Immigration and Catholic Social Teaching Principles[1]

Immigration in the Broader Context of Catholic Social Teaching

- The Catholic Church is not a political party.
    - The principles of Catholic Social Teaching are not a political ideology or platform. They come from Scripture and Tradition. Our first allegiance as Catholic is not to a political party but to the Gospel of Jesus Christ. Politicians and political parties will align with Catholic Social Teaching in some areas but not in others. We need to call out the areas where they stray from the gospel and the true human good. (See the *Compendium of the Social Doctrine of the Church,* n. 424)
- The principles of Catholic Social Teaching are a unified whole.
    - We can't pick and choose which principles of Catholic Social Teaching we like and ignore those that don't align with our preconceived political ideas. We can't take the principles outlined here and isolate them from one another, distorting their meaning. (See the *Compendium of the Social Doctrine of the Church,* nn. 160-163)

The Right to Migrate

- The right to migrate is based on the principle of the *right to life* (and therefore the right to the material goods necessary to sustain oneself and one's family) and the *universal destination of goods* (God will that material creation be for the flourishing of all people, which guides our understanding and stewardship of private property). One must have a *just reason*: When one cannot provide for him or herself and one's family, or when one's life is in danger, he or she has the right to migrate
- This right refers to both emigration *and* immigration (i.e. both leaving your own country and entering another).
- Immigrants have a *duty* to assimilate and integrate into the host country, contribute to the common good, obey the law, etc. (see CCC 2241; Pius XII, *Exsul Familia Nazarethana; Summa Theologiae* I-II q. 105, a. 3).
- Church Teaching:

> "Again, every human being has the right to freedom of movement and of residence within the confines of his own State. When there are just reasons in favor of it, he must be permitted to emigrate to other countries and take up residence there. The fact that he is a citizen of a particular State does not deprive him of membership in the human family, nor of citizenship in that universal society, the common, world-wide fellowship of men" (*Pacem in Terris,* 25; see also *Ecclesia in America,* 65).

The Right and Duty of a Country to Control its Borders

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[1] This is not intended to be an exhaustive treatment. It is a selection of the most basic principles from Catholic Social Teaching and from moral theology in general that are most relevant to the question of immigration.

The Duty of a Country to Welcome Immigrants as Able

- A country is obligated to control its border for security reasons (not only for the question of immigration but also trade and things like human, drugs, and arms trafficking).
- A country is also obligated to welcome immigrants as it is able to do so. For more prosperous nations, the obligation is greater (see *Strangers No Longer,* 30), though no nation is obligated to singlehandedly address the problem of migration. When "balancing" the rights and duties of a sovereign nation on the one hand and the rights and duties of the immigrant, the Church tends to favor the rights of the immigrant.
- Church Teaching:

  > "The more prosperous nations are obliged, to the extent they are able, to welcome the foreigner in search of the security and the means of livelihood which he cannot find in his country of origin. Public authorities should see to it that the natural right is respected that places a guest under the protection of those who receive him. Political authorities, for the sake of the common good for which they are responsible, may make the exercise of the right to immigrate subject to various juridical conditions, especially with regard to the immigrants' duties toward their country of adoption" (CCC 2241).
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  > "The natural law itself, no less than devotion to humanity, urges that ways of migration be opened to these people. For the Creator of the universe made all good things primarily for the good of all. Since land everywhere offers the possibility of supporting a large number of people, the sovereignty of the State, although it must be respected, cannot be exaggerated to the point that access to this land is, for inadequate or unjustified reasons, denied to needy and decent people from other nations, provided of course, that the public wealth, considered very carefully, does not forbid this" (Pius XII, *Apostolic Letter to Archbishop John T. McNicholas,* December 24, 1948).

Human Dignity and Human Rights do Not Depend on Legal Status

- Human dignity and human rights are prior to the State: that is, one does not have rights because the State grants them; rather, one has rights and it is the obligation of the State to uphold and protect them. Basic human rights (such as the right to life, food, and shelter, a living wage) do not depend on legal status. Some rights, such as the right to vote, do depend on one's citizenship.
- Church Teaching:

  > "Every migrant is a human person who, as such, possesses fundamental, inalienable rights that must be respected by everyone and in every circumstance" (*Caritas in Veritate,* 62).

Family Unification

- The family is the vital cell of society or the first society. Society is ordered to the good and flourishing of the family and should therefore take measures to ensure and protect family unity where possible.

- Church Teaching:

  "Immigrants are to be received as persons and helped, together with their families, to become part of societal life. In this context, the right of reuniting families should be respected and promoted" (CSDC, 298).

  The Compendium affirms the "priority of the family over society and over the State...The family possesses inviolable rights and finds its legitimization in human nature and not in being recognized by the State. The family, then, does not exist for society or the State, but society and the State exist for the family" (CSDC, 214).

Solidarity

- A person's and a country's commitment to solidarity is not limited to those within one's own borders or those with citizenship status.
- Church teaching:

  "A nation may not simply decide that it wants to provide for its own people and no others. A sincere commitment to the needs of all must prevail" (USCCB, *Catholic Social Teaching on Immigration and the Movement of Peoples*).

  "Respect for the human person proceeds by way of respect for the principle that everyone should look upon his neighbor (without any exception) as 'another self,' above all bearing in mind his life and the means necessary for living it with dignity. No legislation could by itself do away with the fears, prejudices, and attitudes of pride and selfishness which obstruct the establishment of truly fraternal societies. Such behavior will cease only through the charity that finds in every man a 'neighbor,' a brother" (CCC 1930).

Epikeia and Custom

- The principle or virtue of *epikeia* guides the just application of laws. This principle "interprets the mind of the lawgiver as to the fact and extent of the law's application in a particular case."[2] An example of the application would be the case of a person speeding to the hospital in an emergency: the lawgiver would allow speeding in the case, assuming the driver did not put other lives in danger. The 45mph speed limit does not apply in this case, though the goods the law intends to uphold are not violated. A possible example of epikeia with immigration law could be the DACA (Deferred Action for Childhood Arrivals).
- Dr. Jerome Magat explains Aquinas's understanding of *custom* as interpreter of the law:

  "In *STh* IaIIae q. 97, a. 1-3, Aquinas explains that human laws are subject to change, are informed by lived experience, and can be altered as men devise better ways to govern the general welfare of a community. … Actions that express law are known as customs, which themselves can come to have the force of law. Customs can become so entrenched in a community that they effectively supplant existing written law, such

[2] Paul J. Glenn, *A Tour of the Summa* (Rockford, IL: TAN Books and Publishers, 1978), 263.

that Thomas asserts *optima est legis interpres consuetudo* (custom is the best interpreter of the law)."[3]

- An example of custom as interpreter of the law in California is the general lack of enforcement of speeding for cars going less than 10mph over the limit in a 65mph zone. This effectively places the speed limit at 75mph. If police were to begin tomorrow pulling over all cars going 66mph, there would be a certain injustice in this action, given their consistent nonenforcement for years. Archbishop José Gomez applies the same logic to immigration law:

> "The result of not enforcing our laws is that millions have been allowed to establish themselves in our communities...It doesn't seem fair for our country not to enforce its laws for many years and then suddenly to start punishing people who broke these laws. It doesn't seem right to break those families up, to start throwing people out of the country - people who came to work and to be with their family; people who have done no harm to anyone...It also doesn't seem right to make low-wage workers pay huge fines and abandon their families to leave the country to 'get back in line' to enter this country legally. Because of the broken logic of our current laws, this process could take more than ten years and thousands of dollars. America can do better than to make people choose between following our law and not seeing their spouses, their children or their relatives for a decade or more."[4]

Fruther Reading

- USCCB website: https://www.usccb.org/committees/migration/immigration
- United States Conference of Catholic Bishops and Conferencia del Episcopado Mexicano. *Strangers No Longer: Together on the Journey of Hope.* January 22, 2003.
- Archbishop José H. Gomez. *Immigration and the Next America: Renewing the Soul of Our Nation.* Huntington, IN: Our Sunday Visitor, 2013. [[Also in available in Spanish: *Inmigración y el Futuro de Estados Unidos de América: Renovando el alma de nuestra nación*]]

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[3] Geronimo Magat, *Recognizing the Unrecognized:* Pacem in Terris *and the Human Right to Immigrate in an Age of Nation-State Dominance*, Doctoral Dissertation (Rome: Pontifical Lateran University Rome, 2021), 73. It is important to note that some customs can be immoral and should not be considered law. One must appeal both to custom and natural law and the common good.

[4] José H. Gomez, *Immigration and the Next America: Renewing the Soul of Our Nation* (Huntington, IN: Our Sunday Visitor, 2013), 201.