



## Legislation Text

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Condemning the Trump Administration's "zero tolerance" immigration policy, which has resulted in thousands of children being separated from their parents after being detained at the United States border, and opposing the use of indefinite family detention as inhumane.

WHEREAS, In April 2018, the Trump Administration adopted a "zero tolerance policy" for border crossings. It mandates prosecution of all adults found crossing the border without legal status, including those lawfully seeking asylum in the United States; and

WHEREAS, Under this policy, children detained at the border are ripped away from their families and detained by the Office of Refugee Resettlement, which is part of the U.S. Department of Health and Human Services. They are then placed in foster care or in the care of a family member living in the United States; and

WHEREAS, While families have been separated at the border for many years, prosecutions and separations have spiked under the zero tolerance policy. According to the Department of Homeland Security (DHS), nearly 2,000 immigrant children were separated from parents during six weeks during April and May 2018, or about 65 to 70 family separations per day. Those children include infants and toddlers; and

WHEREAS, Photographs released by DHS show children detained in metal cages with concrete floors. Immigrants call one of these facilities *La Perrera* (the dog pound), because of its resemblance to a holding pen for dogs. Attorneys who have visited the facilities describe children crying inconsolably. These children, who do not have a right to legal counsel, typically end up navigating the immigration system alone; and

WHEREAS, In a June 2018 *Texas Monthly* interview, Anne Chandler of the Tahirih Justice Center noted that many young children do not yet know important identifying information like their own birthdate or their parents' names, which can further complicate the process of reuniting children with parents or placing them with family members living in the United States; and

WHEREAS, *The Washington Post* has reported that parents who are released can spend weeks or months working to locate and reunite with their children. Moreover, parents who are prosecuted cannot regain custody of their children. As a result, parents have been deported while their children are left behind in U.S. foster care, according to the *Houston Chronicle*; and

WHEREAS, In a June 2018 open letter to President Trump, the American Psychological Association noted that sudden family separations can lead to long-lasting psychological damage. The APA noted that "research also suggests that the longer that parents and children are separated, the greater the reported symptoms of anxiety and depression are for children"; and

WHEREAS, Members of the Trump Administration have described deterrence as a principal goal of the policy of family separation and indefinite detention. Article 31 of the U.N. 1951 Refugee Convention, to which the United States is a signatory, declares it improper for any state to use criminal laws that could deter asylum seekers as long as that asylum seeker is asking for asylum within a reasonable amount of time; and

WHEREAS, In an executive order signed on June 20, 2018, President Donald Trump set forth a new policy that partially replaces family separation with family detentions, but only where “appropriate and consistent with law and available resources”. However, a 1997 settlement in *Flores v. Reno* prohibits indefinite family detention; and

WHEREAS, It is well-established that family detention facilities do not meet basic requirements for the health and well-being of children and families in custody. Reports by entities including the U.S. Government Accountability Office, various subunits of the U.S. Department of Homeland Security, the U.N. High Commissioner for Refugees, the American Bar Association, and nonprofit advocacy organizations have made negative findings regarding the suitability of family detention centers; and

WHEREAS, The City of Philadelphia welcomes immigrant families as valued members of our communities, has committed to protecting the rights of immigrants, and recognizes that all families have the right to remain together; and

WHEREAS, It is possible to uphold our laws without separating children from their parents or indefinitely detaining families; now, therefore, be it

RESOLVED, THAT THE COUNCIL OF THE CITY OF PHILADELPHIA, Hereby condemns the Trump Administration’s “zero tolerance” immigration policy, which has resulted in thousands of children being separated from their parents after being detained at the United States border, and opposing the use of indefinite family detention as inhumane.

FURTHER RESOLVED, That this Council calls on the Governor of Pennsylvania to refuse to use state resources to participate in immigrant family or child detention by licensing, or otherwise permitting to operate, any facility that incarcerates immigrant families or children separated from their parents.

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June 21, 2018