

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE DENOUNCING THE ATTEMPTED DEPORTATION OF VIETNAMESE IMMIGRANTS WHO ARRIVED IN THE UNITED STATES PRIOR TO 1995**

**WHEREAS**, many Vietnamese Americans living in San José today came to the United States after the fall of Saigon on April 30, 1975, which marked the beginning of an exodus of over one million Vietnamese who left their homeland fleeing communism in search of freedom and democracy; and

**WHEREAS**, over the past four decades, Vietnamese immigrants have enriched the social, cultural, and economic landscape of the United States, the state of California, and the city of San José; and

**WHEREAS**, as new immigrants, Vietnamese Americans overcame social, linguistic, and economic challenges through hard work, achieving success in a plethora of professional fields, including business, military service, politics and law, science and education, literature and journalism, and sports and entertainment; and

**WHEREAS**, San José is home to more Vietnamese Americans than any city in the world outside of Vietnam, who enrich the social, cultural, and economic fabric of the city; and

**WHEREAS**, Vietnamese Americans have enhanced California's culture through the establishment of vibrant Little Saigon communities throughout the state, including in San José, that preserve Vietnamese heritage, food, language, and customs for younger generations and allow all residents to be immersed in the richness of Vietnamese culture; and

**WHEREAS**, refusing to forget their historical struggle for freedom and democracy, Vietnamese Americans in San José and throughout the United States continue to speak out against the systematic assaults on the freedoms of expression and religion perpetrated today by the Socialist Republic of Vietnam and advocate in favor of human rights and democracy in Vietnam and worldwide; and

**WHEREAS**, in 2008, the United States government and the Vietnamese government entered into an agreement (“2008 Agreement”) which provided that the United States would carry out the repatriation of Vietnamese citizens who violated United States law, taking into account the humanitarian aspect, family unity and circumstances of each person in each individual case, but which barred the deportation of Vietnamese people who arrived in the United States before July 12, 1995; and

**WHEREAS**, the 2008 Agreement, which lasted for five years with renewals scheduled to occur every three years automatically unless terminated by either party, specifically states that Vietnamese citizens are “not subject to return to Vietnam” if they “arrived in the United States before July 12, 1995”; and

**WHEREAS**, the current presidential administration has moved to reinterpret the 2008 Agreement, arguing that Vietnamese immigrants who are undocumented or who have committed even minor crimes are eligible for deportation regardless of when they arrived or the severity of the offense; and

**WHEREAS**, pursuant to Council Policy 0-11, the Council of the City of San José desires to adopt this resolution to oppose efforts by the administration of the President of the United States to reinterpret or disregard the historically accepted deportation protections for Vietnamese refugees, many of whom reside in San José;

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

1. Denounces the attempted deportations of Vietnamese immigrants who arrived in the United States prior to 1995, unilaterally reinterpreting a longstanding agreement to the contrary, and respectfully urges the President of the United States to stop any efforts to reinterpret, disregard, or in any way prohibit the extension of the 2008 United States-Vietnam repatriation agreement as it is currently written and urges that any renegotiation of the agreement include historically accepted deportation protections for Vietnamese refugees; and
2. Acknowledges 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.

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

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk