



# Brief: Family Reunification

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## Key Points:

1. **Heroic ministries welcome migrant families to a homeland in the Church.**
2. **Family unity is both supported & subverted by federal laws & policies.**
3. **We must be aware of problems facing migrants & help to unify families.**

**A Catholic perspective:** Informed by scripture and tradition, we support laws which restore or maintain family unity for immigrants.

The Gospel confirms God's blessing upon families.<sup>[1]</sup> Accordingly, Texas Catholics have long aided immigrants who are forced by violence or poverty to leave their homes, tending to both their bodily and spiritual needs.<sup>[2]</sup> For example, two preeminent non-profits, Catholic Charities Rio Grande Valley and Annunciation House in El Paso, helped reunify separated families in 2018. We are blessed with heroic individuals, families, priests, religious, parishes, and non-profits whose ministry ensures that migrant families are able to find a homeland everywhere, such that the Church remains a comfort for the afflicted, a refuge for the persecuted, and a homeland for the exiled.<sup>[3]</sup>

**Law and Policy:** Family relationships are the primary means by which U.S. citizens and legal permanent residents (LPRs) may obtain permanent residence for their relatives who live in a foreign nation. Family-sponsored immigration is distinguished into two categories: immediate relatives of U.S. citizens and preference categories. The first category offers LPR status to immediate family and parents if the U.S. citizen is over 21 years old.<sup>[4]</sup> Described broadly, the second category offers LPR status to family in one of four subcategories:

1. unmarried children of U.S. citizens who are over 21, and their children;
2. immediate family of alien residents;
3. married children of U.S. citizens and their spouses and children; and
4. siblings of U.S. citizens who are 21 or over and their immediate family.<sup>[5]</sup>

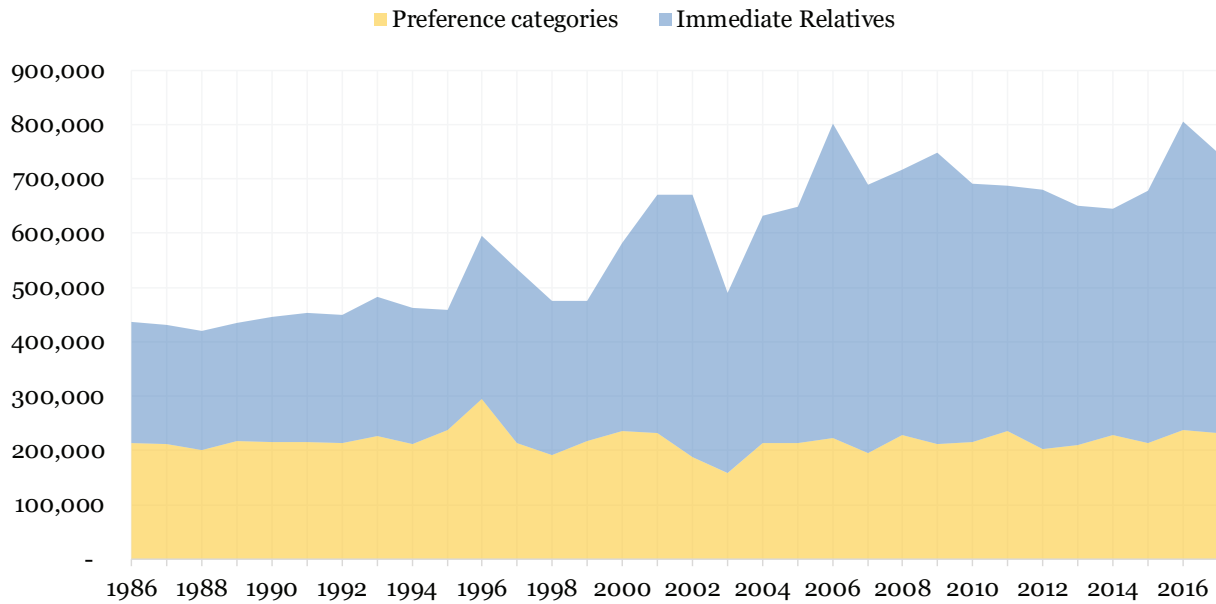
Family-sponsored immigration is the *primary* means of legal migration to the U.S. because there is no annual numerical limit on the number of people who may be admitted under this category.<sup>[6]</sup> Figure 1 (next page) illustrates the annual number of new family-sponsored LPRs since 1986; family LPRs represent 66 percent of all new LPRs.<sup>[7]</sup> In this way, U.S. law prioritizes the reunification of families.

However, families who present claims of asylum at the U.S. border and those who immigrate unlawfully are caught between conflicting federal court rulings and laws.

**Court ruling:** under the 1999 *Flores Settlement Agreement* (FSA) between immigrant minors and the federal government, federal agencies are required to release *all* detained minors promptly unless detention is necessary to secure a minor's appearance in court or to ensure safety.<sup>[8]</sup>

**Law & agency policy:** Federal law generally

Figure 1: Annual number of new family-sponsored LPRs in USA (2008 - 2017)



Source: Department of Homeland Security, 1999, 2008, and 2017 *Yearbook of Immigration Statistics*.

prohibits the detention of unaccompanied minors and requires the detention of accompanied minors in expedited removal.<sup>[9]</sup> As such, federal agencies maintain that the FSA should not apply to accompanied minors, which would effectively prolong family detention.<sup>[10]</sup>

To resolve this difference, the Department of Homeland Security (DHS) proposed new rules in September 2018.<sup>[11]</sup> If they are implemented, the FSA will terminate, thereby ending the difference between federal court rulings and law.<sup>[12]</sup> On the topic of family unity, two important provisions from the rules are quoted in Table 1. In sum: DHS seeks to lengthen the detention of minors and avoid family reunification outside of detention.<sup>[13]</sup>

In different ways, immigration laws and policies support and subvert family unity. Texas law cannot improve the most essential causes of this situation, but state legislators should be aware of it because of our location along the border and because of state-licensed detention facilities in the towns of Karnes and Dilley.

Table 1: FSA and proposed DHS rule sections affecting family unity

FSA	Proposed rules
Paragraph 14: If DHS determines that detention is not necessary to ensure a minor's timely court appearance or safety, DHS "shall release a minor from its custody without unnecessary delay."	8 CFR § 236.3(j): If DHS determines that detention is not necessary to ensure an accompanied minor's timely court appearance or safety, "the minor <u>may</u> be released."
Paragraph 18: DHS shall "make and record the prompt and continuous efforts on its part toward <u>family reunification</u> and the release of the minor."	8 CFR § 236.3(j): "DHS will make and record prompt and continuous efforts on its part toward the release of the minor."

**Call to action:** Please visit [txcatholic.org/migration](http://txcatholic.org/migration) to find and contact your lawmaker. Please also pray for Texas and our legislators, that they may welcome foreigners who seek security and the opportunity for their family.

*The TCCB is a federation of Roman Catholic dioceses and ordinariates in Texas. There are 8 million Catholics living in our state. Find TXCatholic on [Facebook](#) and [Twitter](#).*

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## Endnotes

1. Jn. 2:1-11; Lk. 15:11-32; Mk. 5:21-43, Mt. 8:14-17.
2. USCCB, [Strangers No Longer: Together on the Journey of Hope](#). § 41; Bishop Mark Seitz, [Sorrow and Mourning Flee Away](#). 4, 12; CMS, [Catholic Charities of the Rio Grande Valley](#). Catholic non-profits also provide immigration legal services in every major Texas city, from Beaumont to El Paso and Amarillo to Brownsville. Cf. Pope Pius XII, [Exul Familia](#). 15, 20.
3. Ibid.; cf. Pope Pius XII, [Exul Familia](#). 12.
4. INA § 201(b)(2)(A); Alienikoff et. al, *Immigration and Citizenship: Process and Policy*, 277-278. For the statutory definition of “child,” see INA § 101(b)(1).
5. INA §203(a); *Immigration and Citizenship*, 7th Ed. 279.
6. However, no one may be admitted to the U.S. if they are inadmissible on the basis of health, criminal activity, national security, likelihood of becoming a public charge, lack of applicable labor certification, fraud and misrepresentation, prior removal, or unlawful presence in the U.S. See INA § 212(a); U.S. State Department, [9 Foreign Affairs Manual \(FAM\) 301.4](#); USCIS, [Inadmissibility and Waivers](#).
7. Department of Homeland Security (DHS), 1990, 2008, and 2017 [Yearbook of Immigration Statistics](#); DHS, [Annual Flow Report: Lawful Permanent Residents](#). (Aug. 2018), 6.
8. Flores Settlement Agreement (FSA), paragraph 14. However, the FSA does not require the release of parents. [Flores v. Lynch](#) 828 F.3d. 20-21 (9th Cir. 2016).
9. 8 U.S.C. [1225\(b\)\(1\)\(B\)\(iii\)\(IV\)](#); 83 Fed. Reg. at 45502; 8 U.S.C. 1232(b)(3); 83 Fed. Reg. at 45490.
10. [83 Fed. Reg. at 45491](#), esp. note 4.
11. [83 Fed. Reg. at 45486](#) ff.
12. FSA, paragraphs 9, 40; 83 Fed. Reg. at 45494. cf. 45490, 45491, 45495.
13. See TCCB, [Comments in Response to Proposed Rulemaking](#) (Nov. 6, 2018). 6-7.