



TESTIMONY OF THE CATHOLIC CONFERENCE OF KENTUCKY  
ON HOUSE BILL 304

Madam Chair and members of the committee, the Catholic Conference of Kentucky very much appreciates the opportunity to testify before this committee today. On behalf of Archbishop Kurtz of Louisville, Bishop McRaith of Owensboro, Bishop Foys of Covington, and Bishop Gainer of Lexington, I thank all the members of the committee for allowing the Catholic Conference to express its opinion about House Bill 304.

This bill stems from the great frustration that we are all experiencing as a result of the failure of our federal government to fulfill its obligations to repair our broken immigration system. Our national bishops' conference, with help from dioceses throughout this nation, worked diligently for the past several congressional sessions, urging federal lawmakers to work with President Bush and pass a comprehensive immigration bill – a bill that not only enhanced enforcement at our borders, but also offered, in some of its forms, a path to citizenship to those who are already here. The proposal we supported required that illegal immigrants pay substantial fines, learn English, and work here for 6 or more years and then get at the end of the line before becoming eligible to adjust their status, behind those who had obeyed our laws and entered legally.

Our national conference also urged our government to look at the conditions in the countries from which the undocumented traveled and consider how the U.S. might assist these nations in ways that strengthen their economies, create jobs so their citizens could support their families, and lessen their need to leave their homeland to find work to support their spouses, children and other family members.

In addition to advocacy, our bishops sponsor Catholic Relief Services which operates in 100 countries, including Mexico and nations in the Southern Hemisphere, working on projects that provide economic and food security so people remain in the country. For example, in two border towns in northern Mexico, Catholic Relief Services has helped nearly 3,500 persons borrow small sums of money to grow businesses through micro financing projects so they can support their families and remain in their country. This rapidly expanding project expects to help 7,000 persons by 2009. In southern Mexico, CRS has helped

owners save and improve apple orchards so that 200 farmers can remain on their land and in their country. This project will also expand throughout 2008.

I beg your indulgence as I describe the Catholic Church's teachings about migrants before discussing in some detail objections to aspects of HB 304 and offering recommendations we hope are helpful to this discussion.

Our basic principles are clear: We respect the right of nations to enforce their borders and to enforce reasonable immigration laws. At the same time, we regard every person, illegal immigrant, legal immigrant, or citizen, with the mind of Christ: a human person worthy of dignity and respect.

In his 1996 message for World Migration Day, Pope John Paul II wrote that "For Christians, the migrant is not merely an individual to be respected in accordance with the norms established by law, but a person whose presence challenges them and whose needs become an obligation for their responsibility. 'What have you done to your brother?' (cf. Gn 4:9). The answer should not be limited to what is imposed by law, but should be made in the manner of solidarity." ("Undocumented Migrants," Message of Pope John Paul II for the World Migration Day, 1996) Nos. 3, 5.

The Catholic Church's dedication to caring for migrants of every kind was set out by Pope Pius XII in the aftermath of World War II. He wrote in a document titled *The Exiled Holy Family of Nazareth (Exsul Familia)*, "[T]here never has been a period during which the Church has not been active in behalf of migrants." In this document, Pius identified "The émigré Holy Family of Nazareth, fleeing into Egypt, [as] the archetype of every refugee family. Jesus, Mary and Joseph, living in exile in Egypt to escape the fury of an evil king, are, for all times and all places, the models and protectors of every migrant, alien and refugee of whatever kind who, whether compelled by fear of persecution or by want, is forced to leave his native land, his beloved parents and relatives, his close friends, and to seek a foreign soil." (*Exsul Familia*, Apostolic Constitution of Pius XII, August 1, 1952).

While Pius XII recognized the right of the sovereign state to control its borders, he stated that such a right is not absolute. "The natural law itself, no less than devotion to humanity, urges that ways of migration be opened to...those who have been forced by revolutions in their own countries, or by unemployment or hunger to leave their homes and live in foreign lands." (*Exsul Familia*).

In union with the Bishops of Mexico, the Catholic bishops of the United States acknowledged in a joint pastoral statement, that our Church has complementary teachings: "the right of a sovereign state to control its borders in furtherance of the common good" and "the right of human persons to migrate so that they can realize

their God-given rights.” Therefore, “the sovereign state may impose reasonable limits on immigration.” But the common good “is not served when the basic human rights of the individual are violated. In the current condition of the world, in which global poverty and persecution are rampant, the presumption is that persons must migrate in order to support and protect themselves and that nations who are able to receive them should do so whenever possible. It is through this lens that we assess the current migration reality between the United States and Mexico.” (*Strangers No Longer*, No. 39).

The Christian Scriptural basis for this kind of thinking is found in the Gospel of Luke: “From everyone who has been given much, much will be required; and to whom they entrusted much, of him they will ask all the more.” Lk 12:48.

In the Hebrew Scriptures, we find instructions for Israel on how to deal with aliens. The book of Leviticus states “When an alien resides with you in your land, do not molest him. You shall treat the alien who resides with you no differently than the natives born among you; have the same love for him as for yourself; for you too were once aliens in the land of Egypt. I, the LORD, am your God.” (Lev 19:33-34). In the 15<sup>th</sup> chapter of the Book of Numbers we find “There is but one rule for you and for the resident alien, a perpetual rule for all your descendants. Before the LORD you and the alien are alike.”

Pope John Paul II, captured this notion of “you and the alien are alike” when he wrote “In short, solidarity provides an optic “to see the ‘other’—whether a person, people or nation—not just as some kind of instrument, with a work capacity and physical strength to be exploited at low cost and then discarded when no longer useful, but as our ‘neighbor,’ a ‘helper’ (cf. Gen 2: 1 8-20) to be made a sharer, on a par with ourselves, in the banquet of life to which all are equally invited by God.” (*Sollicitudo Rei Socialis* n. 39)

Israel was not to imitate Egypt in its treatment of aliens. Nor should the United States. Nor should Kentucky.

### **The response of Catholics in Kentucky**

Each of our dioceses has welcomed newcomers and helped them meet their needs.

Catholic Charities of Louisville has a lengthy history of welcoming refugees through its Migration and Refugee Services program, resettling 1000s of families and individuals threatened by death in their own nations. Volunteers perform tasks related to setting up apartments, introducing newcomers to community resources, familiarizing them with the local culture, helping them learn English, to name just a few.

In addition, fourteen parish communities presently serve the pastoral needs of immigrants, continuing a tradition that began in the 19<sup>th</sup> century, when parishes served the needs of former immigrant populations.

An Office of Multicultural Ministry includes language/cultural consultants who provide resources for the diverse Archdiocesan Catholic communities.

Louisville is a richer, more diverse community as a result, with new ethnic restaurants, cultural festivals celebrating different national heritages, and a vibrant economic life. A recent report of the Urban Institute included this strong recommendation to the city: **“Continue to welcome immigrants to Louisville to support the region’s future workforce growth.** Immigrants are an important source of workers for both low-skilled and higher-skilled jobs.” In addition, the 2007 Crime in Metropolitan America Report rated Louisville the eighth safest city in the country.

The Church of the Diocese of Covington responded to the plight of Vietnamese refugees in 1975 and had a Resettlement Program for nearly fifteen years.

Recently, the diocese established the parish of Cristo Rey to coordinate efforts on behalf of Spanish speaking immigrants in Northern Kentucky. The parish established Centro de Amistad for social outreach programs. These programs include: English as a Second Language classes, an Intensive English program, GED preparation, citizenship classes, a home buyers program, a low income tax clinic, a job clearing house, carpenter and electrician apprenticeship programs, referral services for family counseling and legal services, and a family computer training program.

Health issues are a high priority and in response to these the parish has a full time health advocate. This is in addition to the “Promotores de Salud (Health promoters) program and an annual health fair. The parish is partnering with Gateway Community College, Northern Kentucky University, Kenton County Public Library, Area Health Education Council, Catholic Social Services, Northern Kentucky Home Builders Association, Children’s Hospital of Cincinnati, and others to provide services for the newcomers. Parishes in Carrollton and Maysville also offer pastoral services for Hispanic persons.

The Diocese of Owensboro has thirteen parishes that offer Mass in Spanish and provide varying levels of educational and outreach services. These include: religious education classes, Bible study and Prayer groups, youth groups and young missionaries, interpreting services, leadership formation, response to physical needs through St. Vincent de Paul groups and Hispanic ministers,

advocacy in the larger community through ministerial associations, community organizations and agencies, and local government.

In addition to the parishes, there are four immigrant centers. La Plaza Immigrant Community Center in Owensboro, the International Center in Bowling Green, La Casa de Migrante in Paducah and HOLA in Todd County. These offer a variety of services in ESL classes and direct assistance to meet immediate needs.

In the Diocese of Lexington Jesús, el Buen Pastor Centro Católico provides a number of pastoral services for Hispanic persons in Lexington and provides a Catholic environment where people can feel comfortable with symbols of their faith. The center hosts youth group activities, Spanish classes, English as a Second Language classes, GED classes, Bible study, classes about the Catholic faith, and a women's group, "Damas." Damas has a renovated apartment where women learn sewing, crafts, and cake decorating. It is a place of shared interests and values.

Eighteen Churches in the Diocese of Lexington offer Mass and some religious celebrations throughout the year in Spanish. The rural parishes provide a place where people involved in agriculture and factory work can turn for help to learn or understand English, to have someone interpret in medical or other emergencies, and to find fellowship with other immigrants scattered throughout the counties. In Montgomery County, there is a Migrant Coalition out of the Extension Office in which Catholics from the local parish assist health care workers, teachers, and local employers in providing better services to individuals and families.

Unborn children are of special concern to us. We especially urge parishes to help immigrant women who are pregnant "without discrimination as to their status or nationality" (EF, Pius XII) by addressing the needs they have for themselves, their unborn children and their families. Our statewide Opportunities for Life (OFL) ministry is reaching out to the immigrant population, regardless of documentation or legal status, through its Spanish language hotline number. We ask Catholics to cooperate zealously with OFL's efforts to be present for the unborn child, without regard for the mother's immigration status. The unborn child has a right to life.

Madame Chair and members of the committee, I hope this prologue shows you how the people affected by HB 304 are men, women, and children we know and serve. During the course of these hearings, we have patiently listened to the ignorant statements of some of those who have appeared before you and spoken about immigrants in the most derogatory fashion, in one instance describing where some live as Taco Village. Repeatedly, these children of God were demeaned and dehumanized. Immigrants, it was suggested, are a problem for which this bill is a solution.

Consider another instance wherein human beings were problems:

“On February 19th 1942 President Franklin Roosevelt signed Executive Order 9066. Under the terms of the Order, some 120,000 people of Japanese descent living in the US were removed from their homes and placed in internment camps. The US justified their action by claiming that there was a danger of those of Japanese descent spying for the Japanese. However more than two thirds of those interned were American citizens and half of them were children. None had ever shown disloyalty to the nation. In some cases family members were separated and put in different camps. During the entire war only ten people were convicted of spying for Japan and these were all Caucasian.”

Our homeland is no less secure as a result of the presence of immigrants today, than it was in 1942 as a result of the presence of Japanese immigrants and citizens. The truth is that the vast majority of today’s immigrants – whether here legally or not – have come, not to harm us, but to find work and, in the long run, help us.

Consider this statement of ICE officer, Frank Filippone, quoted in a Feb 29<sup>th</sup> LA Times article. “We don’t treat them as criminals. We treat them as compassionate as we can. They are here to make a better life for themselves or to send money back.” Filippone was in charge of a flight of deportees.

The bill’s primary intent is really about the presence of unauthorized aliens in Kentucky and trying to find a way to tighten the screws to try to make them leave, a tactic hailed on many a blog. Consider this comment by Jeff Davis found at <http://us.altermedia.info/news-of-interest-to-white-people/>: “We’ve proven that a state can drive out illegals by targeting employers. Now if we can just get these laws passed in all 50 states, the illegal aliens will pack up their belongings and go home!!!”

While we do not question the noble intentions of the sponsors of HB 304, we do note that proposals of this sort can have the unintended consequence of attracting support from those whose reasons for supporting it are not so noble.

Our chief objection to Section 1 is the expansion of the definition of identity theft to include instances in which a person uses another’s identity or hide’s one true identity to get a job. If passed, this would almost certainly keep Kentucky in its first place position as the state with the highest percentage of prison population growth in the nation, but it will do nothing to fix the broken immigration system.

The federal government is primarily responsible for the enforcement of immigration law. Until recently, the federal government frequently deported immigrants who committed identity theft without being prosecuted. But, the government has begun to charge immigrants who used false Social Security numbers or identity documents to gain employment with identity theft and fraud. After serving time in federal prison, they are being deported. This criminal conviction makes future immigration to the U. S. more difficult, if not impossible.

It is not the state's responsibility to enforce federal immigration law. Creating an additional felony and imprisoning people in Kentucky's overcrowded jails because they wanted to work, earn money, and support families is irresponsible public policy. It treats immigrants as the problem, when the solution to the problem lies with passage of comprehensive immigration reform legislation. The solution to a broken immigration system is to fix the system.

Section 2 does not appear to conflict with federal law. However, both the Administrative Office of the Courts and the Public Advocate have raised some serious questions regarding confidentiality and separation of powers. Not only would we want to be sure a defendant's right to due process is protected, we would also want a statutory assurance that pretrial release officers be thoroughly trained in immigration law to keep the mistakes they will make to a minimum. We also want statutory language that requires that an inmate whose first language is not English is informed in his first language that he does not have to participate in a pretrial release interview unless he wishes to.

Section 3 makes the Kentucky Office of Homeland Security the primary liaison between local and state government and the federal government. Its language is too broad. It appears that even a private or parochial school might be compelled to somehow use this agency to apply for grants, whether from public or private sources, related to immigration, e.g., to fund English as a Second Language programs. Terms like "immigration" and "educational institutions" need defining.

Section 4 allows local governments to seek permission from the Kentucky Office of Homeland Security to participate in the 287g program of the U.S. Department of Homeland Security.

It should be noted that State and local law enforcement agents already have all the authority they need to arrest immigrants whom they suspect have committed crimes. They do it every day.

This section deals with increasing the use of state and local officers to enforce immigration law. We are persuaded by concerns raised by the Major Cities Chiefs

of Police, especially their fear that enforcement of federal immigration law would undermine immigrant communities' trust of local police. As a result, immigrant crime victims and witnesses might be afraid to speak up, making it more difficult for local police to carry out their core function of enforcing local laws, resulting, it seems to us, in less safe communities.

Their report issued in June 2006, also raised the issue of “taking on the added burden of immigration enforcement [before] federal assistance and funding are in place to support such enforcement. Current calls for local police agencies to enforce immigration come with no clear statement or guarantee to provide adequate federal funding.”

They were right to be concerned about cost. In Prince William County Virginia, the Washington Post recently wrote that the County “cleaned out its rainy-day fund yesterday to pay for the start-up cost of increasing law enforcement directed at illegal immigrants.” The money – \$800,000 – will pay for a program that directs county police officers to check the citizenship status of people suspected of breaking the law, “no matter how minor the crime.”

Please consider the possibility of unintended financial consequences before deciding to support section 4 of HB 304.

In February, Bishop Wester, chair of USCCB Committee on Migration and Bishop Soto, Chair of the Catholic Legal Immigration Network Inc. Board of Directors wrote Secretary Michael Chertoff, of the Department of Homeland Security, and his Assistant Secretary, Julie Myers, of the U.S. Immigration and Customs Enforcement agency to express concern regarding Immigration and Customs Enforcement's (ICE's) intensified enforcement activities and protocols for such actions.

In their letter they state the following:

ICE should not conduct raids or enforcement actions at or near churches, hospitals, community health centers, schools, food-banks, or other community-based organizations that provide charitable social services. Medical care, education, and the ability to worship are fundamental to the protection of human dignity. By conducting enforcement actions in such locations, an environment of fear and distrust is fostered that may prevent immigrants and their family members from practicing their faith, taking their children to school, or accessing needed medical and social services. Such an atmosphere only serves to weaken and divide our communities.



We request that ICE make a clear policy announcement that raids/enforcement actions will not occur in the places listed above. Additionally, ICE should stipulate that the same restrictions apply in any memorandum of understanding or agreement that it undertakes with state or local law enforcement entities for the purpose of collaborative immigration enforcement.

The Catholic Conference urges you to amend HB 304 to require that the above stipulations be included in all MOA's entered into between the U. S. Department of Homeland Security and any Kentucky law enforcement entity seeking to enforce federal immigration laws.

With regard to Section 7, we have two primary areas of concern: a) the state is prohibited from regulating immigrant employment by federal law; and b) there are deficiencies in due process that will result in unfair treatment of immigrants.

The Immigration Reform and Control Act (IRCA) is a federal law that created a comprehensive system regulating immigrant employment.<sup>1</sup> IRCA expressly prohibits states from legislating in this area: "The provisions of this section preempt any State or local law imposing civil or criminal sanctions (other than through licensing and similar laws) upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens."<sup>2</sup>

Supporters of HB 304 may believe that this bill is not preempted by IRCA because it fits within IRCA's licensing exception. However, an examination of IRCA's legislative history refutes that claim by showing how narrowly Congress viewed that exception. The Report of the federal House of Representatives' Committee on the Judiciary states:

The penalties contained in this legislation are intended to specifically preempt any state or local laws providing civil fines and/or criminal sanctions on the hiring, recruitment or referral of undocumented aliens.

They are not intended to preempt or prevent lawful state or local processes concerning the suspension, revocation or refusal to reissue a license to any person who has been found to have violated the sanctions provisions in this legislation [*meaning IRCA*]. Further, the Committee does not intend to preempt licensing or 'fitness to do business laws,' such as state farm labor contractor laws or forestry laws, which

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<sup>1</sup> 8 USC § 1101 *et. seq.*

<sup>2</sup> 8 USC § 1324a(h)(2).

specifically require such licensee or contractor to refrain from hiring, recruiting or referring undocumented aliens.<sup>3</sup>

The legislative history emphasizes that IRCA preempts state and local laws regulating the employment of immigrants. The House Committee pointed out that states and municipalities can enact laws that deny a license to a person found to have violated IRCA. States and municipalities can also find that a person who violated IRCA has violated a local “fitness to do business” law.

HB 304, however, does not fit into this exception. While IRCA allows states to enact licensing laws affecting employers who violate IRCA, HB 304 would close businesses that violated HB 304.

Supporters of HB 304 may also feel that the bill imposes a mere licensing regulation as permitted by IRCA, not the civil fines or criminal sanctions prohibited by IRCA.

However, HB 304’s licensing regulation would completely shutter a business that hired illegal workers. This ultimate sanction of closing a business is far more serious than the civil fines and criminal sanctions that IRCA prohibits. Surely Congress did not intend to prohibit states from imposing lesser penalties and turn around and allow them to impose the more severe penalty of putting people out of business.

Section 7 requires the attorney general who receives a complaint to investigate whether the employer is in violation of the Act and the investigation “shall include ascertaining from the federal government pursuant to 8 U.S.C. sec. 1373(c) the alleged alien’s immigration status and work authorization status.” HB 304 states that, “a state, county, or local official shall not attempt to independently make a final determination on whether an alien is authorized to work in the United States but shall rely upon the information provided by the federal government.”

Congress enacted this provision of the U.S. Code (8 U.S.C. § 1373) to prohibit states from enacting legislation to prevent local officials from reporting undocumented immigrants to the federal immigration authorities.<sup>4</sup> This provision also states that when a state or local government requests verification of the immigration status of an individual, the federal immigration authorities have an “obligation” to respond.<sup>5</sup>

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<sup>3</sup> See House Comm. on Educ. and Labor, H.R. Rep. No. 99-682(I), 1986 U.S.C.C.A.N. 5649, 5662.

<sup>4</sup> 8 U.S.C. § 1373.

<sup>5</sup> 8 U.S.C. § 1373.

The federal government has yet to create a system for state attorneys general to check the immigration status of employees. The Department of Homeland Security has set up the E-verify system for employers to verify whether an employee is work-authorized.<sup>6</sup> In addition, DHS has established a process for state and local law enforcement to verify immigration status.<sup>7</sup> But DHS does not provide a way for state and local officials to verify the immigration status of every potential employee.

The lack of a verification tool at the federal level for the attorney general's office to consult creates a lacuna in the due process provided in the bill and will limit the ability of the attorney general's office to investigate complaints appropriately.

In addition, while accused employers will have the opportunity to defend themselves in court, immigrants wrongfully fired are not provided with any due process under this bill. An employer might have learned through E-verify that a person is authorized to work, but the attorney general acting on a complaint, and without access to this information as described above, might order the person fired. And the employer, fearing further action, might do so. Where is the fairness in this scenario? Is this really the kind of Kentucky we want to live in?

Section 9 mandates that all employers who do business with the state must use the E-Verify system for new hires after January 9, 2009.

E-Verify is a voluntary program created by the U.S. Department of Homeland Security (DHS) to allow employers to electronically verify workers' employment eligibility by accessing Department of Homeland Security and Social Security Administration databases.

This provision may be preempted by federal law because federal law does not require employers to use E-Verify—it is a voluntary program. A state law mandating use of E-Verify is attempting to regulate immigrant employment and therefore may be preempted. This will certainly be litigated should the bill pass.

In terms of practical public policy, U.S. government studies have shown that E-Verify is riddled with errors and therefore cannot currently ensure that only authorized workers are hired.<sup>8</sup> The studies found:

1. 17.8 million Social Security Administration records contain discrepancies, more than half of which pertain to U.S. citizens;<sup>9</sup>

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<sup>6</sup> This system (E-Verify) was set up pursuant to 8 U.S.C. § 1324a.

<sup>7</sup> See <http://www.ice.gov/partners/lesc/>

<sup>8</sup> For a detailed listing of government findings on this issue, see the National Immigration Law Center's "Basic Pilot/E-Verify: Not a Magic Bullet," at [http://www.nilc.org/immsemplymnt/ircaempverif/e-verify\\_nomagicbullet\\_2007-09-17.pdf](http://www.nilc.org/immsemplymnt/ircaempverif/e-verify_nomagicbullet_2007-09-17.pdf)

2. Immigrant workers seeking to correct an inaccurate E-Verify report would need to file a Freedom of Information bill (FOIA) request with U.S. Citizenship and Immigration Services (USCIS). USCIS processing times for FOIA requests exceed one year;<sup>10</sup>
3. E-Verify has serious security vulnerabilities, leading to fears of identity theft.<sup>11</sup>

While Section 11 does not conflict with federal law, it is important to examine the public policy issues involved.

- How will this policy affect persons interacting with state and local agencies, such as schools, hospitals, libraries, and social services offices? Will the policy deter people from seeking help? Will the policy primarily affect one race or ethnic group?
- Will client confidentiality laws and regulations—common in public benefits offices and other state departments—be seen as violating this section?

In the interest of public safety, states should ensure that everyone can access basic health and welfare services and not create additional barriers to essential services.

This is another section of HB 304 that could have consequences unintended by the supporters.

In Section 12, HB 304 defines the crime of “trafficking in stolen identities” as when one “manufactures, sells, transfers, or purchases, or possesses with the intent to manufacture, sell, transfer, or purchase the personal identity of another person or persons” for any of the purposes listed in Section 1. The bill makes trafficking in stolen identities a Class C felony, which involves a five to ten year prison term.

As in Section 1, this section of the bill would criminalize what is essentially a violation of federal civil immigration law—working without authorization. We believe this will drive undocumented immigrants further into the shadows and lead to the unnecessary imprisonment for up to 10 years of persons working without permission. Spending \$200,000 or more to lock up persons seeking to work strikes us as unfair and irresponsible public policy.

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<sup>9</sup> Congressional Response Report: Accuracy of the Social Security Administration’s Numident File (Office of the Inspector General, Social Security Administration, Dec. 2006), [www.ssa.gov/oig/ADOBEPDF/A-08-06-26100.pdf](http://www.ssa.gov/oig/ADOBEPDF/A-08-06-26100.pdf)

<sup>10</sup> Freedom of Information bill Operational Review and Improvement Plan Report (Department of Homeland Security, 2006).

<sup>11</sup> Committee Report 110-181, Department of Homeland Security Appropriations Bill 2008, U.S. House of Representatives, at 116. Anyone posing as an employer can access E-Verify. See Interim Findings of the Web-Based Basic Pilot Evaluation (Westat, Dec. 2006), <http://www.uscis.gov/files/nativedocuments/WestatInterimReport.pdf>

Madam chair and members of the committee, I appreciate your patient attention during this lengthy testimony.

I want to repeat that the Catholic Conference identifies with those frustrated by the breakdown in the immigration process that has led to states like our own attempting to assume the federal government's responsibility. We very much hoped that a comprehensive immigration law would be in place by now, but it isn't.

We still believe the only solution to repairing this broken system is passage of comprehensive reform, not state by state legislation that generally consists of enforcement only provisions.

Before Kentucky passes legislation that will cost millions of dollars, is open to unintended consequences, fails to provide adequate due process for all, opens the door for employment discrimination, could unnecessarily negatively affect various businesses, the Conference recommends that you consider a different approach.

In March 2002, the Legislative Research Commission issued Research Report No. 305, Immigration in Kentucky, a Preliminary Description. In its foreword, Director Robert Sherman wrote that "The report is prepared for use in the 2002 legislative session. However, it does not represent the end of LRC staff's work on this important issue. Because needed census data will not be available until sometime in 2002, staff will revisit the issue again to update work presented in this report."

To my knowledge no update has been done. The Conference believes now is the time for that update so that members have the opportunity to become fully informed about the complex issues presented by the immigration process and its various elements before voting on bills like HB 304.

We also urge this committee and the entire body to encourage the members of the Kentucky Congressional Delegation to do all they can to move our federal government to fulfill its obligations to the people of the United States and enact a fair and comprehensive immigration law.

Thank you for your consideration.