

DIGNITY
and
JUSTICE

*Welcoming the Stranger
at Our Border*

by

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Introduction

This book is about migrants who are suffering at the southern border of the United States in the twenty-first century. It is about *who* these people are and *why* they continue to come, even when the current leadership of the United States is doing everything possible to discourage their journeys and turn them away. It is about the hurdles these people face in the U.S. legal system. And it is about presenting the “Catholic way” of thinking about migration and what all Christians are called to do in response to these newcomers.

As a lawyer for more than thirty years, I have represented financial institutions and corporations of one sort or another in disputes against other similar parties. I did this in courts all over the country and have been paid well for doing it. I live in a safe beach town outside of Los Angeles with clean water, fresh air, and excellent local services. I have never had to run from a life-and-death situation or consider emigrating. Living in multicultural Southern California, I felt no hostility toward migrants, but in truth, I rarely thought about them at all. That changed when I met and started working with migrant children.

Children, with and without their parents, have been coming to the United States requesting help for generations. For much of the twentieth century, when the number of children arriving was smaller, they were mostly ignored by the press and the public. Before the 1980s, most unaccompanied children—a legal term that refers to migrant children who arrive without a parent or guardian—actually came from Europe, Asia, and Cuba. In the 1990s, most unaccompanied children came to the United States from Mexico. Over the past ten years, the majority has come from Central America. Hundreds of thousands of desperate Central American family groups have also come to the border in this period.

In the summer of 2014, images in the press of thousands of unaccompanied children at the border briefly captured the American public's attention. That summer, the press reported heavily on the arrival of almost seventy thousand children arriving without parents. The arrival of these children was dubbed "the surge." Some Americans, moved by the photos, wanted to help the children. Others lined the roads of American border towns on which the buses full of children in custody traveled holding signs reading, "Return to sender" and "Go back to Mexico."¹ This was undoubtedly confusing to the children on the buses, as most were from Guatemala, El Salvador, and Honduras.

I saw the press coverage of the surge in 2014 and wondered why so many children would flood the border without their parents. I was curious about what the children wanted. Silently, I was judgmental about why their parents would have allowed this to happen. But I was in the middle of two big cases on opposite coasts, and I looked away. It was someone else's problem.

In 2015, the number of unaccompanied children fell to forty thousand, but in 2016, it rose again to almost sixty thousand, again mostly from Central America.² I am a Catholic follower of Jesus Christ. But in my mostly white, affluent Catholic parish, I had never heard a Sunday homily that even mentioned the word "immigration," much less the phenomenon of these unaccompanied children. I struggled to make sense of what Jesus asks of his followers, what our church actually teaches about immigration, and the silence of my own particular community. Some priests from parishes with similar demographics as mine candidly told me that they didn't preach on the subject of immigration because it is "sensitive," and they didn't want to offend parishioners who oppose a welcome but are generous on other issues.

1. Halimah Abdullah, "Not in My Backyard: Communities Protest Surge of Immigrant Kids," CNN Politics, July 16, 2014, <https://www.cnn.com>.

2. Pamela Lizette Cruz and Tony Payan, "Alone and Vulnerable: Unaccompanied Minors in the United States and Mexico," *Rice University's Baker Institute for Public Policy Report* (Houston: Rice University, 2018), 3.

I took on my first pro bono case for an unaccompanied immigrant child in 2015, through the nonprofit agency called Kids in Need of Defense (KIND). KIND’s mission is to find and mentor private sector lawyers willing to represent unaccompanied children in court, without charge. This first case with this child led me to another and then to dozens more. At the end of 2015, I gave up my business-law practice to represent unaccompanied children full time, through KIND and other nonprofit agencies like it. I am deeply grateful that my law firm allowed me to do this volunteer legal work from their offices and with the support of the staff.

Immigration issues were front and center during the 2016 presidential campaign in which Donald Trump ran on an anti-immigrant, nationalist “America First” platform, and calling Mexican immigrants the “worst of the worst,” “rapists,” and “criminals,” and then appending that “some” may be good people. The Trump campaign was fueled by the mantra: “Build the wall.” In the Trump administration’s first year, unable actually to change immigration law, which requires action by Congress, the White House began announcing policies aimed at reducing immigration without congressional approval. In 2017, the number of unaccompanied children arriving at the southern border fell to forty-one thousand. But the next year, it was back up to fifty thousand; and it exploded in 2019, when 63,624 unaccompanied children arrived in just the first six months of the year.³

As the anti-immigrant rhetoric amplified in the Trump era, many other lawyers in my firm joined me in taking on children’s cases without charge. KIND worked with the Archdiocese of Los Angeles to train a group of nonlawyer volunteers, many from my own parish, who translate, mentor, encourage, befriend, or simply accompany the children we represent. The children our little team has taken on have been supported in these ways by high school students, priests, grandmothers, a rabbi, law students, moms and dads, Bar Mitzvah youth, Eagle Scouts, a bishop, and the members of the Southern

3. U.S. Customs and Border Patrol, “U.S. Border Patrol Southwest Border Apprehensions by Sector, Fiscal Year 2019,” <https://www.cbp.gov>.

California Catholic Task Force on immigration. All of us want to welcome children.

Over the past five years, increasing numbers of family groups have also made the long trek north from Central America. In 2014, the year of the children's surge, sixty-eight thousand family groups also came to the southern border, seeking permission to live and work in the United States. An additional seventy-seven thousand families arrived in 2016, Barack Obama's last year in office. During 2017, Donald Trump's first year in office, despite the immediate and continuous roll-out of explicit policies and unwritten strategies aimed at pulling in the welcome mat, the number of new families arriving at the border remained steady at seventy-five thousand.

The Trump administration grew frustrated at the continuous arrival of migrants, notwithstanding its strategies. During the summer of 2018, then attorney general Jeff Sessions, a professed Christian, announced a policy of "zero tolerance." This policy was not, as has been suggested, a continuation from prior administrations, which occasionally had to separate children from adults suspected of serious crimes. Under the new Sessions policy, *all adults* who approached the border with their children to ask for asylum would be forcibly separated from the children, charged with the crime of unlawful entry, and swiftly deported. Their children would be re-classified as unaccompanied, and sent to juvenile detention centers. Mr. Sessions publicly justified the new separation policy by citing the Bible. He argued that "illegal entry into the United States is a crime," and that in Romans 13, the apostle Paul commanded that people obey the laws of the government because God has ordained laws for the purpose of order.⁴ Of course, approaching the United States' border to seek asylum is not, and has never been, a crime.

Across the political spectrum, the American public hated family separation. Mr. Sessions' policy was ultimately halted by a federal court, as will be discussed later. But while the separations were in full swing, even more desperate families continued to arrive at the

4. Sam Hodges, "Sessions Criticized for 'Zero Tolerance' Bible Quote," *United Methodist News*, June 15, 2018, <https://www.umnews.org>.

border. The total number of families arriving in 2018 increased dramatically over the previous years to 107,000. And in just the first half of 2019, 390,000 families sought entry at the southern border, a 469 percent increase over 2018.⁵

Who are these people? Why are they so desperate to flee their home countries that they leave everything and everyone they know behind? Why are they willing to travel thousands of miles over dangerous territory, risking their lives? Why do they continue to come, when the United States has made it clear that they are not welcome? Are these people in real danger in their own countries? Or are they perfectly fine, and simply looking for economic opportunities? Are they sympathetic, suffering strangers or lawbreakers, who refuse to honor borders or wait in line? Doesn't the Catholic Church teach that protecting borders and enforcing the civil law are honorable things to do? Do Americans owe anything to these people? Has this country played any role in creating the conditions that make living in their countries dangerous and difficult?

These are the questions addressed in this book. The children and "separated" families I have encountered have changed my perspective and, indeed, my life. They have opened my eyes and my heart. Their stories of daily courage inspire me. They remind me what it felt like to be a child, with aspirations and dreams (and goofy ideas), but with no practical knowledge of how to make dreams happen. They teach me in ways that words never could that all of us have equal dignity. They show me that if we welcome them and give just a little bit of help, in whatever ways we can, they will contribute their own talents and big hearts to our community. This book introduces some of them to you.

Beyond addressing *who* is coming to the southern border, and *why* they are coming, I also discuss the "Catholic way" of thinking about and responding to immigration issues and, in fact, all moral issues. Many people with strong opinions about immigrants, borders, and "the law" have no idea of what U.S. immigration law actually

5. U.S. Customs and Border Patrol, "U.S. Border Patrol Southwest Border Apprehensions by Sector, Fiscal Year 2019," <https://www.cbp.gov>.

provides or how the system presently works. I have also come to understand that many Catholics have no idea what our church has long taught about migration, how Catholic teaching relates to U.S. law and the legal system, and what Catholics are called to do when laws are unjust.

This book summarizes the timeless teachings of our Catholic faith, including how to wrestle with difficult moral questions and, specifically, why our church teaches that we must welcome suffering migrants. Finally, I examine how U.S. law could be changed and propose a concrete, Catholic-faith-informed “comprehensive U.S. immigration reform”—the unicorn everyone says we need, but no one defines.

The children and families I work for and love are not a “social problem.” They are very much our brothers and sisters. Their well-being, futures, and indeed salvation are inextricably intertwined with our own. This includes those of us who are fortunate to be able to live contentedly in the places where we were born. Archbishop Jose Gomez of Los Angeles has repeatedly said that immigration is the most urgent human rights issue of our time. In a 2019 homily, he proclaimed, “In Jesus Christ, every barrier, every wall falls down. There is no Mexican, no Vietnamese, no Korean, or Filipino; no Russian or Venezuelan, no migrant or native-born. In Jesus Christ, we are all children of God, made in his image.”⁶

Like us, migrants have needs and aspirations, feelings, yearnings, and the desire to know and love God. We are all humans of equal dignity. My hope and prayer is that meeting some of these real people will help your heart to open wider. I pray that together we can cultivate generosity and hospitality, and the willingness to follow the teaching of our faith.

6. Archbishop Jose Gomez, homily at 2019 Mass in Recognition of All Immigrants at the Los Angeles Cathedral of Our Lady of the Angels, September 7, 2019.