



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians
Resolution #ABQ-19-012

TITLE: Calling to Protect and Advance the Human Rights of Indigenous Peoples Migrating to the U.S.

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WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States and the United Nations Declaration on the Rights of Indigenous Peoples, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, the number of indigenous peoples attempting to flee to the U.S. is rising rapidly, especially from Mexico, Guatemala, El Salvador, and Honduras because of discrimination and debilitating poverty due to more than 500 years of colonization, displacement, and genocide in their homelands; and

WHEREAS, today indigenous peoples migrating from Mexico, Central, and South America are incorrectly identified by U.S. officials as Latino or Hispanic through flawed U.S. policy that fails to track indigenous peoples, thereby erasing their indigenous identity; and

WHEREAS, many indigenous peoples fleeing to the U.S. only speak their indigenous language and are unable to communicate basic or urgent medical needs in Spanish or English, and the Department of Homeland Security (DHS) does not conduct an indigenous language assessment, which contributes to the violation of their indigenous rights, due process rights, mistreatment, and death; and

WHEREAS, many indigenous children separated from their parents or guardians remain separated due to their inability to communicate because of indigenous language barriers and are denied recognition of their indigenous identity, predisposing them to erroneous foster care placement and/or illegal adoptions; and

WHEREAS, the U.S. has a history of intentional and unjust imprisonment of indigenous families and forced separation of indigenous children and the 2018 Zero Tolerance Policy represents history repeating itself, causing intergenerational trauma; and

WHEREAS, since May 2018, six indigenous children and youths have died in DHS custody or have been killed at the southern border by U.S. Border Officials; and

WHEREAS, the detention and treatment of indigenous migrant children by U.S. agencies and the denial of indigenous language access violates international law standards endorsed or ratified by the U.S., including those in the United Nations Declarations on the Rights of Indigenous Peoples (UNDRIP), the International Covenant on Civil and Political Rights (ICCPR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), and the standards adopted by the Organization of American States in the American Declaration on the Rights of Indigenous Peoples (ADRIP); and

WHEREAS, at the 2019 NCAI Mid-Year Conference, a motion was offered and adopted on the floor that encouraged NCAI to learn more about the issues indigenous families confront at the southern border and to advocate for the interests of indigenous families at the border.

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) calls upon the administration to comply with domestic law and international agreements that it is a party to by allocating funding to develop Indigenous language resources; and

BE IT FURTHER RESOLVED, that NCAI calls upon the Department of Homeland Security (DHS) to create an *Indigenous Language Advisory Commission*, comprised of tribal and indigenous language and cultural experts, to establish an intake process to count indigenous peoples, develop indigenous language resources, develop required trainings for all DHS, Department of Justice (DOJ), and Department of Health and Human Services personnel on indigenous peoples' human rights; and

BE IT FURTHER RESOLVED, that NCAI calls upon DHS and DOJ to conduct an independent, exhaustive, and transparent investigation concerning the deaths of all indigenous children in U.S. custody and by U.S. Border Patrol employees at the southern border, and hold all those responsible accountable for the deaths; and

BE IT FURTHER RESOLVED, that NCAI calls upon Congress to exert oversight and demand transparency from DHS to prevent future killings and deaths at the southern border; and

BE IT FURTHER RESOLVED, that NCAI calls upon Congress to pass legislation to require the collection of data on indigenous peoples at the southern border and an assessment of the gaps in services; and

BE IT FURTHER RESOLVED, that NCAI calls on Congress to: pass legislation prohibiting the *Flores Rule* from being implemented; prohibit the arbitrary detention of indigenous families; stop the expansion of jails for children; and prevent other human rights violations at the southern border; and

BE IT FURTHER RESOLVED, that NCAI calls upon the Expert Mechanism on the Rights of Indigenous Peoples to facilitate a dialogue between the U.S. government, all tribal nations, including those near the southern border, and other indigenous representatives to establish an independent monitoring body of indigenous peoples at the southern border, specifically those in detention centers, and those impacted by immigration policies with a particular focus on indigenous women and children, and to produce findings; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

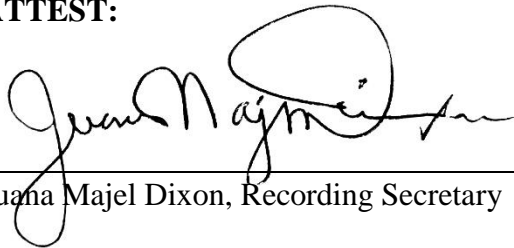
CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2019 Annual Session of the National Congress of American Indians, held at the Albuquerque Convention Center, October 20-25, 2019, with a quorum present.



Fawn Sharp, President

ATTEST:



Juana Majel Dixon, Recording Secretary