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House Judiciary Committee  
U.S. House of Representatives  
Washington, DC 20515

Dear Representative:

On behalf of the National Council of La Raza (NCLR), the largest national Hispanic civil rights and advocacy organization in the U.S., I write to express deep concern about the "Border and Immigration Enforcement Act" (H.R. 4437). NCLR strongly opposes this bill and urges you to vote against it. While we believe that immigration reform is vitally and urgently needed and must include strong and effective enforcement provisions, we believe this legislation will exacerbate our nation's immigration problems rather than solve them. It fails to address many of the most important elements of immigration reform, including backlogs in family visas, regulation of the future flow of migrants, and the presence of a sizeable undocumented community in the United States. Worse, this bill's approach presents a grave threat to deeply-held American values, including due process of law, family unity, and the safety and security of all Americans.

For decades, Congress has passed immigration enforcement measure after enforcement measure. The number of Border Patrol officers tripled between 1993 and 2004; the border enforcement budget quintupled during the same time period. Dozens of other enforcement measures have become law in the past 20 years. However, despite these measures, the flow of undocumented immigrants into the U.S. has not slowed, and the number of undocumented immigrants in the U.S. doubled from 4.5 million to 9.3 million between 1993 and 2004. The number of deaths along the U.S.-Mexico border has increased dramatically; an average of more than one person each day perishes at the border. This year has produced the highest number of deaths to date. Clearly, focusing only on enforcement builds on a strategy that has failed, with tragic results.

H.R. 4437 contains many provisions that go well beyond the boundaries of the current immigration debate and well beyond enforcing current immigration laws. For example, the bill:

- Criminalizes millions of immigrants. Anyone in the U.S. illegally would be subject not only to deportation but imprisonment as well.
- Greatly expands the definition of smuggling in a way that could severely penalize innocent acts of kindness and daily, casual contacts that many Americans have with undocumented immigrants. U.S. citizens married to undocumented immigrants could be convicted of aiding aliens. Persons driving their nannies to an appointment could be convicted of transporting aliens.

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- Greatly expands mandatory detention and expedited removal, potentially imprisoning millions of persons and generating huge costs to the taxpayer while accomplishing little in the way of deterring migration.
- Expands the definition of “aggravated felony,” rendering legal immigrants convicted of minor offenses in the past ineligible for immigration benefits including naturalization. Those negatively affected by this will inevitably be American families, who could face separation as a result.
- Deputizes local law enforcement officials to enforce federal immigration laws over the objections of many such officials, who believe that this authority undercuts their ability to protect the public safety.
- Mandates a broad-reaching employment verification system that requires employers to retroactively verify the employment status of employees who have been employed for years. It also mandates that churches, NGOs, and others involved in workforce development prescreen potential job applicants before referring them to jobs, a procedure that is likely to result in employment delays and possibly discrimination
- Severely reduces due process rights for legal immigrants in a way that dramatically undercuts basic principles of American justice.

The problematic provisions of H.R. 4437 are too numerous to list. This is an extremely far-reaching piece of legislation that goes beyond immigration enforcement and deserves far more analysis and discussion than the short period that was allowed between introduction and markup. Immigration is an extremely complex issue that requires significantly more attention.

Most importantly, Hispanic Americans – indeed all Americans – want effective reforms of the nation’s immigration laws, not shortsighted measures that appear tough on immigration but do not resolve the underlying problems. Only a comprehensive approach that provides a path to citizenship for current undocumented immigrants, creates new legal channels for future flows of needed immigrants, reduces family immigration backlogs, and protects worker rights will reduce undocumented immigration and bring order to our immigration system. We strongly believe that smart, effective, and realistic enforcement of a well-functioning immigration system is possible. H.R. 4437 does not take us down the path of real immigration reform.

We share Congress’s commitment to enhancing the security of our nation, including the security of our borders. We also share the desire to enforce a good, workable immigration system. Ultimately, we have concluded that these objectives can be accomplished only through comprehensive reform. We are extremely disappointed that the Committee is instead considering a shortsighted and extraordinarily harsh and dangerous proposal that will ultimately leave our deepest immigration problems unresolved. NCLR urges you in the strongest possible terms to oppose H.R. 4437,

Sincerely,

Janet Murguía  
President and CEO