



City of Philadelphia

City Council
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Legislation Text

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Authorizing the Joint Committees on Children and Youth and Education to hold hearings to discuss the impact of twenty years of the “1996 Immigration laws” on Philadelphia’s Immigrant Community and their impact on the school-to-Prison-to-Deportation Pipeline on Philadelphia’s Immigrant Youth.

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 1996 Immigration Laws expanded the grounds for deportation, broadening 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

WHEREAS, These laws doubly punish immigrants who have already served jail time, as their implementation was applied retroactively to include 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, Collectively, the Obama and Bush administrations deported more than five million people, nearly double the number deported by all previous presidents combined; and

WHEREAS, Congress currently mandates the maintenance of 34,000 prison beds for immigrants; and

WHEREAS, This 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 these standards, and Pennsylvania followed suit with Act 33, a 1996 amendment to the Pennsylvania Juvenile Act.

WHEREAS, Act 33 allows youth under 18 to be tried directly in adult court for a broader category of crimes, otherwise known as “direct file” law; and

WHEREAS, Before 1996, murder was the only charge that would prompt prosecution in adult court. The State

of Pennsylvania now also has more juveniles serving life sentences in prison than any other state in the country, and any other country in the world; and

WHEREAS, The combination of these federal and state laws have led to the creation of the School-to-Prison-to-Deportation Pipeline, which has criminalized and deported thousands immigrant 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 immigration status, criminal background, family structure, sexual orientation, gender identity, or marital status; and

WHEREAS, The City of Philadelphia recognizes and seeks to address the long-term detrimental consequences of the School-to-Prison-to-Deportation Pipeline, and the collateral impact of immigration and deportation consequences which beset immigrant youth in our City; and

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

RESOLVED, THAT THE COUNCIL OF THE CITY OF PHILADELPHIA, Hereby authorizes the Joint Committees on Children and Youth and Education to hold hearings to discuss the impact of twenty years of the “1996 Immigration laws” on Philadelphia’s Immigrant Community and their impact on the school-to-Prison-to-Deportation Pipeline on Philadelphia’s Immigrant Youth.