

# FLORIDA CONFERENCE OF CATHOLIC BISHOPS

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MICHAEL B. SHEEDY  
EXECUTIVE DIRECTOR



February 24, 2016

The Honorable Lake Ray  
422 The Capitol  
402 South Monroe Street  
Tallahassee, FL 32399-1300

## **Re: Concerns with HB 1095**

Dear Representative Ray:

The plight of refugees is well-documented and widely-understood. Concerns for the safety of the United States and Florida in the midst of terrorist activity across the globe remain high. Various misconceptions about US refugee policy and the roles of the federal and state governments in immigration policy and law enforcement create concerns with HB 1095.

### ***Federal supremacy of immigration policy***

In prohibiting cooperation with resettlement of a "restricted person" unless authorized by the governor, granting certain powers to the governor and attorney general, HB 1095 conflicts with federal law.

The president, under the Refugee Act of 1980, has explicit authorization to accept foreign refugees into the United States. Additionally, in 2012, the US Supreme Court's decision in *Arizona v. United States* recognized the federal government's discretion over immigration policy, which includes the power to admit refugees.

### ***Bill fails to distinguish adequately between "refugees" and "immigrants"***

The terms "refugee" and "immigrant" are distinctly defined in immigration law and cannot be used interchangeably, as in this bill's definition of "restricted person." Both of these categories refer to lawfully-present residents who are permitted to reside anywhere in the country. One state cannot exclude a particular group since the U.S. Supreme Court has recognized the ability of citizens and lawfully residing immigrants to travel interstate as a fundamental right.

### ***Refugees are a distinctly small, well-vetted group***

The 1951 Refugee Convention defines a "refugee" as a specific category of migrant who:  
"owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality, and is unable to, or owing to such fear, is unwilling to avail himself of the protection of that country."

The US is in compliance with this international law standard and has codified it in its own laws.

Of the millions of displaced persons around the world, the United Nations High Commissioner for Refugees considers *less than one percent* of all global refugees as candidates for resettlement in a third country. These applicants undergo a rigorous 18-24 month process which includes the collection of biographic data, in-depth interviews, background checks, and security and health screenings.

Enhanced security screening is a joint responsibility of the Department of State, the Department of Homeland Security, and includes the participation of multiple U.S. intelligence and security agencies including the F.B.I. and the Department of Defense. Officers from the Department of Homeland Security's U.S. Citizenship and Immigration Services review the data collected and conduct an in-person interview with each refugee applicant before approving or denying the applicant's entry and resettlement in the U.S.

***Vital resources will be used to create redundancy in screening***

The bill's requirement that personal identifying information be submitted to the Florida Department of Law Enforcement (FDLE) likely violates federal privacy laws. Furthermore, the requirement that FDLE submit a report of the background screenings of refugees and migrants to the US Department of Homeland Security is entirely unnecessary as USDHS is already involved in the vetting of refugees prior to their approval for entry.

Additionally, nothing in current law prevents law enforcement from detaining individuals suspected of posing a threat to society, regardless of immigration status. Complying with reporting requirements under this bill would be burdensome and add to the administrative costs of refugee resettlement programs and to state and local government as well.

***Other paths to country likely more at risk than the refugee resettlement program***

There are numerous paths by which individuals migrate to the U.S. Refugees experience the most intensive vetting process of any immigrant group seeking to enter our country. Targeting refugees as a likely group to perform terrorist activities is misguided. Refugees resettled here have themselves been subject to terror. They spend serious lengths of time being vetted before admission. We cannot and should not blame them for the actions of terrorist organizations.

Rather than pass HB 1095, we urge the House of Representatives to send Congress a resolution calling for comprehensive immigration reform that protects our nation and avoids additional hardships for refugees seeking safe harbor.

Sincerely,



Michael B. Sheedy