CITY OF CARSON

Legislation Details (With Text)

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Title:	CONSIDERATION OF RESOLUTION NO. 2017-101 OF THE CITY OF CARSON TO SUPPORT SENATE BILL 349 (S.349) THE ACCESS TO COUNSEL ACT OF 2017 (CITY COUNCIL)			
Sponsors:				
Indexes:				
Code sections:				
Attachments:	1. Resolution 17-035 Access to Counsel			

Date	Ver.	Action By	Action	Result

Report to Mayor and City Council
Tuesday, April 21, 2015
Consent

SUBJECT:

CONSIDERATION OF RESOLUTION NO. 2017-101 OF THE CITY OF CARSON TO SUPPORT SENATE BILL 349 (S.349) THE ACCESS TO COUNSEL ACT OF 2017 (CITY COUNCIL)

I. <u>SUMMARY</u>

The City Council is being requested to consider Resolution No. 17-035 in support of legislation S.349: the Access to Counsel Act of 2017, that was introduced by United States Senator Kamala Harris, a member of the Senate Committee on Homeland Security & Governmental Affairs. This bill will ensure that all individuals held or detained at border, ports of entry, detention facilities overseen by the United States and, or at immigration proceedings, while attempting to enter the United States be provided guaranteed access to legal counsel.

II. <u>RECOMMENDATION</u>

TAKE the following actions:
1. WAIVE further reading and ADOPT Resolution No. 17-035 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, SUPPORTING S.349: THE ACCESS TO COUNSEL ACT OF 2017".

2. INSTRUCT staff to transmit a copy of the executed resolution to the Office of United States Senator Kamala Harris

III. ALTERNATIVES

DO NOT support Resolution No. 17-035

IV. BACKGROUND

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 that 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. Many were pressured to sign forms giving up their legal permanent resident status and forced onto planes out of the country.

Refugees, immigrants, students, and tourists all deserve to be able to access their lawyer in legal proceedings that could change the course of their lives. Whether they enter the country at an airport or come across the border, no one should be exploited because of their lack of knowledge of our legal system. This demands that people have access to counsel under these circumstances, especially where detention endangers their health, rights, and safety.

A federal court issued a temporary restraining order that mandated that legal Permanent Residents returning from abroad should have access to lawyers while being detained, however accounts of protracted holding at ports of entry still came in. Families are still terrified to let their loved ones board planes for fear that they will be held for long periods of times without access to an attorney or a phone so that they can contact their loved ones.

The *Access to Counsel Act of 2017* affirms that the right to access to counsel attaches at the time of holding or detention; provides a redress option if counsel cannot personally meet with those detained at the border or ports of entry for the provision of legal advice remotely (e.g., phone or video teleconference); invalidates 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 has been denied access to counsel; directs that immigration enforcement officials shall limit detention to the briefest term possible and least restrictive conditions practicable, and will include access to food, water, and restroom facilities.

V. FISCAL IMPACT

None.

VI. <u>EXHIBITS</u>

    1.   Resolution No. 17-035 (pgs 3-4)

    Prepared by: <u>Sylvia Rubio, Field Deputy</u>