

ENROLLED ORIGINAL

A RESOLUTION

23-222

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 8, 2019

To declare the existence of an emergency, due to congressional review, with respect to the need to expand the standby guardianship law to enable a parent, legal guardian, or legal custodian who is, or may be subject to an adverse immigration action, to make short-term plans for a child without terminating or limiting that person's parental or custodial rights.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Standby Guardian Congressional Review Emergency Declaration Resolution of 2019".

Sec. 2. (a) According to the American Immigration Council:

(1) 25,000 undocumented immigrants comprised 26% of the immigrant population and 3.9% of the District's total population in 2014.

(2) 23,979 people in the District, including 8,912 born in the United States, lived with at least one undocumented family member between 2010 and 2014.

(3) During the same period, 7% of children in the District were United States citizens living with at least one undocumented family member (7,572 children in total).

(b) The President has made immigration detention and deportation a signature issue of his administration and despite the District's designation as a sanctuary city, there continues to be apprehensions and detainments, including inside the District of Columbia Superior Court.

(c) Over the last year, organizations that work with detained individuals in the District have seen a 40% increase in the number of District residents being held in immigration detention centers.

(d) On June 17, 2019, President Donald Trump tweeted, "Next week ICE will begin the process of removing the millions of illegal aliens who have illicitly found their way into the United States. They will be removed as fast as they come in."

(e) According to ABC news, on June 18, 2019, an official from the President's administration said that enforcing final deportation orders "is a top priority".

(f) On the evening of June 22, 2019, the U.S. Immigration and Customs Enforcement ("ICE") performed raids in Adams Morgan and Columbia Heights. ICE visited several restaurants undercover to scope them out, gain access to the back of the kitchen, and interrogate

ENROLLED ORIGINAL

workers. In connection to these raids, 2 parents who are District residents were detained by ICE and were being held in a local detention center.

(g) On June 25, 2019, there was an additional ICE raid at the Mount Pleasant Library.

(h) When District residents are apprehended and detained, they are transported to detention centers outside of the District, as the District does not have any immigrant detention centers within its jurisdiction. It can often take many days for family members to learn the whereabouts of the detained residents.

(i) Emergency legislation is necessary to prevent a gap in the law as the:

(1) The previously approved Standby Guardian Emergency Amendment Act of 2019, effective July 31, 2019 (D.C. Act 23-111; 66 DCR 188), is set to expire on October 29, 2019 (“emergency legislation”).

(2) The corresponding permanent legislation, the Standby Guardian Amendment Act of 2019, as introduced on July 9, 2019 (Bill 23-402), is currently under Council review with no projected date to become law.

(3) The corresponding temporary legislation, the Standby Guardian Temporary Amendment Act of 2019, enacted on October 7, 2019 (D.C. Act 23-118; 66 DCR ____), is pending with no projected date to become law (“temporary legislation”).

(j) There exists an immediate need for the District to enact legislation, to expand the standby guardianship laws to enable a parent, legal guardian, or legal custodian to be able to make plans to protect the wellbeing of their children in advance of an adverse immigration action, so that the provisions of the emergency legislation continue in effect, without interruption, until the temporary legislation has become law.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Standby Guardian Congressional Review Emergency Amendment Act of 2019 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.