

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE DENOUNCING THE U.S. DEPARTMENT OF JUSTICE'S ZERO TOLERANCE POLICY THAT RESULTED IN THE INHUMANE SEPARATION OF FAMILIES AND A CALL FOR THE IMMEDIATE REUNIFICATION OF EXISTING SEPARATED FAMILIES

WHEREAS, on April 6, 2018, U.S. Attorney General Jeff Sessions on behalf of the Federal Administration, introduced the Zero Tolerance Policy ("Policy") calling for the prosecution of all individuals who illegally enter the United States from the Southern border; and

WHEREAS, the Policy consequently allowed for border patrol officers to separate children from their parents as they were imprisoned to await prosecution; and

WHEREAS, under the Policy, more than 2,600 children ranging from toddlers to teenagers have been separated from their parents; and

WHEREAS, on June 26, 2018, U.S. District Judge Dana Sabraw ordered the U.S. border authorities to reunite separated families within 30 days, and now months later, there are still more than 490 children still separated from their families with no real timeline for reunification; and

WHEREAS, on September 6, 2018, the U.S. Department of Homeland Security ("DHS") and Health and Human Services ("HHS") announced a new proposed rule that would "adopt in regulations relevant and substantive terms of the Flores Settlement Agreement" ("FSA"); and

WHEREAS, the FSA is a 1997 court agreement that requires the federal government to locate adequate housing for unaccompanied children with family or friends as quickly as possible or if housing cannot be located, then it requires them to house children in “least restrictive conditions.” In 2014, the Ninth Circuit stated that the FSA also covered accompanied minors and that they could not be detained for more than 20 days; and

WHEREAS, the proposed regulations by DHS and HHS would attempt to replace and impose new rules in line with the FSA; and

WHEREAS, considering the failure of the Policy, the City of San José believes it would be prudent as one of the largest cities of a border state, that it review the administrative action and provide feedback according to City of San José values;

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF SAN JOSE:

Denounces the U.S. Department of Justice’s Zero Tolerance Policy that resulted in the inhumane separation of families and calls for the immediate reunification of existing separated families.

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE that a copy of this resolution shall be delivered to the U.S. Speaker of the House, President of the Senate, members of the California Congressional delegation and the President of the United States.

ADOPTED this _____ day of _____, 2018, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk