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Legislation Details (With Text)

File #: Or2018-326

Type: Order **Status:** Passed

File created: 6/27/2018 **In control:** City Council

Final action: 6/27/2018

Title: Call for Corporation Counsel to participate in legal actions seeking to enjoin "zero tolerance" policy of criminally charging and separating families, and aiming at family reunification by way of amicus brief filings

Sponsors: Burke, Edward M., Villegas, Gilbert, Maldonado, Roberto, Moreno, Proco Joe, Arena, John, Munoz, Ricardo, Reboyras, Ariel, Lopez, Raymond A., Santiago, Milagros

Indexes: Law

Attachments: 1. Or2018-326.pdf

Date	Ver.	Action By	Action	Result
6/27/2018	1	Committee on Finance	Recommended to Pass	
6/27/2018	2	City Council	Passed	Pass
6/27/2018	1	Committee on Finance	Direct Introduction	

ORDER

WHEREAS, in May 201 S. The number of migrant children in United States custody surged by 2)% to 10,773 from 8,886 m 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 (DHS) 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 pan 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, once separated and improperly reclassified as unaccompanied minors, children fall under the purview of the DHS Office of Refugee Resettlement (ORR), which reportedly has more than 10,000 children in their network of 100 shelters across 14 states; and

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

WHEREAS, horrific stories mount by the day -children ripped 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, 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, in February 2018, a 39-year-old mother sued DHS after she arrived from the Democratic Republic of Congo to Mexico and asked for asylum at a port of entry near San Diego

where she was detained and separated from her 7-year-old daughter who was sent 2,000 miles away to a youth shelter in Chicago, and

WHEREAS, before then, a Brazilian mother entered the United States in August 2017 with her 14-year-old son seeking asylum due to gang threats, and her son was taken to a shelter in Chicago; and

WHEREAS, these instances led the American Civil Liberties Union to file a class action lawsuit to enjoin the federal government from separating families seeking entry to the United States; and

WHEREAS, on June 15, 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, 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 in shelters with their children, and, in sum, leaves a host of caveats and questions outstanding; and

WHEREAS, by most accounts from advocacy centers, the federal government does not have a proper system to track and

coordinate the reunification of families once parent and child are shuttled off into their respective enforcement systems; and

WHEREAS, the American Psychological Association has warned of the physical and mental health threats to children occasioned by the trauma of separation: 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 the 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 clear; and

WHEREAS. Chicago's status as a destination for children forcibly separated from their parents marks a manifestation within our boundaries of what the ACLU calls a "human rights" disaster for which we are duty-bound to seek redress; now, therefore.

BE IT ORDERED BY THE CTTY COUNCIL OF THE CITY OF CHICAGO: that the Corporation Counsel join or participate as appropriate in legal actions that seek to enjoin the "zero-tolerance"* policy of criminally charging and separating migrant families, and that aim to aggressively pursue the reunification of and redress for separated families, by way of amicus brief filings that press forward on both the City's opposition to the federal administration's implementation of zero-tolerance family separation tactics and its support of immigrant and refugee families.

CHICAGO June 27, 2018

To the President and Members of the City Council:

Your Committee on Finance having had under a proposed order directing the Corporation Counsel to file amicus briefs in matters seeking to enjoin ""zero-tolerance" migrant family separation policies and pursue reunification of, and redress to, affected families.

Direct Introduction

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

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

Respectfully submitted

Chairman