



**TESTIMONY OF MOST REVEREND JOSE H. GOMEZ**

**Coadjutor Archbishop of Los Angeles, California**

**Chair, U.S. Conference of Catholic Bishops' Committee on Migration**

**On**

**ICE Worksite Enforcement**

**Before**

**The House Judiciary Subcommittee on Immigration Policy and Enforcement**

**January 26, 2011**

I am Jose' Gomez, Coadjutor Archbishop of Los Angeles and Chairman of the U.S. Conference of Catholic Bishops' (USCCB or the Conference) Committee on Migration. I testify before you today on behalf of the USCCB Committee on Migration.

Before I begin, I would like to thank Subcommittee Chairman Elton Gallegly (R-CA) and Ranking Member Zoe Lofgren (D-CA) for permitting me to submit testimony before the Subcommittee on this important matter.

My testimony before the Subcommittee will outline the Conference's position on workplace enforcement of immigration laws, which includes our recommendation that Congress:

1. Prioritize and pursue comprehensive immigration reform in lieu of enforcement-only measures to address the issues of unauthorized immigration in the United States; and
2. De-emphasize the use of workplace raids – in which immigrants are detained and families are separated – as a measure to enforce immigration laws in the U.S. workplace.

### **The Role of the U.S. Catholic Bishops in the Immigration Policy Debate**

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

The U.S. Catholic Church has a long history of involvement in immigration; both in the advocacy arena and in welcoming and assimilating waves of immigrants and refugees who have helped build our nation throughout her history. There are 158 Catholic immigration legal services programs throughout the country serving immigrants under the auspices of the U.S. Bishops.

The U.S. Catholic Bishops acknowledge the right of the sovereign to enforce its immigration laws. In the pastoral letter, *Strangers No Longer: Together on the Journey of Hope*, USCCB recognized the right of the sovereign to control and protect its borders, stating: "we accept the legitimate role of the U.S. . . . government in intercepting undocumented migrants who attempt to travel through or cross into [the country]." The U.S. Bishops emphasized, however, that ". . .[w]e do not accept . . . some of the policies and tactics that our government has employed to meet this. . .responsibility."<sup>1</sup>

In *Strangers No Longer*, the U.S. Bishops made clear that despite the sovereign's right to control its borders and engage in enforcement of immigration laws, the "human dignity and human rights of undocumented migrants should be respected." We declared that "[r]egardless of their

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<sup>1</sup> *Strangers No Longer: Together on a Journey of Hope. A Pastoral Letter Concerning Migration from the Catholic Bishops of Mexico and the United States*, January 23, 2003, No. 78.

legal status, migrants, like all persons, possess inherent human dignity that should be respected . . . Government policies that respect the basic human rights of the undocumented are necessary.”<sup>2</sup>

## The Conference’s Call for Comprehensive Immigration Reform in Lieu of an Enforcement-Only Approach

According to the Pew Hispanic Center, there are currently 11.1 million unauthorized persons residing in the United States.<sup>3</sup> Of these, approximately 7.8 million – or 70 percent -- are in the U.S. labor force.<sup>4</sup> Each year, between 300,000 and 500,000 more unauthorized immigrants enter the country.<sup>5</sup> In large part, these immigrants feel compelled to enter because of either the explicit or implicit promise of employment in the U.S. agriculture, construction, and service industries, among others. Most of this unauthorized flow comes from Mexico, a nation struggling with severe poverty, where it is often impossible for many to earn a living wage and meet the basic needs of their families.

Survival has thus become the primary impetus for unauthorized migration flows into the United States. Today’s unauthorized migrants are largely low-skilled workers who come to the United States for work to support their families. They work in the agricultural, meatpacking, landscaping, services, and construction industries in the United States. They fill the ranks of U.S. businesses, large and small throughout the country.

Over the past several decades, the demand by U.S. businesses for low-skilled workers has grown exponentially, while the supply of available workers willing to perform these *low-skilled* jobs in the United States has diminished.<sup>6</sup> Yet, there are only 5,000 green cards available annually for low-skilled workers to enter the United States lawfully to reside and work.<sup>7</sup> This number stands in stark contrast to the estimated 300,000-500,000 migrants who enter the United States without authorization each year, most of whom are looking for work.<sup>8</sup> The only alternative to this is a temporary work visa through the H-2A (seasonal agricultural) or H2B (seasonal non-agricultural) visa programs which provide temporary status to low-skilled workers seeking to enter the country lawfully. While H-2A visas are not numerically capped, agricultural employers have reported great difficulty in making use of them. H-2B visas are capped at 66,000 annually. Both only provide temporary status to work for a U.S. employer for one year.<sup>9</sup> At their current numbers, these are woefully insufficient to provide legal means for the foreign-born to enter the United States to live and work, and thereby meet our demand for foreign-born labor.

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<sup>2</sup> *Id.* at No. 38.

<sup>3</sup> Jeffrey S. Passel and D’Vera Cohn, *US Unauthorized Immigration Flows Are Down Sharply Since Mid-Decade* (Washington, DC: Pew Hispanic Center, 2010), 1, <http://pewhispanic.org/files/reports/126.pdf>.

<sup>4</sup> Rakesh Kochhar, C. Soledad Espinoza, and Rebecca Hinze-Pifer, *After the Great Recession: Foreign Born Gain Jobs; Native Born Lose Jobs* (Washington, D.C.: Pew Hispanic Center, 2010), 4-5, <http://pewhispanic.org/files/reports/129.pdf>.

<sup>5</sup> Passel and Cohn, *U.S. Unauthorized Immigration Flows Are Down Sharply Since Mid-Decade*, 1.

<sup>6</sup> See, e.g., Gordon H. Hanson, *The Economics and Policy of Illegal Immigration in the United States*, Migration Policy Institute (December 2009).

<sup>7</sup> *Id.* at 6.

<sup>8</sup> Passel and Cohn, *U.S. Unauthorized Immigration Flows Are Down Sharply Since Mid-Decade*, iii.

<sup>9</sup> Hanson, *The Economics and Policy of Illegal Immigration in the United States* at 6.

Over the past decade alone, Congress has spent \$117 billion<sup>10</sup> of taxpayer dollars on immigration enforcement initiatives, yet the number of undocumented in the country has grown and the demand for foreign-born, low-skilled labor has continued on pace with the ebbs and flows of the U.S. economy. It is clear that another approach is necessary.

Mr. Chairman, the U.S. Catholic Bishops do not believe that “enforcement only” immigration policies will humanely resolve the policy dilemma created by an increasing number of unauthorized immigrants in the United States. Rather, we support comprehensive immigration reform to fix what has become a broken system. Such reform would include: an earned legalization program for foreign nationals of good moral character; the reform of the family-based immigration system; a revamped temporary worker regime that protects both the workers who would come to the United States and U.S. citizen workers; the restoration of immigrants’ due process rights; and an effort to meaningfully address the root causes of migration, such as under-development and poverty in sending countries.

Moreover, such reform would include the targeted, proportional, and humane enforcement of immigration laws. The U.S. Catholic Bishops accept the legitimate role of the U.S. government in intercepting unauthorized migrants who attempt to travel to the United States. The U.S. Bishops also believe that by increasing lawful means for migrants to enter, live, and work in the United States, law enforcement will be better able to focus upon those who truly threaten public safety: drug and human traffickers, smugglers, and would-be terrorists. It is our view that comprehensive immigration reform would help restore the rule of law by replacing unauthorized migration flows with meaningful and adequate legal avenues for migration, compatible with both our future labor needs and our ongoing prioritization of family reunification.

### **The Conference’s Position on Worksite Enforcement of Immigration Laws**

As you know, Mr. Chairman, section 274A of the Immigration and Nationality Act (INA) prohibits employers from employing individuals who they know are not authorized to work.<sup>11</sup> Specifically, INA §274A makes it unlawful for an employer to knowingly hire, recruit or refer for a fee, or continue to employ an alien who is not authorized to be so employed. It also makes it unlawful for an employer to hire an individual for employment without examining documents to verify the newly-hired individual’s identity and work eligibility. An employer who violates these provisions of section 274A of the INA may be subject to civil and/or criminal penalties.<sup>12</sup>

U.S. Immigration and Customs Enforcement (ICE) is responsible for enforcing these prohibitions on the employment of unauthorized immigrants. It has done so, Mr. Chairman, through a combination of audits of employers’ I-9 records to determine compliance with verification requirements; workplace raids; and the use of sanctions.

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<sup>10</sup> Estimate of INS, DHS budgets 2000-2010.

<sup>11</sup> Act of June 27, 1952, ch. 477, as amended.

<sup>12</sup> *Id.*

Mr. Chairman, worksite enforcement of immigration laws can achieve important purposes. Foremost among those are ensuring that unscrupulous employers are not violating the rights of immigrant workers in the workplace.

However, the U.S. Catholic Bishops are opposed to the use of workplace raids, in which employees are administratively arrested, to achieve our immigration law enforcement objectives.

Over the course of the past few years, ICE engaged in a series of high-profile workplace raids. For instance, in December 2006, ICE apprehended nearly 1,300 unauthorized migrants in six U.S. cities. In another instance, in March 2007, ICE apprehended over 360 migrants in a raid in New Bedford, Massachusetts. And, in workplace raids in 2008, ICE apprehended nearly 400 migrants in Postville, Iowa; some 600 immigrants in Laurel, Mississippi; and 160 immigrants in Houston, Texas. In 2009, ICE apprehended nearly 30 unauthorized migrants in a workplace raid in Bellingham, Washington.

Although ICE undertook these raids in disparate industries in distinct cities across the United States, a common theme binds them all: the destruction of the family. Mr. Chairman, as a result of each of these very different raids, families and their communities were destroyed. Indeed, as a result of these raids, U.S.-citizen children were separated from their parents for days, if not longer; immigrants arrested were not afforded the rights of due process or access to legal counsel; and local communities, including legal permanent residents and U.S. citizens, were disrupted and dislocated. Indeed, in a number of raids, U.S. citizens and legal permanent residents were swept up and subjected to arrest and detention before determinations were made that they were, in fact, legally present in the United States. The sweeping nature of these raids---which have often involved hundreds of law enforcement personnel with weapons---strike fear in communities, make it difficult for those arrested to secure basic due process protections, including legal counsel, and all-too-often render children parent-less.

USCCB believes that the humanitarian costs of workplace raids are immeasurable and unacceptable in a civilized society. The U.S. Catholic Bishops have witnessed first-hand the suffering of immigrant families and are deeply troubled by the collateral human consequences of immigration enforcement raids on the family unit. Over the years, many of our local parishes have helped respond to human needs generated by these enforcement actions, providing counseling and legal services to individual parents and children and basic needs assistance to immigrant communities as a whole.

Mr. Chairman, we ask that as Congress confronts the challenges of unauthorized immigration, it not lose sight of one of its core duties: protecting the family unit as the fundamental institution upon which society and government itself depends. USCCB believes that in the course of enforcing U.S. immigration laws in the workplace, ICE should abandon, not augment or extend, worksite enforcement raids.

## **Conclusion**

Mr. Chairman, I would like to thank you for inviting me to testify before the Subcommittee today.

The U.S. Catholic Bishops believe that immigrants should come to the United States lawfully, but we also understand that the current immigration legal framework does not adequately reunify families and is non-responsive to our country's need for labor.

Immigration enforcement raids demonstrate in a highly visible way the ability of the government to enforce the law. They accomplish little, however, in the attempt to solve the broader challenge of unauthorized migration, while they render devastated thousands of families and their communities across the United States.

We urge Congress to resist engaging in a piecemeal and enforcement-only approach to the complex issue of unauthorized migration, and instead pass immigration reform laws which ensure the rule of law in the United States, while simultaneously ensuring that the laws are rooted in the reunification of family, responsive to our economy's demand for labor, and respectful of the humanity of the immigrants in our midst.

Thank you for your consideration of our views.