

**REPORT OF THE
CHIEF LEGISLATIVE ANALYST**

DATE: June 26, 2018

TO: Honorable Members of the Rules, Elections & Intergovernmental Relations Committee

FROM: Sharon M. Tso 
Chief Legislative Analyst

Council File No: 18-0002-S76 and 18-0002-S78
Assignment No: 18-06-0569 and 18-06-0602

SUBJECT: Resolutions to SUPPORT S. 3036, the Keep Families Together Act.

CLA RECOMMENDATION: Adopt Resolution (Bonin – Martinez – Krekorian – Cedillo – Rodriguez – Buscaino – Blumenfield - Huizar) and Resolution (Koretz – Bonin) to include in the City’s 2017-2018 Federal Legislative Program, SUPPORT for S. 3036, the Keep Families Together Act (Feinstein) inasmuch as it would prohibit an agent or officer of the Department of Homeland Security from removing a child from his or her parent or legal guardian, at or near a United States border or port of entry.

SUMMARY

The Resolution (Bonin – Martinez – Krekorian – Cedillo – Rodriguez – Buscaino – Blumenfield - Huizar) and Resolution (Koretz – Bonin), introduced June 12, 2018 and June 20, 2018 respectively, advise that on May 7, 2018, Attorney General Jeff Sessions announced that all adults arriving at the border would be prosecuted for illegal entry. This policy has resulted in parents being separated from their children, at an average rate of 47 children per day according to Customs and Border Protection, and is the cruelest step the Trump Administration has taken in regards to asylum seeking migrants. The Resolutions further advise that the Keep Families Together Act was introduced by Sen. Diane Feinstein and would prohibit an agent or officer of the Department of Homeland Security (DHS) from removing a child from his or her parent or legal guardian, at or near the port of entry or within 100 miles of the border of the United States.

The Resolutions recommend that the City support S. 3036, the Keep Families Together Act (Feinstein).

BACKGROUND

On April 6, 2018, the Office of the Attorney General, Jeff Sessions, released a memorandum titled “Zero-Tolerance for Offenses Under 8 U.S.C. § 1325(a),” that directed United States Attorney’s Offices along the Southwest Border to immediately adopt a zero-tolerance policy for migrants detained having made illegal entry into the United States. This policy resulted in the separation of over 2,300 minors from their accompanying guardians since the beginning of the zero-tolerance policy enforcement in May 2018.

On June 20, 2018, President Trump signed an executive order titled “Affording Congress an Opportunity to Address Family Separation” which directs DHS to detain families together rather than remove children from their guardians. Pursuant to the Flores Settlement in 1985, children can only be held for 20 days by DHS, after which they are transferred the Department of Health and Human Services’ Office of Refugee Resettlement. The executive order does not provide a solution to this issue but requests the Department of Justice to file a claim with the U.S. District Court for the Central District of California to revise the Flores Settlement.

The Keep Families Together Act would prohibit designated federal agencies from removing a child from their legal guardian within 100 miles of the United States border except in cases determined necessary due to the safety or welfare of the child. In the case of separations, the bill directs the DHS to document the instance and detail the reason and evidence for the separation. The bill would expressly prohibit separations for the policy goal of deterring individuals from migration to the United States.

The Keep Families Together Act also requires the development of training and guidance for agents and officers that emphasizes the best interests of the child, childhood trauma, attachment, and child development. Furthermore, DHS is directed to publish public guidance explaining how parents or legal guardians may locate a child who was separated from them and provide parents and legal guardians with information on the status and whereabouts of their child. The bill also calls for annual reports on family separations and a study from the Government Accountability Office on the prosecution of asylum seekers during the period of January 1, 2008 through December 31, 2018.

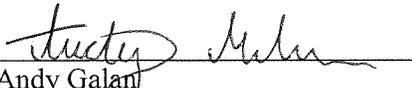
The Recommendation is consistent with City efforts to ensure the safety and human rights of all residents, regardless of legal status.

DEPARTMENTS NOTIFIED

None

BILL STATUS

06/07/18 Introduced
06/07/18 Read twice and referred to Committee on the Judiciary


Andy Galan
Analyst

- Attachments: 1. Resolution (Bonin – Martinez – Krekorian – Cedillo – Rodriguez – Buscaino – Blumenfield - Huizar)
2. Resolution (Koretz – Bonin)

RESOLUTION

WHEREAS, any position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, on May 7, 2018, Attorney General Jeff Sessions announced that all adults who arrive at the border would be prosecuted for illegal entry, even if they attempt to seek asylum; and

WHEREAS, this policy, which has never before been pursued, has resulted in parents being separated from their children; and

WHEREAS, at a May 24, 2018, Senate Judiciary Committee hearing, Customs and Border Protection informed Senator Feinstein that 658 children were taken from 638 parents during a 14-day period in May, an average of 47 children being taken from their parents each day; and

WHEREAS, this policy is the cruelest step the Trump Administration has taken to date in its ongoing targeting of migrants fleeing violence and coming to the United States seeking protection; and

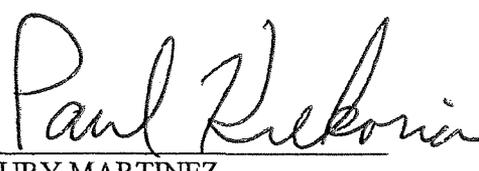
WHEREAS, Sen. Dianne Feinstein (D-CA) introduced the "Keep Families Together Act" that would prohibit an agent or officer of the Department of Homeland Security from removing a child from his or her parent or legal guardian, at or near the port of entry or within 100 miles of the border of the United States; and

WHEREAS, it is imperative that the City of Los Angeles support any and all actions to end this cruel and inhumane policy that separates children from their parents when attempting to enter the United States;

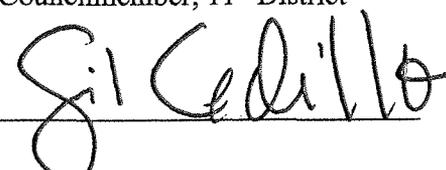
NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2017-18 Federal Legislative Program SUPPORT for the Keep Families Together Act (Feinstein), inasmuch as it would prohibit an agent or officer of the Department of Homeland Security from removing a child from his or her parent or legal guardian, at or near a United States border or port of entry.

PRESENTED BY:


MIKE BONIN
Councilmember, 11th District

for 
NURY MARTINEZ
Councilwoman, 6th District

SECONDED BY:






JUN 10 2018

RESOLUTION ~~RESOLUTION~~ RULES, ELECTIONS, INTERGOVERNMENTAL RELATIONS

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the Trump administration has adopted a "zero-tolerance" policy to prosecute all undocumented individuals caught attempting to enter the United States; and

WHEREAS, this policy has normalized the practice of placing detainee's children under federal care until their cases are resolved in federal immigration court; and

WHEREAS, although previous administrations dismissed this practice as superfluously cruel, this administration has embraced it and separated over 650 children from their parents over a two week period in May 2018; and

WHEREAS, routinely separating families in this manner constitutes a horrendous abuse of human rights, denounced by the American Medical Association and the American Academy of Pediatrics because of the lifelong trauma the practice inflicts upon these children; and

WHEREAS, S 3036, also known as the Keep Families Together Act, would end this appalling practice by prohibiting border officials from separating children from their parents at the border; and

WHEREAS, the bill would also restrict the prosecution of asylum-seeking parents and require all U.S. Customs and Border Protection officers and agents to complete an annual child welfare training program; and

WHEREAS, passing this bill represents the first step toward healing the pain and trauma this administration has caused and demonstrating to the world that our country will not tolerate these abuses;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2017-2018 Federal Legislative Program support for S 3036, which will prohibit border officials from separating families at the border.

PRESENTED BY:



PAUL KORETZ

Councilmember, 5th District

SECONDED BY:



JUN 20 2018

ORIGINAL