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

WHEREAS, the Coalition of Bar Associations of Color (CBAC), organized in 1992, 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 member organizations of the CBAC are the national voices of their respective legal communities 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 world⁴; and

WHEREAS, the majority of the unaccompanied minor children seeking asylum who arrived during this period are from Mexico, Guatemala, Honduras, and El Salvador⁵, 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 Court⁶; and

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https://fas.org/sgp/crs/homesec/R43599.pdf

⁵ Congressional Research Service, Unaccompanied Alien Children: An Overview, January 18, 2017  
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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, seventy-three percent 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 CBAC 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 CBAC believes that forcing unaccompanied minor children to represent themselves, pro se, against licensed U.S. Immigration attorneys in hearings that 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 CBAC 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 CBAC 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 CBAC 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.

BE IT FURTHER RESOLVED that the CBAC authorizes the presidents, boards, and staff of each CBAC organization to communicate the content of this resolution to its members, affiliates, other bar associations, members of Congress, the Administration, the press, and others to take steps to implement this resolution, as they deem necessary; and

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7 TRAC Immigration, Representation for Unaccompanied Children in Immigration Court, http://trac.syr.edu/immigration/reports/371/
8 TRAC Immigration, Representation for Unaccompanied Children in Immigration Court, http://trac.syr.edu/immigration/reports/371/
BE IT FURTHER RESOLVED that the CBAC supports this resolution as a policy priority until it is withdrawn or modified by subsequent resolution; and

BE IT FINALLY RESOLVED that this resolution shall be a legislative priority of the CBAC until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

WE, the duly-elected Presidents of 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), hereby certify that the foregoing Resolution was duly enacted by a duly noticed meeting of the Board of Directors.

[Signatures with dates]

Erica V. Mason  
President, Hispanic National Bar Association

Pankit J. Doshi  
President, National Asian Pacific American Bar Association

Juan R. Thomas  
President, National Bar Association

Diandra Benally  
President, National Native American Bar Association

2/26/18  
Date