

We would like to bring your attention to the fact that Oregon Senate Bill 796 blatantly discriminates against legal immigrants.

It requires legal permanent residents to formally apply for citizenship before they would be eligible for a concealed handgun license in the State of Oregon. Currently, the law states that legal permanent residents must declare their intent to become citizens before being eligible for a concealed handgun license in the State of Oregon.

Senate Bill 796 places an unfair and discriminatory restriction on legal immigrants since they must wait a period of between three and five years after obtaining legal permanent resident status before they are eligible to apply for citizenship. Given the fact that Oregon is a shall-issue state, requiring them to apply for citizenship as a pre-requisite for obtaining an Oregon concealed handgun license denies them their equal protection rights under the Constitution for the period of time they are not yet eligible to apply for citizenship.

There is a significant body of well-established legal precedence to prove this bill directly violates the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution. In particular, it has long been settled law that the term 'person' in the Equal Protection Clause of the Fourteenth Amendment encompasses lawfully admitted resident aliens as well as citizens and entitles both citizens and aliens to the equal protection of the laws of the State in which they reside. This was most recently confirmed in the State of Washington, where firearms laws that discriminated against legal immigrants were rescinded after a lawsuit was brought against the State.

We are law-abiding permanent residents that came to Oregon legally in 2001. We were granted legal permanent resident status in October of 2008. We have declared our intent to become citizens and we will be eligible to apply later this year. However, we feel it is important to speak out about the discriminatory elements of this bill for the benefit of other legal immigrants who could be directly affected by it now and in the future.

We're sure most people have no idea that certain politicians in Oregon are working behind the scenes to enact legislation that explicitly discriminates against legal immigrants.

What is so tragic about this legislation is that many on the political left that support the rights of immigrants are quite often 'anti-gun', and so they are not likely to speak-out against this bill. Conversely, many on the political right that are 'pro-gun' are quite often 'anti-immigrant', and so they are not likely to speak-out against this bill either.

This 'catch-22' scenario makes legal immigrants extremely vulnerable to abuse, and this is precisely why the Courts have explicitly enshrined protections for them in the Constitution.

We wonder what the Latino community and other immigrant groups would think about SB 796. Even if many would not be interested in obtaining a concealed handgun license, we think most would be appalled that legal immigrants would be DENIED the opportunity to even APPLY for a license at the same time citizens are afforded that opportunity.

Consider that this bill, as currently written, directly says that a law-abiding U.S. citizen who legally resides in the State of Oregon and has demonstrated safe proficiency with a handgun, CAN be trusted with that handgun outside the home, but an equally law-abiding permanent resident – thoroughly vetted by USCIS – who is not yet eligible to apply for citizenship, but who legally resides in the State of Oregon and has demonstrated safe proficiency with a handgun, CANNOT be trusted with that handgun outside the home.

More succinctly, consider the following scenario...

A law-abiding female citizen has concerns for her safety when outside her home. She legally purchases a handgun, easily passing the State and Federal background check for purchasing a firearm. She takes NRA-approved classes on the legalities of using a firearm in self-defense, takes NRA-approved training classes in the safe use of her firearm, and becomes subsequently proficient with her firearm. As a legal resident of Oregon – Oregon being a shall-issue state – she is entitled to an Oregon concealed handgun license. She applies for her Oregon concealed handgun license, passes the training requirements and the additional background check, and is subsequently issued her license. A year after getting her license, she is confronted by a violent rapist in a parking lot at night, and in genuine fear for her life, she draws her firearm in self defense. The rapist sees the firearm and runs away. She is safe.

A law-abiding female permanent resident has just been issued her permanent resident status from the Federal Government. She came to Oregon legally with her husband who is a professional in the medical device industry. They make a good living, pay taxes, donate regularly to charity, and reside in a nice home in Lake Oswego. In order to receive her permanent resident status, the woman has undergone a thorough background check by USCIS, the FBI and DHS. As a law-abiding person, she has to wait five years before she is legally eligible to apply for citizenship, however, to show her commitment to her adopted country, she spends almost \$400 to officially declare her intent to become a U.S. citizen. In the meantime, she has concerns for her safety when outside her home. She legally purchases a handgun, easily passing the State and Federal background

check for purchasing a firearm. She takes NRA-approved classes on the legalities of using a firearm in self-defense, takes NRA-approved training classes in the safe use of her firearm, and becomes subsequently proficient with her firearm. As a legal resident of Oregon – Oregon being a shall-issue state – she is NOT entitled to an Oregon concealed handgun license. She applies for her Oregon concealed handgun license and is DENIED even though she easily passes the training requirements and the additional background check. The ONLY criterion that denies her is the fact that she is not yet legally eligible under Federal law to apply for citizenship. As a law-abiding person, she safely stores her firearm at home. A year after being denied her license, she is confronted by a violent rapist in a parking lot at night, and in genuine fear for her life, she screams for help and tries to run away. The rapist catches her, knocks her unconscious, rapes her and strangles her. She is dead.

And what will the politicians in Oregon say to her husband? We're sorry, but your wife fell into the legal void between not yet being eligible to apply for citizenship and having to apply for citizenship in order to protect herself with a firearm outside her home.

Think about that for a moment.

We came to this country legally for the same rights and dreams held by millions of previous immigrants - rights and dreams centered on the three fundamental principles this nation was founded on - life, liberty and the pursuit of happiness. As decent, responsible and law-abiding Oregon residents, we feel we must stand-up to discriminatory legislation like this that demeans Constitutional rights and these three fundamental principles. Therefore, we will do everything we can within the law to bring attention to this discriminatory legislation and work to either keep it from being enacted or have it rescinded if it ultimately becomes law.

In this just and egalitarian endeavor, we humbly ask that you do away with the blatantly discriminatory aspects of this bill.

Thank-you.

David & Charlotte Kosokowsky