



# Franciscan Action Network

Transforming the World in the Spirit of St. Francis and St. Clare

P.O. Box 29106 • Washington, DC 20017 • 202-527-7575 • 1-888-364-3388 (toll free) • 202-527-7576 (fax)

---

## TESTIMONY FOR PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE FEDERAL SENTENCING GUIDELINES

Franciscan Action Network (FAN), a national faith organization of Franciscan men and women across the country, welcomes the opportunity to provide testimony regarding the Sentencing Commission's proposed amendments to Guideline 2L1.2, "Unlawfully Entering or Remaining in the United States."

FAN's Catholic, Franciscan mission of standing with people who are poor and/or treated unjustly, leads us to strongly oppose any policy choices that have led to mass prosecutions and incarceration of individuals and families who do not meet any of the prosecutorial interests stated by the Department of Justice; namely, national security, violent crime, or financial fraud. Rather, the stated interest is to protect the most vulnerable people.

The Commission's April, 2015 report, *Illegal Reentry Offenses*, demonstrates that 49.5% of persons sentenced for illegal reentry had at least one child living in the United States, and that those sentenced were age 17, on average, at the time of initial entry. For a country like the United States that values family as the basic unit of our society, a deportation regimen that tears families apart, criminal prosecutions and punishments for people trying to reunite with their families should be significantly reduced.

In addition to humane and moral rationale for reduction, prosecutions are costly to the criminal justice system, including a diversion of limited resources away from prosecution for serious offenses. It has also been proven that prosecutions do not deter migration by people who are desperately trying to reunite with their families.

We urge the Commission and other involved government agencies to comprehensively review and reduce the harmful impacts of border-crossing prosecutions and sentences. Specifically, we support the Commission's attention to excessive punishment imposed based on currently inflexible escalator enhancements, but we disagree with the proposed amendments' reliance on imposed rather than served sentences. We also disagree with the inclusion of enhancements based on all post-first-entry conduct. Convictions prior to the most recent entry are already accounted for in Criminal History calculations, and enhancements should focus exclusively on post-last-entry conduct.

Thank you for this opportunity to comment on the Commission's proposed amendments to the federal sentencing guidelines.