

From: [Wong, Linda \(BOS\)](#)
To: [Jalipa, Brent \(BOS\)](#)
Subject: FW: Written Comment: NO BUDGET CUTS
Date: Wednesday, July 29, 2020 4:35:59 PM

From: Linda Ereikat <linda@araborganizing.org>
Sent: Wednesday, July 29, 2020 4:23 PM
To: Wong, Linda (BOS) <linda.wong@sfgov.org>
Cc: AROC <info@araborganizing.org>
Subject: Written Comment: NO BUDGET CUTS

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Dear Linda Wong,

My name is Linda Ereikat and I am a coordinator at the Arab Resource and Organizing Center in San Francisco. Like the other amazing organizations in SFILN, our dynamic services are able to exist because of the existence of SFILN and the City of San Francisco's commitment to immigrant rights and empowerment. I am urging you to take a stand against the proposed budget cuts on our programs.

Like most abled people, I am working from home during this global pandemic. As an administrative coordinator, my job is to handle phone calls from clients and people in need. I can spend hours telling you about the stories I hear every day about the struggles of the community members which include but are not limited to: health problems, drowning in overdue rent, immigration status threats, lack of accessibility to food, CalFresh benefits being cut off, not being able to receive unemployment, children acting out, needing free mental health services, etc. These are all issues that I often do not have solutions for due to the already tight budget restrictions of our organization and the realities of housing and social system inequities.

These are just a handful of the issues that our community is facing. Our communities rely on our unique organizations that have the cultural competency and language capacity to serve them effectively. The City of San Francisco cutting our funding would mean not caring for the community's needs or potential to thrive. San Francisco is a city of immigrants and it is useless to pride ourselves in being such if we aren't providing the funding for necessary services that directly impact their livelihoods. I hope you take this into consideration.

Sincerely,

Linda Ereikat

--

Linda Ereikat

Administrative Coordinator

www.araborganizing.org

linda@araborganizing.org

415.861.7444

From: [Wong, Linda \(BOS\)](#)
To: [Jalipa, Brent \(BOS\)](#)
Subject: FW: Written Public Comment: Item #2, Assessment for Racial Equity and Vulnerable Populations
Date: Wednesday, July 29, 2020 3:30:08 PM
Importance: High

From: David Imhoff <david@dscs.org>
Sent: Wednesday, July 29, 2020 2:19 PM
To: Wong, Linda (BOS) <linda.wong@sfgov.org>
Cc: Abigail Salazar <abigail@dscs.org>
Subject: Written Public Comment: Item #2, Assessment for Racial Equity and Vulnerable Populations
Importance: High

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Hello,

My name is David Imhoff. I work in San Francisco's Mission District at Dolores Street Community Services, where I coordinate the SF Immigrant Legal & Education Network, also known as SFILEN. SFILEN is a groundbreaking collaborative between 13 community based organizations, providing legal education and services to immigrants from African, Afro-Caribbean, Asian, Arab, and Latinx communities. We work closely with the SF Rapid Response Network and the SF Immigrant Legal Defense Collaborative, as well as countless other community based organizations to ensure all immigrants in San Francisco have access to our life-saving services.

On behalf of our networks, I commend the City's efforts at advancing and investing in an equity agenda and urge you to ensure that immigrant San Franciscans and the organizations that serve them have a seat at the table in this process. **In the context of COVID-19, a just and equitable recovery means building on the social and legal safety net that is already protecting our city's most vulnerable, not scaling back already scarce resources for this work.** Our organizations represent that safety net, and we strongly urge you to protect the essential services that we provide by preventing further cuts to our funding. The SF Rapid Response Network already incurred a \$187,000 cut; additional cuts would be devastating to the thousands of immigrant San Franciscans who call the network's hotline each year.

Immigrants in San Francisco were in crisis long before COVID-19, and they are among the hardest hit by the pandemic. Along with the non-profit sector at large, we are leading a community-based response to COVID-19, and cuts to the sector at this time would have a devastating impact on that response. On the other hand, protecting our programs from further cuts will ensure that our community has access to our critical services during times of most need.

Even in the midst of a global pandemic, immigrants are under relentless political attack. ICE

enforcement continues in the midst of the pandemic, and the federal administration has recently called to exclude migrants from the US Census. They have also moved to dismantle the DACA program as we know it, despite a June US Supreme Court ruling in favor of the program. Our networks need resources in order to fight back against these developments and provide adaptive and responsive services to impacted community members. The City has an opportunity to invest in agile prevention tools like the ones we have developed by maintaining our funding into the 2020-2021 Fiscal year.

Thank you, and please feel to reach out to me with any questions about SFILEN.

Sincerely,

David Imhoff, SFILEN Coordinator

SF Immigrant Legal & Education Network

Dolores Street Community Services

Pronouns: he/him/they/them/él/elle

938 Valencia St., San Francisco, CA 94110

T: (415) 282-6209 x *115 | F: (415) 282-2826

E-mail: david@dscs.org



From: [Wong, Linda \(BOS\)](#)
To: [Jalipa, Brent \(BOS\)](#)
Subject: FW: Support Black equity in San Francisco
Date: Wednesday, July 29, 2020 3:29:59 PM

From: Shervon Hunter <shervonhunter@gmail.com>
Sent: Wednesday, July 29, 2020 2:43 PM
To: Wong, Linda (BOS) <linda.wong@sfgov.org>
Subject: Support Black equity in San Francisco

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Hello BOS!

It is imperative to support our black communities. To no longer have anyi black policies that harm the black community.

I also encourage the city to lead in investing in holistic afrocentric practices.

Thank you

Shervon Hunter

From: [Wong, Linda \(BOS\)](#)
To: [Jalipa, Brent \(BOS\)](#)
Subject: FW: Written Public Comment: Item #2, Assessment for Racial Equity and Vulnerable Populations
Date: Wednesday, July 29, 2020 3:29:28 PM

From: Sarah Lee <sarahl@advancingjustice-alc.org>
Sent: Wednesday, July 29, 2020 12:52 PM
To: Wong, Linda (BOS) <linda.wong@sfgov.org>
Subject: Written Public Comment: Item #2, Assessment for Racial Equity and Vulnerable Populations

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Hi Linda,

My name is Sarah Lee with Advancing Justice - Asian Law Caucus (ALC), which is part of San Francisco Immigrant Legal and Education Network (SFILen). We also work closely with the SF Rapid Response Network (SFRRN). I would like to submit a written comment for Item #2, Assessment for Racial Equity and Vulnerable Populations.

I strongly urge that the City protect funding for essential services for immigrant San Franciscans, and request no further cuts to SFILen and SFRRN. Our immigrant communities were in crisis before the pandemic, and they are hardest hit by COVID-19.

At ALC specifically, we support clients who are detained in ICE custody through providing legal and advocacy support. Incarceration, by design, means people are kept in very close quarters. For months, doctors and advocates have warned that social distancing is impossible in prisons, jails, and detention centers. ICE also systematically deprives immigrants of liberty, amid medical neglect and unsanitary conditions, often in private detention centers that profit at the expense of our collective well being. ICE has confirmed at least 2,700 COVID cases nationwide, but a new study from the [Vera Institute](#) estimates the true number of positive cases could be 15 times higher than what ICE reported mid-May.

SFILen and SFRRN are at the frontlines supporting San Franciscans who've been hit the hardest by the pandemic, especially for those incarcerated. We know that even in the midst of a global pandemic, immigrants are under relentless political attack. Our networks need resources in order to continue providing adaptive and responsive services. We can't play that role without sufficient resources. The City must ensure that it protects the most vulnerable of our communities.

Thank you,
Sarah

--

Sarah Lee (she, her, hers)

Community Advocate - Criminal Justice Reform Program

Asian Americans Advancing Justice – Asian Law Caucus

T: (415) 848-7717

sarahl@advancingjustice-alc.org

www.advancingjustice-alc.org

From: [Wong, Linda \(BOS\)](#)
To: [Jalipa, Brent \(BOS\)](#)
Subject: FW: Written Comments for Budget committee and appropriations Committee Meeting 7/29/20 1pm
Date: Wednesday, July 29, 2020 3:28:16 PM
Attachments: [SFILDC Executive Summary FY 2020.docx](#)

-----Original Message-----

From: Lariza Dugan-Cuadra <lariza@carecensf.org>
Sent: Wednesday, July 29, 2020 1:25 PM
To: Wong, Linda (BOS) <linda.wong@sfgov.org>
Subject: Written Comments for Budget committee and appropriations Committee Meeting 7/29/20 1pm

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The Central American Resource Center --CARECEN of Northern California is the oldest Central American founded, led and serving organization in SF and Northern California.
We fiscally house the San Francisco Immigrant Legal Defense Collaborative, a nationwide model for advancing Due Process in U.S. Immigration Court.

This collaboration cannot sustain any cut to its current annual baseline funding.

- We are legally and ethically obligated to continue representing our current clients until the conclusion of their cases. SFILDC attorneys currently represent more than 800 San Francisco residents that the Federal Government is actively trying to deport from the United States. As the attorneys of record before the San Francisco Immigration Court, SFILDC attorneys are legally and ethically obligated to continue representation until these cases are adjudicated. Due to a backlog of over 70,000 cases in San Francisco alone, most of our clients will not have their cases adjudicated for several more years. As a result, any cut in funding would not allow for a corresponding cut in our caseload deliverables. Instead, a cut in funding would force our partners to carry the legal obligation of continued representation without sufficient funding to cover the costs of that representation.

- Rapid response attorneys allow the Mayor to hold ICE legally accountable for unlawful arrests and violent enforcement actions. SFILDC provides the legal expertise needed to fulfill the promises of HRC and SFILDC in their roles maintaining the hotline, verifying ICE activity, and educating the community as to the resources available through the hotline. Without the attorney responders, on call, 24 hours a day, 7 days a week to provide emergency legal services to San Francisco residents detained by ICE, the hotline would only be an informational tool that provides no real protection to immigrants once they are detained. Our attorneys respond immediately to any confirmed ICE arrest and through their advocacy are able to keep detainees at local facilities instead of being transferred out of state and also prevent ICE officials from removing individuals the day of their arrest, in violation of their due process rights. Furthermore, by responding immediately, our attorneys are able to document unlawful enforcement actions and challenge ICE in both the Immigration Court and Federal District Court when they act unlawfully or use excessive force.

- Our collaborative supports all immigrant communities in San Francisco. By working as a collaborative, our 15 partner agencies, have successfully advocated for individuals from 34 different countries. Our clients come from Central and South America, Asia, South Asia, the Middle East, as well as islands in the Caribbean and Pacific. By working as a collaborative we ensure cultural and language competency to clients of any race, culture or ethnicity. We also have a diverse set of practice areas so that individuals can be placed with agencies based on the agency's area of expertise.

- COVID-19 disproportionately affects the immigrant community in San Francisco. Our clients are the backbone of essential workers in the service industries, while also being more likely to live in crowded, multi-family homes. Our attorneys are also essential workers, who continued to provide legal services to our clients while Shelter in Place orders were in effect.

- San Francisco provides a unique and groundbreaking model for the rest of the country. The private bar can charge \$15,000 or more for a single removal defense case, which most low-income individuals cannot afford. By leveraging the existing infrastructure of our partners and the knowledge and expertise of our technical assistance organizations, we have provided a clear and successful model for how to effectively work towards universal representation in immigration court, which will hold this administration accountable for its attempts to violate the due process rights of immigrants. No other city in the United States has been as successful in providing this level of representation to its residents.

- When we fight, we win. We have been successful in obtaining legal status for our clients in 88% of our completed cases and have terminated removal proceedings for our clients with no form of relief in an additional 3% of our cases. Therefore, we were successful in keeping our clients in San Francisco, with their families in 91% of our completed cases.

- The AOD program helps our collaborative identify SF residents in need of representation and acts as a check on ICE and Immigration Judges. JDC's Attorney of the Day Program relies on SFILDC funding to cover the increasing number of dockets at the San Francisco Immigration Court. Through our SFILDC attorneys we ensure that unrepresented individuals are able to meet with an experienced immigration attorney the day of their hearing to help them advocate for themselves, obtain legal advice and receive referrals to attorneys for full scope representation. Last year, we were able to reach over 2,000 unrepresented individuals through AOD and flag San Francisco residents for additional services provided by SFILDC. SFILDC attorneys also prioritize the juvenile docket for coverage so that no child is expected to go before an Immigration Judge alone in San Francisco. This level of docket coverage would be impossible without funding from SFILDC and participation by SFILDC attorneys.

SFILDC's 15 partner organizations represent a diverse set of expertise, languages, and San Franciscans citywide.

African Advocacy Network (AAN)

Advancing Justice- Asian Law Caucus (ALC)

Asian Pacific Islander Legal Outreach (APILO)

Central American Resource Center (CARECEN) (Fiscal Lead)

Center for Gender & Refugee Studies (CGRS) (TA partner)

Dolores Street Community Services (DSCS)

Immigrant Legal Resource Center (ILRC) (TA partner)

Immigration Center for Women and Children (ICWC)

Justice & Diversity Center of The Bar Association of San Francisco (JDC) (Legal Lead)

Kids in Need of Defense (KIND)

La Raza Community Resource Center (LRCRC)

Legal Services for Children (LSC)

La Raza Centro Legal (LRCL)

Pangea Legal Services (Pangea)

University of San Francisco Immigration and Deportation Defense Clinic (USF)

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Lariza V. Dugan Cuadra

Executive Director/Directora Ejecutiva

lariza@carecensf.org

main: 415-642-4400 | direct: (415) 642-4417

3101 Mission Street, Suite 101, San Francisco, CA 94110 carecensf.org CENTRAL AMERICAN RESOURCE

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SFILDC

SAN FRANCISCO IMMIGRANT LEGAL DEFENSE COLLABORATIVE
COLABORATIVO DE DEFENSA LEGAL DE INMIGRANTES EN SAN FRANCISCO

SFILDC Executive Summary for July 2019-June 2020

African Advocacy Network

Asian Americans Advancing
Justice- Asian Law Caucus

Asian Pacific Islander
Legal Outreach

Central American
Resource Center of
Northern California

Center for Gender and
Refugee Services

Dolores Street
Community Services

Immigration Center for
Women & Children

Immigrant Legal
Resource Center

Justice & Diversity Center

Kids in Need of Defense

La Raza Centro Legal

La Raza Community
Resource Center

Legal Services for Children

Pangea Legal Services

University of San Francisco
Law School, Immigration and
Deportation Defense Clinic

In FY 2020, the San Francisco Immigrant Legal Defense Collaborative (SFILDC) continued in its mission to provide free, high-quality legal representation to San Francisco residents before the San Francisco Immigration Court. Despite new and unprecedented challenges in the last year, our collaborative of 15 agencies -- representing over 1,200 individuals from more than 34 countries -- has been successful in obtaining relief from removal in 91% of our completed cases. Our attorneys are legally and ethically obligated to continue representation of our current caseload of over 800 individuals facing deportation from the United States. Through our legal advocacy, SFILDC ensures family unity, security and safety for our community.

COVID-19 – Several reports confirm that the COVID-19 pandemic has had a disproportionate impact on San Francisco’s immigrant population.¹ Despite barriers related to our access to clients, immigration offices and courts, SFILDC attorneys continued to serve the community through the pandemic.² While the non-detained court postponed most hearings, detained hearings continued. Clients were faced with life-threatening conditions in immigration detention centers with no safeguards to protect them from COVID-19.³ Through zealous advocacy, SFILDC attorneys successfully participated in class action lawsuits, bond hearings and *habeas* petitions which led to the release of nearly half of the detained population under the jurisdiction of the San Francisco Immigration Court. For our non-detained clients, SFILDC attorneys had to balance the challenge of communicating with clients and preparing their cases while working remotely. Many attorneys were denied motions for continuances in their cases and instead were forced to prepare clients for hearings that would eventually be rescheduled -- some through 2023.

CHALLENGES TO EXISTING ASYLUM PROTECTIONS – The administration attacked decades of precedential law by pushing forth policies that eviscerate existing asylum protections. SFILDC attorneys joined several lawsuits by acting as plaintiffs or providing

¹ See Appendix A

² See Appendix B

³ <https://www.counterpunch.org/2020/06/30/ice-is-leaving-immigrants-to-die-in-detention-and-retaliating-when-they-speak-out/>

amicus briefs related to the inhumane policies established by the Trump administration in 2019 and 2020.

Asylees and crime victims were then subject to the rejection of thousands of timely filed affirmative applications due to a draconian change in policy regarding the completion of forms. Essentially, without any warning, USCIS began to reject any application that did not complete every blank space in a form with “N/A” or “None.” This unexpected change caused hundreds of qualified applicants to miss important filing deadlines. Attorneys are now reporting that most affirmatively filed applications are being rejected 2-3 times before USCIS will accept them – a policy that is wasting hundreds of hours of attorney time. The administration then entered into agreements with Central American countries to allow the US Government to remove refugees from the US-Mexican Border to Guatemala, El Salvador and Honduras --countries that are equally plagued with violence and have little to no infrastructure to process asylum cases. Refugees were then faced with a “transit ban”, which requires adjudicators to systematically deny asylum protections to migrants who travelled through Mexico *en route* to the United States. The administration then used the COVID-19 pandemic as justification to close the US-Mexico Border and unlawfully remove asylees in violation of international and US law regarding asylum. Finally, in June 2020, the administration released proposed regulations that essentially gut most asylum protections, so that it will be nearly impossible for judges and asylum officers to grant asylum protection to most applicants.

CHALLENGES TO PROTECTIONS FOR UNACCOMPANIED CHILDREN - With the assistance of pro bono counsel, SFILDC attorneys were successful in obtaining an injunction against the administration in its attempt to deny children protections under the Trafficking Victims Protection Reauthorization Act (TVPRA).⁴ SFILDC organizations were also successful in demanding that the administration abide by the protections of Flores Settlement Agreement, which outlines the standard of care for children in detention facilities and through litigation DHS was ordered to release all children in family detention facilities released to their families by July 17, 2020.⁵ SFILDC organizations are also supporting litigation related to the unlawful removal of unaccompanied children at the US-Mexico border.

PUBLIC CHARGE RULE – Another tactic employed by the administration was the institution of a “Public Charge Rule” in 2019. While this public charge designation does not apply to most SFILDC clients seeking humanitarian relief, the well-publicized change to previous USCIS policy caused many immigrants to reject social services and financial benefits for which they were otherwise eligible. For example, some SFILDC organizations reported that clients feared accessing services at neighborhood health clinics and local food pantries for fear that it would negatively impact their immigration status. SFILDC agencies worked with our TA partners to distribute information in multiple languages to the community to combat this fear and continued to keep our clients informed of their rights as immigrants.

RAPID RESPONSE – The fiscal year began with the threat of mass enforcement actions by the Trump administration, specifically targeting San Francisco and its residents. SFILDC attorneys stood beside Mayor

⁴ J.O.P. v. U.S. Dept. of Homeland Security

⁵ *Flores v. Atty Gen'l Wm. Barr No. 19-56326*

Breed at a press conference on July 12, 2019, spreading the message of “power not panic” and affirming that San Francisco was prepared to respond to any mass enforcement action by ICE.⁶ While the wide scale enforcement actions never materialized, the threats made by the President tested our city’s preparedness and resolve, creating stronger regional bonds between the San Francisco Rapid Response Network (SFRRN) and other networks and advocacy groups. Later in 2019 and in early 2020, the SFRRN was shocked to see ICE enforcement actions take place at San Francisco Superior Courts. SFILDC attorneys were the first to respond when the initial arrests were made, which led to an outcry in the community denouncing ICE’s violation of California State Law which forbids these types of arrests.⁷

ATTORNEY OF THE DAY – The Attorney of the Day (AOD) program was successful in providing consultations and limited scope representation to over 2,100 individuals in 2019. Coverage of the dockets by SFILDC attorneys remains a priority for the collaborative as the information collected through AOD allows the collaborative to identify San Francisco residents in need of representation and provide additional services while they await representation with one of our agencies. SFILDC attorneys appeared at more than 70 dockets in the last fiscal year, providing limited scope representation to individuals who would otherwise appear in court alone. AOD continued on the detained docket through the COVID-19 pandemic and the AOD program began to provide phone consultations to unrepresented respondents with upcoming or postponed hearings on the non-detained docket.

ASYLUM FILING AND LODGING CLINICS - SFILDC held 10 asylum filing clinics supported by volunteer attorneys from private law firms and supervised by one of our experienced immigration attorneys. All clinic participants were San Francisco residents with upcoming filing deadlines that were awaiting placement with an SFILDC agency. Overall, the clinics served 60 adult respondents and their children. Once the non-detained court announced that it was postponing hearings and access to filing at the court was limited, our attorneys shifted to helping *pro se* applicants online and through the mail to lodge their asylum applications remotely. These efforts not only helped clients preserve their eligibility for asylum by meeting important filing deadlines, but also put clients in a position to apply for legal work authorization while their case is pending, a benefit that is currently being challenged by the Trump administration.

COLLECTIVE ADVOCACY – In addition to activities related to our cases, AOD and Rapid Response, our collaborative continues to use our knowledge and expertise to advocate for our clients in a way that benefits all immigrants. Our organizations have been involved in FOIA litigation to demand that the government meet its obligations under the Freedom of Information Act. Through our FOIA litigation efforts, Federal Court judges have ordered DHS to release hundreds of pages of documents related to unfounded allegations of gang membership against Central American children, the proposed opening of ICE offices at federal prisons in California and the prolonged use of electronic ankle monitors on refugees that have not shown any indication that they are a flight risk or a danger to the community. SFILDC organizations have also participated in federal and appellate litigation related to the care, safety and release of children in detention, the unlawful restrictions on asylum at the border, before USCIS and in the Immigration Court.

⁶ <https://abc7news.com/trump-ice-raid-today-2019-raids/5392050/>

⁷ <https://www.kqed.org/news/11805573/sf-officials-slam-ice-for-arresting-man-outside-courthouse>

Attachments:

Appendix A: How has COVID-19 Disproportionately Affected the Immigrant Community?

Appendix B: Client stories describing the impact of COVID-19

Appendix C: Data related to current caseload and outcomes as of March 2020

APPENDIX A: How has COVID-19 Disproportionately Affected the Immigrant Community?

Economically:

- **Complete or partial loss of job/income:** Foreign-born individuals are over represented in sectors most immediately devastated by mass layoffs, such as restaurants, hotels, office cleaning services, and in-home childcare⁸
- The \$2 trillion **Coronavirus Relief Act has completely left out undocumented immigrants**⁹
- Funds available to provide to help undocumented individuals are extremely limited¹⁰
- **Due to the low wages that most undocumented persons receive, it will be difficult to pay back rent money,** even when the economy opens back up.¹¹

Health:

- **Lower rates of health insurance coverage** can make undocumented immigrants difficult to reach with medical services (even with symptoms) because of exorbitant costs.¹²
- **Undocumented immigrants are not likely to be informed of free testing** and/or may fear that participation can affect their immigration process.¹³
- Many live in areas where COVID has been prevalent and in small spaces with **overcrowded housing.**¹⁴

⁸ *Immigrant Workers: Vital to the U.S. COVID-19 Response, Disproportionately Vulnerable*, Migration Policy Institute (March 2020), available at <https://www.migrationpolicy.org/research/immigrant-workers-us-covid-19-response>

⁹ *Understanding the Impact of Key Provisions of COVID-19 Relief Bills on Immigrant Communities*, National Immigration Law Center (Apr. 1, 2020), available at <https://www.nilc.org/issues/economic-support/impact-of-covid19-relief-bills-on-immigrant-communities/>

¹⁰ *California Offers \$500 in COVID-19 Aid to Undocumented Immigrants*, The New York Times (May 18, 2020), available at <https://www.google.it/amp/s/www.nytimes.com/2020/05/18/us/coronavirus-undocumented-california.amp.html>

¹¹ *Immigrant Workers: Vital to the U.S. COVID-19 Response, Disproportionately Vulnerable*, Migration Policy Institute (March 2020), available at <https://www.migrationpolicy.org/research/immigrant-workers-us-covid-19-response>

¹² *Health Coverage of Immigrants*, The Kaiser Family Foundation (Mar. 18, 2020), available at <https://www.kff.org/disparities-policy/fact-sheet/health-coverage-of-immigrants/>

¹³ *Health Coverage of Immigrants*, The Kaiser Family Foundation (Mar. 18, 2020), available at <https://www.kff.org/disparities-policy/fact-sheet/health-coverage-of-immigrants/>

¹⁴ *New York Immigrant Community Hit Hardest by the COVID-19 Pandemic, Data Shows*, Documented Ny (Apr. 2, 2020), available at <https://documentedny.com/2020/04/02/new-york-immigrant-communities-hit-hardest-by-the-covid-19-pandemic-data-shows/>

- **Millions of undocumented individuals also work in essential industries** that put them at high risks of contracting the virus (e.g., agriculture, home aides, physicians, grocery store workers, janitors, etc.)¹⁵
- DHS/ICE has not been proactive in releasing people from **overcrowded detention centers** or following safety guidelines¹⁶
- **Potential consequence:** Mental health may decline for immigrants who are unable to help themselves or loved ones.

Education:

- **Loss of income may prevent students from accessing the internet and thus attending virtual classes.** As of 2018, nearly 19 million children come from homes with at least one undocumented parent.¹⁷
- **Potential consequence:** Financial aid, which is already scarce for undocumented students, can become increasingly difficult to obtain in times of economic hardship.

Safety:

- **Hate crimes** against Asian Americans have been on the rise.¹⁸

Rights:

- **People are losing and will lose their housing** because they may not be aware of temporary protections or are afraid of interacting with government agencies to advocate for their tenant rights.¹⁹
- The Trump administration is working to advance its anti-immigrant agenda, using the crisis as an opportunity to **halt asylum processes** at the U.S./México border.²⁰

¹⁵ *Immigrant Workers: Vital to the U.S. COVID-19 Response, Disproportionately Vulnerable*, Migration Policy Institute (March 2020), available at <https://www.migrationpolicy.org/research/immigrant-workers-us-covid-19-response>

¹⁶ *COVID-19 in Correction and Detention Facilities—United States, February–April 2020*, Center for Disease Control and Prevention (May 15, 2020), available at <https://www.cdc.gov/mmwr/volumes/69/wr/mm6919e1.html>

¹⁷ *Health Coverage of Immigrants*, The Kaiser Family Foundation (Mar. 18, 2020), available at <https://www.kff.org/disparities-policy/fact-sheet/health-coverage-of-immigrants/>

¹⁸ *Attacks on Asian Americans skyrocket to 100 per day during coronavirus pandemic*, Changing America (Mar. 31, 2020), available at <https://thehill.com/changing-america/respect/equality/490373-attacks-on-asian-americans-at-about-100-per-day-due-to>

¹⁹ *America Has Abandoned Its Shadowed Workforce*, The Slate Group LLC (Apr. 10, 2020), available at <https://www.google.it/amp/s/slate.com/business/2020/04/coronavirus-undocumented-immigrants-rent.amp>

²⁰ *America Has Abandoned Its Shadowed Workforce*, The Slate Group LLC (Apr. 10, 2020), available at <https://www.google.it/amp/s/slate.com/business/2020/04/coronavirus-undocumented-immigrants-rent.amp>

APPENDIX B: Client stories describing the impact of COVID-19

All client names have been changed to protect their privacy

Detained

Roberto has congestive heart failure and hypertension. He was on an oxygen tank for several days in his most recent hospital visit, and detained by ICE a few days after he was discharged from the hospital. While detained, he had some difficulty breathing, heart palpitations, fatigue, and swelling despite taking medication. After our advocacy and upon his release, he was reunited with his one-year-old son for whom he is the primary caretaker.

Roy is a Cambodian refugee who was sentenced to life in prison for a home invasion robbery that accidentally resulted in someone's death. After decades in prison, the Governor and a parole board granted him parole but he was turned over to ICE and taken to ICE detention. He had contracted a number of serious respiratory issues in detention that put him in danger of COVID. We litigated a habeas petition to get him out and were ultimately successful.

Leah is an Ethiopian domestic violence survivor who was convicted of assault for defending herself against her husband. She was diagnosed with PTSD tied to intimate partner violence. Research shows that past trauma and PTSD weaken the immune system. Leah was turned over to ICE after serving her sentence in prison. Her Aunt lives in San Francisco and the San Francisco Board of Supervisors passed a resolution in support of **Leah** last month. Many organizations advocated on her behalf for a pardon from the Governor. After a year and a half in detention, we won her release through a habeas petition and bond hearing.

Joshua, a detained client, seeks protection in the United States based on torture he faced in his home country. While Joshua was in detention, our phone calls were limited to 20-30 minutes because of the high volume of attorney client phone calls scheduled during COVID. These calls were insufficient to prepare his declaration and testimony. As a result, we scheduled calls during his dayroom time - the one time he had to call his family, use the showers, and access a shared sanitizer to clean his room. The facility did not provide sufficient writing materials for **Joshua** to take notes during his call with his attorney or write his declaration, a required piece of evidence in his case. Thankfully, we won release in **Joshua's** case and he has reunited with his family and we are able to prepare his case from outside of the detention center.

Eliseo immigrated to the United States when he was 9 years old and grew up in SRO's in San Francisco's Tenderloin and Mission districts. He has lived in San Francisco for more than 20 years. **Eliseo's** father physically abused him, and he was exposed to drug use when he was very young. **Eliseo** returned to Mexico during his adolescence because his father kicked him out of the family home. However, in his home country, **Eliseo** was forced to get gang related tattoos because his uncles demanded this in exchange for his safety and protection. In his home country, **Eliseo** was tortured by the state police and also run out of his town under threats of lynching. **Eliseo** was detained by ICE in February 2020 and met

with an SFILDC rapid response attorney the day of his arrest. **Eliseo** petitioned for release from detention through the district court, but his *habeus* petition was denied. He also filed an extensive bond application under a class action lawsuit, which the judge denied without explanation. At every turn, the government filings accused **Eliseo** of gang membership, relying on unfair and prejudicial police reports. Most recently, **Eliseo** endured an eight hour immigration hearing in which he was subject to aggressive and volatile questioning by the judge for a large percentage of the time. During the hearing, the immigration judge expressed an unfamiliarity with the legal standards in the case and denied **Eliseo's** application for protection under the Convention Against Torture. **Eliseo's** case is now on appeal while he continues to live in life threatening conditions in detention. We are currently working on another request for release on bond while his case is on appeal.

Non-detained

Sara was scheduled for the final hearing in her case in April 2020. **Sara's** case required she speak in detail about sexual abuse she suffered in her home country. Our only way of communicating with **Sara** during shelter in place was on the phone, but she lived with many people in a shared space and had little privacy to discuss her case with her attorney. We had also identified memory issues and needed a psychological evaluation, but the original clinician who had agreed to meet with **Sara** discontinued evaluations because of COVID. In order to properly prepare her case, we sought a continuance, which was denied by the immigration judge. We continued to prepare **Sara** for the hearing, knowing that we did not have all of the evidence needed to support her claim. Before her hearing, the court announced that the cancellation of non-detained hearings was extended and rescheduled **Sara's** hearing for 2021, which will require us to prepare the case again next year, an experience that is often retraumatizing for clients.

Laura's case, a very strong asylum claim, was set to be heard on June 9th. **Laura** and her attorney had invested significant time in preparing for that hearing and expected a successful outcome that day. Unfortunately, we were not able to move forward on June 9th as planned due to the court's COVID closure. The hearing was re-scheduled for January 2021, extending **Laura's** time in limbo without legal status, and requiring us to prepare the case again this winter.

Ellen's case was set to be heard in early July. With our physical offices closed and our declaration appointments all conducted by phone, she needed to find a safe place to tell her traumatizing story of child abuse, rape, sexual assault, years of extreme domestic violence, and both gang and police related attacks. Multiple families lived in her home, and one of her housemates tested positive for COVID-19. She was forced to take her attorney calls in a hallway, using a code word to let the attorney know if someone passed by. She avoided questions related to domestic violence. Finally, after weeks of conversation, she disclosed that her abuser from her home country had coerced her to shelter-in-place with him and that she couldn't talk about their relationship because she was afraid he would hear through the walls. We were forced to leave these essential details regarding domestic violence out of

her declaration out of concern for her safety. After weeks of putting herself at risk by recounting her story in a public hallway, her hearing was postponed to 2021.

Tania and her two young daughters, now 7 and 10, have been represented by SFILDC attorneys since 2015. The family, from El Salvador, was placed in removal proceedings in November of 2014. The family was homeless for a period, living out of a car until they secured assistance from Compass Family Services. **Tania's** immigration court case was first scheduled for an asylum hearing before the immigration judge in July of 2016. The hearing was postponed three times due to government delay. During these government caused delays, the Trump administration made several changes to policies affecting the independent authority of immigration judges and their ability to interpret longstanding asylum case law. These changes severely prejudice **Tania** and her children in their claim for asylum. After months of preparing for her April 2020 hearing, the Immigration Court once again rescheduled **Tania's** hearing for the year 2023 – nine years after her initial entry in 2014. Until then, she is forced to live without lawful status and with the economic uncertainties that arise from being undocumented in the US.

Children

Jorge is a 17 year-old from Nicaragua who attends Mission High School and dreams of becoming a doctor. Jorge came to the United States as an unaccompanied child in 2018. In February 2020, SFILDC attorneys filed **Jorge's** asylum application, and the Asylum Office scheduled him for an interview that would have moved his case forward. Unfortunately, days before the interview, the Asylum Office closed due to COVID-19, and **Jorge's** case remains undecided approximately five months later with no clear resolution in sight. Jorge is also eligible for and seeking Special Immigrant Juvenile Status, but must submit a custody petition with the San Francisco County Superior Family Court before his 18th birthday in order to qualify. The family court also temporarily closed due to COVID-19 and is now working through COVID-related backlogs. These delays at the family court put **Jorge** at risk of losing his opportunity to apply for this special immigrant status that protects children from abuse, abandonment and neglect.

Appendix C: Data related to current caseload, outcomes and community need

SFILDC has served **1,273** individuals since 2015

SFILDC Client demographics as of March 2020:

- Clients are SF residents or individuals with close ties to SF who are in deportation proceedings
- Clients meet income guidelines set by MOHCD and the vast majority are low income or very low income
- Clients come from 34 different countries, with 85% of clients coming from the Northern Triangle countries in Central America
- 33% of clients are under the age of 18
- 48% female, 52% male

Caseload Activities and Outcomes January 2015 through March 2020

- **Primary forms of relief:**
 - 68% applying for asylum
 - 18% applying for Special Immigrant Juvenile Status
- **Case outcomes:**
 - 211 grants of asylum, withholding of removal and protection under CAT
 - 36 grants of Special Immigrant Juvenile Status
 - 10 grants of U visa/T visa or protection under Violence Against Women Act
 - Of our completed cases
 - **88%** granted lawful status to remain in the US
 - 3% deportation proceedings closed and client allowed to remain in the US without lawful status

Community Need

- **Attorneys are legally and ethically obligated to continue representation** of their clients in removal proceedings through the course of the entire case and need the immigration court's permission to withdraw from representation. Non-profit organizations need to maintain consistent funding for multiple years in order to sustain this work.

- **SFILDC maintains a waitlist** of San Francisco residents seeking representation in the SF Immigration Court. As of June 12, 2020, the waitlist included **87** adults and children (this includes families in which the children are attending court with a parent) and **30** Unaccompanied Undocumented Minors (children who are in deportation proceedings alone, without a parent or legal guardian).
- **Immigration Court Backlogs** lead to cases that can drag on for 5+ years before they are resolved. This backlog has doubled since SFILDC began in 2015, despite the current administration's attempts to speed up the deportation process by executive order in January 2018. See https://trac.syr.edu/phptools/immigration/court_backlog/
 - Backlog of cases with the SF Immigration Court
 - FY 2020: 70,148
 - FY 2015: 31,349
- **Retaining private counsel is cost prohibitive** to most asylees and children seeking representation in San Francisco. There is no government assigned attorney in the Immigration Court and immigrants are responsible for representing themselves before the court if they cannot afford an attorney, even if the respondent is a 3 year old child!
 - Private Immigration Attorneys average rates are estimated to be \$150-\$300 an hour <https://www.alllaw.com/articles/nolo/us-immigration/lawyer-worth-cost.html>
 - The cost for an individual seeking representation for Deportation Defense can range from \$7,500-15,000 (and could go up further if the case involves many court appearances or complex defense strategies). These estimates don't reflect the fact that some attorneys might charge much more if they have many years of experience, are working in major (expensive) U.S. cities such as New York or **San Francisco**, use specialized tools and processes, or have other reasons to command higher fees. <https://www.alllaw.com/articles/nolo/us-immigration/lawyer-worth-cost.html>
- **Legal Representation is one of the most important factors in winning a deportation case.** Studies have shown that immigrants are 5 times more likely to be granted permission to remain lawfully in the United States if they have an immigration attorney. The impact of representation is even greater for detained individuals. <https://www.nilc.org/wp-content/uploads/2016/06/access-to-counsel-Calif-coalition-report-2016-06.pdf>