



COUNCIL AGENDA: 3/19/2019

ITEM: 3.9

FILE NO: 19-095

# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Toni J. Taber, CMC  
City Clerk

**SUBJECT:** SEE BELOW

**DATE:** March 19, 2019

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**SUBJECT: Resolution Denouncing the Deportation of Vietnamese Immigrants.**

**RECOMMENDATION:**

As recommended by the Rules and Open Government Committee on March 6, 2019:

- (a) Adopt a resolution denouncing President Donald Trump's attempted deportations of Vietnamese immigrants who arrived in the United States prior to 1995, unilaterally reinterpreting a longstanding agreement to the contrary;
- (b) Acknowledge the rights of refugees and asylum seekers to pursue sanctuary and avoid the endangerment that may accompany a forced return to their country of origin;
- (c) Direct the City Attorney's Office to support any and all legal actions against the Trump administration in its attempt to deport Vietnamese Americans, including the filing of an amicus brief in the litigation filed by Asian Americans Advancing Justice - Atlanta.

CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Diep)

[Rules Committee referral 3/6/19 - Item G.2]



RULES COMMITTEE: 3-6-19

ITEM: G.2

# Memorandum

**TO:** RULES AND OPEN  
GOVERNMENT COMMITTEE

**FROM:** Councilmember Lan Diep

**SUBJECT:** RESOLUTION DENOUNCING  
THE DEPORTATION OF  
VIETNAMESE IMMIGRANTS

**DATE:** February 28, 2019

Approved

Date

2/28/2019

## RECOMMENDATION

1. Adopt a resolution denouncing President Donald Trump's attempted deportations of Vietnamese immigrants who arrived in the United States prior to 1995, unilaterally reinterpreting a longstanding agreement to the contrary;
2. Acknowledge the rights of refugees and asylum seekers to pursue sanctuary and avoid the endangerment that may accompany a forced return to their country of origin;
3. Direct the City Attorney's Office to support any and all legal actions against the Trump administration in its attempt to deport Vietnamese Americans, including the filing an amicus brief in the litigation filed by Asian Americans Advancing Justice – Atlanta.

## BACKGROUND

In 2008, President George W. Bush signed an agreement with the Vietnamese government that protected those Vietnamese from deportation who arrived in the United States before July 12, 1995. Many Vietnamese nationals fled their countries during wartime with few possessions and traumatic experiences from the conflict.

The U.S. helped to evacuate 125,000 refugees and there are currently 1.3 million Vietnamese-born residents of the United States. Furthermore, San José is home to more Vietnamese Americans than any city in the world outside of Vietnam. The Bush Administration's agreement lasted for five years, with renewals scheduled to occur every three years automatically, unless one of the parties protested.

Recently, the Trump Administration has moved to reinterpret that agreement. Vietnamese immigrants who are undocumented or who have committed even minor crimes, it argues, are eligible for deportation, no matter when they arrived and regardless of the severity of the offense. Over 9,000 Vietnamese Americans would be affected by this interpretation.

Assuming that proportions from the 2010 Census have remained constant, one can estimate that approximately 584 San José residents will be impacted and 731 residents in Santa Clara County will be impacted. The Trump Administration would now like to return them to a country that uses heavy-handed tactics such as “re-education” camps against refugees and those who oppose the communist government.

While the U.S. cannot deport individuals if their country of origin is unwilling to accept them, the Administration has applied pressure on Vietnam, threatened visa sanctions, and ultimately succeeded in getting the Vietnamese government to concede to limited deportations. The Administration has argued that it can still hold immigrants of this type in detention, even if they cannot yet deport them all.

### ARGUMENT

As San José prides ourselves in being the city with the largest population of Vietnamese people outside Vietnam, this council has an obligation to speak out against the Trump Administration’s targeting of the Vietnamese community, just as we have when he targeted Dreamers or members of the transgender community.

This is yet another attempt by the Trump Administration to instill fear in immigrant communities and separate families, especially those who believed in their ability to remain in the United States after fleeing a warzone. As a diverse and welcoming city, we believe that not even past criminal offenses should trump a person’s right to seek safety and protection from violence in their country of origin.

The Administration should abandon its efforts to deport Vietnamese immigrants who have already served their sentences for past misdeeds and who have moved on to establish new lives and families for themselves. Deporting these individuals would do incalculable harm to them, to their families, and to the City of San José.

### COUNCLUSION

This city council should stand in solidarity with our Vietnamese American residents as well as all immigrant communities in opposing the Trump Administration’s attempt at to deport Vietnamese immigrants. We should pass a resolution to condemn such attempts.

