



Councilmember Cheryl Davila  
District 2

ACTION CALENDAR  
March 14, 2017

To: Honorable Mayor and Members of the City Council

From: Councilmember Cheryl Davila, Mayor Jesse Arreguín,  
Councilmember Ben Bartlett, and Councilmember Sophie Hahn

Subject: Adopt a resolution opposing religious and ethnic registries, participation in the federal executive order of an immigration ban and restricting the use of city resources to support such registries and bans.

#### RECOMMENDATION

Adopt a resolution disallowing the use of City of Berkeley resources to create or maintain registries or databases or in support of an immigration ban of individuals on the basis of religious affiliation, kinship, belief, or practice; national origin; or ethnicity.

#### FISCAL IMPACTS OF RECOMMENDATION

No general fund impact.

#### ENVIRONMENTAL SUSTAINABILITY

No ecological impact. Supports an environment in which all people's dignity, rights and civil liberties are protected and defended regardless of race, ethnicity, national origin, religious affiliation, kinship, belief, or practice, gender, sexuality or ability.

#### BACKGROUND

President Trump has repeatedly signaled that he intends to require Muslims to register in a database<sup>1</sup>, reenacting and expanding NSEERS, the Obama era database of visitors from Muslim-majority countries. Trump advisors have invoked Japanese-American internment as a precedent for the proposed expansion of the registry<sup>2</sup>. Cities and state legislatures around the country are reacting to these moves by enacting bills and ordinances to disallow their officials from complying with a registry that targets a particular religion, national origin, or ethnicity<sup>3</sup>.

Furthermore, President Trump has enacted an executive order that attempts to ban immigrants, including refugees, from seven countries identified as having a “Muslim-majority”. Cities and state legislatures and state and federal judges from around the country are reacting to this order with appeals, overturning the order and disallowing their local officials from complying with the order. The same countries identified for Trump’s ban are those listed to be included in the threatened registry.

Berkeley must act immediately to set guidelines for local agencies that decisively reject any such registry.

**CONTACT PERSON**

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**Attachments:**

1: Resolution – “City of Berkeley non-participation with so-called “Muslim-ban” and threatened registry and support for Berkeley communities, residents, families, students and workers being targeted by both.”

## RESOLUTION

CITY OF BERKELEY NON-PARTICIPATION WITH SO-CALLED “MUSLIM-BAN” AND THREATENED REGISTRY AND SUPPORT FOR BERKELEY COMMUNITIES, RESIDENTS, FAMILIES, STUDENTS AND WORKERS BEING TARGETED BY BOTH.

WHEREAS, President Trump has repeatedly signaled that he intends to require Muslims to register in a database<sup>4</sup>, reenacting and expanding NSEERS, the Obama era database of visitors from Muslim-majority countries; and

WHEREAS, Trump advisors have invoked Japanese-American internment as a precedent for the proposed expansion of the registry<sup>5</sup>; and

WHEREAS, President Trump has ordered a sweeping expansion of deportations and assigned unprecedented powers to Immigration and Customs Enforcement (ICE) officers targeting and terrorizing immigrant communities;<sup>6</sup> and

WHEREAS, President Trump, in his seventh day as president, signed an executive order which banned entry from seven majority-Muslim countries, including Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen<sup>7</sup>, targeting Muslim refugees and immigrants and sparking widespread protest, appeals, overturning and condemnation, and

WHEREAS, a study by Stanford Law School in 2014 found that “two-thirds of immigrants facing deportation had no legal representation to help them navigate immigration laws and that those who did have an attorney were three times more likely to win their cases.”<sup>8</sup>

WHEREAS, because these policies significantly increase the burden of immigration enforcement on Berkeley residents, students and workers there is an immediate need for funding for legal aid and deportation defense for members of our community, and

WHEREAS, local municipalities have committed significant funds for deportation legal defense for their residents including initial commitments of \$750,000 in San Francisco and \$300,000 in Oakland, and

WHEREAS, Mr. Trump’s initial policies have demonstrated a careless disregard for human welfare, banning refugees and immigrants while instituting religious tests for foreign travellers and embracing bigotry and xenophobia, and

WHEREAS, immigrants are valuable and essential members of the California community; almost one in three Californians is foreign born and one in two children in California has at least one immigrant parent;<sup>9</sup> and

WHEREAS, the City Council declared Berkeley to be a City of Refuge in 1971, reaffirmed that stance in 1986 and again in 2007, and stated: “No department, agency, commission, officer or employee of the City of Berkeley shall use any City funds or resources to assist in the enforcement of Federal immigration law or to gather or disseminate information status of individuals in the city of Berkeley unless such assistance is required by federal or state statute, regulation or court decision;”<sup>10</sup> and

WHEREAS, the Berkeley City Council has endorsed the proposed state Senate Bill 54, the California Values Act, stating that it will “protect the safety and well-being of all Californians by ensuring that state and local resources are not used to fuel mass deportations, separate families, and ultimately hurt California’s economy,”<sup>11</sup> and

NOW, THEREFORE BE IT RESOLVED that the City of Berkeley condemns the expansion of deportations planned by the current Presidential Administration, condemns it’s executive order of a ban on immigration and entrance to refugees based on national origin and targeting of Muslims, and condemns the threatened registry based on religious affiliation, kinship, belief, or practice; national origin; or ethnicity; and

BE IT FURTHER RESOLVED that the City of Berkeley calls all city staff, departments, boards, elected officials, and individuals, organizations and communities living, working or operating in Berkeley to not comply with any executive order that infringes on civil liberties and human rights and act to assert a defense of the fundamental values of social justice, equity and mutual respect; and

BE IT FURTHER RESOLVED that no officer, employee, department, board, commission, or other entity of the City shall use City moneys, facilities, property, equipment, or personnel to implement, provide investigation for, enforce, or assist in the creation, implementation, or enforcement of, or provide support in any manner for, any government program creating or compiling a list, registry, or database<sup>12</sup> of individuals on the basis of religious affiliation, kinship, belief, or practice; national origin; or ethnicity; and

BE IT FURTHER RESOLVED that copies of this resolution be sent to any City employee or official who might reasonably be called upon to provide information to such a registry; and

BE IT FURTHER RESOLVED that the City of Berkeley commits to identifying resources to fund community-based organizations with a track record of providing quality legal assistance and representation to immigrants in our community within and outside of Berkeley,<sup>13</sup> so that they may expand their valuable work, provide free consultations, explore the creation of an emergency hotline for residents, and/or hold educational workshops; and

BE IT FURTHER RESOLVED that the City of Berkeley commits to explore avenues for funding of mental health services for those residents most impacted by the executive orders and threats against them by the federal government.

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<sup>1</sup> Gabriel, Trip. "Donald Trump Says He'd 'Absolutely' Require Muslims to Register." *The New York Times*. The New York Times, 20 Nov. 2015. Web. 15 Feb. 2017.

<sup>2</sup> Hawkins, Derek. "Japanese American internment is 'precedent' for national Muslim registry, prominent Trump backer says." *The Washington Post*. WP Company, 17 Nov. 2016. Web. 15 Feb. 2017.

<sup>3</sup> Miere, Jason Le. "Muslim Registry: Local Lawmakers Advance Bills To Block President Trump's Possible Next Step Following Travel Ban." *International Business Times*. N.p., 02 Feb. 2017. Web. 15 Feb. 2017.

<sup>4</sup> Gabriel, Trip. "Donald Trump Says He'd 'Absolutely' Require Muslims to Register." *The New York Times*. The New York Times, 20 Nov. 2015. Web. 15 Feb. 2017.

<sup>5</sup> Hawkins, Derek. "Japanese American internment is 'precedent' for national Muslim registry, prominent Trump backer says." *The Washington Post*. WP Company, 17 Nov. 2016. Web. 15 Feb. 2017.

<sup>6</sup> "Trump's executive orders dramatically expand power of immigration officers." *CNN*. Cable News Network, n.d. Web. 03 Feb. 2017. <<http://www.cnn.com/2017/01/28/politics/donald-trump-immigration-detention-deportations-enforcement/>>.

<sup>7</sup> Yuhas, Alan, and Mazin Sidahmed. "Is this a Muslim ban? Trump's executive order explained." *The Guardian*. Guardian News and Media, 31 Jan. 2017. Web. 06 Feb. 2017.

<sup>8</sup> "Oakland sets up \$300,000 fund to fight deportations." SFGate. N.p., n.d. Web. 06 Feb. 2017.

<sup>9</sup> "Immigrants in California." Immigrants in California (PPIC Publication). N.p., n.d. Web. 03 Feb. 2017. <[http://www.ppic.org/main/publication\\_show.asp?i=258](http://www.ppic.org/main/publication_show.asp?i=258)>

<sup>10</sup> [http://www.ci.berkeley.ca.us/City\\_Manager/Press\\_Releases/2008/2008-05-20\\_Berkeley\\_is\\_a\\_City\\_of\\_Refuge.aspx](http://www.ci.berkeley.ca.us/City_Manager/Press_Releases/2008/2008-05-20_Berkeley_is_a_City_of_Refuge.aspx)

<sup>11</sup> Item 26, [http://www.ci.berkeley.ca.us/Clerk/City\\_Council/2017/01\\_Jan/City\\_Council\\_01-24-2017\\_-\\_Regular\\_Meeting\\_Agenda.aspx](http://www.ci.berkeley.ca.us/Clerk/City_Council/2017/01_Jan/City_Council_01-24-2017_-_Regular_Meeting_Agenda.aspx)

<sup>12</sup> Definitions. For the purpose of this resolution:

(1) The term "list, database, or registry" includes public, private, or joint public-private collections of information.

(2) The term "personal information" means any information that can, either on its own or in combination with other information, be used to identify, contact, track, otherwise locate, or reasonably infer the identity of a specific individual; and

(3) The term "persons and individual" refers to natural and legal persons.

<sup>13</sup> Organizations selected should represent those most impacted including the Arab Resource & Organizing Center, East Bay Sanctuary Covenant, East Bay Community Law Center, Centro Legal de la Raza, and Asian-Americans Advancing Justice - Asian Law Caucus.