

RESOLUTION NO. 17-035

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON,
CALIFORNIA, EXPRESSING SUPPORT OF SENATE BILL 349 (S.349) OR
THE ACCESS TO COUNSEL ACT OF 2017: GUARANTEES ACCESS TO
COUNSEL AT THE BORDER, PORTS OF ENTRY

WHEREAS, in the wake of the President Donald Trump Administration's Muslim Ban, reports flooded in of innocent traveling individuals and families, refugees, Green Card holders even U.S. Citizens, many of whom were elderly or children, were being illegally arrested, detained for long periods of time, intimidated as they arrived at our airports and deprived of legal counsel and contact with their families, being pressured to sign forms to give up their legal permanent resident status and forced onto planes out of the country; and

WHEREAS, U.S. Senator Kamala D. Harris, a member of the Senate Committee on Homeland Security & Governmental Affairs, introduced legislation S.349: the *Access to Counsel Act*, an act to ensure that those held or detained while attempting to enter the United States, whether at a border crossing or a port of entry, detention facilities overseen by the United States and, or at immigrations proceedings be guaranteed access to legal counsel; and

WHEREAS, S.349 amends Section 555(b) of title 5, United States Code, by adding: "The right to be accompanied, represented, and advised by counsel or other qualified representative under this subsection shall extend to any person subject to a proceeding, examination, holding, or detention described in section 292 of the Immigration and Nationality Act (8 U.S.C. 1362)"; and

WHEREAS, S.349 provides that if counsel cannot personally meet with a person subject to holding, detention, or inspection at port of entry, U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement, as appropriate, shall provide redress options through which counsel may communicate remotely (e.g., phone or video conference) with the held or detained person during the first hour and thereafter of such holding or detention, regardless of the day or time when such holding or detention began; and

WHEREAS, S.349 would invalidate any effort by immigration enforcement officials to persuade someone to relinquish their legal status (by executing a Record of Abandonment of Lawful Permanent Resident Status or Withdrawal of Application for Admission) if that person had been denied access to counsel; and

WHEREAS, S.349 also enforces the proper treatment of individuals held or detained at ports of entry or at any Customs and Border Protection or Immigration and Customs Enforcement Detention Facility overseen by U.S. Customs and Border Protection. It mandates

that such detention be limited to the briefest term and least restrictive conditions practicable and consistent with the rationale for such holding and shall include access to food, water and restroom facilities; and

WHEREAS, S.349 has received support from nearly several dozen leading organizations from the international, faith, Asian, Latino, Muslim, Jewish, and immigrant rights communities such as Amnesty International USA, Bet Tzedek, Church World Services, Council on American-Islamic Relations, Kids in Need of Defense, National Council of La Raza, National Immigrant Justice Center, South Asian Americans Leading Together, the Coalition for Humane Immigrant Rights Los Angeles, J Street, and the U.S. Committee for Refugees and Immigrants; and

WHEREAS, through S.349, Congress unequivocally denounces destructive and denigrating acts against refugees, immigrants, students, and tourists, and firmly protects the bedrock civil rights on which our democracy is built.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Carson, California expressly support S.349 or the Access to Counsel Act of 2017, and that a copy of this resolution be sent to Senator Kamala Harris, author of the bill.

PASSED, APPROVED, and ADOPTED this 21st day of March 2017.

Mayor Albert Robles

ATTEST:

City Clerk Donesia Gause

APPROVED AS TO FORM:

City Attorney

EXHIBIT NO. 01

