

Loyola University Chicago School of Law Conference on Global  
Migration and the Rule of Law Rome, Pontifical Gregorian  
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**Migration and the Rule of Law<sup>1</sup>**

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Buon giorno and welcome to Rome! I am delighted to join you this morning, and I thank you for the opportunity to address you at the outset of this conference on the important themes of migration and rule of law.

In 1974, Pope Paul VI addressed the Jesuits attending the 32nd General Congregation with the following words, “Wherever in the Church, even in the most difficult and extreme fields, in the crossroads of ideologies, in the front line of social conflict, there has been and there is confrontation between the deepest desires of man and the perennial message of the Gospel, there also there have been, and there are, Jesuits” (3 December 1974). I believe those words still apply to the Society of Jesus today. In particular, we, Jesuits and lay companions, are on the front lines of social conflict in our care for migrants and displaced peoples. The Jesuit Refugee Service is present in over forty countries including Ukraine, Lebanon, Syria, Afghanistan, Chad, South Sudan... accompanying, educating and advocating for the displaced people. We maintain ministries on many international borders in countries such as the U.S. and Mexico, Haiti and the Dominican Republic, Thailand and Myanmar, Venezuela and Colombia, and many others. Our Jesuit universities are also on the front lines of social conflict, engaging in research, debate, analysis regarding the root causes of migration, the social conditions and destructive ideologies that force people to move. Therefore, I am grateful that this conference continues the tradition of keeping the Society of Jesus on the front lines of social conflict, seeking solutions and providing hope to the brokenhearted.

I wish to thank Loyola University of Chicago for hosting this conference and bringing together a distinguished and committed group of scholars. I was impressed to read about your Immigrant Justice Clinic at the law school and the initiative to found a Holistic Immigration Hub is surely a model for other universities to follow. A Hub that takes into account the complexity of the challenges faced by immigrants by bringing together stakeholders and experts across disciplines is surely the best approach to create, as you say, “meaningful, systemic change that upholds the dignity of all migrants.” And, of course, your Rule of Law for Development program here in Rome is an invaluable aid for young attorneys seeking to

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strengthen the rule of law in their home countries. There is much to be proud of, and I thank you for these important initiatives.

The Society of Jesus and its apostolic works are at our best when we connect field work with intellectual work, when we communicate the experiences of those in direct service and accompaniment and the voices of the migrants themselves with those who research, advocate and search for solutions to their plight. And so, I encourage you to continue to forge connections with the network of Jesuit ministries around the world so that your research can be informed by the lived experiences of the direct service providers and the migrants themselves.

The Spiritual Exercises of St. Ignatius begin with the First Principle and Foundation, which exhorts us to praise, reverence and serve God. It is the basis for everything we do individually and corporately, and it is what every Jesuit returns to each year when he makes his annual retreat. The Society's vitality depends on its fidelity to the First Principle and Foundation. Similarly, the first principle of the Catholic faith and of the Universal Declaration of Human Rights is human dignity, the belief that all human beings are born free and equal in dignity and rights, something we must return to again and again to remind ourselves that our dignity and rights derive from being human and are not dependent upon our nationality or place of birth. It is difficult to hear a report from a Jesuit attorney working in detention centers of detained immigrants saying, "no somos animales, Padre" (We are not animals, Father). The immediate response to such a statement is "of course not" and yet the evidence of how our world treats migrants indicates that we don't think of them as fully human or possessing equal rights and dignity. On their journey to a safer or better life, they are preyed upon, bought and sold, trafficked, sexually violated and discarded. If they reach their destination, they are treated with contempt and as criminals. Far too often migrants are separated from their loved ones and sent to remote detention centers with no access to legal representation or ability to communicate with family. Immigrant children wait at school for their parents who have been arrested in a workplace raid and given no opportunity to make arrangements for their child. At the end of the day, no one has come for them. I hear stories of immigrants arrested on the street and unable to go home to retrieve their medicine for seizures or other serious illnesses, only to be denied medicine or a visit with a physician while detained. When I hear these stories, I understand why immigrants feel that they must remind us "no somos animales, Padre."

Two years ago, Pope Francis issued *Fratelli Tutti*, an encyclical that seeks the rebirth of fraternal love and social friendship, acknowledging that this rebirth can only occur through an authentic and sincere recognition of human dignity. It is a reminder to all of us that "somos hermanos y hermanas" and "no somos animales." Therefore, we must ask what a sincere and authentic recognition of human dignity looks like as it relates to migration and the rule of law.

There are many possible responses to this complex question, and you are the experts in this field. However, I will touch on three important principles that I believe are non-negotiable and should be part of any response to the issue of migration.

The first principle is that a person has the right to a dignified life in her or his homeland. This means a person has the right NOT to migrate. Accordingly, an authentic and sincere recognition of human dignity would prioritize integral human development over military aid. We often speak of the right to seek a better life in a new land, but little or nothing is said about the right of a person to remain and to seek a better in her or his country of birth, to raise a family, remain with one's parents, to enjoy one's culture and the rhythms of life of one's homeland.

If someone tells you of the priorities of their institution, it is good to ask for the budget because that is where you will see the priorities. Your priorities are where you put your resources. It is hard to believe that an institution takes educating the socio-economically poor seriously, if little money is designated for scholarships and financial aid. In a similar way, it is hard to believe that integral human development and the right to remain is a priority if the vast majority of foreign aid and private investment from developed countries is apportioned to military aid and mineral extraction. If we truly believed that people have the right to remain, then our budgets would prioritize much more aid for rural development, clean water, access to education, adequate healthcare, etc. A sincere and robust recognition of human dignity would be reflected in international aid and foreign investment that promote the social and economic conditions that allow people to live a dignified life rather than initiatives that finance militaries and law enforcement agencies, many of which violate the human rights of the poor and drive migration flows.

The second principle is that a person has the right to live a dignified life in a foreign land, that a person has the right to migrate to support themselves and their families. As the Holy Father writes: "Every human being has the right to live with dignity and to develop integrally; this fundamental right cannot be denied by any country" (*Fratelli Tutti*, 107). In many cases mothers and fathers leave to support their families, to earn tuition money for their children, to afford medicine for ailing parents, to build an adequate home that will never be attainable by subsistence farming. Therefore, an authentic and sincere recognition of human dignity would support the reunification of families and the creation legal pathways for immigrants to enter a country and to develop integrally. It would recognize and embrace its duty to help others live a dignified life.

Of course, here we are talking mainly about the "push" factors of migration, those aspects of poverty and deprivation that push or compel persons to leave their homeland. But we must

acknowledge the “pull” factors of countries that rely on migrant labor and lure into perilous migration routes and militarized borders. Here I am thinking of the thousands of day laborers, seasonal workers and minimum wage employees that work in agriculture, construction, and domestic homes. In recent years, when wealthy countries have been hit by catastrophes – hurricanes, tornadoes, floods, wildfires – the affected communities have often been rebuilt by migrant labor. Surely, the authentic and sincere response would be to recognize these workers and not to deport such people and label them as criminals and threats to national security.

This does not supersede the right of countries to maintain borders; however, borders should not be used to maintain and protect unjust economic systems that depend on undocumented migrants. Borders also become safer when adequate and proper pathways are created through fair laws and policies. I am confident that solutions can be found, if people of good will are able to be part of the dialogue. Sadly, media portrayals of migrants as drug smugglers and terrorists create a climate of fear that drives policymakers to enact legislation that serves neither the needs of migrants nor the goals of the nation.

The third principle is that a person has the right to a dignified life free from violence and warfare. This requires that refugees and asylum seekers, who flee violence and warfare have a right to shelter and protection. The international community has long recognized the right of asylum for those fleeing war and violence. An authentic and sincere recognition of human dignity would welcome refugees and asylum seekers by respecting and honoring the legal frameworks in place and by providing adequate resources to resettlement agencies and creating the judicial infrastructure necessary to handle the caseload. Protracted refugee situations are inhumane and cry out to the developed nations like Lazarus to the Rich Man, yet wealthy nations continue to reduce resettlement quotas for refugees even as the number of refugees swells to more than 122 million people. A world with an authentic and sincere desire to recognize the human dignity of refugees would not allow this resettlement gap to exist.

The asylum process also appears to be broken. Those who present themselves at the border claiming fear of returning to their homeland are turned away or, if fortunate enough to be admitted, are forced to wait years for a hearing with little opportunity to work or support themselves. All of this despite laws and international agreements designed to protect asylum seekers.

The hope that these three principles will be honored seems to depend on two things – the rule of law and merciful hearts. The values of these principles must be enshrined or codified in laws that are enforced and respected. I am not telling you anything you, as legal scholars, do not already know, but it appears that the rule of law does not hold the prominence it once did. We can no longer take for granted that the sovereignty of law as ensuring justice, fairness and equity is an unquestioned goal for a healthy society. In many places it has been replaced by a

desire for more authoritarian leaders and harsh laws that penalize what is most noble in humanity. The Good Samaritan, the pivotal passage in *Fratelli Tutti*, is a benchmark for Christians that demands that we be neighbors to those in need. Yet, we have legislation that criminalizes aiding migrants, offering shelter, providing food and water. Our border shelters, works of mercy, are condemned by elected officials, some of whom are Catholic, and accused of aiding human trafficking and migrant smuggling.

The contemporary mission of the Society of Jesus articulated in GC 32 as “the service of faith and promotion of justice” is uniquely suited for this task. Our network of nearly 2,500 schools in 80 countries, educating over 2 million students, must be places where the fullness of our faith is taught, where children learn that all people possess human dignity and that showing compassion and mercy are commendable, not criminal. At the same time, our schools must teach our students that faith and justice are intertwined and that justice is constitutive part of the Gospel. We must educate the leaders of tomorrow to be merciful men and women of justice who have a sincere and authentic respect for human dignity.

At the outset of the Spiritual Exercises there is a prayer period, a meditation on the Incarnation, that reminds us, as Christians, that God looked on our world in its suffering and decided to enter it to bring healing and salvation. Our founder, St. Ignatius, wanted Jesuits to look on the world through God’s eyes, -a universal gaze to the humanity in its riches and complexities-; to see the suffering and anguish of people, and then to make a decision “to enter” that world and discern how we can respond to the suffering we see. Your meeting is perhaps the result of a similar process. You have observed a world with millions of people on the move, suffering and persecuted, and you have decided to enter into the suffering of migrants and to try to bring healing through your various disciplines and expertise. I thank you for entering into the world of migrants. May the Lord grant success to the work of your hands, hearts and minds.

Thank you so much.