



Memorandum

TO: RULES AND OPEN GOVERNMENT **FROM:** Councilmember Esparza
GOVERNMENT COMMITTEE

SUBJECT: FEDERAL IMMIGRATION REFORM DATE: 10/14/2021

Approved *Maya Esparza*

Date 10/14/2021

RECOMMENDATION:

Direct Staff to bring forth for Council approval a resolution calling on Congress to preserve funding for Pro-Immigrant Policies, including a path to citizenship, in the federal budget resolution, and urging Congress and the President to pass a path to citizenship policy.

BACKGROUND

San José is home to 25,000 undocumented immigrants. These are our neighbors, our classmates, our coworkers, and our friends. They have worked hard to establish families and lives here, and are an integral part of our community. Almost half of California's 2 million undocumented immigrants have been here for over 10 years, and one in six children in the state have at least one parent who is undocumented. They perform essential work in our communities, from providing the food we eat to providing healthcare services to our most vulnerable residents.

The COVID-19 pandemic brought the struggle and suffering of our undocumented immigrant communities to the forefront, as they faced a perfect storm of working in frontline, high-risk careers, while facing a lack of access to healthcare and living in overcrowded, multigenerational households. Here in San Jose, the same five ZIP codes that have borne the worst of the COVID-19 pandemic, 95122, 95116, 95127, 95121, and 95111 are also ZIP codes with large immigrant populations. Despite the enormous challenges that our immigrant communities have faced during this pandemic, they continue to persevere and hope for a path to citizenship that they have thus far been denied.

Leaders in Congress have worked tirelessly to include comprehensive immigration reform, including a path to citizenship for many of our nation's 11 million undocumented immigrants, in the ongoing budget process, but have faced resistance from the Senate Parliamentarian in efforts to include funding for this effort through the budget reconciliation process. With a supportive

Presidential administration, this current moment represents an historic opportunity to break through decades of political impasse and enact long-overdue reforms to our county's immigration system that will benefit all of us.

This is the time for bold, aggressive action on immigration reform, and we as a city must urge our leaders in Congress, and our President, to act now. A recent federal ruling on DACA in Texas has called the future of that program into question, underscoring the need for urgent action. We will not have a better chance than right now to improve the lives of millions of hardworking immigrants, who have taken enormous risks and faced unfathomable hardships to build a better life and future for themselves and their children. I urge my Council colleagues to join me in urging Congress to act now, and not let this once-in-a-generation opportunity pass us by.

The signers of this memorandum have not had, and will not have, any private conversation with any other member of the City council, or that member's staff, concerning any action discussed in the memorandum, and that each signer's staff members have not had, and have been instructed not to have, any such conversation with any other member of the City Council or that member's staff.

DRAFT

**RESOLUTION ON THE DIGNITY, HEALTH AND SAFETY OF SAN JOSE IMMIGRANTS (2021)
NO. _____**

Need for Federal Path to Citizenship

WHEREAS: Of the approximately 11 million undocumented immigrants nationwide, California is home to more than 2 million. According to the Pew Hispanic Center, the state is home to nearly one-quarter (23 percent) of the nation's undocumented immigrants, and approximately 25,000 live and work in the City of San Jose. They continuously live in fear of being separated from their families and deported.

WHEREAS: The undocumented are more than the subject of political debates, they are our neighbors, relatives, colleagues, and friends. Almost half (49 percent) of the state's undocumented have lived here for more than 10 years. And they are deeply connected to the state's citizenry.

WHEREAS: Roughly one in six of the state's children have at least one undocumented immigrant parent – and stabilizing and improving the situation of their parents is an investment in our state's long-term future. The well-being of their undocumented parents will have an impact on the future of the state and City.

WHEREAS: Immigrants largely come to the United States seeking opportunity, and immigrant labor and expertise is vital to local economies and industries, including San Jose. San Jose has an interest in ensuring that our employers and industries of all types can hire and retain a qualified workforce that meets our needs and helps to strengthen our local economy.

WHEREAS: FWD.us estimates that the U.S. economy would increase by \$121 billion annually if Dreamers, TPS holders, farmworkers, and undocumented essential workers were U.S. citizens, including multi-billion expansions in a dozen state economies, and boosting federal, state, and local tax revenue by \$31 billion annually.

WHEREAS: Many immigrants in the City of San Jose have worked the front lines during the global pandemic and wildfires of recent years and are considered essential workers. They have made City of San Jose their home and have waited for a path to citizenship for decades.

WHEREAS: Many immigrant workers in San Jose work in this city under special work visas, or guest worker programs, or temporary worker programs. These workers are particularly vulnerable to exploitation because their legal status is conditioned on working for one employer. If the specific employment ends, the worker becomes deportable. This employment relationship encourages workplace abuse and discourages workers from complaining about exploitative or illegal practices.

WHEREAS: Although immigration is a federal responsibility, inaction by Congress and shifting federal administrative policies have created confusion and uncertainty for local governments, who must provide for the well-being and safety of all members of our communities, including immigrant populations. For this reason, the National Association of Counties (NACo) has called on Congress to put aside political differences and urgently come to agreement on meaningful immigration legislation that provides clarity

at the local level and helps local governments work with federal partners on immigration issues while serving the needs of all residents.

WHEREAS: One of the remaining issues most important for our state is ensuring a clear and rapid roadmap to citizenship for the currently undocumented population. Immigration reform matters to California not only because of the sheer size of our immigrant population, but because immigrants have become woven into California's, and City of San Jose's, social, civic, and economic life.

WHEREAS: Leaders in the Senate, including Senate Majority Leader Chuck Schumer (D-NY) and Budget Committee Chair Bernie Sanders (I-VT), successfully included funding for immigration reform, including a proposed pathway to citizenship for certain immigrants who are undocumented, in FY2022 budget resolution as part of the budget reconciliation process.

WHEREAS: The San Jose Immigrant community needs the support of local government to send a message to the House that it ensures that Congress pass pathways to citizenship in this moment. The recent ruling by a Texas court that put the future of DACA in jeopardy underscores the urgency for Congressional action. We cannot wait any longer when our communities' livelihoods and their families' ability to thrive are at stake. With the growing calls for action from Americans from all walks of life and momentum, Congress has a historic opportunity to break through decades of political impasse and enact long-overdue changes to our country's immigration system that benefit all of us.

BE IT RESOLVED that the City of San Jose Urges Congress to Preserve Funding for Pro-Immigrant Policies, including a Path To Citizenship, in the Budget Resolution; and

BE IT FURTHER RESOLVED that regardless of the outcome of the 2021 Budget process, the City of San Jose will continue to advocate proactively and aggressively to Congress and the President for the passage of a path to citizenship policy; and

BE IT FURTHER RESOLVED that City of San Jose rejects all the proposals in Congress that promote the firing of immigrant workers, open the doors to new guest worker programs, continue the criminalization of undocumented immigrants, and do not contain a program for the quick and inclusive legalization of undocumented workers; and

BE IT FURTHER RESOLVED that City of San Jose will communicate the relevant contents of this Resolution to their respective targets, including Congressional leaders and the President.