



Resolution Supporting Efforts to Assist Southeast Asian Americans in Danger of Deportation

WHEREAS, the Coalition of Bar Associations of Color (CBAC), organized in 1983, is a coalition created to act as a collective voice for issues of common concern to its member organizations; and

WHEREAS, the member organizations of the CBAC are the Hispanic National Bar Association (HNBA), the National Asian Pacific American Bar Association (NAPABA), the National Bar Association (NBA), and the National Native American Bar Association (NNABA); and

WHEREAS, the enforcement of immigration law and policy is having a negative and detrimental effect on refugee groups, such as Asian Pacific American refugee groups, including, but not limited to, approximately 1,500 Cambodian residents and their families; and

WHEREAS, the combined effect of the 1996 Antiterrorism and Effective Death Penalty Act (AEDPA) and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), which eliminated judicial discretion from the criminal-alien removal process and expanded the categories of mandatory deportation, has caused a hardship upon Asian Pacific American families, including but not limited to, Cambodian American refugees; and

WHEREAS, the application of the AEDPA and IIRIRA are punitive in nature and lack due process principles including judicial discretion, mandatory legal counsel, as well as the concepts of rehabilitation and proportionality; and

WHEREAS, the United States Supreme Court has held that the indefinite detention of immigrants whose removal or deportation is not reasonably foreseeable is unconstitutional and defies the principles of our justice system; and

WHEREAS, the AEDPA and IIRIRA provisions enacted in 1996, which allow for the deportation of individuals who were convicted of crimes retroactively, (i.e., pre-1996, that were not deportable offenses at the time), are unconscionable and detrimental to notions of fairness and notice; and

WHEREAS, many individuals convicted under these provisions were in effect deprived of sound legal counsel, as neither their lawyers nor the judges at that time could have properly advised them of the prospective immigration effects of their pleas and/or convictions; and

WHEREAS, the deportation and repatriation of Cambodian refugees pursuant to the *2002 Memorandum of Understanding with Cambodia* violates International Refugee Protection Laws and Human Rights Standards because they forcibly expel individuals who have properly received refugee status in the United States to the country he or she originally fled; and

WHEREAS, the application and effect of the AEDPA and IIRIRA have caused Asian Pacific American families, including American citizen children and spouses, to be permanently separated and have returned many culturally American individuals to countries very few of them even remember.

NOW THEREFORE BE IT RESOLVED, that the CBAC calls on the President of the United States and his Administration to:

- Use its administrative discretion to halt mandatory deportations until Congress is able to act to insert safeguards against unjust deportation, such as judicial discretion and the elimination of the retroactivity of the deportation provisions of the AEDPA and IIRIRA; and
- Amend, withdraw and/or suspend use of the *2002 Memorandum of Agreement with Cambodia* to the extent that it allows for the repatriation of Cambodian immigrants which hold or once held the status of refugee; and

THEREFORE BE IT FURTHER RESOLVED, that the CBAC calls for Congress to introduce legislation to amend the AEDPA and IIRIRA (hereinafter the “Acts”) to:

- Eliminate the retroactive effects of the Acts;
- Eliminate non-violent and misdemeanor offenses (as described by the sentencing jurisdiction) from the definition of crimes that mandate deportation;
- Allow for judicial discretion in removal proceedings involving those deemed to be deportable under the Acts; and
- Specifically allow immigration judges, prior to deciding whether to remove a criminal-alien, to consider:
 - a. evidence of rehabilitation;
 - b. contributions to the United States; and
 - c. the detrimental effect (including but not limited to the loss of a parent and the loss of the primary wage earner) of removal on American citizen children and spouses; and

THEREFORE BE IT FURTHER RESOLVED, that the CBAC authorizes the communication of the content of this resolution to members of the U.S. Senate, members of the U.S. House of Representatives, the press, and to others the CBAC deems appropriate to receive the information; and

THEREFORE BE IT FINALLY RESOLVED, that this resolution shall be the legislative priority of the CBAC until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

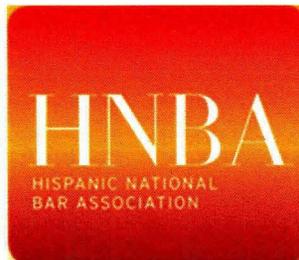
We, the duly elected leadership of the Hispanic National Bar Association, the National Asian Pacific American Bar Association, the National Bar Association, and the National Native American Bar Association, hereby certify that this resolution was duly enacted by the CBAC at its annual meeting on the 16th of May 2012.



National Asian Pacific American Bar Association

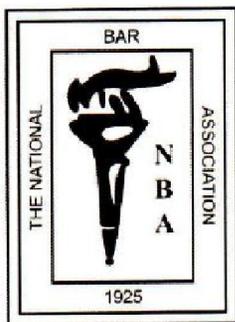
A handwritten signature in blue ink that reads 'Wendy C. Shiba'.

Wendy Shiba
President-Elect, National Asian Pacific American Bar Association



A handwritten signature in blue ink that reads 'Peter M. Reyes, Jr.'.

Peter M. Reyes, Jr.
President-Elect, Hispanic National Bar Association



A handwritten signature in black ink that reads 'Daryl Parks'.

Daryl Parks
President, National Bar Association



A handwritten signature in blue ink that reads 'Patty Ferguson-Bohnee'.

Patty Ferguson-Bohnee
President, National Native American Bar Association