

Kriss Worthington

Councilmember, City of Berkeley, District 7
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CONSENT CALENDAR

March 19, 2013

To: Honorable Mayor and Members of the City Council

From: Councilmember Kriss Worthington

Councilmember Jesse Arreguin
Councilmember Max Anderson

Subject: Bring Rodrigo Home – Kids for Kids Resolution

RECOMMENDATION

Adopt the Bring Rodrigo Home – Kids for Kids Resolution. This is a request for humanitarian support for Rodrigo Diaz Guzman, Reyna Diaz Mayida and Javier Ponce Guzman and to send letters of support to President Barack Obama, Senator Dianne Feinstein and Congresswoman Barbara Lee.

BACKGROUND

Rodrigo Javier Diaz Guzman has lived in Berkeley for the past seven years and is a fourth grader at Jefferson Elementary School, a school in the Berkeley Unified School District. Rodrigo's fourth grade classmates are very upset and confused that their good friend is being prevented from coming home and living a normal life because current US policy lacks compassion and logic in its application to young families living in the United States.

Family members have stated that on January 10, 2103 Rodrigo and his family were detained by the US Immigration and Customs Enforcement (ICE) and prevented from returning to their home in Berkeley, California. His family was returning from a trip to Mexico when they were detained in Houston, Texas. It was discovered that the father's visa had expired. They have been living in the U.S. since Rodrigo was 2 years old.

ICE then told the Guzman family that they could not return to the U.S. and that they would have to immediately depart back to Mexico. Next, ICE cancelled Rodrigo's mother, Reyna Diaz Mayida's visa that had not expired by stamping "cancelled" on her passport and took Rodrigo Javier Diaz Guzman's visa that was also still valid. They were being denied entrance to the U.S. and would have to wait 5 years to apply for a visa to return. They had to make immediate arrangements to board a plane and return to Mexico. They would not be allowed to return to Berkeley, California to make arrangements to move or store their possessions.

Our community, families and especially his fourth grade classmates are upset. The community is determined to help bring Rodrigo home. The "**Bring Rodrigo Home** – **Kids for Kids**" campaign is designed to get Rodrigo home by bringing together local,

state and national immigration and civil rights groups to bring attention to Rodrigo's plight and put a "face" to the issue. The campaign will send Jefferson Elementary School children and parents to Washington, D.C. to testify in front of the Senate Judicial Committee or Congressional committee hearings on Immigration to discuss the importance of allowing Rodrigo and his family to return. Community Initiatives is the 501[C]3 nonprofit organization which has agreed to be the fiscal agent. They are accepting donations that are made out to Community Initiatives with "Bring Rodrigo Home – Kids for Kids" in the memo line.

FINANCIAL IMPLICATIONS:

None.

CONTACT PERSON:

Councilmember Kriss Worthington 510-981-7170

Attachment:

- 1. Resolution
- 2. Letter to President Barack Obama
- 3. Letter to Senator Dianne Feinstein
- 4. Letter to Congresswoman Barbara Lee

RESOLUTION NO. ##,###-N.S.

BRING RODRIGO HOME – KIDS FOR KIDS CAMPAIGN: THE CITY CALLS FOR THE SUPPORT OF RODRIGO JAVIER DIAZ GUZMAN AND HIS FAMILY FOR ASSISTANCE IN ANY FORM POSSIBLE TO RETURN TO BERKELEY, CALIFORNIA AND FOR THE BERKELEY CITY COUNCIL TO: 1) SEND A LETTER TO PRESIDENT BARACK OBAMA ENCOURAGING TO SUPPORT RODRIGO JAVIER DIAZ GUZMAN AND HIS PARENTS, REYNA DIAZ MAYIDA AND JAVIER GUZMAN PONCE, AND TO ALLOW THEIR IMMEDIATE RE-ENTRY IN TO THE UNITED STATES; AND 2) TO SEND A LETTER TO SENATOR DIANNE FEINSTEIN SEEKING ASSISTANCE IN ANY FORM POSSIBLE FOR RODRIGO JAVIER DIAZ GUZMAN AND HIS PARENTS, REYNA DIAZ MAYIDA AND JAVIER GUZMAN PONCE; AND 3) TO SEND A LETTER TO CONGRESSWOMAN BARBARA LEE SEEKING ASSISTANCE IN ANY FORM POSSIBLE FOR RODRIGO JAVIER DIAZ GUZMAN AND HIS PARENTS, REYNA DIAZ MAYIDA AND JAVIER GUZMAN PONCE

WHEREAS, Rodrigo Javier Diaz Guzman has lived in the Unites States for the past seven years and is a fourth grader at Jefferson Elementary School in Berkeley California. He has been a Berkeley Unified School District student since kindergarten; and

WHERAS, since being detained by US Immigration and Customs Enforcement (ICE) and prevented from returning home to Berkeley, Rodrigo has been prevented from continuing his quality Berkeley education; and

WHEREAS, Rodrigo's fourth grade classmates are very upset and confused that their good friend is being prevented from coming home and living a normal life because current US policy lacks compassion and logic in its applications for young families living in the United States; and

WHERAS, the United States of America was founded by immigrants and much economic wealth was created by immigrant labor and innovation;

NOW THEREFORE BE IT RESOLVED by the Council of the City of Berkeley that the City of Berkeley send a letter to President Barack Obama encouraging him to support Rodrigo Javier Diaz Guzman, Reyna Diaz Mayida and Javier Ponce Guzman and

BE IT FURTHER RESOLVED that the City of Berkeley send a letter to Senator Dianne Feinstein requesting her to do all she can to assist including considering submitting congressional legislation, and/or advocating humanitarian parole for Rodrigo Javier Diaz Guzman and his parents, Reyna Diaz Mayida and Javier Ponce Guzman.

BE IT FURTHER RESOLVED that the City of Berkeley send a letter to Congresswoman Barbara Lee requesting her to do all she can to assist, including considering submitting congressional legislation, and/or advocating humanitarian parole for Rodrigo Javier Diaz Guzman and his parents, Reyna Diaz Mayida and Javier Ponce Guzman.

Dear President Barack Obama,

The City of Berkeley highly encourages your office to take action on behalf of Rodrigo Javier Diaz Guzman, a fourth grader at Jefferson Elementary School in Berkeley, California. Recently we learned that Rodrigo left for vacation with his parents to Mexico and upon his return on January 10, 2013 was not allowed to come back to his home in California despite having a valid visa. We have been told that the family must wait five years before they can reapply for a visa to return to the United States. This we find very disturbing and unnecessary.

We ask you as the President of the United States to support Rodrigo and his family and to consider advocating humanitarian parole so that they can return to their home in California and to seek legal remedy for their situation. It is extremely important to our Berkeley community that the Guzman family is allowed to back in the United States. Rodrigo has been in our school for five years and is ingrained in our community.

As Rodrigo's fellow fourth grade student Kyle Kuwahara said in his touching handwritten letter:

"This is our time to stand up like Cesar Chavez, Yuri Kochiyama and Dolores Huerta to fight for Rodrigo's rights. We have to fight for Rodrigo's rights because he is not able to do it himself!

This year marks Rosa Park's 100th birthday. She did the right thing by breaking the norm so that others can live free. Today, we ask you to continue Rosa Park's legacy by standing up for Rodrigo and his family."

"Bring Rodrigo Home - Kids for Kids"

Sincerely,

Berkeley City Council

Dear Senator Dianne Feinstein,

The City of Berkeley highly encourages your assistance in every way possible. One possibility is that your office creates special legislation that would allow Rodrigo and his family back into the United States. Another possibility is exploring the grant of humanitarian parole or humanitarian assistance to Rodrigo Javier Diaz Guzman and his parents, Reyna Diaz Mayida and Javier Ponce Guzman.

Rodrigo is a fourth grader at Jefferson Elementary School in Berkeley, California. Recently we learned that Rodrigo and his parents left for vacation to Mexico and upon their return January 10, 2013 were denied entrance to come back to their home in Berkeley, California. We have been told that the family must wait five years before they can reapply for a visa. We find this very disturbing and unnecessary.

We ask you as his and our Congressional representative to write special legislation granting Rodrigo and his family citizenship so they can return to their home in Berkeley, California. It is extremely important to our Berkeley community that the Guzman family is allowed to back in the United States. Rodrigo has been in our school for five years and is ingrained in our community.

As Rodrigo's fellow fourth grade student Kyle Kuwahara said in his touching handwritten letter:

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"Bring Rodrigo Home – Kids for Kids"

Sincerely,

Berkeley City Council

Dear Congresswoman Lee,

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Rodrigo is a fourth grader at Jefferson Elementary School in Berkeley, California. Recently we learned that Rodrigo and his parents left for vacation to Mexico and upon their return January 10, 2013 were denied entrance to come back to their home in Berkeley, California. We have been told that the family must wait five years before they can reapply for a visa. This we find very disturbing and unnecessary.

We ask you as his and our Congressional representative to write special legislation granting Rodrigo and his family citizenship so they can return to their home in Berkeley, California. It is extremely important to our Berkeley community that the Guzman family is allowed to back in the United States. Rodrigo has been in our school for five years and is ingrained in our community.

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