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CONSENT CALENDAR

July 24, 2018

To: Honorable Mayor and Members of the City Council
From: Councilmember Kriss Worthington
Subject: Support S.3036 to enforce immigration policy using humane enforcement methods, and send letters to Congress asking to amend components of the bill.

RECOMMENDATION:

That the Berkeley City Council supports the Keep Families Together Act (S.3036), which prohibits the separation of a child who is under the age of 18 and has no permanent immigration status from their parent or guardian near the border or port of entry into the U.S. The Council also sends a letter to Congressional Sponsor Senator Dianne Feinstein and all Congressional cosponsors including Senator Kamala Harris, Senator Elizabeth Warren, Senator Bernie Sanders, and Senator Chuck Schumer asking for amendments to address the bill's insufficient focus on immigrants convicted of violent crimes.

BACKGROUND:

The Keep Families Together Act (S.3036) was introduced by Dianne Feinstein on June 7th, 2018. It limits the capacity of ICE and other border policing agencies to separate children from their siblings, parents, and legal guardians, while also placing an emphasis on enforcing immigration law in a way in which the mental health of young immigrants is a primary concern.

It aims to address the inhumane enforcement of immigration policy currently taking place in some border states, in which separate detention centers have been established for children and adults, often leading to a separation of parents from their children. S.3036 also seeks to alleviate the anxiety of parents who lack documentation or are seeking asylum and have been detained and separated from their children for extended periods of time, by mandating check up meetings with immigration enforcement agents in which information about their children's well-being and whereabouts are given to detainees.

The Act includes a report describing cases of separation where the adult was charged with a violent crime; however, the bill is too vague in its ability to deal with such individuals and their children. While it is imperative that we stay consistent with our values on keeping parents and children together, it is also necessary to set specific standards for dealing with immigrant parents or guardians convicted of violent crime.

FINANCIAL IMPLICATIONS:

Minimal.

ENVIRONMENTAL SUSTAINABILITY

Consistent with Berkeley's Environmental Sustainability Goals and no negative impact.

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ATTACHMENT:

1. Letter to Congressional Sponsors and Cosponsors

Dear members of Congress,

The City of Berkeley strongly commends your support of the Keep Families Together Act (S.3036). This bill prohibits agents and contractors of government departments, namely the Department of Homeland Security, the Department of Justice, and the Department of Health and Human Services, from separating a child who is under 18 years old and has no permanent immigration status from their parent or legal guardian near the U.S. border or port of entry, unless the child meets certain criteria in which separation is the best option for the well-being of the child.

We are grateful that the Keep Families Together Act prioritizes the mental health and well-being of young immigrants when dictating the methods for enforcing these laws. The bill also establishes important safeguards and tools to help ensure that agents and officers of the aforementioned departments receive regular and thorough child welfare training that is evidence-based and trauma-informed. We are especially pleased that this bill includes measures to ensure that parents and legal guardians of undocumented children are updated monthly on the well-being and whereabouts of their children, regardless of the legal status of either group. This, along with a required annual report describing each instance in which a child is separated from their parent or legal guardian, will promote transparency and accountability of involved agencies.

However, the bill needs to be clarified to clearly address incidents involving immigrant parents and guardians convicted of violent crimes. This will help set standards for future cases and determine what conditions mandate the separation of children from their parents. Clarification of this component of the Keep Families Together Act will only serve to benefit the well-being of immigrant children and ensure the safety of our nation. We look forward to working with Congressional leaders to enact this important legislation.

Respectfully,
The Berkeley City Council

2. Keep Families Together Act

<https://www.congress.gov/bill/115th-congress/senate-bill/3036/text?q=%7B%22search%22%3A%5B%22keep+families+together+act%22%5D%7D&r=1>

