

1 [Supporting Reunification of Immigrant Families Divided By Deportation - Senate Bill 1064 and
2 House Bill 6128]

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4 **Resolution supporting the California Senate Bill 1064 (Reuniting Immigrant Families**
5 **Act) and Federal House Bill 6128 (Help Separated Families Act) of 2012 that work to**
6 **keep families united and to reduce the amount of children placed in foster care as a**
7 **result of immigration enforcement action, and urging state and federal legislators to**
8 **support these bills.**

9
10 WHEREAS, Since June of 2009, the U.S. Immigration and Customs Enforcement
11 (ICE) has deported over 75,000 residents of California through the “Secure Communities”
12 program (“S-Comm”), which requires the sharing of fingerprint information at the point of
13 booking by local or state law enforcement with the Department of Homeland Security/ICE;
14 and

15 WHEREAS, Since the implementation of S-Comm, about 70% of individuals deported
16 as a result of the program have no criminal record, or have been found to have committed
17 low level crimes; and

18 WHEREAS, It is estimated that 22% of undocumented parents deported from the U.S.
19 in 2010 have U.S. born children; and

20 WHEREAS, According to a 2011 report by the Applied Research Center, in the first
21 six months of 2011, the federal government deported more than 46,000 parents of U.S.
22 citizen children nationwide; and

23 WHEREAS, It is exceedingly difficult for immigrants who have been detained by ICE
24 or who are in the deportation process to maintain contact with dependency courts or attend
25

1 custody hearings within the time frame required by law for the purpose of family
2 reunification; and

3 WHEREAS, When parents fail to appear at custody hearings their children are
4 deemed “abandoned,” and the courts often terminate parental rights, very often leading to
5 permanent separation of parent and child; and

6 WHEREAS, When reunification is not possible, although child welfare policy
7 prioritizes placing children with relatives, these placements often do not happen in immigrant
8 families because undocumented relatives are deemed to live in unstable or unsafe
9 situations; and,

10 WHEREAS, There are at least 5,100 children nationwide in the child welfare system
11 as a result of their parents being placed in immigration detention or being deported, and this
12 number is expected to rise to 15,000 in the next five years; and

13 WHEREAS, Most child welfare departments lack systemic policies to keep families
14 united when parents are detained or deported; and

15 WHEREAS, The Reuniting Immigrant Families Act (SB 1064-De León) is a pending
16 state bill that will eliminate family reunification barriers in the child welfare system for families
17 that have been separated by deportation: on file with the Clerk of the Board of Supervisors in
18 File No.____, which is hereby declared to be a part of this resolution as if set forth fully
19 herein; and

20 WHEREAS, Senate Bill 1064 will:

21 (1) Authorize the court to provide an extension in the family reunification period so
22 that child welfare agencies can provide a more diligent search for parents who
23 may be detained or deported, or help find a potential relative placement.

24 (2) Affirm that immigration status per se is not a disqualifying factor in evaluating
25 placement of a child with a relative (including a child’s own parents).

1 (3) Require the California Department of Social Services to provide guidance to social
2 workers on referring children eligible for Special Immigrant Juvenile Status and
3 other immigration relief options to receive assistance in acquiring protective status.

4 (4) Require the California Department of Social Services to provide guidance to
5 counties and municipalities to establish Memorandums of Understandings with
6 appropriate foreign consulates in child care custody cases; and

7 WHEREAS, The Help Separated Families Act of 2012 (HR 6128 – Roybal-Allard, D
8 CA 34) is a pending federal bill that will eliminate family reunification barriers in the child
9 welfare system for families that have been separated by deportation: on file with the Clerk of
10 the Board of Supervisors in File No. _____, which is hereby declared to be a part of this
11 resolution as if set forth fully herein; and

12 WHEREAS, House Bill 6128 will:

13 (1) Prohibit immigration status from being a disqualifying factor in evaluating
14 placement of a child with a relative (including a child's own parent);

15 (2) Clarify that certain forms of foreign identification are sufficient for purposes of a
16 background check on the relative placement;

17 (3) Ensure that questions about caregivers' immigration status are limited to purposes
18 of eligibility for relevant programs or services;

19 (4) Allow for waivers of certain requirements that would prevent the placement of a
20 child with a relative due to a minor legal infraction; and

21 (5) Prevent child welfare agencies from filing for termination of parental rights in cases
22 where a parent's involvement in immigration proceedings is the main reason a
23 child is in foster care, unless the state has made reasonable efforts to locate and
24 contact the parent of the filing and made reasonable efforts to reunify the child;
25 and

1 WHEREAS, San Francisco is a sanctuary-city that prevents City officials from
2 inquiring about immigration status in the course of routine city service provision; and

3 WHEREAS, These bills would allow all residents of San Francisco, regardless of
4 their immigration status, to apply for guardianship of a child and provide them a stable home
5 in the wake of immigration detention and deportation; now, therefore, be it

6 RESOLVED, That the San Francisco Board of Supervisors supports passage of The
7 Reuniting Immigrant Families Act (SB 1064-De León) in California and passage of The Help
8 Separated Families Act of 2012 (HR 6128-Roybal-Allard) in the United States; and be it

9 FURTHER RESOLVED, That the San Francisco Board of Supervisors calls upon the
10 California legislature, Governor Jerry Brown, and Attorney General Kamala Harris to support
11 passage of SB 1064; and the U.S. Congress, Congresswoman Nancy Pelosi, California
12 Senator Barbara Boxer, and Senator Dianne Feinstein to support passage of HR 6128-
13 Roybal-Allard; and be it

14 FURTHER RESOLVED, That the San Francisco Board of Supervisors directs the
15 Clerk of the Board to send a copy of this resolution to California Senator Kevin De León,
16 Assemblymember Fiona Ma, Assemblymember Tom Ammiano, Senator Mark Leno, Senator
17 Leland Yee, U.S. Representative Lucille Roybal-Allard, U.S. Congresswoman Nancy Pelosi,
18 Senator Barbara Boxer, and Senator Dianne Feinstein.