Immigration Basics

- **Alien**
  Refers to immigrants (legal and undocumented) in many laws.

- **Undocumented Immigrants**
  - **Aliens**
  - **Illegal Aliens** 
  - **Refugees**
  - **Asylees**

- **Legal Immigrants**
  - Some are permanent of long term statuses – they can reside in the U.S. indefinitely as long as they do not commit a crime. (LAWA – lawful permanent residents or “refugees” or “asylees”)
  - Some are temporary or transitional statuses – they can be indefinite in length (the spouse, child or fiancé of a U.S. citizen) or one getting renewal at set intervals.

- **Nonimmigrant**
  An alien legally in the U.S. for some specific purpose for a set period of time (ex: students, tourists, diplomats, guest workers). There are 70 nonimmigrant visa categories.

- **Bureau of Citizenship and Immigration Services**
  (Formerly the Immigration and Naturalization Services – INS)

- **Green Card**
  Granted to immigrants who have been approved to live in the U.S. permanently (lawful permanent residents).

- **Who’s eligible for citizenship?**
  1. Persons who have been lawful permanent residents (green card holders) for five years.
  2. Persons who have been lawful permanent residents for three years, have been married to a U.S. citizen for those three years and continue to be married to that U.S. citizen.
  3. Persons who are lawful permanent residents of U.S. citizen parents.
  4. Persons who have a qualifying military service.
  5. Persons under the age of 18 may automatically become citizens when their parents are naturalized.
  6. Any person born in the U.S. (minus some exceptions regarding diplomat.)

- **What are the penalties?**
  Section 274a(f) under the Federal Immigration and Nationality Act.
  - A person (including a group of persons, business, organization, or local government) commits a federal felony when he or she:
  - assists an alien who should reasonably know is illegally in the U.S. or who lacks employment authorization, by transporting, sheltering, or assisting him or her to obtain employment, or
  - encourages that alien to remain in the U.S. by referring him or her to an employer or by acting as employer or agent for an employer in any way, or knowingly assists illegal aliens due to personal convictions.

Penalties upon conviction include:
- criminal fines, imprisonment, and forfeiture of vehicles and real property used to commit the crime
- Anyone employing or contracting with an illegal alien without verifying his or her work authorization status is guilty of a misdemeanor.

- **Aliens and employers violating immigration laws are subject to arrest, detention, and seizure of their vehicles or property.**

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Understanding Immigration in the United States

The United States is a country of new beginnings. For hundreds of years, America has been defined as a place of refuge for the persecuted, a nation of immigrants. But now, as Americans, we must learn to reconcile the conflicts between our history, our current economic realities, and the need to protect the interests of American citizens.

The History of Immigration in the U.S.
Throughout American history, immigration has spawned much debate. In colonial America, Ben Franklin worried that an influx of German immigrants would squash the predominant British culture. During the mid to late 1800’s, some Americans viewed the Irish as drunkard and lazy, and later, believed that Italians, Poles, and Russian Jews would not be able to assimilate to American culture.

By the end of the 19th century, Congress passed the first immigrant exclusion laws, restricting first criminals and prostitutes, and soon after, Japanese and Chinese and other Asian immigrants as well. Regardless of the new laws, however, immigration reached a record high of 1.3 million people in 1907.

In 1965, Congress passed the Immigration and Nationality Act amendments that ended quotas, and for the first time, initiated the concept of family-sponsored immigration.

In 1987, Congress enacted the Immigration Reform and Control Act (IRCA). Among other provisions, the IRCA authorized two programs to identify and legalize illegal or undocumented immigrants who could document both entry into the United States prior to January 1, 1982, and “continued physical presence” in the U.S. since the passage of IRCA. Also included in the IRCA was a prohibition on employers hiring undocumented workers and tough enforcement measures, including sanctions, if they did; however, for the last 20 years, these sanctions have not been fully enforced.

The immigration system of laws set up 20 years ago have not been consistently enforced, the bureaucracy of INS has not functioned efficiently or effectively and the rules of immigration themselves are sometimes capricious and illogical. Along with this level of duplication, both entry and status violations are misdemeanors as are the illegal actions of employers resulting in a confusion regarding penalty in breaking these laws.

Current Law
Today, immigrants make up nearly 10% of the population, and the U.S. Census Bureau estimates that nearly 900,000 new immigrants enter the country each year.

Current U.S. law grants immigrant visas for three reasons:

- **Family-sponsored**
- Almost three-fourths of immigrants entering the country are family-sponsored immigrants.
- **Humanitarian**
- In 1992, the United States took in almost 120,000 refugees. After 9-11, these declined. By 2002, only 35,000 refugees legally entered the U.S.

New Legislation
With the recent protests throughout the United States frustring the immigration issue to the forefront of the American Debate, it is worthwhile to examine what legislative events have led to the current situation. The particular legislation that sparked the outcry from immigrant, religious, and business communities was an enforcement-only, border security bill (HR 4437) put together by Rep. F. James Sensenbrenner (R-WI) that passed the House in December of 2005. While taking an enforcement-only approach and not offering comprehensive solutions to the immigration problem, facing our nation, HR 4437 also criminalized the hiring of illegal immigrants in any way, potentially jeopardizing the humanitarian efforts from both religious and secular institutions.

Presented with this bill, various members of the Senate attempted to create some compromise that not only protects the borders and enforces law, but also offers a long-term solution to very complex security, economic, and humanitarian issues.

Dialogue
Dialogue is created to support civil discourse, allowing people to explore complicated problems and take responsibility for solutions.

History and Current Debate: Immigration in the United States

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The history of immigration and current debate: immigration in the united states
In our “sound-byte” culture we fall back on slogans such as “we are a nation of immigrants” or “we are a nation of laws”, attempting to side line the debate to one of its many, infinitely complex features. This decision will be made in our legislature in the coming months will have both present and for- chasing consequences economically, politically, and culturally. In light of this, each one of us needs a fresh understanding of what the issues are and what is being said about them.

This begins the question, how do we, as Americans and as Christians, understand this debate?

America’s Changing Face – Too much difference?

This approach sees immigration as a looming identity crisis. At the present rate of immigration, increasing diversity threatens to break the bonds of unity—the common ideals of language and democracy—that define our political institutions, not to mention our laws and national security concerns. Immigration should be slowed to allow time for immigrants to assimilate into American culture. There are valid cultural concerns here, but there are tradeoffs. Although it is true that many first generation immigrants cling to their home countries, their children continue to adopt American culture and keep our country vibrant and adaptable.

A Nation of Immigrants – Remembering America’s Heritage

In this view, open immigration has been the backbone of America’s strength. Combining diverse cultures yields a uniquely strong and rich society and, overall, immigrants offer more to America than they give. America must continue to welcome newcomers despite the costs. This too has its drawbacks. Without limits, the threat, which is America, could capsize drowning us all. Caring for and educating all of these newcomers costs American taxpayers. Americans in low-wage jobs suffer and can possibly even lose their jobs to those who would be willing to work for less.

A Matter of Priorities – Putting Economics First

This final model argues that immigrants strain the public purse, compete for jobs, drive down wages, and reduce our carrying capacity. In this view, the nation would benefit economically by restrict- ing the number of newcomers, and by looking more closely at their arrival to consider the well being of those who are already here. This causes immediate problems, however, in that these immigrants begin to blame immigrants for problems they do not cause, and it does not recognize that immigrants are a critical part of our economy, working jobs that many established Americans would refuse to work. The issue is obvious far more complex than can be presented here; but suffice it to say that no single slogan either explains or solves the problem.

The Scriptural Demand

When asked about our citizenship today, most of us would answer with great pride that we are citizens of the United States of America. We must, however, remember that our primary citizenship is that of the Kingdom of God, and as such we are a people set apart. We do not, and should not see our citizenship as the end of the matter. The Christian, in Mexico, for we are all created in the image of God, and God sent His Son to reconcile all of us to Himself regardless of what passport we hold.

Throughout His life, from her slavery in Egypt to her exile in Babylon, God’s chosen people were strangers in a foreign land, much like we are today, for it is not this world we belong to. In Leviticus 19:33,34 through Moses, God is laying out His laws for holiness and justice, and instructs the people. “Do not mistreat foreigners who are living in your land. Treat them as you would a fellow Israelite, and love them as you love yourselves. Remember that you were once foreigners in the land of Egypt. I am the Lord your God.”

Attempting to turn up an appropriate Christian response to the questions raised by immigration through a quick reference to scripture may seem yet another extension of “sound-byte” culture, but as believers, we cannot simply dismiss scripture. The risks of only seeing this debate through Scriptural eyes are there; however, it remains a question of priorities. If our only focus is fulfilling God’s command to care for the “least of these,” all the other factors weighing in on this debate can fall to the wayside. There are serious economic, political and cultural issues at hand ranging from wages and social services, to changing values and language issues. Once again, it is a question of what our priorities are and what they should be.

Scripture

“Teacher, which is the greatest commandment in the Law?” Jesus replied, “Love the Lord your God with all your heart and with all your soul and with all your mind.” This is the first and greatest com- mandment. And the second is like it: ‘Love your neighbor as your- self.’ All the Law and the Prophets hang on these two command- ments.” Matthew 22:36-40

“Speak out for those who cannot speak, for the rights of all the desti- tute. Speak up, judge righteously, defend the rights of the poor and needy.” Proverbs 31:8-9

“Then they will answer, Lord, when was it that we saw you hungry or thirsty or a stranger or naked or sick or in prison, and did not take care of you?” then he will answer them, “Truly I tell you as you did not do it to one of the least of these, you did not do it to me.” Matthew 25:44-45

These are all questions with which we must wrestle. The debate is complex, vitally important, and has now become urgent.

Immigrant Eligibility for Public Benefits

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<thead>
<tr>
<th>Benefit</th>
<th>Lawful Permanent Resident</th>
<th>Undocumented/Guest Worker</th>
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<tbody>
<tr>
<td>Food Stamps</td>
<td>Children under 18</td>
<td>Not eligible</td>
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<tr>
<td>Resided in US for more than 5 years</td>
<td>Resided in US for more than 5 years</td>
<td>Not eligible</td>
</tr>
<tr>
<td>40 quarters of work history (among family members)</td>
<td>Receive disability benefits such as SSD</td>
<td>Note: Undocumented Immigrants have never been eligible for this program</td>
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<tr>
<td>Medicaid</td>
<td>Beneficiary for 5 years from date of entry</td>
<td>Emergency Medicaid only</td>
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<tr>
<td>Note: Undocumented Immigrants have never been eligible for this program</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TANF (Temporary Aid for Needy Families)</td>
<td>Beneficiary for 5 years from date of entry</td>
<td>Non-eligible</td>
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<tr>
<td>Title X, Family Planning</td>
<td>States may extend coverage during 5 year bar — Texas legislature has not taken any action</td>
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<tr>
<td>Federally Funded Programs with Unrestricted Access</td>
<td>Medicaid, immunizations, diagnosis and treatment of communicable diseases</td>
<td></td>
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<tr>
<td>Non-emergency disaster relief</td>
<td>Emergency Medicaid, immunizations, diagnosis and treatment of communicable diseases</td>
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<tr>
<td>Work, school meals, child nutrition programs, elderly nutrition (Medicaid on Wheels)</td>
<td>Non-eligible</td>
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<td>State and local programs cannot add their own immigrant restrictions to programs that use these federal funds</td>
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What is meant by Justice

Speaking through Micah to the Southern Kingdom and across time to us, God makes our man- date clear. He has showed you, O man, what is good. And what does the LORD require of you? To act justly and to love mercy and to walk humbly with your God (Micah 6:8). The difficulty arises in understanding.

Should we view justice merely as an issue of legality? Is justice either fairness or fair process, or is reconciliation its end? Is justice linked to our treatment of the “issue of these” These are urgent and difficult questions whose answers have practical consequences. If we strive to unite belligerent forces that have been torn apart due to immigration law, we definitely would be fulfilling our call to the “ministry of reconciliation”, but would bringing out visa to family members over those skilled workers who have made good faith attempts to enter the country legally be fair process? Can we say that accommodating people who broke the law for whatever reason is justice, or should our concern be merely with defending the Biblical call to look after the orphans, widows and aliens in our midst regardless of man made laws?

These are serious and trying questions that we as the body of Christ need to be addressing in our congregations and in our hearts. This is a conversation that we must be having.

He has showed you, O man, what is good. And what does the LORD require of you? To act justly and to love mercy and to walk humbly with your God (Micah 6:8).