



Legislation Text

File #: Res 0704-2011, **Version:** *

Res. No. 704

Resolution calling upon the 112th Congress to pass, and the President to sign, H.R. 250, which would provide immigration judges with discretionary authority to determine that an immigrant parent of a United States citizen child should not be ordered removed, deported, or excluded from the United States.

By Council Members Dromm, Brewer, Cabrera, Chin, Comrie, Dickens, Ferreras, Fidler, James, Koppell, Lander, Mark-Viverito, Mendez, Palma, Vann, Williams and Eugene

Whereas, Immigration judges bear primary responsibility for the removal, deportation, and exclusion of individuals in the United States; and

Whereas, Immigration judges are currently precluded from considering family unity as a factor in removal proceedings involving an individual who is the parent of a United States citizen child; and

Whereas, According to the Department of Homeland Security approximately 18,000 families are separated every year as the result of removal proceedings; and

Whereas, According to the Unauthorized Immigration Population Report by the Pew Research Center (“The Report”) there were 4.5 million U.S. children with at least one non-citizen parent in 2010, an increase from 2.1 million in 2000; and

Whereas, The Report states that New York is ranked fourth in the nation in the size of its undocumented immigrant population at 625,000; and

Whereas, According to the U.S. Department of Justice, New York City is home to two immigration courts, which are the busiest courts in the nation and received over 23,000 cases in 2010; and

Whereas, Deportation forces the parent of a U.S. citizen child either to leave the child behind indefinitely, or to take the child to the parent’s country of origin, which is often completely unfamiliar to, and unsafe for, the U.S. citizen child and which often lacks comparable economic and educational opportunities for

the U.S. citizen child; and

Whereas, The current prohibition on using family unity as a factor in determining the outcome of a removal proceeding regularly forces immigration judges to separate a parent from his or her U.S. citizen child without any regard for the child's citizenship status; and

Whereas, When U.S. citizen children are separated from their parents they often face severe hardships such as limited economic and housing opportunities; and

Whereas, In order to keep families together, Representative Jose E. Serrano has introduced a bill that would authorize an immigration judge to decline to order the deportation of any individual who is the parent of a U.S. citizen child if the judge determines that the parent's removal would be against the child's best interest; and

Whereas, Providing immigration judges with this discretionary authority will encourage preservation of families and maintain the physical, economic, and educational security of U.S. citizen children; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the 112th Congress to pass, and the President to sign, H.R. 250, which would provide immigration judges with discretionary authority to determine that an immigrant parent of a United States citizen child should not be ordered removed, deported, or excluded from the United States.

JSM
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