



Legislation Details (With Text)

File #:	Res 1250-2008	Version:	A	Name:	Congress to pass the Immigrant Child Protection Act (H.R. 1176)
Type:	Resolution	Status:	Adopted	In control:	Committee on Immigration
On agenda:	2/13/2008				
Enactment date:		Enactment #:			
Title:	Resolution calling on Congress to pass the Child Citizen Protection Act (H.R. 1176) in order to provide discretionary authority to immigration judges to determine that an alien parent of a United States citizen child should not be ordered removed, deported, or excluded from the United States.				
Sponsors:	Inez E. Dickens, Joel Rivera, Gale A. Brewer, Alan J. Gerson, Letitia James, John C. Liu, Melissa Mark-Viverito, Miguel Martinez, Rosie Mendez, Hiram Monserrate, Larry B. Seabrook, Kendall Stewart, Leroy G. Comrie, Jr., Sara M. Gonzalez, Robert Jackson, Mathieu Eugene, Maria Del Carmen Arroyo, David I. Weprin, Charles Barron, Annabel Palma, Darlene Mealy, Diana Reyna				
Indexes:					
Attachments:	1. Res. No. 1250 - 2/13/08, 2. Committee Report 2/28/08, 3. Hearing Transcript 2/28/08, 4. Committee Report 3/26/08, 5. Hearing Transcript 3/26/08, 6. Press Release				

Date	Ver.	Action By	Action	Result
2/13/2008	*	City Council	Introduced by Council	
2/13/2008	*	City Council	Referred to Comm by Council	
2/28/2008	*	Committee on Immigration	Hearing Held by Committee	
2/28/2008	*	Committee on Immigration	Laid Over by Committee	
3/26/2008	*	Committee on Immigration	Hearing Held by Committee	
3/26/2008	*	Committee on Immigration	Amendment Proposed by Comm	
3/26/2008	*	Committee on Immigration	Amended by Committee	
3/26/2008	A	Committee on Immigration	Approved by Committee	Pass
3/26/2008	A	City Council	Approved, by Council	Pass

Res. No. 1250-A

Resolution calling on Congress to pass the Child Citizen Protection Act (H.R. 1176) in order to provide discretionary authority to immigration judges to determine that an alien parent of a United States citizen child should not be ordered removed, deported, or excluded from the United States.

By Council Members Dickens, Rivera, Brewer, Gerson, James, Liu, Mark-Viverito, Martinez, Mendez, Monserrate, Seabrook, Stewart, Comrie, Gonzalez, Jackson, Eugene, Arroyo, Weprin, Barron, Palma, Mealy and Reyna

Whereas, According to a report published by the Urban Institute, immigrants make up 12 percent of the United States population; and

Whereas, According to the same study, children of immigrants make up 22 percent of the 23.4 million

children under six years old in the United States; and

Whereas, the Constitution guarantees citizenship at birth to almost all individuals born in the United States; and

Whereas, It generally takes five years before a legal immigrant can apply to become a U.S. citizen; and

Whereas, Immigrants who marry citizens can apply for citizenship after three years; and

Whereas, An immigration judge is solely responsible for determining the inadmissibility or deportability of an alien; and

Whereas, When applying for relief or protection from removal, aliens have the burden of proof to establish that the alien both satisfies the eligibility requirements, and merits a favorable exercise of discretion in regards to the form of relief that is granted; and

Whereas, An immigration judge has the authority to make a credibility determination based on the totality of the circumstances; and

Whereas, At the conclusion of the proceeding the immigration judge must decide whether an alien is removable from the United States; and

Whereas, Immigration judges are precluded from considering whether deportation would be excessively harsh when considering family relationships; and

Whereas, Immigration judges must make immigrants choose between leaving their child behind or taking their child to a place where there are often fewer opportunities; and

Whereas, Immigration judges are thereby forced to separate families through deportation despite the child's citizenship status; and

Whereas, The proposed legislation would allow immigration judges to look at an immigrant's whole situation, rather than enforcing the law without any regard to potentially devastating consequences; now, therefore, be it

Resolved, That the Council of the City of New York calls on Congress to pass the Child Citizen Protection Act (H.R. 1176) in order to provide discretionary authority to immigration judges to determine that an alien parent of a United States citizen child should not be ordered removed, deported, or excluded from the United States.

JEB
LS# 3959, 3955
3/11/08