



Office of the City Clerk

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Legislation Text

File #: R2018-684, **Version:** 1

RESOLUTION

WHEREAS, in May 2018, the number of migrant children in United States custody surged by 21% to 10,773 from 8,886 in April; and

WHEREAS, from April 19 to May 31, a total of 1,995 children who arrived with 1,940 adults were separated from them; and

WHEREAS, the increase is attributed to a newly-imposed "zero tolerance" policy of forcibly separating families attempting an illegal border crossing or who lawfully enter seeking asylum ("the policy"); and

WHEREAS, the policy rolled out by United States Attorney General Jefferson Sessions and the Department of Homeland Security subjects those who cross the border illegally to criminal prosecution; and

WHEREAS, once the matter is classified as criminal, parents are jailed and, having effectively been separated, their children are sent to shelters or put into foster care as part of the system set up for "unaccompanied minors;" and

WHEREAS, this policy is a departure from previous approaches that generally had asylum-seeking migrant families processed by immigration courts through an administrative process that allowed families to be detained together or released with notices to appear at subsequent court proceedings; and

WHEREAS, a U.S. Customs and Border Protection official testified at a Senate committee hearing in May that between May 6 and May 19, 2018, 648 adults were referred for prosecution under the new zero-tolerance effort and that they had 658 children with them; and

WHEREAS, once separated and improperly reclassified as unaccompanied minors, children fall under the purview of the DHS Office of Refugee Resettlement (ORR); and

WHEREAS, more than 10,000 children are currently in shelters run by ORR, which reports a network of approximately 100 shelters in 14 states; and

WHEREAS, the largest licensed migrant children's shelter in Texas houses 1,500 boys in a former Walmart store; and

WHEREAS, officials reported that the shelters are at 95% capacity and that, as part of the needed expansion, the agency is contemplating military bases and a temporary tent structure near El Paso, Texas; and

WHEREAS, news outlets including The New York Times report that some parents and children have gone weeks without communicating or knowing each other's whereabouts; and

WHEREAS, horrific stories mount by the day-children pried from a parent's grip, the use of false pretenses such as claiming a need to bathe or photograph the children in order to separate them from parents, a four-month old infant taken from her mother's arms as she nursed, mothers not given a chance to say goodbye to their child, inconsolable children in detention, and staff reportedly unable to hold or comfort them; and

WHEREAS, in one instance, on May 13, 2018, a Honduran father killed himself while in detention one day after being separated from his wife and child in an incident that an anonymous Border Patrol agent described by stating that "[f]he guy lost his s-... [f]they had to use physical force to take the child out of his hands;" and

WHEREAS, the United Nations High Commissioner for Human Rights called for an immediate halt to a practice that he characterizes as a serious violation of children's rights and international law and, citing the American Association of Pediatrics' president, observed that the practice constituted "government-sanctioned child abuse;" and

WHEREAS, the president of the United States Conference of Catholic Bishops has condemned family separation in the implementation of the zero tolerance policy, stating that "[separating babies from their mothers is not the answer and is immoral;" and

WHEREAS, U.S. Senators have introduced Senate Bills 2468, 2937, and 3036, respectively the Fair Day in Court for Kids Act of 2018, the HELP for Separated Children Act. and the Keep Families Together Act, in an effort to improve conditions for families detained at a point of entry; and

WHEREAS, in two high profile cases that led the American Civil Liberties Union to file a class action lawsuit to enjoin the federal government from separating families at the border, the children involved were reportedly sent to shelters in Chicago: and

WHEREAS, on June 5, 2018, New York Governor Andrew Cuomo announced the state's intent to file a lawsuit against the federal administration to expedite family reunification, and on June 21, 2018, a coalition of state attorneys general including those from Washington, California, Illinois, Iowa, Maryland, Massachusetts, Minnesota, New Jersey, New Mexico, Oregon, and Pennsylvania announced their plans to do the same; and

WHEREAS, on June 20, 2018 two lawsuits were filed in federal court against the U.S. Attorney General and a Chicago-based nonprofit on behalf of two children separated from their fathers at the border; and

WHEREAS, in addition to legal action, the policy has galvanized advocates far and wide, with one example being Families Belong Together, a coalition of organizations including the Illinois Coalition for Immigrant and Refugee Rights, Heartland Alliance's National Immigrant Justice

Center, ACLU, and Amnesty International, which is hosting a "national day of action" that will include a march in

Chicago on June .30, 2018; and

WHEREAS, although on June 20, 2018, the president of the United States signed an executive order purporting to address the policy, it does not scale back the enforcement of border crossing as a criminal matter, it does not detail how parents and children already separated will be reunited, nor does it clarify whether "keeping families together" means that children will be in jails with their parents or parents will be in shelters with their children, and, in sum, leaves a host of caveats and questions outstanding; and

WHEREAS, on June 21, 2018, a Pentagon official announced that the Department of Defense will house up to 20,000 unaccompanied migrant children on American military bases, according to The Washington Post; and

WHEREAS, some of the children recently separated from their families at the U.S. and Mexico border are being sheltered in Chicago; and

WHEREAS, the local and upstanding organizations that assist in running shelters in cooperation with ORR in no way stand to be impugned by the condemnation of family separation policies, as their dedication to serving their charges appropriately and humanely is clear; and

WHEREAS, Chicago's status as a home to children forcibly separated from their parents marks a manifestation within our boundaries of what the ACLU calls a "human rights disaster" that we therefore must address; and

WHEREAS, in doing so, we echo U.S. Senator Jeff Merkley of Oregon, who stated, "this is not a zero tolerance policy, this is a zero humanity policy, and we can't let it go on;" and

WHEREAS, evidencing his intractability in the face of outrage at the policy, Attorney General Sessions maintained, "I would cite to you the Apostle Paul and his clear and wise command in Romans 13 to obey the laws of the government.. because God has ordained them for the purpose of order;" and

WHEREAS, the members of this City Council understand that history has witnessed far too many instances of piety-masked cruelty as well as the use of laws as convenient means to abhorrent ends and, in seeking to denounce their misuse here, we observe that no law demands the forceful taking of migrant children from their parents upon entry to this country; and

WHEREAS, more importantly, we uphold the principle that the law should embody and protect core human values, not be used as a pretext to trounce upon them; now, therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHICAGO: that the members of this City Council hereby denounce the inhumane "zero tolerance" policy of separating families attempting entry into the United States and urge the federal government to cease its implementation; and

BE IT FURTHER RESOLVED: that this City Council urges the Illinois congressional delegation in Washington, D.C. to lend its support and effort to the passage of pending bills and other measures offering immediate protection against inhumane migrant family separation tactics; and

BE IT FURTHER RESOLVED: that a suitable copy of this resolution be presented to United States Senator Tammy Duckworth and United States Senator Richard Durbin; and

BE IT FURTHER RESOLVED: that this City Council stands in full support of the Families Belong Together national day of action scheduled for June 30, 2018.

CHICAGO June 27, 2018

To the President and Members of the City Council:

Your Committee on Finance having had under consideration a resolution denouncing "zero-tolerance" migrant family separations at the United States/Mexico Border, calling for efforts to cease the practice and aggressively pursue family reunification, and supporting advocacy efforts.

Direct Introduction

Having had the same under advisement, begs leave to report and recommend that your Honorable Body pass the proposed resolution.

**This recommendation was concurred in by
of members of the committee with**

Respectfully submitted

Chairman