



Committee on Migration

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Statement of Most Reverend John C. Wester
Bishop of Salt Lake City, Utah, and Chairman, U.S. Conference of Catholic Bishops'
Committee on Migration
Senate Committee on the Judiciary
Subcommittee on Immigration, Refugees, and Border Security
Hearing on Comprehensive Immigration Reform in 2009
April 30, 2009

On behalf of the United States Conference of Catholic Bishops (USCCB), I commend the Senate Committee on the Judiciary and Senator Schumer in particular for convening this hearing on the important subject of immigration reform.

The USCCB has long advocated for policies that respect the human dignity of immigrants, refugees, asylum-seekers, and other people on the move. In addition, the USCCB has engaged in several decades of advocacy with Congress on a long list of immigration-related issues. As one of the largest social service providers in the country, we provide basic services to immigrants, refugees, asylum-seekers, and other newcomers.

We believe that a properly-constituted immigration reform bill is the optimal way to safeguard the basic human rights of migrants, protect the integrity of the immigrant family, and promote the common good of our country.

Reform is all the more pressing due to the outmoded state of our current immigration system. We should no longer condone a hidden underclass of human beings in our country and should bring them out of the shadows to fully contribute to society. Moreover, too few channels exist for low-skilled immigrants to enter the country and work or join family members in a safe and controlled manner.

Recently, family unity has been compromised by a series of enforcement actions that have separated immigrant family members, including U.S. citizens. Enforcement-only strategies should be abandoned and replaced with a more comprehensive approach, including reforms in our legal immigration system.

In our view, immigration reform should contain a broad-based legalization program which provides a path to citizenship; a future worker program with protections for both immigrant and domestic workers; family-based immigration reform that reduces backlogs without harming the current preference categories; restoration of due-process protections, including revision of the three- and ten-year bars and restoration of judicial discretion in

deportation hearings; integration and implementation provisions; and measures that address the root causes of unlawful migration by encouraging economic development in sending countries. Attached please find an outline of important elements necessary for just reform.

It is the view of the U.S. bishops that immigration reform needs to be enacted sooner rather than later. We urge the President and Congress to begin formulating appropriate legislation and to educate the American public about the importance of its enactment.

As we have seen in the past, enacting immigration reform will require resolve, diligence, patience, and prudence. As we move forward with the debate, we urge our elected officials to resist the loud and minority voices that oppose reform and which use harsh rhetoric against immigrants and those who support them. We firmly believe that immigration reform supports the common good of our nation and hope to work with Subcommittee Chairman Schumer and other members of the subcommittee toward its enactment in the days and months ahead.

Thank you for your consideration of our views.

US Conference of Catholic Bishops—Elements necessary for a Just Immigration Reform Proposal

Core elements:

1. Broad-based legalization: a legalization program which provides an opportunity for permanent residency for undocumented residing in the United States. “Earned” legalization should be achievable and independently verifiable.¹

2. New Worker Program: Worker program which includes:

- Path to permanent residency which is achievable/verifiable
- Family unity which allows immediate family members to join worker²
- Job portability which allows workers to change employers³
- Labor protections which apply to U.S. workers
- Enforcement mechanisms and resources to enforce worker’s rights⁴
- Wages and benefits which do not undercut domestic workers
- Mobility between U.S. and homeland and within U.S.
- Labor-market test to ensure U.S. workers are not harmed

3. Family-Based Immigration Reform: provisions which reduce backlogs in 2A category—immediate family of legal permanent residents--without harming other preference categories.⁵

4. Restoration of Due Process Protections: provisions which restore due process protections lost in the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) which separate families, including repeal of the 3 and 10-year bars and restoration of judicial discretion in deportation proceedings.

5. Addressing Root Causes of Migration: examine root causes of migration, such as lack of development in sending countries, and seek long-term solutions.

6. Inclusion of the DREAM Act and AgJOBS: Two proposals addressing specific groups should be included in any reform legislation. The Development, Relief, and Education for Alien Minors Act (DREAM) would place minor undocumented students, who came to the United States with their parents, on a path to citizenship and would make them eligible for in-state tuition. The Agricultural Jobs, Opportunity, and Benefits Act (AgJOBS) would address the legal status of migrant farm workers in the United States.

¹ Prospective work requirements should be achievable, preferably within 3 years at a reasonable number of days per year. QDEs and other parties should be allowed to independently verify work performed. Specific elements above should be included.

² Family members should have work authorization.

³ Workers should be able to move between industries unless bill targets specific sector.

⁴ Enforcement mechanisms should include right to bring action in federal court

⁵ Other family preference categories should be held harmless, at a minimum. USCCB supports reform in those categories so that waiting times are reduced.

Specific Implementation Elements

- 1. Confidentiality:** Applicants for either the legalization or temporary worker program should be extended confidentiality and not subject to deportation or arrest if they do not qualify.
- 2. Qualified Designated Entities:** Qualified designated entities (QDEs) which are BIA-recognized should be created to assist in implementation of both programs.
- 3. Adequate Funding:** Funding should be authorized for QDEs to assist applicants, for public outreach, and for the U.S. Citizenship and Immigration Service (USCIS) to implement the program adequately.
- 4. Reasonable Enactment Period:** Sufficient time should be given between enactment and implementation so that regulations, procedures, and infrastructure are in place. Deportations of prospective applicants who qualify should be suspended between the two dates.
- 5. Creation of Separate Entity:** A separate entity, similar to the asylum corps, should be created within USCIS to implement legislation; such an entity should be adequately funded through appropriations.
- 6. Derivative Benefits:** Immediate family members should receive the same benefits under legalization/temporary worker program as worker.
- 7. Generous Evidentiary Standards:** Evidentiary standards should be based upon “preponderance of evidence” and should include a wide range of proof, including attestation.
- 8. One-Step Legalization:** A one-step legalization program would verify eligibility and security and background checks in one process up front and not in a two-step process, i.e. upon conditional status and then permanent status.
- 9. Operational Terms should be defined:** Operational terms in the bill, such as “continuous residence,” “brief, casual, and innocent,” and “known to the government,” should be defined in legislation to avoid later confusion.
- 10. Broad humanitarian waiver:** A broad waiver of bars to admissibility such as unlawful presence, fraud, or other minor offenses.