



Written Testimony of  
**THE MOST REVEREND MARIO EDUARDO DORSONVILLE-RODRÍGUEZ**  
Auxiliary Bishop of Washington and  
Chairman of the U.S. Conference of Catholic Bishops' Committee on Migration

For a Hearing of the  
**HOUSE COMMITTEE ON THE JUDICIARY**  
**SUBCOMMITTEE ON IMMIGRATION AND CITIZENSHIP**

“The U.S. Immigration System: The Need for Bold Reforms”  
Thursday, February 11, 2021, at 2:15 p.m.  
2141 Rayburn House Office Building  
Washington, D.C.

My name is Bishop Mario Eduardo Dorsonville-Rodríguez. I am an auxiliary bishop of the Archdiocese of Washington and also currently serve as chairman of the U.S. Conference of Catholic Bishops' Committee on Migration (USCCB/COM). On behalf of USCCB/COM, I would like to thank the House Judiciary Subcommittee on Immigration and Citizenship, especially the Chair, Representative Zoe Lofgren (D-CA), and the Ranking Member, Representative Ken Buck (R-CO), for holding this important hearing and for inviting me to submit testimony before the Subcommittee.

For hundreds of years, Catholics have lived as both foreign-born and native inhabitants of this land. Today, the Catholic Church, through its many ministries, apostolates, and affiliates, serves immigrants and refugees of every color, creed, and nationality, affirming that we are all “fellow travelers sharing the same flesh.”<sup>1</sup> Throughout history, immigrants and refugees have played a pivotal role in the life and wellbeing of our nation, bringing with them the hope of a better life and the determination needed to achieve it. This resolve has only been further demonstrated by the shared challenge of the COVID-19 pandemic, which has resulted in undeniable challenges to families and workers, including immigrant and refugee workers doing essential and frontline work, while underscoring the social inequalities and vulnerabilities present in our society. Recognizing this reality, the Catholic bishops of the United States have long supported immigration reform legislation focused on family reunification that would create a pathway to citizenship for the undocumented already calling this country home, living here in some cases for many decades. The bishops also urge a simpler and more reasonable system of immigration for future generations that addresses the protection needs of those fleeing persecution, while preserving family unity as a foundational principle of the immigration system. Guided by our faith, we remain committed to this goal and will continue to work to provide care, accompaniment, and integration for immigrants and refugees.

### **I. Catholic Social Teaching and the Church’s Work in the United States Addressing and Accompanying Immigrants and Refugees**

The Church’s story in the United States is one of migration and integration. As a foundational matter, the Church’s solidarity and service related to migrants and refugees stems from the belief that every human person is created in the image and likeness of God. In the Old Testament, God calls upon his people to care for the foreigner because of their own experience as foreigners: “So, you, too, must befriend the alien, for you were once aliens yourselves in the land of Egypt.”<sup>2</sup> In the New Testament, the image of the migrant is seen in the life and teachings of Jesus Christ. In his own life and work, Christ identified himself with newcomers and other marginalized persons in a special way: “I was a stranger and you welcomed me.”<sup>3</sup> Christ himself was on the road preaching without a home of his own, and, as a child, he—with his parents—was also a refugee fleeing to Egypt to escape persecution and death.<sup>4</sup> We see Christ’s life and we are open to his teachings and values, which introduce much good into the lives of those we serve.

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<sup>1</sup> Pope Francis, *Fratelli Tutti*, no. 8 (Oct. 3, 2020), <https://bit.ly/3oZGwet>.

<sup>2</sup> Deut. 10:19.

<sup>3</sup> Mt. 25:35.

<sup>4</sup> Mt. 2:13–23.

One of the sad realities of our contemporary situation is that of forced migration, and particularly that of those who are compelled to leave their homeland because of political, religious, or other forms of persecution. For this reason, the Catholic Church recognizes the plight of refugees and asylum seekers and urges a thorough examination of the root causes of migration from every perspective, including through policy advancement. In his encyclical letter *Sollicitudo Rei Socialis*, Saint Pope John Paul II refers to the world's refugee crisis as "the festering of a wound."<sup>5</sup> In his 1990 Lenten message, he listed the rights of refugees, including the right to be reunited with their families and the right to a dignified occupation and just wage.<sup>6</sup> Two years later, the Vatican's Pontifical Council for the Pastoral Care of Migrants and Itinerant People reaffirmed that the right to asylum must never be denied when people's lives are truly threatened in their homeland.<sup>7</sup>

The dire circumstances confronting refugees and asylees has been of particular concern for Pope Francis from the beginning of his pontificate. Making a bold statement by taking his first trip as pope outside of Rome to Lampedusa, Italy, the Holy Father decried the "globalization of indifference" and the "throwaway culture" that disregards those fleeing persecution in order to seek a better life.<sup>8</sup>

To this end, our work assisting and advocating on behalf of immigrants and refugees stems from that belief that every person is created in God's image and must be valued, protected, and respected for the inherent dignity they possess. We follow the teaching of the Gospel and advocate to address the root causes of poor living conditions, while also protecting those forced to migrate and ensure the humane treatment of those living in the United States. In our joint pastoral letter, *Strangers No Longer: Together on the Journey of Hope*, the U.S. and Mexican Catholic bishops called for nations to work toward a "globalization of solidarity."<sup>9</sup>

The work of the U.S. bishops' Committee on Migration is carried out by the USCCB's Department of Migration and Refugee Services (USCCB/MRS). USCCB/MRS works to advance the migration-related priorities of our Committee, including advocacy and policy advancement around humane and comprehensive immigration reform, just and proportionate immigration enforcement, and improved access to justice and due process for immigrants and refugees fleeing persecution. Among its many activities, USCCB/MRS is also a long-standing government partner, providing support for and assistance to refugees, foreign nationals and U.S.-citizen human trafficking survivors, asylum-seeking families, and unaccompanied immigrant children.

## **II. Current State of Immigration System and the Need for Systemic Reform**

The current state of immigration in the United States makes it unduly burdensome, expensive, ineffective, and often a contributor to human suffering. The U.S. immigration system is undoubtedly broken.

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<sup>5</sup> Pope John Paul II, *Sollicitudo Rei Socialis*, no. 24 (Dec. 30, 1987), <https://bit.ly/2YUIaDk>.

<sup>6</sup> Pope John Paul II, *Message for Lent*, no. 3 (1990), <https://bit.ly/3pX4Df0>.

<sup>7</sup> Pontifical Council *Cor Unum* & Pontifical Council for the Pastoral Care of Migrants and Itinerant People, *Refugees: A Challenge to Solidarity*, nos. 13–14 (1992), <https://bit.ly/3cRh1JI>.

<sup>8</sup> Homily of Pope Francis at Lampedusa (July 8, 2013), <https://bit.ly/3a06wC3>.

<sup>9</sup> *Strangers No Longer: Together on the Journey of Hope*, no. 57 (2003), <https://bit.ly/3tErRc1>.

The current system stands out as especially restrictive, with the legal immigration rate (i.e., the number of new legal immigrants as a share of total population) being far below the highs of the early twentieth century.<sup>10</sup> Meanwhile, funding for immigration enforcement has sharply increased over the last two decades, with little consensus as to the results. Since the creation of the Department of Homeland Security (DHS) in 2002, the federal government has spent an estimated \$333 billion on the agencies that carry out immigration enforcement,<sup>11</sup> and it is still highly debated among lawmakers and the public alike as to whether we have “secure” borders.<sup>12</sup> One oft-cited metric demonstrating the ineffectiveness of the U.S. immigration system is the immigration court backlog—the period of time for which people must wait to see an immigration judge—which is at an all-time high.<sup>13</sup> Lastly, and most importantly, the current immigration system has contributed to an increasing number of avoidable deaths,<sup>14</sup> family separation,<sup>15</sup> exploitation,<sup>16</sup> and other instances of human suffering and hardship. For these reasons, my brother bishops and I have zealously advocated for immigration reform and will continue to do so. We acknowledge that human lives are in the balance and that the moment for action is now.

### **III. Elements of Reform Most Needed to Substantially Improve the U.S. Immigration System**

While there are numerous changes that need to be made to our immigration system, today I focus on six key elements that are necessary to consider in meaningful immigration reform efforts: (1) providing legalization; (2) prioritizing families and essential workers in all elements of migration policy; (3) meaningfully addressing root causes of migration; (4) protecting the vulnerable; (5) recalibrating immigration enforcement at the U.S.-Mexico border and in the interior of the United States; and (6) preserving the religious worker visa program. I discuss each element in more detail below.

#### **A. Providing Legalization**

Guided by the core teaching that all human beings are imbued with inherent human dignity, the Catholic Church teaches that all persons are “brothers and sisters” and that immigration status does not change this fact. As part of that belief, the Catholic bishops have steadfastly advocated for the legalization of undocumented persons living in the United States. As the U.S. bishops stated in

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<sup>10</sup> See David J. Bier, *Reforming the Immigration System: A Brief Outline* (Nov. 11, 2020), <https://bit.ly/3oYyp1G>.

<sup>11</sup> AMERICAN IMMIGRATION INSTITUTE, *THE COST OF IMMIGRATION ENFORCEMENT AND BORDER SECURITY 1* (Jan. 2021), <https://bit.ly/3aMaRIg>.

<sup>12</sup> See, e.g., TOM K. WONG, U.S. IMMIGRATION POLICY CENTER, *PUBLIC OPINION ABOUT THE BORDER, AT THE BORDER 2* (Nov. 6, 2019), <https://bit.ly/3p4nTGe>.

<sup>13</sup> TRAC Immigration, *Backlog of Pending Cases in Immigration Courts as of December 2021*, <https://bit.ly/2N8CzH1> (accessed Feb. 9, 2021).

<sup>14</sup> See, e.g., 2019: *A Deadly Year for Migrants Crossing the Americas*, U.N. NEWS (Jan. 28, 2020), <https://bit.ly/3p0j3Kd> (“The region surrounding the United States–Mexico border is one of the deadliest for migrants, with the number [of deaths] growing each year.”).

<sup>15</sup> See generally ASHLEY FEASLEY, ET AL., *SERVING SEPARATED AND REUNITED FAMILIES: LESSONS LEARNED AND THE WAY FORWARD TO PROMOTE FAMILY UNITY* (Oct. 2018), <https://bit.ly/2YXXwXN>.

<sup>16</sup> See, e.g., Ed Vulliamy, *Kidnappers Prey with ‘Total Impunity’ on Migrants Waiting for Hearings in Mexico*, GUARDIAN (Feb. 18, 2020), <https://bit.ly/3rCm9pd> (“Doctors Without Borders . . . found that in one month 75% of migrants waiting in Nuevo Laredo under [the Migrant Protection Protocols] had been abducted by the mafia, and 45% to have suffered violence or violation.”).

1986, when Congress passed the Immigration Reform and Control Act (IRCA), “It is against the common good and unacceptable to have a double society, one visible with rights and one invisible without rights—a voiceless underground of undocumented persons.”<sup>17</sup> Similarly, today, the bishops continue to advocate for legislation that would provide a legal path to citizenship for the undocumented living in the United States.

There are also particular groups of non-citizens that need special consideration in any legalization reform. These include Dreamers, young people who came here with their parents at an early age, and those with Temporary Protected Status (TPS) and Deferred Enforced Departure (DED).

## 1. Dreamers

Knowing the many contributions of Dreamers to our nation, it was with extreme concern that we witnessed the previous administration’s attempt to terminate the Deferred Action for Childhood Arrivals (DACA) program in 2017.<sup>18</sup> And while President Biden reversed this course on his first day in office, we know that DACA youth continue to face great uncertainty. Furthermore, we know that many of the country’s over 1.8 million Dreamers do not currently have formal DACA protection. For these young people, Congressional action is the only solution.

We see and hear about this uncertainty every day in our dioceses and in our parishes. I have been personally impacted by the stories I have heard from DACA youth in the Archdiocese of Washington. I have witnessed their tears and listened to their secret concerns not only for their own futures but for that of their families as well. Many ask: What will happen to me? What will happen to my family?

Dreamers are exemplary youths. They are young, educated, taxpaying individuals who are valuable members of American families, our workforce, and our communities. They are contributors to our economy, academic standouts in our universities, and leaders in our parishes. Like their name implies, Dreamers are shining examples of those pursuing the American Dream. Providing Dreamers with a path to citizenship will advance the common good and allow these young people to reach their God-given potential, while also helping their families who depend on them. They have not only the support of the Church but most of the American public as well.<sup>19</sup> Finding a solution for these admirable young people is both the moral and common-sense path. On behalf of the USCCB’s Committee on Migration, I urge Congress to give special attention to Dreamers in any immigration reform legislation and ensure that they have permanent legal protection that includes an expedited path to citizenship.

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<sup>17</sup> Don Kerwin, *Immigration Reform and the Catholic Church*, MIGRATION POL’Y INST. (May 1, 2006), <https://bit.ly/3cYKdyu>.

<sup>18</sup> Statement of Cardinal DiNardo, et al., *USCCB President, Vice President and Committee Chairmen Denounce Administration’s Decision to End DACA and Strongly Urge Congress to Find Legislative Solution* (Sept. 5, 2017), <https://bit.ly/3a6ngb3>.

<sup>19</sup> See Jens Manuel Krogstad, *Americans Broadly Support Legal Status for Immigrants Brought to the U.S. Illegally as Children*, PEW RES. CTR. (June 17, 2020), <https://pewrsr.ch/3p9Z4sk> (“74% of Americans favor a law that would provide permanent legal status to immigrants who came to the U.S. illegally as children”).

## 2. TPS and DED Holders

Over the past few years, we have also expressed deep concern over the prior administration’s attempt to terminate TPS designations for many countries still grappling with the very same conditions that first warranted those designations, including El Salvador, Haiti, Honduras, and Nicaragua. These termination attempts left hundreds of thousands of individuals and their families in a state of uncertainty and fear. While the terminations were subject to multiple lawsuits, an estimated 320,000 TPS holders—some of whom have lived in the U.S. for over 20 years—faced potential loss of status and family separation. TPS holders need a permanent legal solution which includes a path to citizenship that only Congress and the President, working together, can provide.

Like Dreamers, TPS and DED holders are part of our country and our communities. Many own homes and businesses and contribute to our economy. They are also a part of our Church and they worship in our local parishes. Many TPS recipients have families in the U.S., including over 273,000 U.S.-citizen children.<sup>20</sup> It is, again, the issue of family unity that is most pressing to the Catholic Church.

## 3. Agricultural Workers

We have long expressed concerns about the plight of seasonal agricultural workers, many of whom are working without legal status.

We urge Congress to continue the work started during the 116th Congress, which resulted in bipartisan House passage of H.R. 5038, the “Farm Workforce Modernization Act”. Introduced by Chair Lofgren with several Republican and Democratic cosponsors, that measure would have created an earned legal status program for agricultural workers and made reforms to the existing H-2A program.

Recognizing that the dignity of work of farmworkers and their families is a central concern of the Catholic Church, Pope John Paul II spoke of the importance of agricultural workers and the need to protect those working in the fields.<sup>21</sup> Farmworkers produce the food that we eat and contribute to the care of our community. Regarding immigrant farmworkers, the bishops in the U.S. have long advocated for reforms of the existing system, including a “legalization program [that] would help stabilize the workforce, protect migrant workers and their families from discrimination and exploitation, and ensure that these workers are able to continue to make contributions to society.”<sup>22</sup>

## **B. Prioritizing Families and Workers in All Areas of Migration Policy**

While we continue to advocate—as we have for many years—for legalization and a path to citizenship for undocumented persons living in the United States, it is impossible to continue examining the world through a pre-COVID-19 lens. Regarding COVID-19, Pope Francis noted:

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<sup>20</sup> Robert Warren & Donald Kerwin, *A Statistical and Demographic Profile of the U.S. Temporary Protected Status Populations from El Salvador, Honduras, and Haiti*, 5 J. ON MIGRATION AND HUM. SEC. 577 (2017).

<sup>21</sup> Pope John Paul II, *Laborem Exercens*, no. 23 (1981), <https://bit.ly/3jAgfCp>.

<sup>22</sup> U.S. Conference of Catholic Bishops, *For I Was Hungry & You Gave Me Food: A Catholic Agenda for Action - Pursuing a More Just Agricultural System - Part 2*, <https://bit.ly/3qap0FB> (accessed Feb. 9, 2021).

“The pandemic [has] shed light on the risks and consequences inherent in a way of life dominated by selfishness and a culture of waste. And it [has] set before us a choice: either to continue on the road we have followed until now or set out on a new path.”<sup>23</sup> It is undeniable that all families have been challenged and upended by COVID-19 and the work of many, predominantly those doing essential and frontline work, has underscored the social inequalities and vulnerabilities present in our society. It is with this perspective that we urge lawmakers to reevaluate our immigration system, placing an emphasis on preserving and protecting families, especially immigrant and refugee families, and recognizing the contributions of essential workers—all workers, but specifically immigrant and refugee workers. We urge U.S. policymakers to look at prioritizing workers and families and doing so in all areas of migration policy, including legalization, enforcement, access to due process, and integration efforts.

In our country’s response to COVID-19, the contributions of essential workers have become more important than ever. While many essential workers are U.S. citizens, many are also non-citizen immigrants and refugees, including undocumented individuals living in the United States. For example, when speaking about the essential workforce across all industries in the United States:

- Sixty-nine percent (19.8 million) of all immigrants in the U.S. labor force and 74% of undocumented workers are essential workers, compared to 65% of the native-born labor force;<sup>24</sup>
- Seventy percent of all refugees, and 78% of black refugees in particular, are essential workers;<sup>25</sup>
- In all but eight U.S. states, the foreign-born share of the essential workforce equals or exceeds that of all foreign-born workers, indicating that immigrant essential workers are disproportionately represented in the labor force;<sup>26</sup> and
- The percentage of undocumented essential workers exceeds that of native-born essential workers by nine percentage points in the fifteen states with the largest labor force.<sup>27</sup>

More specifically, when essential industries and service areas—farming, meatpacking, other elements of the food supply chain, health care and home health assistance—are broken down and analyzed, it is very clear that immigrant and refugee contributions are prevalent in each of these industries. For example:

- Immigrants comprise 16% of U.S. health care sector workers, 26% of home health care workers and aides for the elderly, 22% of workers in scientific research and laboratories, 24% of workers in medical equipment manufacturing, and 25% in pharmaceuticals manufacturing;<sup>28</sup>
- Immigrants comprise 31% of U.S. agricultural employees;<sup>29</sup> and

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<sup>23</sup> Chico Harlan, *Pope Francis Says the World is 'Seriously Ill' from the Consequences of the Pandemic*, WASH. POST (Feb. 8, 2021), <https://wapo.st/36TM2ZF>.

<sup>24</sup> Donald Kerwin & Robert Warren, *U.S. Foreign-Born Workers in the Global Pandemic: Essential and Marginalized*, J. ON MIGRATION & HUM. SEC. 3–8 (Sep. 11, 2020), <https://bit.ly/2N8a648>.

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

- Naturalized citizens make up 67% of immigrants working in health care, including 74% of immigrants working in hospitals and 74% of those working in doctors' and dentists' offices.<sup>30</sup> Many of these immigrants work on the front lines with COVID-19 patients.<sup>31</sup>

Similar to the disparate impacts on essential immigrant and refugee workers, COVID-19 is severely affecting the wellbeing of many immigrant families.<sup>32</sup> Immigrant families with low incomes face interconnecting factors that make them particularly vulnerable, such as language barriers to accessing information, a higher risk of exposure to the virus at work, precarious financial circumstances stemming from job losses or reductions in income, and a higher risk of exposure to the virus among those living in overcrowded or multigenerational housing.<sup>33</sup> Cash, food, employment, housing, and health care are the most pressing needs during the COVID-19 crisis for immigrants in households with low incomes. One recent Urban Institute study found that 40% of charitable organizations surveyed working with immigrant communities reported cash assistance as the first or second most pressing need for immigrant families during the pandemic. The next most pressing needs included food (38%), employment (37%), housing (31%), and health care (26%), reflecting the reality of unmet fundamental human needs.<sup>34</sup> The Catholic Church in the U.S. has over 5,000 parishes with immigrant ministries and over half have been dealing with related requests for food, access to health care and housing, and educational needs.

This dire need for funding—witnessed across the country by local Catholic Charities agencies on the ground—led us to advocate to ensure that certain mixed status families with a U.S.-citizen parent were eligible to receive COVID-19 stimulus payments their families so desperately needed. While we were appreciative of the leadership of certain senators in December to help ensure these families received aid, we note that many U.S.-citizen children have consistently been left out of those payments, solely because of the immigration status of their parents. This unfortunate reality is made worse by the fact that immigrants pay hundreds of billions of dollars in local, state, and federal taxes each year.<sup>35</sup>

We urge lawmakers to ensure that all U.S.-citizen children receive COVID-19 stimulus payments and also urge lawmakers of both parties to more holistically consider families and workers in all future immigration reform efforts.

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<sup>30</sup> *Id.*

<sup>31</sup> DONALD KERWIN, ET AL., U.S. FOREIGN-BORN ESSENTIAL WORKERS BY STATUS AND STATE, AND THE GLOBAL PANDEMIC 2 (May 2020), <https://bit.ly/2N6fy7E>.

<sup>32</sup> See generally HAMUTAL BERNSTEIN, ET AL., IMMIGRANT SERVICE ORGANIZATIONS' PERSPECTIVE ON THE COVID-19 CRISIS (Aug. 2020), <https://urbi.is/3rFBfu7>; see also GIOVANNI PERI & JUSTIN C. WILTSHIRE, THE ROLE OF IMMIGRANTS AS ESSENTIAL WORKERS DURING THE COVID-19 PANDEMIC, <https://bit.ly/373RgII> (accessed Feb. 9, 2021).

<sup>33</sup> HAMUTAL BERNSTEIN, ET AL., *supra* note 32, at 3; Muzaffar Chishti & Jessica Bolter, *Vulnerable to COVID-19 and in Frontline Jobs, Immigrants Are Mostly Shut Out of U.S. Relief*, POLICY BEAT (Migration Policy Institute blog) (April 24, 2020), <https://bit.ly/2OkZBeh>; Sophia Tareen, *Coronavirus Complicates Safety for Families Living Together*, AP NEWS (May 12, 2020), <https://bit.ly/3aWmSLe>.

<sup>34</sup> *Id.*

<sup>35</sup> See, e.g., New American Economy, *Taxes & Spending Power* (accessed Feb. 9, 2021), <https://bit.ly/2MSxMtA>.



### **C. Meaningfully Addressing Root Causes of Migration**

The Catholic Church affirms that people should have the opportunity to thrive in their home countries. If, however, conditions are life-threatening and the safety and wellbeing of families are put at risk, people have the right to migrate. Currently, this is the case in many countries in Central America, namely El Salvador, Guatemala, and Honduras. Congress should work with the Administration to develop a just and humane regional framework and policy to address the root causes of migration, prioritizing integral human development. Integral human development places the dignity of the human person and the integrity of creation at the center of its decision making, aiming to save lives and alleviate suffering, accelerate the end of poverty, inequality, hunger, and disease, and cultivate just and peaceful societies rooted in basic human rights. Addressing the root causes of migration will build more opportunities for people to live and thrive in their home communities. The Church, through its local communities and international aid organizations, has witnessed firsthand the success of American programs in Central America—reducing poverty and malnutrition, increasing youth employment and literacy, promoting policy changes at a national level, fostering inclusive partnerships with civil society and the private sector in order to improve the lives of poor and vulnerable persons, and supporting innovative agriculture techniques to meet new environmental challenges. But more can, and must, be done.

### **D. Protecting the Vulnerable**

Recent changes to policy and practice have decimated the U.S. asylum system and have crippled the U.S. Refugee Admissions Program, an international model of public-private partnership. Asylum is a crucial tool for ensuring that people fleeing violence and persecution can find safety in the United States, consistent with our values, as well as domestic and international law. The United States can uphold access to asylum in a manner that offers a genuine humanitarian response with due process guarantees, while still respecting American sovereignty, protecting national security, and promoting public safety. Similarly, the United States can return to global leadership in resettling refugees and providing protection to the most vulnerable. We urge robust engagement and the full attention of the federal government to ensure that refugees are able to be resettled at a level reflecting the global need.

### **E. Recalibrating Immigration Enforcement at the Border and in the Interior**

Immigration enforcement, both along the borders and within the interior, has also become more indiscriminate, resulting in expanded detention and the deportation of persons who have significant ties to their communities and pose no threat to them. The average daily population of detained immigrants has steadily increased from about 20,000 in 2000 to over 50,000 in 2020 (prior to the onset of COVID-19).<sup>36</sup> Additionally, from 2016 to 2017, there was an increase of 171% in non-criminal immigrants arrested by Immigration and Customs Enforcement (ICE), whereas the number of those with criminal convictions who were taken into custody increased by only 17%.<sup>37</sup> Similarly, over 260,000 immigrants were deported from the U.S. in Fiscal Year 2019; less than

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<sup>36</sup> Katharina Buchholz, *Number of Immigrant Detainees Rises Quickly*, STATISTA (Jan. 3, 2020), <https://bit.ly/3tQehmf>.

<sup>37</sup> Tal Kopan, *Arrests of Immigrants, Especially Non-Criminals, Way Up in Trump's First Year*, CNN (Feb. 23, 2018), <https://cnn.it/3a2rzE2>.

half (44%) had any criminal convictions.<sup>38</sup> Intertwined with these issues is the recurring theme of family unity and the all-too-common, needless separation of family members, the result of indiscriminate enforcement actions. Enforcement policies must be changed to reflect a more transparent, humane, and proportionate response to unlawful immigration.

## **F. Preserving the Religious Worker Visa Program**

We strongly support legislative action to protect and enhance the religious worker visa program, which allows U.S. religious denominations to fill critical religious worker positions—for which there are no qualified candidates in the U.S.—with qualified religious workers from abroad.

The program provides for two types of visas:

- The Special Immigrant Visa, which allows qualified religious workers to immigrate to the U.S. permanently and later become citizens if they so choose and meet the qualifications; and
- The Nonimmigrant Visa, also known as the R-1 Visa, which allows qualified religious workers to enter temporarily and perform services in the U.S. for a prescribed period.

The denominations and communities they serve will suffer if the religious worker program is not extended. Included among the important tasks performed by religious workers are:

- Providing human services to those most in need, including shelter and nutrition;
- Caring for and ministering to the sick, aged, and dying in hospitals and nursing facilities;
- Working with adolescents and young adults;
- Assisting religious leaders as they lead their congregations and communities in worship;
- Counseling those who have suffered severe trauma and/or hardship;
- Supporting families, particularly when they are in crisis;
- Offering religious instruction, especially to new members of the religious denomination; and
- Helping refugees and immigrants in the United States adjust to a new way of life.

Religious worker visas (both the Special Immigrant Visa and the Nonimmigrant Visa) may be granted to both ministers and non-minister religious workers.

Ministers covered by the program are those who are authorized by a recognized religious denomination to conduct religious worship and perform other duties usually performed by members of the clergy, such as administering the sacraments or their equivalent. The provision of the Immigration and Nationality Act that provides for the admission of ministers to the United States is a permanent part of U.S. immigration law.

Non-minister religious workers are those who are called to a vocation or who are in a traditional religious occupation with a bona fide nonprofit, religious organization in the United States. Examples of those who are called to a vocation include nuns, monks, and religious brothers and sisters. Other examples of those in non-minister religious occupations include missionaries,

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<sup>38</sup> TRAC Immigration, *Latest Data: Immigration and Customs Enforcement Removals*, <https://bit.ly/2Nce4sE> (accessed Feb. 9, 2021).

counselors, translators, religious instructors, cantors, and other pastoral care providers. Some non-minister religious workers are pursuing studies in a seminary or are otherwise in formation. The provision of law that provides for the admission of non-minister special immigrant religious workers is not a permanent part of U.S. immigration law. Instead, it sunsets from time to time. In recent years, the program has expired at the end of each fiscal year and has had to be renewed in year-end omnibus appropriations bills.

We note that the non-minister provision of law was established on a bipartisan basis by former House Judiciary Committee Chairman Lamar Smith (R-TX) and the late Senator Edward M. Kennedy (D-MA). Legislation to make this a permanent part of law has been introduced on a bipartisan basis in numerous Congresses since the program was established in 1990, with legislation to do having been introduced in the House by Immigration subcommittee Chair Lofgren and former Senators Orrin Hatch (R-UT) and Spencer Abraham (R-MI). We urge the 117th Congress to permanently extend this program, which does so much to help communities around the country.

While it is a permanent part of law, we also urge Congress to make small but important changes to the R-1 Visa to make it more useful to the religious denominations that make use of it and the communities that the resulting essential workers serve. Among the changes we support are several that would bring them in line with other employment-based temporary visas. We will be in touch with the Committee in the coming weeks to discuss those proposed changes.

#### **IV. Recommendations**

As Congress contemplates immigration reform, we respectfully offer the following recommendations:

##### **Provide Legalization**

- Immediately pursue a broad legalization program for undocumented persons already in the country, with a realizable pathway to citizenship.
- Implement expedited pathways for Dreamers, TPS and DED holders, and farmworkers.
- Ensure people have access to legal status regardless of income level by making any fees for enrollment into status income-specific.
- Expand existing resources to promote naturalization and help pay for the fees associated through use of fee waivers and also create public-private match grant community programs to help fund and defray the cost of naturalization fees.
- Engage legal service providers in robust implementation efforts, as well as public education campaign efforts around how to apply for legalization and the dangers of *notario* fraud.

##### **Prioritize Families and Workers in All Areas of Migration Policy**

- Establish legal pathways and waivers that enable families to maintain unity or restore it for those families already torn apart.
- Prioritize status for family members of workers who have died of COVID-19 due to their continual employment and lack of protection during the pandemic.
- Remove the three- and ten-year bars to lawful immigration.

- Explore a return-after-deportation program, to return people to the U.S. who have already been unnecessarily deported and reunite them with their families.
- Utilize legislation to modify the family-based immigration system to clear the current backlogs and ensure timely family reunification.
- In all enforcement efforts, ensure the existence of families and longstanding community members as preeminent mitigating factors in decisions regarding removal and deportation at the border and in the interior.
- Develop DHS guidelines to ensure that families and longstanding community members are not targeted for removal.
- Honor the dignity of the work of essential workers and make sure that they are paid a livable wage, as well as be eligible for other benefits to help protect their health.
- Cease all immigration enforcement efforts centered around essential work industries.
- Implement a robust worker protection plan for all guestworkers to ensure safe working conditions.
- Enact legislation that prevents foreign labor recruitment fraud perpetuated against guestworkers and ensures a mechanism for redress for workers who have been exploited in ways ranging from wage theft to forced labor and labor trafficking.
- Provide a wage that adequately reflects the dangerous and vital nature of work being performed for all essential workers.

### **Meaningfully Address Root Causes of Migration**

- Support consultation with local, national, and international stakeholders, including faith-based organizations, in developing a regional framework and policy to address the root causes of migration.
- Increase international poverty-reducing humanitarian and development assistance to Central America to address the root causes of migration, including appropriations to and allocations from: Development Assistance, poverty-reducing Economic Support Funds, International Disaster Assistance, Migration and Refugee Assistance, and the Green Climate Fund.
- Strengthen local leadership and partnerships by supporting targeted, effective humanitarian and development models and harnessing innovative financing.
- Ensure funding and operation of efforts to combat corruption and impunity.
- Ensure that funding is specifically designated to poor and marginalized communities.

### **Protect the Vulnerable**

- After an 82% reduction in the average annual goal under the prior administration, admit at least 95,000 refugees per year with the goal of 125,000 refugees.
- Improve due process and legal information for those seeking protection through expanded access to *pro bono* legal programs, including those that provide direct representation for asylum seekers, as well as continued support for the Legal Orientation Program (LOR) and the Immigration Court Helpdesk (ICH).
- Ensure trauma-informed care is available to vulnerable populations, such as unaccompanied children and those escaping domestic violence.
- Pursue policy interventions and funded outreach programs within border communities to assist and protect those most often subjected to exploitation and violence.

- Develop temporary and permanent humanitarian legal status for individuals forced to migrate due to climate change.

### **Recalibrate Immigration Enforcement at the Border and in the Interior**

- Reduce the use of immigrant detention and reserve it for those individuals who pose national security or public safety risks.
- In place of detention, use not-for-profit, community-based alternatives to detention.
- Work to expand community-based alternatives to detention to eventually become the primary means of processing migrants as they navigate the legal immigration process and await adjudication of their cases.
- End family detention.
- Ensure that sensitive locations, such as hospitals, schools, places of worship, and courthouses, can never be encroached upon for enforcement actions.

### **Preserve the Religious Worker Visa Program**

- Permanently extend the Special Immigrant Religious Worker Visa.
- Make reforms to the R-1 Visa for temporary nonimmigrant religious workers to make it more beneficial to the communities recipients serve and bring it in line with other employment-based nonimmigrant visas.

## **V. Conclusion**

We appreciate the Subcommittee's interest in immigration reform, and we encourage all members of Congress to work toward humane and just solutions for these vital members of our communities. As always, the Catholic Church stands ready to work with you in achieving these goals and will continue to stand in solidarity with our immigrant brothers and sisters.