

FILE NO. 495-85RESOLUTION NO. 1087-85

(city of refuge)

1 RESOLUTION URGING THE MAYOR TO DECLARE SAN FRANCISCO TO BE A
2 CITY OF REFUGE

3 WHEREAS, The United States of America has provided an
4 enduring symbol of freedom for generations of people from other
5 countries who fear persecution in their native land on the
6 basis of political beliefs, and;

7 WHEREAS, The United States Congress reaffirmed this
8 tradition in the provision of the Refugee Act of 1980 which
9 recognized the rights to asylum of the refugee, defined as "any
10 person who is unable or unwilling to return to his/her country
11 because of persecution on account of race, religion,
12 nationality, or membership in a particular social group, or
13 political opinion," language which parallels the 1967 United
14 Nations Protocol Relating to the Status of Refugees; and,

15 WHEREAS, The Geneva Conventions, ratified by the United
16 States in 1956, similarly stipulate that civilians fleeing a
17 country at war may not be forcibly repatriated until after the
18 cessation of hostilities (Convention IV, Article 45); and,

19 WHEREAS, an estimated 60-100,000 Salvadoran and Guatemalan
20 refugees currently reside in the San Francisco area and live
21 with the constant fear of deportation by the Immigration and
22 Naturalization Service; and,

23 WHEREAS, The City and County of San Francisco has a diverse
24 ethnic population and has historically welcomed immigrants
25 fleeing hardship and persecution in their home countries; and,

26 WHEREAS, It is in the interests of the City and County of
27 San Francisco to encourage all residents, whether crime victims
28 or witnesses to crime, to report all criminal violations
29 without fear of inquiry into immigration status; and,
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1 WHEREAS, The Attorney General of the State California
2 relying on the 9th Circuit Court of Appeals decision (Gonzalez
3 versus the City of Peoria), has concluded that the civil
4 enforcement of immigration law is within the exclusive
5 jurisdiction of the federal government, and further concluded
6 that local or state officials "have no duty to report to the
7 Immigration and Naturalization Service knowledge they might
8 have" about a person's immigration status; and further, that
9 their failure to do so does not constitute any failure to obey
10 local, state and federal law; now, therefore, be it

11 RESOLVED, That the City and County of San Francisco out of
12 respect for National and International law and human rights,
13 requests the State Department to recommend and the Immigration
14 and Naturalization Service to grant "extended voluntary
15 departure" status to Salvadoran and Guatemalan refugees who
16 have fled persecution in their home countries; and, be it

17 FURTHER RESOLVED, That the City and County of San
18 Francisco affirms its support of H.R. 822 (Moakley) and S. 377
19 (De Concini) which would temporarily suspend all deportation of
20 Salvadorans and, be it

21 FURTHER RESOLVED, That the City and County of San
22 Francisco commend the Congregations and Religious Orders who
23 have declared sanctuary committing themselves to provide
24 support, protection and advocacy for Salvadoran and Guatemalan
25 refugees who reside within San Francisco; and, be it

26 FURTHER RESOLVED, That the City and County of San
27 Francisco declares itself in opposition to the deportation of
28 known law-abiding refugees who have fled their homelands for
29 fear of losing their lives; and, be it
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1 FURTHER RESOLVED, That The City and County of San
2 Francisco finds that immigration and refugee policy is a matter
3 of Federal jurisdiction; that federal employees, not City
4 employees, should be considered responsible for implementation
5 of immigration and refugee policy; and, be it

6 FURTHER RESOLVED, That the City and County of San
7 Francisco urges the Mayor, and the Chief Administrative
8 Officer, to advise the commissions and departments under their
9 respective jurisdiction of this fact of law; and that the Mayor
10 is urged to affirm that City Departments shall not discriminate
11 against Salvadoran and Guatemalan refugees because of
12 immigration status, and shall not jeopardize the safety and
13 welfare of law-abiding refugees by acting in a way that may
14 cause their deportation; and, be it

15 FURTHER RESOLVED, That this resolution is not intended to
16 affect the standards or current criteria or the authority of
17 the employees of the Department of Social Services to make
18 inquiries necessary to apply those standards or criteria in
19 evaluating applications for entitlement to any benefits
20 provided by the City and County of San Francisco, provided that
21 any other information that may be obtained in making these
22 inquiries not be relayed to any other agencies; and, be it

23 FURTHER RESOLVED, That the City and County of San
24 Francisco be declared a City and County of Refuge for
25 Salvadoran and Guatemalan refugees, and, that the
26 implementation of the provisions of this resolution by
27 employees and agencies of the City and County of San Francisco
28 remain consistent with federal statute, ordinance, regulation
29 or court decision and, provided further, the City and County of
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1 San Francisco is not, in adopting this resolution, encouraging
2 its employees and citizens to violate any local, state or
3 federal laws; and, be it .

4 FURTHER RESOLVED, That copies of this resolution be sent
5 to Senators Cranston and Wilson, the California Congressional
6 delegation, the Commissioner of the Immigration and
7 Naturalization Services, the State Department and the President
8 of the United States.

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11 Supervisors Nancy Walker, Harry Britt, Doris Ward, Willie B.
12 Kennedy, Richard Hongisto, John Molinari, Carol Ruth Silver
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Adopted - Board of Supervisors, San Francisco December 23, 1985

Ayes: Supervisors Britt Hongisto Kennedy Molinari Renne Silver
Walker Ward

Noes
~~Supervisors~~: Supervisors Kopp Maher Nelder

I hereby certify that the foregoing resolution
was adopted by the Board of Supervisors
of the City and County of San Francisco

File No.
495-85

DEC 27 1985
Date Approved

John L. Taylor
Clerk
Dianne Feinstein
Mayor