

Justice and Mercy: The Case of Maribel Trujillo and the Catholic Church's Involvement

Maribel Trujillo Diaz galvanized the attention of the nation this Easter season when immigration officials deported her. Thousands of people, including religious and political leaders, urged the Administration to allow her to stay. The Archdiocese of Cincinnati received an outpouring of support from parishioners for Maribel and her family, and many people have asked important questions as to the nature of the situation, the state of our immigration system, the reason for the Archdiocese's intense involvement, and the dynamic between legal justice and mercy. This is a teachable moment which we hope can help us understand more, not just about this specific case, but about the broken immigration system underlying it and how our faith guides us through such complex questions in society.

What are the basics of Maribel's situation?

Maribel was an active member of St. Julie Billiart Parish in Hamilton, Ohio, a wife, and the mother of four U.S. citizen children. The youngest of her children is 3 years old, and she suffers from seizures to which her mother is trained to respond. Maribel has no criminal record. She was the main breadwinner for the family.

Maribel entered the U.S. without documentation in 2002. She became known to Immigration and Customs Enforcement (ICE) when a raid took place at her employer, Koch Foods, in 2007. She had applied for asylum in the United States, but her plea was eventually denied in 2014 by the Board of Immigration Appeals (BIA), an agency of the Justice Department. Notably, according to *The Cincinnati Enquirer* (5/1/7), the immigration judge who heard the case had turned down 90 percent of all asylum appeals at that time, as opposed to lower denial rates by other judges. Maribel reapplied for asylum on the grounds that her father had also been kidnapped and ransomed by the Mexican cartels. That case is still pending.

Having received a final order of removal following the BIA's denial of her first asylum plea, Maribel was very close to being deported in 2015. At that time, though, thousands of Catholic parishioners and other supporters wrote letters, urging ICE to grant her prosecutorial discretion -- that is, consider her such a low priority for enforcement that it wouldn't be worth the time and resources to deport her. The Obama Administration had recently enacted a prioritization system for ICE that directed the agency to focus primarily on actual criminals and threats to public safety. In response, ICE did grant her this discretion in 2016. They gave her a work permit and required her to check in to ICE periodically.

At her March 2017 check-in, everything changed. The Trump Administration had rescinded the prioritization system, and ICE ordered Maribel to prepare for self-deportation at her next check-in the following month. Fr. Mike Pucke of St. Julie Parish accompanied Maribel to that April check-in, prepared with plane tickets, but ICE never asked for them. Instead, they instructed her to return again in May. Then ICE showed up two days later, the Wednesday of Holy Week, to her brother's house by surprise while she was getting ready for work. They detained her in the Butler County jail. Maribel did not even have an opportunity to say goodbye to all her children.

During this time, Maribel's lawyers requested a stay of removal, first from the BIA and then from the U.S. Sixth Circuit Court of Appeals, until her second plea for asylum could be decided. Those requests were turned down. ICE deported Maribel the Wednesday after Easter.

How did the Archdiocese of Cincinnati get involved?

The Archdiocese, upon request, supported Maribel's plea for asylum. We worked very closely with her lawyers at Advocates for Basic Legal Equality (ABLE). We also received a great amount of support from the Catholic Legal Immigration Network (CLINIC), based in Washington, DC. Soon, other faith groups joined the effort to plea for mercy for Maribel, including the AMOS Project and Protestant, Jewish and Muslim leaders. As Maribel was moved from various detention facilities, the Catholic Diocese of Columbus and Archdiocese of New Orleans also joined the effort. Archbishop Dennis Schnurr, as well as U.S. Senators Sherrod Brown and Rob Portman, contacted ICE to request that Maribel not be removed, and Governor John Kasich publicly opposed this break-up of an Ohio family. National advocacy groups joined the campaign, and Maribel's case jumped into international headlines. Thousands prayed and called on our elected officials, ICE and Department of Homeland Security leaders not to separate this family. Several public prayer vigils were organized, including a rosary walk to the Butler County jail.

Why didn't Maribel come here legally to begin with or try to become a citizen?

Like many undocumented immigrants in our country, Maribel never had a viable path to come to the United States legally. To settle here, one must have a visa for legal permanent residency ("green card"), usually sponsored by a family member or an employer already in the U.S. For someone of her economic status and situation, it would have taken an extraordinary amount of time to receive one, if at all. Especially for someone fleeing a dangerous situation, this was unrealistic. Her only workable pathway to legal residency was a plea for asylum, a demanding process that requires the asylum-seeker to prove multiple legal elements which ultimately demonstrate that one's life is in immediate danger. Asylum determinations are unpredictable and known to vary from one jurisdiction to the next. Her first plea was turned down. But the later kidnapping of her father by the drug cartels substantiated her reapplication for asylum. Even though Maribel has been deported, that second asylum case is still pending. Generally, one can only begin the process of naturalization for citizenship once having obtained legal permanent residency through a visa program, asylum ruling or refugee resettlement.

This is why the U.S. Catholic bishops have for many years advocated fixing our broken immigration system. There are too few legal paths to entry for the "Maribels," those who flee their homelands for protection or a better life and who clearly contribute to the fabric of our American society. Also, when so many immigrants have no choice to protect their own lives and families other than coming here illegally, enforcement officials are distracted from focusing on actual criminals and real threats to safety.

So, while the law might be dysfunctional, it's still the law. Doesn't the Church believe in the rule of law?

Our Catholic faith teaches that all societies must be founded upon a respect and execution of our laws. Legal justice in the United States can serve as an imperfect reflection of God's divine justice when its intention is to protect human life and dignity and advance the common good. When we believe that certain laws fail to uphold people's lives and dignity (such as the legality of abortion, use of the death penalty, or current immigration laws) our first task is to change the laws. And when the enforcement of a law attacks human life and dignity, the integrity of a family, and the vitality of the community to be served by that law, then we should consider whether mercy from the prescribed enforcement is truly the more just course of action.

We can't just turn a blind eye whenever we want to. On what basis does the Church plea for mercy?

Pope Saint John Paul II helped shape the Church's understanding of the dynamic between justice and mercy in his encyclical, *Dives in Misericordia (God of Mercy)*. While speaking beautifully of the mercy

that God grants to every one of us sinners, the Holy Father taught that the practice of mercy must also temper the hand of legal justice if a society is to reflect God's plan. He states:

[G]ood will never be reached if in our thinking and acting concerning the vast and complex spheres of human society we stop at the criterion of "an eye for an eye, a tooth for a tooth" and do not try to transform it in its essence, by complementing it with another spirit... Society can become ever more human only if we introduce into the many-sided setting of interpersonal and social relationships, not merely justice, but also that "merciful love" which constitutes the messianic message of the Gospel... A world from which forgiveness was eliminated would be nothing but a world of cold and unfeeling justice... For this reason, the Church must consider it one of her principal duties-at every stage of history and especially in our modern age-to proclaim and to introduce into life the mystery of mercy, supremely revealed in Jesus Christ. (no.14)

Pope Francis just recently affirmed this relationship between justice and mercy in his celebration of an Extraordinary Jubilee Year of Mercy. In his bull of indiction for the year, he recognized that justice is "a fundamental concept for civil society, which is meant to be governed by the rule of law." He also noted that "anyone who makes a mistake must pay the price." Yet, he explains, "The appeal to a faithful observance of the law must not prevent attention from being given to matters that touch upon the dignity of the person." When circumstances warrant it, "the price" one pays is subject to merciful love (*Misericordiae Vultus*, nos.20-21).

Hence, among the reasons the Archdiocese pled for mercy for Maribel:

1. We recognized her pending claim to asylum as a legitimate reason for her to be allowed to stay in the country and be safe from the drug cartels. The immigration system offered Maribel no other viable legal avenue to pursue safety and a better future.
2. Maribel is the mother of four children, including a 3-year-old who has medical needs. They are all U.S. citizens not from Mexico. Even if justice were served for her illegal entry into the United States years ago, tearing this family apart now for no public safety interest goes beyond a standard of justice that enforces a consequence commensurate to the offense (i.e. "an eye for an eye.") The family unit is the most sacred and important building block of all human society, and it should be protected. Justice could be sought in other ways than deportation.
3. Maribel has no criminal record, and she is embraced by a large community who wants her to remain. Limited enforcement resources should prioritize true threats to society, not a breadwinning wife and mother. President Trump had conveyed such sentiments during his campaign, and so we urged the Administration to honor this sense of prioritization.
4. The way ICE handled her deportation, telling her she was temporarily in the clear then arresting her by surprise two days later, was cruel and unacceptable.

But why was so much attention given to this one immigrant? Is she the only one deserving of mercy?

Absolutely not. Our parishes, schools and social services have seen too many respectable, easily targeted immigrants deported over the years. Each case is unique and may be deserving of mercy for different reasons. However, the Archdiocese was requested to come to Maribel's assistance, and so we did. None of us anticipated the amount of attention her situation would generate. We had hoped ICE would have worked with the public and elected leaders to resolve this case some other way. We are deeply concerned that Maribel's case could be a preview for other enforcement practices to come. It was important for us to illustrate to Congress and the Administration the community's will not to tolerate this dysfunctional immigration system's impact on Maribel or many other deserving immigrants.

So what can I do?

You and your community can do the following:

1. Support Maribel's family through prayer and, if financially, by going to www.gofundme.com.
2. Demand Congress finally fix our broken immigration system, so that more immigrants like Maribel can have a truly viable path to come here and raise their families in peace. Contact U.S. Senator Sherrod Brown at (202) 224-2315 and Senator Rob Portman at (202) 224-3353. Find the contact to your House member at www.house.gov.
3. Urge the Administration to prioritize enforcement to criminals and threats to public safety. Contact the White House at <https://www.whitehouse.gov/contact>.
4. Consider having your parish or group sponsor the Archdiocese's "Restoring Order and Human Dignity" presentation on migration by contacting the Catholic Social Action Office at (513) 421-3131, ext. 2660, or csa@catholiccincinnati.org.
5. Consider volunteering to help more local immigrants and refugees at Catholic Charities Southwestern Ohio (www.ccswoh.org) , Catholic Social Services of the Miami Valley (www.cssmv.org) , or many other agencies that serve this population.