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DRAFT

City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY COUNCILMEMBERS NIKKI FORTUNATO BAS
AND SHENG THAO

RESOLUTION CONDEMNING DEPORTATIONS OF SOUTHEAST ASIAN REFUGEE COMMUNITIES BY THE TRUMP ADMINISTRATION'S IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE); RESPECTFULLY URGING GOVERNOR NEWSOM TO GRANT PARDONS FOR REHABILITATED FORMERLY INCARCERATED SOUTHEAST ASIAN INDIVIDUALS; AND RESPECTFULLY URGING ALAMEDA COUNTY DISTRICT ATTORNEY O'MALLEY TO COLLABORATE WITH THE PUBLIC DEFENDER TO REOPEN OLD CASES AND LOWER OFFENSIVES TO NON-DEPORTABLE CHARGES

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 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 and overwork 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 areas in these communities with concentrated poverty, inadequate economic and social supports, violence in their neighborhoods, 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 and Cambodian genocide and were small children when they resettled in this country; and

WHEREAS, President Trump and his administration have continued to place harsh limits on immigration and asylum in national policy and particularly targeted individuals in the reentry community; and

WHEREAS, decades after Southeast Asian refugees who as young people were arrested, convicted of crimes, and later released, are now as a result of those convictions facing deportation to a country in many cases they do not know nor have a living relative; and who accepted plea deals not realizing the resulting immigration consequences; and

WHEREAS, our rehabilitated formerly incarcerated Southeast Asian community, many of whom are Oakland residents, have become loving and responsible family members, parents, caregivers for elderly parents, homeowners, and employees contributing to the local economy; and

WHEREAS, Oakland-based community organizations such as the Asian Prisoner Support Committee (APSC) and Center for Empowering Refugees and Immigrants (CERI), 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 in a climate of hate and violence enabled by a White Supremacist President leading our federal government; 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; now, therefore, be it

RESOLVED: That the City of Oakland vehemently condemns the deportations of rehabilitated Southeast Asian American community members; and be it

FURTHER RESOLVED: That the City of Oakland will not be silent or passive as the xenophobic and racist Trump Administration continues to separate families and attack marginalized communities such as our DREAMers, our Muslim community, our Black communities, our Transgender community, and now our rehabilitated formerly incarcerated Southeast Asian community; and be it

FURTHER RESOLVED: That the City of Oakland urges ICE to release Roeun Pich, a resident of the City of Oakland, from detention; and be it

FURTHER RESOLVED: That the City of Oakland thanks Governor Gavin Newsom for using his clemency power to grant pardons for two Cambodian Americans, Hay Hov and Kang Hen, 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 urges Alameda County District Attorney Nancy O'Malley to proactively work with the Alameda County Public Defender to reopen old cases and lower offenses to non-deportable charges; and be it

FURTHER RESOLVED: That the City of Oakland calls upon the Alameda County Sheriff's Office to immediately end collaboration with the Trump Administration's ICE in the deportation of Southeast Asian Americans whose crimes occurred more than ten years ago, because the City honors these individuals as valuable, 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, Alameda County District Attorney O'Malley, and the Alameda County Sheriff's Office.

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