



**HNBA 2018 RESOLUTION IN SUPPORT OF FUNDING TO PROVIDE
MINOR CHILDREN ASYLUM SEEKERS
WITH ACCESS TO LEGAL REPRESENTATION TO PROTECT THEIR RIGHTS**

WHEREAS, the Hispanic National Bar Association (“HNBA”) is an association created to represent the interests of Hispanic legal professionals and the Hispanic community, acting as a collective voice for issues of common concern to its members; and

WHEREAS, the HNBA is the national voice of its legal community and Hispanics in the United States and its territories and possessions; and

WHEREAS, over 100,000 unaccompanied minor children seeking asylum have arrived in the United States over the past 5 years from countries around the world; and

WHEREAS, the majority of the unaccompanied minor children seeking asylum who arrived during this period are from Mexico, Guatemala, Honduras, and El Salvador, and are fleeing violence from drug cartels, gang violence, and other crimes or threats to physical safety; and

WHEREAS, the vast majority of these unaccompanied minor children have lawfully entered this Country to seek asylum under the Trafficking Victims Protection Act (“TVPRA of 2013”) until such time that their case can be adjudicated in Immigration Court; and

WHEREAS, the United States has not afforded unaccompanied minor children seeking asylum with a legal right to attorney representation at hearings or legal proceedings that could result in their detention or deportation, or any support of “public defender” system for unaccompanied minor children seeking asylum; and

WHEREAS, because unaccompanied minor children seeking asylum have no right to a court-appointed attorney and there is no government funding for such attorneys, only 34% of unaccompanied minors are represented by counsel in the 88,069 cases currently pending across the country; and

WHEREAS, 73% of unaccompanied minors represented by counsel before the Immigration Court are granted relief and allowed to remain in the United States, but 88% of unaccompanied minors appearing before the Immigration Court without legal representation are not granted relief or allowed to remain in the United States; and

WHEREAS, the HNBA believes that a Nation’s moral compass can be judged by how it treats

its most vulnerable populations, such as refugees, asylum seekers, and children; and

WHEREAS, the HNBA believes that forcing unaccompanied minor children to represent themselves, *pro se*, against licensed U.S. Immigration attorneys in hearings could result in their detention or deportation is unfair, cruel, mentally and emotionally traumatic, and a potential violation of their Due Process and Equal Protection rights; and

WHEREAS, the HNBA is committed to protecting the rights and safety of this vulnerable population of unaccompanied minor children asylum seekers, and helping them navigate our complex immigration system;

NOW THEREFORE BE IT RESOLVED, that the HNBA supports federal legislation requiring that unaccompanied minor children seeking asylum who cannot afford to pay for an attorney will be provided with a Court-appointed and government-funded attorney for proceedings in Immigration Court; and

NOW THEREFORE BE IT RESOLVED, that the HNBA supports Congressional appropriation of funding to cover the costs of court-appointed attorneys assigned to unaccompanied minor children seeking asylum who cannot afford an attorney to protect their rights in Immigration Court.

NOW THEREFORE BE IT FURTHER RESOLVED, that the HNBA authorizes its officers and staff to communicate this Resolution's content to other bar associations, members of the U.S. Congress, the press, and to whomever else is suited to receive the information in order to affect this Resolution.

BE IT FINALLY RESOLVED, that this resolution shall be the policy of the HNBA until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

I, Erica V. Mason, National President of the Hispanic National Bar Association, hereby certify that the foregoing resolution was duly enacted by the Executive Committee pursuant to the authority delegated to it by a duly-noticed meeting of the Board of Governors.



Erica V. Mason,
HNBA National President