

Immigration Basics

◆ Alien

Refers to immigrants (legal and undocumented) in many laws

◆ Undocumented Immigrants or Illegal Aliens – (2 categories)

EWI (Entries Without Inspection) – crossed the border illegally

Overstays – came in legally, but did not leave when their visa expired (25-40% of those undocumented)

◆ 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. (AKA – “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)

A division of the U.S. Department of Homeland Security

◆ Green Card

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

◆ Who's eligible for citizenship?

- Persons who have been lawful permanent residents (green card holders) for five years.
- 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.
- Persons who are lawful permanent resident children of U. S. citizen parents.
- Persons who have a qualifying military service.
- Persons under the age of 18 may automatically become citizens when their parents are naturalized.
- Any person born in the U. S. (minus some exceptions regarding diplomats.)

◆ What are the penalties ?

Section 274 felonies under the federal Immigration and Nationality Act, INA 274A(a)(1) (A):

A person (including a group of persons, business, organization, or local government) commits a federal felony when she or he:

- assists an alien s/he 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.

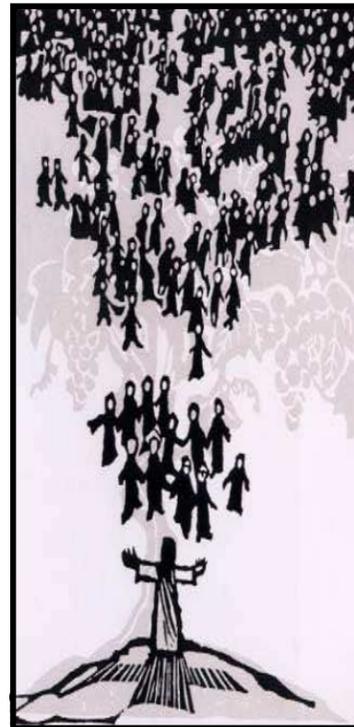
Penalties upon conviction include :

- 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.

Showing Hospitality to the Least of These; Leigh Jackson; 2004;

Christian Life Commission (BGCT)



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Special points of interest:

- 400,000 people entered the United States annually by the end of the 19th century.
- Today nearly 900,000 new immigrants enter the country each year.

Understanding Immigration in the United States

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History and Current Debate : 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 1800s, 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, 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 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 on the hiring of undocumented workers and tough enforcement measures, including sanctions, if they did; however, for the last 20 years, these sanctions have not been fully enforced.³

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 dysfunction, 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.
preferential job skills	Since 1990, demand is growing for these visas; 140,000 especially skilled workers enter the US yearly.
humanitarian refuge	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 US. ²

New Legislation

With the recent protests throughout the United States thrusting 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 problems facing our nation, HR 4437 also criminalized aiding 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.

These compromises were all offered before the close of session, and all were defeated before the recess in April 2006.

The debate has heated over what to do with both the estimated 12 million undocumented workers currently residing and working within the United States, as well as future immigrants.

During the recess, however, a compromise was reached between The Senate Majority Leader Bill Frist (R-TN) and the Senate Minority Leader Harry Reid (D-NV) to continue the debate on the floor of the Senate and to negotiate a compromise with the house concerning whatever legislation the Senate should pass.

¹National Issues Forums “The New Challenges of American Immigration: What Should We Do?”, 2003

²National Immigration Law Center. Comprehensive Immigration Reform Update

³<http://www.uscis.gov/graphics/aboutus/history/may1987.htm>



Difficult Debate

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 scale down the debate to one of its many, infinitely complex features. The decisions that will be made in our legislature in the coming months will have both present and far-reaching 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 begs 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 terrorism 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 America’s culture and keep our country vibrant and adaptable.

◆ **A Nation of Immigrants – Remembering America’s Heritage**

“You shall not oppress a resident alien; you know the heart of an alien for you were aliens in the land of Egypt.” (Exodus 23:9)

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 far more to American society than they take from it. America must continue to welcome newcomers despite the costs. This too has its drawbacks. Without limits, the lifeboat, 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, and exceed our carrying capacity. In this view, the nation would benefit economically by restricting the number of newcomers, and by looking more closely at how their arrival affects the well-being of those who are already here. This causes immediate problems, however, in that US citizens 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 issues are obviously far more complex than can be presented here, but suffice it to say that no one slogan either explains or solves the problem.¹

◆ **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 each other as only American, Chinese, Indian, or Mexican, 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 Israel’s history, 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 sum 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 commandment. And the second is like it: ‘Love your neighbor as yourself.’ All the Law and the Prophets hang on these two commandments.” Matthew 22:36-40

“Speak out for those who cannot speak, for the rights of all the destitute. Speak out, 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 of naked or sick or in prison, and did not take care of you?’ Then he will answer them, ‘Truly I tell you, just as you did not do it to one of the least of these, you did not do it to me!’” Matthew 25:44-45

¹National Issues Forums “The New Challenges of American Immigration: What Should We Do?”, 2003

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

Benefit	Lawful Permanent Resident	Undocumented/Guest Worker
Food Stamps	Children under 18 Resided in US for more than 5 years 40 quarters of work history (among family members) Receive disability benefit such as SSI	Not eligible Note: Undocumented Immigrants have never been eligible for this program.
Medicaid	Barred for 5 years from date of entry State option to cover like US citizens after 5 year bar. Gov. Perry vetoed SB 1156 in the 77th Leg. session, that would have exercised this right. Emergency Medicaid is available to qualified immigrants excluded before and after 5 year bar (includes labor and delivery) In Texas, qualified immigrant children covered by CHIP: same 5 year bar; Texas provides state-funded care during 5 year bar and after 5 years state money is matched by federal dollars	Emergency Medicaid only Note: Undocumented Immigrants have never been eligible.
TANF (Temporary Aid for Needy Families)	Barred for 5 years from date of entry States may extend coverage during 5 year bar— Texas Legislature has not taken any action	Not eligible Note: Undocumented Immigrants have never been eligible.
SSI	After 5 years AND 40 quarters of work history At citizenship	Not eligible Note: Undocumented Immigrants have never been eligible.
Federally Funded Programs with Unrestricted Access	Subsidized child care from CCDF Title V, Maternal and Child Health Title XX, Social Services Block grant Title X, Family Planning All other public health, mental health, substance abuse, elder programs, disability programs, etc. WIC, school meals, child nutrition programs, elderly nutrition (Meals on Wheels) State and local programs cannot add their own immigrant restrictions to programs that use these federal funds	Emergency Medicaid, immunizations, diagnosis and treatment of communicable diseases Non-cash assistance needed to protect life and safety Non-income conditional assistance (i.e. , shelters, soup kitchens, crisis intervention child/elder protection services, abuse prevention) as specified by the U.S. Attorney General. These are services that are deemed necessary for the protection of life or safety. Short-term, in-kind emergency disaster relief WIC, school meals, child nutrition programs, and elderly nutrition
Employment-related Benefits (Social Security, Unemployment Insurance, Worker’s Compensation)	Legal Permanent Residents, Asylees, and other immigrants with Legal Status and work authorization are treated just like US citizens	Undocumented immigrants qualify for Social Security benefits under certain circumstances (years worked, country of residence, etc.).

What is meant by justice.

Speaking through Micah to the Southern Kingdom and across time to us, God makes our mandate 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 “lesser of these”? These are valid and difficult questions whose answers have practical consequences. If we strive to unite families that have been torn apart due to immigration law we definitely would be fulfilling our call to the “ministry of reconciliation”, but would handing out visas 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 lie 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)