

To: Dana Zacharia

From: Victor C. Romero

Re: Proposal for “Love and Law” Conference, Feb. 7-8, 2014

Date: September 13, 2013

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(1) Working Title: “The Prodigal Illegal: Christian Love and the Legal Status of Unauthorized Migrants”

Abstract: In Professor Murphy’s view, agapic love values concern for others above self-interest, especially with a view to promoting the spiritual growth of one’s neighbor. In the Parable of the Good Samaritan, Jesus challenges us to define “neighbor” broadly by extending hospitality to all, including those who we might consider our enemies.<sup>1</sup> This parable has particular resonance and relevance to today’s debate around the immigration status of the eleven million undocumented migrants living in the U.S. Some have argued that these migrants should never be granted citizenship because of their unauthorized presence, although they should be permitted to adjust to legal status.<sup>2</sup> Is it possible to hold such a position and claim to be acting consistently with agapic love? How does the creation of a permanent caste of second-class noncitizens – these new residents who can never naturalize – promote their (or our) full spiritual growth? Just as Paul recognized neither Jew nor Greek, slave nor free in Christ,<sup>3</sup> agapic love in immigration law cannot tolerate the legal creation of a permanent set of residents who do not have the choice to become full members of the American polity, for in settling for that solution, we would be acting to permanently hold their “original sin” of surreptitious entry against them, not to discipline or to instruct, not to seek their good, but to limit their integration into our society because we, as citizens, have the power to treat them thusly (and should they stray, we may choose deport them<sup>4</sup>). Like the father welcoming the prodigal son home without condition,<sup>5</sup> providing the option of full citizenship to qualified migrants seems the only true way to practice agapic love.

(2) Bio: Victor Romero is the Maureen B. Cavanaugh Distinguished Faculty Scholar & Professor of Law at Penn State. Romero’s scholarship emphasizes the law’s impact on marginalized groups, focusing on the intersection of immigration policy and individual rights. An elected member of the American Law Institute (ALI), Professor Romero previously served as president of both the South Central Pennsylvania Chapter of the ACLU and the NAACP of the Greater Carlisle Area. He has also served as an academic dean at Penn State Law and as a visiting professor of law at Howard and at Rutgers-Camden. More recently, Professor Romero delivered the 2011 Barbara Jordan Memorial Lecture at Penn State and was a featured guest on the public television series, *Conversations from Penn State*, where he talked about racial politics and immigration law.

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<sup>1</sup> Luke 10:25-28.

<sup>2</sup> Ashley Parker, “House G.O.P. Open to Residency, Not Citizenship for Illegal Immigrants,” *The New York Times*, February 5, 2013, sec. U.S. / Politics, <http://www.nytimes.com/2013/02/06/us/politics/house-gop-explores-immigration-changes-short-of-citizenship.html>. See also Jay Root and Julián Aguilar, “Cruz Tries to Claim the Middle Ground on Immigration,” *The New York Times*, September 12, 2013, sec. U.S., <http://www.nytimes.com/2013/09/13/us/cruz-tries-to-claim-the-middle-ground-on-immigration.html>.

<sup>3</sup> Galatians 3:28 (NIV) (“There is neither Jew nor Gentile, neither slave nor free, nor is there male and female, for you are all one in Christ Jesus.”).

<sup>4</sup> For instance, a noncitizen convicted of an “aggravated felony” may be deported for having committed even a minor crime (see Immigration Policy Center, *Aggravated Felonies: An Overview*, <http://www.immigrationpolicy.org/just-facts/aggravated-felonies-overview>).

<sup>5</sup> *The Parable of the Prodigal Son*, Luke 15:11-32. See also Tim Keller, *The Prodigal God* (2008) (emphasizing that, from the perspective of the older brother, the father’s outpouring of grace seems most unfair).