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“The Golden Door”: Does Business Hold the Key?

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“The Golden Door”: Does Business Hold the Key?

Cover Page Footnote

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Not like the brazen giant of Greek fame,
With conquering limbs astride from land to land;
Here at our sea-washed, sunset gates shall stand
A mighty woman with a torch, whose flame
Is the imprisoned lightning, and her name
Mother of Exiles. From her beacon-hand
Glows world-wide welcome; her mild eyes command
The air-bridged harbor that twin cities frame.
"Keep ancient lands, your storied pomp!" cries she
With silent lips. "Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore.
Send these, the homeless, tempest-tost to me,
I lift my lamp beside the golden door!"

—Emma Lazarus

Although written in 1883, the message of “The New Colossus” still rings loud and clear. The poem frames our discussion of our current immigration crisis and lights the way toward an understanding of the human person that may guide legislators and business leaders to policies that, once and for all, embrace the high ideals embodied by Lady Liberty.

WHAT DOES IT MEAN TO BE HUMAN?

While immigration is its focus, “The New Colossus” points to a more basic issue, one that is at the heart of ethics, including business ethics; namely, what it means to be human. The Lazarus poem highlights not just the moral obligation of the United States or any society for that matter, to accept immigrants, but the fact that some people (for Lazarus, it was Russian Jews in the 1880s) are not merely tired, poor, oppressed and homeless, but are deemed “wretched refuse,” that is, they have been rejected as, at best, useless by their own societies.

What does it mean to be human? Testimony to the fact that this is a crucial question vis-à-vis business can be found in scenes etched in our national memory and refreshed with the 2008 commemoration of the 40th anniversary of the assassination of Martin Luther King, Jr. Strikingly, the theme of refuse, of garbage, recurs. The sanitation workers of Memphis did not merely picket for higher pay, better benefits and/or improved working conditions; their signage proclaimed a much more basic truth: “I am a man”. Today, while the number of women in the workforce compels a rephrasing, the proclamation “I am a human being” echoes in the sometimes-silent witness of immigrant workers and invites us to reflect on its meaning.

Throughout history, the general category of person (the traditional Latin “Homo”) has undergone various modifications in order to classify and highlight particular qualities, which for the most part distinguish humans from other

animals: for example, “Homo sapiens,” the understanding of the person which emphasizes rationality, and “Homo ludens” which accentuates the importance of play and leisure in human life. Since the latter years of the 19th century, however, impelled by the belief that “money is the human mode *par excellence* of coolly denying animal boundness,”¹ many have embraced another model, “Homo economicus.” While satirized in such trite expressions as “I shop, therefore I am,” the reality, even when couched in more academic terms—to be human means to be a self-centered person who seeks to amass as much wealth as possible often by the least amount of labor possible—is grim. Inasmuch as the acquisition of wealth frequently proceeds along rational lines and includes among its rewards a glut of toys and playthings, Homo economicus can effectively subsume Homo sapiens and Homo ludens.

In the 21st century, under the sway of globalization, the understanding of what it means to be human, while retaining its economic bias, has been refined. Dwight N. Hopkins, for example, who considers globalization a religion that “forges new tastes and sensibilities throughout the world while it attempts to manufacture one transcendent culture—the culture of market consumption”² argues that in this framework “a true human being becomes one who actually possesses commodities or one whose orientation in life is to possess commodities.”³ As in most “theological” anthropologies, conversion plays an important role. The religion of globalization “not only wants people to purchase products. It also desires for people to reconceive of themselves as people. To change into something new, people must in addition to restructuring their purchasing habits refeel who they are in the present and revision the future.”⁴ The conversion globalization invites is then, at one and the same time, a turning from community with its shared interests and responsibilities and a turning towards individualism and accumulation. Hopkins additionally claims that “a positive worldview of individualism and the thirst for commodities lead more easily to valuing the United States and other developed finance capitalist countries,”⁵ and thus to an idealized and often misguided view of what is in store for immigrants to such countries.

For those in academe, disdain for *Homo economicus* is often generalized to a disdain for business itself. It is not uncommon when financial concerns impact educational policy decisions to hear disparaging comments about “bean counters,” etc. On the other hand, there is evidence that the economic view of

¹ Ernest Becker, *Escape From Evil*, (The Free Press, New York, 1975), 204.

² Dwight N. Hopkins, “The Religion of Globalization” in D.N. Hopkins, L. A. Lorentzen, et al. (eds) *Religions/Globalizations* (Durham, NC: Duke University Press, 2001), 13.

³ Ibid.

⁴ Ibid.

⁵ Ibid., 15.

what it means to be human is seeping into University life. Some universities and colleges, for example, refer to their admissions and financial aid staff as “customer service representatives.” If students are purchasers of goods and services, what does that make faculty? In his 1981 encyclical, *Laborem Exercens*, Pope John Paul II rejected the term “workforce” because of its emphasis on people as instruments of production. Today, however, “laborers”/employees are categorized by the even more insidious term “human resources” that, as theologian Sallie McFague argues, signals the shift to viewing humans in economic terms. As she puts it,

The common expressions “natural resources” and “human resources” reveal the objectifying sensibility that characterizes our time. What matters is the bottom line. Capitalism of the 1990s, freed from the “soft-headedness” of liberalism (as well as the “gross errors” of socialism) has made no pretensions toward providing workers with a living wage, medical insurance, or pensions. People, like trees, cattle, wheat, or minerals, are, from a business point of view, merely means of increasing production. Hence, part-time jobs with no benefits and no assurance of continuation are seen as acceptable and appropriate by business. The fact that people cannot live on such wages (or even on full-time employment at minimum wage) is not an issue.⁶

If the negative reactions of the Pope, academics in general, and theologians in particular are typical responses to viewing humans as *Homo economicus*, one might expect persistent efforts to present alternative views being made. Surprisingly, however, this is not the case. One need only to consider the 2007 Convention of the College Theology Society whose theme, “Faith and Public Life,” would seem ripe for such business-oriented reflections. Yet, as William Collinge, editor of the collected papers, points out “no papers were submitted (or presented) on the market economy. And yet, increasingly matters of the common good, both domestic and global, formerly decided by politics are relegated to market forces instead.”⁷ Indeed, we seem to have yielded the authority to define what it means to be human to contemporary business and economic theorists, as well. Viewed in this light, Collinge’s conclusion that “the market...is an area of public life very much in need of examination through the lenses provided by biblical thought and the tradition of Catholic social thought,”⁸ takes on the quality of an imperative.

⁶ Sallie McFague, *Super Natural Christians: How We Should Love Nature* (Fortress Press, Minneapolis, 1997), 46.

⁷ William J. Collinge, “Introduction,” in William J. Collinge (ed) *Faith and Public Life*, College Theology Society Annual Volume 53 (Maryknoll, NY: Orbis Books, 2008), 9.

⁸ *Ibid.*, 10.

If we look at humanity through the lenses provided by scripture and Catholic social teaching, what do we see? In this area Genesis lives up to its name by providing the starting point for Jewish and Christian reflections on humanity:

God made man in his image;
In the divine image he created him;
Male and female he created them.⁹

Although it has been argued that God made *man* in the divine image and women in the image of *man*, today, most readers are sufficiently familiar with parallelism as a characteristic of Hebrew poetry to reject such exclusive interpretations outright. Once the sexist bias is removed and we are left with the basic insight, “created in God’s image,” however, we should not be duped into thinking that understanding ourselves in these terms will be easy.

The Genesis passage tells us is that there is a paradox at the heart of what it means to be human. While the “created” portion of the phrase points to limits, “in God’s image” suggests a glorious splendor not shared with the rest of creation. Based on his efforts to understand what makes people act the way they do, the social scientist, Ernest Becker, has suggested that we call “this existential paradox the condition of *individuality within finitude*.”¹⁰ Indeed, at least since the Reformation Era, the emphasis on the individual has become the dominant mode of thinking about what it means to be human in religious as well as secular terms.

But, what if the focus on the individual has been misguided? Would we have the social and theological equivalent of what chaos theory calls “the butterfly effect,” where a small change in initial conditions (in the case of Genesis, interpretation) produces drastic changes in long-term outcomes? In other words, could assuming that each human being effectively stands alone have skewed our whole social and theological enterprise? Is this influence so strong that we remain blind to the many indications of interrelatedness that contemporary experience offers?

Such experiences coupled with reflections theologians are doing on the Trinity suggest that we take another look at humans as the image of God. If, as most agree, the best starting point for probing the mystery of the Trinity is relations, then belief in the Triune God would seem to confirm that the portrayal of humans as God’s image in purely individualistic terms is a distorted one. The proponents of globalization are correct: we are in need of conversion, but not the one they prescribe. Rather, the needed conversion begins with a moment of insight, one which Sallie McFague describes so well: “Suddenly we see ourselves

⁹ Genesis 1:27.

¹⁰ Ernest Becker, *The Denial of Death* (New York: The Free Press, 1973), 26.

differently; not as post-Enlightenment individuals who have the right to life, liberty, and the pursuit of happiness, but part of a vast network of interrelationships, and specifically as that ‘part’ responsible for the rest, for other human beings and other life forms.”¹¹

While reflections on Scripture and the Trinity may trigger the Christian awareness of the need for a revised view of what it means to be human, there are indications that recognition of the need for such a change goes beyond Christianity in particular and even religion in general. Indeed, The Earth Charter invites a “change of mind and heart,” which “requires a new sense of global interdependence and universal responsibility.”¹²

So, what does it mean to be human? The foregoing discussion indicates that today our understanding of the answer to this question is best expressed by the term, “Homo ecologicus.” To be human is to be defined by relatedness, which, as Scripture tells us, is to be made in the image of God. To be human is to be in relationship with God, the self, other human beings and all of creation. To be human means that radical interrelatedness is at the core of our being. But there is more. Once we understand who we are, the question of what we are to do follows. In other words, our awareness and appreciation of the interrelatedness of all things should be evident in our decisions and actions, and it is on this level of praxis that we get to ethical behavior in general and more specifically to how we treat immigrants in the United States today.

IMMIGRATION AND CATHOLIC SOCIAL TEACHING

If at times only in passing, various documents of the Catholic Church address immigration concerns directly, and the 2003 joint statement from the bishops of the USA and Mexico, *Strangers No Longer: Together on the Journey of Hope*, not only highlights many of these statements it uses them to develop five principles representative of the Church’s views.

- I. Persons have the right to find opportunities in their homeland.
- II. Persons have the right to migrate to support themselves and their families.
- III. Sovereign nations have the right to control their borders.
- IV. Refugees and asylum seekers should be afforded protection.

¹¹ Sallie McFague, *A New Climate for Theology: God, the World and Global Warming* (Fortress Press, Minneapolis, 2008), 48.

¹² The Earth Charter Initiative, *The Earth Charter:2000*, 4, accessed at http://www.earthcharterinaction.org/invent/images/uploads/echarter_english.pdf.; Internet; Accessed 9 April 2010.

- V. The human dignity and human rights of undocumented migrants should be respected.¹³

When viewed discretely each of these principles proclaims Scriptural values, affirms Catholic social teaching and suggests particular actions; when looked at as a whole, however, they point to the complexity of the immigration issue, a complexity that may well lead to inaction or maintaining the status quo. Consider, for example, principles two and three. The document itself states,

The Church recognizes the right of a sovereign state to control its borders in furtherance of the common good. It also recognizes the right of human persons to migrate so that they can realize their God-given rights. These teachings complement each other. While the sovereign state may impose reasonable limits on immigration, the common good is not served when the basic human rights of the individual are violated. In the current condition of the world, in which global poverty and persecution are rampant, the presumption is that persons must migrate in order to support themselves and that nations who are able to receive them should do so whenever possible.¹⁴

What the bishops identify as *complementary* teachings may well be categorized by others as *competitive* teachings with the presumption of privilege for individual rights effectively vitiating the claims of the state—at least “whenever possible.”

Conundrums such as this suggest that rights discourse is not the most effective language for ethics. In fact, the case can be made that ethical discourse centered upon rights and duties is fated to reach an impasse on the practical level. Such discourse, moreover, seems more consistent with viewing humans as *Homo sapiens* than as *Homo ecologicus*. In the latter, our interrelatedness means that there are no isolated individuals with rights that set us apart from each other. At the same time, interrelatedness does not rule out all competition and conflict. Indeed, in the face of interrelatedness Blake’s question to the Tyger, “Did he who made the Lamb make thee?” becomes even more poignant. It would seem that for *Homo ecologicus* a more appropriate ethic might be described as one of expanding inclusion, that is, one that moves beyond the self, the family, the nation and even humanity to seek the health and well being of all creation. It is “expanding” because the conversion to viewing humanity as *Homo ecologicus* is

¹³ United States Conference of Catholic Bishops, Inc. and Conferencia del Episcopado: *Mexicano, Strangers No Longer: Together on the Journey of Hope* (Washington, DC, United States Conference of Catholic Bishops, 2003), ¶33-38, available at <http://www.usccb.org/mrs/stranger.shtml>; Internet; accessed 16 April 2010.

¹⁴ *Ibid.*, ¶ 39.

an ongoing process in which the initial insight of interrelatedness while necessary is not sufficient. On the level of practice, the exigency of providing for one's family may stymie expansion for some, at least temporarily, while for others a materialistic lifestyle may do the same. For both, the call to conversion and hence inclusion remains constant, albeit faint, and the responsibility for response crucial.

So what are we to do? What can business do? In *Strangers No Longer*, probably because it deals with two particular countries, the bishops break with the Church's tradition of offering principles but not specific policy recommendations for social problems. Indeed, Chapter IV of the document is entitled, "Public Policy Challenges and Responses". While the recommended policies are comprehensive in scope, the section dealing with "Employment-Based Immigration" is of particular interest.

In the context of the United States-Mexico bilateral relationship, the United States needs Mexican laborers to maintain a healthy economy and should make a special effort to provide legal avenues for Mexican workers to obtain in the United States jobs that provide a living wage and appropriate benefits and labor protections. The U.S. employment-based immigration system should be reformed to feature both *permanent* and, with appropriate protections, *temporary* visa programs for laborers. A system that is transparent and that protects the rights of workers should be formulated. Visa costs of the program should remain affordable for all who wish to participate. Reform in worker programs must be coupled with a broad-based legalization program.¹⁵

Despite the efforts of the bishops to show the mutual benefits to be derived from immigration reform, one cannot help but hear querulous voices asking, "Who says the 'US of A' needs Mexican laborers or any foreign workers for that matter? They are depriving 'Americans' of employment opportunities." Statistics show this is not the case,¹⁶ but these objections have their roots in the "rights" language that permeates much ethical discourse and even taints the wording of *Strangers No Longer*.

STRANGERS NO LONGER REDUX

The rights-oriented, two-dimensional nature of *Strangers No Longer* is incompatible with interrelational triune theology and true immigration reform.

¹⁵ *Ibid.*, ¶72.

¹⁶ Gordon H. Hanson, "The Economic Logic of Illegal Immigration" in Council Special Reports, April 2007, by the Council on Foreign Relations, 10-15 (New York), *accessed at* <http://www.cfr.org/content/publications/attachments/ImmigrationCSR26.pdf>; Internet; accessed 20 April 2010.

In contrast, the *Homo ecologicus* worldview inspires us to look, not just at the entire two-dimensional picture, but at the complete, multi-dimensional, global mosaic of human migration. Policy decisions must be made in community in order to produce lasting and beneficial results. Let us try, then, to restructure the language of *Strangers No Longer* to establish unifying guidelines for a productive and humane immigration policy.

I. "Persons have the right to find opportunities in their homeland."

The first pronouncement of *Strangers No Longer* sets forth the basic desire of most people to live and work in their native communities. This principle can be restated in vocational rather than imperative terms: All people and nations are called to share in the fulfillment of the basic human desire to find food, shelter, and safety in the land of one's birth.

Thus, although businesses need laborers, everyone is best served when laborers are willing, rather than desperate immigrants. Desperation caused by non-existent job opportunities at home creates an imbalance of supply and demand that can lead to excessive immigration in times of prosperity and greater tensions during economic downturns. U.S. immigration policy needs to be part of an overall strategy of trade and business incentives that strengthen the economic and political environment of current emigrant nations. As the mixed reviews of NAFTA prove, the effectiveness of these policies must be periodically assessed to determine whether they have achieved desired and/or unintended results.

II. "Persons have the right to migrate to support themselves and their families."

The second pronouncement of *Strangers No Longer* recognizes the reality that some parts of the world, whether through natural or human causes, will not always be able to support their entire populations. This reality leads to our next affirmation: National borders do not limit our interdependence nor restrict our search for universal peace and well-being.

National borders are human creations. They can be useful for ordering societies, but, in the context of the global human family, *Homo ecologicus*, they should not be used as impediments to survival. Good fences may make good neighbors, but only if each neighbor goes to bed with a full stomach. Spiritually, all humanity suffers when we ignore the cries of the poor. Pragmatically, people and nations will take what they need to survive. When resources on one side of the fence become scarce, the fence will be torn down. This is not to insinuate that Mexico will invade the United States, only that nations and their people cooperate when it is mutually beneficial. If we do not help our neighbors by allowing reasonable migration, they have no reason to help us with drug and human

trafficking enforcement. In addition, sub-standard living conditions create social volatility that may lead to disruptive and dangerous political changes. Immigration laws will be more effective when they are responsive to the needs of the global community.

III. "Sovereign nations have the right to control their borders."

The bishops recognize that border protection is essential to personal and collective security. This third consideration can be restated according to the insights of *Homo ecologicus*: Orderly migration and planned integration with host communities are essential to ensure the safety and prosperity of all.

No one disputes that illegal border crossings are dangerous for everyone, but enforcement must be humane and proportional. Unarmed families should be treated differently from militarized drug smugglers. We also must carefully analyze the impact that drastic measures, such as physical fences, may have on border communities and the environment. Migrants, too, must be responsible in their efforts to find a better life. The media have a powerful global influence. Communication resources in emigrant communities that truthfully depict the struggles of unauthorized immigrants may deter others and eliminate great hardships. Migrating communities should encourage lawful migration and be honest about difficulties faced abroad.

IV. "Refugees and asylum seekers should be afforded protection."

The truth of this statement is subsumed in our new articulation of the bishops' second pronouncement: National borders do not limit our interdependence nor restrict our search for universal peace and well-being. It is instructive to note here the current legal significance of the terms "refugee" and "asylee." Refugees differ from asylees only in that asylum seekers are already in the United States; refugees apply for status while still outside our borders. Refugees and asylees are defined in U.S. immigration law as persons who cannot live in their homelands "because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion..."¹⁷ Neither severe economic suffering caused by political instability or natural disaster, nor pervasive criminal violence in one's homeland, qualifies a person as a refugee or asylee.

¹⁷ 8 U.S.C. section 1101(a)(42). The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 expanded the "refugee" definition to include persons subjected to forced abortions or sterilizations. Pub. L. 104-208, 110 Stat. 3009-689. 8 U.S.C. section 1101(a)(42)(B).

Congress and the President establish the annual limit of refugees who will be allowed into the United States.¹⁸ Of the 42 million displaced persons worldwide,¹⁹ the U.S. admitted only 60,000 in 2008.²⁰ This is down from the annual average of more than 100,000 during the 1990's. The Department of Homeland Security attributes this decline, in part, to "changes in security procedures and admission requirements after September 11, 2001."²¹ Annual refugee admissions currently are capped at 80,000.²² Although there is no limit on the number of asylum applications that may be granted, the U.S. granted only 23,000 in 2008.²³ Clearly, our current refugee policy is woefully inadequate. U.S. laws do not embrace the ideals of interdependence and acceptance necessary for living well in a healthy global community. The definition of refugee needs to be updated to account for all intolerable conditions and annual numerical limits need to be raised to accommodate the world's desperate people.

V. "The human dignity and human rights of undocumented migrants should be respected."

The truth of this statement is contained in our broad restatement of the bishops' third pronouncement: Orderly migration and planned integration with host communities are essential to ensure the safety and prosperity of all. Current U.S. immigration policy makes almost no accommodation for planned integration. As a result, it fails to protect unauthorized migrants as well as American communities.

IMPLICATIONS FOR BUSINESS

U.S. businesses are major contributors to and beneficiaries of unauthorized immigration. "[I]llegal immigration has a clear economic logic: It provides U.S. businesses with the types of workers they want, when they want them, and where

¹⁸ 8 U.S.C. section 1157(a)(2).

¹⁹ United Nations High Commissioner for Refugees, *2008 Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons* (2008), 2, accessed at <http://www.unhcr.org/4a375c426.html>; Internet; accessed 16 April 2010.

²⁰ Department of Homeland Security, Office of Immigration Statistics, Annual Flow Report, *Refugees and Asylees: 2008* (Washington, D.C., 2009), 1, accessed at http://www.dhs.gov/xlibrary/assets/statistics/publications/ois_rfa_fr_2008.pdf; Internet; accessed 16 April 2010.

²¹ *Ibid.*, 3.

²² *Ibid.*, 2.

²³ *Ibid.*, 1.

they want them.”²⁴ According to U.S. Immigration and Customs Enforcement, “[e]mployment is a primary driving force behind illegal immigration.”²⁵ Employers induce undocumented workers to immigrate to the United States because they will accept menial and/or dangerous jobs turned down by native-born workers, and will work longer hours for lower wages. The transient nature of undocumented workers also benefits businesses by providing a rapid response to geographic changes in employment trends.²⁶ Businesses have helped to create our immigration problems and, thus, they must be part of the solution.

The notorious Agriprocessors case is just one recent example of our failed immigration system. In 1987, Agriprocessors, Inc. took over a meat processing operation in the small town of Postville, Iowa. Almost immediately the town’s population of slightly more than 1,000 nearly doubled and the Iowan natives felt overrun by outsiders. It took several years for the town to adjust, but eventually, the immigrant workers and their families settled peacefully into the community.²⁷ Then, on May 12, 2008, Immigration and Customs Enforcement (ICE) conducted one of its largest single-site workplace raids. In just four days, officials detained, convicted, and sentenced almost 300 unauthorized Agriprocessor workers. Hundreds of workers were charged with social security fraud and/or identity theft even though there was scant evidence of their guilt. With virtually no legal counsel, they pled guilty to lesser charges to avoid felony prosecution.²⁸

As a result of the raid, families were separated; native Iowan children were distraught by the militarized raid on their hometown; and stores, apartments, and restaurants, devoid of their immigrant life force, lay dormant.²⁹ It has since been alleged that plant officials enticed workers to illegally enter the U.S., hired underage workers, violated numerous federal and state health and safety laws, forced employees to work excessively long hours for excessively low wages, and

²⁴ Hanson, 5.

²⁵ United States Immigration and Customs Enforcement, Worksite Enforcement Overview, Frequently Asked Questions, April 30, 2009, *accessed at* <http://www.ice.gov/pi/news/factsheets/worksite.htm>; Internet; accessed 20 April 2010.

²⁶ Hanson, 28.

²⁷ Mark Grey, Michele Devlin and Aaron Goldsmith.: *Postville U.S.A.: Surviving Diversity in Small-Town America*, 4-9 (GemmaMedia, Boston, 2009).

²⁸ Congress, House, Committee on the Judiciary, *Immigration Raids: Postville and Beyond: Hearing before the Committee on the Judiciary*, 110th Cong., 2nd sess., 24 July 2008, 74, 128-132, *accessed at* <http://judiciary.house.gov/hearings/printers/110th/43682.PDF>; Internet; accessed 20 April 2010.

²⁹ Betsy Rubiner, “After Immigrant Raid, Iowans Ask Why”*Time.com*, May 27, 2008, *accessed at* <http://www.time.com/time/nation/article/0,8599,1809727,00.html>; Internet; accessed 20 April 2010.

verbally and physically harassed migrant workers.³⁰ After the raids, new workers were legally recruited from as far away as the Pacific Islands, but many left due to unacceptable working and living conditions.³¹

The Agriprocessors case is not unusual, except perhaps for the severity with which the federal government treated the migrant employees. As the result of an even larger subsequent raid on a Mississippi factory, only 8 workers were arrested on criminal charges, although nearly 600 were detained on immigration violations.³² ICE raids on major U.S. businesses, such as Tyson, Swift, and Del Monte, make the headlines, but fail to address the social problems associated with unauthorized workers.

The *Homo economicus* understanding of the human person clearly has had disastrous effects for individuals, business, the environment, and societal well-being. The story of Jim Bittner and his cherry trees is another good illustration. In 2008, as the manager of Singer Farm in upstate New York, “Mr. Bittner cut down 25 acres of sweet cherry trees, some of which were 30 years old. He also dug up 20 acres of peach trees that were 12 to 15 years old.”³³ At a time when Americans are being urged to eat a minimum of five servings of fruits and vegetables daily, the decision to raze healthy fruit trees in an area so close to the major market of New York City seems incomprehensible, until one factors in the need for workers to prune the trees and harvest the fruit. Mr. Bittner is reported to have justified his decision on the grounds that “We always assumed we could find the labor we would need. We are not making that assumption anymore.” Joshua Brustein, who reported Bittner’s story in *The New York Times*, adds “experts monitoring New York’s agricultural industry said that the shift from labor-intensive crops would accelerate if the uncertainty over migrant labor and immigration policies remained unsolved.”³⁴

SUGGESTIONS FOR CHANGE

What do our current laws permit and how might business affect legislation that would be more appropriate to viewing humans as *Homo ecologicus*? U.S.

³⁰ Congress, 8.

³¹ Tony Leys, “Ex-Postville Workers See Fresh Future in Iowa,” (*Des Moines Register*, December 26, 2008), A1.

³² United States Immigration and Customs Enforcement, “595 arrested in ICE and Department of Justice joint immigration enforcement action initiated at Mississippi transformer manufacturing facility,” Press Release, August 26, 2008, accessed at <http://www.ice.gov/pi/nr/0808/080826laurel.htm>; Internet; accessed on 20 April 2010.

³³ Joshua Brustein, “With Migrant Workers in Short Supply, A Farmer Looks to Machines” (*New York Times*, May, 27, 2008), B1 & B6.

³⁴ *Ibid.*

immigration law grants two types of employment-based visas - immigrant (permanent) and nonimmigrant (temporary). Annual numerical limits apply to all employment-based visas.³⁵ Permanent visas, commonly called Green Cards, are available to a relatively small number of workers. In 2009, approximately 140,000 employment-based Green Cards were issued by the State Department,³⁶ but only 14,000 of these were granted at embassies abroad.³⁷ Most visas were given to persons already in the U.S.³⁸ There are several types of nonimmigrant employment-based visas, but the most significant to U.S. businesses are the H visas.³⁹ Approximately 216,000 H visas were issued to workers in 2009. By law, each of these new workers accepted a position that could not be filled by a U.S. worker.⁴⁰

Many more workers would come legally if allowed, but the inadequate supply of visas make legal entry impossible for the more than 500,000 people who annually cross our borders without authorization.⁴¹ Current immigration laws grant few rights to unauthorized workers regardless of the length of time they

³⁵ 8 U.S.C. sections 1152, 1153, 1184(g).

³⁶ Of the approximately 140,000 employment-based immigrant visas issued in 2009, 41,000 were granted to persons of extraordinary athletic, artistic, professional, or academic skills. 46,000 were granted to professionals holding advanced degrees or persons with extraordinary skill. 40,000 were issued to skilled professionals, such as teachers, computer specialists, and medical technicians. Just over 3,000 visas were issued to people whose jobs require less than two years of training. Approximately 10,000 were issued to religious workers and other specialty groups. Department of State, Visa Office, *Report of the Visa Office 2009*, Table V, Part 3. (Washington, D.C., 2008), accessed at http://www.travel.state.gov/visa/frvi/statistics/statistics_4594.html; Internet; accessed 16 April 2010.

³⁷ *Ibid.*, Table VI, Part 4.

³⁸ *Compare Ibid.*, Table V, Part 3 with Table VI, Part 4. See also Department of Homeland Security, Office of Immigration Statistics, Annual Flow Report, *U.S. Legal Permanent Residents: 2009* (Washington, D.C., 2009), p. 1, accessed at http://www.dhs.gov/xlibrary/assets/statistics/publications/lpr_fr_2009.pdf; Internet; accessed 20 April 2010.

³⁹ The H-1B visa allows professionals and persons with specialized knowledge to work in the U.S. for a maximum of six years. In 2009, the State Department granted 110,000 H-1B visas. Approximately 60,000 agricultural workers were granted permission to enter the U.S. for less than one year with H-2A visas, while 45,000 non-agricultural workers were given similar authorization with H-2B visas. Department of State, Table XVIB.

⁴⁰ 8 U.S.C. section 1101(a)(15)(H).

⁴¹ Statistics regarding unauthorized aliens are inherently unreliable (Hanson, 1, n.1). Some estimates of illegal entrants are as high as 800,000 in certain years. Jeffrey S. Passel, "Trends in Unauthorized Immigration," Pew Hispanic Center, October 2, 2008, accessed at <http://pewhispanic.org/reports/report.php?ReportID=94>; Internet; accessed 3 January 2009. Illegal entry fluctuates with the economy and, perhaps, enforcement. Hanson, Passel. Recent estimates indicate a decrease in the number of unauthorized entries into the United States. Passel.

have been in the U.S., or their positive ties to the community. Indeed, even people who did not voluntarily enter the U.S., but were carried as infants across the border, have no right to remain in the country; if found by immigration officials, they will be detained and removed.⁴²

Political and business leaders rely on the *Homo economicus* view of labor to determine whether we need a larger or smaller, educated or uneducated, supply of immigrant workers. This method may seem well-suited to meet the needs of our nation, but it ignores important aspects of the issue that emerge in light of immigration ethics and *Homo ecologicus*. A pragmatic “business first” approach ignores both nativist antagonism to immigrants and the ideal of global well-living necessary for survival. Long-time community residents often are hostile to immigrants with different languages and social customs. Integration of unauthorized workers is even more difficult because their fear of detention makes them less likely to participate in community activities. Unauthorized workers also are often subject to substandard housing and working conditions. Local residents and laborers view this as exacerbating existing social and economic decay.

CONCLUDING REFLECTIONS

What are we to do? What conduct does *Homo ecologicus* inspire? What can business do? Is opening “the Golden Door” a way to enhance the health and well-being of our world? Business helped create our current immigration problems; can it help solve them?

At a minimum, it would seem that to be successful businesses must bring all their operations, at home and abroad, in compliance with health, safety, and labor standards. This will protect native and immigrant workers and reduce antagonism toward immigrant labor. Employers also have a responsibility to protect the safety and well-being of their current unauthorized workers by promoting a path to legalization. Most importantly, businesses need to take on leadership roles in the fight for comprehensive immigration reform.⁴³ This may be unpopular when unemployment in many communities is in the double digits, but business leaders need to see past economic downturns and promote an understanding of the reciprocal rewards of immigrant labor. From this perspective of interrelatedness, we will focus not only on what immigrants give us, but what we give immigrants. We are, after all, a nation of immigrants. We have been

⁴² 8 U.S.C. section 1227(a)(1)(B).

⁴³ On December 15, 2009, the Comprehensive Immigration Reform for America's Security and Prosperity Act of 2009, H.R. 4321, was introduced in Congress. 155 *Cong. Rec.* H14980-14981 (Dec. 15, 2009). It encompasses many of the provisions recommended by *Strangers No Longer* and this paper, including community partnerships and increases in employment visas.

nourished by the “Mother of Exiles.” Now we are responsible for what lies behind the “Golden Door.”