


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION RESPECTFULLY URGING GOVERNOR NEWSOM TO GRANT A PARDON TO PHOEN YOU WHICH WOULD ALLOW HIM TO REMAIN IN THE UNITED STATES AND URGING U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT TO RELEASE HIM FROM CUSTODY.

WHEREAS, California is home to nearly a million Southeast Asians originating from Cambodia, Vietnam, and Laos; and

WHEREAS, between 1975 to the early 1990s, the United States accepted hundreds of thousands of Southeast Asians escaping the Vietnam War, the Secret War in Laos, and Khmer Rouge genocide of Cambodia; and

WHEREAS, at least 1.7 million people, nearly a quarter of Cambodia's population, were killed by execution, disease, starvation, torture and labor in concentration camps under the Khmer Rouge's brutal regime from 1975 to 1979; and

WHEREAS, the majority of these individuals seeking refuge settled in large California cities like Oakland, San Francisco, San Jose, Fresno, Long Beach, and Los Angeles; and

WHEREAS, these individuals and their families were typically placed in communities with concentrated poverty, inadequate economic and social supports, violence in their neighborhoods, lack of mental health care, and under resourced and failing public schools, which increased exposure to the risk factors that lead to criminal activity and the criminal justice system, resulting in Southeast Asian American young people becoming disproportionately involved with gangs and violence, further compounded by high rates of post-traumatic stress disorder from having experienced one of the worst genocides of the 20th century; and

WHEREAS, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 expanded the definition of what type of crime could result in deportation, and also allowed this expanded definition to be applied retroactively; and

WHEREAS, the Southeast Asia Resource Action Center (SEARAC) estimates the aforementioned 1996 legislation impacted more than 16,000 Southeast Asian Americans who have received final orders of deportation, and more than 13,000 of which are based on old criminal records, and many of these community members were refugees fleeing the Vietnam War, the Secret War in Laos, and the Cambodian genocide and were small children when they resettled in this country; and

WHEREAS, harsh immigration laws and national policy targeted individuals with past criminal convictions; and

WHEREAS, decades after Southeast Asian refugees who as young people were arrested, convicted of crimes, rehabilitated, and later found suitable for parole were transferred directly to ICE for deportation; and

WHEREAS, Phoeun You was born in Cambodia during civil war led by Lol Nol's army and as a small child survived the Khmer Rouge genocide, afterward his family fled to a refugee camp in Thailand and later resettled in the United State; and

WHEREAS, Phoeun lived in a 15-person household and constantly faced housing and food insecurity. Multiple times, his family was forced to move out from one home to another due to the high cost of living. Phoeun and his family also struggled with the unprocessed trauma from surviving war and genocide with no culturally competent resources; and

WHEREAS, in 2007, Phoeun was transferred to San Quentin State Prison, where he decided to channel his grief into his healing and growth. He worked as a layout designer and writer for San Quentin News and joined the Society of Professional Journalists. Being a journalist enriched Phoeun's growth and provided him with the ability and a platform to contextualize his experience with systemic racism while holding himself accountable to choices he's made and their consequences; and

WHEREAS, Phoeun, became a founding member of ROOTS (Restoring Our Original True Selves), a self-help program that connects prisoners to their history and culture through education and restorative justice programs; and

WHEREAS, Phoeun's contributions to his community, skills and expertise only continued to grow. He became certified as a counselor by BAWAR, (Bay Area Women Against Rape), became an alumnus with the Last Mile, an entrepreneurship program that combines technology and business and has a certificate from the Sheet Metal Certification Shop. Phoeun graduated from VOEG (Victim Offender Education Program), a victim awareness program that focuses on unpacking trauma both from the offender and victim's perspectives, the ARC (Addiction Recovery Counseling) program, NVC (Non-Violent Communications) curriculum, Peer Health Education by Centerforce, and in 2015, Phoeun graduated with an AA degree from Patten University; and

WHEREAS, in August of 2021, Phoeun qualified for a parole hearing because he was criminalized and incarcerated at a young age, and was recommended for early release by the Board of Parole Hearings in recognition of his commitment to service, mentorship, and rehabilitation. However, because Phoeun is not a US citizen, CDCR collaborated with U.S. Immigration and Customs Enforcement (“ICE”) and he was arrested by ICE on his release date; and

WHEREAS, Phoeun has spent over 20 years seeking positive change for himself and others while working hard to heal from the longstanding effects of his trauma. To deport Phoeun to Cambodia, a country he has no ties to, will devastate his family and the community; and

WHEREAS, Phoeun is facing imminent deportation to Cambodia, a country he has only known for war and genocide and where he does not read, write or speak the Khmer language, and the United States is the only country he has known given that he arrived here as a refugee when he was 4 years old; and

WHEREAS, a pardon is one of the only ways to prevent deportation, and would give Phoeun the chance to remain in the United States and remain as contributing members of society; and

WHEREAS, Oakland-based community organizations such as the Asian Prisoner Support Committee (APSC), Center for Empowering Refugees and Immigrants (CERI), Interfaith Movement for Human Integrity, along with Asian Americans Advancing Justice - Asian Law Caucus, are working relentlessly to protect and advocate for formerly incarcerated Southeast Asian community members facing imminent deportation; and

WHEREAS, these community advocates’ and public interest lawyers’ efforts aim to protect people within broken and fragmented immigration and criminal justice systems; and

WHEREAS, studies have shown the enormous toll that the deportation of a parent takes on children, and children who lose a parent to deportation are far more likely to drop out of school and as a result are at greater risk of entering the criminal justice system themselves and perpetuate cycles of violence and poverty; and

WHEREAS, in May 2019, Council President Bas and Councilmember Sheng Thao introduced a resolution calling upon the Alameda County Sheriff’s Office to immediately end collaboration with the Trump Administration’s ICE in the deportation of Southeast Asian Americans because our City honors the American values of rehabilitation, restorative justice, and second chances; and

WHEREAS, on April 12, 2022, Council President Nikki Fortunato Bas submitted a letter in support of Phoeun You’s pardon to Governor Newsom; now, therefore be it

RESOLVED: That the City of Oakland continues to vehemently condemn the deportations of Southeast Asian American community members; and be it

FURTHER RESOLVED: That the City of Oakland urges ICE to release Phoeun You who is currently detained in Mesa Verde immigration detention; and be it

FURTHER RESOLVED: That the City of Oakland respectfully requests Governor Gavin Newsom use his clemency power to grant a pardon for Cambodian refugee Phoeun You, and urges him to continue to grant pardons for other individuals under imminent deportation orders from ICE as recognition that people can change their lives and make amends; and be it

FURTHER RESOLVED: That the City of Oakland honors these individuals as valuable, will be contributing members of our community and society, and further, our City honors the American values of rehabilitation, restorative justice, and second chances; and be it

FURTHER RESOLVED: That copies of the resolution be sent to Governor Newsom

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California