

August 2011

## **PBA Issues Statement Opposing House State Government Committee Immigration Proposals**

The Pennsylvania Bar Association submitted a written statement on Aug. 25, 2011, to the House State Government Committee in opposition to a majority of bills contained in the committee's "National Security Begins At Home Legislative Package." The committee is conducting hearings Aug. 30 and 31 in Harrisburg on the package, which is designed to address the perceived impact of unauthorized ("undocumented") immigrants on Pennsylvania.

"As a statewide bar association, it is incumbent upon the PBA to oppose legislation that is so clearly unconstitutional and contrary to the rule of law, against public policy and principles of fairness and equality, and fundamentally flawed in conception," explained PBA President Matthew J. Creme Jr.

The PBA's statement, which was crafted by PBA legislative staff and members of the PBA Immigration Law Committee, asserted that "many of the proposals fail to respect the limited role of state governments in the regulation of immigration. The PBA supports federal pre-emption and uniform laws governing immigrants and immigration; legislation based on empirical facts, not myths; and laws that promote the economic well-being of our state while protecting the civil rights of all our residents. Hence, this package of bills is generally opposed by the PBA."

The legislative package includes provisions that federal courts already have ruled as pre-empted by federal law. The PBA said that "adoption of such legislation would undoubtedly result in costly legal battles for the commonwealth to defend constitutionally invalid legislation."

The bills address areas such as law enforcement and the criminalization of immigration status along with restrictions on "sanctuary cities;" employment; enhanced identification requirements for public benefits; and denial of citizenship to immigrant children born in the U.S. According to the PBA's statement, many of the legislative proposals contained overlapping and duplicative provisions.

Other organizations submitting statements included the Philadelphia Bar Association; Anti-Defamation League; the CATO Institute; City of Philadelphia; Community Legal Services; Council of Churches; Hebrew Immigration Aid Society (HIAS); Immigration Program at Catholic Social Services in the Archdiocese of Philadelphia; Lutheran Advocacy Ministry; the Pennsylvania Jewish Coalition and Pennsylvania NOW.

The PBA has addressed issues relating to immigration in a series of resolutions adopted by its House of Delegates.

In 2007, the PBA House adopted a resolution that supported federal government enforcement of immigration law and ongoing efforts to develop and enact comprehensive immigration reform legislation and opposed local or state laws or regulations seeking to regulate immigration or immigrants. In 2005, the PBA House passed a resolution to support legislative efforts that protect all workers, regardless of race, national origin, citizenship or immigration status. In 2004, the PBA House adopted positions opposing legislation and administrative measures designed to criminalize civil immigration law violations and opposing the use of state and local police to investigate, apprehend, detain and remove undocumented immigrants.