



Board of Commissioners of Cook County

118 North Clark Street
Chicago, IL

Legislation Text

File #: 18-4466, **Version:** 2

PROPOSED RESOLUTION

SUBSTITUTE FOR 18-4466 BOARD OF COMMISSIONERS MEETING OF 6/27/2018

ADDRESSING THE HARMFUL EFFECTS OF IMMIGRANT CHILD AND FAMILY DETENTION AND CALLING ON THE U.S. CONGRESS AND THE EXECUTIVE BRANCH TO RESCIND THE “ZERO TOLERANCE” POLICY

WHEREAS, Cook County is a “Fair and Equal County for Immigrants,” as defined in 07-R-240; and

WHEREAS, Cook County has demonstrated leadership and commitment towards upholding the rights of immigrants by being the first county in the nation to develop and approve a policy of how to respond to Immigration and Customs Enforcement detainees per Ordinance 11-O-73; and

WHEREAS, Cook County has benefitted culturally, socially and economically from the diversity of its residents, including over one million immigrants from throughout the world; and

WHEREAS, In April 2018, United States Attorney General Jeff Sessions issued a memorandum requiring all federal prosecutors along the Southwest border to adopt a zero tolerance policy for attempted entries as defined under 8 U.S. Code § 1325; and

WHEREAS, There are migrant parents who have been criminally prosecuted as a result of this zero tolerance policy and are currently being detained in immigrant detention facilities in Illinois, despite their children being scattered across the country and thus further complicating the litigation of their asylum cases; and

WHEREAS, This has vastly expanded the criminalization of adult migrants, some of whom are presenting asylum claims and are now being criminally prosecuted before federal judges, instead of appearing in civil immigration proceedings, and has resulted in the separation from their minor children who have been erroneously labeled as unaccompanied alien children; and

WHEREAS, There has been a spike in separations after the issuance of the zero tolerance policy memorandum with nearly 3,000 children separated from their parents with an unspecified number of these children being sheltered in Chicago facilities with no plan to reunify the children with their parents per a June 21, 2018 Chicago Sun-Times report; and

WHEREAS, On June 20, 2018, the President of the United States signed an Executive Order requiring that families be detained together indefinitely during criminal or immigration proceedings, with expanded use and construction of facilities as needed, yet does not rescind the zero tolerance policy and further contributes to the mass incarceration of

people of color in the United States; and

WHEREAS, The federal government has not clarified a pathway to reunification for families who have already been separated, whom are experiencing extreme duress, as evidenced by the suicide of a Honduran father who killed himself in a detention cell after being separated from his child in June 2018; and

WHEREAS, Adding to a growing pattern of permanent family separation, the Chicago-based National Immigrant Justice Center reports that some parents have already been deported to their home countries without knowledge of their children's whereabouts; and

WHEREAS, The Office of Refugee Resettlement has historically been charged with reunification of unaccompanied minors with sponsors, but now, any future sponsors of the separated children, including parents, would be subject to investigation and discretion by the U.S. Department of Homeland Security per a recent April 2018 Memorandum of Agreement between said department and the U.S. Department of Health and Human Services which would continue to put the well-being of children and families at risk; and

WHEREAS, These practices impose long-lasting, trans-generational toxic stress on impacted families with negative ramifications on public health, according to decades of research on the factors needed for healthy child development; and

WHEREAS, Furthermore, in light of a May 2018 joint report from the American Civil Liberties Union and the International Human Rights Clinic at the University of Chicago Law School which details evidence of abuse against immigrant children while in government custody as well as separate reports that Immigration and Customs Enforcement will start destroying records of abuse against detained immigrants, it can be argued that detained families are in a perilous state with no accountability; and

WHEREAS, Renowned mental health organizations such as the Illinois Childhood Trauma Coalition and the American Psychological Association have decried the practice of separating families and have emphasized the harmful effects that trauma caused by detention and deportation can have on children and families; and

WHEREAS, Moreover, mental health providers have reported that they cannot adequately address pre-migration trauma that causes youth and families to seek asylum when trauma is further compounded by family separation and family-based detention practices and current actions that place undue stress on families, including in Cook County, who await reunification with loved ones via asylum; and

WHEREAS, The American Psychological Association's Society for Community Research and Action documented that the broader community can suffer negative consequences of immigration enforcement and deportations by becoming more fearful and mistrustful of public institutions and being less likely to participate in community activities such as school, church, and social services; and

WHEREAS, The situation has prompted a national outcry for the federal government to address the malignant effects of detention, with leading immigrant rights organizations demanding U.S. House and Senate leaders scale back funding for immigrant detention and enforcement; and

WHEREAS, In the United States, there already exists very limited mechanisms to safeguard parental rights, let alone for the precarious situation of newly arrived migrant parents who are unduly being referred to federal custody for criminal

prosecution; and

WHEREAS, Elected officials across the country, including Illinois Attorney General Lisa Madigan, have either participated in various actions or issued statements condemning the practice and calling out the lack of legal basis in the “zero tolerance policy”; and

WHEREAS, The current actions on behalf the Executive Branch are burdening practitioners in the social service and legal sectors and are further unnecessarily entangling families into indefinite interaction with both child welfare and criminal justice systems.

NOW, THEREFORE, BE IT RESOLVED, Cook County calls on the United States Attorney General Jeff Sessions to rescind the zero tolerance policy enacted in April 2018 which prosecutes families at the border and instead adhere to core human rights as stated by the Office of the United Nations High Commissioner for Human Rights in order to allow USCIS to properly review and process asylum cases to ensure the safety of all children and families within our borders while ensuring due process to these individuals; and

BE IT FURTHER RESOLVED THAT, Cook County calls on the U.S. Department of Health and Human Services and the U.S. Department of Homeland Security to retract their Memorandum of Agreement that allows for the Office for Refugee Resettlement to share data on minors and potential sponsors with Immigration and Customs Enforcement and keep the work of these agencies separate to safeguard the basic rights of children and families; and

BE IT FURTHER RESOLVED THAT, The Cook County Board President and the Cook County Board of Commissioners do hereby demand that the Congress of the United States and the Executive Branch ensure that separation of families and the detention of families at the Southern border is halted and define a reunification pathway for impacted families and that it conduct review and reform of current conditions of detention for immigrant children.

BE IT FURTHER RESOLVED THAT, Suitable copies of this resolution be presented to the Illinois Delegation to the United States Congress and to the President of the United States as a sign of our commitment to this critical issue.