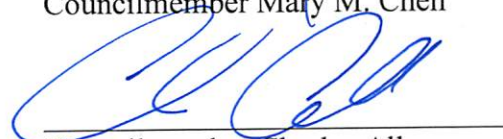


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Chairman Phil Mendelson


Councilmember Mary M. Cheh



Councilmember Jack Evans


Councilmember Charles Allen

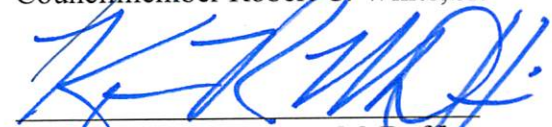

Councilmember Brandon Todd



Councilmember Anita Bonds

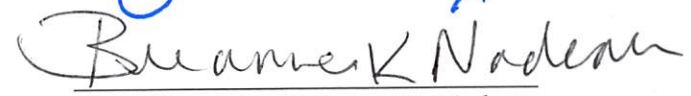

Councilmember David Grosso


Councilmember Robert C. White, Jr.


Councilmember Elissa Silverman


Councilmember Kenyan McDuffie


Councilmember Vincent C. Gray


Councilmember Brianne K. Nadeau


Councilmember Trayon White

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the sense of the Council that it condemns the Trump Administration's policy of separating parents from their children when detained by DHS for violating United States immigration law, that Congress must pass legislation to rescind this policy, and that the Department of Justice, Department of Homeland Security, and Immigration and Customs Enforcement must take action to reunify all parents and children separated under this policy as soon as possible.

46 RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
47 resolution may be cited as the “Sense of the Council Condemning the Separation of Immigrant
48 Parents and Children by the Department of Homeland Security and Insisting on the Reunification
49 of Separated Parents and Children Resolution of 2018”.

50 Sec. 2. The Council finds that:

51 (1) On April 6, 2018, Attorney General Jeff Sessions announced a new federal “zero
52 tolerance” immigration policy requiring Department of Homeland Security (“DHS”) officials to
53 refer all cases of adults entering the United States without documentation for criminal
54 prosecution, even those seeking asylum. In the days following Attorney General Sessions’
55 announcement, DHS began enforcing this new policy.

56 (2) As part of the Department’s implementation of this new policy, DHS officials were
57 directed to separate adults detained by the Department from their children. Although federal
58 protocol mandates that adults charged with a crime must be held separately from their children,
59 there is no law that requires all adults entering the country illegally to be charged with a crime.
60 Under long-standing federal policy, in place during the terms of both President George W. Bush
61 and President Barack Obama, families who were detained by DHS for crossing the border
62 illegally were routinely referred for civil deportation proceedings, which does not require
63 separation of parents and from their children.

64 (3) From April 19 through June 9, 2018, DHS officials forcibly separated over 2,300
65 children from their parents. DHS separated additional families through June 20, 2018; however,
66 the Department has not yet released information on those families. Detained children have been
67 held in camps along the United States’ southern border, including children as young as 8 months
68 old, and are widely reported to be held in cages.

69 (4) On June 20, 2018, President Trump signed an Executive Order prohibiting DHS
70 officials from separating parents from their children when the parent has been arrested for
71 entering the United States without documentation; this Executive Order, however, states that
72 DHS may hold families in immigrant detention indefinitely. This language conflicts with the
73 1997 federal court decision in *Flores v. Reno*, which states that the federal government may not
74 detain children in immigration detention for more than twenty days. It is unclear how DHS
75 intends to enforce the conflicting requirements of the Executive Order and *Flores*.

76 (5) On June 21, 2018, a Customs and Border Protection (“CBP”) official announced that
77 U.S. Border Patrol will no longer refer parents entering the United States without documentation
78 for criminal charges. This new policy, however, applies only to CBP referrals; the Department of
79 Justice has not announced any change to its “zero tolerance” policy of filing criminal charges
80 against undocumented migrants crossing the border, including parents with children.

81 (6) To date, DHS has provided parents with extremely limited information on how to be
82 reunited with their children. Parents are provided with a document that instructs them to call or
83 e-mail Immigration and Customs Enforcement (“ICE”) or the Office of Refugee Resettlement
84 (“ORR”) to begin the reunification process. The document provides no information on the
85 location where the person’s child is being held, who is responsible for caring for the child, how
86 the child is being tracked in the DHS system, or how to seek reunification if the parent has been
87 removed from the United States.

88 (7) Prolonged separation and detention may traumatize children who are already fleeing
89 dangerous and emotionally-damaging circumstances in their countries of origin. In addition,
90 prolonged trauma can cause long-term impairment of social development and intellectual
91 capacity of the detained children.

92 Sec. 3. It is the sense of the Council that:

93 (1) Attempting to deter undocumented immigration into the United States by separating
94 children from their parents is inhumane, ineffective, and constitutes a violation of human rights.

95 (2) The Council condemns the Trump Administration’s policy from April through June
96 2018 of charging all persons entering the United States unlawfully with a crime and separating
97 parents from their children following arrest.

98 (3) Although the Council acknowledges the temporary rescission of the Trump
99 Administration’s policy of separating parents from their children in the President’s June 20, 2018
100 Executive Order, the Council urges President Trump to issue guidance establishing this as a
101 permanent policy. The Council strongly opposes the Executive Order’s language permitting DHS
102 to hold families in immigration detention indefinitely. This requirement violates the holding of
103 *Flores v. Reno*, which restricts the federal government from holding children in immigration
104 detention for more than twenty days. President Donald Trump must immediately amend this
105 Executive Order to comply with the *Flores* decision, and issue guidance to DHS requiring that
106 families with children be released from immigration detention within twenty days, if not sooner.

107 (4) Although the Council approves of the new policy announced by Customs and Border
108 Patrol on June 21, 2018 to no longer refer parents entering the United States without
109 documentation for criminal charges, DOJ may still bring criminal charges against these parents.
110 President Donald Trump and Attorney General Jeff Sessions must immediately issue guidance
111 rescinding the policy of charging all persons entering the United States unlawfully with a crime.

112 (5) Majority Leader Mitch McConnell, Speaker of the House Paul Ryan, and all other
113 members of Congress must take immediate action to pass legislation prohibiting DHS, DOJ, and

114 ICE from criminally charging all persons entering the United States unlawfully, and separating
115 those parents from their children.

116 (6) DOJ, DHS, and ICE must take immediate action, ideally in concert with ORR staff, to
117 reunite all parents and children separated under this policy. The President must direct the
118 Secretary of Homeland Security and the Director of the Office of Refugee Resettlement to work
119 directly with foreign governments to reunify families where a parent has been deported to
120 another country without his or her child.

121 Sec. 4. The Council shall transmit a copy of this resolution, upon its adoption, to the
122 Mayor, the City Administrator, the President of the United States, Majority Leader Mitch
123 McConnell, Speaker of the House Paul Ryan, Attorney General Jeff Sessions, and Secretary of
124 Homeland Security Kristjen Nielsen

125 Sec. 5. This resolution shall take effect immediately upon the first date of publication in
126 the District of Columbia Register.