

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 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 January 27, 2017, President Donald J. Trump issued an executive order: *Protecting the Nation from Foreign Terrorist Entry into the United States* – designed to block all refugee entry for a period of 120 days, indefinitely blocks Syrian refugees seeking asylum, and suspend entry into the United States of refugees from seven Muslim-majority countries: Iraq, Syria, Sudan, Iran, Somalia, Libya and Yemen for 90 days; and

WHEREAS, the President's abrupt ban created chaos and uncertainty in airports across the globe, stranding, and in many cases, detaining travelers from all walks of life who were expecting to return to the U.S. – not only refugees, but students, those travelling on business, scientists, tourists and even the bereaved who were travelling for funerals – cancelling an estimated 60,000 visas, prompting fervent debate on American values and igniting strong legal pushback; and

WHEREAS, at more than a dozen airports, including Los Angeles, Newark, Boston, Dallas, Chicago and Atlanta, immigration attorneys appeared in droves to offer free services to those detained, many of whom were young children or elderly U.S. citizens and Green Card holders being held for long periods of time and denied access to volunteer lawyers – in some instances, pressured to sign forms to give up their legal permanent resident status; and

WHEREAS, much of the American judiciary has ruled with one voice on the executive order: federal courts in Virginia issued a temporary restraining order which mandated that Legal Permanent Residents returning from abroad should have access to lawyers while being detained at Dulles International Airport; the Eastern District of New York issued a temporary restraining order barring the deportation of as many as 200 people, citing the “irreparable harm” they would face; a federal judge in Washington State issued a temporary halt to the order; and a three judge panel of the U.S. 9th Circuit Court of Appeals has ruled that the Seattle federal judge's restraining order on the policy should remain in effect while the legality is further examined; and

WHEREAS, even after these rulings, the mixed signals continue as both travelers and advocates lacking consistent guidance for helping refugees already in the pipeline, leaving families scared to let their loved ones board planes for fear that they will be held for long periods of time without access to a phone or an attorney; and

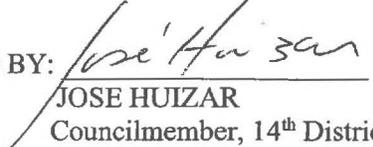
WHEREAS, the *Access to Counsel Act of 2017*, S. 349 (Harris), ensures that those held or detained while attempting to enter the United States, whether at a border crossing or a port of entry, would be guaranteed access to legal counsel, by affirming: that the right to counsel attaches at the time of holding or detention; providing a redress option, if counsel cannot personally meet with those detained at the border or ports of entry, for the provision of legal advice remotely (e.g., phone or video teleconference); invalidating any effort by immigration enforcement officials to persuade someone to relinquish their legal status if that person has been denied access to counsel; and directing immigration enforcement officials to limit detention to the briefest term possible and least restrictive conditions practicable, and include access to food, water, and restroom facilities; and

WHEREAS, meaningful access to legal representation has been codified by the Fourteenth Amendment's due process or equal protection clause and decades of case law – in fact, legal representation is fundamental to safeguarding fair and equal access to the legal system, in which some of our most vulnerable residents face potential crises, including termination of tenancy, loss of child custody, and immigration removal; and

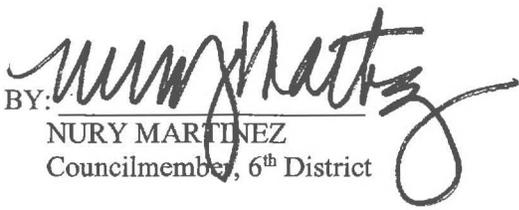
WHEREAS, Los Angeles is, and will continue to be, a place of refuge for people from all walks of life – regardless of one's background, income, sexual orientation, religious affiliation or immigration status.

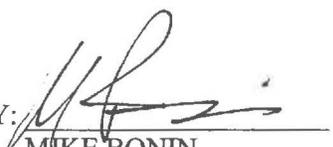
NOW THEREFORE BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2017-2018 Federal Legislative Program SUPPORT for the *Access to Counsel Act of 2017*, S. 349 (Harris), which would ensure that those held or detained while attempting to enter the United States, whether at a border crossing or a port of entry, would be guaranteed access to legal counsel.

CO-PRESENTED BY: 
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Councilmember, 4th District

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MIKE BONIN
Councilmember, 11th District

CO-PRESENTED BY: 
JOE BUSCAINO
Councilmember, 15th District

ORIGINAL

SECONDED BY: 

FEB 15 2017