

## RESOLUTION 13 OF SALALM LXIII (Mexico City, 2018)

Approved July 4, 2018

That SALALM stand in allegiance with the American Library Association (ALA)'s "Resolution to Reunite Migrant Children with their Parents,"<sup>1</sup> passed on Tuesday, June 26, 2018 during the 2018 Annual ALA Conference. This action was spearheaded by REFORMA (the National Association to Promote Library and Information Services to Latinos and the Spanish Speaking)'s "Issues Statement on the Separation of Refugees, Asylum Seekers, and Immigrants at the U.S. Border Searching for the American Dream."<sup>2</sup>

Together, the ALA and REFORMA resolved to:

1. Call on federal agencies to ensure that documentation of children and families is sufficient for the seamless reunification of families or their legal guardians
2. Request that the U.S. government honor the UN General Assembly Resolution 429(V) of December 14, 1950, regarding the legal status of refugees, which states that "refugees should not be penalized for their illegal entry or stay," nor be "charged with immigrant or criminal offenses relating to the seeking of asylum, [nor be] arbitrarily detained purely on the basis of seeking asylum"
3. Urge members to contact their elected officials at all levels to express their continuing concern regarding the criminalization and separation of refugee families at the border, citing support for the following legislative bills:

- S. 3036 – Keep Families Together Act  
[Keep Families Together-Read Bill Here](#)

- R. 2572 – Protect Family Values at the Border Act  
[Protect Family Values-Read Bill Here](#)

- R. 5950/S.2937 – the HELP Separated Children Act  
[Help Separated Children-Read Bill Here](#)

- R. 2043/S. 2468 – Fair Day in Court for Kids Act of 2018  
[Kids Fair Day in Court-Read Bill Here](#)

SALALM also points to a statement by the Latin American Studies Association (LASA)<sup>3</sup> and to the 1997 *Flores Settlement* regarding the treatment of unaccompanied minors detained at the U.S. border. The legal requirements stipulated in the Flores Agreement were initiated by a class action lawsuit filed in 1985 in the U.S. 9<sup>th</sup> Central District of California Court against the federal government, challenging procedures regarding the detention, treatment, and release of children by the former Immigration and Naturalization Service (INS) [Flores V. Meese California 9<sup>th</sup> Circuit Court Civil Docket # No. CV-85-4544-RJK]. The 1997 settlement followed many years of litigation, including an appeal to the United States Supreme Court, and imposed the following obligations on immigrant authorities:

1. The government is required to release children from immigration detention without unnecessary delay to, in order of preference, parents, other adult relatives, or licensed programs willing to accept custody.
2. If a suitable placement is not immediately available, the government is obligated to place children in the "least restrictive" setting appropriate to their age and any special needs.

3. The government must implement standards relating to the care and treatment of children in immigration detention.

However, authorities did not completely comply with the Flores Settlement until 2003, when the Office of Refugee Resettlement (ORR) assumed responsibility for the care and custody of unaccompanied children, responding to advocacy on the part of human rights organizations, religious groups, and political leaders.<sup>4</sup>

Thus, in reference to the UN General Assembly Resolution 429(V) and the enforcement of the Flores Settlement after 2003, SALALM declares itself in allegiance with librarians and Latin American Studies scholars who are members of ALA, Reforma, and LASA, as well as colleagues beyond these organizations, in demanding that the U.S. government return to the previous policy of releasing families on bail until immigration hearings are held and ensure that all migrants receive due process. This is especially important for asylum seekers who have risked a perilous journey to the United States to escape gang, sexual, and gender-based violence, conditions that are partially driven by U.S. foreign, domestic, and drug policy in the 1970s and 1980s and the deportation of convicted Central American felons who became involved in prison gangs in the United States.

In addition to the resources cited below in the Endnotes, SALALM recommends viewing the **Torn Apart Project Website**, which draws on library science methodology to aggregate and cross-reference publicly available data to visualize the geography of the “zero tolerance” immigration policy and immigration incarceration in the USA in general, and points to resources to intervene: <http://xpmethod.plaintext.in/torn-apart/index.html>

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<sup>1</sup> (ALA)’s Resolution to Reunite Migrant Children with their Parents:

[https://docs.google.com/document/d/1t3umipTxO62KExOOuO8UG\\_Zujv8JMf0Nds6no0attIY/edit](https://docs.google.com/document/d/1t3umipTxO62KExOOuO8UG_Zujv8JMf0Nds6no0attIY/edit)

<sup>2</sup> REFORMA “Issues Statement on the Separation of Refugees, Asylum Seekers, and Immigrants at the U.S. Border Searching for the American Dream: <http://www.reforma.org/content.asp?admin=Y&contentid=404>

<sup>3</sup> LASA Statement Regarding Women and Child Refugees in the United States:

<https://lasa.international.pitt.edu/esp/files/LASA%20separation%20of%20children%20from%20parent%20statement.pdf>

<sup>4</sup> Flores V. Meese Case File/Documents:

- <https://www.clearinghouse.net/detail.php?id=9684>
- [https://www.clearinghouse.net/chDocs/not\\_public/IM-CA-0029-9000.pdf](https://www.clearinghouse.net/chDocs/not_public/IM-CA-0029-9000.pdf)
- [https://www.aclu.org/sites/default/files/assets/flores\\_settlement\\_final\\_plus\\_extensionof\\_settlement011797.pdf](https://www.aclu.org/sites/default/files/assets/flores_settlement_final_plus_extensionof_settlement011797.pdf)

Flores V. Meese Additional Resources:

- <https://www.humanrightsfirst.org/resource/flores-settlement-brief-history-and-next-steps>
- <https://www.refugeesinternational.org/reports/2018/6/28/trumps-executive-order-and-the-flores-settlement-explained-bswdt>