

File No. 220274

Committee Item No. \_\_\_\_\_

Board Item No. 38

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee \_\_\_\_\_

Date \_\_\_\_\_

Board of Supervisors Meeting

Date March 22, 2022

#### Cmte Board

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|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/> | <input type="checkbox"/>            | Ordinance                                    |
| <input type="checkbox"/> | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Budget Analyst Report                        |
| <input type="checkbox"/> | <input type="checkbox"/>            | Legislative Analyst Report                   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form (for hearings)             |
| <input type="checkbox"/> | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Public Correspondence                        |

**OTHER** (Use back side if additional space is needed)

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| <input type="checkbox"/> | <input type="checkbox"/> |
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Completed by: Brittney Harrell

Date March 17, 2022

Completed by: \_\_\_\_\_

Date \_\_\_\_\_

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

1 [Urging Expedited Processing of Eligible Special Immigrant Juvenile Visas and Ensure the  
2 Provision of Employment Documents for All Abused, Neglected, or Abandoned Children and  
3 Youth]

4 **Resolution urging the Biden Administration to expedite the processing of all eligible**  
5 **Special Immigrant Juvenile visas and to ensure the provision of employment**  
6 **documents for all abused, neglected, or abandoned children and youth.**

7  
8 WHEREAS, The Immigration Act of 1990, notably created this humanitarian immigrant  
9 classification known as Special Immigrant Juvenile (SIJ) status in recognition of the fact that  
10 most of these youth experienced abuse, neglect, or abandonment in their home countries,  
11 and that many entered the United States as unaccompanied minors; and

12 WHEREAS, Congress granted these children and youth a straightforward path to  
13 legalization of status in humane recognition about this vulnerable population's acute need for  
14 stability and permanent sanctuary; and

15 WHEREAS, Immigrant youth who are eligible for this Special Immigrant Juvenile visa  
16 have already endured the unimaginable, experiencing the challenges and trauma of escaping  
17 violence and abandonment in their countries and seeking sanctuary in the United States at  
18 such a young, formative age; and

19 WHEREAS, Prior to the United States Citizenship and Immigration Services (USCIS)  
20 change in policy as amended by the Monday, March 7, 2022, "Policy Alert", USCIS did not  
21 permit SIJ applicants to apply for work permits until (1) their SIJ applications were fully  
22 approved (which can take a year or more), and (2) they were at the front of the quota line and  
23 could apply for permanent resident status, which can easily take several more years, resulting  
24 in this vulnerable population suffering extreme hardships, often including homelessness,  
25

1 hunger, the inability to continue their education, and extreme exploitation from underground  
2 work; and

3 WHEREAS, Even with the recent USCIS change in policy -as amended by the  
4 Monday, March 7, 2022, "Policy Alert"-, USCIS states that it will on a "case by case basis"  
5 determine whether applicants with approved SIJ petitions "warrant [ ] a favorable exercise of  
6 discretion," and if so, will only then allow them to apply for work permits; and

7 WHEREAS, The above USCIS change in policy is a step in the right direction, but it is  
8 an insufficient remedy in that it does not address the long wait times that USCIS makes SIJ  
9 applicants wait for approval of their SIJ Visa Applications, in violation of federal law, and does  
10 not address the need of all SIJ Visa Applicants to obtain work permits; and

11 WHEREAS, Without work permits these immigrant youth are forced to work for  
12 unscrupulous or predatory employers who might force them into illicit jobs, uniformly violating  
13 federal employer sanctions and labor laws, resulting in vulnerable immigrant youth being at  
14 risk of being re-victimized, going cold, hungry and/or homeless for several years while their  
15 visa petitions are pending; and

16 WHEREAS, Legal representatives for immigrant youth have called upon the Biden  
17 administration to address settling the legal claims in a way that is operationally feasible,  
18 humane, and efficient as the current policy is harmful, irrational, and bad public policy that  
19 promotes the re-victimization of a vulnerable population; and

20 WHEREAS, A group of abused, neglected, and abandoned immigrant youths with  
21 pending petitions for Special Immigrant Juvenile (SIJ) Status visas and several non-profit legal  
22 services organizations throughout California, including some members of the San Francisco  
23 Immigrant Legal Defense Collaborative (SFILDC), have filed a class action lawsuit in federal  
24 court in Los Angeles (Casa Libre v. Mayorkas) against the Biden administration seeking work  
25 permits for all SIJ petitioners with approvable cases; and

1           WHEREAS, Such cases are in fact approvable before they can file a SIJ petition  
2 because these juveniles must obtain state court orders confirming they have in fact been  
3 abused, neglected, or abandoned; and

4           WHEREAS, Unlike with SIJ applicants, USCIS in fact allows a host of other visa  
5 category applicants to apply for employment authorization long before they may apply for  
6 permanent resident status, and some even before their visa applications are approved; and

7           WHEREAS, There is no rational reason to discriminate against young abused,  
8 neglected, and abandoned immigrant youth with pending visa applications; and

9           WHEREAS, It is unconscionable that SIJ applicant's quest for survival and freedom -  
10 values that this country proudly upholds -is met with an indifferent bureaucratic process that  
11 fails to protect them from further trauma and victimization, despite the fact that our juvenile  
12 courts have determined that it is in their best interest to remain in the United States; and

13           WHEREAS, Approving these visas and work permits is a win-win effort as SIJ  
14 applicants are seeking to contribute and participate in a legitimate way in our workforce and  
15 economy at a time when we are in economic recovery and suffering from staff shortages  
16 across all industries nationally; now, therefore, be it

17           RESOLVED, That the Board of Supervisors stands in solidarity with the immigrant  
18 community and support the efforts of human rights advocates, immigration legal service  
19 providers, members of the faith community, and elected representatives in advocating for a  
20 change in policy which ensures the provision of employment documents for abused,  
21 abandoned, or neglected immigrant children and youth who qualify for Special Immigrant  
22 Juvenile Status; and, be it

23           FURTHER RESOLVED, The Board of Supervisors urges President Biden to meet with  
24 impacted communities and representatives to explore policy changes that will allow work  
25

1 permits to be issued to all (SIJ) young immigrant visa petitioners soon after they file their SIJ  
2 petitions; and, be it

3 FURTHER RESOLVED, That the Board of Supervisors urges the Biden Administration  
4 to expedite the processing and approval of all eligible SIJ visas and work permits to honor the  
5 intent and purpose of the Immigration Act of 1990; and, be it

6 FURTHER RESOLVED, That That the Board of Supervisors directs the Clerk of the  
7 Board to transmit copies of this Resolution to President Joseph Biden and to San Francisco's  
8 Federal representatives, with a request to take all actions necessary to achieve the objectives  
9 of this Resolution.

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# Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor  inquiries"
- 5. City Attorney Request.
- 6. Call File No.  from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.**

Sponsor(s):

MELGAR, Chan, Ronen

Subject:

Urging the Biden Administration to Expedite Processing of Eligible Special Immigrant Juvenile Visas and to Ensure The Provision of Employment Documents for All Abused, Neglected, or Abandoned Children and Youth

The text is listed:

Resolution urging the Biden Administration to expedite the processing of all eligible Special Immigrant Juvenile (SIJ) visas and to ensure the provision of employment documents for all abused, neglected, or abandoned children and youth.

Signature of Sponsoring Supervisor: Myrna Melgar

For Clerk's Use Only