (Preamble). As measures for preventing and eliminating illegal labour migration, the Convention proposes that the States concerned should collaborate in taking appropriate actions against the dissemination of misleading information relating to emigration and immigration, to detect and eradicate illegal or clandestine movements of migrant workers and impose sanctions on those who are responsible for organising and operating such movements as well as employers of illegal migrant workers (Art. 68). However, the fundamental rights of undocumented migrant workers are protected by the Convention Art. 8 - 35).

*** Protocol To Prevent, Suppress And Punish Trafficking In Persons, Especially Women And Children, Supplementing The United Nations Convention Against Transnational organized Crime (Palermo Protocol)**

<http://www.osce.org/odihr/19223?download=true>

Preamble

The States Parties to this Protocol, Declaring that effective action to prevent and combat trafficking in persons, especially women and children, requires a comprehensive international approach in the countries of origin, transit and destination that includes measures to prevent such trafficking, to punish the traffickers and to protect the victims of such trafficking, including by protecting their internationally recognized human rights...

II. Protection of victims of trafficking in persons.

Article 6 Assistance to and protection of victims of trafficking in persons.

1. In appropriate cases and to the extent possible under its domestic law, each State Party shall protect the privacy and identity of victims of trafficking in persons, including, *inter alia*, by making legal proceedings relating to such trafficking confidential.

2. Each State Party shall ensure that its domestic legal or administrative system contains measures that provide to victims of trafficking in persons, in appropriate cases: (a) Information on relevant court and administrative proceedings; (b) Assistance to enable their views and concerns to be presented and considered at appropriate stages of criminal proceedings against offenders, in a manner not prejudicial to the rights of the defence.

3. Each State Party shall consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, including, in appropriate cases, in cooperation with non-governmental organizations, other relevant organizations and other elements of civil society, and, in particular, the provision of: (a) Appropriate housing; (b) Counselling and information, in particular as regards their legal rights, in a language that the victims of trafficking in persons can understand; (c) Medical, psychological and material assistance; and (d) Employment, educational and training opportunities.

4. Each State Party shall take into account, in applying the provisions of this article, the age, gender and special needs of victims of trafficking in persons, in particular the special needs of children, including appropriate housing, education and care.

5. Each State Party shall endeavour to provide for the physical safety of victims of trafficking in persons while they are within its territory.

6. Each State Party shall ensure that its domestic legal system contains measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered.

Article 7 Status of victims of trafficking in persons in receiving States.

1. In addition to taking measures pursuant to article 6 of this Protocol, each State Party shall consider adopting legislative or other appropriate measures that permit victims of trafficking in persons to remain in its territory, temporarily or permanently, in appropriate cases.

2. In implementing the provision contained in paragraph 1 of this article, each State Party shall give appropriate consideration to humanitarian and compassionate factors.

Article 8 Repatriation of victims of trafficking in persons.

1. The State Party of which a victim of trafficking in persons is a national or in which the person had the right of permanent residence at the time of entry into the territory of the receiving State Party shall facilitate and accept, with due regard for the safety of that person, the return of that person without undue or unreasonable delay.

2. When a State Party returns a victim of trafficking in persons to a State Party of which that person is a national or in which he or she had, at the time of entry into the territory of the receiving State Party, the right of permanent residence, such return shall be with due regard for the safety of that person and for the status of any legal proceedings related to the fact that the person is a victim of trafficking and shall preferably be voluntary.

3. At the request of a receiving State Party, a requested State Party shall, without undue or unreasonable delay, verify whether a person who is a victim of trafficking in persons is its national or had the right of permanent residence in its territory at the time of entry into the territory of the receiving State Party.

4. In order to facilitate the return of a victim of trafficking in persons who is without proper documentation, the State Party of which that person is a national or in which he or she had the right of permanent residence at the time of entry into the territory of the receiving State Party shall agree to issue, at the request of the receiving State Party, such travel documents or other authorization as may be necessary to enable the person to travel to and re-enter its territory.

5. This article shall be without prejudice to any right afforded to victims of trafficking in persons by any domestic law of the receiving State Party.

6. This article shall be without prejudice to any applicable bilateral or multilateral agreement or arrangement that governs, in whole or in part, the return of victims of trafficking in persons.

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International Human Rights NGO

Human Rights Watch

At The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, 2001

On:

Nationality and Statelessness

<http://www.hrw.org/legacy/campaigns/race/nationality.htm>

Millions of people in Asia, Africa, Europe, and the Middle East have been denied or stripped of citizenship in their own countries solely because of their race, national descent, and gender. In many countries, children born in their mother's country are denied her nationality because women cannot transmit nationality. These citizens without citizenship are denied a broad range of civil and political, and economic, social and cultural rights. ...

- *Governments drive huge populations across international borders by depriving them of citizenship in their own countries, creating refugee crises and generating armed conflict. The breakup of states, the political tensions of war and intercommunal violence, and the creation of new states all provide scenarios in which holding on to or acquiring citizenship may turn on race or ethnicity and the whim of those in power. In Southeast Asia, the government of Thailand has registered some 300,000 members of the country's ethnic minority hilltribes and issued them special identity documents, but these indigenous people are denied a nationality or full citizenship rights. Hundreds of thousands of other hilltribe villagers are unregistered and officially considered illegal immigrants.²*
- *Myanmar's (Burma's) government excluded hundreds of thousands of members of Burma's minorities from citizenship with a 1982 citizenship law. In the 1990s more than 250,000 Rohingya Muslims denied citizenship fled to seek refuge in neighboring Bangladesh.³*
