

The Ger Toshav and Immigration Rights

(1) Exodus (Sh'mot) 12:49

תּוֹרָה אַחַת יִהְיֶה לְאֶזְרָח וְלִגֵּר הַגֵּר בְּתוֹכְכֶם

There shall be one law for the citizen and for the stranger who dwells among you.

(2) Leviticus (Vayikra) 25:6

וְהִיְתָה שֵׁבֶת הָאָרֶץ לָכֶם לְאֶכְלָהּ לָךְ וְלַעֲבָדְךָ וְלַאֲמָתְךָ וְלַשְׂכִּירְךָ וְלַתּוֹשָׁבְךָ הַגֵּרִים עִמָּךְ:

You may eat whatever the land will produce during its sabbath – you, your male and female slaves, the hired worker and **temporary resident** who lives among you.

“Ger Toshav” or “ger tochecha” is translated as “temporary resident” or “resident alien” and is accepted into Israelite society except for a few key privileges.

(3) Leviticus (Vayikra) 25:35-37

וְכִי־יִמּוֹךְ אָחִיךָ וּמָטָה יָדוֹ עִמָּךְ וְהִחֲזַקְתָּ בּוֹ גֵר וְתוֹשֵׁב וְחִי עִמָּךְ: 25:35
אַל־תִּשָּׂא מֵאֲתוֹ נֶשֶׁךְ וְתִרְבִּית וְיָרֵאתָ מֵאֱלֹקֶיךָ וְחִי אִתְּךָ עִמָּךְ:
אֶת־כֶּסֶףךָ לֹא־תִתֶּן לוֹ בְּנֶשֶׁךְ וּבְמִרְבִּית לֹא־תִתֶּן אֶכְלָךְ:

25:35 If one of your kinsmen becomes poor and is unable to support himself among you, **help him as you would an stranger or resident alien**, so he can continue to live among you. Do not exact from him advance or accrued interest, but fear your G-d. Let him live by your side as your kinsman. Do not lend him your money at advanced interest or give him your food at accrued interest.

(4) The Path of the Righteous Gentile, by Chaim Clorfene and Yaakov Rogalsky, p. 16

"During the periods when the Jewish people lived in the Holy Land, their responsibility for teaching the Gentiles the seven commandments were generally fulfilled. During the 410 years that the first Temple stood and the 420 years that the Second Temple stood, Gentiles who wanted to dwell in the land of Israel had to agree to fulfil the Noachide laws and had the right to enter the Holy Temple and offer sacrifices to G-d."

Rambam's Hilchos Issurei Bi'ah 14:7

What is meant by a Ger Toshav (resident alien)? A gentile who makes a commitment not to worship false deities and to observe the other six universal laws commanded to Noah's descendants. He does not circumcise himself nor immerse. We accept this commitment and he is considered one of the pious gentiles. Why is he called a resident? Because we are permitted to allow him to dwell among us in the land of Israel, as explained in Hilchos Avodah Zarah.

Babylonian Talmud, Gittin 61a

ת"ר: מפרנסים עניי נכרים עם עניי ישראל, ומבקרין חולי נכרים עם חולי ישראל, וקוברין מתי נכרים עם מתי ישראל, מפני דרכי שלום.

Our Rabbis taught: We sustain the non-Jewish poor with the Jewish poor, visit the non-Jewish sick with the Jewish sick, and bury the non-Jewish dead with the Jewish dead, for the sake of peace. [AJWS translation]

In There Shall Be No Needy by Rabbi Jill Jacobs, she explores this verse, saying: "Some read this phrase "mipnei darkhei shalom" as a nod to the political reality that a refusal to contribute to the care of the general population may provoke the wrath of non-Jews; others read the term as an appeal to pursue peace among all peoples. This latter interpretation may be what Rambam had in mind when he wrote, in reference to the concept of mipnei darkhei shalom, "For this reason, it is said, 'G-d is good to all and merciful to all of G-d's creations' (Tehillim 145:9)... caring for non-Jews may thus be understood as a means of imitating the diving quality of mercy to all and/or as a fulfillment of the Torah's ideals of pleasantness and peace."

לֹא־תַעֲשֶׂק אֶת־רֵעֶךָ וְלֹא תִגְזֹל לֹא־תִלְוֶיךָ פְּעֻלַּת שֹׁכֵיר אֶתְךָ עַד־בֹּקֶר:

You shall not defraud your fellow. You shall not commit robbery. The wages of a laborer shall not remain with you until morning.

The Torah makes no distinction between a poor and a rich person – the law about timely payment of wages differs from other timely financial commitments that a person makes which he does not fulfill. If a person promised to make a payment for a purchase or a loan, and he delayed the payment, he does not violate a specific Torah prohibition (although he is considered an "unreliable person," which is viewed very negatively (see Bava Metziah 49). The difference between paying wages and paying other financial commitments lies in the nature of a worker and his striving. A person who works is considered as being in a state of motion, moving towards a goal which he longs to attain, when he will ultimately reach a state of rest and completion. Wages and payment is the ultimate conclusion, which the person attains at the completion of the endeavor and struggle. It was for the completion of the task and it's reward that he struggled so hard. One who does not provide this payment deprives the worker of the proper completion of the task and state of rest that he seeks, and for this reason the Torah imposes an explicit prohibition.

(Torah.org, Rabbi Shaya Karlinsky, dean of Darchei Noam Institutions)

Timeline of U.S. Immigration Policy

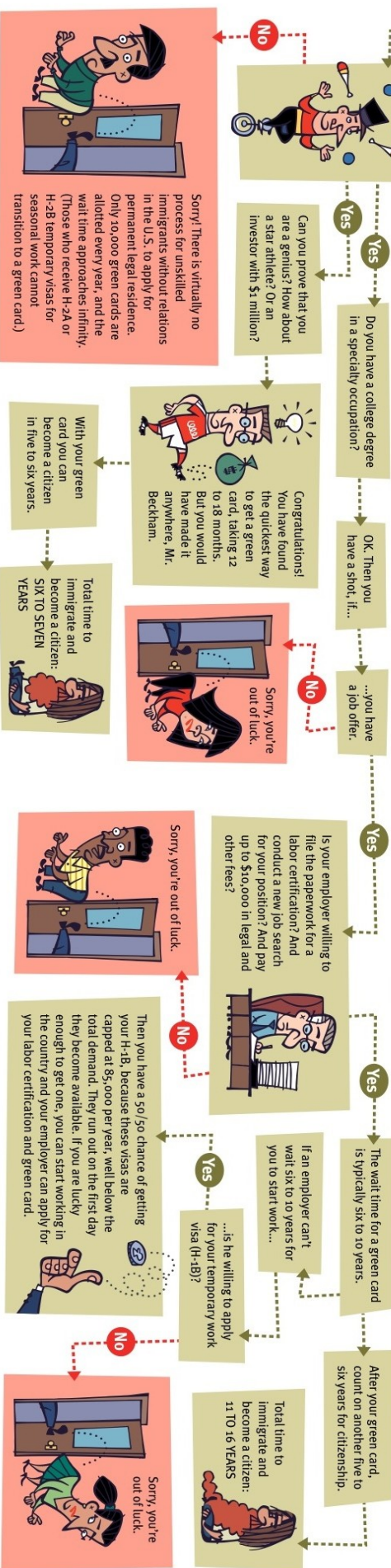
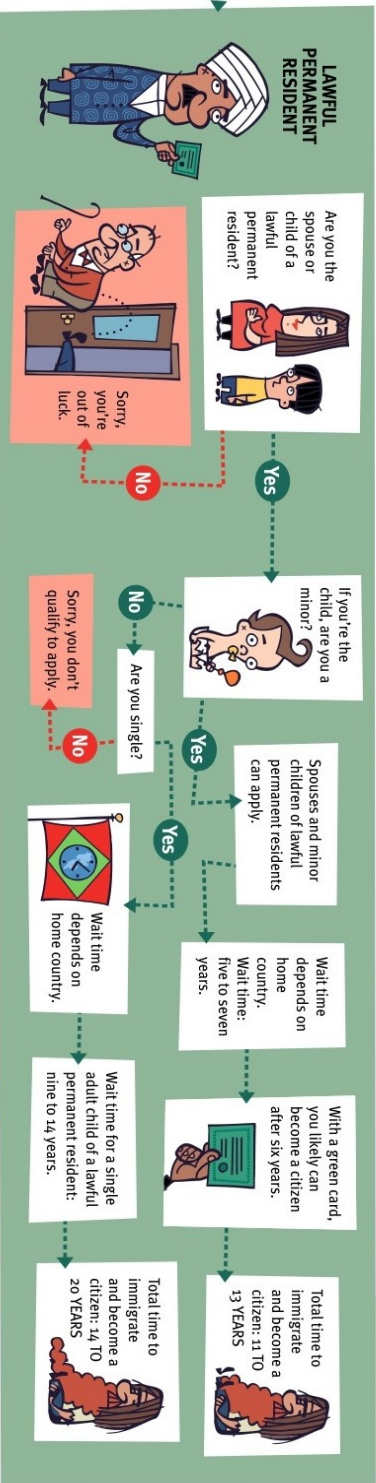
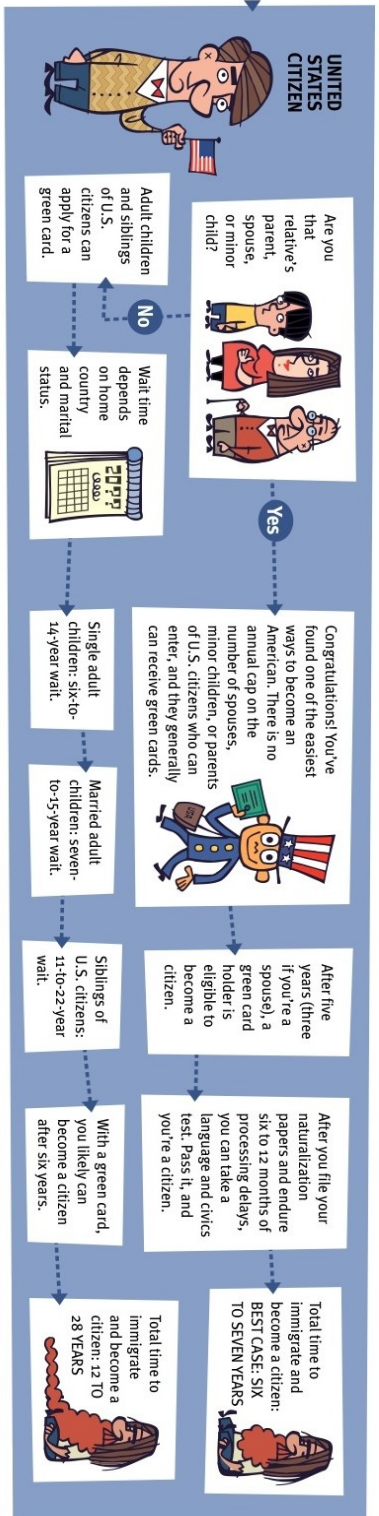
- 1882 Immigration Act passed. The federal government moves to firmly establish its authority over immigration. Chinese immigration is curtailed and a tax is levied on newly arriving immigrants.
- 1917 Literacy test introduced. All immigrants 16 years of age or older must demonstrate the ability to read a forty-word passage in their native language. Also, virtually all Asian immigrants are banned from entry into the United States.
- 1921 Quota Act. An annual immigration ceiling is set at 350,000. Moreover, a new nationality quota is instituted, limiting admissions to 3 percent of each nationality group's representation in the 1910 U.S. Census. The law is designed primarily to restrict the flow of immigrants coming from eastern and southern Europe.
- 1924 National Origins Act. The Act reduces the annual immigration ceiling to 165,000. A revised quota reduces admissions to 2 percent of each nationality group's representation in the 1890 census. The U.S. Border Patrol is created.
- 1927 Immigration Ceiling Further Reduced. The annual immigration ceiling is further reduced to 150,000; the quota is revised to 2 percent of each nationality's representation in the 1920 census. This basic law remains in effect through 1965.
- 1929 National Origins Act. The annual immigration ceiling of 150,000 is made permanent, with 70 percent of admissions slated for those coming from northern and Western Europe, while the other 30 percent are reserved for those coming from Southern and Eastern Europe.
- 1952 McCarran-Walter Act. The Act consolidates earlier immigration laws and removes race as a basis for exclusion. In addition, the Act introduces an ideological criterion for admission: immigrants and visitors to the United States can now be denied entry on the basis of their political ideology (e.g., if they are Communists or former Nazis).
- 1965 Immigration Act is amended. Nationality quotas are abolished. However, the Act establishes an overall ceiling of 170,000 on immigration from the Eastern Hemisphere and another ceiling of 120,000 on immigration from the Western Hemisphere.
- 1978 World-wide immigration ceiling introduced. A new annual immigration ceiling of 290,000 replaces the separate ceilings for the Eastern and Western Hemispheres.
- 1980 Refugee Act. A system is developed to handle refugees as a class separate from other immigrants. Under the new law, refugees are defined as those who flee a country because of persecution "on account of race, religion, nationality, or political opinion." The president, in consultation with Congress, is authorized to establish an annual ceiling on the number of refugees who may enter the United States. The president also is allowed to admit any group of refugees in an emergency. At the same time, the annual ceiling on traditional immigration is lowered to 270,000.
- 1986 Immigration Reform and Control Act. The annual immigration ceiling is raised to 540,000. Amnesty is offered to those illegal aliens able to prove continuous residence in the United States since January 1,
- 1982 Stiff sanctions are introduced for employers of illegal aliens.
- 1990 Immigration Act of 1990. The annual immigration ceiling is further raised to 700,000 for 1992, 1993, and 1994; thereafter, the ceiling will drop to 675,000 a year. Ten thousand permanent resident visas are offered to those immigrants agreeing to invest at least \$1 million in U.S. urban areas or \$500,000 in U.S. rural areas. The McCarran-Walter Act of 1952 is amended so that people can no longer be denied admittance to the United States on the basis of their beliefs, statements, or associations.
- 1996 Immigration Act. In an effort to curb illegal immigration, Congress votes to double the U.S. Border Patrol to 10,000 agents over five years and mandates the construction of fences at the most heavily trafficked areas of the U.S.-Mexico border. Congress also approves a pilot program to check the immigration status of job applicants.
- 1996 Immigrants lose benefits. President Clinton signs welfare reform bill that cuts many social programs for immigrants. Legal immigrants lose their right to food stamps and Supplemental Security Income (a program for older, blind, and disabled people). Illegal immigrants become ineligible for virtually all federal and state benefits except emergency medical care, immunization programs, and disaster relief.

What Part of Legal Immigration Don't You Understand?

Mike Flynn and Shikha Dalmia

Illustrated by Terry Colon

Opponents of illegal immigration are fond of telling foreigners to "get in line" before coming to work in America. But what does that line actually look like, and how many years (or decades) does it take to get through? Try it yourself!



No

Sorry! There is virtually no process for unskilled immigrants without relations in the U.S. to apply for permanent legal residence. Only 20,000 green cards are allotted every year, and the wait time approaches infinity. (Those who receive H-2A or H-2B temporary visas for seasonal work cannot transition to a green card.)

Yes

With your green card you can become a citizen in five to six years.

Total time to immigrate and become a citizen: SIX TO SEVEN YEARS

Yes

Sorry, you're out of luck.

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