

[Resolution declaring the City and County of San Francisco a "City of Refuge"]
RESOLUTION DELCARING THE CITY AND COUNTY OF SAN FRANCISCO A
"CITY OF REFUGE" FOR BI-NATIONAL SAME SEX COUPLES

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4 WHEREAS, the principle of "family unification" is a sacred cornerstone of United States
5 immigration law, holding that US citizens are entitled to sponsor their closest family
6 members for immigration into the US; and,

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8 WHEREAS, lesbian and gay Americans are now cruelly prevented from sponsoring their
9 foreign partners for immigration into the US, and are therefore excluded from the benefits
10 of the "family unification" principle; and,

11 WHEREAS, the United States has international peers, some of the world's strongest
12 democracies, such as Australia, Belgium, Canada, Denmark, Finland, France, Iceland,
13 The Netherlands, New Zealand, Norway, South Africa, Sweden, and the United
14 Kingdom, all of which recognize the rights of their citizens to sponsor same sex partners
15 for immigration; and,

16 WHEREAS, the Vermont Supreme Court ruled in December, 1999 that same sex couples
17 must be accorded the same legal protections and benefits currently enjoyed by
18 heterosexual couples; and,

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20 WHEREAS, American courts have repeatedly held that laws are to apply equally to every
21 citizen, and yet different sex marriage is accorded over 1000 benefits under federal laws
22 and same sex marriage is accorded none; and,

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24 WHEREAS, as a consequence of this discrimination, thousands of same sex couples are
25 forced apart or live in a state of constant fear of deportation, even if they are raising

children together, own property together, or have been together for decades in relationships acknowledged by their peers and community; and,

WHEREAS, hundreds of claims for US asylum based on sexual orientation have been granted since it became an option in 1994, making clear the real dangers some gay/lesbian individuals face in their home countries; and,

WHEREAS, the Attorney General of the State of California, relying on the 9th Circuit Court of Appeals decision in Gonzalez vs City of Peoria, has determined that the civil enforcement of immigration law is within the exclusive jurisdiction of the federal government, and further concluded that local and state officials "have no duty to report to the Immigration and Naturalization Service knowledge they might have" about a person's immigration status, and further, that their failure to do so does not constitute any failure to obey local, state and federal law; now, therefore, be it

RESOLVED, The San Francisco Board of Supervisors declares that the City and County of San Francisco a "City of Refuge" for same sex binational couples; and be it

FURTHER RESOLVED, that the City and County of San Francisco requests the State Department recommend that the Immigration and Naturalization Service grant same sex couples the same immigration rights and responsibilities accorded heterosexual couples; and be it

FURTHER RESOLVED, the City and County of San Francisco finds that immigration policy is a matter of federal jurisdiction; that therefore federal employees, not City employees, are responsible for its implementation; and be it

FURTHER RESOLVED, that the City and County of San Francisco urges the Mayor, and the City Administrator, to advise the commissions and departments under their

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respective jurisdictions of this fact of law; and that City Departments and employees shall not jeopardize the well-being of any same sex couple living in San Francisco by acting in a way that may cause the deportation of a foreign partner unjustly excluded from the family reunification benefits of US immigration law; and be it

FURTHER RESOLVED, that the City and County of San Francisco affirms its support of a change in federal immigration law to recognize the rights of same sex binational couples; and be it

FURTHER RESOLVED, that copies of this resolution be sent to the California Congressional delegation, the Commissioner of the Immigration and Naturalization Service, the State Department and the President of the United States.



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails
Resolution

File Number: 000113

Date Passed:

Resolution declaring the City and County of San Francisco a "City of Refuge" for bi-national same sex couples.

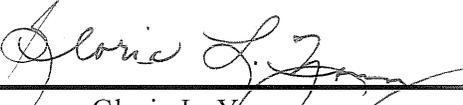
February 7, 2000 Board of Supervisors — ADOPTED

Ayes: 8 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom

Absent: 3 - Teng, Yaki, Yee

File No. 000113

I hereby certify that the foregoing Resolution was ADOPTED on February 7, 2000 by the Board of Supervisors of the City and County of San Francisco.


Gloria L. Young
Clerk of the Board

FEB 18 2000

Date Approved


Mayor Willie L. Brown Jr.