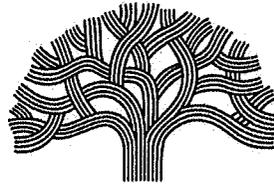


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CITY OF OAKLAND

CITY HALL • 1 FRANK H. OGAWA PLAZA • OAKLAND • CALIFORNIA • 9  
4612

LIBBY SCHAAF  
Mayor

NIKKI FORTUNATO BAS  
Councilmember – District 2

May 7, 2019

Dear Governor Newsom,

We, the Mayor and City Councilmembers of Oakland, are writing to urge you to use your clemency power to grant pardons for three individuals who are under deportation orders from the Federal Immigration and Customs Enforcement (ICE) – Kang Hen, Hay Hov, and Roeun Pich.

All three individuals are Cambodian American refugees whose families fled the genocide in Cambodia and resettled in the Bay Area in 1985 when they were small children. In addition to the trauma from the violence they endured in Cambodia and the refugee camps in Southeast Asia, they each grew up in poverty, with few resources, and violence in their schools. As youth, they, like many other Cambodian Americans and others who came to this country as refugees, wound up in the criminal justice system because the communities they lived in were under resourced and over criminalized.

Hay Hov and Roeun Pich grew up in Oakland, and their families still reside in our city. At the ages of 19 and 20, they were arrested, convicted of crimes, and later released. Now decades later, they are facing deportation as a result of those convictions to a country that they do not know. They accepted plea deals not realizing the resulting immigration consequences. Since then, they have each turned their lives around and have grown to be loving husbands and fathers, caregivers for elderly parents, and work long hours to support their families. Here are brief descriptions of each individual:

- Hay Hov grew up in a housing project in Oakland and in 2001, at age 19, pled guilty to soliciting an assault of a man in his neighborhood, and as a result was eligible to be deported. After he was released from prison, Hay turned his life around. He and his partner of seven years, Catherine, have a four-year-old child, Robbie, who was diagnosed with severe autism. Hay accompanies Robbie to special education classes, doctor's appointments, and speech therapy appointments each week. He is also the primary caretaker of his elderly parents, and his mother was recently hospitalized for kidney

failure. Hay works night shifts as a truck driver for Pet Food Express. On March 13, ICE agents arrested Hay with plans to deport him in the coming weeks. His co-workers at Pet Food Express launched a petition on his behalf in support of a pardon that over 12,500 people have signed.

- Roeun Pich grew up in poverty in Oakland, and in 1996, at the age of 20, Roeun was convicted of driving a stolen vehicle and fleeing the police, and as a result was eligible to be deported. Since then, Roeun and his wife of 10 years, Kanley, are loving parents to five children. Roeun works night shifts and has no other convictions. On April 1, ICE agents arrested Roeun with plans to deport him within the coming weeks.
- Kang Hen grew up in San Jose and in 1994, was arrested shortly after his 18<sup>th</sup> birthday after driving two other gang members away from the scene of a home invasion robbery. Kang accepted a plea deal to a robbery charge that allowed him to be released after serving four years of prison time, but he did not realize at the time that it would result in him being eligible for a deportation order. Kang is now a model member of his community, volunteering with the homeless and at the Buddhist temple, and working at the same company for 13 years. He and his partner of 17 years, Ruth, a case manager for homeless clients at St. Vincent de Paul, have a three-year-old child. Ruth was recently diagnosed with kidney and heart failure, and Kang has been Ruth's primary caretaker. On April 1, ICE agents arrested and detained Kang with plans to deport him within the coming weeks.

Pardons exist as recognition that people can change their lives and make amends. These three men are valuable members of our community and society. We believe strongly in restorative justice and rehabilitation in Oakland, as so many of our residents of color who grew up in poverty, are living with conviction records that impact their lives—from getting jobs to being separated from their families by ICE. Immigrant communities have faced two years of relentless attacks by the Trump Administration. Waves of ICE raids have hit Cambodian American refugee communities particularly hard. Over the past few weeks, ICE raids targeted Cambodian American communities across the country including San Francisco, Oakland, and San Jose.

Tearing apart these families does not make us safer; rather we know that these deportations cause extreme trauma to families and make us less safe as a community. Studies have shown the enormous toll that the deportation of a parent takes on children. Children who lose a parent to deportation are far more likely to drop out of school and as a result are at greater risk of entering the criminal justice system themselves.

**We urge you to use your clemency power to grant pardons for Hay Hov, Roeun Pich, and Kang Hen, who are under imminent deportation orders from ICE.**

Please do not hesitate to contact our staff with any questions about this letter: Miya Saika Chen, Chief of Staff for Councilmember Nikki Fortunato Bas at (510) 238-7246 and Joanne Karchmer,

Deputy Chief of Staff for Mayor Libby Schaaf at (510) 238-7439. We thank the Asian Prisoner Support Committee (APSC), Center for Empowering Refugees and Immigrants (CERI), and Asian Americans Advancing Justice – Asian Law Caucus for bringing this important issue to our attention.

Sincerely,



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Mayor Libby Schaaf



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Councilmember Nikki Fortunato Bas



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Council President Rebecca Kaplan



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Vice Mayor Larry Reid



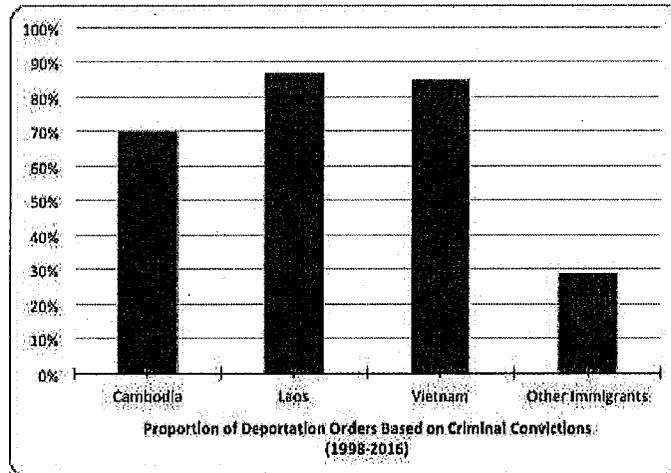
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Councilmember Sheng Thao

## The Devastating Impact of Deportation on Southeast Asian Americans

### A COMMUNITY OF REFUGEES

Southeast Asians who fled from Cambodia, Laos, and Vietnam in the late 1970s and early 1980s became the **largest refugee community ever resettled in the United States**. Refugees of decades-long war, bombings, and one of the worst genocides of the 20th century, Southeast Asian Americans (SEAs) encountered many challenges during their initial resettlement, including high rates of poverty, post-traumatic stress disorder, and poor educational outcomes. Youth growing up in impoverished neighborhoods and failing schools sometimes turned to gangs and crime as a means of survival.



Today, more than 2.7 million SEAs live in the United States, but **at least 16,000 community members have received final orders of deportation**, more than 13,000 of which are based on old criminal records (80% of total SEAA deportation orders, compared to 29% of all immigrants with deportation orders).<sup>1</sup> **Many of these community members came to this country as refugee children, raised as Americans.** A significant number of deportees were born in refugee camps, and never stepped foot in their “native” country.

### 14,000 FAMILIES LIVING IN LIMBO

Because of the Vietnam War legacy, the U.S. only established repatriation agreements with Cambodia in 2002 and with Vietnam in 2008, though only immigrants who entered after 1995 may be deported to Vietnam. The U.S. and Laos still have no formal agreement. As a result, at least 1,500 people still remain in the U.S. with final deportation orders to Cambodia, 4,200 to Laos, and 8,400 to Vietnam: **a total of at least 14,000 people living day-to-**

**day not knowing if or when they would be deported.**<sup>2</sup>

Because many SEAs with final orders of removal are not immediately removed from the country, they often move on and rebuild their lives. **They start families and businesses, go back to school, and get involved in the community. It may be days, months, or decades before they are actually deported.** This presents a mental health challenge, and an economic challenge, for individuals and families who do not know if their next day with their family in the United States is their last.

### REFERENCES

1. Transactional Records Access Clearinghouse, “U.S. Deportation Outcomes by Charge, Completed Cases in Immigration Courts”: [http://trac.syr.edu/phptools/immigration/court\\_backlog/deport\\_outcome\\_charge.php](http://trac.syr.edu/phptools/immigration/court_backlog/deport_outcome_charge.php)
2. Transactional Records Access Clearinghouse, “U.S. Deportation Outcomes by Charge, Completed Cases in Immigration Courts”: [http://trac.syr.edu/phptools/immigration/court\\_backlog/deport\\_outcome\\_charge.php](http://trac.syr.edu/phptools/immigration/court_backlog/deport_outcome_charge.php) & Department of Homeland Security (DHS) “Yearbook of Immigration Statistics 2013, Table 41”: <http://www.dhs.gov/yearbook-immigration-statistics-2013-enforcement-actions>



# **Building Stronger Asian American, Native Hawaiian and Pacific Islander Communities in California in 2019:**

## **Policy Recommendations for State of California Governor Gavin Newsom**

### **Introduction**

Over the past decade, California has made important strides forward in protecting and advancing the rights of immigrants and communities of color. In the past two years, Californians saw our rights attacked by the federal government in Washington and an attempt to systematically dismantle many of the key programs and policies that protect immigrants, communities of color, and other vulnerable populations. But California boldly advanced policies to support our communities and to ensure that we as a state stand up for justice and fairness.

As we welcome our new Governor and newly elected leaders, we look forward to building upon this progress in 2019 for low-income, limited-English proficient and immigrant communities of color. As organizations serving Asian American, Native Hawaiian, and Pacific Islander (AANHPI) communities, we stand together

with other marginalized communities in seeking prosperity and equity for all Californians.

Our organizations serve California's diverse AANHPI communities in a variety of capacities, ranging from providing direct legal, health, and other services to advocating on critical policy issues. We represent the diversity of AANHPIs, including populations who are often overlooked such as Arab, Middle Eastern, Muslim and South Asian (AMEMSA) communities, LGBTQ individuals, those who are incarcerated or formerly incarcerated, limited English proficient populations, and elderly community members. AANHPI communities are the fastest growing racial groups in California according to the US Census Bureau. Today, there are over 6.6 million Asian Americans living in California, and they now make up nearly 17% of the state's population.

**AANHPI communities are the fastest growing racial groups in California according to the US Census Bureau. Today, there are over 6.6 million Asian Americans living in California, and they now make up nearly 17% of the state's population.**

In addition, California has one of the largest populations of Native Hawaiians and Pacific Islanders (NHPIs) in the United States, second only to Hawaii, with over 300,000 NHPIs calling California home. While these groups often have shared experiences with immigration, language barriers, and discrimination, they can differ significantly in their educational attainment, employment, and economic status. Because of the considerable social and economic diversity among AANHPIs, they can be difficult communities to understand and serve. Each member of the AANHPI community comes with their own unique history, language, and culture.

**We urge the state to advance data disaggregation across various state departments and issue areas.**

Ethnic-specific data for AANHPI sub-groups (e.g., Bangladeshi, Cambodian, Chinese, Filipino, Indian, Korean, Samoan, Thai, Tongan, Vietnamese, etc.) is critical to helping policymakers, businesses, and community leaders better address the wide education and health disparities that exist across the spectrum of AANHPI ethnic groups. Sound policy solutions require accurate data. Given the vast diversity of Asian Americans, Native Hawaiians and Pacific Islanders, ethnic-specific data is imperative to promoting justice and equity, by exposing the disparities faced by the most disadvantaged members of our community

This document outlines some of the key priorities and needs of AANHPI communities across California. We hope this memo serves as a catalyst for future conversations and engagement with your AANHPI constituents. We look forward to partnering with you to ensure that California continues to be a model for other states in developing policies that help AANHPIs - and all Californians- thrive.

**Sincerely,**

**AAPIs for Civic Empowerment  
API Equality - Northern California (APIENC)  
API Equality-LA  
Asian Americans Advancing Justice-Asian Law Caucus  
Asian Americans Advancing Justice-Los Angeles  
Asian Americans for Community Involvement  
Asian Law Alliance  
Asian Pacific American Labor Alliance -Los Angeles  
Asian Pacific American Legislative Staffers Network (APALS)  
Asian Pacific Policy & Planning Council (A3PCON)  
Asian Prisoner Support Committee  
CA Pan-Ethnic Health Network  
California Healthy Nail Salon Collaborative  
Center for the Pacific Asian Family (CPAF)  
Chinatown Service Center  
Chinese American Citizens Alliance, Los Angeles Chapter  
Council on American-Islamic Relations, California  
Empowering Pacific Islander Communities (EPIC)  
Fresno Interdenominational Refugee Ministries  
Khmer Girls in Action  
KIWA (Koreatown Immigrant Workers Alliance)**

**Korean American Family Services (KFAM)  
Korean Community Services (Orange County)  
LEAP (Leadership Education for Asian Pacifics)  
Little Tokyo Service Center  
National Asian Pacific American Families Against Substance Abuse  
NICOS Chinese Health Coalition  
OCA-Greater Los Angeles  
Orange County Asian and Pacific Islander Community Alliance (OCAPICA)  
Pacific Asian Consortium in Employment  
Pacific Islander Health Partnership  
Services, Immigrant Rights & Education Network (SIREN)  
South Asian Network (SAN)  
Southeast Asian Community Alliance  
Southeast Asia Resource Action Center( SEARAC)  
Southland Integrated Services, Inc.  
Thai Community Development Center  
The Fresno Center  
United Cambodian Community  
Vigilant Love**

This document was prepared and edited by Asian Americans Advancing Justice-California, the Asian Pacific Policy and Planning Council, Little Tokyo Service Center, and Pacific Asian Consortium in Employment.

# Education

We believe every child has the right to achieve their highest potential and deserve every opportunity and support in doing so. The state of California serves more than 6.2 million children of which 12.1% are AANHPI - 3,827,352 are identified as coming from a socioeconomic disadvantaged background (including 204,085 homeless youth), 1,271,150 are identified as English Learners, and 34,426 are foster youth. [1] These students face numerous challenges in pursuing and achieving a higher education degree, yet they are key to the socioeconomic wellbeing of our communities, and are at forefront of equity for our state.

Alongside students, we believe that increasing language accessibility for all adults is crucial in developing strong support systems for all students across all systems. As such, parallel to our education work, we urge for the funding of parent and adult education.

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[1] <https://dq.cde.ca.gov/dataquest/dqcensus/EnrCharterSub.aspx?cds=00&aggllevel=state&year=2017-18>

## Increase access to, and retention at higher education institutions

As the number of Californian students graduating from high schools continues to grow, it is of utmost importance that we invest in expanding our current higher education system to accommodate them.

Our organizations champion state policies that increase the number of seats available at community colleges, California State Universities, and Universities of California. In addition, California should increase investment in outreach and retention services for low-income, English Language Learners (ELL), foster youth, and other historically underrepresented groups in institution of higher education.

## Increase funding and support for AAPI English Language Learners

In 2016 the vast majority of Californians voted in favor of Prop. 58, repealing "English Only" education in California, in response to a statewide recognition of the value of bilingualism for both education and workforce. Since then, community feedback on the absence of AANHPI voices in ELL spaces has been noted and we now are expanding our direct involvement in building stronger programs for the future of ELL students and adults.

We seek to increase funding for direct ELL student and adult services, parent training and support, and expansion of curriculum development and accessibility of Asian and Pacific Islander (API) languages. California must invest in teacher training, innovation in ELL early childhood education as well as accessibility and funding adult ELL education for parents and all community members.

## Create an inclusive campus climate

All children deserve to feel safe and welcomed in their schools. A student survey in 2016 by the Council of American-Islamic Relations found that Muslim students reported significantly higher rates of discrimination and bullying compared to others. Findings showed that 53 percent of respondents report that students at school are made fun of, verbally insulted, or abused for being Muslim, more than double the national average. [1]

Similarly, the California Asian American & Pacific Islander (AAPI) Youth Report, which surveys primarily Southeast Asian and Pacific Islander youth in California, reported that one in two AAPI respondents reported facing bullying in school. Focus group participants attributed high rates of verbal and physical bullying to stereotypes about their ethnic identities, including that Asian Americans are passive, introverted, and smart. [2] These same students are hesitant to report incidents due to a fear of retaliation and a belief that teachers do not have the training needed to intervene and prevent these incidents.

**Our organizations supports efforts to expand restorative justice strategies, expand requirements around school bullying, institute student programs focused on intercommunity relations, and require more data collection around the issues of school bullying at our schools.**

[1] CAIR-CA School Bullying Report 2017.  
<https://ca.cair.com/sacval/publications/2017-bullying-report/>

[2] California Asian American & Pacific Islander Youth Report.  
<http://www.searac.org/wp-content/uploads/2018/04/AAPI-Youth-Report-Executive-Summary.pdf>

## Immigrant Rights

There are nearly 6.6 million Asian Americans (AA) living in California of whom more than 3.1 million are foreign-born. In California, there are 300,000 Native Hawaiians and Pacific Islanders (NHPI), 47,000 who are foreign-born. [1] California is home to the largest undocumented Asian population in the nation with 463,310 individuals. [2] AANHPIs are the fastest growing racial group in the state, with the majority of new immigrants in California coming from Asia. [3] Pacific Islanders have a very complex relationship with the United States, some are US Nationals due to living in a US territory; others are Compact of Free Agreement (COFA) migrants, while others are immigrants. California is home to the second largest COFA migrant population. [4]

AAPI immigrant communities are dynamic and diverse but face deep challenges amidst our current environment of xenophobia and federal attacks on key policies and programs. Immigrants and refugees of all backgrounds regardless of immigration status, gender, sexual orientation, socioeconomic status, and encounter with the criminal justice system deserve the same opportunities as everyone else.

**In the coming year, the state must continue to advance innovative policies that help immigrant communities integrate into our communities and thrive.**

## Provide immigration legal services

We seek to ensure that immigrants and refugees regardless of their background have access to trustworthy immigration services and legal representation, especially when facing removal proceedings. Since 2016, California has provided qualified non-profit organizations with funding to provide outreach and education, application assistance, legal services, and technical assistance around immigration relief and naturalization. In 2017, legal representation for deportation defense was included as an area supported by this program. Research at the time had shown that 68% of detained Californians did not have legal representation. [5]

We believe that all Californians deserve fairness and due process regardless of their immigration status or encounter with the criminal justice system. It is vital for the state to continue to invest in these programs that will facilitate the integration, protection, and well being of this population. Throughout the state, there is a huge gap in immigration legal services available to AAPI communities including deportation defense. It is pertinent for the state to invest in this community, and to help build statewide infrastructure with regard to immigration services.

## Ensure linguistic and cultural access for immigrant communities

AAPI communities greatly benefit from programs and policies that integrate immigrants and refugees into the state and their local communities, but many of these programs fail to account for the needs of AAPI immigrants. Generally successful programs such as implementation of the AB 60 Driver's License often do not succeed with AAPI communities due to lack of understanding of community needs as well as language barriers. In California, 1.7 Million Asian Americans are limited English proficient (LEP) while one out of ten PIs is LEP. [6] Language access is an ongoing issue that AAPI communities face in a myriad of state programs. We encourage the incoming administration to strengthen current language access policies by improving existing laws such as the Dymally-Alatorre Bilingual Services Act and ensuring programs are linguistically and culturally accessible to AAPI immigrant communities.

## Detangle local and state law enforcement from deportations

The Trump administration's targeting of immigrants and refugees have put AAPI and AMEMSA communities in a state of perpetual heightened fear. Upon taking office in January 2017, President Trump issued three executive orders that targeted millions of immigrants for deportation. The administration resurrected the controversial Secure Communities (S-Comm) Program, threatened to withhold federal funding from Sanctuary cities, and continues to demand funding from Congress to build a wall along the U.S./Mexico border.

In addition, the Trump administration has substantially delivered on its threat of a "total shutdown of Muslims entering the U.S." through the Muslim Ban, now a permanent order which the U.S. Supreme Court has upheld as constitutional, and Extreme Vetting of their visa of applications. [7] As a result, AMEMSA U.S. citizens and lawful permanent residents (LPRs or green card holders)- particularly from Iran, Libya, Somalia, Syria and Yemen- face indefinite separation from their families to be united. AMEMSA communities continue their lives in legal limbo with anxiety and confusion from the rapidly changing federal immigration policies, discriminatory background checks and surveillance by the Federal Bureau of Investigation (FBI) in a climate of heightened Islamophobia and hate.

The impact of immigration detention and deportations, fueled by local and state law enforcement entanglement with ICE, is one of the biggest threats to the economic integrity and stability of immigrant families in California. The new administration has focused heavily on expanding and deepening its use of local and state law enforcement as force multipliers for ICE, thereby making immigrants fearful of every interaction with local and state law enforcement.

California has been on the forefront of passing laws that disentangle local and state law enforcement from deportation including the TRUST Act in 2013 and the TRUTH Act in 2016.

In 2016, California introduced SB 54, the California Values Act, which was the strongest and most comprehensive legislation limiting local and state involvement in immigration enforcement in the country. However, through negotiations with local law enforcement associations, moderate members of the legislature, and the Governor's Office, SB 54 was amended a number of times to take out numerous protections and to add in a long list of exceptions.

The final version of the bill, which was signed into law prohibits the 287(g) program, prohibits responses to all ICE holds requests, places some limits on local law enforcement providing ICE with release dates and transferring individuals to ICE custody, protects work and home addresses from being released to ICE unless this information is

already available to the public, prohibits law and state law enforcement from inquiring about immigration status, and prohibits arrests for immigration enforcement purposes. SB 54 also requires public agencies, including hospitals, schools, courthouses, and libraries to adopt model policies, which were developed by the state attorney general, to limit assistance with ICE to the fullest extent under federal and state law. Some local law enforcement agencies have exploited loopholes in the law to continue to allow ICE access to the jails, publish online and notify ICE of release dates of individuals in their custody, transfer individuals into ICE custody, and assist ICE in detaining and deporting individuals in joint taskforce operations.

In the coming year, we recommend that the Governor's Office support legislation that would close loopholes in SB 54 and extend protections in SB 54 to apply to state prisons.

We also urge the Governor's Office to collaborate with the California Attorney General's Office to monitor compliance with SB 54 by local and state law enforcement and public agencies required to adopt model policies that limit assistance with ICE to the fullest extent under federal and state law.

In support of our AMEMSA communities, we should also refuse to participate in Countering Violent Extremism ("CVE") and Preventing Violent Extremism ("PVE") surveillance programs, which are based on the discriminatory premise that certain religious and ethnic communities are inherently

suspect and prone to violence. These programs were initiated by the federal Department of Justice (DOJ) and Department of Homeland Security (DHS) and intended to root out "radicalism" primarily in American Muslim communities through partnerships with local government and community groups who serve the targeted populations. CVE and PVE's reliance on pre-established "indicators" to identify individuals on the "path to radicalization" has been roundly criticized as based on junk science, and as ineffective as a counter-terrorism tool. CVE and PVE also chill First Amendment protected activities of freedom of religious expression and association, because the "indicators" at play have included items as innocuous as frequent mosque attendance and wearing religious garb. CVE and PVE programs have faced strong and effective opposition from civil rights and community groups serving the impacted populations, and for good reason. [8] Our state should not only reject CVE and PVE, it should decline to continue to participate in any existing program, including the PVE program currently coordinated by the State's Office of Emergency Services.

## **Use the governor's pardon power to protect refugees**

California's prison boom and ever expanding criminal laws over the past three decades have contributed to the criminalization of many Southeast Asian Americans (SEAA), who came to this country as refugees fleeing genocide and the Vietnam War. Most of these refugees were resettled by the US government in impoverished, overpoliced communities that had few economic opportunities.

Due to harsh immigration laws passed in 1996 that allow the federal government to take away green cards from immigrants and refugees for a wide range of criminal offenses and with little due process, these communities are especially vulnerable to deportation.

From 1977 to 1997, the arrest rates for Asian American and Pacific Islander youth increased by 726%. During the 1990s, the AAPI prison population grew by 250%. This increased exposure to the criminal justice system has contributed to more than 16,000 Southeast Asian community members receiving final orders of deportation since 1998.

Over 13,000 of these deportation orders are based on old criminal records. However, many of these communities members could not be deported because the U.S. did not have repatriation agreements with a number of Southeast Asian countries.

The number of SEAs being targeted for deportation dramatically increased last year following the Trump Administration's sanctioning of Southeast Asian countries, which has led to waves of ICE raids targeting Southeast Asian refugees, including individuals from Cambodia and Vietnam. The sudden and forcible removal of Southeast Asian refugees from their communities will have lasting negative financial, physical, and emotional effects - not only on the individuals who are deported, but also on their families.

The Governor of California has the power to protect many of these vulnerable community members through granting pardons. Pardons allow deportation orders based on state criminal convictions to be reopened. However, the pardon process is not transparent and not efficient.

Recently, AB 2845 was signed into law to improve the transparency and accessibility of the pardon and commutations process. In particular, the new law establishes a one-year timeline for the Board of Parole Hearings (BPH) to review and issue recommendations on pardon applications supported by a Certificate and Rehabilitation. AB 2845 also requires BPH to consider expediting their review of urgent pardon and commutation applications, such as when an applicant is facing deportation. Finally, the new law requires BPH to notify applicants when they receive a pardon or commutation application, and when they issue a recommendation to the Governor.

It should be noted, however, that BPH's main responsibilities are conducting parole hearings, and have not been specifically funding or staffed to review pardon and commutation requests. Thus, relying on BPH to review and expedite pardon and commutations requests involving urgent issues, such as deportation, poses challenges.

**We recommend that the Governor's Office support legislation to create an independent panel separate from BPH comprised of a diverse make up of individuals with expertise in immigration law and community-based reentry strategies, to review and make recommendations on pardon and commutation requests.**

**We also recommend that the Governor's Office grant mass pardons to immigrants and refugees facing deportation who have demonstrated that they have rehabilitated. The Governor's Office also should expedite these applications for pardons, involving urgent needs such as deportation, because ICE has been focused on speeding up deportations and for pardons to have any impact, they must be granted in a timely manner.**

[1] <https://www.advancingjustice-la.org/community-contrasts-asian-americans-native-hawaiians-and-pacific-islanders-california> P. 14-15

[2] <http://aapidata.com/undocumented/>

[3] <http://www.ppic.org/publication/immigrants-in-california/>

[4] <https://advancingjustice-la.org/what-we-do/policy-and-research/demographic-research/community-contrasts-native-hawaiians-and-pacif-0> P.17-19

[5] <https://www.nilc.org/wp-content/uploads/2016/06/access-to-counsel-Calif-coalition-report-2016-06.pdf>

[6] <https://www.advancingjustice-la.org/community-contrasts-asian-americans-native-hawaiians-and-pacific-islanders-california> P.16-17

[7] <https://www.advancingjustice-alc.org/wp-content/uploads/2018/06/KYR-for-SCOTUS-Muslim-Ban-Decision.pdf>;

<https://www.advancingjustice-alc.org/wp-content/uploads/2018/09/Muslim-Ban-3.0-Anniversary-Facts-Sheet.pdf>

[8] <https://www.oregister.com/2018/08/16/la-mayor-turns-down-425k-in-federal-funding-to-counter-violent-extremism-after-opposition-from-civil-rights-groups-stalls-process/>; [https://www.advancingjustice-la.org/media-and-publications/press-releases/los-angeles-mayors-office-declines-cve-funds#.W\\_u0y2hKh68](https://www.advancingjustice-la.org/media-and-publications/press-releases/los-angeles-mayors-office-declines-cve-funds#.W_u0y2hKh68)

## The 2020 Census

The importance of the census is unequivocal. The decennial count of our country's population determines the number of congressional seats allocated to states, guides the distribution of over \$600 billion in federal funds each year, and is used to enforce civil rights laws that guarantee our rights as Americans. Yet the 2020 Census is shaping up to be one of the most challenging in recent memory. While enumerating our country's population is more difficult than ever, decisions being made by the Trump administration threaten the U.S. Census Bureau's ability to conduct an accurate census, with recent immigrants and those facing language barriers among those most likely to be left uncounted. Home to disproportionate numbers of the hard-to-count, California risks losing a Congressional seat and countless federal funds.

## Increase state funding for community-based outreach

Responding to budgetary and programmatic attacks at the federal level, the state of California announced a \$90.3 million investment in state support for census planning and outreach over the two-year period leading up to the census. While historic, the \$30 million allocated to community-based organizations falls short of the \$114 million necessary to support critical on-the-ground work, including in-language community education, engagement, and questionnaire assistance. As the Census Bureau implements dramatic reductions in the size of its field operation, it is particularly important that community-based organizations and other trusted messengers with deep knowledge of and connection to the hardest to count be adequately resourced to participate in efforts to ensure a fair and accurate count of all Californians. We urge the Governor to allocate an additional \$15 million over 2019 and 2020 to support the work of community-based organizations on the 2020 Census.

## Ensure robust language assistance

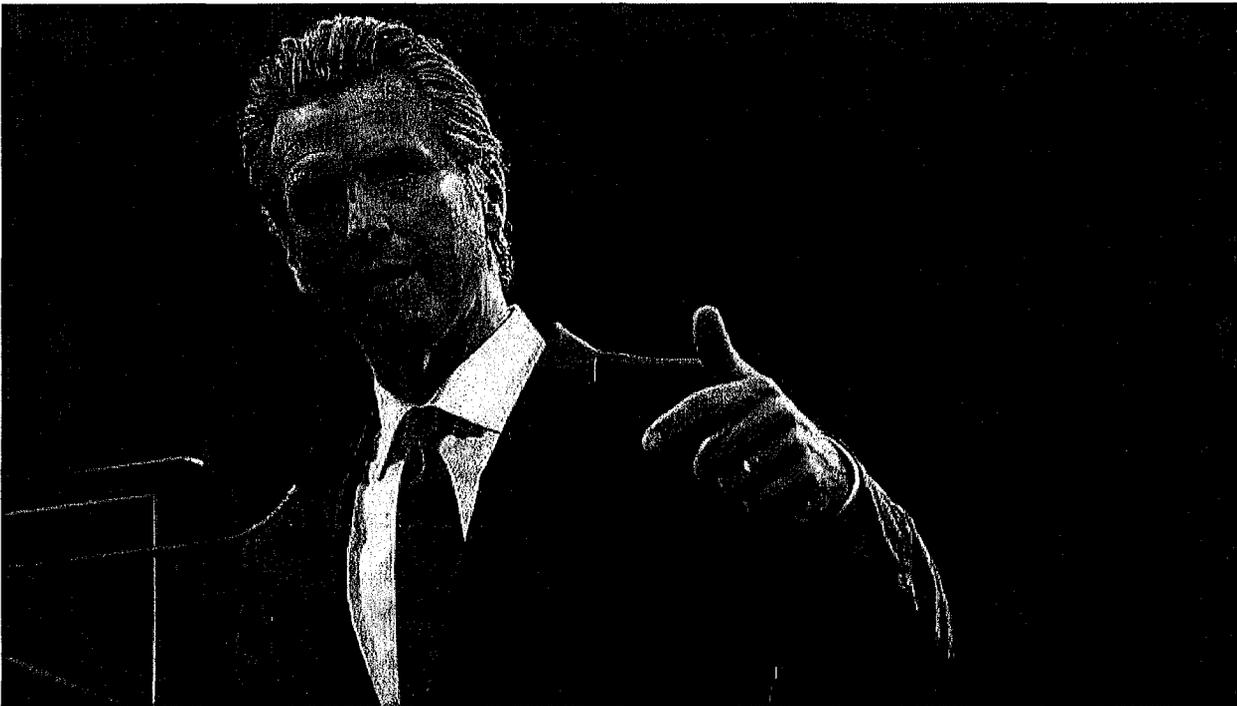
Given the considerable number of limited-English proficient Asian Americans and NHPs living in California, in-language engagement will be critical to a complete count.

# In a rebuke to President Trump, Gov. Newsom pardons refugees facing deportation

By PHIL WILLON and ANITA CHABRIA

MAY 13, 2019 | 6:10 PM

| SACRAMENTO



Gov. Gavin Newsom on Monday pardoned seven Californians convicted of crimes, including two Cambodian refugees facing deportation by the Trump administration. (Rich Pedroncelli / Associated Press)

California Gov. Gavin Newsom on Monday pardoned seven former felons, including two Cambodian refugees the Trump administration wants to deport, in his first acts of clemency since the Democrat took office in January.

Newsom adopted a policy of his predecessor, former Gov. Jerry Brown, to use his state constitutional authority to issue pardons to shield immigrants targeted by federal immigration officials.

The pardons are an unmistakable rebuke to President Trump, whose fiery anti-immigrant rhetoric and demands for a giant wall along the U.S.-Mexico border have been central to the escalating political feud between Newsom and the White House.

Newsom took another shot at Trump just hours before announcing the pardons while speaking to members of the Asian Pacific Islander American Public Affairs Assn., a national nonprofit, nonpartisan advocacy organization based in Sacramento. Newsom compared Trump to the anti-immigrant “demagogues” in San Francisco who championed the federal Chinese Exclusion Act of 1882 — the nation's first immigration ban on a specific group of people.

“I’m constantly trying to understand the moment we’re living in, the xenophobia, the nativism that marks the populism of this moment,” Newsom said. “Any of us who are students of history know that it’s not without precedent. It’s not novel. It’s hardly new. It’s very familiar.”

#### Trump restricts asylum further but faces legal and financial limits »

One of the Cambodian refugees pardoned by Newsom, Hay Hov of Oakland, was taken into custody by Immigration and Customs Enforcement officials in March. He has since been released.

Hov, a naturalized citizen who arrived in the United States in 1985 as a legal refugee when he was 6, was convicted of solicitation to commit murder and participation in a criminal street gang in 2001, when he was 21, according to the Newsom administration.

The other refugee, Kang Hen of San Francisco, like Hov, fled to the Bay Area with his family to escape the Cambodian genocide in the 1980s. Hen was convicted of grand theft in 1994 when he was 18. Hen, who has a 4-year-old son and a partner with kidney and heart problems, was taken into custody by ICE in April.

Both Hov and Hen are being processed for deportation to Cambodia. The pardons do not automatically end a deportation effort but remove the underlying criminal offense that triggered the federal removal actions.

The pardons come as the federal government continues a crackdown on the Cambodian community that began in 2017 when Trump forced Cambodia to agree to take back more deportees. Many of the Cambodians facing deportation were refugees from the brutal Khmer Rouge regime that killed thousands, and came to the United States legally as children. They have few memories or ties to the country. But because they committed crimes, even if convicted decades ago, they can be deported.

In the 2016 fiscal year, ICE reported removing 74 Cambodians. In 2017, 29 Cambodians were removed. In 2018, that number has jumped to 110 thus far.

<https://www.latimes.com/politics/la-pol-ca-gavin-newsom-pardon-immigrant-trump-20190513-story.html>

ICE reported that, as of March 26, there were 1,784 non-detained Cambodians nationals in the United States with a final order of removal. Of those, 1,294 had criminal records. All seven of the people Newsom pardoned on Monday had completed their prison sentences.

“By granting these pardons to people who are transforming their lives, the Governor is seeking to remove barriers to employment and public service, restore civic rights and responsibilities and prevent unjust collateral consequences of conviction,” the governor’s office said in a statement released Monday afternoon.

The other five people pardoned committed offenses that varied from selling or possessing drugs to forgery.

Brown granted a historic 1,332 pardons and 283 commutations during his last two terms as governor. However, the California Supreme Court rejected 10 grants of clemency issued by Brown, the first time the high court has blocked a pardon or commutation in more than 50 years.

The court did not issue an explanation for the action. Under the California Constitution, the governor cannot grant a pardon or commute a sentence of anyone convicted of two separate felonies without the approval of the state Supreme Court.

None of the people whom Newsom pardoned on Monday had multiple felonies, according to a governor’s office spokesperson.

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OAKLAND

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OFFICE OF THE CITY CLERK  
OAKLAND

Approved as to Form and Legality

  
City Attorney's Office

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## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

INTRODUCED BY COUNCILMEMBER NIKKI FORTUNATO BAS AND  
COUNCILMEMBER SHENG THAO

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RESOLUTION CONDEMNING DEPORTATIONS OF SOUTHEAST ASIAN REFUGEE COMMUNITIES BY THE TRUMP ADMINISTRATION'S IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE); RESPECTFULLY URGING GOVERNOR NEWSOM TO GRANT PARDONS FOR REHABILITATED FORMERLY INCARCERATED SOUTHEAST ASIAN INDIVIDUALS; AND RESPECTFULLY URGING ALAMEDA COUNTY DISTRICT ATTORNEY O'MALLEY TO COLLABORATE WITH THE PUBLIC DEFENDER TO REOPEN OLD CASES AND LOWER OFFENSIVES TO NON-DEPORTABLE CHARGES

**WHEREAS**, California is home to nearly a million Southeast Asians originating from Cambodia, Vietnam, and Laos; and

**WHEREAS**, between 1975 to the early 1990s, the United States accepted hundreds of thousands of Southeast Asians escaping the Vietnam War and Khmer Rouge genocide of Cambodia; and

**WHEREAS**, at least 1.7 million people, nearly a quarter of Cambodia's population, were killed by execution, disease, starvation and overwork under the Khmer Rouge's brutal regime from 1975 to 1979; and

**WHEREAS**, the majority of these individuals seeking refuge settled in large California cities like Oakland, San Francisco, San Jose, Fresno, Long Beach, and Los Angeles; and

**WHEREAS**, these individuals and their families were typically placed in areas in these communities with concentrated poverty, inadequate economic and social supports, violence in their neighborhoods, and under resourced and failing public schools, which increased exposure to the risk factors that lead to criminal activity and the criminal justice system, resulting in Southeast Asian American young people becoming disproportionately involved with gangs and violence, further compounded by high rates of post-traumatic stress disorder from having experienced one of the worst genocides of the 20th century; and

**WHEREAS**, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 expanded the definition of what type of crime could result in deportation, and also allowed this expanded definition to be applied retroactively; and

**WHEREAS**, the Southeast Asia Resource Action Center (SEARAC) estimates the aforementioned 1996 legislation impacted more than 16,000 Southeast Asian Americans who have received final orders of deportation, and more than 13,000 of which are based on old criminal records, and many of these community members were refugees fleeing the Vietnam War and Cambodian genocide and were small children when they resettled in this country; and

**WHEREAS**, President Trump and his administration have continued to place harsh limits on immigration and asylum in national policy and particularly targeted individuals in the reentry community; and

**WHEREAS**, decades after Southeast Asian refugees who as young people were arrested, convicted of crimes, and later released, are now as a result of those convictions facing deportation to a country in many cases they do not know nor have a living relative; and who accepted plea deals not realizing the resulting immigration consequences; and

**WHEREAS**, our rehabilitated formerly incarcerated Southeast Asian community, many of whom are Oakland residents, have become loving and responsible family members, parents, caregivers for elderly parents, homeowners, and employees contributing to the local economy; and

**WHEREAS**, Oakland-based community organizations such as the Asian Prisoner Support Committee (APSC) and Center for Empowering Refugees and Immigrants (CERI), along with Asian Americans Advancing Justice - Asian Law Caucus, are working relentlessly to protect and advocate for formerly incarcerated Southeast Asian community members facing imminent deportation; and

**WHEREAS**, these community advocates' and public interest lawyers' efforts aim to protect people within broken and fragmented immigration and criminal justice systems and in a climate of hate and violence enabled by a White Supremacist President leading our federal government; and

**WHEREAS**, studies have shown the enormous toll that the deportation of a parent takes on children, and children who lose a parent to deportation are far more likely to drop out of school and as a result are at greater risk of entering the criminal justice system themselves and perpetuate cycles of violence and poverty; now, therefore, be it

**RESOLVED:** That the City of Oakland vehemently condemns the deportations of rehabilitated Southeast Asian American community members; and be it

**FURTHER RESOLVED:** That the City of Oakland will not be silent or passive as the xenophobic and racist Trump Administration continues to separate families and attack marginalized communities such as our DREAMers, our Muslim community, our Transgender community, and now our rehabilitated formerly incarcerated Southeast Asian community; and be it

**FURTHER RESOLVED:** That the City of Oakland urges Governor Gavin Newsom to use his clemency power to grant pardons for individuals under imminent deportation orders from ICE as recognition that people can change their lives and make amends, including Oakland resident Roeun Pich; and be it

**FURTHER RESOLVED:** That the City of Oakland urges Alameda County District Attorney Nancy O'Malley to proactively work with the Alameda County Public Defender to reopen old cases and lower offensives to non-deportable charges; and be it

**FURTHER RESOLVED:** That the City of Oakland calls upon the Alameda County Sheriff's Office to immediately end collaboration with the Trump Administration's ICE in the deportation of Southeast Asian Americans whose crimes occurred more than ten years ago, because the City honors these individuals as valuable, contributing members of our community and society, and further, our City honors the American values of rehabilitation, restorative justice, and second chances; and be it

**FURTHER RESOLVED:** That copies of the resolution be sent to Governor Newsom, Alameda County District Attorney O'Malley, and the Alameda County Sheriff's Office.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND  
PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST:

\_\_\_\_\_  
LATONDA SIMMONS  
City Clerk and Clerk of the Council of the  
City of Oakland, California