

AB.

OA. AND CITY COUNCIL

RESOLUTION NO. 63950 C. M. S.

INTRODUCED BY COUNCILMEMBER _____

TB:ac

RESOLUTION DECLARING THE CITY OF OAKLAND AS THE 'CITY OF REFUGE'

WHEREAS, the United States supported the United Nations adoption of the Universal Declaration of Human Rights which commits member countries to recognize and observe basic human rights; and

WHEREAS, the Fourth Geneva Convention (international law protecting civilians in war) prohibits the forcible repatriation of refugees of armed conflict until after the cessation of hostilities and prohibits the United States from sending back refugees to any country that has not demonstrated a willingness or ability to comply with humanitarian norms; and

WHEREAS, the Refugee Act of 1980 (8 U.S.C. 1101(a)(42)) provides refugee status within the United States for any refugee "who is unable or unwilling to avail himself or herself of the protection of his/her country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion"; and

WHEREAS, The United States has historically served as a haven for refugees of religious and political persecution; and

WHEREAS, the United States has granted Extended Voluntary Departure (temporary suspension of deportations) to nationals of Afghanistan, Ethiopia, Poland and Uganda; and

WHEREAS, widespread human rights violations in El Salvador, Guatemala, Haiti and South Africa have led thousands to risk their lives fleeing their homelands in search of a safe haven in this country; and

WHEREAS, those deported to El Salvador, Guatemala, Haiti, and South Africa face substantial risk of becoming victims of violence and persecution upon return to their homelands; and

WHEREAS, the Immigration and Naturalization Service (INS) systematically denies the political asylum applications of refugees from El Salvador, Guatemala, and Haiti granting only 2.7%, 0.6%, and 5%, respectively, between October 1984 and March 1985, while granting an average of 31% of all other nationalities; and

WHEREAS, in response to this situation, over 250 churches and synagogues across the nation, several within the City of Oakland, have elected to provide sanctuary to refugees from Central America; and

WHEREAS, members of these religious communities offering sanctuary in the belief that they are acting in accordance with international and federal law and have been detained, indicted, and/or convicted in Texas, Arizona, Washington, New York, Pennsylvania and California for their acts of conscience; and

WHEREAS, in moral opposition to slavery and in support of participants in the Underground Railroad, ten States passed "Personal Liberty" laws in the 1950's prohibiting their cooperation with the Federal government's efforts to find and return fugitive slaves; and

WHEREAS, the Attorney General of the State of California, relying on the federal Ninth Circuit Court of Appeals decision in Gonzales v. City of Peoria, has concluded that the enforcement of the civil provisions of the immigration law is within the exclusive jurisdiction of the federal government and that local and state officials "have no duty to report to the INS knowledge they might have" about a person's immigration status, and further, that their failure to do so does not constitute any violation of law; and

WHEREAS, the City of Oakland has a diverse cultural heritage and multi-national population, of which the City is proud, and has historically welcomed newcomers; and

WHEREAS, hundreds of Salvadoran, Guatemalan and Haitian refugees have settled in Oakland and are making a contribution to the well-being of our City; and

WHEREAS, many of the Salvadoran, Guatemalan, Haitian and South African refugees detained for immigration violations in prisons and jails cannot raise the high bond set by the INS, may therefore waive their rights and agree to return to their homeland, despite the personal danger, rather than remain imprisoned; and

WHEREAS, the City Council wishes to declare its desire not to expend City resources in gathering or disseminating information concerning the citizenship status of those residing in the City of Oakland nor to assist in the investigation of alleged civil violations of the federal immigration laws; now, therefore, be it

RESOLVED: That the City of Oakland be declared a "City of Refuge" and serve as a safe haven for refugees from El Salvador, Guatemala, Haiti and South Africa until they can safely return to their homelands; and be it further

RESOLVED: That the Mayor and City Council instruct all departments and employees of the City of Oakland to refrain from assisting or cooperating in their official capacity with any INS investigation, detention (except that pursuant to the contract between the City and INS

regarding aliens already arrested by the INS) or arrest procedures, public or clandestine, relating to the alleged violations of the civil provisions of the immigration laws; and be it further

RESOLVED: That the City of Oakland not participate in any form in the federal government's prosecution of those who, in good faith, give humanitarian assistance and sanctuary to refugees unless required to do so by statute, federal regulation or court decision; and be it further

RESOLVED: That no City employee or department, to the extent legally permissible, will request information about or disseminate information regarding the immigration status of any individual, or condition the provision of City of Oakland services or benefits upon immigration status unless required to do so by statute, federal regulation or court decision; and be it further

RESOLVED: That the City Council directs the Oakland Police Department to exert its utmost efforts to facilitate the access of legal counsel, religious workers, family, and friends to those detained by the INS in the Oakland City Jail to the greatest extent possible; and be it further

RESOLVED: That the City Clerk communicate this resolution to all City Departments, to the President pro Tempore of the California Senate and the Speaker of the California Assembly, to the district director and the regional and national commissioners of the Immigration and Naturalization Services, to the California Congressional delegation and Senators, and to President Reagan; and be it further

RESOLVED: That the City of Oakland will urge the California Legislature to make California a "State of Refuge" following the lead of New Mexico, and urge Congress to require non-discriminatory compliance by the federal government with the statutory mandates of the Refugee Act, and to pass the DeConcini Moakley Bill (S. 377, H.R. 822) which would temporarily halt the deportation of Salvadoran refugees; and be it further

RESOLVED: That the City Council commends the residents of Oakland who are providing health, food, shelter and other settlement assistance and friendship to Central American refugees, and commends the following groups which have already declared public sanctuary for refugees from Central America: Montclair Presbyterian Church, First Unitarian Church, Lutheran Peace Fellowship, Holy Redeemer Center, Temple Sinai; and be it further

RESOLVED: That the City of Oakland will file an amicus curiae brief on behalf of the plaintiffs in the case American Baptist Churches in the USA v. Meese filed in the federal court for the Northern District of California on May 7, 1985, seeking prohibition of federal interference with the plaintiffs' free exercise of religion in providing sanctuary; and be it further

RESOLVED: That all applications, questionnaires, and interview forms used in relation to City of Oakland benefits, opportunities or services shall be promptly reviewed and any question regarding citizenship status other than those required by statute, federal regulation or court decision, shall be deleted therefrom within sixty (60) days of the date of this resolution; and be it further

RESOLVED: That the City Council work closely with the sponsors of this resolution to ensure its implementation by establishing an oversight committee to develop other guidelines, instructions and educational materials and to review the compliance of City departments and employees with the mandates of this resolution; and be it further

RESOLVED: That if any provision of this resolution is declared by a court of competent jurisdiction to be contrary to any statute, federal regulation or judicial decision, or its applicability to any agency, person, or circumstances is held invalid, the validity of the remainder of this resolution and its applicability to any other agency, person or circumstance shall not be affected.

IN COUNCIL, OAKLAND, CALIFORNIA, July 8, 1986, 19____

PASSED BY THE FOLLOWING VOTE:

AYES— BAZILE, CANNON, GIBSON, GILMORE, MOORE, OGAWA, RILES, SPEES, and PRESIDENT WILSON , - 9

NOES— NONE

ABSENT— NONE

ABSTENTION— NONE

ATTEST:



ARRECE JAMESON

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