

Fr. Perozich comments —

In my October 30, 2016 bulletin page 4 <http://richardperozich.com/wp-content/uploads/2016/10/346150BUL161030.pdf> I advised Catholics to form their consciences regarding immigration noting that a country cannot have unbridled immigration. Bishop McElroy told me my teaching was not Catholic.

The bishops' document of "Faithful Citizenship" speaks of immigration among many other issues.

One blogger called the document, "Fateful Censorship" for those who hold more discerning views.

The church has received large sums of government monies to help those who have entered the country illegally.

Certainly some charity for a stranger who has no food, no shelter, nowhere to bathe reflects love for neighbor. Good Samaritans from border parishes tended to basic needs for those crossing illegally during winter cold to assist with basic survival.

But a wholesale program of assisting non citizens to enter any country en masse might be called Bad Samaritan.

The text of "Bad Samaritan" part 3 is in the email below. Links to parts one and two are included. Part 4 should come August 29, so the curious can go to the links for 1 and 2 in order to find it.

Since Cardinal McElroy asked us priests not to form your consciences for you, rather to help you form your consciences, I offer you a reflection beyond "Faithful Citizenship" to show the consequences of unbridled immigration, and to offer deeper Catholic teaching on the subject.

*"A policy of putting foreigners before citizens is bound to weaken a country internally on virtually every level – which will eventually render that nation ineffective in helping either its own people or others. This is a stark illustration of how we must **put first things first**, or risk losing both the primary and the secondary things. "*

<https://catholicvote.org/report/bad-samaritans-part-1/>

<https://catholicvote.org/report/bad-samaritans-part-2/>

Bad Samaritans

| Part 3

Bad Samaritans Ep. 3: A Crisis of Citizenship and the Rule of Law

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CatholicVote

Episode 3: A Crisis of Citizenship and the Rule of Law

The Biden-Harris administration is turning federal immigration law into a dead letter, while putting the interests of illegal immigrants ahead of the country and its citizens. In our next episode, we will first address their betrayal of the rule of law and also how they have failed to put America first.

Bad Samaritans is brought to you by the Catholic Accountability Project from CatholicVote. All footnotes, sources, and graphics cited in this episode can be found on our website at <https://catholicvote.org/cap/>.

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Part 3. A CRISIS OF CITIZENSHIP AND THE RULE OF LAW

At the beginning of the last section, we noted that the Church's [Compendium of Social Doctrine](#) teaches a principle that is also implied in the [Compendium of the Catechism](#): while nations certainly cannot neglect the good of humanity at large, they must give priority to the protection and well-being of their own citizens.

“As an instrument of the State, public administration at any level ... is oriented towards the service of citizens,” the [Compendium of Social Doctrine](#) teaches in paragraph 412. This is followed by a quotation from St. John Paul II:

“Being at the service of its citizens, the State is the steward of the people’s resources, which it must administer with a view to the common good.”

The paragraph concludes: “The role of those working in public administration is not to be conceived as impersonal or bureaucratic, but rather as an act of generous assistance for citizens, undertaken with a spirit of service” (emphases added).

Practically speaking, one of the most important means for keeping the state oriented to

the good of citizens is the principle of the rule of law. Paragraph 408 in the Compendium of Social Doctrine cites the teaching of St. John Paul II in the landmark document [Centesimus Annus](#).

As the pope explained, the rule of law means that “the law is sovereign, and not the arbitrary will of individuals.” St. John Paul II also taught that this should be achieved by a separation of powers within the state. In his words, it is “preferable that each power be balanced by other powers and by other spheres of responsibility which keep it within proper bounds” – that is, the bounds of the law and the pursuit of the common good.

The Biden-Harris administration, however, is turning federal immigration law into a dead letter, while putting the interests of illegal immigrants ahead of the country and its citizens.

In this section, we will first address their betrayal of the rule of law, followed by the broader problem of failing to prioritize citizens.

Some aspects of the border crisis are extremely complex, but most of the problems can be traced back to two factors: unworkable “catch and release” policies on the one hand, and administration guidelines that mandate lenient law enforcement on the other.

The combination is a recipe for disaster.

“Catch and release” policies existed under prior presidents, but never on such a scale or with such grave consequences for the rule of law.

The term “catch and release” refers to the practice of initially apprehending immigrants who enter the US illegally, then releasing them from custody on certain conditions as their cases proceed through the immigration court system.

As a condition of release, they may receive a “[Notice to Appear](#)” before an immigration judge at some future date. Alternatively, under a policy begun by the Biden-Harris administration, their release may involve merely a “[Notice to Report](#)” to an Immigration and Customs Enforcement (ICE) office. Likewise, many have been released through an “[Alternatives to Detention](#)” program employing electronic monitoring, though this practice began before Biden.

Both the terminology and the basic practice of “catch and release” are [said to have originated in the George W. Bush administration](#), although that administration also [claimed to end the practice](#) after many immigrants did not show up for their court dates. The Trump administration, for its part, was [directly opposed](#) to any “catch and release” policy.

As we will discuss further in the next section, “catch and release” [received a major boost](#) from a 2010 Obama-Biden administration decision to release illegal immigrants who passed an [initial screening](#) to be considered “asylum seekers.” (The issue of many asylum seekers’ credibility will also be discussed later on.)

Practically speaking, the basic problem of “catch and release” is getting immigrants to comply with the terms of their release.

If those released had consistently strong motives to comply, or consistent reason to fear the consequences of not doing so, one could hypothetically imagine such a system working – though its legality would still be questionable under current federal law.

But the Biden-Harris administration has made its lenient approach to law enforcement very clear, and many of the immigrants it has caught and released have no compelling reason to comply with the terms of their release once they have made it into the US.

Under these conditions, “catch and release” can only result in the further increase of the country’s already massive population of settled illegal aliens.

In passing, it should be noted that there are serious questions about the legality of any “catch and release” policy under the current [Immigration and Nationality Act \(INA\)](#) – which some [experts](#) interpret as [requiring](#) the detention of all illegal immigrants until they are either deported, or definitively granted some form of legal admission such as asylum.

Yet there is also some reason to question that reading of the INA, especially due to a [past Supreme Court decision](#) authored by the leading originalist Justice Scalia on law enforcement discretion. At this point, the existence of such discretion seems to be far clearer than its limits.

Suffice it to say, this remains a complex issue – one that the Supreme Court heard but [declined to fully resolve](#) in 2023, and which is [still being fought out in lower courts](#). Without taking a position at this time, we note this controversy to show how deep the dispute currently runs, over the basic legality of “catch and release” policies under current federal statutes.

Thankfully, we do not have to resolve that question to understand how the Biden-Harris “catch and release” practices are profoundly in conflict with the rule of law. Again, that principle is not only important in secular terms, but has been affirmed by the teaching authority of the Catholic Church as a means to secure the common good against “the arbitrary will of individuals.”

Nolan Rappaport, who worked in federal immigration law for three decades, has [stated the most fundamental reason why](#) “catch and release” now conflicts with the rule of law: in practice, the federal government cannot even keep track of the immigrant population it is releasing.

In Rappaport’s view, the conditional release of some illegal immigrants “might not be a problem if there were some way to keep track of the aliens after they are released, but there isn’t. They are free to go anywhere they want to go, and there are too many of them [to track].”

Making matters worse, it “takes a long time to schedule hearings for them,” Rappaport noted – an average of more than two years, when he wrote these words in February 2021, but considerably longer after three years of President Biden. By 2023, Rappaport said those seeking asylum [were waiting](#) “an average of four

years for a hearing ... and even longer for a final decision.” In the spring of 2023, some immigrants were receiving court dates in 2033 and 2035.

Not surprisingly, compliance with this dysfunctional process can easily become more a matter of the “honor system” than the rule of law.

A July 2021 Axios report found that, in a large group of immigrants released with a notice to report to ICE, there were “2.4 no-shows for every one that [had] checked in” by the 60-day deadline.

For those given court dates and a notice to appear, there is some dispute over how often they comply with the legal process – but data from 2023 showed a “massive spike in immigration court no-shows” that set an “all time record,” according to an analysis from the Center for Immigration Studies.

Yet those who failed to comply were apparently not facing serious consequences. In an October 2023 report, the House Judiciary Committee found “more than 99 percent of illegal aliens staying inside the United States after being released by the Biden Administration” and “virtually no enforcement of our immigration laws.”

There is also some dispute over how to measure the success or failure rate of “Alternatives to Detention” involving electronic monitoring. Notably, however, a 2020 study by ICE found that among immigrants who remained

enrolled in this monitoring system throughout their immigration cases, 84% of them eventually disappeared. As [Fox News reported](#), this vast majority “includes those who cut off an ankle bracelet, delete their cell phone application, fail to return calls, ignored contact attempts, or who the US government is otherwise unable to locate.” Further compounding this lawlessness, the Biden-Harris administration [rejected all of the suggestions made in a 2023 study](#) on how it could better keep track of illegal immigrants caught and released into the country. The title of the rejected [internal report](#) was: “DHS Does Not Have Assurance That All Migrants Can be Located Once Released into the United States.”

When Homeland Security Secretary Alejandro Mayorkas faced impeachment in April 2024, the articles of impeachment [repeatedly mentioned](#) how “aliens are unlawfully released, even without effective mechanisms to ensure appearances before the immigration courts for removal proceedings or to ensure removal in the case of aliens ordered removed.”

If these immigrants choose to stop cooperating with the courts, abandon their [frequently false](#) asylum claims, and disappear into a “[sanctuary jurisdiction](#)” – perhaps by means of [identity fraud](#) or the [underground economy](#) – they may well manage to outwit the same federal bureaucracy that lost track of them in the first place.

Some illegal immigrants will undoubtedly fail to settle in the US. But with over 99% of those released by Biden now managing to stay, and many “gotaways” never caught in the first place, those removed could ultimately be a

small proportion of the [5 million who made it in](#) from 2021 to 2023.

Their odds of unlawfully remaining are increased by [“guidelines” from the Biden-Harris administration](#) that further erode the rule of law. Under Biden’s and Harris’s leadership, the Executive Branch has decided it is not a “priority” to enforce federal immigration law in most cases, and even its supposed “priority” areas are loaded with broadly written exceptions.

Meanwhile, the administration has tied the hands of frontline agents by imposing unrealistic burdens on enforcement (such as a requirement to [“evaluate the totality of the facts and circumstances”](#) even when this cannot possibly be done), while giving these same agents broad discretion in the direction of lenience.

Perhaps worst of all, this disintegration of the rule of law creates a vicious cycle. The non-enforcement of our laws attracts increasing numbers of illegal immigrants – while their increasing numbers allow the administration to claim that it lacks the resources to enforce the law outside a narrow set of so-called “priorities.”

The predictable nature of this problem has [led some observers](#) to believe, or at least suspect, that the Biden-Harris regime is deliberately destroying our system of immigration laws. That problem of public trust and perceived corruption will be discussed at the end of this report.

For some readers, it may already be clear that the Biden-Harris administration has placed the interests of illegal immigrants above US citizens, radically inverting a

principle of order that can be known by both faith and reason. Nonetheless, it is worth considering some specific ways in which this priority has been turned upside down, as well as the larger reasons why citizens must be prioritized in public policy.

As an authentic element of Catholic social doctrine, the priority of a state's own citizens cannot possibly be a principle of mere selfishness. Rightly understood, it is a principle of prudence and effectiveness, ultimately oriented toward the fulfillment of broader obligations and goals.

Although states and political systems do not exist only for the good of their own people, the Church teaches that this is the primary reason for government. Indeed, this purpose is “fundamental” in the [literal sense](#) of being the necessary foundation for any wider aspirations.

If countries are able to sustain a serious contribution to the larger common good beyond their borders and interests, this will be because they have built on a foundation of well-being and generally good government at home.

Conversely, a policy of putting foreigners before citizens is bound to weaken a country internally on virtually every level – which will eventually render that nation ineffective in helping either its own people or others. This is a stark illustration of how we must [put first](#)

things first, or risk losing both the primary and the secondary things.

An analogy is appropriate here. **Material charity to strangers is an obligation for those who have first met their own families' basic needs – but it is completely out of place coming from those who have failed in that primary duty.** Reason can perceive this, and **faith confirms it in the strongest terms.**

Likewise, this principle – that charity begins at home, though it should not stop there – also applies to **countries and governments, in their duty to prioritize their own citizens and thereby create the conditions of a wider benevolence.**

Since the political priority of citizens is both knowable by human reason, and confirmed in the teaching of the Church, it is all the more disturbing to see President Biden and Vice President Harris taking virtually the opposite course – pursuing policies that greatly benefit many illegal immigrants and foreign nationals, but which are radically unsustainable for the US.

This inversion of priorities was most vividly seen when Biden's fellow Democrat, New York Mayor Eric Adams, said the endless flow of illegal immigrants under Biden would **"destroy New York City."**

To contemplate the destruction of America’s most iconic city – also its largest city, and the country’s financial capital – is, in a way, to imagine the destruction of the US as we know it. Yet Adams was forceful in warning that New York could not handle the migrant crisis.

“Never in my life have I had a problem that I did not see an ending to. I don’t see an ending to this ... The city we knew, we’re about to lose,” Adams [said](#) at a public meeting in September 2023. Of course, New York is far from the only city struggling to cope with the chaos – but the warning of its destruction is emblematic of what the whole country faces, under policies that put illegal immigrants before citizens.

Crime-related statistics also show the Biden-Harris administration **putting the welfare of illegal immigrants before the safety of American citizens, contrary to the state’s duty as known by reason and faith.**

There are no comprehensive annual records of illegal immigrant crime in the US, making it difficult to analyze and track [how American citizens are impacted](#) when those who are unlawfully present go on to commit further offenses. In 2024, however, the Center for Immigration Studies (CIS) published an analysis of ICE records, showing how [“Three Years of Biden Immigration Policies Have Benefitted Criminal Aliens.”](#)

The CIS analysis uncovered outrageous trends in law enforcement under the Biden-Harris administration, through a statistical comparison with President Trump’s first three years in office.

In one section of the report, CIS examined the total number of charges or convictions found in the criminal records of individual aliens arrested by ICE.

These figures, covering the first three years of each presidency, were then broken down by various categories of crime. This gives a picture of how often ICE arrested aliens previously charged or convicted of a certain crime during both presidencies.

These are some of the more disturbing statistics:

Under President Biden, ICE arrested 71% fewer aliens with a DUI conviction or charge on their record;

48% fewer aliens convicted or charged with assault;

60% fewer of those convicted or charged with fraud;

55% fewer of those convicted or charged with burglary;

44% fewer with a conviction or charge for weapons offenses;

25% fewer convicted or alleged sex offenders;

34% fewer illegal aliens convicted or charged with kidnapping; and

17% fewer aliens accused or convicted of homicide.

In light of such figures, it is hard to dispute the allegation made [by the House Judiciary Committee](#):

“Beginning on January 20, 2021, the Biden Administration has prioritized the welfare of illegal aliens over the security of

the southwest border and the safety of American citizens.”

Part 4: Coming August 29, 2024

About the Author: Benjamin Mann is a Byzantine Catholic and has written for several publications including Catholic News Agency, Catholic Exchange, and Real Clear Religion.