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SR-16 (2017-2018)

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ENROLLED JANUARY 31, 2017

PASSED IN SENATE JANUARY 30, 2017

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

SENATE RESOLUTION

NO. 16

Introduced by Senators De León, Allen, Atkins, Beall, Bradford, Dodd, Galgiani, Glazer, Hernandez, Hertzberg, Hill, Hueso, Jackson, Lara, Leyva, McGuire, Mendoza, Mitchell, Monning, Newman, Pan, Portantino, Roth, Skinner, Stern, Wieckowski, and Wiener

January 30, 2017

Relative to immigration

LEGISLATIVE COUNSEL'S DIGEST

SR 16, De León.

WHEREAS, The United States was founded as a refuge for those escaping religious and political persecution; and

WHEREAS, Wave after wave of immigrants seeking a better life have enriched our nation's culture, increased our productivity and innovation, and bolstered our economy; and

WHEREAS, President Donald J. Trump signed an executive order on January 27, 2017, that desecrates our American values and panders to fears and nativist instincts that have resulted in some of our nation's most shameful acts; and

WHEREAS, The executive order bans individuals from the predominately Muslim countries of Sudan, Syria, Yemen, Iran, Iraq, Libya, and Somalia from entering the United States for 90 days, prevents all refugees from entering the United States for 120 days, and indefinitely suspends the entry of refugees from Syria; and

WHEREAS, The executive order titled "Protecting the Nation From Foreign Terrorist Entry Into the United States" ignores the fact that those being denied entry are themselves victims of terrorism and are fleeing the savagery, death, and destruction of the Syrian civil war; and

WHEREAS, The executive order is an affront to religious freedom — a principle so cherished by our nation's founding fathers that it was included in the First Amendment to the United States Constitution; and

WHEREAS, The executive order was executed in a haphazard manner without having been fully vetted by the very departments charged with protecting our national security, such as the federal Department of Homeland Security, the United States Department of Justice, the United States Department of State, and the United States Department of Defense; and

WHEREAS, As an immediate result of the executive order, individuals in possession of current visas have already been detained or turned around at airports across the country, resulting in chaos, confusion, deep anxiety, and hardship; and

WHEREAS, Under this executive order, an estimated 134 million people are now temporarily barred from entering or reentering the United States, in addition to hundreds of thousands of current United States visa holders, including dual nationals who were born in one of the impacted countries but who also have citizenship in another unlisted country; and

WHEREAS, The executive order is against our national interests as it exacerbates the United States' anti-Muslim reputation, providing a recruitment tool for terrorist organizations while alienating the more than 3.3 million Muslims living in the United States; and

WHEREAS, While President Trump has falsely stated there is no refugee-vetting system in place, refugees are subjected to the most stringent vetting system of any traveler seeking entry into the United States — a system that can take up to two years or longer to complete; and

WHEREAS, While the executive order references the September 11, 2001, terrorist attacks as why his executive order is necessary, the 19 terrorists who carried out the attacks were from countries not listed in the ban — Saudi Arabia, Egypt, Lebanon, and the United Arab Emirates; and

WHEREAS, Over fifty years ago, the federal Immigration and Nationality Act of 1965 banned all discrimination against immigrants on the basis of national origin, in order to eliminate prejudice and bias from the immigration process and provide all countries with equal access to the quotas; and

WHEREAS, The federal Immigration and Nationality Act of 1965 explicitly limits presidential authority by stating that no person could be "discriminated against in the issuance of an immigrant visa because of the person's race, sex, nationality, place of birth, or place of residence," and the only exceptions are those expressly granted by the United States Congress; and

WHEREAS, The executive order seeks to resurrect discriminatory immigration policies based on national origin and, therefore, is in direct violation of this long-standing federal law; and

WHEREAS, The history of the United States includes shameful actions beginning in the late nineteenth century, including exclusionary laws targeted at the Chinese, Japanese, and all Asians in the so-called Asiatic Barred Zone, and the "national-origins system," which aimed to exclude most Eastern Europeans, Asians, and Africans from entry into the United States; and

WHEREAS, There is no darker stain on the moral character of our nation's refugee history than the refusal to accept hundreds of German Jews who, in 1939, sought to escape the Third Reich; and

WHEREAS, 937 mostly German Jews boarded the transatlantic liner St. Louis at Hamburg, Germany, but the ship was refused permission to dock in Cuba and then in the United States; and

WHEREAS, The St. Louis returned to Europe where 254 of its passengers were murdered during the Holocaust; and

WHEREAS, President Trump's signing of his executive order on Holocaust Remembrance Day is an insult to the six million Jews who were exterminated by the Nazis and displays an immoral callousness toward the welfare of the children, women, and men fleeing a brutal civil war; and

WHEREAS, The day after the executive order was issued, a class action lawsuit was filed and a federal district court in New York issued an emergency stay, which will stop federal officials from deporting individuals with approved refugee applications, holders of valid visas, and people from the seven impacted countries who have secured authorization to enter the United States; and

WHEREAS, This court decision by Judge Ann M. Donnelly states, "There is imminent danger that, absent the stay of removal, there will be substantial and irreparable injury to refugees, visa holders, and other individuals from nations subject to the January 27, 2017, executive order"; and

WHEREAS, Federal courts throughout the nation have also issued emergency stays, which will stop federal officials from deporting individuals with approved refugee applications, holders of valid visas, and people from the seven impacted countries who have secured authorization to enter the United States; now, therefore, be it

Resolved by the Senate of the State of California, That the Senate condemns this executive order as a discriminatory overreach that illegally targets immigrants based on their national origin and religion, and urges the President of the United States to immediately rescind the executive order; and be it further

Resolved, That the Senate urges the federal Department of Homeland Security to comply with the federal court orders as quickly as feasible and immediately permit detained individuals to have timely access to legal counsel; and be it further

Resolved, That the Senate commends the hundreds of attorneys across the nation who volunteer their time and services to ensure the due process rights and equal protection of these refugees and legal permanent residents, and the thousands who have peacefully protested to uphold our American values; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the author for appropriate distribution.