



# AGENDA REPORT

**TO:** City Council and members of the Public

**FROM:** Dan Kalb, City Council President Pro Tempore

**SUBJECT:** Resolution Calling For The Immediate Release of Kelly Gonzalez Aguilar from United States Immigration and Customs Enforcement Custody

**DATE:** March 10, 2020

Colleagues on the City Council, I respectfully urge your support for the attached Resolution:

## RECOMMENDATION

### **RESOLUTION CALLING FOR THE IMMEDIATE RELEASE OF KELLY GONZALEZ AGUILAR FROM UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT CUSTODY**

## SUMMARY

### BACKGROUND

Oscar "Kelly" Gonzalez Aguilar is a transgender woman from Honduras. She fled from Honduras to Mexico at the age of 12 because of the physical and psychological abuse that she experienced related to her gender identity. Ms. Aguilar experience more abuse, including sexual violence, sex trafficking, labor trafficking, while in Mexico. At the age of 17, she sought refuge in the United States. While in the United States, Ms. Aguilar was detained in an immigration jail and later released. She attempted to retain an attorney to support her asylum case after she was released from jail. However, while her case was pending, Ms. Aguilar was arrested and immediately detained by the United States Immigration and Customs Enforcement (ICE). She has been held by ICE for more than two years, but has not been convicted of any charges. District 1 residents Lee Staub and Jessica Lehman have committed to sponsor Ms. Aguilar, to help her access health care, immigration services, transportation, and community life upon her release. An additional group of approximately 30 people are also prepared to provide secondary support Ms. Aguilar if she is released. ICE denied Ms. Aguilar's request for parole in December 2019, despite knowing of Lee Staub and Jessica Lehman's commitment of support. Ms. Aguilar is currently represented by attorneys at the National Immigration Justice Center, with support for the American Civil Liberties Union, and the TransLatin@ Coalition. Members of Congress have signed letters urging ICE to immediately release all transgender detainees, and eight members of Congress have signed a letter urging ICE to release Ms. Aguilar specifically. An online petition calling for ICE to release Ms. Aguilar has over 4,500 signatures.

Councilmember Kalb requests that this resolution be scheduled straight to Council because there is a chance that Ms. Aguilar has been in custody for a significant period without an end in sight.

Item: \_\_\_x\_\_\_  
City Council  
March 17, 2020

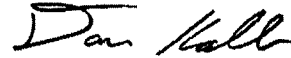
Council President Pro Tempore Kalb

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Page 2

Respectfully submitted,




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Dan Kalb  
Council President Pro Tempore, District 1

Prepared by: Deidra Moss, Community Services  
Coordinator,  
Office of Council President Pro Tempore Dan Kalb

Attachments:

Draft Resolution: City of Oakland

  
City Attorney's Office

# OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

INTRODUCED BY COUNCIL PRESIDENT PRO TEM DAN KALB

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## RESOLUTION CALLING FOR THE IMMEDIATE RELEASE OF KELLY GONZALEZ AGUILAR FROM UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT CUSTODY

**WHEREAS**, Kelly Gonzalez Aguilar is a transgender woman from Honduras who fled to Mexico at age 12, and then escaped to the United States at age 17; and

**WHEREAS**, Ms. Aguilar has endured many years of sexual violence, sex trafficking, labor trafficking, and physical and psychological abuse; and

**WHEREAS**, Ms. Aguilar was arrested and detained by the United States Immigration and Customs Enforcement (ICE); and

**WHEREAS**, Ms. Aguilar is currently in detention at the Cibola County Correctional Center in New Mexico; and

**WHEREAS**, Detainees being held at Cibola County Correctional Center have reported rampant abuse; and

**WHEREAS**, Ms. Aguilar has been held in immigration jails for more than two (2) years, including four consecutive months in solitary confinement due solely to her gender identity; and

**WHEREAS**, Solitary confinement has been found to take a heavy psychological and physical toll on people, has been classified as torture, and the U.N. Special Rapporteur on Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment has urged countries to ban the practice; and

**WHEREAS**, Ms. Aguilar is the longest-detained transgender asylum seeker in the United States; and

**WHEREAS**, Ms. Aguilar's request for parole was denied by ICE, even though she has never been convicted of any charges and has given no evidence of being a flight risk or a public safety risk; and

**WHEREAS**, if Ms. Aguilar were deported, she would be sent to Honduras, which has a record of violence against lesbian, gay, bisexual, and transgender people; and

**WHEREAS**, Oakland residents Lee Staub and Jessica Lehman have committed to sponsor Kelly Gonzalez Aguilar, including providing her with housing and financial support, and assisting her in her efforts to access health care, immigration services, and community life; and

**WHEREAS**, a national campaign to free Ms. Aguilar, #FreeKelly, has over 3,000 supporters, now, therefore, be it

**RESOLVED:** That the Oakland City Council hereby calls for the United States Immigration and Customs Enforcement to immediately release Kelly Gonzalez Aguilar via parole to her sponsors in the City of Oakland.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND  
PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

LATONDA SIMMONS  
City Clerk and Clerk of the Council of the  
City of Oakland, California