

Minnesota State Bar Association

Family Separations at U.S. Borders

Adopted by the Assembly June 29, 2018

BE IT RESOLVED, that the Minnesota State Bar Association joins in concerns raised by the American Bar Association, the American Immigration Lawyers Association, and various Minnesota affinity bar associations regarding recent federal immigration policies resulting in the inhumane and unjust separation of minor children from their parents at the U.S. - Mexico border;

BE IT FURTHER RESOLVED, that the Minnesota State Bar Association adopts the attached position statement urging federal legislation to ensure that (i) the policy and practice of separating minor children from their parents, absent child endangerment concerns with procedural protections, cease and not be reinstated, and (ii) children who have already been separated from their families have a safe and expedient procedure for being reunited with their parents; and

BE IT FURTHER RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Speaker and Minority Leader of the United States House of Representatives, the President and Minority Leader of the United States Senate, members of Minnesota's Congressional delegation, the Speaker and Minority Leader of the Minnesota House of Representatives, the Majority Leader and Minority Leader of the Minnesota Senate, the Governor of Minnesota, and the tribal governments of Minnesota.

Statement on Family Separations at U.S. Borders

The United States is a nation of diverse people where immigration has been a significant factor in our shared history and development. The United States is a place where people can find economic opportunity and a better life, escape persecution in their home countries, and fulfill their hopes for a brighter future based on freedom and democratic ideals. Our country is energized and enriched by the cultural diversity of its immigrants and their contributions to our society.

Immigration falls under the control of our federal government. On May 7, 2018, the Attorney General of the United States adopted a zero-tolerance prosecution policy, which mandates the prosecution for illegal entry of everyone apprehended between ports of entry, including asylum seekers. It is reported that implementation of this zero-tolerance prosecution policy caused a spike in family separations at the U.S. - Mexico border, resulting in over 2,000 children being separated from their parents since October 2017. Despite the recent Executive Order on June 20, 2018 and the federal government's subsequent stated plan to preserve family units and end this policy of separating minor children from their parents, there is no plan in place to quickly reunite currently-detained children with their parents, some of whom have been separated for months. The American Psychological Association warns, and common sense dictates, that separating children from their parents causes serious harm to children already suffering trauma from fleeing their countries of origin.

The Minnesota State Bar Association believes in the inherent dignity and humane treatment of all peoples, especially children, regardless of their immigration status. The MSBA supports the various interests in and fair application of our country's immigration policy, whether it relates to

the pathway to citizenship and full membership in our society with its associated rights and duties, effective immigration enforcement, family unity, secure borders, or efficient and fair immigration processing.

The MSBA supports immigration reform that keeps families together, upholds our national values, promotes economic growth, and maintains our security while respecting our cherished constitutional rights and values of due process, civil and human rights, accountability, and proportionality. Given the current state of affairs related to the zero-tolerance prosecution policy being enforced at our U.S. - Mexico border, the MSBA calls on lawmakers to take swift action in passing legislation to ensure that (i) the policy and practice of separating minor children from their parents, absent child endangerment concerns with procedural protections, cease and not be reinstated, and (ii) children who have already been separated from their families have a safe and expedient procedure for being reunited with their parents.