

New York State Bar Association
Resolution Adopted by Executive Committee
June 28, 2019

WHEREAS, the New York State Bar Association (NYSBA) has long been dedicated to preserving the constitutional right to due process of law, and supporting the rule of law and access to justice for all, including our nation's most marginalized populations; and

WHEREAS, the State of New York has a long and proud history of welcoming foreign-born immigrants; and

WHEREAS, in 2015, more than 4.5 million foreign-born immigrants comprised 22.9 percent of New York's population; and

WHEREAS, New York is one of the top five states in the nation in terms of receiving unaccompanied children and Central American migrant families; and

WHEREAS, in the past, NYSBA has actively promoted and participated in efforts to provide due process, the rule of law and access to justice to immigrants in New York and throughout the United States, including through its support of pro bono volunteer lawyers at the border and in the most remote corners of New York's rural communities, and by recently passing a resolution urging the state to enact a right to counsel in immigration proceedings, thereby guaranteeing legal representation for immigrants facing deportation; and

WHEREAS, recent news accounts report that nearly 350 children, including both unaccompanied minors who traveled to the United States alone, as well as children who were separated from their families at the border, were being held in a federal immigration detention facility in Texas under deplorable conditions; and

WHEREAS, attorneys working in this facility report that children were being held in inhumane conditions, including being forced to sleep on cold floors, going without food and necessary medical treatment for such conditions as flu and lice, denial of access to the rudiments of basic hygiene, and leaving the care and comfort of the youngest children in the hands of children only a few years older; and

WHEREAS, these cruel and appalling conditions violate the rule of law, established precedent and the *Flores* consent decree regarding standards for the conditions and duration of their detention; and

WHEREAS, recent credible reports indicate that although many children were removed from this facility, over one hundred were subsequently transferred back; and

WHEREAS, additional credible reports indicate that more than 2,000 children have been held in the custody of the federal government in many other facilities, under similar conditions, without their parents, for the past several weeks, well beyond the 72 hours permitted by law; and

WHEREAS, NYSBA condemns in the strongest possible terms this merciless, abusive and developmentally disabling treatment of children in our country, no matter where they are from or how they came to be in the custody of the federal government;

NOW, THEREFORE, IT IS

RESOLVED, that NYSBA applauds the dedicated attorneys working at the border to provide due process and access to justice to the children and all immigrants being detained, as well as bringing transparency and accountability regarding the unconscionable treatment to which these immigrant children are being subjected, and hereby calls on the United States government to abide by the *Flores* consent decree to which it is subject, end its inhumane treatment of immigrant children immediately, reunite those who have been separated from their parents and families, and provide immediate and appropriate basic necessities such as medical care and nutrition to the children in its custody, releasing those who are eligible and who have not been separated from their parents, to the care of the United States Department of Health and Human Services.