

AMENDED IN SENATE AUGUST 19, 2014

Senate Joint Resolution

No. 31

**Introduced by Senators Torres, Corbett, De León, Hernandez,
Hueso, Jackson, Lara, and Steinberg**
(Coauthors: Senators Anderson, Leno, Monning, and Vidak)
(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 amended, 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

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

5 WHEREAS, Although unaccompanied minors have been
6 entering the United States through the southwest border for years,
7 the surge in the last several months has overloaded border patrol
8 stations and detention facilities; and

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

11 WHEREAS, Currently, about 76 percent of unaccompanied
12 minors apprehended are from Honduras, El Salvador, and
13 Guatemala, and the remaining 24 percent are from Mexico; and

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

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

20 WHEREAS, Many of the laws and procedures regarding
21 unaccompanied minors were developed to protect children from
22 human trafficking and other threats of violence; and

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

28 WHEREAS, Unaccompanied minors from contiguous countries,
29 such as Mexico and Canada, may elect to return to their ~~county~~
30 *country* of origin when apprehended at the border or enter the
31 immigration system, but they are not automatically taken into
32 custody; and

33 WHEREAS, Unaccompanied minors from noncontiguous
34 countries are automatically taken into custody, but are still subject
35 to immigration proceedings and potential deportation; and

36 WHEREAS, A recent report from the United Nations High
37 Commissioner for Refugees found that a majority of
38 unaccompanied minors whom they interviewed that have been
39 apprehended at the southwest border, many from Honduras, El
40 Salvador, and Guatemala, were fleeing instances of extreme

1 violence such as drug cartels and gang activity. Others are victims
2 of human trafficking or were living in poverty and are attempting
3 to reunite with family members already in the United States,
4 traveling alone, crossing mountains and deserts, and facing
5 unknown dangers and harm along their journey; and

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

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

12 WHEREAS, The United States must recognize this is a
13 humanitarian crisis impacting young and innocent children. These
14 children have lost their childhood and everything they know,
15 including their parents; and

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

20 WHEREAS, Addressing the issue of unaccompanied children
21 will require cooperation from all branches of the United States
22 government and appropriate funding to respond to the crisis in a
23 humanitarian and child protection-focused manner; now, therefore,
24 be it

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

32 *Resolved,* That the Legislature urges the President and Congress
33 of the United States to adopt immigration policies that ensure that
34 unaccompanied minors receive appropriate child welfare services,
35 legal assistance, and access to immigration protection; and be it
36 further

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

1 *Resolved*, That the Legislature urges the President and Congress
2 of the United States to place all unaccompanied minors in the
3 custody of HHS to ensure they receive careful and robust screening
4 and protection to ensure their safety and well-being; and be it
5 further
6 *Resolved*, That the Secretary of the Senate transmit copies of
7 this resolution to the President and Vice President of the United
8 States, to the Speaker of the House of Representatives, to the
9 Majority Leader of the Senate, to each Senator and Representative
10 from California in the Congress of the United States, and to the
11 author for appropriate distribution.

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