SF Public Defender **Immigration Unit**

2023 Budget Supplemental

Recovery of attorney fee award in Zepeda-Rivas v. Jennings)



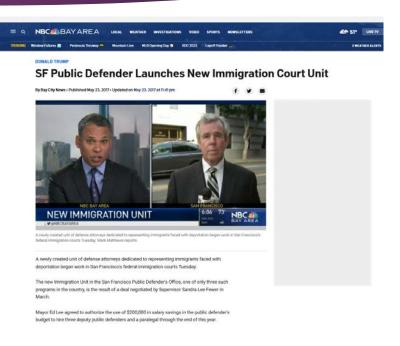
Immigration

March 7, 2020

OVERVIEW

May 23, 2017:

The Public Defender launched its Immigration Defense Unit in 2017. The SF Board of Supervisors funded the unit to help provide legal representation for immigrants who were detained but couldn't afford to hire a lawyer in their deportation cases.



Immigration Defense Unit today

- **Deportation defense** for detained immigrants in California's immigration courts
 - 8 attorneys
 - 5 support staff (Two social workers, one paralegal, one senior legal process clerk, one investigator)
- Padilla advice: written legal consultation to public defenders about the immigration consequences of a criminal plea bargain, and assistance with mitigation of immigration consequences with District Attorney and Court.
- Post-Conviction Relief (vacatur) for immigrants who were illegally convicted because they were not advised about the adverse immigration consequences of their plea

Immigration Defense Unit

<u>Universal Representation Model</u>

- Do not screen cases
- Choose designated days to go into court, accept all cases on docket
- Work with Immigration Court and Non-Profit partners to improve quality of representation
- Client-focused representation, zealous representation in all cases

Challenges in removal defense practice

- Detention facilities in remote locations
- Video conference hearings
- Legal landscape worsening, especially during Trump Administration

Immigration Unit Evaluation Results (2017— 2019)



- 49.6 % released from custody (207 clients in 1.5 year period)
- 5 times more likely to win case than individuals without representation
- Significantly reduced bond amount
- More than 50% of clients been here more than decade
- More than 50% of clients have USC spouse or child

Closing the Representation Gap for Detained Non-citizens:
An Evaluation of the San Francisco Public Defender's
Immigration Unit



Chelsea Muir Spring 2019

The author conducted this study as part of the program of professional education at the Goldman School of Public Policy, University of California at Berkely. This paper is submitted in partial fulfillness of the course requirements for the Master of Public Policy degree. The judgments and conclusions are so tolely those of the author, and are not necessarily endorsed by the Coldman School of Public Policy, by the University of California or by any other agency.

COVID Pandemic – Zepeda-Rivas v. Jennings

Case No. 3:20-cv-02731 (Northern District Cal)

- ► ICE's Northern California detention facilities presented a direct risk to the lives and safety of individuals in custody
- Congregate living spaces, one facility housed near 100 people per housing unit, crammed together in double bunk beds less than six feet apart.
- ► Immigration Judges did not have legal authority to release individuals on bond due to health risks.
- ▶ Litigation was the only way to protect our clients. This is often a crucial tool to support immigrant families as a compliment to removal defense in immigration court.



COVID Pandemic – Zepeda-Rivas v. Jennings

Case No. 3:20-cv-02731 (Northern District Cal)

- Public Defender Mano Raju authorized filing a lawsuit to protect the health and lives of people incarcerated
- ▶ TRO granted, set bail hearing process where individuals could seek release through federal court.
- 2020-2022: Filed 238 Bail Applications, 4363 SF Public Defender attorney hours
- Co-counseled with ACLU NorCal, LCCR, ACLU SoCal, Cooley LLP, Lakin & Wille LLP.

C COURTHOUSE NEWS SERVICE

Judge Scolds ICE for Failing to Protect Detainees From Coronavirus

A federal judge on Tuesday skewered Immigration and Customs Enforcement for failing to take simple actions to ensure the safety of detainees at two California detention centers amid the Covid-so pandemic.



Teenagers head toward the gym at Caddo Avenile Detention Center in Streveport in April 2020 (AP Photo/Val Horvath, The Times)

SAN FRANCISCO (CN) — A federal judge on Tuesday skewered Immigration and Customs Enforcement for failing to take simple actions to ensure the safety of detainees at two California detention centers amid the Covid-19 pandemic.

ATTORNEY FEE AWARD Zepeda-Rivas v. Jennings

Case No. 3:20-cv-02731 (Northern District Cal)

- ► Health and Safety Protections
- Detention population reduced significantly
- ► Attorney fee award to SF Public Defender: \$1,051,298



- ICE settles claims over COVID spread at
- California detention centers



Immigrants sit in a cell for incoming ICE detainees at the Adelanto immigration detention center, which is run by the Geo Group, in Adelanto, California, U.S., April 13, 2017. REUTERS/Lucy Nicholson



- Lawsuit alleged unsafe conditions at cramped facilities
- Settlement includes population caps, vaccine mandate for staff
- . Case resulted in hundreds of detainees being released

Budget Supplemental and Annual Salary Ordinance Amendment

- 1. **Budget Supplemental Ordinance** to appropriate the settlement award funding of \$1,051,298 to SF Public Defender
- 2. Amendment to Annual Salary Ordinance to allow SF Public Defender to use the settlement funds to add 1 attorney and 1 paralegal to the Immigration Unit for FY 2022-2024

THANK YOU!!!

