

Enforcement of Immigration Laws

The men and women of the law enforcement agencies charged with maintaining the United States-Mexico border have difficult jobs that require long hours in sometimes extreme conditions. Unfortunately, the enforcement policies that they implement have had the effect of undermining the human dignity of migrants and creating a confrontational and violent relationship between enforcement officers and migrants. Steps must be taken to create an environment in which force is used only in the most necessary circumstances, and only to the extent needed, to protect the physical well-being of both the enforcement officer and the migrant. This requires not only a review and reform of enforcement tactics, but also, more importantly, a reshaping of the enforcement policies of both nations. (*USCCB, Strangers No Longer, Together on the Journey of Hope*)

Church teaching

- ★ Historically the United States' border and interior enforcement has been inconsistent and thus failed to discourage illegal border crossings. At the federal level, the United States has lacked at some times the will and at other times the consensus to enforce immigration law in any uniform or sustained fashion. Moreover, in the absence of strong federal leadership, state and local authorities have pursued disparate immigration policies. The result has been a nation and a society that has not adequately established and maintained the rule of law and consequently has not deterred unauthorized migration at the southern border. (*USCCB, Comprehensive Immigration Reform*)
- ★ We reject the premise that all persons suspected of being undocumented immigrants should be rounded up by state and local police agents. State and local law enforcement authorities have many serious concerns on their hands, such as protecting our communities from those who seek to harm others. If these provisions are enacted into law, we fear that immigrant communities would no longer trust local police to protect them or to share with them important information about crime in their neighborhoods. We also are fearful that massive-scale enforcement of civil immigration laws by improperly trained state and local police officials will result in inadvertent deprivations of even citizens' and lawful permanent residents' civil and constitutional rights. Instead of criminalizing these persons, we should permit those who are here to earn a legal status so they can come forward and contribute to our nation without fear. (*Testimony of Bishop James Tamayo, Bishop of Laredo, Texas, March 28, 2007*)

Resources

- ★ **Texas Catholic Conference** Immigration page (www.TXcatholic.org/immigration.asp)
- ★ **Justice for Immigrants** (USCCB) (www.JusticeForImmigrants.org)
- ★ **Migration and Refugee Services** (USCCB) (www.USCCB.org/mrs/)
- ★ **Strangers No Longer: Together on the Journey of Hope** (USCCB) (www.usccb.org/mrs/stranger.shtml)
- ★ **Comprehensive Immigration Reform** (USCCB) (www.usccb.org/mrs/legal.shtml)
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Humane Immigration Enforcement Policies in the United Statesⁱ

The Catholic Church recognizes the right and responsibility of sovereign nations to control their borders and to ensure the security interests of their citizens. Therefore, we accept the legitimate role of the U.S. and Mexican governments in intercepting undocumented migrants who attempt to travel through or cross into one of the two countries. We do not accept, however, some of the policies and tactics that our governments have employed to meet this shared responsibility.

The men and women of the law enforcement agencies charged with maintaining the United States-Mexico border have difficult jobs that require long hours in sometimes extreme conditions. Unfortunately, the enforcement policies that they implement have had the effect of undermining the human dignity of migrants and creating a confrontational and violent relationship between enforcement officers and migrants.

Alarming, migrants often are treated as criminals by civil enforcement authorities. Misperceptions and xenophobic and racist attitudes in both the United States and Mexico contribute to an atmosphere in which undocumented persons are discriminated against and abused. Reports of physical abuse of migrants by U.S. Border Patrol agents, the Mexican authorities, and in some cases, U.S. and Mexican residents are all too frequent, including the use of excessive force and the shackling of migrants' hands and feet. In the United States, documented abuses of migrants occur frequently. To be sure, the large majority of Border Patrol agents conduct themselves in a professional and respectful manner. But there exist those who perpetrate abuses and who are not held accountable by the U.S. government.

In order to address these excesses, both governments must create training mechanisms that instruct enforcement agents in the use of appropriate tactics for enforcing immigration law. We urge the U.S. and Mexican governments to include human rights curricula in their training regimens so that immigration enforcement personnel are more sensitive to the handling of undocumented migrants. Community organizations, including dioceses and parishes, can assist enforcement officials in this effort. In addition, the enforcement function in both nations should be left to federal authorities (the Immigration and Naturalization Service and Border Patrol in the United States, and the National Migration Institute and Federal Preventive Police in Mexico), not transferred to local police who necessarily have other priorities and who are untrained in the proper methods for enforcing immigration law. Military personnel from any branch or service should not be used to enforce migration laws along either country's land borders.

Important Principles for Enforcement Measuresⁱⁱ

- 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.

ⁱ "Strangers No Longer: Together on the Journey of Hope." [USCCB Migration and Refugee Services](http://www.usccb.org/mrs/stranger.shtml). 22 Jan. 2003. <<http://www.usccb.org/mrs/stranger.shtml>>.

ⁱⁱ "Enforcement of Immigration Laws: Important Principles." Justice for Immigrants. USCCB. <<http://www.justiceforimmigrants.org/ParishKit/Enforcement.pdf>>.