

ZOE LOFGREN

16TH DISTRICT, CALIFORNIA

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AND INTELLECTUAL PROPERTY
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RESEARCH & DEVELOPMENT, **RANKING MEMBER**
SUBCOMMITTEE ON RULES

Congress of the United States
House of Representatives
Washington, DC 20515-0516

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April 26, 2006

U.S. CONFERENCE OF CATHOLIC BISHOPS

*Support Comprehensive Immigration Reform
And
Oppose Criminalization of Immigrants & Good Samaritans*

Dear Colleague,

I would like to bring the attached letter from the U.S. Conference of Catholic Bishops (USCCB) to your attention.

In their letter, the USCCB reiterates their strong support for comprehensive immigration reform and their opposition to H.R. 4437.

They also explain that reducing the penalty for unlawful presence from a felony to a misdemeanor, as proposed by the Sensenbrenner amendment and opposed by a solid majority in the House (including most Democrats), would still criminalize millions of undocumented immigrants for the first time in history.

Finally, the USCCB explains that good Samaritans should not be subject to prosecution by prosecutors who could use their power and a provision in H.R. 4437 to make criminals of humanitarian workers.

Sincerely,



Zoe Lofgren



USCCB Committee on Migration

C/O MIGRATION AND REFUGEE SERVICES

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April 25, 2006

Mr. F. James Sensenbrenner, Jr.
Chairman, House Judiciary Committee

Mr. Henry J. Hyde
Chairman, House International Relations Committee

Mr. Peter T. King
Chairman, House Homeland Security Committee

Dear Congressmen:

On behalf of the U.S. Conference of Catholic Bishops, I wish to acknowledge your April 5 "open letter" to the U.S. bishops regarding immigration reform proposals currently under consideration in Congress. This is a matter of considerable importance to our nation and to the bishops, for we see the harm caused by the current immigration system.

We bishops have communicated on a number of occasions about our belief that to be effective, reforms to our nation's immigration system must be comprehensive and include reforms to the employment- and family-based immigration systems and include provisions for an earned legalization program for the undocumented in our country. It is for this reason that we are opposed to the House-passed bill, which we believe is unnecessarily punitive and would ultimately be ineffective, because of its narrow focus on harsh enforcement measures. History informs us that if the root causes of the desperation motivating migration and the pull factors in the form of employment and family in the U.S. are not addressed, people will continue to risk even their lives in an effort to come to this country.

We believe H.R. 4437 would cause harm and suffering not only to the undocumented, but to asylum-seekers, refugees, and even immigrants here in an authorized status. Furthermore, the provisions that make unlawful presence a crime and criminalize those who would "assist" the undocumented are of considerable concern to the bishops.

While we certainly agree that we should redouble our efforts to apprehend and prosecute smugglers, human traffickers, and drug traffickers, we believe that this objective can be achieved without placing church and humanitarian workers in jeopardy. We appreciate your explanations regarding these provisions. However, we note that reducing the penalty for unlawful presence from a felony to a misdemeanor, as your letter proposes, would still leave these aliens criminalized for the first time in history.

And while we appreciate your belief that prosecutors would not actually use the provision in H.R. 4437 that would make "assisting" undocumented aliens a crime punishable by harsh criminal and civil penalties, we believe that if you do not wish to see the provision used it should be stricken from the legislation altogether.

MEMBERS

Most Reverend Gerald Barnes, Chairman
Most Reverend Sean O' Malley
Most Reverend Kevin Farrell
Most Reverend Curtis John Guillery
Most Reverend Gerald Kicanas
Most Reverend Dominic Luong
Most Reverend Armando Ochoa

CONSULTANTS

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Most Reverend Joseph Perry
Most Reverend Thomas Wenski
Most Reverend John Wester
Reverend Jerry Brown
Sister RayMonda Du Vall
Mr. Robert Gilligan

Mr. Ken Hackett
Mr. Don Kerwin

We fear that if it is part of the law, a zealous prosecutor could use the provision against the Church as well as against other good Samaritans, notwithstanding the view that you expressed in your letter.

Although we disagree with your conclusions on these two provisions and many other provisions in H.R. 4437, we remain available to work with Congress to adopt appropriate provisions that strengthen the government's efforts to combat smuggling and trafficking, while holding church and humanitarian workers harmless as they provide legitimate aid to those in need, irrespective of their immigration status.

To be clear, the criminalization provisions of the House measure represent only a few of our many concerns with the legislation. Provisions involving mandatory detention, passport and document fraud which victimizes asylum seekers and denies them and other immigrants future relief, and the erection of walls along our southern border are among some of the other provisions we find harmful. These concerns were outlined in a letter to all House members on December 14, 2005.

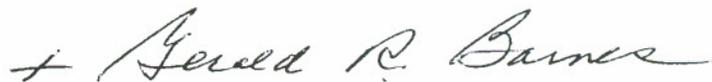
We have been encouraged by the approach being considered in the Senate. Though we believe that some of the enforcement measures in the Senate bill are also unnecessary and overly punitive, the bill's comprehensiveness in addressing the various aspects of immigration better reflect what we perceive to be a growing consensus for the type of reforms needed.

We bishops will continue to advocate for comprehensive reforms as outlined in our pastoral letter, *Strangers No Longer: Together on the Journey of Hope*. As we have engaged the Catholic community and others in education about the reforms sought by the bishops, we have seen an increasing number of people agree with the need for reforms and the proposals we espouse. Some still labor under misunderstandings about immigration and immigrants, so more education is needed. But, we remain optimistic that the moral and political leadership necessary to achieve comprehensive reforms will prevail and the American people can once again be proud of our immigration system, while having confidence in its ability to provide security and the rule of law.

We bishops remain available to work with Congress on this important matter. Thank you for your leadership on the range of public policy issues affecting our nation.

With hopeful prayers and a commitment to continue working with you to fashion comprehensive immigration reforms, I am

Sincerely,

A handwritten signature in cursive script that reads "Gerald R. Barnes". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

Most Reverend Gerald Barnes
Bishop of San Bernardino
Chairman, USCCB Committee on Migration