

1 **RESOLUTION URGING CONGRESS TO**
2 **ADDRESS CITIZEN CHILDREN OF**
3 **UNDOCUMENTED PARENTS**

4 2004 GENERAL SESSION
5 STATE OF UTAH

6 **Sponsor: Gene Davis**

7 Ed P. Mayne



8
9 **LONG TITLE**

10 **General Description:**

11 This joint resolution of the Legislature urges the United States Congress to review and
12 modify current immigration laws pertaining to United States Citizen children of
13 undocumented parents.

14 **Highlighted Provisions:**

15 This resolution:

16 ▶ urges the United States Congress to review and modify United States Immigration
17 law to minimize the circumstances under which United States Citizen children can
18 be separated from their undocumented parents.

19 **Special Clauses:**

20 None



22 *Be it resolved by the Legislature of the state of Utah:*

23 WHEREAS, current federal law recognizes a child of undocumented parents that is
24 born in the United States as an American Citizen;

25 WHEREAS, if undocumented parents do not qualify to remain in the United States,
26 they face deportation and separation from their United States Citizen children, who often live
27 with a relative or are adopted;



28 WHEREAS, deportation can only be avoided if the undocumented parents can establish
29 that their child's physical, mental, or emotional condition is such that separation from the
30 parents would cause significant damage to the child, a high standard that is rarely met;

31 WHEREAS, United States Citizen children who choose not to be separated from their
32 parents must leave the United States with their parents;

33 WHEREAS, in many cases, undocumented families have been in the United States for
34 many years and have paid taxes;

35 WHEREAS, the United States Congress should review the current immigration laws to
36 determine how family separations and other tragedies linked to undocumented parents can be
37 reduced;

38 WHEREAS, federal immigration law already provides that any undocumented parent
39 that has committed an aggravated felony under a federal law does not qualify for the
40 immigration adjustment;

41 WHEREAS, federal law also requires that an undocumented parent be of good moral
42 character;

43 WHEREAS, immigration law should provide for legal representation for United States
44 Citizen children according to Division of Child and Family Services regulations;

45 WHEREAS, any child born in the United States prior to 1999 should have the right to
46 be represented legally and to petition legally for their family to receive immigration status, not
47 amnesty; and

48 WHEREAS, these steps would address the best interest of the child by making it
49 possible for families to stay together:

50 NOW, THEREFORE, BE IT RESOLVED that Legislature of the state of Utah urges
51 the United States Congress to review and modify United States Immigration law so as to
52 minimize the circumstances under which United States Citizen children are separated from
53 their undocumented parents.

54 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Majority
55 Leader of the United States Senate, the Speaker of the United States House of Representatives,
56 and the members of Utah's congressional delegation.

Legislative Review Note

as of 1-23-04 5:23 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number SJR005

**Resolution Urging Congress to Address Citizen Children of
Undocumented Parents**

28-Jan-04
10:50 AM

State Impact

Mailing requirements of this resolution can be handled within existing budgets.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst