

# REPORT OF THE CHIEF LEGISLATIVE ANALYST

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DATE: July 2, 2019

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

FROM: Sharon M. Tso   
Chief Legislative Analyst

Council File No: 19-0002-S125  
Assignment No: 19-06-0706

SUBJECT: Resolution to Oppose Violation of Immigrant Children Rights

CLA RECOMMENDATION: Adopt a Resolution (Cedillo-Wesson) to include in the City's 2019-2020 Federal Legislative Program, OPPOSITION to legislative or administrative action which violates the rights of immigrant children and families, such as the prolonged detention of minor children in immigration detention centers, which violates the Flores Agreement, separation of families, and deportation.

## SUMMARY

On June 26, 2019, a Resolution (Cedillo-Wesson) was introduced to oppose legislative or administrative action which violates the rights of immigrant children and families, such as the prolonged detention of minor children in immigration detention centers, which violates the Flores Agreement, separation of families, and deportation.

The Resolution states that since entering office in January 2017, the current Administration has consistently targeted immigrants through senseless and inhumane policies, regulatory changes, and executive orders, in violation of federal law and that U.S. attorneys general have used their power to make changes to how applications for asylum are processed and to limit the ability of immigration judges to exercise discretion.

The Resolution notes that the current Administration has attempted to add a citizenship question to the 2020 U.S. census and through federal changes has targeted immigrants who use public services and housing assistance. According to the Resolution, in 2018, the Administration deployed the National Guard and Active-Duty Military to the southern U.S. border, implemented the Zero-Tolerance policy, and aggressively and inhumanely engaged in the practice of family separations and incarceration of children as young as four months old.

The Resolution states that the Administration has created panic and fear among the immigrant community, and confusion within immigration enforcement agencies, by announcing politically motivated immigration raids. The Resolution notes that the current Administration's nominee for director of ICE, Mark Morgan, represents a clear and present danger, and his appointment would be a disservice to society as he has publicly stated that he can judge the likelihood that an unaccompanied minor will become a gang member by looking into that child's eyes.

Lastly, the Resolution states that while the City of Los Angeles has declared itself a City of Sanctuary and reaffirmed policies that officers will not initiate police action with the purpose of discovering immigration status, will not honor ICE Detainer requests, and will not deputize local police officers as immigration officers, the City must also denounce and oppose the Administration's inhumane and cruel policies and practices attacking immigrant children and families. Therefore, the Resolution recommends that the City oppose federal or legislative action which violates the rights of immigrant children and families.

## BACKGROUND

According to the Migration Policy Institute, the current Administration's actions on the southern border and enforcement of immigration laws, many of which affect immigrant families and children, have been challenged by court injunctions, resource constraints, congressional inaction, and State and local government resistance. Nevertheless, the Administration has advanced its agenda through numerous policy memos and regulatory changes without congressional approval. This includes the issuance of executive orders to increase border security and enhance interior enforcement of immigration law.

As part of its immigration agenda, the current Administration established the Zero Tolerance Policy and the Family Separations Policy. On April 6, 2018, the U.S. Department of Justice (DOJ) instructed federal prosecutors to prioritize the prosecution of immigration crimes, and subsequently announced that the Department of Homeland Security (DHS) would refer all individuals apprehended while illegally crossing the southern border to DOJ for prosecution. As a result, immigrant parents were referred to prosecution to DOJ and children were placed in the custody of the Department of Health and Human Services (HHS), Office of Refugee Resettlement (ORR).

In June 2018, it was revealed that the Zero Tolerance Policy did not include a method to reunite families that had been separated. On June 26, 2018, a U.S. District Court issued a nationwide preliminary injunction against the family separation policy and ordered that all children be reunited.

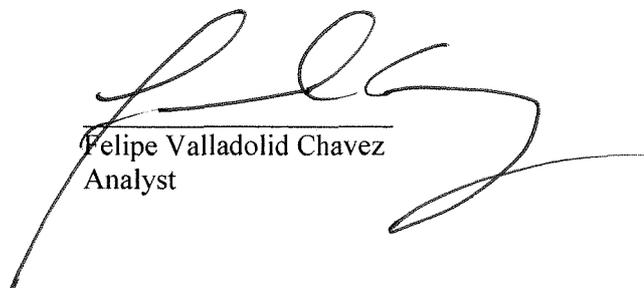
On May 30, 2019, the U.S. Office of the Inspector General notified DHS of urgent issues that require immediate attention and action at the El Paso del Norte Processing Center. The Inspector General recommends that DHS take immediate steps to alleviate dangerous overcrowding. Overcrowding and potentially dangerous living conditions have been reported in other child immigrant detention centers throughout Texas and other states.

Flores Agreement

On January 28, 1997, the Court approved a settlement setting minimum national standards for the detention, treatment, and prompt release of accompanied and unaccompanied minors detained by federal immigration authorities (Flores Agreement). On May 31, 2019, the Center for Human Rights and Constitutional Law filed a motion against the U.S. Attorney General arguing that the HHS Office of Refugee Resettlement has adopted policies and practices in violation of the Flores Settlement Agreement by detaining as many as 2,350 unaccompanied minors in an unlicensed and secure military-style camp in Florida while routinely failing to expeditiously transfer minors to licensed facilities if not promptly released to sponsors.

The civil rights organizations have indicated that the current treatment of minors and overcrowding of immigration detention centers are in violation of the Flores Agreement. In the past few days, several members of Congress have visited some of the facilities to assess and address the situation.

Therefore, the Resolution recommends that the City oppose legislative or/and administrative action which violates the rights of immigrant children and families, such as the prolonged detention of minor children in detention centers, in violation of the Flores Settlement Agreement, separation of families and deportation.



Felipe Valladolid Chavez  
Analyst

SMT:fv

Attachment: Resolution (Cedillo-Wesson)

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, since entering office in January 2017, the current Administration has consistently targeted immigrants through senseless and inhumane policies, regulatory changes, and executive orders, in violation of federal law; and

WHEREAS, under the current Administration, U.S. attorneys general have used their power to make changes to how applications for asylum are processed and to limit the ability of immigration judges to exercise discretion; and

WHEREAS, the current Administration has also attempted to add a citizenship question to the 2020 U.S. census and through federal rule changes, has targeted immigrants who use public services and housing assistance; and

WHEREAS, in 2018, the current Administration deployed the National Guard and Active-Duty Military to the southern U.S. border, implemented the Zero-Tolerance Policy, and aggressively and inhumanely engaged in the practice of family separations and incarceration of children as young as four months old; and

WHEREAS, recently, the Administration has created panic and fear among the immigrant community, and confusion within immigration enforcement agencies, by announcing politically motivated immigration raids; and

WHEREAS, the current Administration's nominee for director of ICE, Mark Morgan, represents a clear and present danger, and his appointment would be a disservice to society as he has publicly stated that he can judge the likelihood that an unaccompanied minor will become a gang member by looking into that child's eyes; and

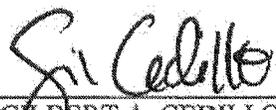
WHEREAS, the American Civil Liberties Union (ACLU) has reported that Customs and Border Patrol are responsible for sexual abuse, physical assault, and denial of medical care, clean water and food to children. Recent investigations have revealed the inhumane living conditions of children in detention centers, also referred to as Trump Camps and concentration camps. The Trump Administration has argued in court that detained migrant children in detention centers do not need soap, toothbrushes, beds or blankets; and

WHEREAS, as of May 2019, the cruel and excruciating treatment and lack of medical care in immigration detention centers has led to the death of at least six migrant children U.S. custody, including: Darlyn Cristabel Cordova-Valle, 10, El Salvador; Jakelin Caal Maquin, 7, Guatemala; Felipe Gomez Alonzo, 8, Guatemala; Juan de Leon Gutierrez, 16, Guatemala; Wilmer Josue Ramirez Vasquez, 2, Guatemala; and Carlos Hernandez Vasquez, 16, Guatemala; and

WHEREAS, while the City of Los Angeles has declared itself a City of Sanctuary and has reaffirmed policies that officers will not initiate police action with the purpose of discovering immigration status, will not honor ICE Detainer requests, and will not deputize local police officers as immigration officers, the City must also denounce and oppose the Trump Administration inhumane and cruel policies and practices attacking immigrant children and families;

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 2019-2020 Federal Legislative Program OPPOSITION to legislative and/or administrative action which violates the rights of immigrant children and families, such as the prolonged detention of minor children in immigration detention centers, which violates the Flores Agreement, separation of families, and deportation.



PRESENTED BY   
GILBERT A. CEDILLO  
Councilmember, 1<sup>st</sup> District

SECONDED BY 

ORIGINAL

fvc JUN 26 2019