

Enforcement of Immigration Laws: Important Principles

BACKGROUND: In the pastoral letter, *Strangers No Longer: Together on the Journey of Hope*, the U.S. bishops recognize the right of the sovereign to control and protect its borders: “Therefore, we accept the legitimate role of the U.S...government in intercepting undocumented migrants who attempt to travel through or cross into [the country]. We do not accept, however, some of the policies and tactics that our government has employed to meet this...responsibility.” (no. 78)

Despite acknowledging this right of the sovereign, opponents of immigration often inaccurately criticize the Church as supportive of “open borders” in an attempt to discredit the Church’s voice. The following are principles articulated by the U.S. bishops, which should be used to judge any proposals to enforce immigration law.

Any enforcement measure should adhere to the following principles:

1. TARGETED.

U.S. enforcement resources should be focused to ensure that those who are dangerous are more easily identified and apprehended. Enforcement policies should be tailored and not overly broad so that the basic rights of all immigrants are not abridged. Ethnic or racial profiling should be avoided. Improvements in intelligence and information sharing and technological improvements in border security would help ensure that those who are most dangerous—smugglers, human traffickers, and terrorists—are intercepted.

2. PROPORTIONAL.

Enforcement of immigration laws should not feature unnecessary penalties or unnecessary force. Immigration control officers and border patrol agents should receive intensive training on appropriate enforcement tactics and the appropriate use of force. Border enforcement policies should not drive migrants into more remote regions of the desert, risking their lives. State and local law enforcement should not be authorized to enforce immigration laws.

3. HUMANE.

In any enforcement action, the human rights and dignity of the person should be preserved and respected to the greatest extent possible. Families should not be divided and should receive special consideration. Undocumented immigrants should not be detained for lengthy periods of time or intermingled with violent offenders. Asylum-seekers should receive appropriate screening by a qualified adjudicator. Children should be accommodated within a child welfare context.

In addition, it is important to note that reform of the legal immigration system will help meet the above principles and make our nation more secure. By allowing the undocumented population in the United States an opportunity to become legal, they are free to “come out of the shadows” and be identified, allowing law enforcement to focus on those who might be motivated to harm us. By creating legal avenues for migration through a worker program and family immigration reform, our government can better track those who enter our nation at the same time it reduces the incentive for undocumented immigration.

Providing legal status to undocumented immigrants is an effective way to contribute to our nation’s security.