



MASSBAR

A S S O C I A T I O N

THE PREEMINENT VOICE OF THE LEGAL PROFESSION™

MASSACHUSETTS BAR ASSOCIATION

RESOLUTION

RESOLVED, That the Massachusetts Bar Association (“MBA”), which has long supported equal justice and the due process of law as guaranteed by the United States Constitution and the Massachusetts Constitution and its Declaration of Rights of Inhabitants of the Commonwealth, reaffirms its support for and commitment to vigorously defend the rule of law and fundamental Constitutional and statutory rights and due process protections in the detention or deportation of residents of Massachusetts. Specifically, the MBA endorses actions by the federal government, and where applicable, the Commonwealth, that:

- (1) Promptly and fully inform the public about the specific parameters of any immigration enforcement policy for expedited detention and deportation of lawful permanent residents, those on temporary lawful status, and immigrants who are without lawful immigration status;
- (2) Ensure that appropriate legal measures are taken to prevent and prohibit any discriminatory immigration-related enforcement practices by federal, state, or local law enforcement officials that target or profile persons based on race, ethnicity, national origin, religion, sexual orientation, gender identity or gender expression;
- (3) Preclude the use of any database established or maintained by the U.S. Citizenship and Immigration Services, or any other governmental agency or entity, based on Executive Orders and immigration enforcement policy and programs under “DACA” (“Deferred Action for Childhood Arrivals”), to identify and locate undocumented immigrants for any detention and deportation program unrelated to protecting national security, as it would be unfair to penalize such persons who applied in good faith for provisional waivers of unlawful presence, protection from deportation, and temporary work authorization, under then-existing U.S. government policy;

- (4) Continue, until adoption of comprehensive immigration reform legislation, immigration enforcement programs that protect certain immigrants residing in Massachusetts from detention or deportation and prevent expansive detentions or deportations that result in family separations and negatively impact the education of students;
- (5) Ensure that attorneys representing immigrants at hearings are provided reasonable access to their clients in detention and full access to all information that has subjected the individual to deportation;
- (6) Establish, in collaboration with the Massachusetts legal community, an effective system that ensures free legal representation for all immigrants facing removal (deportation) proceedings who are unable to afford an attorney, on account of the complicated nature of immigration law and immigration court proceedings, where many undocumented immigrants lack an understanding of their legal rights and options, and given that the government is represented in such proceedings; and where deportations often result in prolonged detention and incarceration, disrupting families and communities, causing negative financial impact, and possibly endangering the life or liberty of individuals deported to their “homelands”;
- (7) Support “sanctuary city” protections in Massachusetts as such protections promote trust and cooperation with law enforcement essential to public safety; and
- (8) Support comprehensive immigration reform legislation that provides for legal status and a pathway to citizenship for undocumented immigrants with strong ties to the United States, who do not pose a national security or public safety risk to our country and its residents, while taking necessary steps to further secure our borders.