



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #DEN-18-017

### TITLE: A Call for Protection of the Human Rights of Immigrants by the Department of Homeland Security

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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 (UNDRIP), 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 U.S. Immigration and Customs Enforcement (ICE) was formed in 2002 under the Homeland Security Act, which transferred some critical immigration enforcement functions from the U.S. Department of Justice (DOJ) for the purpose of protecting national security; and

**WHEREAS**, one of the primary goals of ICE is to prevent acts of terrorism by targeting the people, money, and materials that support terrorist and criminal activities; and

**WHEREAS**, in 2017 the administration issued executive order 13768, which changed ICE deportation priorities from individuals who committed serious felonies to any undocumented immigrant; and

**WHEREAS**, in April 2018 the Attorney General announced a “zero tolerance” policy at the border and directed that all persons attempting to cross the border unlawfully should be referred for criminal prosecution rather than civil; and

**WHEREAS**, indigenous peoples are disproportionately represented among immigrant populations targeted for detention and removal by ICE; and

**WHEREAS**, indigenous peoples migrate to the United States for many reasons including persecution, economic necessity, and civil unrest; and

**WHEREAS**, as a result of the “zero tolerance” policy and the crackdown on immigrants who are undocumented, a growing number of immigrants—including indigenous immigrants and children—are being held in inhumane conditions and separated from their families; and

**WHEREAS**, government agents and agencies routinely fail to identify Indigenous individuals and families after apprehension and language barriers put them at an increased risk of human rights violations, including family separations; and

**WHEREAS**, ICE agents routinely engage in misleading practices creating unnecessary distrust between communities and other law enforcement agencies; and

**WHEREAS**, the Government Accountability Office and the Department of Homeland Security Office of Inspector General (DHS-OIG), have documented a disregard for congressional oversight, substandard conditions, and inhumane treatment of persons in ICE detention; and

**WHEREAS**, other independent analyses of ICE detention centers found inadequate medical care contributed or led to several deaths, and rampant sexual and physical abuse; and

**WHEREAS**, legislation has been introduced that would establish a commission to review the essential enforcement functions of ICE, make recommendations to Congress for these functions to be transferred to pre-existing federal agencies, and terminate ICE one year from enactment; and

**WHEREAS**, no government agency or entity should act with a disregard to proper oversight mechanisms or the fundamental human rights protected by the U.S Constitution and the UNDRIP; and

**WHEREAS**, the United Nation’s Expert Mechanism on the Rights of Indigenous Peoples is conducting a thematic study on the topic of **migration**, displacement and **borders** while preserving the rights of Indigenous peoples.

**NOW THEREFORE BE IT RESOLVED**, that the National Congress of American Indians (NCAI) calls upon the United States Congress to pass legislation to review the essential enforcement functions of the Department of Homeland Security, including ICE and Customs and Border Protection, and to ensure that the fundamental human rights of all persons, including the rights of indigenous peoples under UNDRIP, are protected; and

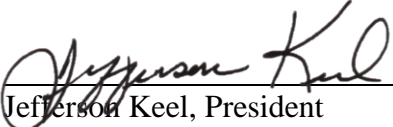
**BE IT FURTHER RESOLVED**, that NCAI calls upon the President to immediately end the detention of children and ensure that immigrant families who have been separated are reunited; and

**BE IT FURTHER RESOLVED**, that NCAI calls upon the UN EMRIP to include the ongoing situation in the United States in its thematic study; 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 2018 Annual Session of the National Congress of American Indians, held at the Hyatt Regency in Denver, Colorado October 21-26, 2018, with a quorum present.

  
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Jefferson Keel, President

**ATTEST:**

  
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Juana Majel Dixon, Recording Secretary