



# The New York City Council

City Hall  
New York, NY 10007

## Legislation Text

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**File #:** Res 1250-2008, **Version:** A

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### 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.

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JEB  
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