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Immigrants as People, Not Files!

by Fr. Tom Greene, S.J.

Earlier this year, I participated on a panel of immigration attorneys speaking to law students about immigration law careers. One panelist recalled her final days of clerking at the immigration court located within the federal prison in Oakdale, Louisiana. During a break in the docket, the immigration judge for whom she worked asked if she would be continuing her career with the government. The attorney responded that she did not think so and that during her clerkship it had been difficult to witness the deportation of families, the separation of children from parents, and husbands from wives. The judge thought for a moment and replied, "Yep, if you're gonna think of 'em as people, you can't work for us. They're files!" This article is not intended to impugn the integrity of immigration judges or others who do government work. I have met fine men and women who serve as judges or other immigration employees. However, this sentiment of immigrants being files or non-human or not like "us" is pervasive in the

national immigration debate. It subtly, and at times not so subtly, influences our country's attitudes and policies regarding immigrants.

Consequently, the best way to summarize JSRI's mission regarding immigration is to remind Americans that immigrants are people; they're not files! This *JustSouth Quarterly* lists primary documents for understanding the Catholic view of migration, and Fr. Kammer provides an outline of the position of immigration in Catholic Social Thought. These hundreds of pages of documents, however, all begin with a very simple premise—that immigrants are persons possessing human dignity and made in the image and likeness of God (*Imago Dei*.) Formulating a comprehensive immigration policy is not an easy task; however, policies and practices that fail to recognize the humanity of immigrants are not part of the solution.¹ In what follows I will outline three areas in which our nation fails to treat immigrants with the dignity and respect that they deserve as fellow humans.

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A Documentary History

The Church's deep concern for people on the move is reflected in the following:

From the Vatican

Pope Benedict XVI. "Papal Message for 95th World Day of Refugees and Migrants." Vatican City, 2009.

Pope Benedict XVI. "Young Migrants: Message for the 94th World Day of Migrants and Refugees." Vatican City, 2008.

Pope Benedict XVI. "The Migrant Family: Message for the 93rd World Day of Migrants and Refugees." Vatican City, 2007.

Pope Benedict XVI. "The Migrations: a Sign of the Time: Message for the 92nd World Day of Migrants and Refugees." Vatican City, 2006.

Pontifical Council for Pastoral Care of Migrants and Itinerants. "The Love of Christ towards Migrants" ("Erga migrantes caritas Christi"). Vatican City, 2004.

Pontifical Council for Pastoral Care of Migrants and Itinerants. Presentation: "I was a stranger and you made me welcome." Vatican City, 2000.

Pontifical Council for Pastoral Care of Migrants and Itinerants. Presentation: "A Shameful Wound of our Time." Vatican City, 2000.

Pope John Paul II, *Ecclesia in America* (The Church in America), January 22, 1999, No. 65.

Pope John Paul II, *Laborem Exercens* (On Human Work), September 14, 1981, No. 23.

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GLOBAL IMMIGRATION

There are more than 200 million estimated international migrants in the world today.

3% of the global population are international migrants. The number of the migrants worldwide would constitute the fifth most populous country in the world.

49.6% of the world's migrants are women. Remittance flows are estimated at \$337 billion worldwide, \$251 billion of which went to developing countries.

* Source: International Organization for Migration

U.S. IMMIGRATION

76% of undocumented immigrants are from Latin America.

59% of undocumented immigrants are from Mexico.

4% of U.S. population is undocumented.

5.4% of U.S. workforce is undocumented.

73% of undocumented immigrants have U.S. citizen children.

* Source: Pew Hispanic Center



Public Safety for Immigrants: “They exist!”

This spring, I met with a criminal justice professor in New Orleans who is conducting a survey of police and their attitudes toward undocumented immigrant crime victims. Among his early findings are that 40 to 50 percent of the officers indicate that immigrants “don’t exist” so the officers make no effort to investigate or take statements from them. For these officers, since immigrants are not here legally there is no need to investigate cases in which they are victims. Other officers state that immigrant victims are not worth compiling reports for because they are likely to be deported before their court dates. For those officers who do choose to investigate crimes committed against immigrants, there is only one Spanish-speaking translator in the New Orleans Police Department.

Many employers have surmised that immigrants are afforded minimal legal or physical protection, and a recent survey regarding immigrant labor conditions in the South found that 80 percent of workers in New Orleans had suffered wage theft.² With little or no fear of being investigated or prosecuted, employers can take advantage of the cheap labor source that the undocumented immigrants provide, while armed robbers prey upon defenseless immigrants for quick cash.

Compounding the problem (although not being utilized in New Orleans) are

“287g agreements” which make federal funds available for police forces that will enforce immigration laws, not criminal laws. Despite the fact that immigration violations are administrative law infractions, police departments have signed on to enforce it without proper training or education; and a recent audit by the Government Accountability Office found deficiencies by Immigration and Customs Enforcement (I.C.E.) in training, documentation, evaluation, and enforcement of 287g agreements.³ These agreements drive immigrant communities further into the shadows as they become fearful that police will arrest them if they come forward to report a crime. When immigrants are victims of violent crime, they will not come forward to report it because police will haul them off to jail. Thus, the real winners in the 287g agreements are the criminals who rob without fear of reprisal. They have “perfect” victims—people whom police officers will either fail to interview or who will be incarcerated after reporting the crime. Consequently, crime goes unreported and unsolved, and public safety for all—citizens and non-citizens—suffers. Many police chiefs of major cities recognize this and refuse to sign 287g agreements. However, the lure of additional funding and the current anti-immigrant climate are causing more departments to sign on.

People, no matter what their immigration status, have the right to be protected from bodily harm (robbery,

assault, and murder.) However, by and large our civil authorities have remained complacent in the face of increasing violence perpetrated against the immigrant community. We acknowledge their vulnerability as crime victims, but have resorted to calling them “walking ATMs”⁴ which is yet another example of dehumanizing immigrants. They are not walking ATMs; they are walking human beings!

Family Reunification: Immigrants love their families too!

The family unit is the heart of all social systems and the fundamental unit of society, critical to individual and communal wellbeing. Yet, our nation’s immigration laws divide families. Bishop Thomas Wenski of Orlando, chairman of the U.S. bishops’ Committee on International Policy, has stated, “The so-called ‘illegals’ are so not because they wish to defy the law; but, because the law does not provide them with any channels... they are not breaking the law, the law is breaking them.” This quote aptly suits the situation of millions of immigrants who cross our border to be with loved ones. Currently, children and spouses of documented Mexican immigrants (lawful permanent residents) have waits that vary from six years for spouses and unmarried children under 21 to 16 years for unmarried children over 21.⁵ Two years ago, U.S. citizens were outraged over the three to four month wait to obtain a passport to visit another country. Immigrants would jump at the chance to wait only three to four months to be reunited with children and spouses. The passport problem for U.S. citizens was resolved so that people could vacation and travel, but immigrants who have visas and are lawfully present in the U.S. continue to be cut-off from their families. The number of children detained by Immigration and Customs Enforcement (I.C.E.) is growing; and, in Houston, bed space has more than doubled for children apprehended without documents. Children are entering to find their mothers and fathers; wives are crossing to live with their husbands. The law is breaking immigrant families in two. The failure to provide lawful means for immigrant families to live together reflects the failure to

conceive of them as like “us,” as people with loves, desires, hopes, and dreams. Instead, we prefer to think of them as nameless and place them under the category of “jobs” and as the necessary grist for our economic mill. Jobs do not have families, but immigrants do; and it is this fundamental failure to countenance the immigrant as a social being and not merely an economic entity that has led to policy failure and millions of undocumented in our midst. In sum, re-envisioning immigrants as human is an exercise in comprehensive imagination reform and the prerequisite for comprehensive imagination reform.

Humane Enforcement: You are arresting and deporting people, not packages!

No matter what stance one takes on immigration—“restrictionist” or “admissionist”—we must always be humane in enforcing the law. However, assaults on human dignity are evident in the U.S. detention and removal system. The Department of Homeland Security incarcerated and deported over 300,000 people in 2008 and warehouses 30,000 men and women on a daily basis. Immigrant detainees are imprisoned in an expanding network of more than three hundred private for-profit detention centers, most often located in remote areas of the U.S. with no access to family supports or legal services. Those detained have their property confiscated when arrested by local authorities, but these items such as paychecks, cell phones, and wedding rings never arrive at the I.C.E. detention center located hundreds, if not thousands, of miles away. Family and loved ones are never notified about where detainees are held, and immigrant detainees have no right to a free phone call. Despite the existence of cheaper and effective alternatives such as ankle monitoring devices, costing \$12 per day and yielding a 93 percent appearance rate in immigration court, our I.C.E. has chosen to incarcerate at a cost of \$99 per day.⁶ This is an ironic choice, given the current economic crisis, and one which divides families and undermines the common good.

Louisiana operates four immigrant detention centers (Oakdale, Basile, Tensas,



Many immigrants travel north via the train known as “La Bestia”—The Beast—because of the amputations and violence associated with it. La Lecheria, a dairy area on the outskirts of Mexico City, was a dramatic stop during a summer migration experience offered by JSRI and Tulane’s Stone Center for Latin American Studies. On the day before our visit to La Lecheria, a migrant lost a leg attempting to climb aboard the train.

and Jena) warehousing between 3,000 and 4,000 detainees daily. Over the past eight years, I have visited detention centers in California, Texas, and Louisiana; during this time the number of immigrants detained yearly has risen from 100,000 to roughly 350,000. Private, for-profit detention corporations have rushed in for lucrative contracts without the necessary oversight and experience to handle the task. Government counsel are missing detainee files on court dates; deportation travel documents take months to process because of insufficient staffing; and medical appointments take three months to schedule. Detainees have been sexually assaulted by guards and rushed out of the country before investigations can be completed. Others languish with terminal illnesses and no medical treatment.

Since 2007, my testimony and advocacy regarding substandard medical care and poor quality of treatment in immigration detention at times have been met by denial and skepticism. When Congress conducted hearings in 2008 at which relatives were able to testify about the deaths of loved ones in detention, my testimony was verified many times over. The federal courts have joined in condemning the behavior of immigration detention officials, and one judge called I.C.E.’s denial of medical care to a Salvadoran immigrant suffering from cancer “beyond cruel and unusual punishment.”⁷

Another immigrant detainee, Adriana Torres-Flores, was locked away in an Arkansas jail and then “forgotten” for four days. With no food or water, she drank her own urine to survive.⁸ In 2008, I.C.E. closed two detention centers due to deaths that had occurred within, and an Inspector General audit revealed that I.C.E. failed to honor the standards of care they claimed to provide.⁹

If immigrants were seen as people—not cases, files, numbers, or illegal aliens—cries of shock and outrage would demand reform of our immigration laws, policies, and enforcement practices. Each one of us must keep the migrant’s human dignity in mind as we consider the arguments, pro and con, on reform. Immigrants share our humanity; they are people with similar hopes and dreams, fears and longings, and unless we truly recognize this, our policies have no chance of succeeding. The Gospel reminds us that a house built on shifting sand cannot last. Immigration policy that treats people as files is built on sand, whereas immigration policy built on human dignity would be morally and politically rock solid. Recognizing that crimes against immigrants should be investigated is building on solid ground. Acknowledging that immigrants should be allowed to live with their families would be creating policy on firm footing, and using humane enforcement methods is the proper foundation from which to build.

See endnotes on back cover

Immigrants as People, Not Files! Endnotes

- 1 This article considers immigration primarily in the undocumented Latin American context. Therefore, I use the term immigrant primarily to refer to undocumented immigrants from Latin America. I recognize that immigration is a worldwide phenomenon, but for purposes of this article limit the scope.
- 2 "Under Siege" by Southern Poverty Law Center available at <http://www.splcenter.org/legal/undersiege/ch1.jsp>
- 3 <http://www.gao.gov/products/GAO-09-109>
- 4 http://www.nola.com/news/index.ssf/2009/04/survey_shows_hispanic_workers.html
- 5 http://travel.state.gov/visa/frvi/bulletin/bulletin_4454.html
- 6 See <http://www.detentionwatchnetwork.org/aboutdetention>
- 7 <http://articles.latimes.com/2008/mar/13/local/me-crue113>
- 8 <http://www.nwarktimes.com/adg/News/219366/>
- 9 http://www.dhs.gov/xoig/assets/mgmt/rpts/OIG_09-41_Mar09.pdf

U.S. Xenophobia and Racism, continued...

descent as well as newly arrived Mexican immigrants. Then, as now, heightened border security and migration controls coincided with a virulent anti-Mexican and anti-immigrant sentiment. The political slogan for Operation Wetback is repeated today: "save jobs for true Americans."

Ignorance of these historical "repatriation" and deportation campaigns "is consistent with the general invisibility of Latina/o civil rights deprivations throughout much of U.S. history."² Although the demographic shift to a majority of Latinos, Asians, and African Americans would seem to make the historic color line anachronistic, current anti-immigrant, and specifically anti-Mexican and -Latino sentiment, re-enacts the historic U.S. white/nonwhite color line. The past endures in the present.

- 1 Pat Buchanan, interviewed on National Public Radio's "Talk of the Nation," (May 30, 2000). Go to www.npr.org/templates/story/story.php?storyId=1074805. See also Pat Buchanan, *Day of Reckoning: How Hubris, Ideology, and Greed are Tearing Americans Apart* (Thomas Dunne Books, 2007), p. 244.
- 2 Kevin R. Johnson, "The Forgotten 'Repatriation' of Persons of Mexican Ancestry and Lessons for the 'War on Terror'" in *Pace Law Review* Vol 26, No. 1, (2005): 1-26.



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