



## Kriss Worthington

Councilmember, City of Berkeley, District 7  
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### CONSENT CALENDAR

November 27, 2018

To: Honorable Mayor and Members of the City Council

From: Councilmember Kriss Worthington and  
 Councilmember Cheryl Davila

Subject: That the Council approve a letter of support to stop the deportation of the Benavides-Pineda family

### RECOMMENDATION:

That the Council approve a letter of support to stop the deportation of the Benavides-Pineda family, who are an integral part of the Berkeley community.

### BACKGROUND:

Approximately two years ago, the Benavides-Pineda family left Venezuela, due to a political and humanitarian crisis, and made their way to the United States with legal documentation. On November 12, 2017, Rafael Benavides filed an asylum application for himself: his wife, Annelise Pineda, and their children, Simon, Leonardo, and Oriana - two of whom attend Berkeley High. However, while vacationing in Southern California, the family took a wrong turn on a very confusing highway, which resulted in them accidentally crossing the border to Mexico. Despite their pending asylum process, the mistaken border crossing guaranteed immediate detention and removal proceedings in immigration court.

After eight months in a Georgia detention center, Rafael was released despite pressure to sign self-deportation papers. However, his release has not signaled the end of removal proceedings, as the Benavides-Pineda family still has more hearings scheduled for January, 2019. Due to the uncertainty of immigration court proceedings, it is monumentally important for the Council to show support in preventing the family's deportation as well as establish a precedence of opposition to similar cases of removal.

FISCAL IMPACTS OF RECOMMENDATION: Minimal

### ENVIRONMENTAL SUSTAINABILITY:

No negative impact and consistent with city standards.

### CONTACT PERSON:

Councilmember Kriss Worthington

510-981-7170

### Attachment:

1. Letter to Judge Miriam Hayward

Dear Judge Miriam Hayward,

In the interest of fairness and justice, the City of Berkeley is writing to bring your attention to a matter that greatly concerns our community. We believe that the deportation of the Benavides-Pineda family would be detrimental to our city and the values that we, as a nation, hold dear.

Two years ago, the Benavides-Pineda family fled Venezuela, due to a political and humanitarian crisis, and made their way to the United States with legal documentation. On November 12, 2017, Rafael Benavides filed an asylum application for himself: his wife, Annelise Pineda, and their children, Simon, Leonardo, and Oriana - two of whom attend Berkeley High. However, while vacationing in Southern California, the family took a wrong turn on a very confusing highway, which resulted in them accidentally crossing the border to Mexico. Despite their pending asylum process, and otherwise exemplary residency, the mistaken border crossing guaranteed immediate detention and removal proceedings in immigration court.

After eight months in a Georgia detention center, Rafael was released despite pressure to sign self-deportation papers. However, his release has not signaled the end of removal proceedings, as the Benavides-Pineda family still has more hearings scheduled for January, 2019. Due to the uncertainty of immigration court proceedings, the Council feels that it is monumentally important to show support in preventing the family's deportation.

We understand that immigration and asylum are highly complicated issues to preside over. However, we believe that this particular case has both moral standing and legal defensibility. Thus we hope that you can empathize with the family's struggle and reflect the sentiments of our community.

Sincerely,

Berkeley City Council