



Office of the City Clerk

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Legislation Details (With Text)

File #: Or2018-621
Type: Order
Status: Failed to Pass
File created: 11/14/2018
In control: City Council
Final action:
Title: Call for Corporation Counsel to participate in legal actions seeking to oppose federal administration's denial of asylum to migrants entering United States between ports of entry
Sponsors: Burke, Edward M., Villegas, Gilbert
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Attachments: 1. Or2018-621.pdf

Date	Ver.	Action By	Action	Result
5/29/2019	1	City Council	Failed to Pass	
11/14/2018	1	City Council	Referred	

Committee on Human Relations

ORDER

WHEREAS, President Donald Trump has recently invoked national security power in order to deny asylum to any migrants who cross the border illegally thus violating federal and international law; and

WHEREAS, in June of 2018, the Trump administration overturned asylum protections for domestic violence and gang violence victims that prevent tens of thousands of immigrants from getting protection in the United States; and

WHEREAS, at that time, the United States Attorney General said that in order to qualify for asylum protection, not only must the government of the home country be unable or unwilling to help the victims, but also "the applicant must show that government condoned the private actions or demonstrated an inability to protect the victims;" and

WHEREAS, on November 1, 2018, President Trump delivered a harsh speech on immigration including a warning that the United States military would be armed and ready to shoot if migrants from the Central America caravan heading toward the border threatened the soldiers with rocks; and

WHEREAS, Pentagon spokesman Lt. Col. Jamie Davis said, "We will not discuss hypothetical situations or specific measures within our rules on the use of force, but our forces are trained professionals who always have the inherent right of self-defense;" and

WHEREAS, after announcing the deployment of 5,200 troops to the border to join 2,000 members of the National Guard already stationed there, Gen. Terrence O'Shaughnessy said that the troops would follow "the standard rules for use of force" when operating within the United States, which means "deadly force is justified only when there is a reasonable belief that the subject of such force poses imminent threat of death or serious bodily harm to a person;" and

WHEREAS, on November 8, 2018, the Trump administration published the rule that would place all future illegal border crossers - those arrested between ports of entry - into detention with expedited deportation, regardless of whether they make an asylum claim; and

WHEREAS, the Trump administration explained that the president has the power to restrict asylum applicants to make claims only at border entry points based on a section of immigration law that allows him "to impose on the entry of aliens any restrictions he may deem appropriate;" and

WHEREAS, the Trump administration said that the goal was to force more immigrants who wish to claim asylum to do so at designated ports of entry, but many asylum-seekers have chosen to cross illegally because they were kept waiting for days in Mexico due to backlogs at ports of entry; and

WHEREAS, the new restrictions will apply for ninety (90) days; and

WHEREAS, the asylum and refugee law was adopted soon after the end of World War II by the newly-created United Nations that approved the 1951 Convention spelling out specific rights and protections that nations should offer to asylum seekers and refugees; and

WHEREAS, many Americans, including President Trump have the misperception that the process of being granted asylum is easily abused by individuals who seek this status in order to come and stay in the United States; and

WHEREAS, on the contrary, the asylum applications are subject to stringent review procedures and rigorous background and security checks by the Department of Homeland Security and the Department of Justice; and

WHEREAS, in order to win a legal protection from being deported, asylum seekers must: (1) be outside their country of nationality; (2) be afraid of persecution; (3) be harmed or fear harm by the government or others; (4) be affected by at least one of several defined conditions, such as political opinion, race, religion, nationality, and social group; and (5) not be a dangerous person; and

WHEREAS, many asylum seekers face substantial hurdles in meeting the above five requirements because they often lack documents or witnesses to prove who they are, why they left home, or what dangers await them upon return; and

WHEREAS, even with the high hurdles, Article 13(2) of the Universal Declaration of Human Rights proclaimed that, "[e]veryone has the right to leave any country, including his own" to seek asylum; and

WHEREAS, the American Civil Liberties Union (ACLU), which led lawsuits to stop the travel ban and to reunite families separated by Trump's "zero tolerance policy," is prepared to bring a lawsuit again; and

WHEREAS, Lee Gelemt, the deputy director of the ACLU's Immigrations' Rights Project said, "If the administration announces a ban on asylum for those who enter between ports of entry, we will be prepared to go to court as necessary;" and

WHEREAS, legal experts and immigration advocates have said that Trump's policy would violate federal and international law that permit asylum seekers to make legitimate claims anywhere, regardless of how they enter the country; and

WHEREAS, in fact, David M. Rubenstein, a fellow in governance studies at The Brookings Institution said, "the rules promulgated by the Trump administration would be in violation of international asylum law where U.S. treaty obligations required the United States to extend asylum to individuals who qualify as refugees if they are found in the United States or at any U.S. border, regardless of whether they arrived there legally or not. The same treaties also prohibit the United States from expelling qualified individuals or returning them to their country of origin absent certain extraordinary circumstances;" and

WHEREAS, Chicago is forever a welcoming city to immigrants from all over the world, and as representatives of this great City, we are duty-bound to seek redress on behalf of all those who stand to be adversely affected by this new policy; now, therefore,

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

That the Corporation Counsel join or participate as appropriate in legal actions that seek to enjoin the Trump administration by way of amicus brief filings that press forward on both the City's opposition to the federal administration's implementation of denying asylum to migrants that enter between ports of entry and its support of immigrants and refugees.

Edward M. Alderman, IVⁿ Ward