

A RESOLUTION OF TAOS COUNTY, NEW MEXICO DECLARING THAT THE REMOVAL OF CHILDREN FROM THEIR IMMIGRANT PARENTS IS A VIOLATION OF HUMAN RIGHTS, CONSTITUTES CRUEL AND UNUSUAL PUNISHMENT, AND SUPPORTING THE EFFORTS OF STATE AND FEDERAL OFFICIALS TO PROMOTE REUNIFICATION OF CHILDREN WITH THEIR FAMILIES

WHEREAS, as part of its crack-down on illegal immigration, the United States Immigration and Customs Enforcement Agency (ICE) has forcibly separated immigrant children from their parents' custody and detained them separately from their families in federal facilities;

WHEREAS, in those cases where immigrants are arrested by ICE while residing in the U.S., parents are often taken from their homes in the presence of their young children and then the children are removed and placed in federal facilities or foster care;

WHEREAS, ICE not only traumatizes these children but also treats them as "parent-less", takes them into custody, and detains them without the right to have contact with their parents. Some of these children may even go unaccounted for;

WHEREAS, in some cases where parents are deported, their parental rights have been terminated and their children put up for adoption by third parties;

WHEREAS, along the U.S.-Mexico border, ICE is systematically arresting immigrant parents and has removed children from their parents' custody as an intentional punishment for attempting to enter the United States illegally;

WHEREAS, many of the children presently detained are young, without support, and do not even speak the English language;

WHEREAS, many of these children have been held in large prison-like facilities and are sometimes even locked in fenced areas that amount to cages;

WHEREAS, these children are being denied contact with their parents, do not know their parents' whereabouts, and it is often unknown whether these children will be reunified with their parents;

WHEREAS, hundreds of the children detained by ICE have been moved across the Country and are even unaccounted for;

WHEREAS, parents of immigrant children are often fleeing political persecution, economic hardship, and gang or domestic violence, and are merely seeking safety and asylum in the U.S.;

WHEREAS, the U.S. Supreme Court ruled in *Santosky v. Kramer* that parents have a fundamental liberty interest in the right to raise their children without interference by the government, except in those cases where children are the victims of abuse or neglect. Where the government attempts to interfere in this right, a parent is entitled to fundamental due process such as a hearing before a court of law;

WHEREAS, in *Troxell v. Granville*, the US Supreme Court held that the interest of parents in the care, custody and control of their children is perhaps the oldest of the fundamental liberty interests under the Fourteenth Amendment;

WHEREAS, the systematic separation of children from their immigrant parents without due process of law denies fundamental liberty interests guaranteed by the U.S. Constitution;

WHEREAS, the systematic removal of children from their parents is cruel and unusual punishment and constitutes a form of torture that will result in long-term emotional damage to the wellbeing of these children.

NOW BE IT RESOLVED BY THE COMMISSIONERS OF THE COUNTY OF TAOS AS FOLLOWS:

1. The systematic removal of children from immigrant parents without due process of law or legal justification is a form of cruel and unusual punishment and is prohibited under the U.S. Constitution and International Law.
2. The right of immigrant parents to the care, custody and control of their children is a fundamental human right that should not be denied by any government.
3. Children should only be separated from their parents when they are endangered, dependent and/or neglected. Such separation should be accompanied by the right to a hearing before a court of law and the right to representation by an attorney.
4. Children who are separated from their immigrant parents should not be detained separately from their parents in prison-like facilities. Instead, children should be allowed to remain with their parents, or in the alternative, family members should be located, with foster homes used as a last resort.

5. Where children have already been removed and separated from their immigrant parents, diligent efforts should be made to immediately reunite families.
6. Children who have been separated should not be systematically placed in foster homes aimed at adopting them to third parties and terminating the rights of biological immigrant parents;
7. Taos County supports efforts by Congress to pass legislation to immediately put an end to the inhumane and cruel practice of separating immigrant children from their parents and detaining these children in prison-like facilities.
8. Taos County stands behind efforts by Congress to ensure that immigrant children who have already been separated from their immigrant parents are reunited with their biological families immediately.
9. Taos County does not condone law enforcement officials cooperating with ICE in the removal of immigrant children from their parents without due process of law, or without providing a safe haven for these children upon removal.
10. Taos County supports the efforts of local non-profits engaged in helping to support children who have been detained by ICE to receive basic food, clothing, shelter and medical care, as well as counseling by professionals to address trauma.
11. Taos County further supports the efforts of local nonprofits and other legal organizations to ensure that immigrant parents and children receive adequate legal representation, especially to aid in the location of missing children and the reunification of families who have been separated.