



PUBLIC JUSTICE *REVIEW*

A PUBLICATION OF THE CENTER FOR PUBLIC JUSTICE

FAMILIES, NATIONS, AND IMMIGRATION: WHO COMES FIRST?

Vol. 8, 2018

Why Immigration Is First About Families, Not Economics or Security

Stephanie Summers

Stephanie Summers is the CEO of the Center for Public Justice.

My grandmother Margaret was an Italian immigrant who, as a child, was regularly in trouble with the law. By eighth grade, she had decided school was, as she liked to say, “For the birds.” Most weeks her parents responded to a knock on their door by the police, who brought Margaret, the truant, home from Coney Island. Her parents would give her a lecture on how she needed to obey them and go to school. She gave up obedience, instead spending many years having as much fun as possible. She eventually made a living as a switchboard operator in a hospital. This is where she met my grandfather, a recent immigrant, who loved to cook from old family recipes.

Despite this rocky start, our family rocketed out of poverty very quickly. My father, while known for his playfulness, had an aunt and uncle who urged him to be serious about education, military service and work. His life followed the success sequence – graduation, then marriage before children – and the remaining years of his life included stratospheric economic advances by way of advanced degrees at night school, and receiving promotion after promotion, landing his children in the upper middle class. The economic and social launch pad our family dreamed about in Italy arrived at this CEO in a couple generations.

Yet so much could have been different, if, instead of bringing Margaret home to her parents, the police put her in detention. She was in fact a juvenile delinquent, decidedly not on track to make much of a positive contribution to America, economic or otherwise.

Put in the larger political context of Margaret’s childhood, Italian immigrants were a despised underclass. Most Americans felt Italian immigrants were so foreign in their customs and manner of living that they could never be true Americans. Italian immigrants were the subject of prejudicial stereotypes that persist today. Many Americans feared them, as they were widely perceived to all be criminals. Within the workforce, they were generally restricted to manual labor.

Detention and deportation was, since the early 1800s, a contested and partisan issue in federal policymaking. Yet in my grandmother's case, as was true of most public policies and certainly of immigration enforcement over the next two centuries, the state understood its scope as limited to enforcement against adults. **The government rightly viewed children as belonging to their parents first.** While the government did not articulate it this way, it respected that [family is the most basic of human institutions](#), created by God for the care and nurture of its members. It meant that the police who brought my truant grandmother home from Coney Island considered her *first* as a child in a family under whose authority she rightly belonged.

Yet what it means for the government to uphold this public justice for immigrant families is, for more than the last decade, a vexing question. The belief that children belong to their parents first is enshrined in places like the Universal Declaration of Human Rights, yet federal officials have struggled to examine current immigration policies and enforcement practices with a family-centered view.

In the autumn of 2010, I wrote a brief commentary entitled, "[Safeguarding Immigrant Families](#)" which argued that government ought respect and support the sovereignty of the institution of the family. Yes, immigrant families had entered the country illegally. Yet, it is the normative order of family as an institution that children are obedient to their parents. Nowhere in our national policymaking do we support the government administering punishment to children for their obedience to their parents. Government must refrain from punishing children for their parents' criminal actions. In today's fraught context my argument about the sovereignty of the family feels quaint.

Congress and President Donald Trump's Administration seem unable to find a way to honor the commitment that our federal government made that recognized those children who grew up in undocumented families and enrolled in the Deferred Action for Childhood Arrivals program. To be covered by the program, our government required immigrants to meet enrollment criteria, disclose their identity and location through enrollment, and pledged to keep commitments to contribute positively to the nation, abiding by the law, and achieving educational goals or military service. As DACA continues to work its way through court challenges by the current Administration, the rhetoric has centered on the rule of law in relationship to immigrants as the law-breakers. The Administration has been less focused on the rule of law imperative of keeping faith with rightly-ordered commitments of prior administrations, in this case to refrain from punishing young people for choices made by their parents.

The President, elected to office in part because of his commitment to strong immigration enforcement, is only one voice among many politicians who routinely use rhetoric that denies the very humanity of immigrants. Yet instead of focusing immigration enforcement efforts on the so-called "bad hombres" who he vowed to deport, as the Administration's federal enforcement priorities come more fully into view, there is cause for substantial concern. The Administration's enforcement priorities are not safeguarding the family—they instead appear to be undermining families as a matter of course.

This is no small matter, especially for those in the tradition of Abraham Kuyper. He argued, more passionately than most, that the family is a *first order institution*, and government only a second-order one. The state is given authority by God to reach into or rearrange first-order institutions only

under *the most extreme circumstances*. We could think of family breakdown, or abuse, or threats to community safety. *Even here*, when the state steps in, in for example a Child Welfare System, the goal is always, if possible, family restoration. Family is the fundamental unit of society. It predates, and its health is prioritized *over*, second-order communities, an obvious argument, in some ways, because apart from healthy families there is no politics, no society, and no government.

To be clear: government indeed bears the responsibility to regulate immigration and is right to consider both the nation's economic health and safety in doing so. Government is authorized by God to create and enforce just laws that protect the well-being of the nation's citizenry. Yet to do so should not come at the expense of the institution of the family. Here, Abraham Kuyper from his Stone Lectures: "But when the government was organized, the family was not set aside, but remained." Immigration, then, is not a question primarily about economics or security, though those are important secondary concerns. It is primarily about families joining a nation of other families. **The fundamental question is not what skills you can bring, or what threats do you pose, but why do you want to make this your home? The language and work of immigration is more like adoption than a job interview or security clearance.**

Such a public theology of politics and the family would meaningfully shift our public policy. The questions of, for example, security, jobs, skills, or trade deficits, matter, but they are second to how our policies and administration can best respect and uphold the integrity of the family, by putting them at the center of our considerations. The separation of families, for example, can be imagined only under the most extraordinary circumstances of threat. Yet, a few current examples show that such violations are all too routine.

The detention of parents can, in many cases, leave a family in the dark for more than a week before they learn where loved ones have been placed in detention. Immigrants held in detention are unable to make phone calls, including to their families, until someone deposits funds into an account at the detention center. This barrier substantially hinders the family in the process of securing legal counsel, which is the most significant factor in determining if the detention of the immigrant will eventually lead to family reunification or permanent fragmentation. Current policy also hinders families in maintaining the family bond through visitation, since only attorneys are able to visit immigrants in detention.

With families at the center, government would respect and uphold families through providing means of contact with a detained parent, whether a first phone call, legal representation, or visitation. With families at the center, one recognizes the need for policies that uphold a family's ability to have close, immediate, and ongoing regular contact, both for coordinating legal activity as well as preserving their God-given family identity.

A second example of what it would look like to put families at the center of our policymaking are the significant changes needed regarding what happens to the four million U.S. citizen children who have a parent who is undocumented, and thereby likely subject to deportation. These children would find themselves entering the aforementioned Child Welfare System, a system not designed for children in stable families (nor able to take on four million additional cases). By its design, the goal of the Child Welfare System is to realize the government's obligation to work towards family reunification. Reunification only occurs when the family is determined to be a place where children are safe and nurtured. As anyone familiar with the Child Welfare System knows, family reunification is not always

possible, and in those cases, the government rightly recognizes that rather than the government raising children, children belong in nurturing families. So, the goal becomes to place the child with a permanent loving family.

With families at the center, we must recognize that in most immigrant families, the family itself was fulfilling its duties of care and nurture of its members. America's Child Welfare System is not one designed for citizen children whose parents are deported. The Child Welfare System's goal of family reunification is actually impossible for the government to achieve in these cases.

A final example of putting families at the center is to examine one of several policy changes under consideration by the Department of Homeland Security that includes separating children from their parents when undocumented families are apprehended at a U.S. Border. The rationale behind this policy is that it will have a deterrent effect on other families considering entering the country illegally. Yet with families at the center, one recognizes that there is no place for a national policy for the government's systematic traumatization of children by the separation of them from their parents in order to deter other families from attempting to gain illegal entry to the country.

To get to just policies and their just administration, government and citizens must begin with the recognition that family is the most basic of human institutions, and then shape immigration policy accordingly. As Christian citizens, we bear responsibility for helping government uphold public justice. This includes recognizing in law and policy that not every area of life belongs to government, as well as governments' role in making room for those institutions to fulfill their God-given responsibilities. In these cases, Christian citizens must help government officials responsible for developing policies and regulations that put immigrant families at the center.

In this *Public Justice Review* series, we "try on" this lens of families in our discussion of immigration. Rather than using economic considerations or security as our lens, we examine how our policymaking and practices might put immigrant families at the center, not the margins. This is the way Kuyper talked about politics and family. We believe this is what Scripture teaches, and we believe this is what justice in immigration and public policy must conform to.

To respond to the author of this article please email PJR@cpjustice.org. Public Justice Review (PJR explores in depth specific questions of public justice, equipping citizens to pursue God's good purpose for our political community. Articles do not necessarily represent an official position of the Center for Public Justice but are intended to help advance discussion. Articles, with attribution, may be republished according to our publishing guidelines available online or at the email above.