

**Testimony of Most Reverend Thomas G. Wenski**

**Bishop of Orlando, Florida**

**before**

**The House Subcommittee on Immigration, Citizenship, Refugees,  
Border Security, and International Law**

**on**

**Comprehensive Immigration Reform**

**May 22, 2007**

I am Bishop Thomas Wenski of Orlando, Florida, and am here today to testify on the issue of immigration reform on behalf of the U.S. Conference of Catholic Bishops (USCCB).

I would like to thank Representative Zoe Lofgren (D-CA), chairwoman of the House Subcommittee on Immigration, and Representative Steve King (R-IA), ranking member, for having me today and for holding a hearing on the faith-based views on immigration reform. I would also like to thank full Judiciary Committee Chairman John Conyers (D-MI) for his ongoing leadership and support for immigration reform.

Madam Chairman, the U.S. Senate is currently engaging in a historic debate on immigration reform. We are hopeful that the Senate will pass a fair and humane immigration bill and send it for consideration to the House of Representatives. We know that you have worked tirelessly since becoming Chair of this subcommittee to find a consensus in the House of Representatives on this important issue. We are hopeful that your leadership will produce comprehensive immigration reform legislation which comports with standards of fairness and justice.

My purpose in testifying today is to communicate the position of the Catholic Church in the United States on the best model for immigration reform and to comment on legislation currently being considered in the Senate and U.S. House of Representatives. My testimony will focus upon 1) the role of the Catholic Church in the immigration reform debate; 2) the position of the USCCB on S. 1348, the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, which is currently being considered by the Senate; 3) the position of the Catholic Church on comprehensive immigration reform; and 4) the position of the USCCB on H.R. 1645, the Security Through Regularized Immigration Act of 2007 (STRIVE), that has been referred to your full committee.

### **The Role of the Catholic Church in the Immigration Reform Debate**

Madam Chairman, the issue of immigration is complex, and it elicits strong opinions and emotions from all sides of the public debate. The immigration issue touches upon our national economic, social, and cultural interests, and it has been analyzed and dissected predominately in those terms. From the perspective of the Catholic Church, immigration reform is ultimately a humanitarian issue because it impacts the basic human rights and dignity of the human person.

As providers of pastoral and social services to immigrants throughout the nation, we in the Catholic Church witness the human consequences of a broken immigration system every day in our parishes, social service programs, hospitals, and schools. Families are divided, migrant workers are exploited and abused, and human beings unnecessarily die in the American desert. As a participant in the public debate, the U.S. Conference of Catholic Bishops (USCCB) has attempted to point out the human suffering that occurs in our country each day as a result of an immigration system that lacks due process protections and fails to provide the legal status and legal avenues needed to protect immigrants from exploitation.

As a moral matter, the United States cannot employ a system which accepts the toil, taxes, and other contributions undocumented immigrants make to our nation without providing them the protection of the law. I would also add that sending nations have an obligation as well to pursue policies that produce living wage jobs so that their citizens can remain in their country and support their families in dignity.

Madam Chairman, the Catholic Church also will play an instrumental role once a new immigration bill is implemented and thus has a strong interest in helping to pass legislation which is fair and humane. The Church is present in communities around the nation and throughout sending countries. Migrants and immigrants will come to us to ask us to shepherd them through the new system. They also will ask us whether they should “come out of the shadows” and participate in any new program. We want to be able to tell them with authority and credibility to come into the light of day.

### ***Catholic Social Teaching and Immigration***

The Catholic Church is an immigrant church. More than one-third of Catholics in the United States are of Hispanic origin. The Church in the United States is also made up of more than 58 ethnic groups from throughout the world, including Asia, Africa, the Near East, and Latin America.

The Catholic Church has a long history of involvement in the immigration issue, both in the advocacy arena and in welcoming and assimilating waves of immigrants and refugees who have helped build our nation throughout her history. Many Catholic immigration programs were involved in the implementation of the Immigration Reform and Control Act (IRCA) in the 1980s, and those programs continue to serve immigrants today. In fact, the USCCB was a national coordinating agency for the implementation of IRCA. We have a strong working relationship with the Department of Homeland Security (DHS) and with U.S. Citizenship and Immigration Services (USCIS), the agency that would be largely responsible for implementing any new legalization and temporary worker programs. There are currently 158 Catholic immigration programs throughout the country under the auspices of the U.S. bishops.

The Church’s work in assisting migrants stems from the belief that every person is created in God’s image. In the Old Testament, God calls upon his people to care for the alien because of their own alien experience: “So, you, too, must befriend the alien, for you were once aliens yourselves in the land of Egypt” (Deut. 10:17-19). In the New Testament, the image of the migrant is grounded in the life and teachings of Jesus Christ. In his own life and work, Jesus identified himself with newcomers and with other marginalized persons in a special way: “I was a stranger and you welcomed me.” (Mt. 25:35) Jesus himself was an itinerant preacher without a home of his own as well as a refugee fleeing the terror of Herod. (Mt. 2:15)

In modern times, popes over the last 100 years have developed Church teaching on migration. Pope Pius XII reaffirmed the Church’s commitment to caring for pilgrims, aliens, exiles, and migrants of every kind, affirming that all peoples have the right to conditions worthy of human life and, if these conditions are not present, the right to migrate.<sup>1</sup> Pope John Paul II stated that

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<sup>1</sup> Pope Pius XII, *Exsul Familia (On the Spiritual Care of Migrants)*, September, 1952.

there is a need to balance the rights of nations to control their borders with basic human rights, including the right to work: “Interdependence must be transformed into solidarity based upon the principle that the goods of creation are meant for all.”<sup>2</sup> In his pastoral statement, *Ecclesia in America*, John Paul II reaffirms the rights of migrants and their families and the need for respecting human dignity, “even in cases of non-legal immigration.”<sup>3</sup>

In an address to the faithful on June 5, 2005, His Holiness Pope Benedict XVI referenced migration and migrant families; “... my thoughts go to those who are far from their homeland and often also from their families; I hope that they will always meet receptive friends and hearts on their path who are capable of supporting them in the difficulties of the day.”

In our recent joint pastoral letter, the U.S. and Mexican Catholic bishops further define Church teaching on migration, calling for nations to work toward a “globalization of solidarity.” “It is now time to harmonize policies on the movement of people, particularly in a way that respects the human dignity of the migrant and recognizes the social consequences of globalization.”<sup>4</sup>

For these reasons, the Catholic Church holds a strong interest in the welfare of immigrants and the ways in which our nation welcomes newcomers from all lands. The current immigration system, which can lead to family separation, suffering, and even death, is morally unacceptable and must be reformed.

#### **Position of the USCCB on S. 1348, the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007**

Much attention is being focused on legislative efforts underway in the other body, where the Senate is considering a bipartisan comprehensive reform proposal negotiated between the White House and several senators, including Senators Edward M. Kennedy (D-MA) and Jon Kyl (R-AZ).

The bishops are encouraged that the legislation that the Senate is considering contains a program that would permit many undocumented migrants currently in the United States to come out of the shadows, legalize their status, and earn permanent residency. The bishops also are encouraged by provisions that would devote visas to reducing the backlog in the availability of some of the family preference visas. However, we are deeply concerned with a number of the provisions in that legislation. We will be working to modify those provisions as the bill works its way through the Senate. And we strongly urge that you not replicate these problematic provisions in any legislation that the House takes up and passes.

In a statement released on May 17, 2007, Bishop Gerald Barnes, chairman of the USCCB Committee on Migration, stated that the U.S. bishops outlined three specific problem areas, including the legalization program in Title VI, the new worker visa program in Title IV, and the changes to the family preference system in Title V. While these areas do not represent the

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<sup>2</sup> Pope John Paul II, *Sollicitudo Rei Socialis*, (On Social Concern) No. 39.

<sup>3</sup> Pope John Paul II, *Ecclesia in America* (*The Church in America*), January 22, 1999, no. 65.

<sup>4</sup> *Strangers No Longer: Together on the Journey of Hope. A Pastoral Letter Concerning Migration from the Catholic Bishops of Mexico and the United States*, January 23, 2003, n. 57.

totality of our concerns, for purposes of this testimony I would like to focus upon them for the subcommittee.

#### Title IV - Temporary Worker Program

While we appreciate the inclusion in Title IV of AgJOBS legislation, we strongly oppose the Title's adoption of a temporary worker program that does not provide workers with the option of pursuing a path to permanent residency. This could create an underclass of workers in our society who are easily exploitable and without full rights and privileges in the society. We also have misgivings about workers having to return home after two years and remain outside of the country for a year. We fear this may result in some workers choosing to stay illegally.

Other problems we have in Title IV include its unrealistic requirements for health insurance and minimum income levels, and the reliance on the unrealistic triggers found in Title I of the legislation before the temporary worker program can begin to operate.

#### Title V – Reconfiguration of the Legal Immigration System

We have serious concerns about much of Title V of the bill that the Senate is currently considering. These include opposition to the elimination of the 1<sup>st</sup>, 2<sup>b</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> family preference categories; elimination of parents of U.S. citizens from the immediate relative category; capping parents of U.S. citizens at 40,000 visas per year; elimination of more than 200,000 family-based visas each year; dismissal of the petitions of more than 800,000 petitioners who filed their family preference petitions after May of 2005 from the family preference system; imposition of an untried and untested “merit-based” system that would give virtually no weight to family ties; a reduction by more than 50 percent in special immigrant visas, including a reduction by more than 50 percent in visas available to special immigrant religious workers; and elimination of the diversity visa program.

We urge the subcommittee to protect family unity in our immigration system by replacing Title V of the Senate bill with Title V of the STRIVE Act. This would maintain the family preference system as currently administered and clear up interminable family backlogs. -From the church perspective, a family member from Central America, Africa, Asia, the Caribbean, or elsewhere could well offer the country as much as a computer software engineer. We should not abandon family unity as the cornerstone of our immigration system.

#### Title VI – Legalization Program

We have two major concerns with the legalization program contained in Title VI of the Senate legislation. First, we are troubled that legalizing aliens, known as Z visa holders, would be unable to petition for their immediate family members who live outside the United States until they obtain permanent residency. Under this legislation, this process would take a minimum of eight-to-thirteen years but could take much longer. We urge the subcommittee to amend this aspect of the program and permit immediate family members to permanently reunite with a Z visa holder in a timely manner.

A second concern we have with Title VI is the requirement that Z visa holders return to their home country to apply for permanent residency. This requirement could place an undue burden on applicants who are either unable to afford a return home or unwilling to for fear of not being

allowed to return. It could have an unintended “chilling” effect on participation in the permanent residency program, an effect which could defeat the purpose of the program. We urge the subcommittee to examine this aspect of the program and eliminate it or, at a minimum, replace it with the “touch back” provision contained in the STRIVE Act.

Other concerns we have with Title VI of the Senate bill includes what may well be excessive fees for persons attempting to legalize their status and inadequate funding for the infrastructure to shepherd the estimated 12 million migrants through the legalization process. We also are concerned that the unrealistic triggers found in Title I of the legislation could impede the ability of Z visa holders to adjust their status, thus relegating them to a permanent state of uncertainty.

We hope to work closely with you and other members of the Committee in coming weeks on these and other concerns we have with the Senate bill.

### ***The Position of the USCCB on Comprehensive Immigration Reform***

Madam Chairman, the U.S. Catholic bishops believe that any comprehensive immigration reform bill should include 1) an earned legalization program that gives migrant workers and their families the opportunity to obtain permanent residency; 2) a new worker visa program that protects the labor rights of both U.S. and foreign-born workers and gives participants the opportunity to earn permanent residency; 3) reform of the family-based preference system to ensure that families are reunited in a timely fashion; 4) restoration of due process protections for immigrants; and 5) policies that address the root causes of migration, such as the lack of sustainable development in sending countries. We also urge Congress to ensure that provisions are included to facilitate the implementation of any bill in an efficient and fair manner.

**Earned Legalization Program.** A main feature of comprehensive immigration reform should be an earned legalization program which provides the more than 12 million undocumented persons in the nation legal status and an opportunity to earn the opportunity to apply for permanent residency. Such a program should be workable, achievable, and fair. For example, a program cannot be so complicated as to be ultimately unworkable, and it should not be so onerous as to discourage otherwise qualified applicants from “coming out of the shadows.” This program should include waivers so as to maximize those eligible for legalization. It should ensure confidentiality in the application and adjudication process and provide for meaningful judicial review for those who might be unfairly denied. The legalization program should allow immediate family members outside of the United States to join their loved one (spouse or parent) in the United States. Finally, it should not require eligible persons to travel back to their home country for processing.

The Agricultural Job Opportunity, Benefits, and Security Act of 2007 (S.340, H.R. 371) “AgJobs” represents a bipartisan initiative that would help protect both a vital industry and a labor force which is vulnerable to exploitation. Introduced in the House of Representatives by Representatives Howard Berman (D-CA) and Chris Cannon (R-UT), this measure represents a negotiated agreement between the agricultural employers and the United Farm Workers. In the terms of this agreement, the legislation would both stabilize the labor force in this important

industry and ensure that employers have access to a work-authorized supply of labor, if necessary.

The Development, Relief, and Education for Alien Minors Act (DREAM Act) represents another bipartisan initiative that would allow some undocumented students to be eligible for in-state tuition and legal status as permanent legal residents. Having entered the United States as very young children, often through no fault of their own, these students have contributed to their schools and communities. Many have lived in the United States for years.

We urge Congress to enact both of these important pieces of legislation by including them in a comprehensive immigration reform measure.

**New Worker Visa Program.** Perhaps the most problematic aspect of immigration policy reform is the creation of a new worker program that protects the basic rights of all workers, both foreign and domestic. The history of “guest worker” programs in the United States has not been a proud one. Indeed, the *Bracero* program, the largest U.S. experiment with temporary laborers from abroad, ended abruptly in 1964 because of abuses in the program. The U.S. Catholic bishops have long been skeptical of large-scale “guest worker” programs. Nevertheless, the status quo, which features a large underclass of undocumented workers unprotected by the law, is unacceptable.

In this regard, the U.S. and Mexican bishops have proposed the following elements for a “new worker program.” From both sides of the border, the Catholic Bishops have agreed that these elements, if properly implemented, would help protect the rights of foreign and U.S. workers and ensure that legal avenues are provided for future migrants to enter the country in a safe, legal, and humane manner.

- **Wage and Benefit Levels.** Any worker program must feature wage levels and benefits given domestic workers in an industry. Overtime pay should be available. Benefits such as worker’s compensation, social security, housing, and health-care should be made available.
- **Worker Protections and Job Portability.** Workers should enjoy the same protections of U.S. labor law as U.S. workers, regardless of industry, including a right to redress grievances in federal court and a transparent arbitration system; safe and sanitary working conditions; and expressed terms of employment. Workers should be able to move to other employment within an industry and not be tied to one employer. Work accrued toward permanent residency should not be affected by changing jobs or employers.
- **Family Unity.** Workers should be able to be joined by spouse and children in the United States during the length of the worker’s visa. Either spouse should be eligible for work authorization, regardless of whether he or she works in the program. Spouses and children should be able to become eligible for permanent residency at the same time as the worker in the program.

- **Labor-Market Test.** A mechanism should be included to ascertain whether U.S. workers within an area are adversely impacted by the hiring of workers from abroad. Employers should be required to advertise job openings in the United States to the maximum extent practicable and make good-faith efforts to recruit U.S. workers for a sufficient amount of time.
- **Mobility.** Workers and their families should be able to travel throughout the United States, travel back and forth from the United States to their country of origin, as well as travel from work site to work site, regardless of location, for the duration of their visa. Visas should be renewable as long as workers meet the requirements of the program, and applicable waivers to bars to admission should apply.
- **Enforcement Mechanisms.** Resources should be appropriated to ensure proper enforcement of worker protections in the program. Workers should be given the right to sue in federal court for violation of rights.
- **Path to Residency.** Workers should have the option of working to earn permanent residency over time, similar to an earned legalization program, as outlined elsewhere in my testimony.

In our view, any new worker program must contain these elements in order to avoid the abuses of past such programs and to ensure that worker's rights are protected. In addition, the new worker program should be enacted in conjunction with a legalization program for the undocumented so that groups of workers are not pitted against each other. A just worker program also will mitigate the amount and effects of undocumented migration, which can lead to the abuse, exploitation, or even death of migrants.

**Family Reunification.** Family reunification, upon which much of the U.S. immigration system has been based for the past 40 years, must remain the cornerstone of U.S. immigration policy. Immigrant families contribute to our nation and help form new generations of Americans. Even while many migrants come to the United States to find employment, many come as families.

The U.S. family-based immigration system, which helps keep families together, is in urgent need of reform. The current visa quota system, last revised by Congress in 1990, established statutory ceilings for family immigration that are now inadequate to meet the needs of immigrant families wishing to reunite in a timely manner. The result has been waiting times of five years or more—and more than eight years for Mexican permanent residents—for spouses to reunite with each other and for parents to reunite with minor children. The waiting times for adult siblings to reunite can be twenty years or longer.<sup>5</sup>

The family preference system should be reformed in the following manner:

- **Raising current world-wide numerical limitations.** Significantly raising the current world-wide numerical limitations on immigrant visas, as well as raising the ceiling on

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<sup>5</sup> U.S. Citizenship and Immigration Service Fact Sheet, January, 2004.



various family visa categories could dramatically reduce the current family backlog. Currently, the Immigration and Nationality Act (INA) sets an annual minimum family-sponsored preference limit of 480,000. In addition, the per-country limit for preference immigrants is set at seven percent of the total annual family-sponsored and employment-based preference limits. These limitations result in lengthy waits for family members abroad awaiting visas to immigrate to the United States. Raising these numbers significantly would reduce these waits.

- **Changing the treatment of “immediate relatives.”** The immediate relative category, which currently includes only the children, spouses, and parents of U.S. citizens is not subject to the family preference numerical limitations. However, the number of immediate relative visas granted is subtracted from the overall family immigration cap. Reducing the family backlog can be achieved by: 1) not counting immediate relatives of U.S. citizens against the family immigration cap and 2) placing the immediate relatives of lawful permanent residents into the same category as immediate relatives of U.S. citizens. This would help free up visas for other categories.

**Enforcement Regime and Due Process.** Madam Chairman, I would like to concentrate at this point in my testimony on how the enactment of comprehensive immigration reform would enhance, not undermine, our ability to protect our nation from terrorist threats. By enacting comprehensive immigration reform, the United States would better be able to identify who is already in the country and to identify and control who enters it. For example, a greater portion of the 11-12 million undocumented persons in the nation likely would emerge “from the shadows” and identify themselves to the government in order to participate in the earned legalization program. The establishment of additional employment-based and family-based visas for low-skilled workers and their families would provide legal avenues for those seeking to enter the United States, helping to better ensure that the government knows who is entering the country and for what purpose.

Madam Chairman, I am not alone in this assessment. Last year, nine former Homeland Security officials issued a statement which read, “enforcement alone will not do the job of securing our borders. Enforcement at the border will only be successful in the long-term if it is coupled with a more sensible approach to the 10-12 million illegal aliens in the country and the many more who will attempt to migrate to the United States for economic reasons.”

At this point, Madam Chairman, I would like to offer several principles which we believe should govern your deliberations and decisions on any new enforcement measures adopted in a comprehensive immigration reform bill:

**Any new enforcement measures are best implemented within comprehensive immigration reform.** We believe that any new enforcement measures are best applied within the context of comprehensive immigration reform. By creating legal avenues for immigration that meet our economic needs and help reunite families, and by legalizing the undocumented population who pass specific and rigorous security checks, enforcement personnel can more easily identify those

who truly threaten our communities and nation: drug and human traffickers, human smugglers, and terrorists.

**Enforcement measures should not be overly punitive or undermine due process.** Legislation adopted by the House of Representatives in 2005 included provisions that criminalized undocumented persons and those providing them assistance. Other provisions removed due process protections for immigrants, including permanent residents and other legal immigrants. Such measures do not deter illegal immigration but instead undermine the fairness in our immigration laws.

**Enhanced protection should be respectful of human rights and human life.** Federal border enforcement personnel play a crucial role in protecting our nation and deserve our respect and support for their commitment to our security. We are grateful for their ongoing efforts to identify and rescue migrants who are in distress. We support more resources for infrastructure and staffing at ports-of-entry, which would help relieve an overburdened system, promote our security, and allow for more expeditious and humane treatment of immigrants. However, we oppose enforcement strategies which may lead migrants into remote areas of the desert, and, thereby, lead to more deaths.

**Immigrants should not be treated as criminals.** We do not believe that the large majority of undocumented immigrants are criminals and should not be treated as such. In cases where immigrants have engaged in criminal activity, they should be dealt with in our criminal justice system in a fair and balanced way. We are concerned with reports that these immigrants are being detained in substandard and crowded conditions, including in “tent cities” or local jails. Immigrants should not be detained on a mandatory or indefinite basis or without having their “day in court.” Enforcement measures should reflect these goals.

**Families and children deserve special care and attention.** Efforts should be made to keep families together through release or alternatives to detention, wherever possible. If detention is necessary, a family should be held in a non-penal setting. Children should be protected from dangerous conditions and, if unaccompanied by a parent or guardian, have access to counsel and be placed in the least restrictive setting.

**Asylum-seekers and refugees should be afforded protection.** Those who come to our shores in need of protection from persecution should be afforded an opportunity to assert their claim to a qualified adjudicator and should not be detained unnecessarily. The expansion of “expedited removal,” a practice that puts *bona fide* refugees and other vulnerable migrants at risk of wrongful deportation, should be halted. At a minimum, strong safeguards, such as those suggested by the U.S. Commission on International Religious Freedom, should be instituted to prevent the return of the persecuted to their persecutors.

Madam Chairman, the U.S. Catholic bishops reaffirm the right of our nation to secure our borders. The above principles will help guide this effort so that the basic human rights and dignity of persons are protected.

Finally, we urge the committee to reexamine the changes made by the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), which eviscerated due process protections for immigrants. We urge you to restore judicial discretion in removal proceedings so that families are not unnecessarily divided.

**Root Causes of Migration.** In our pastoral letter, the U.S. and Mexican Catholic bishops write, “the realities of migration between both nations require comprehensive policy responses implemented in unison by both countries. The current relationship is weakened by inconsistent and divergent policies that are not coordinated and, in many cases, address only the *symptoms* of migration and not its *root causes*.”<sup>6</sup>

It is critical that the Congress and the administration look at the immigration issue with Mexico and other governments as part and parcel of the entire bilateral relationship, including trade and economic considerations. Addressing the immigration systems of both nations, for example, will not control the forces that compel migrants to come to the United States.

In an ideal world for which we must all strive, migrants should have the opportunity to remain in their homelands and support themselves and their families. In this regard, we renew our call to both the U.S. and Mexican governments to resume bilateral migration negotiations so that all issues that impact migration to the United States are addressed.

**Implementation Issues.** It is important to understand that the manner in which comprehensive immigration reform is implemented is vital to its success. A public-private partnership is necessary so that immigrant communities are aware of the facts of the application process (thus eliminating the involvement of “notarios”) and are able to receive assistance in accessing the program.

It will be essential that Congress provide adequate resources for DHS to implement and execute any earned adjustment program. As passed by the Senate, the Comprehensive Immigration Reform Act (CIRA) of 2006 anticipated this by establishing fees that would generate approximately 66 billion dollars of revenue dedicated to processing applications for earned adjustment.

The fee-generated funds will not be adequate to meet the financial needs of this implementation program; Congress will also need to directly appropriate funds to get the program started. Additionally, Congress must be diligent in its oversight and to ensure that fee-generated funds are not diverted for other purposes, as has often been done in the past

While some may quarrel with the use of appropriated funds for this purpose, I would suggest that the alternative would likely require the expenditure of far more funds and yield a less desirable result. The cost of properly implementing an earned adjustment program is tiny when compared to the cost of deporting 12 million, which has been estimated as \$240 billion, or \$25,000 per immigrant.

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<sup>6</sup> *Strangers No Longer*, n. 56.

Mr. Chairman, we believe that any comprehensive legislation can be implemented through a combination of reasonable fees imposed on applicants with some supplemental funding appropriated by Congress. Fees should not be imposed, however, which place the program out of the reach of qualified applicants.

We recommend the inclusion of the following elements in any legislation to ensure that a program is implemented appropriately:

- **Confidentiality.** Applicants for both the legalization and temporary worker program should be extended confidentiality and not be subject to arrest and deportation if they fail to qualify for the program. This would ensure maximum participation in the program and would prevent those who do qualify are not discouraged or intimidated from applying.
- **Qualified Designated Entities.** Board of Immigration Appeals (BIA)-accredited Qualified designated entities (QDEs) should be created to assist in implementation of both programs.
- **Reasonable Implementation Period.** Sufficient time should be given between enactment and implementation so that regulations, procedures, and infrastructure are in place. Deportations of prospective applicants should be suspended between these two dates.
- **Creation of a Separate Entity.** A separate entity, similar to the asylum corps, should be created within the U.S. Bureau of Citizenship and Immigration Services (USCIS) to implement the legislation. Such an entity should be adequately funded through appropriations.
- **Derivative Benefits.** Immediate family members should receive the same immigration benefits under legalization/temporary worker program as the worker.
- **Generous Evidentiary Standards.** For purposes of verifying an alien's eligibility for legalization, evidentiary standards should be based upon "preponderance of the evidence" and should include a wide range of proof, including attestation.
- **One-Step Legalization.** A one-step legalization program would verify eligibility and security and background checks in one process up front and not in a two-step process, i.e. upon conditional status and then permanent status.
- **Operational Terms should be defined.** Operational terms in the bill, such as "continuous residence," "brief, casual, and innocent," and "known to the government," should be defined in the legislation to avoid later confusion.
- **Broad humanitarian waiver.** A broad waiver of bars to admissibility for legalized aliens, such as unlawful presence, fraud, or other minor offenses, should be included in the legislation.

The inclusion of these elements in any legislation would facilitate the implementation of any program.

In addition, the Congress and the Administration should take steps to reduce the current immigration adjudication backlogs so that immigrants receive benefits in a timely way, and so that the U.S. Citizenship and Immigration Service (USCIS) can successfully work towards implementing new programs.

Moreover, the government has just proposed an increase in fee applications by three times for green card applications, leaving these benefits financially out of reach of many applicants.<sup>7</sup>

Madam Chairman, reduction in the current backlogs in naturalization and adjustment of status applications as well as the maintenance of affordable fees should be part of our nation's efforts to reform our immigration system. We recommend that Congress evaluate the budget of the U.S. Citizenship and Immigration Service (USCIS) and provide more directly appropriated funding for infrastructure and backlog reduction. Without more efficiency in the system, a new comprehensive reform program of any type may be unworkable, absent the creation of a new entity to implement it.

#### **The Position of the USCCB on The Security Through Regularized Immigration and a Vibrant Economy Act of 2007 (STRIVE)**

To date in the 110<sup>th</sup> Congress, H.R. 1645, the Security Through Regularized Immigration and a Vibrant Economy Act of 2007 (STRIVE), bipartisan legislation introduced by Representatives Luis Gutierrez (D-IL) and Jeff Flake (R-AZ), best comports with the principles needed for a just and humane immigration reform bill. The legislation contains a viable program for legalizing the undocumented population and giving them an opportunity for permanent residency, a new worker program with appropriate worker protections and wages, and reductions in family immigration backlogs. We believe that the STRIVE Act should be the vehicle for comprehensive reform in the House of Representatives.

We have some concerns, however, about several provisions in Title II of the legislation, which we hope will be addressed during the legislative process. For example, we believe that passport fraud provisions found in section 221 of the measure would place bona fide refugees at risk, many of whom must resort to the use of false travel documents obtained in their home country because they cannot obtain government documents from authorities that may be persecuting them. We also object to aspects of section 234c of the bill that seeks to deal with penalties for persons who harbor and smuggle aliens. Although the section would exempt religious organizations from some of its penalties, it would place other groups and individuals, including labor unions, at risk of prosecution for providing basic needs assistance to undocumented immigrants. We believe these and other provisions in Title II should be removed from the legislation or substantially modified.

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<sup>7</sup> 69 Federal Register 5088 (February 2, 2007)

We also have some concerns with the “triggers” contained in the STRIVE Act---goals which must be achieved prior to the implementation of the legalization programs. The legislation requires the implementation of the first phase of an electronic employer verification system and the creation of the infrastructure necessary to improve immigration document security for a tamper-resistant identification card. We urge a provision which allows the legalization programs to go forward if these goals are not met within the deadlines outlined in the legislation.

Despite these reservations, we believe the STRIVE Act contains the right structure and formula to effectively address our immigration crisis and should be the basis for any immigration reform legislation considered by the U.S. House of Representatives.

## **Conclusion**

Madam Chairman, the U.S. House of Representatives, and specifically your subcommittee, will soon consider historic immigration reform legislation. We ask that you consider strongly our recommendations in this area and pass a fair, just, and workable bill.

We urge you and the House leadership to permit amendments to improve the final product of any legislation.

We are hopeful that, as the House of Representatives debates this issue, neither legal nor undocumented immigrants will be made scapegoats of the challenges we face as a nation. Rhetoric which attacks the human rights and dignity of the migrant does not serve a nation of immigrants; additionally, xenophobic and anti-immigrant attitudes will only serve to lessen us as a nation. The U.S. bishops are hopeful that this debate will consider not only the negative effects of illegal immigration but also the many benefits that immigrants bring to our communities and our nation.

Madam Chairman, the U.S. bishops look forward to working with you in the months ahead to fashion an immigration system which upholds the valuable contributions of immigrants and honors the rule of law.

Thank you for your consideration of our views.