

# JustSouth Quarterly

SUMMER 2009

## 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.<sup>1</sup> 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

## A DREAM that helps children

On March 26, 2009, Senators Richard Durbin (D-IL) and Richard Lugar (R-IN) and Representatives Howard Berman (D-CA), Lincoln Diaz-Balart (R-FL), and Lucille Roybal-Allard (D-CA) reintroduced the DREAM Act (S. 729, H.R. 1751).

The DREAM Act (“Development, Relief and Education for Alien Minors” Act in the Senate, and “The American Dream” Act in the House) would allow undocumented children who entered the United States when 16 years or younger and who have lived in the United States for five years to apply for conditional permanent residency if they maintain good moral character and earn a high school diploma. After six years of conditional permanent residency, they could apply for lawful permanent residency (LPR). By allowing students to apply for conditional permanent residency, it would also be giving them a path to apply for higher education, lawful employment, or service to the United States.

Please urge your representative and senators to co-sponsor the DREAM Act so that high school graduates brought to the United States as children can realize their potential through higher education and service to the United States, thus benefiting all Americans. (Or thank them if they are already a co-sponsor.) An appropriate sample message will come up when you enter your zip code, either thanking your member of Congress or urging them to become co-sponsors.

**E-mail your representative:** [www.capwiz.com/networklobby/issues/alert/?alertid=13182316&type=CO](http://www.capwiz.com/networklobby/issues/alert/?alertid=13182316&type=CO)

**E-mail your senators:** [www.capwiz.com/networklobby/issues/alert/?alertid=13182421&type=CO](http://www.capwiz.com/networklobby/issues/alert/?alertid=13182421&type=CO)

## Protecting the most vulnerable: Temporary protection for Haitians

Take action today to urge your congressional representative to sign-on as a co-sponsor of H.R. 144, a bill that will temporarily halt deportations of Haitian nationals in the United States, allowing the Haitian government the time it needs to invest its limited resources into rebuilding the country and offering emergency relief to its suffering citizens following four deadly storms last September.

In September 2008, Haiti suffered massive destruction wrought by Tropical Storms Fay and Hanna and Hurricanes Gustav and Ike. Currently, 800,000 Haitians are in need of humanitarian assistance. The storms left many of Haiti's 8.5 million citizens homeless—without food, water, shelter, or healthcare—and compounded the food shortage which came to light during the food riots in April 2008. The Artibonite “breadbasket” region of Haiti has been flooded by storm waters, destroying an estimated 180 million dollars in crops.

**For more information,** please go to:  
[www.capwiz.com/jesuit/issues/alert/?alertid=12786681](http://www.capwiz.com/jesuit/issues/alert/?alertid=12786681) or  
[www.americamagazine.org/content/article.cfm?article\\_id=11597](http://www.americamagazine.org/content/article.cfm?article_id=11597)

### Principles for Comprehensive Immigration Reform

1. Address the root causes of poverty and economic inequality between countries.
2. Prioritize family reunification.
3. Create temporary/guest worker programs.
4. Create a path to earned legalization.
5. Humane border policy and enforcement practices.

Source: Justice for Immigrants campaign of the U.S. Catholic Bishops

## A DOCUMENTARY HISTORY

—Continued from page 1

Pope Paul VI, *Octogesima Adveniens*, May 14, 1971, No. 17.

Pope Paul VI, *Pastoralis Migratorum* (New Norms for the Care of Migrants), August 15, 1969.

Pope John XXIII, *Pacem in Terris*, April 11, 1963, No. 25.

Pope Pius XII, *Exsul Familia*, Apostolic Constitution. Vatican City, 1952.

### From the U.S. and Mexican Bishops

Catholic Bishops of Mexico and the United States. “Strangers No Longer: Together on the Journey of Hope.” Pastoral letter concerning migration. January 2003.

### From the U.S. Bishops

U.S. Conference of Catholic Bishops, *Welcoming the Stranger Among Us: Unity in Diversity*, Washington, D.C., 2000.

United States Catholic Conference, *Who Are My Sisters and Brothers? Reflections on Understanding and Welcoming Immigrants and Refugees*, Washington, D.C., 1996.

National Conference of Catholic Bishops, *Policy Statement on Employers Sanctions*, November 16, 1988.

United States Catholic Conference, Administrative Board, *Statement on Principles for Legal Immigration Policy*, September 13, 1988.

National Conference of Catholic Bishops, Administrative Committee, *Together, A New People: Pastoral Statement on Migrants and Refugees*, November 8, 1986.

National Conference of Catholic Bishops, *Resolution on Immigration Reform*, November 14, 1985.

United States Catholic Conference, *Cultural Pluralism in the United States*, April 14, 1980.

National Conference of Catholic Bishops, *Resolution on the Pastoral Concern of the Church for People on the Move*, November 11, 1976.

NCWC Administrative Board in the Name of the Bishops of the United States, *World Refugee Year and Migration*, November 19, 1959.



### Market Day on the Dominican Republic-Haiti Border

Mondays and Fridays are market days in Dominican town of Dajabon where Haitians cross to buy goods from street vendors. Unfortunately, this border crossing also hosts violence, human trafficking, and drug smuggling. The network of Jesuit organizations—The Jesuit Migration Service, *Solidaridad Fronteriza*, and its Haitian counterpart, *Solidarite Fwontalye*—have worked here consistently for more than 20 years defending the rights of Haitian immigrants. In the fall of 2008, at their annual meetings, JSRI staff lectured on the treatment of undocumented immigrants in the U.S. and provided consultation for *Solidarite's* advocacy efforts.

## Twenty-first Century Jungle: Displaced Workers in the New Transnational Economy

by Aaron Schneider

“To lose a leg is not to lose one’s dreams,” Ms. Olga explained. We were visiting her clinic at the border of Guatemala and Mexico, where men and women convalesce after losing a limb in their attempts to hop a train north. Ms. Olga provides a glimmer of hope to those who might otherwise have lost everything, offering shelter from criminal gangs, corrupt authorities, and dangerous transport that afflict workers seeking the American dream.

Ms. Olga and others like her have created an underground railroad of sorts, helping workers recover their dignity. In August of 2008, I retraced the path of migrants, starting in Guatemala, passing through Mexico, and crossing the U.S. border, accompanied by Fr. Tom Greene, S.J., of Loyola, independent researcher Rebeca Zuniga-Hamlin, and four Tulane graduate students: Marcelle Beaulieu, Jennifer Boone, Lori Dowell, and Bradley Hentschel. This article is an effort to provide witness to the evidence we observed of rape, kidnapping, extortion, abuse, and injustice. Areas of vulnerability appeared at sporadic intervals, especially around borders and transport junctures, culminating on the other side of a chain link fence from El Paso, Texas, where Juarez has experienced more than 800 murders this year.

What could make people brave this journey, when life and limb were anything but secure? Poverty, we were told in indigenous villages in Guatemala and Mexico. For Otomí villages outside León, Mexico, land produces fruit and vegetables no more, as water has been diverted to nearby leather tanning factories, and chemical runoff turns children’s teeth brown. Wealthy factories sustain corporate names like Home Depot and Wal-Mart along Mexican highways, but villagers can neither eat leather nor shop in the brand-name stores.

So they migrate, leaving poverty to make their way to the U.S. Some are lucky enough to cross the border with documents, secured by a labor contractor who plucks them from villages with promises of steady work. One young woman we met packs fruit in Georgia for minimum wage while living in a company-dorm, eating in a company-cafeteria, and riding a company-bus to work. She could not say if she had worked overtime, and one doubts if she was ever told what overtime is. “If you are quiet and a good worker, they will renew your temporary visa for another three months.”

Others are not so lucky to have three months of permission, so they pay up to six thousand dollars to human traffickers who smuggle them across. Some gravitate to farms; others care for our children and our elderly. In New Orleans, one can see teams of them sweating to rebuild homes they will never occupy, knowing full well that many contractors pay only a portion of the wages they promise.

Our journey has ended but provokes important questions. Does our shortage of work-visas and legal mechanisms construct a system that breaks a person’s body and strips away their humanity before they enter our workforce? What does this mean for the rights of hardworking people more generally? Perhaps we need to learn from Ms. Olga, who takes broken bodies and souls and makes them whole again. As the summer ends and Labor Day approaches, we should remember that all people possess human dignity, and ensure that all people who work enjoy a living wage and decent conditions. These rights move with us wherever we go. Neither a moving train nor a border fence can take them away.

*Aaron Schneider is a professor of political science at Tulane University. Comments are welcome at aarons@tulane.edu.*

JSRI participates in the world-wide network of Jesuit social centers, independently and through the International Network of Jesuits for Development. In a study of 166 of 350 Jesuit centers worldwide, four characteristics were highlighted:

1. Promotion of justice as a main goal.
2. Focus on the transformation of social structures by research, formation, and/or social action.
3. Connection to the social ministries of the Society of Jesus; and
4. Commitment to discernment regarding mission, vision, methodology, selecting partners, and using social analysis.

JSRI strives to realize these characteristics, facilitating collaboration with other Jesuit centers. The institute also collaborates with other non-Jesuit institutes and centers whose mission converges with ours. The fellows engaged in the following international activities:

**FR. TOM GREENE, S.J.**, and JSRI partnered with two Jesuit universities in Central America, Universidad Centroamericana (UCA) in El Salvador and Universidad Rafael Landivar in Guatemala, and Catholic Charities of Galveston-Houston to develop a pilot project that assists in the family reunification of deported minors. Fr. Greene also worked with the director of the human rights institute of the UCA to resolve cases of Salvadorans detained by U.S. immigration authorities (October-November, 2007).

**FATHERS TED ARROYO, S.J., MICHAEL BOUZIGARD, S.J., AND TOM GREENE, S.J.**, participated in the International Congress on Migration at the Universidad Iberoamericana in Leon, Mexico, which studied the relationship between migration and development. They also participated in the sixth annual meeting of the Jesuit Migration Service of North and Central Latin America.

Fellows attended development and immigration meetings with Jesuit Migration Service and Congreso Internacional Sobre Migracion (November 12-16, 2007).

**FR. TOM GREENE, S.J.**, participated as a consultant during the national meetings of the Jesuit Refugee Service of Panama, which works on behalf of Colombian refugees living in Panama. Fr. Greene provided input surrounding human rights investigations and micro-finance projects. Fr. Greene also visited the field projects on the Colombian border where he made a presentation on JSRI's advocacy efforts on behalf of immigrants and refugees (November 29-December 6, 2007).

**FR. TED ARROYO, S.J.**, presented the gist of his book, *Ethics in Lobbying*, at an international Ignatian Advocacy Workshop convened by the Social Justice Secretariat of the Jesuit Curia and held in El Escorial, Spain (November 10-16, 2008).

**FR. MICHAEL BOUZIGARD, S.J.**, presented his paper, "Globalization and International Migration: Catholic Social Teaching Principles and Socio-Economic Development through Remittances from the United States of America to Mexico," at a conference in Ghent, Belgium, sponsored by University Centre Saint-Ignatius, Antwerp, Belgium (April 16, 2008).

**FR. TOM GREENE, S.J.**, designed and co-led a three-week immersion program for Tulane grad students along the migrant trail into the U.S. (August 3-22, 2008), led a delegation of attorneys to Guatemala (July, 2008), spoke on U.S. immigration policy at the annual meeting of Servicio Jesuita a Migrante—Caribe in the Dominican Republic (October 17-19, 2008), and co-led a Jamaican social analysis retreat for Loyola students (May 17-29, 2009).

## U.S. Xenophobia and Racism—The Presence of the Past

Alex Mikulich, Ph.D., JSRI Fellow

Current anti-immigrant sentiment, largely focused on the influx of Mexican and Latino newcomers—and the fact that Latinos, along with African Americans and Asian peoples, are projected to represent a majority of the U.S. population by 2042—decries the fact that, in the words of former presidential candidate Pat Buchanan "they are taking *our* country away from us."<sup>1</sup> The fear, bluntly stated, is that "they"—Mexicans and Latinos—will erode "our"—white European—power over U.S. identity. Buchanan articulates only the most recent U.S. American anti-immigrant animosity that finds deep roots in the nation's history.

U.S. American xenophobia, based on the assumption that "our country" is defined by, and should maintain, its dominant white European heritage is rooted in the myth of the U.S. as a nation of European immigrants.

This myth represses America's original sin of racism and obscures the fact that the country was in part built, advanced, and sustained on the backs of African peoples who were stripped from their cultures of birth and arrived involuntarily via the Atlantic slave trade. This myth also buries, literally and figuratively, the many and diverse Native peoples who populated this country before the arrival of any Europeans.

This internalized, cultural construction of national identity as white European was first codified in the Three-Fifths Clause of the Constitution, which "counted" slaves in a state's population at a

"discounted" rate of 60 percent for purposes of apportioning Congressional representation. It was also manifested in the Naturalization Act of 1790 that restricted citizenship to whites, remained in force until 1952, and was not completely repealed until passage of the Civil Rights Act of 1965.

The current animosity against Mexican and Latino immigrants is not without precedent. Many U.S. Americans may be surprised to learn that citizens of Mexican descent have been denied their rights repeatedly throughout U.S. history. The Treaty of Guadalupe Hidalgo, which ended the Mexican-American War in 1848, promised to protect the rights of new U.S. citizens of Mexican descent who inhabited the territory surrendered to the United States. However, despite the Treaty's mandate, these new U.S. citizens, and their descendents, would not begin to realize the formal rights of citizenship until 1965.

For most of the twentieth century, many U.S. citizens of Mexican descent were still considered "alien." The Mexican Repatriation Act of 1930 led to the forced removal of more than one million people during the Great Depression. The law's title was a misnomer: rather than *repatriation*, the law engendered local, state, and federal collaboration in the *forced removal* of U.S. citizens of Mexican descent.

"Operation Wetback," a similar deportation program initiated in 1954, again assembled and deported U.S. citizens of Mexican

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Seal of the Society of Jesus

## Catholic Social Teaching (CST) and Migration

by Fr. Fred Kammer, S.J.

The rights of migrants (refugees, immigrants, asylum seekers, migrant workers, and internally displaced persons-IDPs) begin with the foundation of Catholic Social Teaching, namely, the dignity and sanctity of the human person. The right to life and the conditions worthy of life—when threatened by poverty, injustice, religious intolerance, armed conflict, and other root causes—give rise to the right to migrate.<sup>1</sup> As Pope John XXIII explained:

*Every human being has the right to freedom of movement and of residence within the confines of his own country; and, when there are just reasons for it, the right to emigrate to other countries and take up residence there. The fact that one is a citizen of a particular state does not detract in any way from his membership in the human family as a whole, nor from his citizenship in the world community.<sup>2</sup>*

This is a right to both emigrate from one's own country and immigrate into another country.

In 2003, the bishops of the United States and Mexico named five principles<sup>3</sup> that have emerged from the "rich tradition of church teachings with regard to migration":

**First, persons have a right to find opportunities in their own homeland.** This principle reflects the responsibilities of all citizens and governments for the common good, creating the political, economic, and social conditions for persons to live in dignity, raise their families, use their God-given gifts, and find employment that provides a living family wage—a fundamental principle of CST dating back to the 19th century. Wealthy and powerful nations are

obliged to assist less developed nations in creating the conditions for people to live dignified lives.

**Second, persons have the right to migrate to support themselves and their families.** Pope Pius XII declared in 1952 that both natural law and devotion to humanity required that international migration be opened to people forced from their countries by revolutions, unemployment, or hunger. He explained, "For the Creator of the universe made all good things primarily for the good of all."<sup>4</sup> When people cannot find adequate work, they have a natural right to work elsewhere to attain the means of survival for themselves and their families.

**Third, sovereign nations have the right to control their borders.** Our tradition recognizes the right of nations to control their territories, a right arising from their responsibility for the common good. However, as Pope Pius indicated, this right is not absolute. State sovereignty "cannot be exaggerated to the point that access to this land is, for inadequate or unjustified reasons, denied to needy and decent people from other nations..." Balancing rights then becomes critical.

The U.S. and Mexican bishops note that individual rights and state responsibility for the common good are complementary.

*While the sovereign state may impose reasonable limits on immigration, the common good is not served when the basic human rights of the individual are violated. In the current condition of the world, in which global poverty and persecution are rampant, the presumption is that persons*

*must migrate in order to support and protect themselves and that nations who are able to receive them should do so whenever possible.<sup>5</sup>*

In 2000, the U.S. bishops, reflecting on the tension between border control and the individual right to fundamental dignity, declared the latter to "give rise to a more compelling claim to the conditions worthy of human life."<sup>6</sup>

**Fourth, refugees and asylum seekers should be afforded protection.** Those who flee wars and persecution have a greater claim for protection from the global community. As the U.S. and Mexican bishops urged, "This requires, at a minimum, that migrants have a right to claim refugee status without incarceration and to have their claims fully considered by a competent authority."<sup>7</sup>

**Fifth, the human dignity and human rights of undocumented migrants should be respected.** As the bishops note, "Regardless of their legal status, migrants, like all persons, possess inherent dignity that should be respected."<sup>8</sup> This applies to punitive laws, enforcement practices, detention conditions, abuse and neglect, and policies that tear families apart.

Even undocumented workers, often subject to inadequate wages and demeaning conditions in a shadow economy, are entitled to basic human rights in terms of wages and working conditions. Immigrant workers, even ones without documents, do not lose their status as human persons made in God's image. Demeaning wages, inhuman conditions, and the denial of workers' natural rights assault the dignity and sanctity of the human person.

1 Catholic Bishops of Mexico and the United States, *Strangers No Longer: Together on the Journey of Hope*, joint pastoral letter concerning migration, January 2003, Nos. 28-29.

2 Pope John XXIII, *Pacem in Terris*, 1963, No. 25.

3 *Strangers No Longer*, op. cit., Nos. 33-39.

4 Pope Pius XII, *Exsul Familia*, Apostolic Constitution, Vatican City, 1952.

5 *Strangers No Longer*, op. cit., No. 39.

6 U.S. Conference of Catholic Bishops, *Welcoming the Stranger Among Us: Unity in Diversity*, Washington, D.C., 2000, p. 11.

7 *Strangers No Longer*, op. cit., No. 37.

8 *Ibid.*, No. 38.



## 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.<sup>2</sup> 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.<sup>3</sup> 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”<sup>4</sup> 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.<sup>5</sup> 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.<sup>6</sup> 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.”<sup>7</sup>

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.<sup>8</sup> 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.<sup>9</sup>

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](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](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](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."<sup>2</sup> 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](http://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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