RESOLUTION

RESOLVED, That the American Bar Association supports the preservation and development of laws, regulations, policies, and procedures that protect or increase due process and other safeguards for immigrant and asylum-seeking children, especially those who have entered the United States without a parent or legal guardian, including as provided in Section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 and Section 462 of the Homeland Security Act of 2002.

FURTHER RESOLVED, That the American Bar Association specifically urges Congress and the Administration to:

a) Maintain the current statutory definition of “unaccompanied alien child,” which is a person under 18 who has no lawful immigration status in the United States and for whom there is (i) no parent or legal guardian in the United States or (ii) no parent or legal guardian in the
United States available to provide care and physical custody, and which status should continue to be determined at the time of apprehension and remain in effect unless specifically revoked;

b) Ensure that children held by Customs and Border Protection are held for the shortest period possible, but not to exceed 72 hours, and that unaccompanied alien children have the opportunity to present their full claims to relief before an impartial adjudicator and not be subject to expedited removal or any other truncated process;

c) Preserve the availability of and the current statutory framework for Special Immigrant Juvenile Status ("SIJ") that protects noncitizen children when reunification is not viable with one or both parents due to abuse, abandonment, neglect, or a similar basis under state law;

d) Increase the annual number of SIJ visas allotted to qualified applicants;

e) Maintain the current statutory framework allowing unaccompanied alien children in removal proceedings to pursue asylum claims before the Asylum Office in a non-adversarial setting and recognize minority as a qualifying exception to the one year filing deadline;
f) Prohibit status awarded to a child from being revoked or rescinded unless there has been an affirmative finding of fraud or misrepresentation; and

g) Protect unaccompanied alien children’s sponsors from being subjected to immigration enforcement actions because of their efforts to reunify children with their family members.

FURTHER RESOLVED, That the American Bar Association urges federal, state, local, tribal and territorial governments to expand efforts to provide legal information and legal representation for unaccompanied immigrant and asylum-seeking children in removal proceedings.