



NHCSL

THE NATIONAL HISPANIC CAUCUS OF STATE LEGISLATORS

EMERGENCY RESOLUTION No. 2024-11

Opposition to Arizona Bill HCR2060, Now Proposition 314

Reported to the Caucus by the NHCSL Immigration Task Force
Rep. Louis Ruiz (KS), Chair

Sponsored by
Sen. Catherine Miranda (AZ) and Sen. Anna Hernández (AZ)

Unanimously approved by the NHCSL Executive Committee on behalf of the entire
Caucus on July 13, 2024

1 **WHEREAS**, on June 4, 2024, the Arizona Legislature, on a party-line vote, adopted
2 HCR2060 (now Proposition 314), which sidesteps the Governor’s otherwise certain
3 veto by calling a referendum to create or toughen immigration-related crimes and to
4 empower state courts to order persons to leave the United States to Mexico or to their
5 nation of origin, all based on an imaginary “public safety crisis” allegedly “due to
6 weaknesses in immigration enforcement,” that it spuriously construes as the state of
7 Arizona “being ‘actually invaded’ as defined in article I, section 10 of the United States
8 Constitution;”¹ and,

9 **WHEREAS**, this language is intentional and has the potential to create a harmful and
10 malicious narrative, furthermore, it frames a humanitarian and logistical challenge in
11 military terms to justify an extreme response; and,

¹ Arizona. [House Concurrent Resolution 2060](#). 56th Legislature, 2nd Regular Session, 2024

12 **WHEREAS**, it is apparent from the text of HCR2060 that its drafters understand that
13 even if the referendum passes it would be unconstitutional, and a mere nullity
14 without the consent of Congress,² unless Arizona were actually being invaded in the
15 constitutional sense, which is why they included a declaration of invasion in the
16 language; and,

17 **WHEREAS**, the constitutional concept of invasion is inextricably tied to violence,
18 insurrections, rebellions and military responses, not law-enforcement or judicial;³
19 and,

20 **WHEREAS**, there is no “invasion” of any sort at the southern border,⁴ much less is
21 there one in the constitutional sense. Mexico is an ally of the United States. It is our
22 top trading partner as of last year.⁵ In fact, Mexico is Arizona’s largest export market,
23 by over triple.⁶ None of that would be possible if there were an invasion coming from
24 or through Mexico. Asylum seekers and refugees are not invaders and are not here to
25 cause disturbance or disruption⁷, and nearly half of migrants encountered at the
26 Southern border are families;⁸ and,

27 **WHEREAS**, the text of HCR2060 further attempts to subvert the constitutional intent
28 by declaring that its “determination of invasion... may only be revoked by referendum
29 or by legislation,” as if invasion were a legislative determination rather than a factual
30 and extraordinary exception allowed by the Constitution; and,

31 **WHEREAS**, the text of HCR2060, specifically section 13-4295.01(E), is also an
32 unconstitutional attack on the powers of the President of the United States, the
33 Secretary of Homeland Security and the Attorney General of the United States,
34 because it attempts to limit⁹ their legally granted authority to parole classes of
35 migrants, potentially attempting to subvert DACA and President Biden’s Executive
36 Order of June 18, 2024 to keep families together;¹⁰ and,

² *Green v. Biddle*, 21 US 1, 43 (1823).

³ Alexander Hamilton, Federalist 26, 28 and 29.

⁴ Maanvi Singh, [At the Arizona-Mexico border, residents are fed up: ‘The politicians are creating the mayhem’](#) (The Guardian, July 3, 2024). Eddie Jones, [There's no 'invasion' at the US-Mexico border. I know. I design our ports of entry.](#) (USA Today, June 3, 2024). Gloria Oladipo, [US-Mexico border crossings fall to three-year low after Biden’s executive order](#) (The Guardian, July 1, 2024).

⁵ [“Arizona-Mexico.”](#) Arizona Business Know How – Arizona Commerce Authority Helps With Business Development,

⁶ Maricopa Association of Governments. [“Arizona Export Economy Report.”](#) 2022,

⁷ International Rescue Committee. [“Migrants, Asylum Seekers, Refugees and Immigrants: What’s the Difference?”](#) International Rescue Committee, 22 June 2018, updated 17 June 2024.

⁸ Gramlich, John. [“Migrant Encounters at the U.S.-Mexico Border Hit a Record High at the End of 2023.”](#) Pew Research Center, Pew Research Center, 15 Feb. 2024,

⁹ Section 13-4295.01(E).

¹⁰ FACT SHEET: [President Biden Announces New Actions to Keep Families Together](#)

37 **WHEREAS**, as not to divide our community, the focus should be on passing legislation
38 that helps asylum seekers and immigrants have a clear pathway to citizenship in the
39 US¹¹; and,

40 **WHEREAS**, by allowing any law enforcement officer to enforce its provisions,
41 HCR2060 is putting communities of color across the state at an even greater risk of
42 harassment and arrest by local and state police than currently present,¹² while also
43 deterring Hispanic families from calling the police to report crimes and cooperating
44 with law enforcement out of fear of detention and deportation¹³; and,

45 **WHEREAS**, HCR2060 does not view individuals who entered the US through a
46 humanitarian parole program as having a lawful status, despite these individuals
47 fleeing a humanitarian crisis in their home country;¹⁴ and,

48 **WHEREAS**, promoting the arrest, detention, and removal of individuals with parole
49 status would revictimize individuals and families who often have fled war, natural
50 disaster, or some other urgent emergency to gain temporary status in the US; and,

51 **WHEREAS**, individuals who enter through the parole programs are vetted for
52 national security and criminal history before arrival, which alleviates pressure on
53 ports of entry and Border Patrol agents, who would otherwise do the vetting¹⁵; and,

54 **WHEREAS**, it also reduces reliance on our asylum system because it allows them to
55 temporarily enter the US for humanitarian and/or public interest reasons; and,

56 **WHEREAS**, requiring migrants to be removed regardless of their legal status is
57 ultimately detrimental to Arizona¹⁶; and,

58 **WHEREAS**, 56% of Americans say creating more opportunities for people to
59 immigrate to the US legally would make the situation at the border better;¹⁷ and,

60 **WHEREAS**, this bill does not address this solution and neglects the fact that there are
61 alternative ways a person is eligible for immigration relief yet not having completed
62 the process granting them lawful status as required under the bill at the time; and,

¹¹ NHCSL Resolution 2019-15

¹² American Civil Liberties Union of Arizona. "[The Racial Divide of Prosecutions in the Maricopa County Attorney's Office](#)." ACLU of Arizona.

¹³ Theodore, Nik. [Insecure Communities: Latino Perceptions of Police Involvement in Immigration Enforcement](#). University of Illinois at Chicago, 2013. PolicyLink.

¹⁴ Arizona. House Concurrent Resolution 2060. 56th Legislature, 2nd Regular Session, 2024

¹⁵ U.S. Department of Homeland Security. "[Fact Sheet: DHS Announces New Process to Promote the Unity and Stability of Families](#)." Department of Homeland Security, 17 June 2024.

¹⁶ American Immigration Council. [Immigrants in Arizona](#). American Immigration Council, 6 Aug. 2020.

¹⁷ Pew Research Center. "[How Americans View the Situation at the U.S.-Mexico Border, Its Causes and Consequences](#)." Pew Research Center, 15 Feb. 2024.

63 **WHEREAS**, it also violates peoples' due process rights by allowing Arizona to deport
64 people even if they qualify for and/or are pursuing legal immigration status under
65 federal law.

66 **THEREFORE, BE IT RESOLVED**, that the National Hispanic Caucus of State
67 Legislators opposes HCR2060, now Proposition 314, and any similar acts in any other
68 states, and calls on states to create more productive and beneficial immigration laws
69 while keeping the well-being of migrants a priority.

AT THE REQUEST OF THE NHCSL IMMIGRATION TASK FORCE, AND IN
ACCORDANCE WITH THE IMMEDIATE NEEDS PROCEES OUTLINED IN THE BYLAWS,
THE EXECUTIVE COMMITTEE UNANIMOUSLY APPROVED THIS RESOLUTION ON
JULY 13, 2024, AT ITS MEETING IN SCOTTSDALE, ARIZONA.

