Catholic Social Teaching, the Right to Immigrate and the Right to Regulate Borders: A Proposed Solution for Comprehensive Immigration Reform Based Upon Catholic Social Principles

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“Brother Bishops, I want to encourage you and your communities to continue to welcome the immigrants who join your ranks today, to share their joys and hopes, to support them in their sorrows and trials, and to help them flourish in their new home. This, indeed, is what your fellow countrymen have done for generations. From the beginning, they have opened their doors to the tired, the poor, and “huddled masses yearning to breathe free” (cf. Sonnet inscribed on the Statute of Liberty). These are the people whom America has made her own.”3 – His Holiness Pope Benedict XVI

Introduction

In the past decade, political leaders from all sides of the political aisle have discussed and debated proposals to reform America’s immigration system. A number of key immigration reform proposals have been introduced in Congress in the past several years only to fail to capture any of the political headwinds necessary to move the legislation successfully through the halls of Congress to a signature from the President of the United States.

On November 20, 2014, President Barack Obama announced a series of executive actions on immigration4 which the administration noted were intended to “modernize and streamline the

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U.S. immigration system.” The first major part of the executive actions were an expansion of the “Deferred Action for Childhood Arrivals” (DACA) program to all those individuals who entered the United States before the age of 16 and who have continuously lived in the United States since at least January 1, 2010. It also extended the deferred action period and employment authorization period from a period of two years to three years. Significantly, the second major part of the actions paved the way for a creation of a new “Deferred Action for Parents of Americans and Lawful Permanent Residents” (DAPA) program to allow individuals who have continuously lived in the United States since at least January 1, 2010, and who had a son or daughter who is a United States citizen or lawful permanent resident as of November 20, 2014 the ability to request deferred action and employment authorization from the United States Customs and Immigration Service. The new DAPA program could potentially affect


6 See Michael Jeb Richard, Deferred Action for Childhood Arrivals: Place a Bet or Wait on a Dream, 40 S.U. L. REV. 293, 306-307 (2013) (“Subject to qualifying, applying, and passing health screening and background checks, DACA is designed to provide certain, qualified, unlawful childhood arrivals who are not in immigration detention and either: a) are already present in the United States; b) are currently in removal proceedings; c) have been issued a final removal order; d) have been issued an order of voluntary departure; e) have applied for asylum before June 15, 2012; or f) have applied for Cancellation of Removal before June 27, 2012, with a two-year prolongation of removal and work authorization, both subject to renewal”).


8 See Mike Warley, Note, Deferred Action for Childhood Arrivals: A Case of Prosecutorial Discretion or Inappropriate Agency Rulemaking?, 26 GEO. IMMIGR. L.J. 683, 687 (2012) (“Deferred action is largely a product of administration convenience and prioritization. The process has also been called ‘nonpriority status.’ The practice of assigning nonpriority status can be traced to a memo issued by former Immigration and Naturalization Service ("INS") Commissioner Doris Meissner in 2000, outlining the importance of prosecutorial discretion in immigration matters, including the exercise of deferred action. This memo was used to guide enforcement officers in assigning nonpriority status in a general sense”).

9 See UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, supra note 7.

10 Id.
approximately 4 million undocumented individuals and essentially allow the individuals to defer deportation and apply for authorization to work legally within the United States.\textsuperscript{11} Nonetheless, the new actions do not offer any pathway to permanent legal status or to citizenship.\textsuperscript{12}

The executive actions have not been without controversy.\textsuperscript{13} The future enforcement of the execution actions is a question now before the courts. On December 16, 2014, Judge Arthur Schwab of the United States District Court of the Western District of Pennsylvania discussed the constitutionality of the executive actions on immigration in a Memorandum Opinion which addressed the applicability of the executive actions in a case involving a defendant who pled guilty to a violation of 8 U.S.C. § 1326, re-entry of a removed alien.\textsuperscript{14} In his Memorandum Opinion in \textit{United States v. Juarez-Escobar}, Judge Schwab opined that the executive actions go beyond permissible prosecutorial discretion\textsuperscript{15} and were unconstitutional as violations of the separation of powers as well as the Take Care Clause.\textsuperscript{16} And in February 2015, Judge Andrew Hanen of the United States District Court of the Southern District of Texas granted a preliminary injunction in favor of a group of state officials who filed a lawsuit to prevent implementation of

\textsuperscript{11} See Shear, \textit{supra} note 4.


\textsuperscript{15} \textit{Id.} at 787. The Court stated the following:

However, President Obama’s November 20, 2014 Executive Order goes beyond prosecutorial discretion because:

(a) it provides for a systematic and rigid process by which a broad group of individuals will be treated differently than others based upon arbitrary classifications, rather than case-by-case examination; and

(b) it allows undocumented immigrants, who fall within these broad categories, to obtain substantive rights.

\textsuperscript{16} \textit{Id.} at 797.
the DAPA program and the expansion of the DACA program. Judge Hanen also expressed concerns regarding the constitutionality of the actions.

On May 26, 2015 a three-judge panel of the United States Court of Appeals for the Fifth Circuit denied a motion by the United States government to stay the injunction granted by Judge Hanen. The Court noted that “Congress has developed intricate process for unlawfully present aliens to reside lawfully (albeit with legal status as opposed to lawful presence) in the United States on account of their child’s citizenship.” The Court also stated that it “would expect” to find an explicit delegation from Congress to authorize the DAPA program, “but no such provision exists.” In denying the motion to stay, the Court of Appeals found the United States did not make a strong showing that it would likely succeed on the merits.

The judicial resolution of the legality of the executive action will likely ultimately find its way to the United States Supreme Court. However the courts ultimately rule on the executive

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18 Id. at *44. The Court stated the following:

Exercising prosecutorial discretion and/or refusing to enforce a statute does not also entail bestowing benefits. Nonenforcement is just that – not enforcing the law. Nonenforcement does not entail refusing to remove these individuals as required by the law and then providing three years of immunity from that law, legal presence status, plus any benefits that may accompany legal presence under current regulations. This Court seriously doubts that the Supreme Court, in holding non-enforcement decisions to be presumptively unreviewable, anticipated that such “nonenforcement” decisions would include the affirmative act of bestowing multiple, otherwise unobtainable benefits upon an individual. Not only does this proposition run afoul of traditional exercises of prosecutorial discretion that generally receive judicial deference, but it also files in the face of the very concerns that informed the Heckler Court’s holding …..

19 See Texas v. United States, 787 F.3d 733, 743 (5th Cir. 2015).

20 Id. at 760.

21 Id.

22 Id. at 767.

23 See Brian Hughes, Obama’s immigration executive action appears destined for Supreme Court, WASH. EXAMINER (March 14, 2015),
actions, there still is a broader question of how to comprehensively reform the immigration system on a large scale through legislation passed by Congress.

Many policymakers have stressed the importance of reforming the immigration system in a comprehensive way. Currently an estimated 11 million individuals may be residing within the United States on undocumented status.24 With the status of millions of individuals in the balance, the current debate concerning immigration reform has elicited strong passions among many on all sides of the political spectrum. One major organization, the Federation for American Immigration Reform (“FAIR”), advocates improved “border security, to stop illegal immigration, and to promote immigration levels consistent with the national interest – more traditional rates of about 300,000 a year.”25 On the other side of the debate, the National Council of La Raza (“NCLR”) has been supportive of comprehensive immigration reform which provides a pathway to citizenship for the 11 million undocumented immigrants currently residing within the United States.26 Immigration reform has vaulted into a key issue in the 2016 presidential race,27 particularly with the Republican primary campaign.28


Numerous significant attempts to pass legislation intended to reform the immigration system in a comprehensive fashion have stalled in Congress within the past ten years. In early 2013, eight United States Senators from across the political spectrum announced the general principles of a comprehensive immigration reform plan intended to provide a path to legalization for thousands of undocumented immigrants, enforce the United States border and provide a system of admitting new foreign students and workers into the United States while protecting the interests of all workers. Nicknamed the “Gang of Eight,” the efforts of the Senators had early momentum but fell short in the 113th Congress. Other attempts, including the 2005 “McCain-Kennedy” bill, the 2005 “Cornyn-Kyl” bill, the 2007 “Kennedy-Kyl” bill, and the 2010 United States Senate Democrats plan all fell short at some point in the federal legislative process. However, efforts to restrict immigration have quickly surfaced at the local and state level in the meantime. Some policymakers, sensing inaction at the federal level, focused efforts


30 See Rachel Weiner, Immigration’s Gang of 8: Who are they?, WASH. POST, (Jan. 28, 2013), http://www.washingtonpost.com/blogs/the-fix/wp/2013/01/28/immigrations-gang-of-8-who-are-they/ (the Gang of 8 includes 4 Republican and 4 Democratic senators. The Republican senators include Senator Marco Rubio of Florida, Senator Jeff Flake of Arizona, Senator John McCain of Arizona, and Senator Lindsey Graham of South Carolina; the Democratic senators include Senator Dick Durbin of Illinois, Senator Robert Menendez of New Jersey, Senator Chuck Schumer of New York, and Senator Michael Bennett of Colorado). It should be noted that since this time Senator Rubio has expressed reservations concerning his prior support for the proposal.


33 Id.

34 Id.

35 Id.
on the passage of local and state legislation to enforce the nation’s immigration laws.\textsuperscript{36} At the local level, the cities of Hazleton, Pennsylvania,\textsuperscript{37} Farmer’s Branch, Texas, \textsuperscript{38} and Fremont, Nebraska\textsuperscript{39} enacted ordinances imposing penalties upon persons and business entities who knowingly rent a dwelling unit to undocumented immigrants. At least six states, five following the lead of Arizona with S.B. 1070, have enacted laws which require local police to determine the immigration status of detained or arrested individual(s) when they have “reasonable suspicion” the individual(s) are undocumented.\textsuperscript{40} Numerous academic commentators have written law review articles concerning the legality and effects of state and local enforcement of


immigration and the 2012 United States Supreme Court decision in *Arizona v. United States* still leaves many legal issues concerning immigration unresolved.

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41 Law review scholarship in this area is vast. Articles include the following:


Amidst all of the debates among policymakers over immigration, many questions remain unanswered. What is a realistic solution to immigration? What is a just solution to immigration? What is a humane solution to immigration? Is there a way to promote the universal common good?

In the immigration debate, the Catholic legal tradition offers key insights into the universal common good and maintaining the balance between the individual’s right to immigrate and a nation’s right to regulate its borders for safety and security. Amidst the immigration debate, the Catholic legal tradition emphasizes the significance of the universal common good in

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policy decisions and applying the Catholic legal tradition to the contemporary debates over comprehensive immigration reform can provide key insights to policy discussions.44

A number of scholars have commented on the significance of religious traditions to the debate concerning immigration policy in the United States.45 In this article, we contend that the Catholic legal tradition is relevant to the contemporary debate among policymakers in 2015 as it weighs the balancing policy considerations of the right to immigrate as well as the right of a nation to regulate its borders advocated on both ends of the policy debate.

Section I of this Article discusses the current policy debate concerning comprehensive immigration reform and recent major legislative proposals for comprehensive immigration reform, including the plan of the “Gang of Eight” in 2013. Section II explains the biblical foundations concerning migration and key elements in Catholic social teaching concerning immigration.

In Section III, we provide the outline of a contemporary proposal for comprehensive immigration reform which incorporates Catholic social principles. To highlight the value of the universal common good and to balance both strands of Catholic social thought, we advocate a

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proposal for immigration reform which largely emphasizes public service/community service, instead of fines, as a precondition for undocumented individuals to earn legalized status.\(^4^6\) In addition, following the lead of an article in the *Economist* in February 2015, we advocate a part of the proposal where individual states can have a role in comprehensive immigration reform\(^4^7\) that is consistent with Catholic social teaching.

I. The Current Debate Concerning Immigration Reform

   A. Immigration to the U.S. – Statistical Trends and the Emerging Issue of Immigration to the U.S.

   The boom in immigration to the United States has been occurring for a number of years. According to the Congressional Research Service, immigration to the United States in the early part of the twenty-first century is approaching levels comparable to the rise in immigration in the early twentieth century.\(^4^8\) While in the early twentieth century the wide majority of new immigrants were European,\(^4^9\) immigrants to the United States today largely come from a variety of countries in various continents, with the highest sending countries being Mexico, Philippines, China, Vietnam, Dominican Republic, India, El Salvador, Cuba, Korea and Colombia.\(^5^0\) In 1910, approximately 14.8 percent of all individuals residing within the United States were foreign-

\(^4^6\) The possibility of a community service requirement has been suggested in the past by at least one policymaker, United States Senator Marco Rubio of Florida, one of the original “Gang of Eight” in the United States Senate. For more information, see Matthew Kaminski, Marco Rubio: Riding to the Immigration Rescue, THE WALL STREET JOURNAL (Jan. 14, 2013), http://online.wsj.com/article/SB100014241278873234442804578235844003050604.html


\(^5^0\) See WAESM, supra note 48, at 3.
one hundred years later, in 2010, that figure stood at 12.9 percent. While these percentages may not appear to be substantial to the lay observer, the actual numbers show a significant increase in the number of foreign-born residents of the United States. In 1960, just under 10 million individuals within the United States were foreign-born; in 2010, that number stood at approximately 40 million.

Of the 40 million foreign-born individuals residing within the borders of the United States, the Department of Homeland Security’s Office of Immigration Statistics estimates that approximately 11.5 million individuals are residing without legal authorization. Of this figure, an estimated 33 percent entered the United States from approximately 2000 to 2010.

With millions of undocumented immigrants residing within the United States, the debate over immigration has become largely divided. Some policymakers appear to prefer an approach of further securing the United States / Mexico border, strengthening the U.S. Border Patrol, and adding unmanned aerial drones to border security as a prerequisite to set in place before passing legislation to address the status of undocumented immigrants within the United States. Some policymakers opine that an earned legalization program would be synonymous with an “amnesty.” Other policymakers advocate the importance of passing a reform proposal and

51 Id. at 2.

52 Id. at 7.

53 Id. at 4.

54 Id.

55 Id. at (Summary).


57 Id.
setting into place an earned legalization program for the undocumented.\textsuperscript{58} Although the contemporary debate is quite polarized, immigration reform is not a subject completely new to the congressional policy agenda.

\section*{B. Background of Key Modern Immigration Laws}

A number of key immigration laws enacted in the past thirty years inform and guide the contemporary discussions concerning immigration reform. In the 1980s, immigration to the United States spiked\textsuperscript{59} as the United States became a hospitable place for new immigrants with its economic growth.\textsuperscript{60} Support networks for the immigrants also grew within the United States, quickly becoming a factor which encouraged more immigration.\textsuperscript{61} With an estimate of approximately 2 million individuals who entered the country with undocumented status in the 1980s, calls for reform of the immigration system grew from policymakers.\textsuperscript{62} The Immigration Reform and Control Act of 1986 ("IRCA") was soon enacted to attempt to update the United States’ patchwork synthesis of various immigration laws.\textsuperscript{63}

\subsection*{1. The Immigration Reform and Control Act of 1986}

\textsuperscript{58} See Brian Latimer, Gutierrez: House has enough votes for immigration reform: “Now we need to get it done,” NBC LATINO, (Jul. 22, 2013), http://nbclatino.com/2013/07/22/gutierrez-house-has-enough-votes-for-immigration-reform-now-we-need-to-get-it-done/


\textsuperscript{61} Id.

\textsuperscript{62} See Schuck & Wang, supra note 59.

\textsuperscript{63} Id. at 116-117.
IRCA\textsuperscript{64} represented Congress’ first comprehensive legislation to address the issue of undocumented immigrants residing within the United States.\textsuperscript{65} IRCA had three main goals: 1) to establish a program to enable the legalization of certain undocumented immigrants residing within the United States; 2) to further secure the borders of the United States; and 3) enact tough sanctions upon employers who knowingly employ undocumented immigrants.\textsuperscript{66}

The main feature of IRCA commonly discussed in the contemporary policy debates today was the granting of amnesty to certain undocumented immigrants.\textsuperscript{67} IRCA permitted immigrants who were continuously and unlawfully present within the United States prior to January 1, 1982 to apply for status as a legal permanent resident (LPR) following temporary residency of eighteen months, provided they were of “good moral character”\textsuperscript{68} and met certain requirements for proficiency in the English language as well as demonstrated knowledge of United States history and governmental institutions.\textsuperscript{69} In addition, the legislation granted a path to legalized

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status to thousands of special agricultural workers (SAWs) as well.\textsuperscript{70} In total, approximately 2.7 million individuals eventually became legal permanent residents under IRCA.\textsuperscript{71}

While IRCA contained a pathway to legal permanent resident status for thousands of undocumented immigrants, the legislation also toughened sanctions against illegal immigration. To further the goal of securing the border, IRCA provided for a fifty percent increase of the staff of the United States Border Patrol.\textsuperscript{72} Congress also enacted provisions toughening employer sanctions of the knowing hiring and retention of undocumented immigrants as it sought to curb illegal immigration through eliminating the “magnet” of unauthorized employment.\textsuperscript{73} Three types of activity were made illegal by IRCA: “1) the knowing hiring of persons not authorized to work in the United States; 2) the continued employment of persons not authorized to work (though persons previously employed were not subject to these restrictions); and 3) the hiring of an individual without verifying or correctly documenting the person’s identity and eligibility to

\textsuperscript{70} See Immigration Reform and Control Act of 1986, supra note 64; Cooper & O’Neil, supra note 68, at 4 (“The Special Agricultural Worker (SAW) program provided permanent residency to aliens who could demonstrate they had 60 days of seasonal agricultural work experience in qualifying crops from May 1985 to May 1986. SAW applicants could apply for permanent residency status without meeting the civics and language requirement for applicants to the general legalization program, and the program was funded through appropriated funds, not applicant fees. Nearly 1.3 million people applied for the SAW program, far more than the 250,000 who were projected to do so”).

\textsuperscript{71} See Baker, supra note 69 at 1.


\textsuperscript{73} See John B. Kaiser, Note, IRCA’s Employer Sanctions Provisions Under Meister v. INS: Constructing a Constructive Knowledge Standard, 4 GEO. IMMIGR. L.J. 681, 685 (1990) (“Throughout the legislative history of the Act, Congress made clear its belief that employment is a magnet that draws aliens to enter this country illegally. Consequently, Congress believed that the most effective response to the overwhelming influx of unauthorized aliens was legislation containing employer sanction provisions. In this regard, a 1986 Committee Report on employer sanctions provisions expressed the concern that unless employer sanctions become law, employment of unauthorized aliens would increase”).
work legally in the United States.”74 Despite these strict measures, Congress would further implement vast tougher changes to the immigration laws approximately a decade later.

2. Illegal Immigration Reform and Immigrant Responsibility Act of 1996

For a decade following the passage of IRCA, illegal immigration remained a significant issue in United States policy and policy shifted from an emphasis on legalization programs to increased restrictions on immigration. Increased hostility to immigration also started to emerge.75 In the mid-1990s, Congress took sweeping action76 concerning immigration policy with the passage of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996.77

IIRIRA completely changed the landscape of immigration law and the focus of immigration legislation from legalization of the undocumented to a renewed emphasis on border security and penalization of illegal immigration. The legislation not only provided for an increase of 5,000 Border Patrol agents for the forthcoming five years, it also allocated funds for the construction of a 14-mile triple fence along the border between the United States and Mexico near San Diego, California to increase border security.78 Significantly, the law also tied certain


immigration offenses to the Racketeer Influenced and Corrupt Organizations Act (RICO). RICO, originally intended to combat organized crime, today largely applies more to white-collar crimes. IIRIRA connects offenses such as the unlawful procurement of citizenship and the forgery and production of false immigration documents to RICO and subjects offenders to RICO’s significant criminal and civil penalties.

Arguably the most dramatic change IIRIRA implemented was a move from “deportation” proceedings to “removal” proceedings and more stringent bars to admissibility for undocumented immigrants. IIRIRA implemented a three year bar to any legal admission into the United States for any individual unlawfully present in the United States for more than 180 days and less than a year, and a ten year bar to any legal admission for any individual unlawfully present in the United States for more than a year. Finally, IIRIRA expanded the listing of aggravated felonies which could constitute grounds for removal of an alien, including crimes such as “thefts, burglaries, crimes of violence punishable by a sentence exceeding one year, rape,


Cross & Miller describe the RICO statute as follows:

“In 1970, in an effort to curb the entry of organized crime into the legitimate business world, Congress passed the Racketeer Influenced and Corrupt Organizations Act (RICO) as part of the Organized Crime Control Act. The statute makes it a federal crime to (1) use income obtained from racketeering activity to purchase any interest in an enterprise, (2) acquire or maintain an interest in an enterprise through racketeering activity, (3) conduct or participate in the affairs of an enterprise through racketeering activity, or (4) conspire to do any of the preceding activities.”

80 See CROSS & MILLER, supra note 79 at 147.

81 Id. Cross & Miller state that “Any individual who is found guilty is subject to a fine of up to $25,000 per violation, imprisonment for up to twenty years, or both.”


83 See SISKIND SUSSER, supra note 78.

While IIRIRA shifted the legislative focus on immigration from legalization initiatives for undocumented immigrants to curbing illegal immigration, the tragedy of the terrorist attacks of September 11, 2001 brought renewed focus among policymakers to national security.

3. 2002 Enhanced Border Security and Visa Entry Reform Act and 2005 Real ID Act

The tragedy of the September 11, 2001 terrorist attacks profoundly affected immigration law and policy within the United States. Each one of the hijackers involved in the four separate hijackings of passenger airplanes were lawfully present within the United States.\footnote{See Identity and Immigration Status of 9/11 Terrorists (2011), FEDERATION FOR AMERICAN IMMIGRATION REFORM (November 2011), http://www.fairus.org/issue/identity-and-immigration-status-of-9-11-terrorists} As one commentator noted, the tragic events of September 11 heightened concerns regarding the risks of immigration in connection with the overall security of American institutions.\footnote{See Peter Margulies, Uncertain Arrivals: Immigration, Terror, and Democracy After September 11, 2002 UTAH L. REV. 481, 481 (2002).} Within four years, two additional significant pieces of legislation would be enacted by Congress with a major goal to improve security.

The first major law, the 2002 Enhanced Border Security and Visa Entry Reform Act,\footnote{See Enhanced Border Security and Visa Entry Reform Act of 2002, Pub. L. 107-173, 116 Stat. 143.} aimed to close loopholes in immigration law in effect at that time which assisted the 9/11 hijackers in not only gaining admittance into the United States but to avoid detection of
involvement in their terrorist activities. The Act not only provided for an increase in the numbers of INS and Customs Services Inspectors, but also appropriated $150 million to the INS and U.S. Customs Service to improve technology to monitor the status of foreign visas and called for increased interagency sharing of information concerning the admissibility and removability of aliens between law enforcement, intelligence agencies and other agencies in the federal government. The National Immigration Forum specifically outlined many of the Act’s security provisions as follows:

The Border Security Act creates layers of security by providing multiple opportunities for our government to turn away or apprehend potentially dangerous travelers. First, non-immigrant visa applicants from countries designated at state sponsors of terrorism will receive extra scrutiny before any visa is issued to them. Second, the Act will require the government to determine the feasibility of pre-clearing foreign passengers (a procedure enabling foreign travelers to submit voluntarily to screening in advance of their departure for admissibility to the U.S.). The feasibility of expanding pre-inspection is also to be determined. (In this procedure, U.S. immigration officers are stationed at foreign airports and travelers are inspected by U.S. officers before departure). Fourth, the Act will require all airlines to transmit to U.S. authorities the names and other information about passengers and crew of all names of persons who should be denied entry. That way, officials will have yet another chance to intercept anyone who should be denied entry to the U.S. as soon as they get off the plane. The Act will also require airlines to provide departure manifests on passengers and crew before they depart the U.S. Fifth, the Border Security Act will remove a requirement in current law that passengers on flights arriving in the U.S. be cleared through the immigration inspection process within 45 minutes.

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90 Id. at 497.

91 Id. at 498-500.

92 See NATIONAL IMMIGRATION FORUM, supra note 88.
Finally, Congress also enacted the 2005 REAL ID Act in 2005. The legislation was passed by Congress with the intention of implementing specific standards that states must comply with in issuing driver’s licenses and other forms of official identification. Many policymakers and commentators have raised privacy concerns concerning the Act and the law has been opposed by many states. In fact, as of April 2013, according to the National Council on State Legislatures only 19 states were in full compliance with the Act and some policymakers have advocated for its repeal.

Although legislation has been enacted in the past twenty years in the field of immigration law which focuses on security and reducing illegal immigration, bill after bill advocating comprehensive immigration reform in the past decade has fallen short at some point in the legislative process. The road toward comprehensive immigration reform has been a long and winding one, with many peaks and valleys the past several years toward the most recent comprehensive legislation proposed in 2013 by the “Gang of Eight.”

C. Recent and Current Proposals for Immigration Reform


Following a difficult reelection campaign in 2004, President George W. Bush called for comprehensive immigration reform in his first State of the Union address at the beginning of his second term.\(^9\) In his remarks, President Bush presented the general outlines of a call for immigration reform and placed it highly on his second term agenda with the following remarks:

America’s immigration system is also outdated – unsuited to the needs of our economy and to the values of our country. We should not be content with laws that punish hardworking people who want only to provide for their families, and deny businesses willing workers, and invite chaos at our border. It is time for an immigration policy that permits temporary guest workers to fill jobs Americans will not take, that rejects amnesty, that tells us who is entering and leaving our country, and that closes the border to drug dealers and terrorists.

Later that year, two major bills would be introduced in Congress intended to provide comprehensive immigration reform, but both would fail before receiving a vote in 2005.

1. **Secure America and Orderly Immigration Act of 2005 (“McCain-Kennedy” Bill) and Comprehensive Enforcement and Immigration Reform Act of 2005 (“Cornyn-Kyl” Bill)**

In May 2005, Republican Senator John McCain and Democratic Senator Edward Kennedy introduced the Secure America and Orderly Immigration Act of 2005 (the “McCain-Kennedy” bill).\(^{100}\) The heart of the McCain-Kennedy legislation offered a path to legalization for thousands of immigrants. The bill would have created a new work visa program for future foreign workers which would allow the admittance of up to 400,000 workers who would be able to apply for a green card after four years.\(^{101}\) For those already present in the United States with

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\(^{100}\) *See* The Washington Times, McCain-Kennedy bill opens citizenship path, **WASHINGTON TIMES** (May 12, 2005), http://www.washingtontimes.com/news/2005/may/12/20050512-111803-6952r/?page=all

\(^{101}\) *Id.*
undocumented status, the bill would have enabled workers to pay a $1,000 fine and enter a guest worker program for six years.\textsuperscript{102} After an additional six years and the payment of another $1,000 fine, the worker would be able to apply for a green card.\textsuperscript{103}

A competing proposal, the Comprehensive Enforcement and Immigration Reform Act of 2005 (“Cornyn-Kyl” bill) was introduced in the United States Senate in July 2005 by Republican Senators John Cornyn and Jon Kyl.\textsuperscript{104} The Cornyn-Kyl bill would have created a new “W” visa, valid for two years, for temporary guestworkers.\textsuperscript{105} In addition, the bill also required that those undocumented immigrants who were employed within the prior twelve months to take a “mandatory departure” and reapply legally, and those who were undocumented to leave within five years or otherwise face a ten year bar to admission and monetary penalties.\textsuperscript{106} While both bills did not make it to either the floor of the United States House of Representatives or United States Senate in 2005, both proposals laid the groundwork for another attempt at comprehensive immigration reform approximately one year later.\textsuperscript{107}

2. \textit{Comprehensive Immigration Reform Act of 2006}

\textsuperscript{102} Id.
\textsuperscript{103} Id.
\textsuperscript{105} Id.
\textsuperscript{106} Id.
In February 2006, Republican Senator Arlen Specter introduced the Comprehensive Immigration Reform Act of 2006, which incorporated many elements of both the competing Kennedy-McCain and Cornyn-Kyl bills of 2005.108 The legislation would have created a temporary guest worker program for individuals in the program to earn a 3 year work visa but limited to a total of 200,000 workers per year.109 In addition to provisions strengthening border security, the legislation also called for the construction of a 370 mile fence between the borders of the United States and Mexico.110 Furthermore, the Act would have also barred any individual convicted of a felony or three misdemeanors to become a United States legal resident or citizen and would provide for the penalty of up to a $20,000 fine and three years imprisonment for any employer who knowingly hired an undocumented immigrant.111

Unique to Senator Specter’s proposal was the proposal of a three-tiered system for undocumented immigrants. Those unlawfully present in the United States for less than two years would be required to return to their country of origin.112 Those present for two to five years would be required to apply for the guest worker program.113 For those present more than five years, those individuals would be able to earn citizenship provided they work for six years, pay a penalty and back taxes, and demonstrate English language competency.114 Despite passing the


110 Id.

111 Id.

112 Id.

113 Id.

114 Id.
United States Senate by a 62-36 vote,\textsuperscript{115} the House passed a different version of comprehensive immigration reform and both chambers could not reach an agreement in the conference committee on a compromise package and the bill failed.\textsuperscript{116}

3. \textit{Comprehensive Immigration Reform Act of 2007}

Following the defeat of the Comprehensive Immigration Reform Act of 2006, one final major attempt at comprehensive immigration reform would be introduced by the conclusion of President Bush’s second term. In 2007, Senator Harry Reid introduced the Comprehensive Immigration Reform Act of 2007, largely fashioned as a compromise between the 2005 McCain-Kennedy Bill, the 2005 Cornyn-Kyl Bill, and the Comprehensive Immigration Reform Act of 2006.\textsuperscript{117} As Mark R. von Stenberg and Eric Jones noted, the bill called for the creation of two new types of visas, a “Y” visa and a “Z” visa.\textsuperscript{118} They reported the “Y” visa would be available to a maximum of 200,000 guest workers per year, and limited to five years total.\textsuperscript{119} Stenberg and Jones also noted that the provisions of the bill enabled any undocumented immigrant present in the United States after January 1, 2007 to apply for a “Z” visa, which would enable the individual to live within the United States for a period of eight years.\textsuperscript{120} As both commentators note, at the conclusion of those eight years, an individual would pay a fine of $2,000 and back

\textsuperscript{115} Id.

\textsuperscript{116} See Lichtenstein, supra note 107 at 712.


\textsuperscript{119} Id.

\textsuperscript{120} Id.
taxes if the individual wished to obtain lawful permanent resident status.\textsuperscript{121} Despite strong backing by President Bush,\textsuperscript{122} the bill failed to garner the 60 votes necessary in the United States Senate to invoke cloture for the bill to proceed further.\textsuperscript{123}

4. 2013 “Gang of Eight” Legislation

In January 2013, at the beginning of the 113th Congress, eight Senators (4 Republicans and 4 Democrats) outlined a comprehensive bipartisan framework for reform. The framework included four main “legislative pillars” which stood as the key philosophical elements of the plan.\textsuperscript{124} The basic “legislative pillars” pronounced a call to:

Create a tough but fair path to citizenship for unauthorized immigrants currently living in the United States that is contingent upon securing our borders and tracking whether legal immigrants have left the country when required;

Reform our legal immigration system to better recognize the importance of characteristics that will help build the American economy and strengthen American families;

Create an effective employment verification system that will prevent identity theft and end the hiring of future unauthorized workers; and,

Establish an improved process for admitting future workers to serve our nation’s workforce needs, while simultaneously protecting all workers.\textsuperscript{125}

\textsuperscript{121} Id.


\textsuperscript{123} See Lawrence M. Krutchik, Note, Down But Not Out: A Comparison of Previous Attempts at Immigration Reform and the Resulting Agency Implemented Changes, 32 NOVA L. REV. 455, 457 (2008).

\textsuperscript{124} See United States Senator Charles Schumer, United States Senator John McCain, United States Senator Richard Durbin, United States Senator Lindsey Graham, United States Senator Robert Menendez, United States Senator Marco Rubio, United States Senator Michael Bennet, & United States Senator Jeff Flake, Bipartisan Framework for Comprehensive Immigration Reform (2013), http://www.flake.senate.gov/documents/immigration_reform.pdf

\textsuperscript{125} Id.
Central to S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act, was a pathway to citizenship for undocumented immigrants but certification of border security is placed as a precondition to any undocumented immigrant earning lawful permanent resident status. The Act provided a record expenditure on border security measures. In addition to deploying at least 38,405 full-time Border Patrol agents to monitor the southern border, the legislation also provided for the construction of a fence at least 700 miles along the United States / Mexico border and also provided funding for 24-hour surveillance of the border utilizing the latest security technology and the use of drones for

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128 Id.

129 See Border Security, Economic Opportunity, and Immigration Modernization Act, § 1102; IMMIGRATION POLICY CENTER, supra note 127.

monitoring. Furthermore, the legislation also would have made the usage of the E-Verify employment verification system mandatory for business.

While the proposal called for an unprecedented investment in border security, it also followed the path of the prior McCain-Kennedy Bill of 2005, Comprehensive Immigration Reform Act of 2006, and Comprehensive Immigration Reform Act of 2007 and provided a path of earned legalization for thousands of undocumented immigrants. The “Gang of 8” legislation would have created a new “Registered Provisional Immigrant (RPI)” status for those who are undocumented and have paid assessed taxes, a fine of $1,000, pass background checks, and have not been convicted of a felony or three misdemeanors. One of the requirements of RPI status is an immigrant be employed continuously with only 60 day gaps permitted between employment periods. After six years in good RPI status, an immigrant could renew RPI status for an additional six years. An individual on RPI status could apply for legal permanent resident status after ten years, but would have to wait in the “back of the line” for processing of an application for lawful permanent resident status. After maintaining permanent resident

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131 See Border Security, Economic Opportunity, and Immigration Modernization Act, § 1106; IMMIGRATION POLICY CENTER, supra note 127.

132 See Border Security, Economic Opportunity, and Immigration Modernization Act, § 3101; IMMIGRATION POLICY CENTER, supra note 127.

133 See Border Security, Economic Opportunity, and Immigration Modernization Act, § 2101; IMMIGRATION POLICY CENTER, supra note 127.

134 See Border Security, Economic Opportunity, and Immigration Modernization Act, § 2101; IMMIGRATION POLICY CENTER, supra note 127.

135 See Border Security, Economic Opportunity, and Immigration Modernization Act, § 2102; IMMIGRATION POLICY CENTER, supra note 127.
status for three years, an individual would be apply to apply for citizenship.\textsuperscript{137} Thus, an individual would have to wait approximately at least 13 years to become a citizen under the proposal.\textsuperscript{138}

One of the key issues in immigration reform is the debate over how to consider the situation of children of undocumented immigrants. Many policymakers\textsuperscript{139} and academic commentators\textsuperscript{140} advocate the DREAM (Development, Relief and Education for Alien Minors)

\textsuperscript{137} See Border Security, Economic Opportunity, and Immigration Modernization Act, § 2102; IMMIGRATION POLICY CENTER, supra note 127.

\textsuperscript{138} See IMMIGRATION POLICY CENTER, supra note 127.

\textsuperscript{139} See Jordan Fabian, Why a GOP Bill for Dreamers Isn’t Enough for Democrats, ABC NEWS (Jul. 12, 2013), http://abcnews.go.com/ABC_Univision/Politics/gop-dream-act-democrats/story?id=19649383

\textsuperscript{140} The DREAM Act, and state versions of the legislation, have become the subject of numerous law review articles. These articles include:


Act to provide a path to earned legalization for immigrants who finish high school or earn a GED and either complete a certain number of collegiate credit hours or a certain number of years of military service. The “Gang of 8” legislation also included a version of the DREAM Act which would have permitted an individual who has earned either a GED or high school diploma who serves either four years in the military or completes two years of collegiate credits to apply for citizenship after only five years of RPI status.141

2008: Katie Annand, Note, Still Waiting for the Dream: The Injustice of Punishing Undocumented Immigrant Workers, 59 HASTINGS L.J. 683 (2008); Aimee Deverall, Comment, Make the Dream a Reality: Why Passing the DREAM Act is the Logical First Step in Achieving Comprehensive Immigration Reform, 41 J. MARSHALL L. REV. 1251 (2008);


2010: Gabriel J. Chin, Sweatt v. Painter and Undocumented College Students in Texas, 36 J. MARSHALL L. REV. 39 (2010);


141 See Border Security, Economic Opportunity, and Immigration Modernization Act, § 2103; IMMIGRATION POLICY CENTER, supra note 127.
Finally, the legislation also sought to create a special program for undocumented agricultural workers.\footnote{See Border Security, Economic Opportunity, and Immigration Modernization Act, § 2211; IMMIGRATION POLICY CENTER, supra note 127.} Undocumented agricultural workers could apply for a “blue card” if they have completed at least 100 work days or 575 hours of agricultural employment in the two year period preceding December 31, 2012.\footnote{See Border Security, Economic Opportunity, and Immigration Modernization Act, § 2211; IMMIGRATION POLICY CENTER, supra note 127.} An individual in “blue card” status would be able to apply for lawful permanent resident status after five years as well as paying back taxes and a fine.\footnote{See Border Security, Economic Opportunity, and Immigration Modernization Act, § 2212; IMMIGRATION POLICY CENTER, supra note 127.} After those five years as a lawful permanent resident, the individual would be able to apply for citizenship.\footnote{See Border Security, Economic Opportunity, and Immigration Modernization Act, § 2212; IMMIGRATION POLICY CENTER, supra note 127.} Thus, the “Gang of 8” proposal was distinctive among proposed recent immigration legislation and proposals in that it is a unique conglomeration of proposals. Not only did it contain an unprecedented investment in border security, personnel and technology and include an earned legalization program, but it also addressed immigration labor concerns\footnote{A number of scholars and commentators have addressed legal and policy issues relating to guest worker programs in law review scholarship. Articles include: 2004: Patricia Medige, Perspectives on the Bush Administration’s New Immigrant Guestworker Proposal: Immigration Labor Issues, 32 DENV. J. INT’L L. & POL’Y 735 (2004); Kristi L. Morgan, Evaluating Guest Worker Programs in the U.S.: A Comparison of the Bracero Program and President Bush’s Proposed Immigration Reform Plan, 15 BERKELEY LA RAZA L.J. 125 (2004); Frank W. Munger, Social Citizen as “Guest Worker”: A Comment on Identities of Immigrants and the Working Poor, 49 N.Y.L. SCH. L. REV. 665 (2004); 2005: Tom Tancredo, Cui Bono? The Case for an Honest Guest Worker Program, 10 TEX. REV. L. & POL. 63 (2005); 2007: Karla M. Campbell, Guest Worker Programs and the Convergence of U.S. Immigration and Development Policies: A Two-Factor Economic Model, 21 GEO. IMMIGR. L.J. 663 (2007); Andrew J. Elmore, Egalitarianism and Exclusion: U.S. Guest Worker Programs and a Non-Subordination Approach to the Labor-Based Admission of Nonprofessional Foreign Nationals, 21 GEO. IMMIGR. L.J. 521 (2007); Philip Martin, Guest Workers: New Solution or New Problem?, 2007 U. CHI. LEGAL F. 289 (2007); Maria L. Ontiveros, Noncitizen Immigrant Labor and the Thirteenth Amendment: Challenging Guest Worker Programs, 38 U. TOL. L. REV. 923 (2007); Cristina M. Rodriguez, Guest Workers and Integration: Toward a Theory of What Immigrants and Americans Owe One Another, 2007 U. CHI. LEGAL F. 219 (2007); 2008: Howard F. Chang, Guest Workers and Justice in a Second-Best World, 34 U. DAYTON L. REV. 3 (2008); 2009: Sharmila Rudrappa, Cyber-Coolies and
Despite the fact that the “Gang of Eight” proposal did not make it through both houses of Congress in the 113th Congress, there are still many calls for comprehensive immigration reform. One major voice which sounds during all of the discussion on immigration is that of Catholic interests and the perspective of Catholic social teaching.\(^{147}\) Catholic social teaching on migration and immigration, based upon biblical foundations, has evolved through the twentieth century up to the current papacy of Pope Francis, the first modern Jesuit pope.

II. Immigration and Catholic Social Teaching

Catholic social teaching on the issue of immigration has at its foundation the Old Testament, the New Testament Gospels and teachings of Christ. Additionally, numerous papal encyclicals, pastoral letters of the Catholic bishops, the U.S. Conference of Bishops, the Catholic Catechism and the comments of both Pope Benedict and Pope Francis have served to focus the lenses of Catholic social teaching on the issue of immigration reform.

A. The Old Testament

\(^{147}\) The “broadest definition” of “Catholic social teaching” “encompasses the entire body of theories and principles on social, political, and economic life that have been developed throughout the Church’s nearly 2000-year history.” See MICHELE R. PISTONE AND JOHN J. HOEFFNER, STEPPING OUT OF THE BRAIN DRAIN: APPLYING CATHOLIC SOCIAL TEACHING IN A NEW ERA OF MIGRATION 21 (2007).
The primary teachings of the Old Testament on migration focus on the significance of upholding the respect and dignity of aliens. The main passages from the Old Testament are as follows:

“You shall not oppress an alien; you well know how it feels to be an alien, since you were once aliens yourselves in the land of Egypt”\(^{148}\)

“When an alien resides with you in your land, do not molest him. You shall treat the alien who resides with you no differently than the natives born among you; have the same love for him as for yourself; for you too were once aliens in the land of Egypt.”\(^{149}\)

“For the Lord, your God, is the God of gods, and awesome, who has no favorites, accepts no bribes, who executes justice for the orphan and the widow, and befriends the alien, feeding and clothing him. So you too must befriend the alien, for you were once aliens yourselves in the land of Egypt.”\(^{150}\)

“Cursed be he who violates the rights of the alien, the orphan or the widow!” (One of 12 curses of Levites) \(^{151}\)

In addition to the foregoing references to aliens, there are numerous other Old Testament Biblical quotations on the need for justice and mercy concerning sojourners, widows, orphans, resident aliens and the poor as well as prohibitions against their oppression.\(^{152}\)


\(^{149}\) Leviticus 19:33-34.

\(^{150}\) Deuteronomy 10:17-19.

\(^{151}\) Id. at 27:19.

\(^{152}\) These quotations are as follows: Zechariah 7:9-10, “Thus says the LORD of hosts: Judge with true justice, and show kindness and compassion toward each other. Do not oppress the widow or the orphan, the resident alien or the poor; do not plot evil against one another in your hearts.”; Jeremiah 7:5-7 (New American Bible, Revised Edition) “Only if you thoroughly reform your ways and your deeds; if each of you deals justly with your neighbor; if you no longer oppress the alien, the orphan, and the widow; if you no longer shed innocent blood in this place or follow after other gods to your own harm, only then will I let you continue to dwell in this place, in the land I gave your ancestors long ago and forever.”; Ezekiel 47:22, “You shall allot it as heritage for yourselves and for the resident aliens in your midst who have fathered children among you. You shall treat them like native Israelites; along with you they shall receive a heritage among the tribes of Israel.” Hebrews 13:2, “Do not neglect hospitality, for through
**B. The New Testament**

Similar to the calls in the Old Testament to welcome the foreigner and stranger, the New Testament also contains a number of passages referring to these duties. In the Gospel of Saint Matthew, Jesus teaches followers to welcome the stranger, stating “For I was hungry and you gave me food, I was thirsty and you gave me drink, a stranger and you welcomed me.” 153 Both the Gospels of Saint Luke 154 and Saint Matthew 155 remind followers that the stranger is Christ, Himself. 156

The Holy Family’s migration and flight into Egypt further illustrate the duty within Catholic social teaching to welcome the stranger and not to oppress the alien. The angel of the

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153 Matthew 25:35.
155 Matthew 25:42-45. For I was hungry and you gave me no food, I was thirsty and you gave me no drink, a stranger and you gave me no welcome, naked and you gave me no clothing, ill and in prison, and you did not care for me. Then they will answer and say, ‘Lord, when did we see you hungry or thirsty or a stranger or naked or ill or in prison, and not minister to your needs?’ He will answer them, ‘Amen, I say to you, what you did not do for one of these least ones, you did not do for me.’
Lord appeared to Joseph in a dream and commanded the Holy Family to flee into Egypt to escape Herod’s murderous pursuit of the King of Kings. Saint Matthew describes the Holy Family’s journey as follows:

When they had departed, behold, the angel of the Lord appeared to Joseph in a dream and said, “Rise, take the child and his mother, flee to Egypt, and stay there until I tell you. Herod is going to search for the child to destroy him.” Joseph rose and took the child and his mother by night and departed for Egypt. He stayed there until the death of Herod, that what the Lord had said through the prophet might be fulfilled, “Out of Egypt I called my son.” 157

In comments on this journey, His Holiness Pope Pius XII stated that “Jesus, Mary and Joseph, living in exile in Egypt to escape the fury of an evil king, are, for all times and all places, the models and protectors of every migrant, alien and refugee of whatever kind who, whether compelled by fear of persecution or by want, is forced to leave his native land, his beloved parents and relatives, his close friends, and to seek a foreign soil.” 158

C. Papal Documents from His Holiness Pope Pius XII to His Holiness Pope Benedict XVI

A number of papal documents highlight the important themes of Catholic social teaching on immigration. On August 1, 1952 at Castel Gandolfo near Rome, Pope Pius XII issued the Church’s Apostolic Constitution Exsul Familia Nazarethana 159 on the spiritual care of the migrant. The Pope detailed the history of the Church’s charity work and declared that immigrants need special care. 160 Accordingly, the Pope established pastoral policies regarding

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158 See His Holiness Pope Pius XII, Exsul Familia Nazarethana, Apostolic Constitution of Pius XII, dated August 1, 1952 (Aug. 1, 1952), http://www.papalencyclicals.net/Pius12/p12exsul.htm (hereinafter “His Holiness Pope Pius XII”).

159 English translation from Latin “Exile of the Family of Nazareth”.

160 See His Holiness Pope Pius XII, supra note 158.
the loss of security and human dignity for the millions of immigrants displaced after World War II. Pope Pius XII affirmed the migrants’ right to a life with dignity, and therefore a right to migrate towards that end. In addition to these comments, Pope Pius XII also remarked that sovereignty is not absolute. Exsul Familia Nazarethana thus has become the basis for Church’s modern immigration policy.

On April 11, 1963, in the middle of the Cold War and two months before his passing, Pope John XXIII issued a major papal encyclical, Pacem In Terris. His Holiness Pope John XXIII addressed the right to emigrate and immigrate as follows:

*The Right to Emigrate and Immigrate* – Again, every human being has the right of freedom of movement and of residence within the confines of his own State. When there are just reasons in favor of it, he must be permitted to emigrate to other countries and take up residence there. The fact that he is a citizen of a particular State does not deprive him of membership in the human family, nor of citizenship in that universal society, the common, world-wide fellowship of men.

*Pacem In Terris* clearly states that every human has the right to residence within their own State and declares that a person may for just reasons immigrate to another country, but that it is not an absolute right. Subsequent documents from the papacy of His Holiness Pope John Paul II sounded similar themes.

161 *Id.*
162 *Id.*
163 *Id.*
165 *Id.* at para. 25.
166 See generally Eyster, *supra* note 45.
On October 12, 2012, His Holiness Pope Benedict XVI delivered his Message for the World Day of Migrants and Refugees and addressed migration rights, human trafficking, comprehensive programs regulating legal entry and an orderly migration policy that does not close borders. From the Vatican, His Holiness Pope Benedict XVI addressed the crowd and stated:

Certainly every state has the right to regulate migration and to enact policies dictated by the general requirements of the common good, albeit always in safeguarding respect for the dignity of each human person. The right of persons to migrate ….. is numbered among the fundamental human rights, allowing persons to settle wherever they consider best for the realization of their abilities, aspirations and plans. In the current social and political context, however, even before the right to migrate, there is need to reaffirm the right not to emigrate, that is, to remain in one’s homeland ….. Today in fact we can see that many migrations are the result of economic instability, the lack of essential goods, natural disasters, wars and social unrest. Instead of a pilgrimage filled with trust, faith and hope, migration then becomes an ordeal undertaken for the sake of survival, where men and women appear more as victims than as agents responsible for the decision to migrate. As a result, while some migrants attain a satisfactory social status and a dignified level of life through proper integration into their new social setting, many others are living at the margins, frequently exploited and deprived of their fundamental rights, or engaged in forms of behaviour harmful to their host society. The process of integration entails rights and duties, attention and concern for the dignified existence of migrants; it also calls for attention on the part of migrants to the values offered by the society to which they now belong.167

These comments reaffirmed not only that individuals have a right to migrate, but that the right is subject to the state’s interest in regulating borders to preserve the common good. His Holiness Pope Benedict XVI continued:

In this regard, we must not overlook the question of irregular migration, an issue all the more pressing when it takes the form of human trafficking and exploitation, particularly of women and children. These crimes must be clearly condemned and prosecuted, while

an orderly migration policy which does not end up in a hermetic sealing of borders, more severe sanctions against irregular migrants and the adoption of measures meant to discourage new entries, could at least limit for many migrants the danger of falling prey to such forms of human trafficking. There is an urgent need for structured multilateral interventions for the development of the countries of departure, effective countermeasures aimed at eliminating human trafficking, comprehensive programmes regulating legal entry, and a greater openness to considering individual cases calling for humanitarian protection more than political asylum. In addition to suitable legislation, there is a need for a patient and persevering effort to form minds and consciences. In all this, it is important to strengthen and develop understanding and cooperation between ecclesial and other institutions devoted to promoting the integral development of the human person.168


In addition to the papal documents described above, the U.S. Conference of Catholic Bishops in the United States has also been active with advocacy of immigration reform. On January 22, 2003, the United States Conference of Catholic Bishops published its pastoral letter “Strangers No Longer: Together on the Journey of Hope.”169 This lengthy letter written in conjunction with the Mexican Episcopal Conference largely addressed the issue of migration between the United States and Mexico.170 In the letter the bishops set forward 5 key principles of immigration reform based upon Catholic social teaching:

1. Persons have the right to find opportunities in their homeland;171

168 Id.


170 Id.

171 Id. at para. 34 (“All persons have the right to find in their own countries the economic, political, and social opportunities to live in dignity and achieve a full life through the use of their God-given gifts. In this context, work that provides a just, living wage is a basic human need”).
2. Persons have the right to migrate to support themselves and their families;\footnote{Id. at para. 35 (“The Church recognizes that all the goods of the earth belong to all people. When persons cannot find employment in their country of origin to support themselves and their families, they have a right to find work elsewhere in order to survive. Sovereign nations should provide ways to accommodate this right”).}
3. Sovereign nations have the right to control their borders;\footnote{Id. at para. 36 (“The Church recognizes the right of sovereign nations to control their territories but rejects such control when it is exerted merely for the purpose of acquiring additional wealth. More powerful economic nations, which have the ability to protect and feed their residents, have a stronger obligation to accommodate migration flows”).}
4. Refugees and asylum seekers should be afforded protection; and\footnote{Id. at para. 37 (“Those who flee wars and persecution should be protected by the global community. This requires, at a minimum, that migrants have a right to claim refugee status without incarceration and to have their claims fully considered by a competent authority”).}
5. The human dignity and human rights of undocumented migrants should be respected.\footnote{Id. at para. 38 (“Regardless of their legal status, migrants, like all persons, possess inherent dignity that should be respected. Often they are subject to punitive laws and harsh treatment from enforcement officers from both receiving and transit countries. Government policies that respect the basic human rights of the undocumented are necessary”).}

The U.S. Conference of Catholic Bishops has strongly indicated support of comprehensive immigration reform legislation.\footnote{See Kathleen Naab, Bishops Seize ‘Best Chance’ for Immigration Reform, NATIONAL CATHOLIC REGISTER (Sept. 6, 2013), http://www.ncregister.com/daily-news/bishops-seize-best-chance-for-immigration-reform/} In addition, the bishops have called upon Catholics to become involved in the civic process. For example, in June 2013 the Florida Catholic Conference, Archbishop of Miami and the Bishops of Florida issued a joint statement in support of immigration reform and called upon all Catholics to contact their legislators to express support for comprehensive immigration reform.\footnote{See Florida Conference of Catholic Bishops, A Statement by the Bishops of Florida in Support of Immigration Reform (June 5, 2013), http://www.flacchb.org/statements/2013/130605ImmigrationReformStmt.pdf}

\textit{E. Catechism of the Catholic Church}
The Catechism of the Catholic Church also emphasizes that there is a duty on more prosperous nations to welcome immigrants who seek an economic livelihood, subject to the interests of the state in promoting the common good for all. The Catechism states:

The more prosperous nations are obliged, to the extent they are able, to welcome the foreigner in search of the security and the means of livelihood which he cannot find in his country of origin. Public authorities should see to it that the natural right is respected that places a guest under the protection of those who receive him.

Political authorities, for the sake of the common good for which they are responsible, may make the exercise of the right to immigrate subject to various juridical conditions, especially with regard to the immigrants’ duties toward their country of adoption. Immigrants are obliged to respect with gratitude the material and spiritual heritage of the country that receives them, to obey its laws and to assist in carrying civic burdens.178

F. Comments of Pope Francis Concerning Migration and Immigration

Comments of His Holiness Pope Francis have indicated that advocacy of the rights of migrants and immigration reform may be a key theme of his papacy. In his first official trip outside of Rome, he celebrated mass on July 8, 2013 on the Sicilian island of Lampedusa.179 In his homily, he strongly appealed against a “globalization of indifference” toward the plight of migrants.180 After his trip, the Pope tweeted the following: “We pray for a heart which will embrace immigrants.”181

Pope Francis also specifically addressed the humanitarian situation and plight which

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often faces migrants from Central America and Mexico who cross the border into the United States in a July 2014 message. Pope Francis noted that “I am keen to call attention to the tens of thousands of children who emigrate alone, unaccompanied, to escape from poverty and violence: this is a class of migrants who, from Central America and from Mexico, cross the border with the United States of America in extreme conditions, in search of a hope that that most of the time is in vain. They increase day by day. Such a humanitarian emergency demands, first of all, urgent intervention, such that these minors are received and protected.”

Most recently, Pope Francis reaffirmed his focus on the fundamental dignity of all human beings in a February 2015 address to Prefects of Various Italian Cities. In the comments, Pope Francis emphasized the significance of applying the rule of law to protect human rights. The Pope specifically stated:

> In these years characterized by the phenomenon of migration, linked to the escalation of violent conflicts in the world and their tragic consequences for the people and the economies of so many countries, prefectorial surveillance demands particular sensitivity with regard to immigration. The exercise of this duty entails the need to identify in the daily management of situations, often urgent, the correct application of norms, to guarantee, along with the correct observance of the law and the other provisions in force, scrupulous respect for the fundamental rights of every human being.”

As all of the foregoing documents and comments indicate, the Catholic tradition has much to contribute toward comprehensive immigration reform. The section below seeks to advance a policy proposal based largely upon the above principles and themes of Catholic social

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teaching.

III. A Proposed Solution for Immigration Reform Incorporating Catholic Social Principles

A. An Introduction

The biblical quotations, papal encyclicals, statements of the Catholic bishops, and other elements of Catholic social teaching on immigration discussed earlier do not indicate advocacy of an absolute right to immigration or of an “open borders” philosophy. Instead, these documents generally call upon policymakers to carefully consider and evaluate policies relating to immigration. The great question of the extent of a citizen’s duties to both the state and to God – recalling the biblical exhortation to “Render unto Caesar what belongs to Caesar and to God what belongs to God”186 – is a vast scholarly and theological question worthy of careful analysis beyond the scope of this article.187 However, these considerations are subject to a condition that cannot be compromised in Catholic social teaching – that such policies must not be “contrary to the demands of the moral order, to the fundamental rights of persons or the teachings of the Gospel”188 as outlined in paragraph 2242 of the Catechism of the Catholic Church. In essence,


187 The authors would like to acknowledge Professor Marianne Jennings, Professor Emeritus of Legal and Ethical Studies in Business at the W.P. Carey School of Business at Arizona State University, for raising this fundamental question during a presentation of this work at the 2013 Academy of Legal Studies in Business national meeting in Boston, Massachusetts.

188 See CATECHISM OF THE CATHOLIC CHURCH, supra note 178 at para. 2242.
such policies cannot violate the inherent dignity and fundamental worth of the human person \textsuperscript{189} or otherwise the foundations of all law may be placed in peril. \textsuperscript{190}

\textbf{B. The Universal Common Good and Balancing of the Right to Migrate and the Right to Control Borders}

In Catholic social teaching, the promotion of the universal common good is the goal policies are encouraged to achieve. \textsuperscript{191} In the context of immigration, two major strands emerge within Catholic documents. On the one hand, articulated in Pope John XXIII’s encyclical \textit{Pacem in Terris} and reaffirmed in subsequent documents is the right of individual persons to emigrate and migrate. However, another element of Catholic thought as discussed above in both papal

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\item \textsuperscript{189} See \textsc{United States Conference of Catholic Bishops, Economic Justice for All: Pastoral Letter on Catholic Social Teaching and the U.S. Economy}, para. 28 (1986), http://www.usccb.org/upload/economic_justice_for_all.pdf
\item \textsuperscript{190} See \textsc{Joseph Ratzinger, Values in a Time of Upheaval} 28 (Brian McNeil, trans., 2006).
\item \textsuperscript{191} See \textsc{Rougeau, supra} note 45 at 352 (“Catholic social teaching is directed to a global social question. The common good the teachings describe is not only the good produced by life within societies, but also a global common good resulting from the interaction of nation-states”).
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encyclicals and other documents emphasizes the right of a sovereign nation in the international system to control its borders, subject to the common good.

The reconciliation of these two strands of Catholic social teaching in the immigration context is a difficult proposition. However, in the secular context law in many situations balances various policy objectives and individual rights in doctrinal balancing tests. For example, in products liability law concerning design defects the risk-utility test\textsuperscript{192} adopted by numerous jurisdictions\textsuperscript{193} balances the benefits of a product’s design with the risks inherent in such a design. In constitutional law, the rational basis test,\textsuperscript{194} intermediate scrutiny test,\textsuperscript{195} and strict scrutiny test\textsuperscript{196} weigh the interests of the government versus the alleged infringement of individual rights under the Equal Protection Clause. With regard to Catholic social teaching, the analysis in immigration law is a balance between the rights of individuals to migrate and the right of a sovereign nation to control its border. The proposal outlined below seeks to balance these two strands of Catholic social thought.

\textsuperscript{192} See Barker v. Lull Engineering Co., 573 P.2d 443, 456 (Cal. 1978) (“Second, a product may be found defective in design if the plaintiff demonstrates that the product’s design proximately caused his injury and the defendant fails to establish, in light of the relevant factors, that, on balance, the benefits of the challenged design outweigh the risk of danger inherent in such design”).

\textsuperscript{193} For an excellent discussion of the risk-utility test in the design defect context, see David G. Owen, Design Defects, 73 MO. L. REV. 291 (2008).

\textsuperscript{194} See William Woodyard & Glenn Boggs, Public Outcry: Kelo v. City of New London – A Proposed Solution, 39 ENVTL. L. 431, 445 (2009) (“Courts apply the rational basis standard of judicial review by asking whether the governmental action at issue is rationally a means to an end that may be legitimately pursued by the government”).

\textsuperscript{195} See R. Randall Kelso, Standards of Review Under the Equal Protection Clause and Related Constitutional Doctrines Protecting Individual Rights: The “Base Plus Six” Model and Modern Supreme Court Practice, 4 U. PA. J. CONST. L. 225, 234 (2002) (“Under intermediate review, the legislation must: (1) advance important or substantial government interests; (2) be substantially related to advancing those interests; and (3) not be substantially more burdensome than necessary to advance this interests”).

\textsuperscript{196} See Woodyard & Boggs, supra note 194 at 447 (“To pass “strict scrutiny” judicial review, the government must have a “compelling” government interest and the government action must be the least restrictive means for achieving that interest”).
C. A Proposal for Immigration Reform Incorporating Catholic Social Principles

To date, the United States Conference of Catholic Bishops have expressed strong support with a number of elements of the “Gang of Eight” proposal. In balancing both the rights of individuals to migrate and the right of a nation to control its borders, this proposal inspired by Catholic social principles seeks to uphold the universal common good and provide a feasible recommended path to legal status for undocumented immigrants.

1. Fines v. Community Service Approach

One characteristic apparently common to all major proposals for comprehensive immigration reform in the past several years is that in order for an undocumented individual to apply for a provisional license or for citizenship the undocumented individual must necessarily pay a fine (in addition to application fees) to obtain the provisional license or citizenship. Such a fine necessarily implies that a violation(s) of federal immigration law have occurred and that the fine is punishment for the offense(s). Within the context of the Catholic tradition, just punishment certainly is recognized as appropriate if proportionate to the nature of the offense.\textsuperscript{197}

In the Catholic tradition, punishment for offenses is recognized not only to safeguard the common good and protect the safety of others, but has a “medicinal purpose” in attempting to rehabilitate the offender.\textsuperscript{198}

It is a delicate effort to balance the right of an individual to emigrate and the right of the state to impose punishment for a violation of immigration law. We propose that instead of the

\textsuperscript{197} See CATECHISM OF THE CATHOLIC CHURCH, supra note 178 at para. 2266.

\textsuperscript{198} Id.; see also Joseph L. Falvey, Jr., Crime and Punishment: A Catholic Perspective, 49 CATH. LAW. 149 (2004) (contending that in the Catholic tradition retribution has also served as a justification and purpose for punishment).
imposition of fines as a precondition to obtain a provisional license or citizenship, comprehensive immigration reform should incorporate a community service element\(^{199}\) as a precursor to a provisional license and citizenship.

In the Catholic tradition, the rights and responsibilities of citizenship are attached to the promotion of adherence to the universal common good. Paragraph 2237 of the *Catechism of the Catholic Church* states that “The political rights attached to citizenship can and should be granted according to the requirements of the common good.”\(^{200}\) In addition, the *Catechism* also indicates that it is a citizen’s express *duty* to contribute to the “life of the political community” and to the common good.\(^{201}\) The *Catechism* states:

> It is the *duty of citizens* to contribute along with the civil authorities to the good of society in a spirit of truth, justice, solidarity, and freedom. The love and service of one’s country follow from the duty of gratitude and belong to the order of charity. Submission to legitimate authorities and service of the common good require citizens to fulfill their roles in the life of the political community.\(^{202}\)

Contributions to civic engagement and community life by undocumented individuals can be encouraged by the implementation of a community service requirement. In the classic study *Bowling Alone: The Collapse and Revival of American Community*, Professor Robert Putnam recognized that many Americans in the late twentieth century felt “vaguely and uncomfortably”

\(^{199}\) Community service as an alternative to fines and imprisonment has increased as a viable alternative to sentencing in criminal law. *See* Dan M. Kahan, *What Do Alternative Sanctions Mean?*, 63 U. CHI. L. REV. 591, 625 (1996) (“Community service orders have become increasingly common in recent years, but almost entirely as supplemental sanctions for offenses traditionally punished with probation and not as substitute sanctions for offenses traditionally punished with imprisonment”); *see also* Corrie Caler, *No Prison Time for Environmental Crimes: Does Community Service Satisfy the Goals of Criminal Sanctions for Environmental Crimes?*, (unpublished note) (on file with author).

\(^{200}\) *See* CATECHISM OF THE CATHOLIC CHURCH, *supra* note 178 at para. 2237.

\(^{201}\) *Id.* at para. 2239.

\(^{202}\) *Id.*
disconnected to one another.\textsuperscript{203} He argues that a decline in social capital\textsuperscript{204} and civic participation has led to the need for Americans to reconnect with each other.\textsuperscript{205}

One of Putnam’s observations is that diverse and different individuals must connect with one another to rebuild social capital.\textsuperscript{206} The very name of the U.S. Conference of Catholic Bishop’s 2003 pastoral letter on immigration is \textit{Strangers No Longer: Together on the Journey of Hope}. A community service requirement as part of comprehensive immigration reform not only incorporates and integrates the undocumented into the greater community but keeps the undocumented from being strangers. It not only keeps the undocumented out of the “shadows”\textsuperscript{207} but provides all with the agency to work toward the greater common good of not only society but the United States.

The adoption of a community service requirement as part of comprehensive immigration reform best balances the two different strands in Catholic social thought but it also emphasizes a key tenet of the Catholic tradition which emphasizes an individual’s responsibility for civic engagement.

\textbf{2. Provisional Immigration Status Proposal}

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\textsuperscript{203} See ROBERT D. PUTNAM, BOWLING ALONE: THE COLLAPSE AND REVIVAL OF AMERICAN COMMUNITY 418 (Simon & Schuster, 2000).

\textsuperscript{204} \textit{Id.} at 19 (“Whereas physical capital refers to physical objects and human capital refers to properties of individuals, social capital refers to connections among individuals – social networks and the norms of reciprocity and trustworthiness that arise from them. In that sense social capital is closely related to what some have called “civic virtue.” The difference is that “social capital” calls attention to the fact that civic virtue is most powerful when embedded in a dense network of reciprocal social relations. A society of many virtuous but isolated individuals is not necessarily rich in social capital”).

\textsuperscript{205} \textit{Id.} at 28.

\textsuperscript{206} \textit{Id.} at 411.

\textsuperscript{207} See Cardinal Timothy Dolan, Catholic bishops: Fix unjust immigration system, USA TODAY (June 9, 2013), http://www.usatoday.com/story/opinion/2013/06/09/immigration-catholics-bishops-column/2397239/\
\end{flushleft}
To reflect the foregoing principles inspired by the Catholic social tradition, we propose that an undocumented individual who demonstrates at least 20 hours per week in employment for a period of one year and who avoids the commission of two misdemeanors (excluding minor traffic offenses), one aggravated misdemeanor or one felony be eligible for a provisional immigration status. Incorporating the community service approach, as a precondition for provisional immigration status an individual would be required to perform at least 500 hours of community service or public service and pay an application or processing fee to receive provisional immigration status.

As part of the balancing approach, while the opportunity to obtain provisional immigration status would exist for those who are employed and engage in community service and/or public service, any individual who is convicted of the commission of two misdemeanors (excluding minor traffic offenses), one aggravated misdemeanor or one felony while granted status in the program would be permanently ineligible to obtain provisional immigration status.

3. Citizenship Proposal

A number of prior comprehensive immigration reform proposals, including the “Gang of Eight” proposal, have offered a pathway to citizenship for certain workers. In the current “Gang of Eight” proposal, a path to citizenship is provided for certain undocumented individuals who meet certain requirements, but only could potentially obtain citizenship after a waiting period of thirteen years.208 A key aspect of Catholic social teaching is the importance of the institution of the family for social life.209 The Catechism of the Catholic Church contains seven paragraphs on

208 See IMMIGRATION POLICY CENTER, supra note 127.
209 See CATECHISM OF THE CATHOLIC CHURCH, supra note 178 at para. 2207.
the family and society and emphasizes that civic authorities have a “duty to honor the family”\textsuperscript{210} and that “the family must be helped and defended by appropriate social measures.”\textsuperscript{211} In addition, one of the “Seven Themes of Catholic Social Teaching” according to the United States Conference of Catholic Bishops is a “Call to Family, Community and Participation.”\textsuperscript{212} The bishop’s conference specifically remarked in the document that “Marriage and the family are the central social institutions that must be supported and strengthened, not undermined.”\textsuperscript{213}

One of the shortcomings of the “Gang of Eight” proposal as it currently stands is that it only provides a path to citizenship after a period of thirteen years for certain individuals. This lengthy time requirement by its nature may weaken familial bonds and is a lengthy impediment to the unity of the family. To balance policy concerns regarding the unity of the family and the state’s interest in ensuring new citizens contribute to the common good of society, we propose that an individual who obtains a provisional immigration license under our proposal and maintains that status for a period of five years will be eligible to apply for citizenship provided that in the five year period in provisional immigration status the individual avoids commission of two misdemeanors (excluding minor traffic offenses), one aggravated misdemeanor, or one felony. Integrating the community and public service component of the provisional immigration license proposal, an individual applying for citizenship would be required to complete another 500 hours of community or public service, pay an application fee for citizenship, and complete at least 100 hours of the study of civics and pass an exam at the completion of studies.

\textsuperscript{210} Id. at para. 2211.

\textsuperscript{211} Id. at para. 2209.


\textsuperscript{213} Id.
4. **Federal and State Cooperation in Immigration Reform**

One of the contemporary debates concerning immigration reform among academics and policymakers is the boundaries and extent of federal and state/local control concerning immigration policy.\(^{214}\) The boundaries between federal and state/local control have often been generally seen as being in conflict, rather than complementary, with each other.\(^{215}\)

A February 2015 editorial in *The Economist* suggested that amidst congressional inaction on immigration reform, individual states could create a complementary visa system.\(^{216}\) The editorial noted that in the countries of Canada and Australia, states as well as provinces can directly recommend individuals to obtain visas.\(^{217}\) In the Canadian system, the selection of immigrants is a task shared jointly by provinces and territories and the federal government.\(^{218}\) Eight out of ten provinces/territories in Canada have “Provincial Nominee Programs” (PNP), which allow the provinces/territories to tailor the programs to their own specific needs to meet demands in the labor market.\(^{219}\) The federal government handles national security and health checks before issuing a Canadian permanent visa.\(^{220}\)

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\(^{214}\) *See Infra,* Introduction.

\(^{215}\) *Id.*

\(^{216}\) *See Let the States Decide,* supra note 47.

\(^{217}\) *Id.* at 15.


\(^{219}\) *Id.*

\(^{220}\) *Id.*
As The Economist article noted, Australia also has a state sponsored visa program.221 In Australia, skilled workers who are nominated by a territory or state can be eligible for an “Australian Skilled – Nominated Visa.”222 Several requirements exist, including being at least younger than 50 years old when applying, have competent English skills, and be nominated for work in an occupation that is on the Australian “Skilled Occupation List.”223 One who obtains an Australian Skilled – Nominated Visa must take part in occasional surveys, keep authorities informed as to any changes in address, and must live in the participating state/territory for at least a period of 2 years.224 If one successfully obtains an Australian Skilled – Nominated Visa, then the individual receives a 5 year multiple entry visa.225 If one lives in Australia for at least 2 of the 5 years, then the visa can be reissued.226 In addition, Australian law provides that if an individual lives in Australia for 4 consecutive years, that individual is eligible to apply for citizenship.227

The Economist urged the United States to adopt a similar program as Australia and Canada, but on a more comprehensive scale.228 Examining this issue through the lens of Catholic social teaching, if one looks at it from a universal common good perspective, cooperation

221 See Let the States Decide, supra note 47.


223 Id.

224 Id.

225 Id.

226 Id.

227 Id.

228 See Let the States Decide, supra note 47.
between the federal government and the state governments on immigration policy within the United States appears to promote the universal common good rather than inhibit it (as might occur with conflicts between the federal government and the state governments). Looking at both Canada and Australia, both programs appear to be targeted more toward educated and skilled workers being sponsored by individual states, provinces and territories.229 Under the perspective of Catholic social teaching, not only should skilled workers be protected, but especially the most vulnerable, such as migrants.230

Under a proposal incorporating tenets of Catholic social teachings, the states can adopt a similar visa system as in Canada and Australia outlined in The Economist editorial that complements the provisional immigration status proposal outlined earlier. One possibility is an individual state Department of Labor could certify to the United States Citizenship and Immigration Services that the state has a need for workers of a certain occupation, grants state visas for provisional immigration status, and follows the same rules concerning avoidance of certain serious crimes, such as committing excessive misdemeanors, an aggravated misdemeanor, or a felony in a five year time period. However, this program would not only include workers in skilled occupations, but also other occupations as well to be more inclusive.

229 See Immigration to Canada Through a Provincial Program, supra note 218 & see Australian State Sponsored Visa: Skilled – Nominated Visa, supra note 222.

5. **DREAM Act**

Finally, another critical aspect of comprehensive immigration reform is the question of how to approach the status of children who arrive in the United States with undocumented status. As previously discussed, the “Gang of Eight” proposal includes a DREAM Act proposal which provides a path to citizenship for individuals who are undocumented while a minor who earn a high school diploma or GED and either complete two years of collegiate credits or serve four years in the military.\footnote{See Border Security, Economic Opportunity, and Immigration Modernization Act, § 2103; IMMIGRATION POLICY CENTER, supra note 127.} The response of Catholic leaders have included a number of expressions of support of DREAM Act legislation. In a 2012 essay in the *Notre Dame Journal of Law, Ethics and Public Policy*, Cardinal Roger Mahony outlined seven myths about the DREAM Act legislation and contended the DREAM Act will contribute to the growth of the United States.\footnote{See Cardinal Roger M. Mahony, *The DREAM Act: We All Benefit*, 26 NOTRE DAME J.L. ETHICS & PUB. POL’Y 459 (2012).} In July 2013 testimony before Congress, Archbishop Jose Gomez expressed support for S. 744’s five year path to citizenship and that it enables undocumented youth to “become part of our society as soon as possible, so they can begin contributing fully to our nation.”\footnote{Addressing the Immigration Status of Illegal Immigrants Brought to the United States as Children: Hearing Before the Subcomm. on Immigration and Border Security of the H. Comm. on the Judiciary, 113th Cong. (2013) (statement of Archbishop Jose Gomez), http://www.justiceforimmigrants.org/documents/USCCB-Kids-testimony-2013.pdf}

Our proposal would also contain S. 744’s version of the DREAM Act. It should be noted that all paths to citizenship would be five years between the citizenship proposal outlined earlier and the DREAM Act proposal – such legislation would enable a five year path to citizenship for all undocumented individuals and to do so provides support for the integrity of the family unit.
IV. Conclusion

The Catholic tradition emphasizes that individuals are created in God’s own image and thus there is an inherent human dignity and worth in every human being. The contemporary immigration debate contains much discussion concerning safety and security concerns, the economic impact of immigration, and the appropriateness of “amnesty” for undocumented immigrants. In the midst of a largely polarized debate among policymakers and pundits, the Catholic tradition emphasizes the universal common good. As a compromise solution, a comprehensive path to legalization for undocumented immigrants emphasizing both public and community service as a precondition for legalized status, as well as cooperation between the federal and state governments concerning immigration, best highlights not only the common good but is a policy which intends to unite individuals of diverse backgrounds within the United States together as *E Pluribus Unum*.234

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