



To: House Criminal Justice Subcommittee
From: Michelle Richardson, Director of Public Policy & Advocacy
Date: February 2, 2016
Re: **Opposition to HB 1095, Ban on Refugee Settlement in Florida**

We urge lawmakers to vote “NO” on HB 1095, which effectively bans the resettlement of refugees in Florida and empowers the governor to use emergency powers and military force to stop imaginary “invaders.” Today’s refugees are fleeing terrorism and incredible violence and only settle in the US after very thorough vetting by national security authorities. Florida should embrace the people fleeing its overseas terrorism, not turning its back on some of the world’s most vulnerable people.

Refugees are exhaustively screened by federal agencies and the Florida Department of Law Enforcement has nothing to add to that process.

Refugees are the single most scrutinized category of individuals who travel to the United States. They undergo security checks by intelligence agencies, including biometric tests, medical screenings, and in-person interviews with Department of Homeland Security officials. All refugees must pass these tests before being finally approved for travel to, or settlement in, the United States. The Florida Department of Law Enforcement is in no position to add anything to the assessment regarding a refugee’s life overseas and whether these refugees pose a security risk.

HB 1095 is an unconstitutional state attempt to preempt federal immigration law and international human rights obligations.

If enacted, HB 1095 cannot be legally implemented. First, the bill is unconstitutional. Controlling immigration is the exclusive dominion of the federal government; if the federal government decides to place refugees in Florida, the principle of preemption precludes Florida from adopting a policy that contradicts that decision. Federal courts have been clear: congress has left no room for states to develop their own immigration schemes as HB 1095 proposes. (*Hines v. Davidowitz*, *Arizona v. US*). Instead, Florida must fulfill its obligations under the state’s resettlement plan filed with and approved by the federal Office of Refugee Resettlement.

Second, the bill would violate the United States’ international obligations which include allowing refugees to choose their place of residence within their host country. (Art. 26 of the 1951 Convention relating to the Rights of Refugees, 19 U.S.T. 6223).

HB 1095 encourages profiling and surveillance of people who have done nothing wrong.

By authorizing the monitoring of so-called “restricted persons,” defined broadly enough to apply to all refugees from Syria, Iraq, and other countries mired in armed conflict, HB 1095 invites law enforcement to engage in religious, ethnic, and racial stereotyping. Law enforcement could, for example, stake out mosques and harass families with young children. This behavior does nothing to make Floridians safer and stigmatizes people, many of whom are fleeing unspeakable violence and barbarism.

For more information, please contact Policy and Advocacy Director Michelle Richardson at mrichardson@aclufl.org.