



HNBA 2019 RESOLUTION IN SUPPORT OF IMMIGRATION REFORM

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, the United States immigration system should uphold our nation’s basic values of family, economic opportunity, and fairness; and

WHEREAS, families are the source of this nation’s social, cultural, and economic vitality, and a reasonable and workable comprehensive immigration plan must accord with America’s tradition of family reunification; and

WHEREAS, the United States immigration system, which has torn apart families, created long visa backlogs, and contributed to the production of high numbers of undocumented foreign nationals in the country, is broken and in dire need of comprehensive reform; and

WHEREAS, the United States needs legislation that provides a pathway to earned citizenship for undocumented immigrants currently residing within our country, who have been educated in the United States, who work hard in the United States, who share values cherished by the United States, and who otherwise pose no threats to the national security of our nation;

WHEREAS, family separation can lead to irreparable trauma and emotional distress for children and their parents; and

WHEREAS, keeping families together and reuniting separated families are core national values that have direct, positive impact on reducing homelessness, crime, mental and physical health issues, and the number of children in state custody, which values must be upheld and advanced in any immigration reform legislation; and

WHEREAS, in 2017 there were 40,810 unaccompanied minors who entered the United States undocumented; and

WHEREAS, undocumented and unaccompanied minors should be provided with adequate medical attention and mental health care to address the physical toll and mental trauma an immigration journey can cause on a child; and

WHEREAS, unaccompanied minors should have the right and proper access to a court-ordered attorney and a timely hearing in court; and

WHEREAS, the United States must require the highest standards in immigration detention centers to ensure that all detainees are treated with dignity, respect, and care, and that they are not subjected to ridicule, abuse, or other forms of maltreatment; and

WHEREAS, food and medical attention must be provided for immigrant detainees and not withheld for any reasons due process must be afforded to immigrant detainees, and judicial discretion must be restored to immigration and asylum hearings; and

WHEREAS, there are currently more than 300,000 people from ten countries, including El Salvador, Haiti, Honduras, Nepal, Nicaragua, Somalia, South Sudan, Sudan and Yemen, receiving protection under the Temporary Protected Status (TPS) program who are not currently able to safely return to their home countries because of natural environmental disasters, violence, ongoing armed conflict and other extraordinary conditions; and

WHEREAS, TPS holders are an integral part of the United States economy, making and generating valuable economic contributions to their communities and the United States economy; and

WHEREAS, TPS holders have lived in the United States for an average of 19 years and are employed at high rates, ranging in 2017 from 69.2 to 83.5 percent, which will continue to grow in the future; and

WHEREAS, current data indicates that TPS holders from El Salvador, Haiti and Honduras contribute a combined 4.5 billion dollars to our nation's gross domestic product; and

WHEREAS, many recipients cannot return home due to fear of violence or other conditions in their country of origin that could bring them harm; and

WHEREAS, TPS recipients should receive the support and protection of the United States as long as they qualify for protected status; and

WHEREAS, the United States needs to simultaneously address the problems of family separation and immigration visa backlogs in both family and employment preference categories by implementing fair and efficient processes for the legal immigration system that do not sacrifice family-based immigration for employment-based immigration, as the two complement one another and must work in tandem; and

WHEREAS, Deferred Action for Childhood Arrivals (“DACA”) recipients, like other individuals with privacy rights, have the right to limit the use of their data for the specific purpose for which they provide the data; and

WHEREAS, the Privacy Act of 1974, 5 U.S.C.A 552a (“Privacy Act”) prohibits the disclosure of a record about an individual from a system of records absent the written consent of the individual unless the disclosure is according to one of twelve statutory exceptions; and

WHEREAS, DACA recipients were initially informed that information provided to the U.S. Government would be used only to review their DACA application; and

WHEREAS, Section 14 Executive Order 13768, 82FR 8799 2017 (“Executive Order”) removed Privacy Act protections for data given to the US Government by individuals who are not US citizens or lawful permanent residents; and

WHEREAS, DACA recipients did not provide free, informed and transparent consent to have their data that was provided for purposes of their DACA application or renewal application removed from the protections under the Privacy Act; and

WHEREAS, the information provided by DACA recipients should be used for the limited scope of reviewing their DACA applications for qualification under the DACA status program as promised, and should not go beyond this use without freely given, informed and specific consent; notwithstanding anything to the contrary enacted in administrative policies or written in government forms or instructions to those forms pursuant to the terms of the Executive Order, which policies and other related writings and documents to the contrary should be null and void; and

WHEREAS, since the HNBA first began to advocate on immigration reform and recognized immigration reform as an important priority, Congress has not passed significant legislation, and further inaction will only continue to deteriorate the already dire condition of the immigration system, and;

WHEREAS, the HNBA incorporates by reference the HNBA’s 2018 Resolution in Support of Legislation to Protect the Status of, and Create a Path to Citizenship for DACA Recipients and the HNBA’s 2018 Resolution in Support of Funding to Provide Minor Children Asylum Seekers With Access to Legal Representation to Protect Their Rights.

NOW THEREFORE BE IT RESOLVED, that the HNBA calls for full support of the creation of fair and just immigration reform legislation by the Congress consistent with the recitals and provisions contained in this resolution; and

NOW THEREFORE BE IT RESOLVED, that the HNBA opposes immigration reform legislation that does not include an earned path to citizenship; and

NOW THEREFORE BE IT RESOLVED, that the HNBA supports administrative relief that will address the harms caused by our broken immigration system, in the face of lack of action by Congress and consistent with the policy provisions reflected in the recitals herein; and

NOW THEREFORE BE IT RESOLVED, that the HNBA requests that proper medical and mental health attention be provided to children and families separated at the border; and

NOW THEREFORE BE IT RESOLVED, that the HNBA supports access to timely legal representation and a hearing in court for unaccompanied minors entering the U.S.; and

NOW THEREFORE BE IT RESOLVED that the HNBA demands that detention facilities are equipped to provide for the well-being of all undocumented immigrants in their best interests consistent with the policy provisions reflected in the recitals herein; and

NOW THEREFORE BE IT RESOLVED, that the HNBA calls on this Administration to protect those who are in need and eligible for TPS and to formally rescind its decisions to end TPS for an estimated 97 percent of TPS beneficiaries including from El Salvador, Haiti, Honduras, Nepal, Nicaragua, and Sudan, and also calls upon Congress to provide a path to citizenship for TPS holders; and

NOW THEREFORE BE IT RESOLVED, that the HNBA calls for the passage of a DREAM Act that does not include provisions related to ancillary immigration issues, or other unrelated issues, and does not attempt in any way to undermine, diminish or remove DREAMers' equal protection and due process rights under the Constitution; and

NOW THEREFORE BE IT RESOLVED, that the HNBA opposes administrative and legislative efforts to target, remove, or criminalize DREAMers who have been shown to pose no danger to this country; and

NOW THEREFORE BE IT RESOLVED, that the HNBA calls for the continued protection of all data provided by DACA recipients for purposes of their initial DACA application and any subsequent application for the continuance of their DACA status under the Privacy Act; and

NOW THEREFORE BE IT RESOLVED, that the HNBA calls for any personal data provided by DACA recipients under any application for DACA status or application for continued DACA status be used only for determining DACA status or continued status, regardless of any consent on any such form or any information to the contrary in any form, instructions, or other information associated with the DACA application and renewal process that may allow other uses of such data; and

NOW THEREFORE BE IT RESOLVED, that the HNBA supports that all policies enacted under Section 14 of the Executive Order by administrative agencies of the U.S. Government and related information and forms be redacted or modified such that any data provided by DACA recipients and held by, or accessible to, the U.S. Government or such Agencies shall be under the protection of the Privacy Act; and

NOW THEREFORE BE IT RESOLVED, that the HNBA seeks implementation of the requests made in the HNBA's 2018 Resolution in Support of Legislation to Protect the Status of, and Create a Path to Citizenship for DACA Recipients and the HNBA's 2018 Resolution in Support of Funding to Provide Minor Children Asylum Seekers With Access to Legal Representation to Protect Their Rights; and

NOW THEREFORE BE IT RESOLVED, that the HNBA also supports other efforts and laws that are consistent with this resolution.

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 effect 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, Jennifer Salinas, 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.

Jennifer Salinas,
HNBA National President