Thoughts On Immigration
Stephen M. Krason

This article is one of SCSS President Stephen M. Krason’s “Neither Left nor Right, but Catholic” online columns. It briefly addresses, in light of Catholic social teaching, the immigration question that has been a major public issue in the U.S.

The immigration question has, of course, been a contentious one within the U.S generally and the Catholic Church in the U.S. What do the social encyclicals and other leading papal statements actually say about the subject, so as to guide sensible national policies?

While one can glean a preference in the Church’s teaching for a relatively liberal international immigration regimen (and, for that matter, relative ease of movement among nations), there is no question at all that nations must have “open immigration” policies. Pacem in Terris says that one has the “right to emigrate” when “there are just reasons for it” (no. 25), and that “as far as the common good rightly understood permits,” nations have a duty to accept immigrants (no. 106). The concern about people being able to make a sufficient livelihood for themselves and their families has been important for the Church, even as she has made clear that economic development should occur in poorer countries so that people are not motivated to immigrate. The Church has emphasized that the human dignity of migrant workers and immigrants be respected and that the rights of a nation’s indigenous workers apply to them also. For example, sweatshops—which, amazingly, still exist in the U.S.—are no more acceptable for immigrant workers than for others.

What does all this mean for public policy? Immigration has always touched a chord for Americans, since our country was “a nation of immigrants.” This is even more the case with Catholics, since most of us are the descendants of later arrivals. Still, we must always make reasoned judgments and keep the common good uppermost in mind when thinking about immigration, as any area of policy. The temptation to false compassion—which has a lot more to do with secular liberalism than Christian charity—seems to have inspired all too many in the Church, on immigration as on domestic policies in general. We must start with what to do about the millions of illegal or undocumented immigrants in the country. We cannot ignore the basic fact that they, or their parents if they were brought here as children, broke the law. While one can certainly make the
case that the U.S. should loosen up on legal immigration, it cannot be said that current U.S. immigration laws are simply unjust. While the Church favors relatively liberal immigration, she also stresses the need for the rule of law. People as a matter of legal justice have the moral obligation to obey a law, unless it is clear, by sound, careful ethical analysis that it is unjust. It is also patently unfair that illegal immigrants should be put on par with those who followed all the rules in coming to the U.S. (“jumping ahead of others in line”). As some have said, most of our ancestors would not have come here if they had had to break the law to do so.

To look askance at the problem of illegal immigration is also to grant a kind of perverse favoritism to those who are undocumented. Why is this area of the law any different from all the others? Why, one might ask, do the rest of us have to follow the tax laws, the fairness of which can perhaps more easily be questioned, when others don’t have to abide by the immigration laws?

Still, there are many immigration questions that have to be grappled with. What about the status of those brought to the U.S. as children who have grown up here and lived responsible and law-abiding lives? Should they just be deported when they are found out? Should we enact “Dream Acts” to enable them to receive in-state tuition at state universities and other citizen benefits? Are not the children born here of illegal parents American citizens? Is it right to keep people out by building physical barriers along our borders?

It is certainly difficult to consider people who grew up here, even if illegal, in any real sense citizens of a country they never knew. Still, we cannot be impervious to the fact that the law was violated. The solution is likely to be somewhere along the lines of these people having to remunerate the community in some way if they are to remain and be regularized—by extra tax payments, special community service, etc. Both social and distributive justice would be affronted without some kind of remuneration. Dream Acts should be applicable only if this has been done (although one wonders if certain benefits are for citizens, whether any non-citizens, even if legal, should share in them). For the sake of family unification, which the Church has also strongly stressed, perhaps the same opportunity for regularization on specified terms for their parents should also be available if they have been here for a long period of time. The “anchor baby” problem is another thing. The Washington Times recently reported that some pregnant women have even started to time trips to the U.S. for their due dates, so their children can automatically become U.S. citizens. Somehow, one thinks that this may not quite be what our Founding Fathers had in mind by “natural-born citizens.”
While one might shudder at the fortress-effect created by building walls along our southern border—where most illicit entry occurs—if that is what is necessary to stop the flow of not just illegal immigrants (many smuggled by exploitative human traffickers), but also of criminals, drug gangs, and even terrorists, then so be it. Indeed, we can expect nothing less. As Rerum Novarum says, “the safety of the commonwealth is not only the first law, but it is government’s whole reason for existence” (no. 35).

Another serious concern in thinking about immigration nowadays is the weakening of what ethicists call the civic bond, the socio-political principles that hold a people together. In recent decades, the presence of many who seem to have no allegiance to the U.S. and her principles and the ideologically-driven balkanization of various groups in the population has threatened our historic national aim of “e pluribus unum.” Moreover, the obliviousness in certain circles to the need for a common national language is deeply troubling. Keeping intact ethnic heritage is good, but the examples are abundant of how the absence of a common tongue—at least in the realm of public affairs—breeds division.

All this said, those who want to take a tougher stance on immigration might just consider that the present laws and procedures are rife with the contradictions and bureaucratic inanities spread throughout the federal government these days (such as the difficulty a man marrying a wife from some countries has even getting her into the U.S.). They should also note that many proposed solutions would require a further expansion of already-overweening governmental power, which puts further in peril such principles as the rule of law and subsidiarity.