

# THE UNDERPINNINGS OF STANDING WITH IMMIGRANTS IN RURAL NEW YORK

## Scriptural Underpinnings (a brief glance)

In all faith traditions, one issue on which there is no disagreement is the teaching and mandate to welcome the stranger/foreigner.

The sacred scriptures of the Judeo-Christian tradition are filled with migration stories: Adam and Eve, expelled from Eden; Abraham and Sarah wandering from place to place; Joseph in Egypt; Moses in the Wilderness; the Exile in Babylon; Joseph and Mary and the Child, refugees in Egypt; the roaming ministry of Jesus; the journeys of Paul — all stories which speak to us today as we seek to make our way through these difficult times. Thus, we draw upon the living waters of scripture for inspiration and guidance.

The Israelites drew heavily on their experience in Egypt as they sought to create a new kind of society in the promised land, especially as they wrestled with how to welcome the stranger — the alien into their midst. The message from God was clear: *“You shall not oppress a resident alien; you know the heart of an alien, for you were aliens in the land of Egypt”* (Exodus 23:9)

Later, the commandment is restated and expanded:

*“For the Lord your God is God of gods and Lord of lords ... who is not partial and takes no bribes, who executes justice for the orphan and the widow and who loves the strangers, providing them food and clothing. You shall also love the stranger, for you were strangers in the land of Egypt.”* (Deuteronomy 10:17-18)

A parallel theme in scripture is that in welcoming the stranger and offering hospitality, one often finds oneself welcoming a messenger from God. This is vividly described in the 18<sup>th</sup> chapter of Genesis, when Abraham and Sarah offered hospitality to three strangers — and to their amazement (and Sarah’s amusement), the strangers assured them that Sarah was to bear a child.

And in the Book of Hebrews we read:

*“Do not neglect to show hospitality to strangers for by doing so, some have entertained angels unawares.”* (Hebrews 13:1)

Through the prophets, Scripture makes it clear that persons in authority are to be held accountable for the way they treat the stranger, the alien and other vulnerable ones in their community. Neglect and oppression have consequences.

*“Then I will draw near to you for judgment ... against those who swear falsely; against those who oppress the hired workers in their wages, the widows and the orphans; against those who thrust aside the alien and do not fear me, says the Lord.”* (Malachi. 3:5)

In the Parable of the Last Judgment, Jesus paints a picture of what radical hospitality looks like: *“I was hungry and you gave me food; I was thirsty and you gave me something to drink, I was a stranger and you welcomed me, I was naked and you gave me clothing, I was sick and you took*

*care of me, I was in prison and you visited me ... Just as you did it to one of the least of these who are members of my family, you did it to me.” (Matthew 25:35-40)*

These scripture passages make it abundantly clear that we, as communities of faith, are called to stand with, support and protect the most vulnerable ones in our society, especially the alien — that is, the stranger, the refugee, the migrant. Not only is this important for their well-being but for ours as well. They strengthen and enrich the fabric of our society and are to be treated with fairness, respect and love. They are our neighbors, and we are bidden,

*“To love your neighbor as yourself” (Leviticus 19:18) aware that “Love does no wrong to a neighbor, therefore love is the fulfilling of the law.” (Romans 13:10)*

The Hebrew Bible (Tanakh), Old Testament, New Testament, and the Quran all make this obligation extremely specific. It seems ironic that even in this day of heartbreaking, immediate, and graphic images of the human suffering of migration, flight, and desperate escape, we still need to be reminded that this could be any of us. Those people with haunted eyes and possessions carried on their backs could be us, or our parents, or our grandparents.

## **U.S. Democracy Underpinnings (a brief glance)**

The United States of America has rightfully lauded our image as the land of opportunity for people around the world. Some of us arrived seeking asylum, some religious freedom, some seeking economic or educational opportunities, some seeking better opportunities for our children, along with hundreds of thousands of African slaves brought against their will. Whatever the reasons, we have come from around the world, often in waves. This immigration was supported by the “Doctrine of Discovery,” a philosophical theory that encouraged the taking and occupation of lands around the world by Europeans.

Ask yourself when your family arrived on American soil, and ask those among you the same. With the exception of Native Americans, you will find that we are all immigrants. Slaves brought here against their will and their descendants have a very different understanding as a result of forced immigration.

Our country has repeatedly been transformed by enormous numbers of immigrants arriving on our shores. The Colonial Era brought Western Europeans. Many lacking financial resources came as indentured servants. African slaves were brought against their will during this time.

Immigration from Northern and Western Europe was dominant from around 1815 to 1865. Irish immigrants (fleeing the potato famine) made up about one-third of those arriving during this period. German immigrants also came in massive numbers, reacting to overpopulation and industrialization (some 5 million immigrants). There were also a significant number of immigrants from Asia who came to the West Coast seeking gold in the 1850s and were pressed into building the transcontinental railroads.

The last couple of decades of the 1800s and up to the 1920s saw the arrival of more than 20 million immigrants, primarily from Europe. Italians from Southern Europe and Jews from Eastern Europe arrived during this time in massive numbers.

As a nation, we have taken great pride in the Emma Lazarus poem (written in 1883 to raise funds to build the base of the Statue of Liberty), which is inscribed on the base: “Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shore. Send these, the homeless, tempest-tossed to me, I lift my lamp beside the golden door!”

The Great Depression in the 1930s and World War II brought a huge drop in immigration levels until after the war, when Congress passed legislation that drew refugees from Europe and the Soviet Union to our shores. Hundreds of thousands of refugees came from Cuba after the Communist Revolution there in 1959, and as well as during the Mariel Boatlift of 1980. The adjacent charts show data regarding legal immigration for 2023. In addition, there is only speculation about the number and origin of illegal immigrants, many of whom come from around the world to enter the US from Central America.

In 2023, nearly 74% of Temporary Worker immigrants, about 1.5 million people, came to the US from North America, followed by Asia at 17%, Europe at 5%, South America at just over 3%, and Africa at 1%. The other 1% were from Oceania. Office of Homeland Security Statistics. 2023 saw 60,000 refugees seeking asylum. 50% from Asia, 40% from Africa, 10% were from South America and North America. Office of Homeland Security Statistics.

| NONIMMIGRANT TEMPORARY WORKER ADMISSIONS (I-94 ONLY) BY REGION AND COUNTRY OF CITIZENSHIP: FISCAL YEAR 2023 |   |  |                                     |  |   |  |                               |   |                    |     |
|---|---|--|-------------------------------------|--|---|--|-------------------------------|---|--------------------|-----|
| Region and country of citizenship   | Total temporary workers and families <sup>1</sup> | Workers in specialty occupations (H1B) | Seasonal agricultural workers (H2A) | Seasonal non-agricultural workers (H2B, H2R) | Workers with extraordinary ability/achievement (O1, O2) | Athletes, artists, and entertainers (P1 to P3) | Intracompany transferees (L1) | Treaty traders and investors (E1, E2, E2C, E3) <sup>2</sup> | Other <sup>3</sup> |     |
| <b>REGION</b>   |   |  |                                     |  |   |  |                               |   |                    |     |
| Total   | 4,980,290   | 755,020                                | 718,530                             | 175,270                                      | 165,300   | 143,200  | 503,490                       | 527,660   | 1,991,830          |     |
| Africa  | 44,400  | 8,410                                  | 13,130                              | 1,910  | 2,830   | 1,740  | 6,280                         | 310   | 9,790              | 0%  |
| Asia  | 1,193,960   | 545,410                                | 120                                 | 4,110  | 18,030  | 10,450   | 118,480                       | 153,030   | 344,340            | 17% |
| Europe  | 480,310   | 38,920                                 | 820                                 | 2,970  | 65,530  | 20,370   | 134,320                       | 114,830   | 102,540            | 5%  |
| North America   | 3,028,620   | 135,270                                | 702,640                             | 164,000                                      | 56,930  | 99,040   | 194,600                       | 206,990   | 1,469,150          | 74% |
| Oceania   | 74,220  | 3,240                                  | 80                                  | 50   | 6,900   | 1,930  | 7,390                         | 40,010  | 14,630             | 1%  |
| South America   | 153,060   | 22,710                                 | 1,680                               | 760  | 14,720  | 9,250  | 41,540                        | 12,020  | 50,400             | 3%  |
| Unknown   | 5,710   | 1,060                                  | 60                                  | 1,460  | 360   | 440  | 890                           | 470   | 970                |     |

We are “a nation of laws, not men,” reads the oft-quoted statement by John Adams. So how does our Constitution, the foundation for all legal authority in our country, address the legal rights of immigrants in our country?

Several Amendments to our Constitution have long been interpreted as guaranteeing constitutional rights to non-citizens while in the United States.

**Amendment 14. Section 1.** All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The 14th Amendment declares, “... nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal

protection of the laws.” Prior to these Due Process and Equal Protection Clauses, the Amendment uses the term *person*, indicating that all persons, citizen or non-citizen, have these rights while in the United States. The 5th Amendment, which applies to the federal government, also uses the term *person* in preference to *citizen* when declaring, “no person shall be ... deprived of life, liberty, or property, without due process of law.”

The 4th Amendment, addressing search and seizure procedures, has significant implications both for citizens and non-citizens. This Amendment declares “the right of the people (again, not using the term *citizens*) to be secure ... against unreasonable searches and seizures ....”

**Fourth Amendment:** The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

In the words of Supreme Court Justice William Brennan, “If we expect aliens to obey our laws, aliens should be able to expect that we will obey our Constitution when we investigate, prosecute, and punish them. We have recognized this fundamental principle of mutuality since the time of the Framers.” (U.S. v. Verdugo-Urquidez 494 U.S. 259 (1990), dissenting opinion).

Our history books rightfully tout our place as welcoming immigrants, but that image has a shadow side. Our history also included anti-immigrant sentiments from those already here. Often, the last immigrant wave resists the next wave from a different nation. Over the years, Congress has enacted a number of laws limiting immigration: the Chinese Exclusion Act in 1882, the Emergency Quota Act of 1921, the Immigration Act of 1924, that created a cap on the total number of immigrants per year to 150,000, to name several. The Immigration Act of 1990 allowed for an increase in the immigrant population. The Immigration and Nationality Act of 1965 eliminated the national-origin quota that had been in place since 1921. It created a preference system establishing a new immigration policy based on reuniting immigrant families and attracting skilled labor to the United States.

## **Universal Declaration of Human Rights (UDHR) (a brief glance)**

At the very end of 1948, mindful of two vast wars that had taken the lives of millions of people, the fledgling United Nations General Assembly unveiled the Universal Declaration of Human Rights. The document proclaims those rights as a common standard for achievement among all people and nations, along with promoting respect of those rights and freedoms to secure universal recognition and observance.

Perhaps the most profound Article is Article 3, stating, “everyone has the right to life, liberty and security of person.” Are we as a nation living into that right, that of freedom for all?

Articles 13, 14 and 15 specifically address migration. Article 13 addresses “the right of every individual to freedom of movement and residence within the borders of each State”; and (2) “the right to leave any country, including their own, and to return to that country.” This article enshrines the right and freedom of migration. These rights are subject to restrictions provided by law, necessary to protect national security, public order, public health, morals or the rights and

freedoms of others. It is critical to remember that migration — migrating from one country to another — often begins with a desperation arising from the lack of access to other basic rights and freedoms affirmed by the UDHR — such as the right to freedom of thought, conscience and religion, as well as the right to a standard of living adequate for the health and well-being of self and family.

Article 14 affirms (1) “the right of everyone to seek and to enjoy in other countries asylum from persecution.” Declaring also that (2) this “right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the UN.” Exceptions to this right are those involved in war crimes, crimes against humanity, and crimes against peace, or more generally, acts contrary to the purposes and principles of the United Nations. The denial of asylum based on country of origin or religion is not consistent with the UDHR.

Article 15 proclaims that (1) “everyone has the right to a nationality”; and (2) “nobody shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.” The United Nations Human Rights Commission clarified this article by addressing the right to a nationality as a fundamental human right, implying the right of each individual to acquire, change and retain a nationality. Further stating that international human rights law provides that the right of States to decide who their nationals are is not absolute and, in particular, States must comply with their human rights obligations concerning the granting and loss of nationality.

This Declaration guarantees the rights of all people, encompassing a broad spectrum of economic, social, cultural, political and civil rights. While not a treaty itself, the Declaration was explicitly adopted for the purpose of defining the meaning of the words “fundamental freedoms” and “human rights” appearing in the United Nations Charter, which is binding on all member states. Today there are 192 member states of the UN, all of whom have signed on in agreement with the Universal Declaration of Human Rights.