

**CITY AND COUNTY OF SAN FRANCISCO
BOARD OF SUPERVISORS
BUDGET AND LEGISLATIVE ANALYST**

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TO: Budget and Finance Committee

FROM: Budget and Legislative Analyst



SUBJECT: January 11, 2017 Budget and Finance Committee Meeting

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Item 9 File 16-1344	Department: Mayor's Office
EXECUTIVE SUMMARY	
<p style="text-align: center;">Legislative Objectives</p> <ul style="list-style-type: none"> • The proposed ordinance would appropriate \$1,500,000 of Real Property Transfer Tax Revenue to the Mayor's Office of Housing and Community Development (MOHCD), the City Administrator's Office of Civic Engagement and Immigrant Affairs (OCEIA), and the Human Rights Commission (HRC) to fund legal representation, pathways to citizenship, public outreach, and rapid response social services in FY 2016-17. <p style="text-align: center;">Key Points</p> <ul style="list-style-type: none"> • MOHCD and OCEIA currently provide grants totaling \$3,270,920 in FY 2016-17 to community-based organizations that focus on immigration legal services. • MOCHD funds legal representation and education through the San Francisco Immigrant Legal & Education Network and San Francisco Immigrant Defense Collaborative. OCEIA administers the SF Pathways to Citizenship Initiative, which provides multi-lingual legal assistance and application support for the naturalization process. • The proposed supplemental appropriation would expand existing services provided by MOHCD and OCEIA's current grantees. <p style="text-align: center;">Fiscal Impact</p> <ul style="list-style-type: none"> • The proposed source of funds for the requested appropriation of \$1,500,000 is the City's Real Property Transfer Tax. • MOHCD would receive \$1,200,000 for Immigration Court defense (\$1,000,000) and social and legal services (\$200,000). OCEIA would receive \$200,000 to award to organizations for expansion of the SF Pathways to Citizenship Initiative. HRC would receive \$100,000 to award for a public outreach campaign. <p style="text-align: center;">Recommendation</p> <ul style="list-style-type: none"> • Approval of the proposed ordinance is a policy matter for the Board of Supervisors. 	

MANDATE STATEMENT

City Charter Section 9.105 states that amendments to the Annual Appropriations Ordinance, after the Controller certifies the availability of funds, are subject to Board of Supervisors approval by ordinance.

BACKGROUND

There are approximately 115,000 non-citizen residents of San Francisco¹ of which 44,000 are estimated to be undocumented immigrants². Based on Immigration Customs Enforcement (ICE) fingerprint data, since 2010, an average of approximately 7,000 immigrants were deported each year from the San Francisco Immigration Court, which falls under the jurisdiction of the Executive Office for Immigration Review under the U.S. Department of Justice. The numbers of individuals who actually appear before the San Francisco Immigration Court are lower than the number of undocumented individuals who are deported because many deportations occur without due process and without an opportunity to appear before a judge at a hearing in order to defend against removal. Based on the stated intent of President-Elect Trump's administration to immediately deport 2 to 3 million immigrants, detentions and deportations are expected to expand quickly after January 2017.

The vast majority of individuals who are deported are not represented by an attorney in their immigration court proceedings. An analysis of immigration court records, conducted by the California Coalition for Universal Representation, found that 67 percent of detained individuals and 28 percent of non-detained individuals in San Francisco lacked representation by an attorney over a three-year period from 2012 to 2015. The analysis found that only 5 percent of unrepresented detainees obtained relief (i.e., asylum, cancellation of removal, or termination of case) compared to 35 percent of represented detainees as a result of their proceedings in the San Francisco Immigration Court. Among non-detained individuals, 25 percent of individuals without legal representation obtained relief compared to 88 percent of non-detained individuals with representation.

DETAILS OF PROPOSED LEGISLATION

The proposed ordinance would appropriate \$1,500,000 of Real Property Transfer Tax Revenue for legal and related services to immigrants to the Mayor's Office of Housing and Community Development (MOHCD), the City Administrator's Office of Civic Engagement and Immigrant Affairs (OCEIA), and the Human Rights Commission (HRC) to fund legal representation, pathways to citizenship, public outreach, and rapid response social services in FY 2016-17.

MOHCD would receive \$1,200,000 of the supplemental appropriation to award to non-profit community-based organizations for Immigration Court defense (\$1,000,000) and social and legal services (\$200,000). OCEIA would receive \$200,000 to award to organizations for

¹ U.S. Census Bureau American Community Survey (ACS) 2014 (5-Year Estimates)

² Migration Policy Institute (MPI) analysis of 2014 ACS

expansion of the SF Pathways to Citizenship Initiative. HRC would receive \$100,000 to award for a public outreach campaign.

Current Support for Immigration Legal Services

MOHCD and OCEIA currently provide grants to non-profit community-based organizations that focus on immigration legal services. FY 2016-17 funding is \$3,270,920, as shown in Table 1 below.

Table 1: FY 2016-17 Grants to Community Based Organizations for Legal Services to Immigrants

Organization	Description	Amount
<u>MOHCD</u>		
Dolores Street Community Services	Lead agency for San Francisco Immigrant Legal & Education Network	\$1,240,045
Central American Resource Center (CARECEN)	Lead agency for San Francisco Immigrant Defense Collaborative	1,271,404
Dolores Street Community Services	Rapid Response ³	230,086
La Raza Community Resource Center	Rapid Response	129,385
Total MOHCD		\$2,870,920
<u>OCEIA – SF Pathways to Citizenship Initiative</u>		
Self-Help for the Elderly	Fiscal sponsor to seven community based organizations	\$200,000
Administrative Support	Printing, facilities rent, technology	50,000
OCEIA In-kind Services	Workshops, staff planning and meeting coordination	150,000
Total OCEIA		\$400,000
Total		\$3,270,920

MOHCD funds community based organizations to support the San Francisco Immigrant Legal & Education Network and San Francisco Immigrant Defense Collaborative, and to provide rapid legal response. OCEIA administers the SF Pathways to Citizenship Initiative, which provides multi-lingual legal assistance and application support for the naturalization process.

MOHCD had spent \$1,071,979 as of November 30, 2016, and OCEIA had spent \$350,000 as of December 31, 2016, totaling \$1,421,979 of the total of \$3,270,920 appropriated for legal services to immigrants in FY 2016-17, resulting in a balance of \$1,848,941 in remaining funds for legal services to immigrants in FY 2016-17.

According to Mr. Brian Cheu, Director of Community Development at MOHCD, the non-profit grantees have a goal of providing legal representation to 561 individuals and legal education to 1,312 individuals in FY 2016-17, and, as of the end of November 2016, representation has been provided to 224 individuals and education to 597 individuals, as shown in Table 2 below.

³ "Rapid response" includes a 24/7 legal advice line, case management services, and other services.

**Table 2: People Served by Immigration Legal Services Funded by MOHCD in FY 2016-17 YTD
(as of November 30, 2016)**

Activity	Description	People Served	Annual Goal	Percent of Goal
Legal Representation	Deportation defense in San Francisco Immigration Court	224	561	40%
Legal Education	Know-Your-Rights education and training	597	1,312	46%

According to Ms. Adrienne Pon, Executive Director of OCEIA, the SF Pathways to Citizenship Initiative has been funded by a combination of City General Fund support and a partnership with five private foundations during its four-year history. According to Ms. Pon, three foundation partners decided not to continue funding at the end of December 2016 in order to address other needs, so \$200,000 out of the proposed total supplemental appropriation request of \$1,500,000 would be used to cover the anticipated shortfall of approximately \$75,000 as well as to address a surge in requests for fee waivers and legal assistance. The services and number of people served by OCEIA's SF Pathways to Citizenship Initiative thus far in FY 2016-17 are shown in Table 3 below.

**Table 3: People Served by SF Pathways to Citizenship Initiative in FY 2016-17 YTD
(as of December 31, 2016)**

Activity	Description	People Served
Workshop Activities		
Legal Screenings	Screenings for Citizenship and Mix-Family Immigration Status	759
Naturalization Applications	Completed N400 application for citizenship including interview, interpretation, application filling with language interpretation, document review and validation, and application packaging	550
Fee waiver applications	Completed I-912 applications, including screening, counseling and application assistance	405
Disability Waivers	Completed N-648 applications including interview, assessment, and application assistance	50
Derivative Citizenship Obtained	Includes citizenship eligibility, legal screening and N-600 applications for children under age 18 born outside the U.S.	124
Citizenship Obtained	Participants who have obtained citizenship through the Initiative	628
Civic Engagement/Naturalization Training	Pathways participants who have completed ESL, citizenship interview, and civic engagement training	759
Volunteers Trained	Individuals trained on N400 and citizenship workshop processing	676
Outreach And Education		
Fraud prevention Information	Individuals who have received immigration fraud prevention information from Pathways to Citizenship Initiative	102,650
Outreach to Immigrants	Recipients of multilingual outreach and materials	205,300

Proposal to Fund Legal Representation, Pathways to Citizenship, and Rapid Response Services

The proposed \$1,500,000 supplemental appropriation would fund legal services to immigrants provided by MOHCD, OCEIA, and HRC through grants to non-profit community-based organizations. Under the proposal, community-based organizations awarded grants would provide:

1. Know-Your-Rights/Anti-Discrimination education and community outreach.
2. Case management, including wrap around support to people in deportation proceedings.
3. Legal counseling, screening, form processing, and representation to individuals who qualify for some form of immigration relief.
4. Deportation defense in the San Francisco Immigration Court by community-based immigration attorneys.
5. Rapid response services, such as a 24/7 legal advice line, site visits and verification where ICE raids occur, and wrap-around services.

The request of \$1,500,000 would fund up to 15 attorneys (on an annualized basis) for full scope legal representation, 5.5 non-attorney staff who would provide Know-Your-Rights education, case management, and rapid response services. According to Mr. Cheu, the immigration attorneys currently doing this work can typically manage a 30 to 40 person caseload per year.

FISCAL IMPACT

The proposed source of funds for the requested appropriation of \$1,500,000 to provide legal services to immigrants is the City's Real Property Transfer Tax.⁴ A summary of proposed sources and uses of the funds in FY 2016-17 is shown in Table 4 below.

Table 4: Proposed Sources and Uses – FY 2016-17

Source of Funds	Amount
Real Property Transfer Tax	\$1,500,000
Total Sources	\$1,500,000
Uses of Funds	
Community-Based Organization Services	
Immigration Court Defense (MOHCD)	\$1,000,000
Social and Legal Services (MOHCD)	200,000
Pathways to Citizenship (OCEIA)	200,000
Public Outreach (HRC)	100,000
Total Uses	\$1,500,000

According to Mr. Cheu, MOHCD intends to augment the existing grants with the four non-profit providers listed in Table 1 above for the five-month period from February 1 to June 30, 2017.

⁴ According to the Mayor's December 8, 2016 letter to the Board of Supervisors, the estimated increase in Real Property Transfer Tax revenues, approved by the voters in November 2016 (Proposition W), is \$14.1 million in FY 2016-17.

According to Mr. Cheu, the additional funding will be incorporated into the FY 2017-18 budget process, and MOHCD intends to issue a Request for Proposals (RFP) for those funds in the spring of 2017 to procure providers by July 1, 2017. According to Ms. Pon, OCEIA also will augment their existing grant agreement with Self-Help for the Elderly, lead agency for the SF Pathways to Citizenship Initiative. According to Ms. Sheryl Davis, Director of HRC, HRC will fund organizations that already have grant agreements with MOHCD and OCEIA.

Community-Based Organization Costs

MOHCD

MOHCD will allocate \$1,200,000 to non-profit community-based organizations in FY 2016-17 as shown in Table 5 below.

Table 5: Estimated Cost of Community-Based Organization Services – FY 2016-17

Service	Proposed Cost in FY 2016-17
Attorneys	\$750,000
Legal education and case management staff	169,557
Program supplies	10,000
Rapid Response staff	98,885
Admin/indirect	151,558
Emergency fund for clients/families	20,000
TOTAL	\$1,200,000

According to Mr. Cheu, MOHCD's grantees will use the supplemental appropriation to provide legal representation to 180 to 200 individuals and case management to 35 to 50 individuals. The grantees will provide 30 to 36 legal education community presentations, and, assuming 30 people attend each presentation, approximately 900 to 1,080 individuals will be reached.

OCEIA

According to Ms. Pon, the SF Pathways to Citizenship Initiative provides up to 5,000 units of service each year for the two main activities, at a rate of \$107 per completed citizenship applications and \$64 per legal screening. According to Ms. Pon, these activities can be accomplished with existing staffing. \$200,000 of the requested total of \$1,500,000 will be awarded to Self-Help for the Elderly, for SF Pathways to Citizenship to provide funding to subcontracted organizations as the fiscal lead agency. In the remaining five months of FY 2016-17, the \$200,000 could be used for completion of up to 1,152 applications and 1,199 legal screenings, as shown in Table 6 below, or some other combination of services.

Table 6: Pathways to Citizenship – Estimated Units of Service

Service	Cost per Unit	Units of Service	Amount
Citizenship Application Assistance and Packaging	\$107	1,152	\$123,264
Legal Screenings	64	1,199	76,736
	Total	2,351	\$200,000

HRC

According to Ms. Davis, the \$100,000 to be appropriated to HRC will be used for logistical support for community meetings, outreach materials, trainings, and coordination meetings with community partners, as shown in Table 7 below.

Table 7: Education and Outreach Costs

Service	Cost
Logistical support for 15-20 community events and gatherings between Jan-June 2017	\$40,000
Design and print of education and outreach materials (5,000 person distribution goal)	30,000
Support for anti-hate activities and trainings for youth	20,000
Planning meetings with community partners	10,000
	Total \$100,000

RECOMMENDATION

Approval of the proposed ordinance is a policy matter for the Board of Supervisors.