



Kriss Worthington
Councilmember, City of Berkeley, District 7
2180 Milvia Street, 5th Floor, Berkeley, CA 94704
PHONE 510-981-7170, FAX 510-981-7177,
EMAIL kworthington@ci.berkeley.ca.us

CONSENT CALENDAR

07/24/2018

To: Honorable Mayor and Members of the City Council
From: Councilmember Kriss Worthington
Subject: Support S. 3036 to enforce immigration policy using humane enforcement methods; send letters to Congress asking to amend components of the bill; [and establishing Bay Area Working Group on Immigration Resistance.](#)

RECOMMENDATION:

That the Berkeley City Council supports the Keep Families Together Act (S.3036), which prohibits the separation of a child who is under the age of 18 and has no permanent immigration status from their parent or guardian near the border or port of entry into the U.S. The Council also sends a letter to Congressional Sponsor Senator Dianne Feinstein and all Congressional cosponsors including Senator Kamala Harris, Senator Elizabeth Warren, Senator Bernie Sanders, and Senator Chuck Schumer asking for amendments to address the bill's insufficient focus on immigrants convicted of violent crimes. [And adopt the attached resolution establishing the Bay Area Working Group on Immigration Resistance.](#)

BACKGROUND:

[It is important for City of Berkeley to take a stand on the immigration issue at the city, regional, state, and federal level. The City of Berkeley has a long record for standing up for immigrant communities. By establishing the Bay Area Working Group, we can work to provide more security to protect immigrants and broader community safety.](#)

[The Bay Area Working Group has the potential to bring together multiple cities by having a wider area coverage that can provide more support for immigrants.](#)

~~The Keep Families Together Act (S.3036) was introduced by Dianne Feinstein on June 7th, 2018. It limits the capacity of ICE and other border policing agencies to separate children from their siblings, parents, and legal guardians, while also placing an emphasis on enforcing immigration law in a way in which the mental health of young immigrants is a primary concern.~~

~~It aims to address the inhumane enforcement of immigration policy currently taking place in some border states, in which separate detention centers have been established for children and adults, often leading to a separation of parents from their children. S.3036 also seeks to alleviate the anxiety of parents who lack documentation or are seeking asylum and have been detained and separated from their children for extended periods of time, by mandating check up meetings with immigration enforcement agents in which information about their children's well-being and whereabouts are given to detainees.~~

~~The Act includes a report describing cases of separation where the adult was charged with a violent crime; however, the bill is too vague in its ability to deal with such individuals and their children. While it is imperative that we stay consistent with our values on keeping parents and children together, it is also necessary to set specific standards for dealing with immigrant parents or guardians convicted of violent crime.~~

FINANCIAL IMPLICATIONS: Minimal.

ENVIRONMENTAL SUSTAINABILITY

Consistent with Berkeley’s Environmental Sustainability Goals and no negative impact.

CONTACT PERSON:

Councilmember Kriss Worthington	510-981-7170
Simone Stevens	simone.stevens.100@berkeley.edu
Dohee Kim	dohee_kim@berkeley.edu
Ram Disabar Jr.	jr.disabar@gmail.com

Attachments:

1. Keep Families Together Act
- 2: Resolution

1. Keep Families Together Act:

<https://www.congress.gov/bill/115th-congress/senate-bill/3036/text?q=%7B%22search%22%3A%5B%22keep+families+together+act%22%5D%7D&r=1>

2. [Resolution](#)

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

RESOLUTION FOR THE CITY OF BERKELEY TO ESTABLISH BAY AREA WORKING GROUP ON IMMIGRATION RESISTANCE

WHEREAS, on February 18, 2018, the Council of the City of Berkeley unanimously resolved that “the City of Berkeley strongly opposes threatened enforcement actions by US Immigration and Customs Enforcement [ICE] in the Bay Area and throughout California, and that the City of Berkeley reaffirms its commitment to protecting immigrants and all members of our community” (Resolution No. 68,328 N.S.); and

WHEREAS, the targeting of immigrant communities by the national administration is rapidly moving from rhetoric to reality, with the promulgation of the separation of families as ICE policy, the detention of immigrant children—including babies—in cages apart from their parents, and the upholding of the Muslim ban by the U.S. Supreme Court, and that the separation of immigrant children in particular is being called a “moral state of emergency”[1] and a human rights crisis;[2] and

WHEREAS, Berkeley has long led the way as a City of Refuge or Sanctuary City, pioneering resistance to “Secure Communities” and other forms of collaboration between local police and the federal immigration authorities, culminating in the declaration of California as a Sanctuary State in Senate Bill 54,[3] while significant arenas of collaboration remain to be addressed, particularly within the Alameda County Sheriff’s Office; and

WHEREAS, Berkeley’s nearby neighbor Richmond is the site of an immigrant detention center, a section of the West County Detention Center that is operated by the Contra Costa county sheriff under a \$6 million annual contract with ICE, and that has long been accused of abuses such as denial of access to bathrooms, medical care, educational materials, and of retribution for advocacy;[4] and

WHEREAS, local governments in northern California are taking actions in defense of immigrant rights: San Francisco, Oakland, Sacramento, and Santa Clara County have allocated hundreds of thousands of dollars for legal services to help residents with immediate immigration problems; 34 cities including Berkeley have sued the national administration over its threat to defund the cities over their sanctuary stance[5]; and Oakland Mayor Libby Schaaf warned the community about a likely ICE enforcement activity in her city;[6] for which Mayor Schaaf was directly threatened with prosecution by the U.S. president and the attorney general;[7] and

WHEREAS, early in his administration Mayor Jesse Arreguin created a Sanctuary City Task Force “as a way to develop policies and practices to protect our immigrant and undocumented community;”[8] the Task Force has now wound down and transferred its work to legal assistance organizations; and

WHEREAS, no mechanism for sanctuary communities exists to coordinate emergency or proactive action in defense of immigrant rights across jurisdictions;

THEREFORE BE IT RESOLVED, that the Council of the City of Berkeley refers to the Peace and Justice Commission to develop a working group including representatives of Sanctuary communities throughout the Bay Area, including both Sanctuary Cities and Counties, for the purpose of coordinating response to the activities of DHS units including ICE and Customs and Border Enforcement along with other federal agencies responsible for abusive treatment of immigrants; and

BE IF FURTHER RESOLVED, that the Commission shall work closely with the Office of the Mayor, and coordinate with relevant bodies including the BUSD and commissions such as Status of Women, Labor, and Human Welfare and Community Action; and

BE IF FURTHER RESOLVED, that the standing group shall share information about the activities of immigration authorities in the Bay Area, including enforcement, strategies, and propaganda, so that a collective understanding can be created among Sanctuary communities regarding the repression against our immigrant communities; and

BE IF FURTHER RESOLVED, that the Commission shall bring back to the Mayor’s Office and to the City Council and the Board of Education proposals for actions the City and BUSD can take, possibly in coordination with other Sanctuary communities, to resist unfair and repressive enforcement against immigrants in our region.

BE IT FURTHER RESOLVED, that the Council of the City of Berkeley authorizes the Mayor to join mayors around the country in pledging to: warn the immigrant community in advance of ICE raids; end police department collaboration with ICE; and ban ICE from questioning people on public transit or any city property.[9]

[1]<https://forward.com/news/national/403445/rabbis-protest-family-separation-as-moral-state-of-emergency/>

[2] <https://www.aclu.org/issues/human-rights/human-rights-and-immigration>

[3] “California beats Trump in sanctuary state battle's first round;” Sacramento Bee, <https://www.sacbee.com/news/politics-government/capitol-alert/article214374659.html>

[4]<https://www.sfchronicle.com/news/article/Conditions-worsen-for-some-ICE-detainees-at-12346066.php>

[5] <https://www.sacbee.com/news/politics-government/article140414868.html>

[6]https://www.huffingtonpost.com/entry/oakland-mayor-libby-schaaf-warns-ice-raids_us_5a926079e4b03b55731cdca1

[7] <https://www.cnn.com/2018/05/19/politics/oakland-mayor-donald-trump/index.html>

[8] <https://www.jessearreguin.com/sanctuary-city/>

[9]https://www.dailykos.com/campaigns/petitions/sign-the-petition-to-us-mayors-stop-cooperating-with-ice?detail=emailactionLL?auto_submit=true&link_id=10&can_id=6928bde3160fob17e52966a813d4585d&source=email-ice-out-of-city-default-your-city-now&email_referrer=email_381751&email_subject=ice-out-of-city-default-your-city-now