

Resolution on Immigration Policy
Passed by the Commission on Social Action
APRIL, 2003

“Immigration is not a problem to be solved. It is the sign of a confident and successful nation. And people who seek to make America their home should be met in that spirit by representatives of our government. New arrivals should be greeted not with suspicion and resentment, but with openness and courtesy.”

*-President George W. Bush
July 10, 2001
Ellis Island, New York*

Jewish tradition is clear on the treatment of immigrants. The Torah articulates a basic principle to which the Jewish people clung through two millennia of diaspora and disenfranchisement: “When strangers sojourn with you in your land, you shall not do them wrong. The strangers who sojourn with you shall be to you as the natives among you, and you shall love them as yourself; for you were strangers in the land of Egypt” (Leviticus 19:33-34). This principle of equal rights for citizens and non-citizens alike permeates not only Jewish tradition, but the American legal tradition as well. As inheritors of an immigrant history ourselves, we have a unique responsibility to ensure that the rights of non-citizens are not trampled upon today.

Recent estimates by the Immigration and Naturalization Service (INS) put the number of undocumented migrants at 8 million. Undocumented immigrants total approximately 300,000 annually, also according to the INS. One half of these undocumented migrants arrive in the U.S. legally and overstay their non-immigrant visa. 80% of undocumented migrants are from Mexico and Central America. Immigration advocates argue that our immigration policy should reflect the reality of these 8 million people and the U.S. should enact a system of earned legalization wherein immigrants who could prove they had lived and worked productively in the U.S. for a certain period of time would be able to become permanent legal residents. An earned legalization bill in the 107th Congress would have set up programs allowing for undocumented migrants who passed a background check, lived in the U.S. for five years and worked in the U.S. for two years to adjust their immigration status and become legal.

Immigration advocates argue that an earned legalization program would serve the needs of our economy by meeting the demands for essential workers and broadening the tax base by integrating millions of new workers into the above-ground economy. They also stress that a program of earned legalization for undocumented migrants would enhance immigrant community cooperation with law enforcement officials by eliminating the fear of deportation and would thus improve national security.

A separate aspect of U.S. immigration law that applied to non-citizens eligible for green cards is Section 245(i), which has expired. Section 245(i) applies to non-citizens within the U.S. who have allowed their immigration status to lapse, but are eligible for green

cards on the basis of family or employer sponsorship. Without Section 245(i), non-citizens would be forced to journey to their home countries to apply for visas and then face barriers to return of three to ten years because they had at one time been here illegally. Section 245(i) is available to immigrants residing in the U.S. who are sponsored by close family members or by employers, and on whose behalf petitions were submitted prior to April 30, 2001. Immigrants applying for permanent residence under Section 245(i) are eligible for their green cards, but without Section 245(i), are unable to obtain them in the U.S. because they do not have legal nonimmigrant status.

THEREFORE, the Commission on Social Action of Reform Judaism resolves to:

1. Call for a comprehensive exploration of U.S. immigration policy, reflecting a commitment to a just and generous national immigration policy;
2. Support a program of earned legalization for undocumented migrants; and
3. Support a restoration of Section 245(i) visas.