

A POLICY STATEMENT *of the National Council of the Churches of Christ in the United States of America* 475 Riverside Drive, New York, New York 10115

IMMIGRANTS, REFUGEES AND MIGRANTS

Adopted by the Governing Board
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INTRODUCTION

The National Council of the Churches of Christ in the United States (NCCC), when it first addressed matters related to immigration and naturalization policies in 1952, stated: "The plight of the world's uprooted peoples creates for the United States . . . a moral as well as an economic and political problem of vast proportions."

Some of these "uprooted peoples" have been persons displaced by war, or are refugees from tyrannical regimes, and expellees and escapees from a variety of conditions. Others have been identified as "surplus populations" — those who cannot be supported by the economies of their respective countries.

Today more than 16 million men, women and children are refugees or have fled or been displaced from their homelands. There has been an appalling increase in the numbers of those who, despite changes in the world economic situation, have little hope for economic survival or well-being in their own countries. Nevertheless, the task of serving the immediate human needs of refugees, immigrants and migrants, as well as of changing basic social, economic and political structures in order to alleviate the conditions that promote migration — and of doing these things without abusing power — is a challenge that must be addressed.

The National Council of Churches in 1962 identified the "source of responsibility" of nations as well as persons for the welfare of such peoples: "God's sovereign claim upon all people has been proclaimed by the advent and example of His Son, Jesus Christ, in human society. Under God, persons and nations are responsible to each other and for the welfare of all humanity." (1962)

On that occasion, as well as on numerous others, the National Council of Churches affirmed that all persons, including migrants, immigrants and refugees, are endowed with "God-given dignity and worth," and that all in need must be viewed through the eyes of Christ. Christians have

a unique motivation to participate, both corporately and individually, in the struggle for justice, human rights, and the alleviation of suffering. As people redeemed by the Cross and Resurrection of Jesus Christ and incorporated into Christ's Body, the Church, Christians are freed and called to serve their neighbors in the worldwide human family. The Bible has been and continues to be one of the primary sources of inspiration for the struggle for human rights.

The violation of human rights — civil, political, social, economic, cultural — often impels people to leave their homes and seek new ones. In a sinful world the quest for human rights frequently involves a conflict between rights.

People who are suffering the deprivation of their rights should be able to move to another land where they can pursue economic well-being, freedom and dignity. But those who already live in that land — especially the working poor and the unemployed — have a right to employment and to social and economic security. The tension among these rights should be resolved in the context of the stewardship of God's gifts, the knowledge that all resources come from God and are not the unqualified property of those holding them, and the recognition that all possessions are held in trust for the benefit of the human community today and in future generations.

The National Council of the Churches of Christ, through its Governing Board, reaffirms its commitment to those who are identified as the world's uprooted, pledging to minister to these sojourners and strangers and to champion their welfare. It reaffirms its commitment to work for a world in which the conditions of life for all are made more abundant, equitable and just, recognizing that Christians under God link arms with other people of good faith and join with secular institutions and organizations of good will in a common search for justice, dignity and the well-being of refugees, immigrants and migrants.

POLICY GUIDELINES

1. The NCCC shall continue and strengthen its ministry to immigrants, refugees and migrants in cooperation with and through its member communions, church agencies and local congregations as well as other ecumenical, religious and secular bodies, both international and national.
2. The NCCC shall, in these humanitarian endeavors, continue and strengthen:
 - a. its cooperation with agencies of the United States' federal and state governments responsible for processing and relocating immigrants, refugees and migrants;
 - b. its constant advocacy for just, humane and equitable policies of the United States government with regard to immigrants, refugees and migrants, and the protection of their rights;
 - c. its advocacy for the allocation by government agencies of adequate funds for the care and resettlement of refugees;
 - d. its promotion of effective cooperation between the churches and government agencies in relation to immigration, while at the same time recognizing the need for the churches' moral and ethical perspectives and exercising care that the churches not become mere instruments for implementing U.S. government policy;
 - e. its cooperation, both directly and through the World Council of Churches, with the United Nations agencies which have responsibilities in these fields;
 - f. its encouragement of United States' government efforts to sensitize the world community to the United Nations' standards of protection of immigrants, refugees and migrants including adherence to the principle of *non refoulement* of refugees (protection of individuals seeking asylum against being forcibly returned to a country where they fear persecution), and in enhancing the United Nations' operational effectiveness by cooperating more fully with international efforts to address the pressing needs of immigrants, refugees and migrants all over the world.
3. The NCCC shall promote and encourage a United States' immigrant, refugee and migrant admissions policy which in both principle and implementation is non-discriminatory with respect to:
 - a. the elements of human equality contained in Article 2 of the Universal Declaration of Human Rights: race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status; and
 - b. other elements of distinction such as: age, education, sexuality, physical or mental handicaps.
4. Although considerable progress has been made in eliminating racist provisions from immigration laws, the National Council of the Churches of Christ recognizes that immigration practices, including the granting of asylum, continue to have racist aspects. The National Council of the Churches of Christ opposes this discrimination, which denies particular ethnic groups equal justice under law.
5. The NCCC recognizes that requests for refugee status or political asylum in the United States have been denied on the basis of past political activity or political offenses judged criminal in the applicants' countries of origin. The proliferation of repressive regimes and the abrogation of the rule of law in some of those countries and the advances made in United States' laws in defining "crimes against humanity" call such denials into question in many cases. The NCCC calls upon the United States to base its decisions regarding such cases upon basic principles of United States' law, including "due process," "the presumption of innocence," and others that are relevant to these situations.
6. The NCCC recognizes that some immigrants, refugees and migrants are denied entry to the United States as a result of their past criminal records, as distinct from convictions for political reasons. Immigration policy should never be a means of punishment for real or alleged crimes. The NCCC shall promote policies which will not discriminate against immigrants, refugees or migrants on the basis of past convictions for which the legal penalty has been paid, or there is evidence of rehabilitation. A consistent pattern of repeated offenses considered felonies under U.S. law may, however, justify exclusion after a careful evaluation of the case.
7. The NCCC opposes as unjust the system of restrictive national-origin quotas. Earlier national-origin quotas were eliminated in 1965. The NCCC recognizes, nevertheless, that current United States' law may still be susceptible to discrimination based on quantitative immigration country ceilings. It urges that all quotas be subjected to continuing scrutiny and periodic adjustment to assure that, while remaining deeply concerned about the well-being of this nation, Americans be sensitive to the needs and aspirations of other peoples, such as the need for flexible policies with regard to immigration of citizens from Canada and Mexico.
8. The NCCC shall promote United States' immigrant, refugee and migration policies that protect and encourage family reunification, grant safe havens to refugees and provide for their settlement.
9. The NCCC shall encourage federal and state agencies to treat immigrants, refugees and migrants with dignity and respect, granting status or benefits as efficiently as pos-

sible, and avoiding unnecessary restrictions on personal liberty. To this end, and to eliminate state and local abuses, federal authorities should assume exclusive responsibility for the enforcement of U.S. immigration law, and discrimination in social services based on immigration status should be prohibited.

10. The NCCC shall encourage participation of immigrants, refugees and migrants in the formulation and implementation of programs (resettlement, education and other services) which will affect their lives. The NCCC shall work for the equitable status, dignity and integration of immigrants, refugees and migrants and their families in the United States for the elimination of all forms of domestic discrimination in laws, regulations or practices which affect them; for the assurance that constitutional guarantees are accorded to every person physically present in the country or under United States' jurisdiction elsewhere, regardless of legal status; for safeguards against the application of punitive or retaliatory measures against persons present in the United States who are citizens of a state which the United States' government or individual United States' citizens may view with disfavor; and for the equal protection under the United States' laws of citizens, residents, immigrants, refugees and migrants alike, in particular, the laws governing labor.

11. The NCCC recognizes that millions of persons reside in the United States who, though not in lawful status, have established ties here and are making contributions to this society and the nation's economy. Efforts to search out and deport these people would be inhumane and would also pose threats to the rights of permanent residents and citizens. The NCCC therefore calls upon the United States' government to:

- a. grant permanent resident status to overstayed/undocumented persons who have resided in the United States for a definite and reasonable period of time prior to a fixed date, both to be set by Congress;
- b. seek ways to strengthen state and federal laws against exploitation of workers.

12. The NCCC recognizes that the movement of immigrants, refugees and migrants across national borders almost invariably gives rise to conflict and competition for jobs, housing and social services. Some United States' citizens and permanent residents, especially those belonging to racial or ethnic minorities, already suffer disproportionately high levels of unemployment, and have legitimate cause for concern when large numbers of newcomers enter their job markets. Ending immigration or refugee resettlement, however, will not automatically produce jobs for the poor. Unemployment is high in some areas where resettlement is low, and low in some areas where resettlement has been high. Short-term dislocations for individuals and communities are likely to result from any movement of peoples, but history shows that successive

waves of immigrants, refugees and migrants have ultimately enriched the culture and enhanced the economic viability of the United States. Convinced that the influx of immigrants, refugees and migrants is not as primary a cause of unemployment in the United States as are domestic economic policies, which have a far greater impact on unemployment than does immigration, yet aware that high unemployment aggravates both real and perceived conflicts related to immigration, the NCCC shall:

- a. promote resettlement policies which strengthen local communities rather than add to the burdens of areas marked by high unemployment, all the while taking into account the right to free choice of those being resettled;
- b. continue and strengthen its efforts on behalf of the poor and oppressed citizens and residents of the United States;
- c. continue to work for a decent wage for all laborers – citizens, residents, immigrants, refugees and migrants alike – and for the elimination of exploitative employment which encourages unfair competition;
- d. work for legislation which would extend to all foreign migrants and temporary workers employed in the United States full and equal protection of their human rights, and such labor rights as collective bargaining, occupational safety and health, and wage and pension protection;
- e. draw the churches' attention to the positive recommendations made in its Policy Statement on Full Employment;
- f. renew its commitment to work for the establishment of just economic structures which would protect the rights of all United States' citizens and residents to full employment and needed human services; immigration restrictions found genuinely necessary to protect these rights should be relaxed when changed conditions permit.

13. The NCCC recognizes that many citizens of other countries seeking residence in the United States do not freely choose to leave their homelands, and that it must seek to deepen its understanding of the underlying social, economic and political causes of such emigration. It recognizes further that such conditions are often to a significant degree attributable to this country's policies and practices. The NCCC renews, therefore, its commitment to work for the establishment of just and equitable relations between the United States and other nations which would contribute to the well-being of all peoples and hence to the elimination of one of the possible causes of involuntary emigration.

BACKGROUND STATEMENT

Historical Background

- A. The end of the colonial period in American history saw the creation of a new, independent nation with thirteen states. Although many national, ethnic and racial groups were present in the population, the young nation was dominated by English culture. Major Spanish and French colonies also existed in North America.
- B. United States' immigration history reflects a massive movement of people with estimates of 40 to 50 million people arriving during the decades from 1820 to 1940. Some were brought as slaves, others arrived as indentured servants or contract laborers. Some fled persecution, some were summoned by relatives, some simply sought a new life, new opportunities or came as adventurers. While the motives were different, this mobility constituted a physical and cultural uprooting, with problems of identity and cultural assimilation.
- C. The movement of peoples to this country in the colonial period stemmed primarily from western and northern Europe and, involuntarily, from Africa. It was later augmented by immigration from southern and eastern Europe. Only in more recent decades has there been proportionately large movement from other parts of the world.
- D. The movement of peoples has reflected world conditions such as war, famine and economic crises. Yet domestic conditions in the United States have also influenced the openness or closedness of United States' policy; there has been a constant interplay of push-pull forces.
- Nineteenth century expansionism had another feature often overlooked in the pluralistic nature of the American population: while immigration accounted for massive increases, geographical inclusion added vast numbers of others. This process of political incorporation often encompassed people whose allegiances were not easily transferred and whose cultural identities were not consciously changed or assimilated. The process often created distinct communities, including the Native Americans, the Mexican-Americans, the native Hawaiians, the Alaskan Inuits and the Puerto Ricans.
- E. Among the internal movements and struggles which have made a significant impact on immigration patterns, one can identify the frontier movement filling the continent from east to west; the conflicts between systems based on slave and free labor; the transitions from an agrarian-based economy to an industrial-based economy and from a rural-centered population to an urban-centered population.
- While conflict has occurred with Canada and Mexico.
- F. Immigration to the United States has often reflected international and domestic economic conditions. Sometimes the immigrant stream has created conflict over jobs, services, housing. More often it provided needed labor in expanding labor markets, stimulating the upward mobility of existing labor groups. Though short-term dislocations for individuals and communities always result from the movement of peoples, United States' history shows that successive waves of immigrants and refugees have enriched the culture and enhanced the economic viability of the country.
- G. Immigration history has been characterized by both hospitality and hostility. There has been racial and ethnic conflict frequently growing out of the prejudices, fears and interests of those present against those arriving. While the motives have varied, actions have often been brutal and shameful. The slave system was replaced by fixed patterns of legal, economic and social discrimination. Notable also are the Chinese Exclusion Act of 1882, the 1924 National Origins Act and the enforced relocation of Japanese-Americans to detention camps during World War II. Irish, Germans, Chinese, Japanese, Jews, Slavs have each in turn served as scapegoats, obscuring the true nature of, and the required means to resolve, pressing social problems. At present, Latin Americans are being subjected to discriminatory treatment, including dragnet raids by the Immigration and Naturalization Service (INS).
- H. In addition to conflict between the dominant American groups and the newcomers, there have been patterns of conflict and tensions within and among arriving ethnic groups themselves. These patterns reflect the differences between first-, second- and third-generation immigrants. Often they brought their political, economic and ideological conflicts to these shores.
- I. Legal response to immigration has varied from time to time, in regard to the groups, the flow, numbers, origins and the "type" of people to be admitted. This has included restrictive legislation, e.g., the notorious "national origins" quota system.
- J. American conceptions of their own immigration heritage have gone through varying ideological interpreta-

tions, each with its special significance. These have included concepts of the melting pot and the mosaic of cultural-pluralistic society.

- K. In religious terms, there has also been a transition. Groups of primarily Protestant origin have been followed by those of Orthodox Christian, Catholic and Jewish faiths. Despite the fact that small pockets of other religious groups have been present in every period, only recently have there been sufficient numbers of people from outside the Judeo-Christian tradition to challenge the dominance of that tradition.

Special Aspects of the Present Period of American Immigration History

- A. **Introduction.** Each period of American immigration history has had its own peculiarities. In the current situation, the United States is confronted with unprecedented problems, including the large number of persons residing in the United States classified as "undocumented" and another group classified as "overstayed." In addition, this refugee situation reflects for the first time in U.S. history large numbers of non-European refugees with different racial, ethnic, religious and cultural origins.

The Immigration Act of 1924 established immigration quotas based on national origin that heavily favored northern and western Europe and completely excluded Asians and Africans. The Immigration and Nationality Act of 1952 perpetuated these quotas and simultaneously imposed many harsh and undemocratic provisions regarding exclusion, deportation and citizenship cancellation. After extensive public hearings on the Act* in various parts of the United States, the Truman Commission on Immigration and Naturalization concluded:

The immigration and nationality law embodies policies and principles that are unwise and injurious to the nation. It rests upon an attitude of hostility and distrust of all aliens. It applies discriminations against human beings on account of national origin, race, creed and color. It ignores the needs of the United States in domestic affairs and foreign policies. It contains unnecessary and unreasonable restrictions and penalties against individuals. It is badly drafted, confusing and in some respects,

*At the hearings, opposition to the Act was expressed by Protestant, Catholic and Jewish leaders, and by the NAACP, the AFL and CIO, farm organizations, the American Bar Association and other groups. Members of the Truman Commission included the Solicitor General of the United States, the Chairman of the Board of Immigration Appeals and prominent Protestant and Catholic clergy.

unworkable. It should be reconsidered and revised from beginning to end.

The Immigration Act of 1965 partially revised the 1952 law, making important and beneficial changes in the quota system while leaving intact other questionable provisions. At the same time, other changes made by the 1965 Act have either created problems or failed to cope adequately with problems that have arisen from new domestic and international conditions. An evaluation of the experience with the 1965 law, and with the provisions of the 1952 law that have continued unchanged, is part of the mandate of the United States Select Commission on Immigration and Refugee Policy. The Commission's findings and recommendations based on public hearings and research are to be submitted to Congress by spring of 1981.

- B. **The Legislative changes of 1965.** A basic change in the immigrant selection system, the repeal in 1965 of the "national origins" mode first enacted in 1921, marks the beginning of a new immigration period.

Culminating a long public debate, Congress in 1965 abolished quotas based on national origin and made equal the allotments to all independent countries of the Eastern Hemisphere. Simultaneously, the 1965 law placed restrictions on all immigrants, including those from the Western Hemisphere. Those from any country seeking residence who do not have close family ties must secure a Labor Department certification that their labor is needed here. The 1965 law coincided with the termination of the United States-Mexico "bracero" program regulating the temporary admission of Mexicans for agricultural labor. Under legislation effective January 1, 1977, annual immigration from any country, including Mexico, is limited to 20,000. These changes in the law set the stage for classifying many law-abiding Mexicans tied by history and long-established close family relationships to free access to the U.S. Southwest as "illegal aliens."

- C. **INS apprehension of Mexican undocumented persons ("illegals").** In 1964 Immigration and Naturalization Service apprehensions of Mexicans not in lawful status totaled 44,000. Since then, annual apprehensions on the Southwest border have soared to nearly one million. Estimates of the number staying here permanently vary widely. Staff members of the U.S. Census Bureau evaluated estimates made in more than ten governmental and private studies. Their report concluded that most Mexicans come here temporarily to work, returning "to Mexico to live for part of the year," a circular flow which "has historically been a normal part of the labor-intensive segment of the economy in the Southwestern United States." The number of Mexicans residing here, according to the Census Bureau report, may possibly be "only 1.5 to 2.5 million" and the total number of illegal residents may be "possibly only 3.5 to 5.0 million" (Preliminary Review of Existing Studies of the

Number of Illegal Residents in the United States," submitted to the U.S. Select Commission on Immigration and Refugee Policy, January 31, 1980).

- D. **Overstayed and undocumented persons: social services and subculture.** Even not counting Mexicans temporarily here, and assuming the accuracy of the Census Bureau estimate of illegal residents, the number involved is considerable. In many vital respects, such as health care and education for their children, overstayed and undocumented persons are cut off from normal relations with society as a whole. Even if it were feasible (which is open to question) to ferret out those not in lawful status, the uprooting of millions would be inhumane and the necessary procedures for attempting this would entail serious dangers to the civil liberties of the American people.

The U.S. Department of Labor's Linton Report finds the overstayed and undocumented persons "were far more likely to have participated in programs that involved the payment of taxes than the use of tax-supported services." Social security taxes were withheld for 77 percent of "illegals" and federal income taxes for 73 percent. But only 3.9 percent collected unemployment insurance, 1.3 percent obtained food stamps and 0.5 percent secured welfare. A 1977 San Diego County, California, survey shows illegals paying \$48 million in taxes and utilizing only about \$2 million worth of social services in the country.

- E. **Amnesty and revision of the immigration law.** The provision for granting residence to overstayed and undocumented persons is presently limited to those continuously residing here since June 30, 1948. In the context of granting amnesty, a Carter Administration bill in 1977 proposed granting legal status to those continuously residing here prior to January 1, 1970. No hearings were held on this bill. Instead, a law was passed in 1979 providing for a Select Commission on Immigration and Refugee Policy to make findings and report its recommendations to Congress by the spring of 1981. The mandate of the Commission covers not only the issue of amnesty, but the entire spectrum of U.S. immigration and nationality laws.

The 1952 Immigration and Nationality Act repealed a previously existing time limit (a statute of limitations) on deportation of permanent residents. Since then, permanent residents living in the U.S. as long as 50 years have been deported on the basis of acts done 20 or more years before. The 1952 law retroactively made these acts a ground for deportation. In their old age, exiled to a foreign land, they are even deprived of the Social Security payments they earned while working here. Similarly, no time limit presently exists on revocation of naturalization. Proceedings to cancel naturalization have been commenced as late as 30 years after citizenship was granted. The statutes of the federal government and of the 50 states impose time limits

for the commencement of criminal prosecutions (with few exceptions, such as murder and treason) and civil suits.

The 1952 statute also vastly extended the powers of immigration officials, authorizing them to interrogate any person "believed to be an alien," as distinct from having reasonable belief that a person is an *illegal* alien. On this basis, INS investigators continually conduct random dragnet searches ("area control" operations) on the streets and at bus stops, factories, residential areas and elsewhere. These searches have often resulted in the arrest and detention of permanent residents and U.S. citizens and, in some instances, their expulsion to Mexico and other countries.

- F. **Increase in number of refugees and changing composition.** The increasingly unsettled world situation, coupled with the pressures exerted by repressive regimes, has given rise to the likelihood of a chronic condition of heightened refugee movement. The center of gravity of this movement has shifted from Europe. For all refugee groups granted asylum in the U.S. before 1960, 82 percent were from European background and 18 percent were non-Europeans. Since 1960, however, a dramatic change has taken place: 88 percent of all refugees accepted were from non-European areas and only 12 percent from European areas. The Refugee Act of 1980 eliminated the geographic limitations (refugees emanating only from the Middle East) and ideological criteria (only refugees fleeing communist regimes) of the 1952 Immigration and Nationality Act, and adopted the general non-discriminatory standards of the United Nations Convention and Protocol Relating to the Status of Refugees. Policy formulation, as well as implementation of the provisions of the Refugee Act of 1980, with respect to admission of refugees — including that of Cubans and Haitians coming to the United States as the country of first asylum — their resettlement and other aspects, remain areas of concern. The political turmoil, drought and other natural disasters in Africa have generated millions of immigrants, refugees and migrants. This is a problem likely to become more serious and to increase the danger of racial discrimination in the application of U.S. immigration laws.

Conclusion:

The growing movement of immigrants, refugees and migrants poses new challenges to the United States for the formulation and implementation of enlightened and practical policies consistent with conscience. Today, as in the past, it also offers rich new possibilities. It is against this background that the NCCC seeks in its Policy Statement on Immigrants, Refugees and Migrants to make a constructive contribution to the discussion and wise resolution of the issues involved which are of deep concern to the churches and to a broad cross-section of the American people.

FOR: 146 AGAINST: 2 ABSTENTIONS: 2