

Justice in Immigration A Pronouncement approved by General Synod XIII (1981)

Summary

The pronouncement calls attention to global and domestic implications of United States immigration policy (both governmental and private sector) and recommends policies which call for: public and private practices which reduce worldwide pressures on persons to migrate; a more open, flexible and humane United States immigration and refugee policy; more humane administration of immigration law protecting civil rights; protection of undocumented persons during transition to new policies and laws; and greater involvement of the United Church of Christ in aiding immigrants in resettlement. This pronouncement fulfills the mandate of the Twelfth General Synod to present to the Thirteenth General Synod a major policy statement on immigration and refugee policy.

A. Historical Background:

1619 to 1874 was generally a period of unrestricted immigration. Early settlers of Anglo-Saxon background were augmented by migration from Europe, Asia and Latin-America, including some indentured servitude migration from Europe and high levels of involuntary migration from Africa.

With slave trade terminated in 1808, and yet with a wide diversity of persons in the U.S., the foundations were laid for a monolithic society and local states began to express fear of foreigners and fear of certain religious persuasions by instituting state laws limiting immigration. Fortunately, the Supreme Court shifted the power to control immigration from the State to the Federal Government.

From 1887 to 1920, a period of restrictive immigration ensued. Restrictions of Catholics, exclusion of Chinese, severe limitations on Koreans, Japanese and others were imposed and ultimately in 1917 all Asians were excluded.

In 1921 through 1964, quantitative immigration restrictions were developed. In 1921, the first country-specific limitation was imposed limiting annual immigration to only 3% of the foreign born persons of that nationality who resided in the United States according to the 1910 population census. This quota effectively excluded not only Asians but also Africans and persons from countries on other continents.

Meanwhile, the annexation of the Southwest of the United States incorporated a significant presence of Hispanic persons, but fluctuations in the law, practice, and even war (to the present day) imposed limitations closing or limiting an otherwise generally open Mexican border. The Louisiana Purchase opened that large territory for settlement and, by war and treaty, the annexation of Texas and a large portion of Mexico significantly increased the Hispanic presence in the United States. Indeed, these Mexicans became involuntary immigrants into the United States.

This unfair quota system was addressed by President Truman, but the McCarran-Walters Act in the early 1950's focused on fear of communism and the present equally repressive restrictions. From 1965 to the present, the United States entered a period of immigration objectives proclaiming family reunion and provision of labor needs. With worldwide limits imposed in 1965 of 120,000 immigrants for the Western Hemisphere and 170,000 for the Eastern Hemisphere, and ultimately a placement of 20,000 persons per year from any given country, the new act opened voluntary

immigration from African and Asian nations. This immigration included West African nations from which many slaves were taken into the United States.

The actual operation of the 1965 law has not fulfilled the hopes of its authors. The immigration levels from African nations are still far below the 20,000 per country limit (as are levels from most European nations). This immigration from Africa has increased by 86% from 1965 to 1974 which is significant since lack of family connection had virtually cut off immigration from Africa for over 100 years. At the same time a few countries are experiencing long backlogs as their applications for immigration regularly exceed 20,000 annually. Greater efforts are needed to understand the role of immigration policy in separating American Blacks from their African heritage. The result of the 1965 law is that for two persons equally qualified, one may enter and another may not simply because of their nation of origin.

B. *United Church of Christ Background*

Through its local congregations, the United Church of Christ and its predecessor denominations have long served the spiritual and social needs of migrating, immigrating, and refugee persons. From the time of their arrival in New England, Pennsylvania, or the Midwest, these denominations have served the spiritual needs of the newcomers as well as providing identity, community and services.

In more recent history, in the late 1950's, the General Synod supported liberalizing and simplifying United States immigration law to reduce general limitations and to regularize the status of Hungarian refugees. In 1961, 1965, and 1979 General Synods called for limiting migratory labor, opposing quotas based on national origins, and addressing the situation of undocumented workers. These policies have been enhanced by many Synod statements on human rights and justice.

In the 1979 resolution, "Immigration and the Undocumented Worker," policy guidelines were adopted calling for: more equitable quotas, social services to undocumented persons, humane administration of the law, examination of special United States/Mexico needs, and a continuing reaffirmation of human rights. This resolution also called for the preparation of a major policy statement on immigration and refugee policy to be prepared for the Thirteenth General Synod by the Office for Church In Society.

With significant emphasis on both the public and private global causes of migration in this statement, attention is called to the wealth of resource materials and policy statements furnished to General Synod, Conferences, and congregations on corporate social responsibility by the United Church Board for World Ministries in behalf of the United Church of Christ agencies. It is assumed this monitoring of social responsibility of corporations will continue and will enhance the ultimate implementation of these proposed immigration policy guidelines.

C. *Current National and World Context*

The United States familiarity with Indochinese and Cuban refugee problems and the unique status of Haitian entrants hides issues of immigration which are larger and more complex than resettlement. With more than 18 million refugees in the world and perhaps as many as a billion persons in some mobile status, the matter begs for world attention, It should be noted that a disproportionate number of these are women and children. In the United States, new awareness of immigrants and refugees and increasing Hispanic and Asian populations has led to concern and occasional hostility.

In 1978, recognizing many of the problems and shortcomings in the law, Congress and the President appointed a Select Committee on Immigration and Refugee Policy which is recommending significant changes in the law regarding administration quotas, enforcement, and international relations. With social pressures adding to the Commission report, increasing national attention to these matters is expected.

D. *Biblical, Theological and Ethical Rationale*

The concepts of stranger, alien, and sojourner furnish useful metaphors for interpreting the Biblical and theological heritage of the church and God's actions in human history. From the estrangement with God and the expulsion from the Garden to the wandering Aramean, Abraham, to the exodus from Egypt, to the continuing reminders of the prophets, history suggests a temporary sojourning quality of human existence. Further, as a stranger, God in Christ was born without a home and died almost the alien outside the city wall. While God acts through the stranger, the human response too often suggests fear, indifference, and callousness to the stranger and sojourner. To the human community, the stranger remains the outsider, the different one who threatens and offends the customs of the community, the scapegoat for neighborhood decline. The community of God is always open to the hungry, the poor, the sick and the stranger. The human community protects and shields itself with walls and boundaries – and with exploitative employment policies offering the alien substandard wages and repressive immigration policies.

The stranger and the sojourner always challenge the ethical and moral limits of the human community and the community of faith. The prophetic voice of the Old and New Covenants proclaims that where community shuts out the stranger with city walls, closes up its worship and common life against the strangers, the captives and the poor, the prophetic voice warns of suffering, decay, and alienation that is death. Yet the stranger is not only an obligation or duty. The stranger is God's dialogue with human history; is the sign of renewal and life. God utilizes the stranger and the wanderer to challenge and replenish the human situation and to proclaim grace and mercy as well as righteousness and life. For it is not only that Jesus was sent as a stranger, but that Jesus came as the stranger who brings us life and more abundant life.

God's actions culminate when all of God's people are "reconciled one to another, no longer strangers and sojourners, but fellow citizen with the Saints and workers of the household of God." (Eph. 2:19)

STATEMENT OF CHRISTIAN CONVICTION

This statement of policy is built around global perspectives, general immigration issues, refugee concerns, administration of law, and transitional concerns regarding undocumented persons. A related Proposal for Action calls for program development and implementation.

A. *Migration and Immigration are Global Issues*

1. Issue Summary

Possibly the most significant contribution toward improving the lot of migrating persons would be to address some of the root causes of migration and immigration. As the Twelfth General Synod noted in "Immigration and the Undocumented Worker," these causes are global in character and often originate in the public and private sectors of the highly industrialized nations. In some countries, governments and corporate conglomerates tend to profit from

oppression of workers, unequal world distribution of natural resources, and political disenfranchisement.

Political and economic policies and practices of the U.S. and other governments contribute to worldwide pressures for migration. Many refugees are fleeing oppressive governments whether friendly or unfriendly to the United States. In the economic sphere, both public and private investments and trade policies often aggravate the economic plight of the poor and middle classes. For example, loan policies of U.S. and international agencies have tended to encourage energy and capital intensive rather than labor intensive technology, increasing pressure to migrate. The image of the U.S. as the land of unlimited wealth and resources fosters unrealistic expectations of many immigrants. This optimistic view misleads potential immigrants and does not present the significant social and economic realities confronting immigrants in this country.

2. Policy Statement

The Thirteenth General Synod of the United Church of Christ recognizes the global character of immigration issues and supports a policy of equity and justice for citizens of sending and receiving countries. Therefore, to a greater degree than at present:

- a. The United States should encourage and support movements for human rights in all nations, thus reducing the pressures on persons to migrate.
- b. The United States should promote peaceful resolution of conflict, reduce exporting of weapons, and encourage other nations to do the same.
- c. The United States should encourage other nations to shelter refugees and provide assistance to those who do in addition to continuing and expanding support of the United Nations High Commission for Refugees.
- d. The United States should encourage economic and social development which will reduce pressures to migrate, through the use of economic aid appropriate to developing countries, responsible private investment, and suitable technologies. Particular attention should be given to cooperative development with neighboring countries.
- e. The United States, its governmental agencies, and the media should take care to portray the realities facing immigrants including shortage of housing, the lack of employment, and prejudice to outsiders. Economic and social benefits may also be unattainable.

B. *General U.S. Immigration Policy Should Be More Open, Flexible, And Humane*

1. Issue Summary

Over the past century the United States has generally practiced restrictive immigration policies preventing entry of numbers or kinds of persons regarded as undesirable at a given time. The current limit of 20,000 immigrants per country has resulted in long backlogs of applicants and has discriminated on the basis of national origin. In addition, the current immigration law establishes barriers on the basis of health, sexual orientation, poverty, and prior criminal records that may be discriminatory. These limits and the discriminatory application of law, ostensibly used to protect labor, too often protect neither the immigrant nor the poorest U.S. workers. Each is subject to questionable employment and management practices. While the law affirms family reunification as a priority, other provisions of the law interfere and divide families unnecessarily.

2. Policy Statement

The Thirteenth General Synod of the United Church of Christ supports continued protection of basic human rights and freedom of movement for all immigrants, migrants, and refugees tempered only by minimum necessary limitations. Therefore,

- a. Admission to the United States should be without regard to national origin. A flexible worldwide quota for immigration into the United States is more desirable and effective.
- b. Immigration to the United States should not be restricted on the basis of race, sex, sexual orientation, political or religious affiliation, handicaps, or poverty.
- c. Only those limitations should apply which are based on the United States' ability to offer opportunities to new immigrants and to protect the health, safety, and economic welfare of U.S. citizens and interests.
- d. Limits to the number of immigrants to the United States should be set to protect labor, especially low income workers, from competing for scarce jobs, depressing of wages, or working conditions and standards. Yet it should be acknowledged that immigrants, refugees, and migrants do not pose the major threat to employment of United States citizens or residents, as do other factors in the economy.
- e. A Primary criterion for immigration policy should continue to be family reunification with a reasonably flexible definition of family especially for cultures which value the extended family network.

C. *U.S. Policy Should Reflect the U.S. Heritage of Accepting Refugees*

1. Issue Summary

The United States embraces a goal of providing refuge from political, racial, and religious persecution, but its policy has not always been guided by altruism. In recent history, refugees on occasion have been accepted as a means of embarrassing unfriendly governments. In some cases, the Federal Government has admitted refugees but has not provided local governments and agencies with resources to meet resettlement needs. The Twelfth General Synod called upon the United States to encourage and to support international efforts to enable refugees to find homes and opportunity for life. With world in tension, the United Church of Christ needs to be aware of the impact of United States foreign policy in affecting conditions which create refugees.

2. Policy Statement

In obedience to the Gospel mandate, the Thirteenth General Synod of the United Church of Christ affirms legislation and policies which welcome and promote the welfare of refugees. Therefore,

- a. General immigration policy should be applied to refugees.
- b. Those who fit the United Nations definition of refugees as persons persecuted on account of race, religion, national origin or political affiliation. Provision should be made to admit those who do not satisfy the technical definition of refugee status, but whose admission would be humanitarian, for example, those fleeing war or natural disasters.
- c. Present United States policy which pays cost of refugee aid and resettlement programs conducted by states, local governments, and church and voluntary agencies should be supported and maintained.
- d. Planning of refugee programs should include representatives of both the refugee and receiving communities to insure preservation and cultural heritage of refugee groups as they interact with their new environment.

- e. Refugees should not be counted against limits on numbers of immigrants, but should be admitted under plans which should be admitted under plans which take into account emergency situations and United States ability to bear resettlement costs.
- f. Persons fleeing persecution by governments allied with the United States should be treated the same as those fleeing non-allied governments.

D. *Administration and Enforcement Must be Humane and Protect Civil Rights*

1. Issue Summary

The Supreme Court has determined that non-citizens in immigration proceedings have only those rights granted by Congress, as those rights are interpreted by the administrators of the law. The Immigration and Naturalization Services has been criticized for inefficient administration, insensitive treatment of alien and citizen applicants, and racial and ethnic discrimination, particularly in a 1980 report from the United States Commission on Civil Rights. Funded inadequately and staffed by employees often inadequately trained, especially in language skills, INS has been mandated to guard borders to enforce immigration and visitor procedures, to serve as prosecutors as well as judge in hearings regarding status of an alien or deportation of an alien, and generally to administer the law. Ineffective enforcement of the law has led to state efforts at enforcement which often infringe upon the rights of citizens and legal residents and foster discrimination against some ethnic minorities.

2. Policy Statement

The Thirteenth General Synod of the United Church of Christ affirms the obligation of governments to provide justice for all persons under their jurisdiction. Therefore,

- a. The Congress should specifically grant refugees and immigrants the same basic procedural and substantive rights which the Constitution guarantees to citizens. It should reorganize the Immigration and Naturalization Service to protect these rights effectively. INS should be adequately funded.
- b. Enforcement of immigration law should be just and humane and an exclusively federal responsibility.
- c. Interpreters should be provided as needed in immigration proceedings.
- d. Penalties should not be applied for employment of illegal immigrants nor any other means of enforcement which may increase discrimination against any ethnic minority.
- e. Penalties should be applied to employers and labor contractors who use their knowledge of another's illegal status to exploit them in any manner.
- f. Non-citizen workers should be granted the same labor rights including health, safety, collective bargaining, and wage standards guaranteed to citizens.
- g. States should not deprive any person of education, public assistance, or other benefits based on immigration status alone.
- h. Provision should be made for independent review of INS decisions with respect to immigration, in order to assure due process.

E. *Clarification of the Status of Undocumented Persons*

1. Issue Summary

Unreasonable discrimination against potential immigrants possible under existing law has prevented some people from entering the United States legally. Yet, for some decades, many of those excluded have entered and settled in violation of the law. Available data strongly suggest that the vast majority are productive members of their communities with homes, employment, and social ties indistinguishable from their neighbors. To identify and deport all these persons

would be cruel, disruptive to the communities in which they live, and an enormously difficult enforcement of admittedly unfair provisions of past laws. In previous revisions of immigration laws, some people who had been granted status or benefits had those benefits taken away inadvertently.

2. Policy Statements

The Thirteenth General Synod of the United Church of Christ reaffirms the Twelfth General Synod Resolution on “Immigration and the Undocumented Worker,” and advocates a comprehensive revision of immigration law and clarification of the rights of undocumented persons. Therefore,

- a. New immigration legislation should include more effective provision for granting legal status to undocumented persons who have become law-abiding residents. Such provisions should be generous to ease enforcement and to avoid injustice, while being responsive to the needs of the entire community.
- b. Limited amnesty for undocumented persons should be granted for those persons residing in the United States before a date to be specified by the U.S. Congress.
- c. Any revisions of existing laws should provide for retention of status, rights, or privileges previously granted.

F. *Greater Involvement of the United Church of Christ in Aiding Immigrants in Resettlement*

1. Issue Summary

The primary responsibility of the church with respect to immigrants is to embrace them with true Christian love, irrespective of their status. Churches have not to date addressed the need to help in the settlement of immigrants with sufficient vigor or Christian commitment.

2. Policy Statement

The Thirteenth General Synod of the United Church of Christ affirms its obligation to provide humane treatment to immigrants. Therefore,

- a. Local churches, conferences, and instrumentalities of the United Church of Christ should advocate for the rights of immigrants.
- b. Local churches, conferences, instrumentalities of the United Church of Christ should aid undocumented immigrants in attaining legal status.
- c. Local churches, conferences, and instrumentalities of the United Church of Christ should aid immigrants in reunification with their families and in placement in areas of the country most favorable for their productive participation in society.
- d. Local churches, conferences, instrumentalities, and church related institutions should assist in meeting the social welfare needs of immigrants.
- e. Local churches, conferences and instrumentalities, should be inclusive of immigrants in existing and new churches.
- f. Members of the United Church of Christ should advocate the implementation of this Pronouncement’s policies.

DEFINITIONS:

1. “Alien” – any non-citizen
2. “Immigrant” – General class of all persons entering the United States for residence
3. Immigrants by normal preference categories
4. Immigrants as refugees
5. Special groups such as diplomats, students, etc.

**Proposal for Action
Related to the Pronouncement on Justice in Immigration**

A proposal for designating responsibility and structure of the Instrumentalities, Conferences, and congregations of the United Church of Christ to address moral, social, economic, and political issues related to migrants, immigrants, and refugees.

Background

The JUSTICE IN IMMIGRATION Pronouncement adopted by the Thirteenth General Synod presents a Christian perspective for United States and world policy regarding migrants, immigrants, and refugees. It continues the long heritage of the United Church of Christ concern for human rights, justice for the poor, and support of the world's uprooted peoples.

Implementation

WHEREAS, the Thirteenth General Synod of the United Church of Christ has adopted the Pronouncement, JUSTICE IN IMMIGRATION, and

WHEREAS, this Pronouncement has raised a number of important concerns, issues, and needs to be addressed by the church.

THEREFORE, the Thirteenth General Synod calls upon:

- the Office for Church In Society, in collaboration with other national Instrumentalities, to convene a special advisory committee with representation from Pacific and Asian American Ministries (PAAM), Council for Hispanic Ministries, Ministers for Racial and Social Justice, United Black Christians, concerned national instrumentalities of the United Church of Christ, and other persons with expertise in the area of immigration. This committee will advise the staff working group, local churches, conferences and instrumentalities with respect to immigration issues;
- the United Church Board for Homeland Ministries, the United Church Board for World Ministries, the Commission on Racial Justice, and the Office for Church In Society to constitute a staff working group convened to assist Conferences, congregations, and other UCC groups to interpret issues and develop programs to implement the Pronouncement;
- the Office for Church In Society to convene and facilitate the staff working group and the advisory committee.

Directional Statement and Goals:

[In each of the following statements ecumenical cooperation is assumed and should be an integral part of all efforts.]

The Thirteenth General Synod calls upon and invites:

- the United Church Board for World Ministries, the Office for Church In Society, local congregations, and Conferences to focus educational efforts on the global perspectives of political, social and economic concerns related to immigration;
- the United Church Board for Homeland Ministries, the Commission for Racial Justice, the Office for Church In Society, local congregations, and Conferences to focus educational efforts on governmental and agency procedures, limitations on immigration, and human and

civil rights related to immigration. In addition, it is recommended that consultation should be encouraged with appropriate government bodies, including the immigration and naturalization service;

- the Office for Church In Society, the United Church Board for Homeland Ministries, the United Church Board for World Ministries, congregations, and Conferences to develop and execute strategies and programs to advocate public policy development and implementation in Congress, governmental agencies, and the United Nations consistent with the judgments and values inherent in the Christian Gospel and interpreted in General Synod policies;
- the United Church Board for Homeland Ministries, the Office for Church In Society, the Commission for Racial Justice, local congregations, Conferences, and other structures of the church to assist, generate, and support organizing efforts among immigrant groups to focus on:
 - advocacy for public policy, social benefits, and economic development;
 - assisting, generating, and supporting community projects dealing with immigration;
 - supporting and/or providing social services;
 - offering advisory services to church, government, or other voluntary organizations.

The Thirteenth General Synod further recommends:

- the United Church Board for Homeland Ministries, the United Church Board for World Ministries, the Office for Church In Society, and other structures of the church along with Conferences and congregations support the following ministries and others:
 - organizing and supporting new congregations among new immigrants as may be appropriate, such as the New Initiatives in Church Development;
 - offering assistance in leadership development;
 - offering social and educational services to undocumented persons as well as to refugees and immigrants;
 - assisting voluntarily in refugee resettlement, and welcoming immigrants into the life and fellowship of congregations;
 - fostering corporate social responsibility relative to pressures causing migration.

The Thirteenth General Synod recommends:

- to local congregations, Conferences, and Instrumentalities, but especially to the United Church Board for World Ministries, that attention be given to the global perspective of immigration and that cooperation with partner denominations on matters related to immigration be pursued.

Conclusions

Support for human rights and values as new immigrants come to these shores offers the United Church of Christ opportunities for ministry. In addition, creative international participation may furnish new models of ministry to address societal pressures forcing migration. The proposal provides a means of rising to the challenge and seizing the opportunity for faithfulness in mission to the immigrants, migrants, and refugees.