

**Introduced by Senators Torres, Corbett, De León, Hernandez,
Hueso, Jackson, Lara, and Steinberg**

(Coauthors: Assembly Members Alejo, Bocanegra, Campos, Eggman,
Gonzalez, Roger Hernández, Holden, Medina, Perea, Rendon, and
Rodriguez)

August 6, 2014

Senate Joint Resolution No. 31—Relative to immigration.

LEGISLATIVE COUNSEL'S DIGEST

SJR 31, as introduced, Torres. Immigration: unaccompanied minors.

This measure would urge the President and Congress of the United States to take specified action and adopt specified policies designed to protect unaccompanied minors immigrating to the United States.

Fiscal committee: no.

1 WHEREAS, An unprecedented number of unaccompanied
2 minors from Central America have migrated into the United States
3 at the Mexican border, creating a humanitarian crisis and requiring
4 immediate action by the Administration and Congress of the United
5 States; and

6 WHEREAS, According to United States Customs and Border
7 Protection, the United States government has apprehended
8 approximately 52,000 unaccompanied minors so far this fiscal
9 year and expects to apprehend at least 90,000 by the end of
10 September; and

11 WHEREAS, As of the end of May, 2014, the United States
12 Border Patrol had apprehended more unaccompanied minors than
13 in any of the previous five years, and almost twice as many
14 unaccompanied minors as in the 2011–12 fiscal year; and

1 WHEREAS, Although unaccompanied minors have been
2 entering the United States through the southwest border for years,
3 the surge in the last several months has overloaded border patrol
4 stations and detention facilities; and

5 WHEREAS, This upsurge in unaccompanied minors has created
6 the need for more housing and legal services; and

7 WHEREAS, Currently, about 76 percent of unaccompanied
8 minors apprehended are from Honduras, El Salvador, and
9 Guatemala, and the remaining 24 percent are from Mexico; and

10 WHEREAS, In the 2012–13 fiscal year, 73 percent of the
11 unaccompanied minors were male and 27 percent were female,
12 and 76 percent were over 14 years of age; and

13 WHEREAS, The average length of stay in immigration detention
14 facilities was 61 days between the 2007–08 and 2009–10 fiscal
15 years, while the current reported average stay is 35 days; and

16 WHEREAS, Many of the laws and procedures regarding
17 unaccompanied minors were developed to protect children from
18 human trafficking and other threats of violence; and

19 WHEREAS, By law, immigration cases involving
20 unaccompanied minors are focused on the welfare of the child,
21 rather than detention, and the United States Department of Health
22 and Human Services (HHS) must place the children in the “least
23 restrictive setting” possible; and

24 WHEREAS, Unaccompanied minors from contiguous countries,
25 such as Mexico and Canada, may elect to return to their county of
26 origin when apprehended at the border or enter the immigration
27 system, but they are not automatically taken into custody; and

28 WHEREAS, Unaccompanied minors from noncontiguous
29 countries are automatically taken into custody, but are still subject
30 to immigration proceedings and potential deportation; and

31 WHEREAS, A recent report from the United Nations High
32 Commissioner for Refugees found that a majority of
33 unaccompanied minors whom they interviewed that have been
34 apprehended at the southwest border, many from Honduras, El
35 Salvador, and Guatemala, were fleeing instances of extreme
36 violence such as drug cartels and gang activity. Others are victims
37 of human trafficking or were living in poverty and are attempting
38 to reunite with family members already in the United States,
39 traveling alone, crossing mountains and deserts, and facing
40 unknown dangers and harm along their journey; and

1 WHEREAS, The United States has always been a leader in
2 providing care and assistance to those in danger and in need; and

3 WHEREAS, Congress unanimously passed the Trafficking
4 Victims Protection Reauthorization Act of 2008, which continued
5 a long history of establishing procedures that fairly and safely
6 repatriate unaccompanied minors to their home countries; and

7 WHEREAS, The United States must recognize this is a
8 humanitarian crisis impacting young and innocent children. These
9 children have lost their childhood and everything they know,
10 including their parents; and

11 WHEREAS, As an international leader in the humane treatment
12 of individuals, the United States has a responsibility to treat these
13 children humanely and ensure that those who have arrived alone
14 have a safe place to stay; and

15 WHEREAS, Addressing the issue of unaccompanied children
16 will require cooperation from all branches of the United States
17 government and appropriate funding to respond to the crisis in a
18 humanitarian and child protection-focused manner; now, therefore,
19 be it

20 *Resolved by the Senate and the Assembly of the State of*
21 *California, jointly*, That the Legislature urges the President and
22 Congress of the United States to focus resources on protecting
23 unaccompanied children immigrating into the United States from
24 harm, uphold their right to due process, and work with our
25 international partners to address the root problems that put these
26 children in danger in their home countries; and be it further

27 *Resolved*, That the Legislature urges the President and Congress
28 of the United States to adopt immigration policies that ensure that
29 unaccompanied minors receive appropriate child welfare services,
30 legal assistance, and access to immigration protection; and be it
31 further

32 *Resolved*, That the Legislature urges the President and Congress
33 of the United States to require that a best interest of the child
34 standard be applied in immigration proceedings involving
35 unaccompanied minors; and be it further

36 *Resolved*, That the Legislature urges the President and Congress
37 of the United States to place all unaccompanied minors in the
38 custody of HHS to ensure they receive careful and robust screening
39 and protection to ensure their safety and well-being; and be it
40 further

1 *Resolved*, That the Secretary of the Senate transmit copies of
2 this resolution to the President and Vice President of the United
3 States, to the Speaker of the House of Representatives, to the
4 Majority Leader of the Senate, to each Senator and Representative
5 from California in the Congress of the United States, and to the
6 author for appropriate distribution.

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