

Legislation Text

File #: 180671, **Version:** 0

Urging the United States House of Representatives to pass H.R. 5623, providing for the relief of Carmela Apolonio Hernandez, and her four children, Fidel Artillero Apolonio, Keyri Artillero Apolonio, Yoselin Artillero Apolonio, and Edwin Artillero Apolonio due to extraordinary circumstances of persecution; and calling on the United States Department of Homeland Security to exercise prosecutorial discretion to stay the family's removal and join a motion to reopen the Hernandez family's case for asylum.

WHEREAS, In 1951, the United States formally signed onto the Convention Relating to the Status of Refugees, which established a principle of international law known as *non-refoulement*, forbidding the removal of asylum seekers to countries where they are likely to be tortured or killed, and ensuring safe harbor for anyone with a credible fear of persecution who could be expelled to a "territory where he or she fears threats to life or freedom"; and

WHEREAS, The United States Congress reaffirmed the principle of *non-refoulement* in the Refugee Act of 1980, established protocols for vetting and resettling refugees, and assured asylum seekers that they would not be treated as criminals, even if they arrived unauthorized in the U.S.; and

WHEREAS, Carmela Apolonio Hernandez and her four children, Fidel Artillero Apolonio (15), Keyri Artillero Apolonio (14), Yoselin Artillero Apolonio (11), and Edwin Artillero Apolonio (9), have been U.S. residents for nearly three years; and

WHEREAS, Carmela Apolonio Hernandez remains in abject fear for the safety and security of herself and her family. The Hernandez family fled the brutal violence resulting from organized crime in Mexico, resulting in gang members murdering Ms. Hernandez's brother and two nephews, then assaulting her and her daughter; and

WHEREAS, In August 2015, Carmela Apolonio Hernandez fled Mexico for the U.S. in search of protection for herself and her children. After the family was detained at the San Diego border, they were released to the care of a relative in Pennsylvania; and

WHEREAS, Carmela Apolonio Hernandez and her family sought sanctuary in December 2017. The family spent over a week requesting refuge in a number of churches in New Jersey and Pennsylvania, and were eventually welcomed into North Philadelphia's historic Church of the Advocate, where the Sanctuary Advocate Coalition has supported them; and

WHEREAS, Carmela Apolonio Hernandez has persevered and vowed to support her family by all means necessary: "I am here determined to fight for my children, and build the best life I can for them, and also to fight the injustice that so many immigrants are facing"; and

WHEREAS, WHEREAS, Carmela Apolonio Hernandez has repeatedly stated that deportation to Mexico would place her and her four children in direct danger and subject them to risk of extortion, murder, and daily violence; and

WHEREAS, Immigration and Customs Enforcement has the discretion to discontinue or defer immigration enforcement when the interest served by deportation is not substantial or is outweighed by important considerations, including “sympathetic facts”; and

WHEREAS, In January 2018, the *New Yorker* published a wide ranging investigation into dozens of asylum seekers from Mexico among other places who were murdered in their home countries after being deported from the U.S., even though they had repeatedly and publicly stated fears of violence and murder; and

WHEREAS, In light of the documented abuses immigrant children and their families suffer in detention centers around the country and at the Mexico-US border, elected officials have a special duty to condemn human rights violations and to uplift the inherent dignity of migrant children across the country; and

WHEREAS, The City of Philadelphia is a Sanctuary City, and is thus committed to welcoming, protecting, and supporting immigrants and refugees; and

WHEREAS, The movement to protect, support, and uplift Carmela Apolonio Hernandez and her family is part of a larger national movement of faith congregations which are providing refuge to those displaced due to imminent threats of deportation, such as Edith Espinal in Ohio; Hilda Ramirez, Ivan Ramirez, and Alirio Gámez in Texas; and Juana Luz Tobar Ortega, Eliseo Jimenez Madrigales, Samuel Oliver-Bruno, José Heriberto Chicas, and Oscar Canales- Berrios in North Carolina; now, therefore, be it

RESOLVED, THAT THE COUNCIL OF THE CITY OF PHILADELPHIA, Urges the United States House of Representatives to pass H.R. 5623, providing for the relief of Carmela Apolonio Hernandez, and her four children, Fidel Artillero Apolonio, Keyri Artillero Apolonio, Yoselin Artillero Apolonio, and Edwin Artillero Apolonio due to extraordinary circumstances of persecution; and calling on the United States Department of Homeland Security to exercise prosecutorial discretion to stay the family’s removal and join a motion to reopen the Hernandez family’s case for asylum.