



HNBA 2021 RESOLUTION IN SUPPORT OF FUNDING TO PROMOTE HUMANE FAMILY UNIFICATION AND PROVIDE LEGAL REPRESENTATION

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 with the number expected to increase in the years to come; 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 United States does not afford unaccompanied minor children or family groups seeking asylum with the right to government appointed legal counsel, allowing only the legal right to legal representation at the foreign national’s own expense. Which for many individuals fleeing persecution with scant resources or children who arrive at U.S. points of entry is a virtual impossibility;

WHEREAS, an American Immigration Council report found that detained immigrants who are represented by counsel are four times more likely to be released from detention than unrepresented detainees and twice as likely to obtain the immigration relief sought;

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 the vulnerable population of unaccompanied minor children and asylum seekers by providing members with opportunities to assist them in navigating our complex immigration system;

NOW THEREFORE BE IT RESOLVED, that the HNBA supports federal legislation requiring that unaccompanied minor children and families 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 a policy which emphasize family reunification and maintaining arriving families together in the United States through the duration of their immigration process;

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 and asylum seekers 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, **Elia Diaz-Yaeger**, 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.



Elia Diaz-Yaeger
HNBA National President