

AUSTIN & FERGUSON, L.L.C.

International Immigration and Consular Legal Services

Suite 315, 4240 Blue Ridge Blvd., Kansas City, MO 64133 U.S.A.

Facsimile: (816) 356-7110

Office: (816) 356-7100

February 14, 2012

Chairman Brunk
Federal & State Affairs
Committee
Kansas House of Representatives
Topeka KS

Re: House Bills 2576 and 2578

Dear Chairman Brunk and Committee:

My name is Angela J. Ferguson, and I am an immigration attorney, a community activist, but also a Kansan, born and raised in Haven, Kansas. I am a graduate of Wichita State University and the University of Kansas School of Law and for the past 25 years, I have practiced law in Kansas and Missouri, specializing in immigration law. I have represented many Kansas residents in the immigration process, either being sponsored by employers, family members, self-sponsoring, becoming citizens, or in the removal process. I am a Board member of the Missouri Immigrant & Refugee Advocates, a Member of All Souls Unitarian Universalist church, a Board member of Jewish Vocational Services, the former Chair of the Missouri/Kansas American Immigration Lawyers Association, and a founder of an organization called AIRR, Advocates for Immigrant Rights and Responsibility, a faith-based coalition in Wyandotte and Johnson counties. Immigration advocacy is my life's work and passion. It is for this reason that I am here today to state my opposition to House Bills 2576 and 2578 and ask that you consider opposing these bills that will harm our State, our communities, our security and our families.

As you know, other States have passed laws similar to the proposed HB 2576 and 2578. Oklahoma passed its version that included the harboring provision and immediately, the economy in Oklahoma began to tank, because not only were undocumented immigrants leaving, but their documented family members were leaving the State as well. The result was a construction industry without workers; a housing market in shambles and a State in chaos, considering repeal of the law.

Arizona passed SB1070, now infamous as a strict, anti-immigrant state-initiative. The result has been the loss of millions of dollars in the tourist industry, economic loss that has now spurred a repeal, separation of families that has resulted in the re-call of the law's sponsor, Russell Pearce. Further, this

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past week, an Arizona paper ran the following: "Business, civic and religious leaders last month unveiled a statement of principles, dubbed the "Arizona Accord," that calls for a new strategy. It notes the economic contribution of immigrants, espouses federal rather than state solutions, opposes policies that result in the separation of families and embraces a culture of inclusion." That statement of the coalition in Arizona and the Arizona Accord could be the copy-cat of the Kansas coalition that is before you this week. The Kansas Business Coalition, along with its allies of Faith Leaders and Organizations from across the state of Kansas, are here to remind you, and have been reminding this committee, and all of our legislators over the past year, that the smart strategy is one that builds upon the strengths offered by the immigrant community to help our State grow and thrive.

My immigration practice is overflowing with really sad cases these days – cases where the immigrant clients are the targets of violent criminal action. Whether it is armed robbery, aggravated assault, domestic violence, or even murder, immigrants in our communities are easy victims of violence. There is currently a Federal Law that allows these victims and their families to obtain temporary U visa status, if the immigrant cooperates with police and/or prosecutors to put the criminals in jail. This is a good law. It makes us all safer – but it depends on the *cooperation* of the immigrant victim.

The bills before you today, would mandate racial profiling and would result in an increase in fear of Law Enforcement officers, not exactly the result that the Federal law was hoping for in creating the U visa. When the immediate focus of the Police Officer is to check the papers of the victim, battered women and children will not be calling the hotline for help – will not be reporting their abusers. Victims of Armed Robbery and other violent crimes will fear the criminals *and* the police. Further, the harboring bill would put our battered women's shelters at risk of being charged with a crime for offering protection to victims of violence.

As a person of faith, and a member of a faith-based coalition in Kansas, it is important for you to understand that this law is placing many church members and service providers at risk of criminal charges. I regularly serve meals at a homeless shelter, and know that some of the individuals in the lunch line do not have legal documents to live in the U.S. There is not a chance that I would refuse a meal to a hungry person in that line, for lack of documentation. Organizations that have food pantries, filling the gaps in our social safety net during this economic down-turn, would be harmed if they have to verify legal status before sharing the food that has been donated. Their workers will become criminals for failing to verify status.

A similar law passed in the state of Georgia, and has been enjoined from going into effect, pending an appeal in the 11th Circuit Court of Appeal. A federal judge in Atlanta put parts of Georgia's law on hold in June following a court challenge brought by a coalition of civil and immigrant rights groups. One of the provisions that have been temporarily put on hold would authorize police to investigate the immigration status of certain suspects and detain those who have been determined to be in the country illegally. Another provision put on hold would punish people who knowingly transport or harbor illegal

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immigrants. Laws, such as those proposed in HB 2576 and 2578 may be found to be unconstitutional. These provisions in the Arizona and Alabama laws are on appeal to the Supreme Court, and expect to be addressed in April. It makes no fiscal sense to take on this potential lawsuit for the State of Kansas.

For these reasons, and a myriad more, I ask that each of you on this committee oppose the passage of this law.

Sincerely,

A handwritten signature in cursive script, appearing to read "Angela J. Ferguson", with a long horizontal flourish extending to the right.

Angela J. Ferguson

Attorney at Law