



Written Testimony of

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for

House Judiciary Committee

Subcommittee on Immigration and Citizenship

“Immigrants as Essential Workers During COVID-19”

2141 Rayburn House Office Building

2pm Wednesday, September 23, 2020

“Now, while we are looking forward to a slow and arduous recovery from the pandemic, there is a danger that we will forget those who are left behind . . . Now is the time to heal injustice around the world because it undermines the health of the entire human family. The risk is that we may then be struck by an even worse virus, that of selfish indifference. A virus spread by the thought that life is better if it is better for me, and that everything will be fine if it is fine for me . . . the pandemic reminds us that there are no differences or borders between those who suffer. There must be just sharing among nations and their institutions in order to confront the current crisis in a manner marked by solidarity.”

- Pope Francis, Divine Mercy Sunday, Mass at Santo Spirito in Sassia, the Sanctuary of Divine Mercy, April 19, 2020.

Thank you to Subcommittee Chairwoman Zoe Lofgren (D-CA) and to Ranking Member Ken Buck (R-CO) and members of the House Judiciary Committee Subcommittee on Immigration and Citizenship for this opportunity to submit this written testimony regarding the contributions of immigrants and refugees as essential workers during COVID-19.

As chairman of the Committee on Migration for the United States Conference of Catholic Bishops (USCCB), I wish to address the importance and value of immigrants and refugees in aiding to the response of our country in combatting the novel coronavirus and COVID-19. As we will demonstrate in our testimony through extensive data, the contributions of immigrants and refugees in the workforce, notably in the areas of food production, healthcare, supply chain, and home health care, has been tremendous and vital. Immigrants and refugees are a blessing to our country and I speak on behalf of the Catholic Church when I say that the Church teaches that every human being is created in God’s image and deserves dignity and respect. As Catholics we also believe that human labor has an inherent dignity because it allows all human beings to share in the ongoing work of creation, while providing the resources we need to build and sustain families. We view assisting those in need as a fundamental Christian duty that is derived directly from the words and the life of Christ, who himself was a migrant and part of a refugee family. As Christians, we are called to welcome our new neighbors with the same love and compassion that we would want ourselves to be shown. In the spirit of the quote I cited from Pope Francis, the USCCB urges the U.S. government, in collaboration with civil society, including the faith-based community, to do more to welcome, protect and value essential immigrant and refugee workers and their families during this time and going forward in our society even after the COVID-19 pandemic ceases to be a threat. We know immigrants and refugees to be valuable members of our country, our Church, and our communities.

I. Catholic Social Teaching Regarding Care and Support for Migrants and Refugees and Recognizing the Dignity of Work of All People

The Catholic Church has a long history of solidarity, pastoral care, community outreach, service, and advocacy related to people migrating to the United States. Migration and Refugee Services of the USCCB (USCCB/MRS) is historically the largest U.S. refugee resettlement agency in the United States and also provides family reunification, foster care, case management for alternatives to detention, and social services for unaccompanied children, asylum-seeking families, and foreign national and U.S. citizen trafficking victims. The Catholic Church has worked to welcome and integrate immigrants and refugees, regardless of nationality, race, ethnicity, or religion into the United States for hundreds of years.

Working in partnership with the U.S. government, state and local governments, and local communities, USCCB/MRS has resettled over one million of the three million refugees who have come to our country, in close collaboration with the Catholic Charities network, the country's largest non-profit legal immigration service provider.

In addition to providing extensive direct social, legal, and integration services to immigrants and refugees in the United States, the Catholic Church provides direct spiritual ministry to migrant communities, including most notably, migrant farmworkers. The USCCB Committee on Cultural Diversity in the Church operates a Subcommittee on the Pastoral Care of Migrants, Refugees and Travelers (PCMRT) to support people on the move¹ supporting dioceses, national organizations, and ecclesial movements in the pastoral care and outreach ministry they offer to these populations. The USCCB Migrant Farmworker Apostolate, which operates within PCMRT, coordinates the ministry to migrant and seasonal agricultural laborers in the United States by coordinating and developing pastoral outreach to the three to five million farmworkers in the United States. PCMRT provides assistance to diocesan and parish staff as well as other agencies serving migrant farmworkers. Its mission is carried out particularly through the development of catechetical, liturgical and evangelization materials for use with farmworkers, as well as the promotion of regional, diocesan and local gatherings of persons involved in ministry with farmworkers. The USCCB Migrant Farmworker Apostolate actively collaborates with the Catholic Migrant Farmworker Network, a national organization founded in 1986 that works to promote the formation of welcoming church communities and provide resources and formation opportunities to pastoral ministers and farmworkers.² The CMFN mission goals are promoting the human and spiritual development of migrant farmworkers, encouraging pastoral leadership from within the migrant community and forming a mobile team for leadership formation of migrant farmworkers.

The Catholic Church's solidarity and service related to migrants and refugees stems from the belief that held in the book of Genesis that every human being is created in God's image. In the Old Testament, God calls upon his people to care for the alien because of their own experience as aliens in a foreign land: "So, you, too, must befriend the alien, for you were once aliens yourselves in the land of Egypt" (Deut. 10:19). In the New Testament, the image of the migrant is seen in the life and teachings of Jesus Christ. In his own life and work, Jesus identified himself with newcomers and other marginalized persons in a special way as he expresses in this teaching: "I was a stranger and you welcomed me" (Mt. 25:35). Jesus himself a refugee child fleeing to Egypt with his family to avoid persecution and death (Mt. 2:15) as well as a prophet without a permanent home of his own, always travelling on the road to human encounter.

In modern times, the magisterium of the Church over the last 120 years have developed the Church's teaching on migration. In light of the teaching on the Church, the U.S. and Mexican Catholic bishops called for nations to work toward a "globalization of solidarity" in our joint pastoral letter, *Strangers No Longer: Together on the Journey of Hope, A Pastoral Letter Concerning Migration*. (January 23, 2003).

From the beginning of his papacy in 2013, Pope Francis has defended the rights of refugees and migrants and called for their protection, making a bold statement by taking his first trip as pope outside Rome to Lampedusa, Italy where he decried the "globalization of indifference" and the "throwaway

¹ U.S. Conference of Catholic Bishops Committee on Cultural Diversity, Subcommittee on Pastoral Care of Migrants Refugees and Travelers, available at <https://www.usccb.org/committees/pastoral-care-migrants-refugees-travelers>

² Catholic Migrant Farmworker Network, <http://www.cmfn.org>

culture” that disregards those fleeing persecution in order to seek a better life. Pope Francis has created a new Vatican department, the Dicastery to Promote Integral Human Development, to be a catalyst for Catholic collaboration in developing policies and systems to effectively address refugee and migration crises. The Holy Father is personally overseeing the Migration & Refugee Section of that Dicastery as the Church seeks to improve the welcome, protection, promotion, and integration of refugees and immigrants.

Pope Francis’s vision and commitment to immigrants and refugees is holistically applied to all areas of life, including labor and the ability for immigrants and refugees to support themselves and their families with decent and dignified work. The Catholic Church recognizes that human labor has an inherent dignity because it allows us to share in the ongoing work of creation, while providing the resources we need to build and sustain families. Because labor has this central, critical importance, it has certain attendant rights: “...the right to a just wage; the right to rest; the right ‘to a working environment and to manufacturing processes which are not harmful to the workers’ physical health or to their moral integrity’; the right that one’s personality in the workplace should be safeguarded ‘without suffering any affront to one’s conscience or personal dignity’; the right to appropriate subsidies that are necessary for the subsistence of unemployed workers and their families; the right to a pension and to insurance for old age, sickness, and in case of work-related accidents; the right to social security connected with maternity; the right to assemble and form associations”.³ The Catechism of the Catholic Church teaches, “A just wage is the legitimate fruit of work. To refuse or withhold it can be a grave injustice.... Remuneration for work should guarantee man the opportunity to provide a dignified livelihood for himself and his family on the material, social, cultural, and spiritual level...”⁴ Pope St. John XXIII also stressed that wages are “not something that can be left to the laws of the marketplace; nor should it be a decision left to the will of the more powerful. It must be determined in accordance with justice and equity.... The above principles are valid always and everywhere”.⁵

The universal Church and the USCCB has supported and will continue to support efforts to increase the economic security of workers. The U.S. bishops have called on Congress to raise the federal minimum wage, extend tax credits that benefit low-income working families, and increase funding for job training. As public reports show, the novel coronavirus has spread widely among essential workers such as meatpackers, agricultural workers, healthcare providers, janitors, transit workers, emergency responders, and others. Many of these workers are disproportionately immigrants and refugees, “who have borne a disproportionate share of the costs of the pandemic.”⁶ Those same workers have been hit particularly hard, and many have paid with their life. As one New York City subway worker put it, “We are not essential. We are sacrificial.”⁷

³ Compendium of the Social Doctrine of the Church, no. 301, http://www.vatican.va/roman_curia/pontifical_councils/justpeace/documents/rc_pc_justpeace_doc_20060526_comp_endio-dott-soc_en.html

⁴ Catechism of the Catholic Church, no. 2434, <https://www.usccb.org/beliefs-and-teachings/what-we-believe/catechism/catechism-of-the-catholic-church>

⁵ Pope John XXIII, Mater et Magistra, no. 71-72, http://w2.vatican.va/content/john-xxiii/en/encyclicals/documents/hf_j-xxiii_enc_15051961_mater.html

⁶ U.S. Conference of Catholic Bishops 2020 Labor Day Statement, Archbishop Paul S. Coakley of Oklahoma City, <https://www.usccb.org/resources/Labor%20Day%20Statement%202020.pdf>

⁷ *Id.*

II. Immigrant and Refugees Are Essential Workers in Combatting COVID-19 and Generally to Our Country

In our country's response to the COVID-19 pandemic, the contributions of essential workers have become undoubtedly more important and their contributions to our country have been highlighted. While many essential workers are U.S. citizens, many are also immigrants and refugees, including undocumented individuals living in the United States. For example, generally when speaking about the essential workforce across industries in the United States:

- 69 percent (19.8 million) of all immigrants in the U.S. labor force and 74 percent of undocumented workers are essential workers, compared to 65 percent of the native-born labor force,⁸
- 70 percent of refugees and 78 percent of Black refugees are essential workers,⁹
- In all but 8 U.S. states, the foreign-born share of the essential workforce equals or exceeds that of all foreign-born workers, indicating that immigrant essential workers are disproportionately represented in the labor force,¹⁰ and
- The percentage of undocumented essential workers exceeds that of native-born essential workers by 9 percentage points in the 15 states with the largest labor force.¹¹

Specifically, when essential industries and service areas such as farm work, meat packing, the food supply chain, health care, and home health assistance are broken down and analyzed, it is very clear that immigrant and refugee contributions are largely present in each. For example:

- Immigrants comprise 16 percent of U.S. health care sector workers, 26 percent of home health care workers and aides for the elderly, 22 percent of workers in scientific research and laboratories, 24 percent of workers in medical equipment manufacturing and 25 percent in pharmaceuticals manufacturing,¹²
- Immigrants comprise 31 percent of U.S. agricultural employees,¹³ and
- Naturalized citizens make up 67 percent of immigrants working in health care, including 74 percent of immigrants working in hospitals and 74 percent of those working in doctors' and dentists' offices. Many of these immigrants work on the front lines with coronavirus patients.¹⁴

One of the areas of contribution in essential work by immigrants and refugees and an area of increasing and ongoing concern is the food supply chain, which includes farmworkers, meat packers, and food supply chain workers. Currently, there are approximately 2.5 million farmworkers in the U.S.; approximately 4 million if family members are included. According to the U.S. Department of Labor's National Agricultural Workers Survey, approximately 83% of farmworkers are Latino, 77% of farmworkers speak Spanish as their primary language, and 49% of farmworkers lack work

⁸ Donald Kerwin and Robert Warren, *US Foreign-Born Workers in the Global Pandemic: Essential and Marginalized*, JOURNAL ON MIGRATION AND HUMAN SECURITY, (September 2020), <https://journals.sagepub.com/doi/10.1177/2311502420952752>.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ Donald Kerwin, Mike Nicholson, Daniela Alulema, Robert Warren, *US Foreign-Born Essential Workers by Status and State, and the Global Pandemic*, CENTER FOR MIGRATION STUDIES, (May 2020), <https://cmsny.org/publications/us-essential-workers/>.

authorization.¹⁵ There are also a growing number of H-2A guestworkers, who are farmworkers in the U.S. for up to 10 months on temporary agricultural worker guest visas. In fiscal year 2019, the Department of Labor certified 257,667 H-2A positions,¹⁶ approximately 10% of the U.S. farmworker population. It is estimated that up to 40% of meat packing plants in the United States are staffed by immigrants and refugees, including some undocumented individuals.¹⁷ While the contributions of immigrants and refugee workers during the global pandemic are particularly pertinent, it must be noted that such contributions predate COVID-19 and have been instrumental to growing the U.S. economy for many years.

III. Immigrants and Refugees Are Exceptionally Vulnerable to COVID-19 as They Face Additional Barriers to Accessing Healthcare and Financial Support

While all essential workers are vulnerable, we note extra concern for the health and well-being of the immigrant and refugee farmworkers and meat and poultry packers who have been exceptionally hard hit by COVID-19 because they lack the assistance and resources to ensure the safety and economic sustainability for themselves and their families. Farmworkers and meat and chicken packers are critical to our nation's economy and food supply. As essential workers, they are at the front lines of the COVID-19 pandemic. They are risking their own health and safety to support their families and to ensure continuity in the nation's produce, meat, and poultry supply chains.

Farmworkers and meat and chicken packers are at substantially high risk of exposure to the novel coronavirus due to working and living conditions that are often beyond their control. In the fields, orchards, dairy farms and meat and chicken packing and slaughterhouses, laborers often must work in close proximity to each other. Due to their low wages and cultural community ties, they tend to live in multi-generational housing or in shared housing provided by their employer, which does not allow room for distancing. It is difficult for farmworkers and meat and poultry packers to protect themselves against COVID-19 in part because many employers have not put in place protections that would reduce transmission, or the employers have not been adequately fined for failing to implement such requirements.¹⁸ The failure of the federal government and most states to enact mandatory safety standards to address the pandemic means that many agricultural employers do not take recommended actions issued by the CDC and other public health experts. As a result, many of these workers are testing positive for the novel coronavirus across the country, and a number have died of COVID-19. For example, at least 42,534 meatpacking workers have tested positive for the novel coronavirus in 494 meat plants, and at least 203 meatpacking workers have died since March.¹⁹ Migrant farmworkers have also been hard hit as agricultural workers in New York, Washington, North Carolina, and California have also suffered large-scale outbreaks.²⁰

¹⁵ U.S. Department of Labor, Findings from the National Agricultural Workers Survey 2015-2016 (NAWS), published January 2018, https://www.doleta.gov/naws/research/docs/NAWS_Research_Report_13.pdf.)

¹⁶ Office of Foreign Labor Certification, U.S. Department of Labor, 2019 H-2A Annual Performance Report – Selected Statistics, https://www.dol.gov/sites/dolgov/files/ETA/oflc/pdfs/H-2A_Selected_Statistics_FY2019_Q4.pdf

¹⁷ Kimberly Kindy, “Few Fines for meatpackers as outbreaks swept plants,” *The Washington Post*, September 14, 2020, Section A7.

¹⁸ *Id.* Discussing the small fines that have been imposed by OSHA to meat packing corporations in the face of mounting COVID-19 illness and death of workers.

¹⁹ *Id.*

²⁰ Donald Kerwin and Robert Warren, *US Foreign-Born Workers in the Global Pandemic: Essential and Marginalized*, JOURNAL ON MIGRATION AND HUMAN SECURITY, September 2020, <https://journals.sagepub.com/doi/10.1177/2311502420952752>.

In addition to being highly vulnerable to COVID-19 due to increase exposure from their labor, immigrant and refugee essential workers are less likely to have personal resources to ensure medical care and thus far have been completely left out of any federal relief or assistance. The majority of farmworkers lack health insurance and access to regular medical care. According to data from the Health Resources and Services Administration, only about 25% of farmworkers and their families seek care at a migrant or community health center.²¹ Due to their geographic isolation and lack of public transportation, many farmworkers and meat and poultry packers face difficulties seeking medical appointments. Generally, farmworkers and meat and poultry packers do not have access to paid sick leave and can find it very difficult to take time off work to seek medical care. Due to their immigration status, most immigrants and refugees who are not naturalized citizens have been unable to attain any sort of financial support despite providing critical and essential work to maintain the country. It is estimated that a total of 6.2 million essential workers are not eligible for relief payments under the CARES Act, as well as large numbers of their 3.8 million U.S. citizen children (younger than age 17), including 1.2 million U.S. citizen children living in households below the poverty level.²² We urge that immigrant and refugee families be included in any COVID-19 relief as well as made eligible for the past relief efforts. Additionally, we continue to advocate Congress for a path to citizenship for undocumented workers who have been living, working and contributing to our country.

The Catholic Church is serving and seeing immigrant and refugee families who are truly suffering in this moment due to COVID-19 and elements of inequality and exclusion. The recent experience of Anabella²³, an immigrant parishioner, worker, wife and mother from the Archdiocese of San Francisco who participates in the Catholic Accompaniment Reflection Experience (CARE) program illustrates the struggle many families are experiencing:

“With the school year about to start, Anabella, a mother of 3 school age children, a college age son and aunt of an 18-year-old nephew, found herself in desperate need of assistance and support. The two oldest children in her household arrived to the United States as unaccompanied minors. Like so many of the families the Church serves, they have been severely impacted by the pandemic. Both her and her husband are barely working and trying to figure out how to make ends meet. Anabella is a housecleaner who works very few hours a week and her husband is a handy man/ gardener who relies heavily on his boss to call on him whenever and wherever there is work. Sometimes driving all the way out to as far as the Central Valley to work. Increasingly Annabella’s husband has been looking for work, including in the agricultural sector. Unfortunately, the family either has not qualified or been able to receive any economic aid from government or social services agencies. They have been struggling to pay their rent and rely heavily on food banks and social service agencies for weekly food to feed their family. With this backdrop, another school year arrives as Annabella tries to figure out what each child will need to be able to navigate the new distance learning and how to manage the digital divide. She struggles to come up with the funding for the materials her children, ranging from 7th grade to the adult education system, will need. Borrowed computers she used for some of them when school first closed last semester must be returned. In the midst of this she is juggling her need for employment and her family’s desperate search for dignified work to sustain their children.”

²¹ Health Resources and Services Administration, U.S. Department of Health and Human Services, 2019 Uniform Data System National Health Center Data, <https://data.hrsa.gov/tools/data-reporting/program-data/national>.

²² Donald Kerwin and Robert Warren, *US Foreign-Born Workers in the Global Pandemic: Essential and Marginalized*, JOURNAL ON MIGRATION AND HUMAN SECURITY, September 2020, <https://journals.sagepub.com/doi/10.1177/2311502420952752>.

²³ Name changed for protection of identity.

Anabella's story unfortunately is not isolated. We have seen families like Annabella's who are working diligently to support their families across the country. We must do more to help recognize Anabella's and so many others' mothers' and fathers' contributions and ensure that they are not left behind.

IV. Recommendations

The Catholic Church continues to offer support and solidarity to all essential workers²⁴ in this moment as well as specifically to immigrant and refugee essential workers. On April 28, 2020 several U.S. bishops, myself included, issued a statement of support of migrant farmworkers as well as some timely recommendations.²⁵ I include the recommendations below and add a few additional ones based on what we have learned, observed and heard from immigrant and refugee essential workers since that time:

- (1) Recognize the human dignity of all immigrant and refugee workers.
- (2) Recognize that all essential workers need access to free testing and care related COVID-19 , regardless of their immigration status;
- (3) Ensure that all housing and transportation for farmworkers and other essential workers complies with current Centers for Disease Control guidelines;
- (4) Require employers provide information on proper health and hygiene for all workers that is easily accessible in multiple languages and infographics for illiterate workers;
- (5) Ensure access to proper hygiene and safety protections at work sites, including hand washing facilities/stations, and masks and/or other personal protective equipment (PPE);
- (6) Require employers to have an emergency health plan in place to ensure care and protocols when a worker contacts COVID-19;
- (7) Honor the dignity of the work of essential workers and make sure that they are paid a livable wage as well as be eligible for other benefits to help protect their health and the health and safety of their families at this time;
- (8) Increase the minimum wage nationally, to ensure all workers are more justly compensated;

²⁴ <https://www.americamagazine.org/faith/2020/06/09/pope-francis-new-fund-workers-coronavirus>

²⁵ Bishops Tasked with the Pastoral Care of Migrants Issue Statement in Support of Migrant Farmworkers During the Coronavirus Pandemic, USCCB, April 28, 2020 available at <https://www.usccb.org/news/2020/bishops-tasked-pastoral-care-migrants-issue-statement-support-migrant-farmworkers-during>

- (9) Ensure that Congress passes efforts to ensure that all who are eligible for stimulus payments under the CARES Act and possible future COVID-19 relief are able to receive any CARES or future stimulus payments, regardless of immigration status;²⁶
- (10) Cease all immigration enforcement efforts centered around essential work industries;
- (11) Provide sick pay for 10 days of sick leave for essential workers so that they may seek medical assistance when ill and may not attend work if they are sick;
- (12) Provide an increased wage reflective of the dangerous and essential nature of work being performed for all essential workers;
- (13) Ensure heat safety for outdoor workers and improving current Occupational Safety and Health Administration (OSHA) oversight;
- (14) Work to more robustly address access to rent and housing assistance and include all workers in those assistance efforts, regardless of immigration status; and
- (15) Congress must pass legislation providing a path to citizenship for the undocumented workers who have been working and contributing in the United States.

V. Conclusion

Because of these many, grave concerns for all of our essential workers right now, I ask our political leaders and policymakers to work together to find common solutions to recognize the dignity of work of all workers. With respect to immigrants and refugees working on the front lines responding to COVID-19, I strongly urge leaders to consider the realities and emerging, pressing needs of these vulnerable communities across the country during this time of the global pandemic. To defeat this global health crisis, no one must be left out. In an interview in March, Pope Francis noted that the COVID-19

²⁶ We note with appreciation the language that includes more immigrant and refugee workers (all individuals who have an Individual Tax Identification Number (ITIN)) allowed to be eligible for stimulus payments in the House-passed Health and Economic Recovery Omnibus Emergency Solutions Act or the “HEROES” Act which passed May 12th, <https://www.congress.gov/bill/116th-congress/house-bill/6800>. We also note with appreciation the efforts of some in the Senate to ensure that some mixed-status families would be eligible for future relief through the Coronavirus Assistance for American Families Act <https://justiceforimmigrants.org/letters-of-support-and-administrative-requests/letter-of-support-for-coronavirus-assistance-for-american-families-caaf-act/> and for CARES stimulus payments through the American Citizen Coronavirus Relief Act https://justiceforimmigrants.org/wp-content/uploads/2020/07/American_Citizen_Coronavirus_Relief_Act7.1.20-FINAL.pdf. While appreciative for the efforts in the Senate, we note that broader language ensuring more essential workers and their families are included is desperately needed.

pandemic teaches us we are one human family: “We can only get out of this situation together, as a whole humanity,” he said, and to look at each other with a sense of solidarity and act accordingly.²⁷

We welcome your engagement on this important issue to our Church and stand ready to work with you to ensure that no one is left behind and all who labor are recognized and treated with human decency.

²⁷ Domenico Agasso Jr., “Pope Francis: “Don't be afraid”,” *La Stampa*, March 20, 2020, <https://www.lastampa.it/esteri/la-stampa-in-english/2020/03/20/news/pope-francis-don-t-be-afraid-1.38613776>