



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

RESOLUTION NO. 160886

Introduced October 6, 2016

Councilmembers Gym, Blackwell and Green

RESOLUTION

Calling on Congress to immediately rectify the injustice of the “1996 Immigration Laws” by restoring due process to immigration procedures, ending automatic deportation, and discontinuing mass detention, in order to uphold human rights and dignity in the United States immigration system.

WHEREAS, 2016 marks twenty years since the passing of the Anti-Terrorism and Effective Death Penalty Act (AEDPA) and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), otherwise known as the “1996 Immigration Laws”; and

WHEREAS, The Philadelphia City Council Committees on Children and Youth and Education held a public hearing on June 14, 2016 to explore the impact of 1996 Immigration Laws on Philadelphia’s immigrant community and the impact of the school-to-prison-to-deportation pipeline on Philadelphia’s immigrant youth; and

WHEREAS, This hearing documented the severe and inhumane impact of the laws on Asian, Black, and Latino immigrant communities, including testimony from Philadelphians deported to Cambodia; and

WHEREAS, These laws are responsible for expanding the incarceration of immigrants, creating a fast track for deportations without due process, setting the foundation for local police and ICE collaborations, and making legal immigration more difficult; and

WHEREAS, These laws expanded the grounds for deportation, broadened the definition of “aggravated felony” by removing judicial discretion and due process in deportation cases and categorizing deportation for an “aggravated felony” as permanent with no hope of return; and

City of Philadelphia

RESOLUTION NO. 160886 continued

WHEREAS, These laws doubly punish immigrants who have already served jail time, and furthermore, the retroactive scope of the law's implementation includes deportation for crimes committed before the existence of the law; and

WHEREAS, Since 1996, and particularly since the founding of the Department of Homeland Security (DHS) in 2003, the U.S. has made significant investments in the surveillance, policing, prosecution, imprisonment, and deportation of both U.S. residents and migrants, resulting in the forced removal of millions; and

WHEREAS, Congress currently mandates the maintenance of 34,000 prison beds for immigrants; and the shift to harsher punishment and enforcement against immigrants in federal law was coupled with an equally severe shift in criminal and juvenile justice law through legislation such as the Violent Crime Control and Law Enforcement Act of 1994, the Violent and Repeat Juvenile Offender Act of 1997, the Juvenile Crime Control Act of 1997, and the Anti-Gang and Youth Violence Act of 1997; and

WHEREAS, These federal laws came with incentives for states to model the harsh federal standards, and Pennsylvania followed suit with Act 33, a 1996 amendment to the Pennsylvania Juvenile Act that allows youth under 18 to be tried directly in adult court for a broader array of crimes, otherwise known as the "direct file" law; and

WHEREAS, Before 1996, murder was the only charge that would prompt prosecution in adult court; now, the State of Pennsylvania now has more juveniles serving life sentences in prison than any other state in the country, and

WHEREAS, The combination of these federal and state laws led to the creation of a School-to-Prison-to-Deportation Pipeline, which has criminalized and led to the deportation of thousands of immigrant and refugee youth across the country; and

WHEREAS, The City of Philadelphia, as a Sanctuary City, recognizes that immigration laws must be reformed to protect the right of all families to stay together, regardless of race, ethnicity, immigration status, criminal background, family structure, sexual orientation, gender identity, or marital status; and

WHEREAS, The City of Philadelphia believes in redemption and second chances, and opposes the federal immigration practice of automatic and retroactive deportation of community members due to past criminal convictions for which time has already been served; and

WHEREAS, The Congressional Progressive Caucus of the United States introduced a resolution to address the injustice of these laws on April 28, 2016, and the City of

City of Philadelphia

RESOLUTION NO. 160886 continued

Philadelphia believes our voice should be heard during this critical time; now, therefore, be it

RESOLVED, THAT THE COUNCIL OF THE CITY OF PHILADELPHIA, Calls on Congress to immediately rectify the injustice of the “1996 Immigration Laws” by restoring due process to immigration procedures, ending automatic deportation, and mass detention, in order to uphold human rights and dignity in the United States immigration system.

City of Philadelphia

RESOLUTION NO. 160886 continued