

Faithful Companions

BY RICHARD M. MUÑOZ

How can we obey the biblical directive to show hospitality to immigrants, legal and illegal? The ISAAC Project helps churches work within existing law to assist all immigrants by creating ESL and citizenship classes, family separation ministries, and recognized immigration organizations.

The Apostle Paul exhorts us to be good citizens and uphold the laws of our land (Romans 13:1-3). The author of the book of Hebrews directs us to welcome strangers into our home (Hebrews 13:2). When a congregation engages the immigrant community these verses intersect and, at times, create a unique tension. Can we answer our call to be good citizens and still show hospitality to immigrants, both legal and illegal?¹

Fortunately, these two biblical directives are not mutually exclusive. Indeed, one way we can minister to immigrants is by helping them comply with the law. That is why the Baptist General Convention of Texas and Buckner Children and Family Services collaboratively formed the Immigration Service and Aid Center (ISAAC) Project. ISAAC helps churches establish ESL and citizenship classes, family separation ministries, and “recognized” immigration organizations. These ministry options allow churches to work within existing law to help all immigrants – not just undocumented ones – with some basic needs.

Why should a congregation engage these strangers in the land? How do certain federal and state laws impact immigration ministry? How does ISAAC help churches develop and structure specific ministries geared toward immigrants? A familiar scriptural passage provides the conceptual framework to address these issues.

A STRANGER MEETS JESUS

According to Matthew’s Gospel, when Jesus began teaching and performing miracles, his fame spread throughout the land and large crowds

followed him (4:25). After he had spoken the Sermon on the Mount, Jesus traveled in the area of Capernaum where he encountered a foreigner.²

When he entered Capernaum, a centurion came to him, appealing to him and saying, "Lord, my servant is lying at home paralyzed, in terrible distress." And he said to him, "I will come and cure him." The centurion answered, "Lord, I am not worthy to have you come under my roof; but only speak the word, and my servant will be healed. For I also am a man under authority, with soldiers under me; and I say to one, 'Go,' and he goes, and to another, 'Come,' and he comes, and to my slave, 'Do this,' and the slave does it." When Jesus heard him, he was amazed and said to those who followed him, "Truly I tell you, in no one in Israel have I found such faith. I tell you, many will come from east and west and will eat with Abraham and Isaac and Jacob in the kingdom of heaven, while the heirs of the kingdom will be thrown into the outer darkness, where there will be weeping and gnashing of teeth." And to the centurion Jesus said, "Go; let it be done for you according to your faith." And the servant was healed in that hour.

Matthew 8:5-13

There are two 'strangers' in this passage — Jesus and the centurion — and both men's responses are noteworthy. First of all, Jesus was operating on strange turf. Matthew reports that Jesus had been teaching in the "Jewish meeting places" (4:23, CEV) with an authority that exceeded the crowd's "teachers of the Law of Moses" (7:29, CEV).³ He had healed a man with leprosy, who probably also was of the Jewish faith given our Lord's instructions that he make a Mosaic sacrifice (8:1-4). So prior to meeting the centurion, Jesus had been ministering primarily within his own linguistic, ethnic, and religious community. In his comfort zone Jesus was doing miracles, proclaiming the Good News, and doing the will of the Father.

Likewise, many churches are doing Kingdom work within their own linguistic, racial, and socio-economic communities. They are preaching the gospel and participating in everyday miracles, large and small. Our natural inclination is to reach out *first* to those who look, speak, and act like we do. Yet, this story reminds us that Jesus did not always remain in his familiar community. Many times throughout this Gospel, our Savior left his comfort zone and ate with sinners and tax collectors (cf. 9:11).

The centurion — or, as *The Message* paraphrase refers to him, the "Roman captain" — also was in strange territory. Probably stationed far from home, he was not part of Jesus' culture or tribe. Luke mentions that he was active and well regarded in the Jewish community (Luke 7:4-5). We do not know the centurion's religion or background. We do not know how he heard about Jesus and his healing power; it could have been through his official

duties or from his Jewish friends. We do know this centurion had a problem: his servant was gravely ill and needed a miracle.

As an officer in the most powerful army in the world, the centurion could command soldiers, servants, and slaves. It must have been difficult for this man of earthly authority to approach Jesus and publicly beg for help. Yet he had to approach the Savior openly and without fear to receive his miracle. His remarkable spiritual journey from a stranger to a participant in the feast of the “kingdom of heaven” started with his willingness to use his newfound knowledge to conquer any fears he may have had about approaching Jesus, the stranger.

OVERCOMING OUR MISUNDERSTANDINGS OF THE LAW

The local church must understand the legal environment in which it exists and then, like the centurion, use this new knowledge to overcome its fears and act responsibly for the good of the Kingdom.⁴ Immigration ministry can potentially touch areas that involve some federal human trafficking and smuggling statutes. These laws prohibit unlawful “transporting,” “harboring,” and “encouraging” of an undocumented alien in the United States.⁵ A careful reading of these statutes is required to avoid potential legal issues since no one can predict how a zealous U.S. attorney or Immigration and Customs Enforcement agent will view all circumstances. Fortunately, however, various courts of appeal have provided some guidance. The following short discussion is an attempt to clarify some common misconceptions about these laws.⁶

The Fifth Circuit Court of Appeals, which has federal jurisdiction over Texas, has stated that illegal “transportation” of an undocumented alien is more than merely driving or moving a person from one point to another. “Willful transportation of illegal aliens is not, per se, a violation of the statute, for the law proscribes such conduct only when it is in fur-

therance of the alien’s unlawful presence.”⁷ A court will determine whether conduct is “in furtherance of such violation of the law” by looking at the defendant’s intent and whether there is a direct or substantial relationship between that transportation and its furtherance of the alien’s presence in the United States.⁸ In other words, transportation that is only incidentally connected to the alien’s unlawful presence is not a violation of the statute.⁹ “A

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broader interpretation, the court reasoned, *one that would prohibit the mere transportation of a known illegal alien*, ‘would render the qualification placed there by Congress a nullity’” (italics added).¹⁰

While the term “harboring” is not defined in the statute,¹¹ the Fifth Circuit has stated that it is “activity tending *substantially to facilitate* an alien’s remaining in the United States illegally” (italics added).¹² The Court has also stated that “[i]mplicit in the wording ‘harbor, shield, or conceal,’ is the connotation that something is being hidden from detection.”¹³ The term “encouraging” is also not defined in the statute. At least one federal court has stated that the term “relates to actions taken to convince the illegal alien to come to this country or to stay in this country.”¹⁴ Generally, “encouragement” cases have focused on the defendant’s *active participation with the illegal alien to violate immigration law intentionally*.¹⁵ Some examples are engaging in document fraud and facilitating unlawful entry into the United States.¹⁶

It is also important to note that federal law does *not* require you to verify the citizenship or immigration status of the members of your congregation or beneficiaries of your benevolence.¹⁷

Admittedly, the legal issues involved in the immigration ministry environment are complex and pervasive. But legal issues are present in *any* ministry a congregation operates. (Have you read your church’s children’s policy manual lately?) Do not let a misunderstanding of immigration law squelch your church’s desire to reach out to the strangers among it. Like the centurion, use your knowledge to clear up any misunderstandings or fear about the law. Seek competent legal advice and guidance and then use that knowledge as a framework for a potential immigration ministry.

THE ISAAC MODEL

Immigrants from China, India, Mexico, Russia, and from all over the world are coming to the United States. In Texas, for example, approximately fourteen percent of the residents are foreign born.¹⁸ Perhaps eleven to twelve million of the immigrants in the United States are undocumented.¹⁹ To put that number in perspective, the undocumented immigrant population in the United States is approximately the same as the population of the state of Ohio.²⁰ As our Lord said, “many will come” from all over the world to participate in the feast of hope (Matthew 8:11).

The centurion’s home was not on Jesus’ itinerary. He approached Jesus without notice, but Jesus agreed to make himself available. I do not know whether the centurion spoke to Jesus in Latin, Aramaic, Greek, or some other language. Perhaps the intermediaries mentioned in the Gospel of Luke spoke for him. It is clear that the centurion communicated the need to Jesus, and Jesus responded.

With Jesus’ response to the centurion in mind, ISAAC was developed to help churches engage the strangers in our midst. Aliens in our land have many needs but ISAAC has chosen to focus on a few basic ones: English and

citizenship education, family separation ministries, and immigration counseling and processing. These are ministries that can be established and operated within the context of the local church mission. ISAAC operates on the “tool box” theory. That is, we will supply you the tools necessary to start and sustain these types of ministries. All that is necessary are the hands to put faith into action.

English and Citizenship Education. Immigrants who wish to become United States citizens must complete an application with the United States Citizenship and Immigration Service (USCIS) – over 1.7 million applications were received in 2007 – and pass the required English proficiency and citizenship exams. ISAAC helps churches establish English classes for immigrants by connecting them with like-minded ministries such as Literacy ConneXus. While the ideal situation would be for the administrator of a congregation’s adult education program to have a teaching background, it is not absolutely necessary. Indeed, many prepared lesson plans and teacher’s guides are written with the layperson in mind. ISAAC also helps churches network with adult literacy organizations to successfully prepare immigrants for the United States Citizenship Exam. This exam, which is usually administered in a USCIS office, is a test over American history and civic procedures. The USCIS posts typical exam questions and provides free study aids on its Web site.

Family Separation Ministry. The Department of Homeland Security apprehended over one million “deportable” aliens in 2006.²¹ When “deportable” Mexican immigrants are apprehended, U.S. officials take them to the nearest border crossing, but leave it up to the aliens to find the rest of the way home.²² I recall when the pastor of a local church called our offices asking if we knew anyone in a particular location in the interior of Mexico. A member of his congregation had been caught in an immigration raid, detained, and ordered to return to his country of origin that he had left *as a*

child over fifteen years ago. This young man had no family, friends, or social support network in Mexico. Quite literally, he would be on the street in a foreign land in a few days. After several phone calls and conversations, we were able to give this young man’s family the name of a Baptist church and pastor in his new destination in Mexico. Rather than this brother in Christ “falling through the cracks,” he now has a social support network and

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church home in his country of origin. Family separation ministries also must deal with a related problem: each year many immigrants leave the United States, voluntarily or involuntarily, and leave spouses, children, and extended family in this country.

The Apostle Paul once found himself with a dilemma about how to treat a “deportable alien” – a runaway slave named Onesimus. In his short but magnificent Letter to Philemon, the apostle urged the slave owner Philemon to treat the returning Onesimus “no longer as a slave but more than a slave, a beloved brother” (1:16a). Paul knew the duty of a good Roman citizen was to uphold the law. He also knew that God’s love could transform Philemon’s view of Onesimus from that of an outlaw slave to a fellow brother in Christ. In this context, Paul sends Onesimus back to Philemon with his promise to repay anything that Onesimus owes (1:19). Paul skillfully shows that he could minister to both Onesimus and Philemon under the laws of God and his country.

Similarly, ISAAC is creating a network of pastors, missionaries, and churches in other countries to receive these newly removed individuals *in their countries of origin*. ISAAC does not encourage, induce, or support these individuals returning to the United States illegally. Such an act would be a violation of federal law and not support the program’s goals. Whether the young man from the Texas church will be able to return legally to the United States is for the government to decide. The fact remains, however, that our Lord’s love does not stop at the border and nor should ours. If you know of missionaries, pastors, or churches that could receive these new arrivals in their home countries, wherever in the world that might be, please help ISAAC build this network so that they can be received as sons and daughters.

Immigration Counseling and Processing. In immigration proceedings, the federal government does *not* appoint lawyers for immigrants who cannot afford one. Despite the many volunteer hours given by immigration attorneys, the costs associated with employing one are often quite high. As a result, many immigrants who cannot afford a lawyer must represent themselves. These *pro se* (self representing) immigrants are uniquely disadvantaged since they do not understand the immigration rules and regulations. Immigrants with legitimate cases are often unable to resolve their problems because they incorrectly submitted or filled-out required government forms and documents. Other immigrants have sought the services of less expensive *notarios* or unlicensed “immigration consultants.” These nefarious businesses have scammed many immigrants out of large sums of money yet provided no immigration assistance.²³

Federal immigration officials recognized these systemic problems and created a special class of representatives for inter-agency procedures and tribunals.²⁴ These specially trained individuals who work for approved non-profit entities are allowed to complete required paperwork and documents for immigrants and, at times, represent them in special immigration courts.

The Code of Federal Regulations allows any “non-profit religious, charitable, social service, or similar organization established in the United States” to designate its “accredited” representatives to assist immigrants in official matters. The non-profit agency, however, must covenant that it will only charge “nominal fees” for its services and that it has “at its disposal adequate knowledge, information and experience.”²⁵

ISAAC assists local churches to complete the federal “recognition” process and also helps train their representatives in immigration law and procedure. Once the church’s ministry is “recognized” and its representatives are “accredited,” they will be legally allowed to assist immigrants with a wide range of issues such as obtaining U.S. citizenship, gaining work authorization, and extending religious visas.²⁶ In addition to providing immigration training, ISAAC also provides churches technical “recognition” application assistance and sophisticated software tools that will help a church’s immigration ministry meet federal approval. Our experience has been that churches or organizations with no prior immigration experience can complete the recognition and accreditation application process in approximately one year. We invite your church to explore this type of ministry option and fill this very desperate need in the immigrant community.

A CENTURION’S REFLECTION

As Jesus was preparing to follow the centurion home to heal the servant, the centurion reflected on his life and confessed publicly that he was not worthy for the Lord to set foot in his house (Matthew 8:8). Appealing to his own military logic, he told Jesus it was only necessary for him to speak the word (give the command) and the servant would be healed. This act of trust and acceptance of God’s grace by a stranger is essential to the story. The centurion’s self-examination is uniquely important not because it astonished our Lord, but because it prompted him to announce that the feast of heaven is available to all people (8:10-11).

Not every congregation—even a large one—has the volunteer base, resources, time, and facilities to accommodate an immigration ministry. Yet, if your church is ready to start this journey, ISAAC is here to help.

Before a church embarks on an immigration ministry, we ask that it take time for introspection. Not every congregation — even a large one — has the volunteer base, resources, time, and facilities to accommodate an immigration ministry. Yet, if your church is ready to start this journey, ISAAC is here to help. Together we can reach out to those immigrant families torn asunder;

provide comfort and a spiritual home to our removed brothers and sisters in Christ; teach newcomers the rich language, history, and hope of our nation; and guide them through a complex and confusing immigration system.

At some level we are all like the centurion. We are strangers to someone. Let us boldly leave our comfort zones, approach the alien, and demonstrate our remarkable faith publicly.

NOTES

1 The terms “undocumented” and “illegal” immigrants are technically incorrect, yet they are so ubiquitous that I will use them interchangeably when discussing an alien that is either “out of status” or has “no status” under current immigration law.

2 The account of this encounter in Luke 7:1-10 mentions intermediaries, “some Jewish elders,” between Jesus and the centurion. In either version, the principles are the same.

3 Scripture quotations marked “CEV” are taken from The Contemporary English Version, © 1995 by the American Bible Society. Used by permission. All rights reserved.

4 Immigration law historically has been the province of federal law in order to ensure uniformity across the United States. Lately, however, states have begun to enact immigration legislation that could impact church activities. The constitutionality of many of these state laws have been challenged in federal court, but it is unclear when these issues will be resolved. As of the date of this writing, my home state of Texas has not passed such legislation. Because several other federal immigration laws or state laws could be impacted in addition to the ones mentioned here, when in doubt a church should seek the advice of licensed attorney.

5 8 U.S.C. §1324(a)(1)(A) (ii)-(iv). Some media personalities have misidentified these statutes as “aiding and abetting” laws. This is not accurate. It is a crime to commit the prohibited acts and also a crime to conspire to violate or to aid and abet “the commission” of any of the *proscribed acts*. *Id.* at (v)(i)-(ii).

6 ISAAC does not handle individual cases or represent churches with individual matters. The discussion of these laws is not intended to be legal advice pertaining to your specific situation and should not be construed as such. It is for educational and informational purposes only.

7 *United States v. Merkt*, 764 F.2d 266, 272 (5th Cir. 1985).

8 *Id.* at 271-272. See also *1982 Ford Pick-Up*, 873 F.2d 947, 952 (6th Cir. 1989), reversing forfeiture of vehicle because defendant merely transported aliens for purpose of seeking employment, a showing which was insufficient to prove the “in furtherance of” element of the transportation charge; and *United States v. Moreno*, 561 F.2d 1321, 1322 (9th Cir. 1977), holding transportation of illegal aliens during the ordinary and required course of the defendant’s employment “was only incidentally connected to the furtherance of the [aliens’] violation of law, if at all.”

9 See *Moreno* above.

10 See *Merkt* above, citing *Moreno* at 1323.

11 In these instances courts rely on the “ordinary” definitions of words. See, for example, *United States v. Zheng*, 306 F.3d 1080, 1085 (11th Cir. 2002).

12 *United States v. Cantu*, 557 F.2d 1173, 1180 (5th Cir. 1977) (internal quotations omitted).

13 *United States v. Varkonyi*, 645 F.2d 453,456 (5th Cir. 1981).

14 *United States v. Oloyede*, 982 F. 2d 133, 137 (4th Cir. 1993).

15 See *id.*, where document fraud was designed to help an alien remain in country illegally.

16 *Id.*; *United States v. Yoshida*, 303 F.3d 1145, 1150-51 (9th Cir. 2002).

17 There is a duty for an *employer* to inquire about citizenship and immigration status when hiring employees. See 8 CFR §274a *et seq.* In other contexts, however, there is no affirmative duty under the law that requires churches, pastors, or anyone else to inquire about an individual's immigration status for purposes of private church ministry. Many churches simply do not ask these types of questions. This provides *some* inoculation but is not a total defense to violations of the above-described statutes. A violation can still occur if the church or pastor acted in "reckless disregard of the fact" that an individual was an illegal alien and either transported him "in furtherance of such violation of the law," concealed or hid the alien, or performed actions deemed to be illegal encouragement. See discussion *supra*.

18 U.S. Census Bureau, *State and County QuickFacts*, available online at quickfacts.census.gov/qfd/states/48000.html.

19 Jeffrey S. Passel, *The Size and Characteristics of the Unauthorized Migrant Population in the U.S.*, Pew Hispanic Center Research Report (March 7, 2006), available online at pewhispanic.org/files/reports/61.pdf.

20 *State and County QuickFacts*, available online at quickfacts.census.gov/qfd/states/39000.html.

21 Table 34, *2006 Yearbook of Immigration Statistics* (Washington, DC: U.S. Department of Homeland Security, September 2007), 91, available online at www.dhs.gov/ximgtn/statistics/publications/yearbook.shtm.

22 Steve Inskeep, reporter, "Mexico Helps Migrants Expelled from U.S. Get Home," *Morning Edition* (Washington, DC: National Public Radio, April 1, 2008).

23 Office of the Attorney General of Texas Press Release, "Attorney General Abbott Targets Fraudulent 'Notarios' and Others Who Scam Immigrants" (February 13, 2003), available online at www.oag.state.tx.us/oagnews/release.php?print=1&id=129.

24 Other federal statutes allow non-lawyers to represent individuals in specific federal agency tribunals such as the immigration courts. See 29 CFR §2200.22(a), representation before OSHA tribunals by non-lawyers; and 31 CFR §10.3(c), representation of taxpayers by non-lawyer "enrolled agents."

25 8 CFR §292.2 (a)(1)-(2).

26 In the state of Texas, federal recognition and accreditation are also required so that the church ministry will not violate the Texas Unauthorized Practice of Law Statute (Tex. Gov't. Code §81.101).



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