

REFERENCE TITLE: language barriers; indigenous populations

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SCM 1006

Introduced by
Senator Gonzales

A CONCURRENT MEMORIAL

URGING THE UNITED STATES CONGRESS TO IMPLEMENT STEPS TO ENSURE DUE PROCESS RIGHTS FOR INDIGENOUS-LANGUAGE-SPEAKING IMMIGRANTS IN THE UNITED STATES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 To the Congress of the United States of America:

2 Your memorialist respectfully represents:

3 Whereas, the Indigenous Languages Office, an independent office
4 located in the Casa Alitas Immigrant Welcome Center in Tucson, Arizona, is
5 the only office serving the 22 indigenous Maya languages from Guatemala
6 and several indigenous languages from Mexico spoken by immigrants along
7 the entire United States-Mexico border; and

8 Whereas, indigenous peoples remain a highly vulnerable population
9 among all immigrants on both sides of the border as described in the 2014
10 human rights report, Deprivation, not Deterrence, which demonstrated that
11 indigenous peoples in the Arizona border region were exploited and abused
12 by federal agents in higher numbers during border crises than other
13 immigrants; and

14 Whereas, the 2015 report Exclusion of Indigenous Language Speaking
15 Immigrants in the US immigration System demonstrates that systemic
16 discrimination against the identity and languages of indigenous peoples
17 from Mesoamerica within the agencies of the United States Department of
18 Homeland Security is ongoing and denies them due process in short and
19 long-term detention; and

20 Whereas, the identity of indigenous peoples is not recognized at the
21 United States-Mexico border or throughout the United States immigration
22 system, leading to the violation of due process rights as indigenous
23 migrants cannot communicate their reasons for fleeing nor their basic or
24 urgent medical needs in Spanish or English; and

25 Whereas, social and linguistic discrimination continues within the
26 United States Department of Health and Human Services against separated
27 and unaccompanied children in children's shelters; and

28 Whereas, linguistic discrimination by the United States Department
29 of Justice in federal immigration and racial and linguistic discrimination
30 in federal criminal courts is a daily occurrence due to under-resourced
31 interpretation services, which leads to longer incarceration periods for
32 indigenous language speakers; and

33 Whereas, the independently prepared report by the International
34 Mayan League and the Indigenous Alliance without Borders, Indigenous
35 Peoples' Rights to Exist, Self Determination, Language, and Due Process in
36 Migration, submitted to the United Nations Human Rights Council as it
37 conducts its mandated universal periodic review of United States policy
38 and human rights in May 2020, documents grave violations of articles of
39 the United Nations Declaration on the Rights of Indigenous Peoples; and

40 Whereas, since December 2017, at least five Maya children and one
41 young Maya woman have died at the United States-Mexico border under United
42 States custody or were killed by federal officials. Claudia Patricia Gómez
43 González (Maya Mam Nation, 20 years old) was shot in the head by a United
44 States Customs and Border Patrol (CBP) agent in Texas on May 23, 2018,
45 after crossing the border. Jakelin Caal Maquin (Maya Q'eqchi' Nation, 7

1 years old) died of a bacterial infection on December 8, 2018. Felipe Gómez
2 Alonzo (Maya Chuj Nation, 8 years old) died on Christmas Eve 2018 of flu
3 complications. Juan de León Gutiérrez (Maya Ch'orti' Nation, 16 years old)
4 died on April 30, 2019 from a brain infection caused by an untreated sinus
5 infection. Wilmer Josue Ramirez Vasquez (Maya Ch'orti' Nation, 2½ years
6 old) died of pneumonia on May 16, 2019. Carlos Gregorio Hernández Vásquez
7 (Maya Achi Nation, 16 years old) died on May 20, 2019 after an influenza A
8 diagnosis; and

9 Whereas, the CBP agent who shot Claudia Patricia on May 23, 2018 has
10 not been publicly identified by authorities, and the only witnesses have
11 been deported back to Guatemala – an outrageous failure of the United
12 States government to prosecute those responsible; and

13 Whereas, collaborative research demonstrates that the denial of due
14 process for thousands of indigenous immigrants and indigenous deaths under
15 medical duress are both related and largely preventable violations.

16 Wherefore your memorialist, the Senate of the State of Arizona, the House
17 of Representatives concurring, prays:

18 1. That the United States Congress investigate this discrimination
19 and lawlessness against indigenous peoples and hold public hearings and
20 receive testimony related to the failure of federal agencies to conduct a
21 systemic language assessment of languages spoken by populations with
22 limited English proficiency when they come into first contact with border
23 protection agencies and throughout their involvement in immigration
24 proceedings.

25 2. That the United States Congress implement a plan to provide
26 language services for these assessed language needs.

27 3. That the United States Congress implement a border-located
28 monitoring system to ensure changes in interpretation needs of indigenous
29 language speaking immigrants are met.

30 4. That the United States Congress establish an independent
31 commission with appropriate funding to ensure permanent citizen and
32 congressional oversight of these language services to address the needs
33 and rights of the thousands of unserved indigenous-language-speaking
34 immigrants in the United States.

35 5. That the Secretary of State of the State of Arizona transmit
36 copies of this Memorial to the President of the United States Senate, the
37 Speaker of the United States House of Representatives and each Member of
38 Congress from the State of Arizona.