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OAKLAND

2017 JAN 26 PM 6:37

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Sarah T. Schlenk
Acting Budget Director

SUBJECT: Appropriate And Authorize A Grant
Totaling \$150,000 For Legal
Representation For Oakland Families
Facing The Immediate Threat Of
Deportation

DATE: January 25, 2017

City Administrator Approval

Date:

1/26/17

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Amending The City Of Oakland's Fiscal Year (FY) 2016-17 Midcycle Budget, Which Was Adopted Pursuant To Resolution No. 86250 C.M.S. On June 21, 2016, To Appropriate \$150,000 In FY 2016-17 From The General Purpose Fund (1010) Fund Balance For A Grant To The Oakland Immigrant Legal Representation And Rapid Response Network To Provide Urgent Legal And Support Services To Oakland Families Facing The Immediate Threat Of Separation Due To Deportation, And Authorizing A Grant To The Oakland Immigrant Legal Representation And Rapid Response Network Or Affiliate In An Amount Not To Exceed \$150,000 To Provide Such Services.

EXECUTIVE SUMMARY

In light of recent executive orders from President Trump, this action would appropriate and authorize a grant for an amount not to exceed \$150,000 to contribute to the Oakland Immigration Legal Representation and Rapid Response Network ("the Network") to provide legal and support services in order to protect families of Oakland from separation due to deportation.

BACKGROUND/LEGISLATIVE HISTORY

On December 13, 2016, the City Council adopted Resolution No. 86534, C.M.S., which directed the City Administrator to return to City Council in January 2017 with a resolution to appropriate \$150,000 in FY 2016-17 and \$150,000 FY 2017-18 for the Oakland Immigration Legal Representation and Rapid Response Network to provide urgent legal and support services to Oakland families facing the immediate threat of separation due to deportation and work with Alameda County and the Bay Area philanthropic community to fully fund the network. Please see **Attachment A** for the December 13th report.

Item: _____
Special City Council
January 31, 2017

Sabrina B. Landreth, City Administrator

Subject: Appropriate And Authorize A Grant Totaling \$150,000 For Legal Representation For Oakland Families Facing The Immediate Threat Of Deportation

Date: January 25, 2017

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On January 25, 2017, President Trump signed two executive orders, one focused on border security and immigration, and a second on sanctuary cities to begin following through on campaign promises to toughen and enforce immigration laws and crackdown on illegal immigration.

On November 15, 2016, staff presented the FY 2015-16 Fourth Quarter Revenue and Expenditure report, which reflected a year-end available fund balance in the General Purpose Fund (GPF).

ANALYSIS

The City has an existing contract with a collaborative that supports legal services for unaccompanied minors. Centro Legal de la Raza serves as the fiscal agent and grantee for this collaborative. The Network will have a similar arrangement; however, it is important to note this work is separate from the services provided to unaccompanied minors. **Attachment A** provides additional details on services that will be provided, as well as the composition of the Network. Additionally, the grantee will be required to submit reports with each invoice on services provided, families served and associated costs in order to receive reimbursement through the grant agreement with the City Of Oakland.

FISCAL IMPACT

This action would appropriate \$150,000 from the GPF (1010) available fund balance as of the end of FY 2015-16. It would also require setting aside \$11,250 in the GPF Emergency Reserve (7.5%). The reserve amount will be trued-up with the FY 2016-17 Second Quarter Revenue and Expenditure Report. The Administration plans to include the second \$150,000 for FY 2017-18 in the FY 2017-19 proposed budget.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council adopt a resolution amending the City Of Oakland's Fiscal Year (FY) 2016-17 Midcycle Budget, which was adopted pursuant to Resolution No. 86250 C.M.S. on June 21, 2016 to appropriate \$150,000 in FY 2016-17 from the General Purpose Fund (1010) fund balance for a grant to the Oakland Immigrant Legal Representation And Rapid Response Network to provide urgent legal and support services to Oakland families facing the immediate threat of separation due to deportation, and authorizing a grant to the Oakland Immigrant Legal Representation And Rapid Response Network or affiliate in an amount not to exceed \$150,000 to provide such services.

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For questions regarding this report, please contact SARAH T. SCHLENK, Acting Budget Director, at 510-238-3982.

Respectfully submitted,



SARAH T. SCHLENK
Acting Budget Director

Attachments (1):

- **Attachment A:** December 13, 2016 Report from Councilmembers Annie Campbell Washington, Laurence E. Reid, Noel Gallo, and Abel J. Guillén

Item: _____
Special City Council
January 31, 2017

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OAKLAND

CITY OF OAKLAND



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December 13, 2016

Dear Fellow City Council Members,

The City of Oakland is proud and protective of its ethnic diversity and recently reaffirmed, unanimously, its status as a City of Refuge at last month's City Council meeting. That declaration confirms that Oakland is a City of Refuge for immigrants from all countries. As a legislative body we have affirmed that it is our desire to ensure that our immigrant residents participate in civic life and daily activities without fear of being arrested or reported to the United States Immigration and Customs Enforcement (ICE) agency.

Since the recent Presidential election, there has been a sense of uncertainty and fear among immigrant communities in Oakland and across the nation. The anti-immigrant rhetoric throughout the recent Presidential campaign and current Cabinet and staff selection for the upcoming Presidential administration leads many to believe that there will be an increase in efforts to deport members of our community.

In order to protect the families of Oakland from separation due to deportation we should contribute to the Oakland Immigration Legal Representation and Rapid Response Network to provide legal and support services.



RECOMMENDED ACTION

Adopt A Resolution Directing The City Administrator To Return To City Council in January 2017 With A Resolution To Appropriate \$150,000 in FY 2016-17 And \$150,000 FY 2017-18 For The Oakland Immigrant Legal Representation And Rapid Response Network To Provide Urgent Legal And Support Services To Oakland Families Facing The Immediate Threat Of Separation Due To Deportation And Work With Alameda County And The Bay Area Philanthropic Community To Fully Fund The Network.

EXECUTIVE SUMMARY

More than ever, immigrants in Oakland will need experienced and qualified attorneys to fight against the expected surge of deportation and detention. In addition, we simultaneously anticipate a need for resources to create a meaningful rapid response network to make sure the community is aware of their rights and can access counsel as soon as they are detained by ICE.

A diverse group of twelve Oakland organizations has come together in Oakland to form the Oakland Immigrant Legal Representation and Rapid Response Network founded to provide urgent legal and support services to Oakland families facing the immediate threat of separation due to deportation. The intent of the rapid response network is to make sure immigrant communities in Oakland are knowledgeable of their rights and can access counsel as soon as they are detained by ICE. This network of twelve Oakland organizations submitted a proposal to Oakland with a scope of work and budget in the amount of \$1,291,500 for rapid response coordination, community responders and know-your-rights education.

A report by the Stanford Law School Immigrants' Rights Clinic, on behalf of the Northern California Collaborative for Immigrant Justice (NCCIJ), explains the already dire need for removal defense representation in the Bay Area.¹ The report found that over 50% of the

¹Northern California Collaborative for Immigrant Justice (NCCIJ), Access to Justice for Immigrant families and Communities (Oct. 2014) (Hereinafter referred to as "NCCIJ Report"), available at

represented detained individuals had lived in the United States for over a decade. It also reported that 77% were separated from family members as a result of their detention with approximately half of them separated from children. Prior to deportation, 65% had been gainfully employed.²

Research shows that the removal of these family members, who are often the primary breadwinners of the family, pushes families into the brink of poverty and homelessness while also leaving U.S. citizen children without parents to care for them.³ Public health insurance programs, foster care services, and other city and county social assistance programs suffer increased costs as a consequence.⁴ In addition to the deleterious economic impacts of losing a family member to detention, studies have found that children whose parents were detained and facing the threat of deportation exhibited significant negative behavioral and emotional changes.⁵ As such, not only do families and our local communities experience economic hardship, they also endure psychological turmoil when a family member is detained and/or deported.⁶

The NCCIJ report examined two specific data sets and analyzed the impact of having a lawyer on a detained individual's ability to remain in the United States and avoid deportation. The first data set was provided directly from the Department of Justice, Executive Office for Immigration Review (DOJ EOIR). The second data set was a result of a survey of all of the Bay Area nonprofit immigration legal services providers who were engaged in removal defense for detained individuals. Notably, the DOJ EOIR report showed that only 11% of detained and unrepresented immigrants were successful in challenging their deportation.⁷ By contrast, the detained individuals who were represented by Bay Area non-profits were successful 83% of the time.⁸ The impact of these statistics goes well beyond the actual number of individuals who are actually expelled from the United States. This is because the detained individual's family and community are also significantly impacted.

<https://media.law.stanford.edu/organizations/clinics/immigrant-rights-clinic/11-4-14-Access-to-Justice-Report-FINAL.pdf>. (last accessed May 25, 2016).

² NCCIJ Report at 7, 23 n. 69, 70, 71, 72.

³ NCCIJ Report at 13 n. 43, 44, 45.

⁴ NCCIJ Report at 13 n. 46.

⁵ NCCIJ Report at 13 n. 48, 49.

⁶ NCCIJ Report at 7 n. 9, 10.

⁷ NCCIJ Report at 9, 18.

⁸ NCCIJ Report at 9.

The ability of Oakland non-profit organizations to effectively represent immigrants who are threatened with deportation from the United States and their families is at a crossroads due to current limited resources, which will only be further stretched going forward. In order to keep families together, Oakland immigrant residents need to be educated about their legal rights and when faced with the threat of imminent deportation, be immediately connected to and provided with legal counsel.

ADDRESSING THE NEED

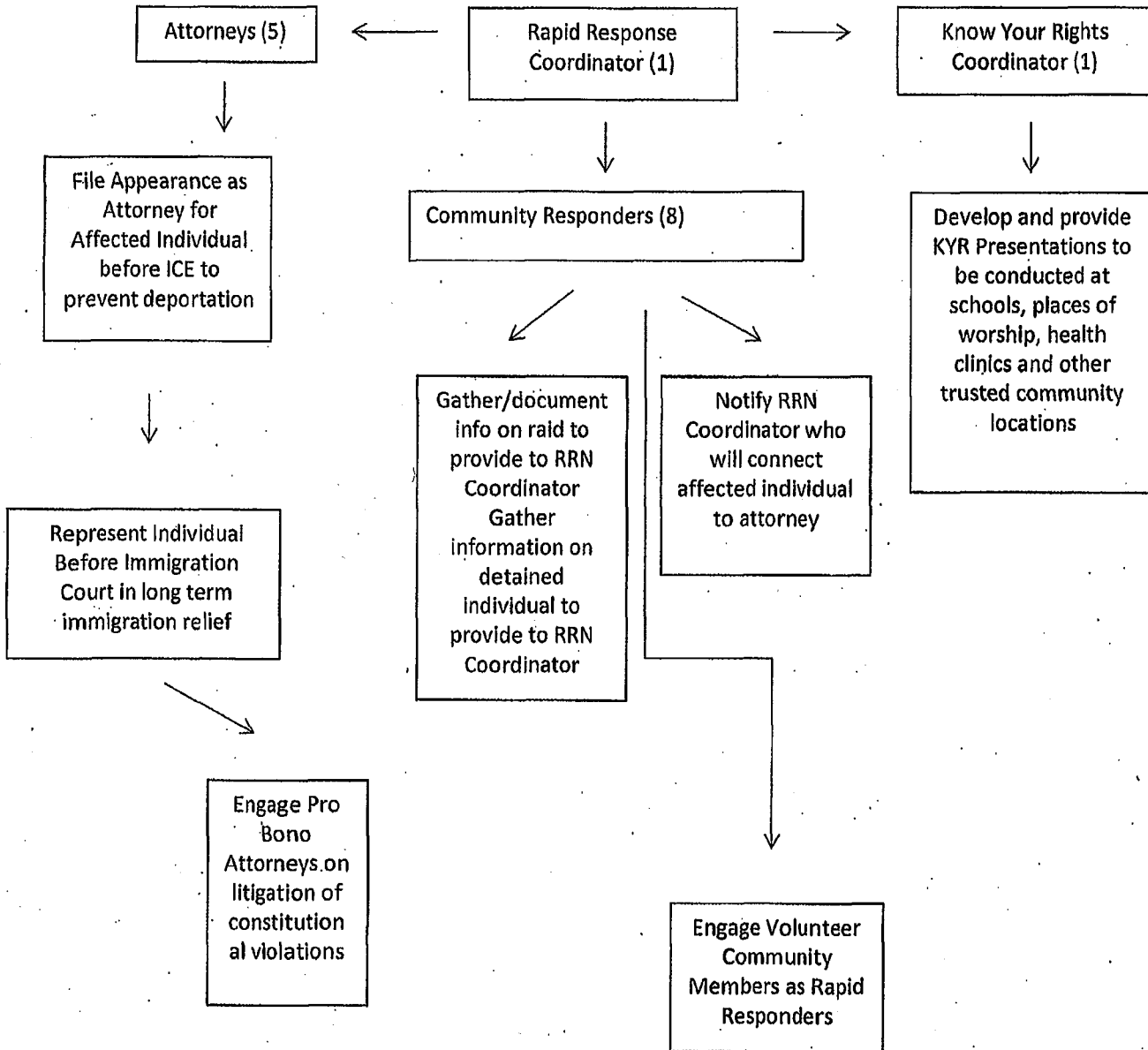
The Network will provide a rapid response to the legal needs of Oakland residents and families facing imminent deportation or other adverse action as a result of immigration enforcement activities like raids in homes, workplaces, schools, and other sensitive locations. The network will house five attorneys between legal service organizations and the Alameda County Office of the Public Defender. A Rapid Response Coordinator will lead five Community Responders in managing a hotline where affected individuals and community members can call to report immigration enforcement actions. Community Responders will be deployed to those locations to document the enforcement activity, gather information about the affected individuals and report that information back to the Rapid Response Coordinator. The Rapid Response Coordinator will then contact one of the five attorneys to immediately enter their appearance as the affected individual's attorney before ICE and advocate preventing their immediate deportation. The attorney will then provide ongoing legal representation to the affected individual before the San Francisco Immigration Court. The Rapid Response Coordinator will connect the affected individuals' family with emergency support services. The Know Your Rights Coordinator will work with the legal service providers develop presentations to be conducted monthly at schools, places of worship, health clinics, and other trusted community locations. In addition to critical education regarding legal rights, during these presentations the KYR coordinator will provide Oakland residents with the Network's hotline and guidance on individual family emergency planning.

Once the network has been established, both legal service organizations and community based organizations will engage pro bono attorneys and non-legal volunteers for additional support. Pro bono attorneys will be leveraged to challenge constitutional violations of Oakland residents who are detained by ICE and denied due process. Non-legal volunteers will be recruited to assist Community Responders and the Rapid Response Coordinator by immediately dispatching to locations where there have been raids or other immigration enforcement activity to assist in information gathering.

The Network will provide the following legal and rapid response services:

- Rapid Response Coordinator and five Community Responders will staff emergency hotline for Oakland residents who are threatened with deportations or who are impacted by immigration enforcement activity.
- Know Your Rights Coordinator and Network Partners will conduct monthly presentations at schools, places of worship, health clinics, and other trusted community locations.
- 500 Oakland residents and families will receive free legal consultation.
- 200 Oakland residents and families will receive free legal representation in removal proceedings.
- Engage Pro Bono Attorneys on litigation of constitutional violations.
- Engage Volunteer Community Members as Rapid Responders.
- Network partners will meet on a monthly basis to review services provided and ensure coordination of services.

Oakland Immigrant Legal Representation and Rapid Response Network



Legal Service Providers and Community Organizations in the Oakland Immigration Legal Representation and Rapid Response Network

Legal Service Providers

Centro Legal de la Raza: Founded in 1969, Centro Legal is a comprehensive legal service agency focused on strengthening low-income, immigrant, and Latino individuals and families by providing culturally competent legal representation, education, and advocacy. Centro Legal provides direct legal services in the areas of immigration, housing, and employment. Centro Legal's immigration practice is focused on serving the needs of the most vulnerable community members, including families living in poverty, women, children, and victims of violent crimes including domestic violence and detained individuals in removal proceedings. Centro Legal immigration attorneys provide comprehensive, full-service direct representation, legal rights education, and client intake through various immigration clinics. Their immigration team specializes in detained and non-detained removal defense.

Alameda County Office of the Public Defender: The Alameda County Public Defender's Office is one of the oldest public defender's office created in the Nation. It was chartered in 1927 by Earl Warren who would go on to become Chief Justice of the United States Supreme Court. Today, the office employs approximately 100 attorneys, 18 investigators and 40 support staff, who together handle approximately 40,000 cases a year. The Mission of the Alameda County Public Defender's Office is to zealously protect and defend the rights of its clients through compassionate and inspired legal representation of the highest quality, in pursuit of a fair and unbiased system of justice for all. The Alameda County Public Defender's Office provides the highest quality of indigent criminal defense by vigorously advocating for the rights of individuals facing criminal charges in adult and juvenile court. The Office's client-centered practice gives a voice to those whose voices have been silenced by poverty and ensures that no one faces the government alone. In January 2014, the Alameda County Public Defender's Office, as part of a larger effort towards increasing holistic defense practices, created the first county public defender Immigration Representation Unit in California and on the West Coast in order to provide immigration representation to a limited number of public defender clients. Since the

Unit's inception, this model has been replicated in full or in part by other public defender offices in the State.

Catholic Charities of the East Bay: Founded in 1935, CCEB serves more than 10,000 individuals each year. The organization works with youth, children and families (including immigrants and refugees) to promote self-sufficiency, strengthen families and pursue safety and justice. CCEB's Legal Services program serves all of Alameda and Contra Costa Counties, providing services to low-income refugees and asylees, legal permanent residents, and other non-citizens, including undocumented immigrants.

Community Organizations

California Immigrant Youth Justice Alliance (CIYJA): CIYJA seeks to establish a progressive and diverse immigrant youth led organizing efforts in the state of California through the development of community-based undocumented immigrant youth organizations. CIYJA is invested in supporting educational, organizing, and advocacy efforts by the member organizations for the enhancement and improvement of the lives of the immigrant youth and their families in California. CIYJA are made up of 13 established organizations throughout California. They advocate for immigrant rights, and organize to help bring awareness to our communities. Their work ranges from LGBTQ, mass incarceration, and the harm that deportations cause to families and loved ones.

Causa Justa / Just Cause: Causa Justa/ Just Cause is a multi-racial, grassroots organization building community leadership to achieve justice for low-income San Francisco and Oakland residents. In 2010, CJC emerged from the strategic collaboration of two powerful organizations: St. Peter's Housing Committee and Just Cause Oakland. These two organizations represent more than 30 years combined experience working toward housing and racial justice for African Americans and Latinos. With offices in East and West Oakland and in San Francisco's Mission District, together we are a force for justice and unity among Black and Brown communities. They build their membership through recruitment in their tenants' rights clinics, through neighborhood door knocking and outreach and Know Your Rights Trainings for immigrant

families. We fight grassroots campaigns to win immigrant rights and housing rights and work toward building a larger movement for social transformation. Their most important task is to empower most impacted immigrant Latino and Black community members to know, assert and expand their rights.

Ella Baker Center for Human Rights: Based in Oakland, California, the Ella Baker Center for Human Rights (EBC) advances racial and economic justice to ensure dignity and opportunity for low-income people and people of color. Founded in 1996, EBC seeks to work alongside other leading organizations and within movements in the way Ella Baker herself did by focusing on building the movement's strategic capacity to effect change. Over the years, they have worked collaboratively with other organizations to shift the narrative and state and local infrastructure away from police and prisons and toward the true building blocks of community safety including quality public education, employment, and healthcare. Their push for "Truth and Reinvestment" highlights the need to acknowledge our nation's long history of racial discrimination and its present day manifestations in the criminal justice system by reinvesting resources from criminal justice reform into the low-income communities of color that have been hardest hit by mass criminalization.

The Interfaith Movement for Human Integrity (IM4HumanIntegrity): IM4HumanIntegrity is dedicated to the belief that every human person is sacred across all borders; geographic and those that divide us in our minds and hearts. They work to achieve an equitable, inclusive and healthy society, culture and economy where the most vulnerable, disenfranchised and marginalized have equal opportunities and access to the resources and tools needed to achieve a dignified quality of life. The Interfaith Movement for Human Integrity's focus on immigration convenes; informs and mobilizes immigrant and non-immigrant communities of faith to work together via concrete accompaniment, public witness and policy advocacy. Since January 2013, they have led a collaborative initiative called Nueva Esperanza that brings together faith congregations in the East Bay and pro-bono faith volunteers to work directly with unaccompanied children and migrant families to address non-legal needs of recently arrived migrants. This work takes the form of direct "accompaniment," such as accompanying families or individuals to appointments, to legal and court appointments, accessing health care, transportation, education and secure

housing, as well as offering friendship, moral support, job leads, basic orientation, a network of care and advocacy.

Mujeres Unidas y Activas (MUA): MUA is a grassroots organization of Latina immigrant women with a double mission of promoting personal transformation and building community power for social and economic justice. MUA has provided leadership to immigrant rights work in Alameda County for close to two decades. Via community workshops, forums, public education, one-on-one assessment and support, and legal service referrals, MUA ensures that immigrant communities in the East Bay understand and defend our rights. Our immigrant rights organizing has focused ending deportations and family separations, lifting up the voices of immigrant women in national debates about immigration policy, ensuring the implementation of hard-fought win of the end to ICE holds in Alameda County, and continuing to build a strong grassroots led coalition for immigrant rights in the East Bay. MUA actively participates and is a leader in local, regional, state, and national immigrant rights coalitions working against current immigration enforcement policies by meeting with local law enforcement, providing testimonies of immigrant women and families impacted, and convening domestic violence advocates to speak out on behalf of immigrant survivors.

Oakland Community Organizations (OCO): OCO is a non-partisan, grassroots, institution-based, community organizing group that since 1977 has worked with faith communities and schools in the City of Oakland. OCO's mission is to develop grassroots leaders, build power, and pursue positive social change, especially for disenfranchised communities of color in the City of Oakland, so that all of its residents can be safe, prosperous, and free. They are the founding affiliate of the PICO National Network, the fastest-growing grassroots, faith-linked community organizing group in the nation. They build leadership and civic engagement among low-income people of color, including but not limited to African Americans and Latinos, who are residents of West, East, and North Oakland. We are a multi-faith, multi-issue organization with over 50 congregations, schools, and allies that reach over 40,000 families throughout the City.

Spanish Speaking Citizens' Foundation (SSCF): The mission of the East Bay Spanish Speaking Citizens' Foundation is to empower East Bay community members to improve their

quality of life while maintaining strong cultural relevance and tradition. SSCF has been located in Fruitvale for over 50 years.

Street Level Health: For over 14 years, Street Level Health has addressed the symptoms of poverty including unpredictable employment, malnutrition, and chronic illness which are consistently encountered by low-wage workers. As a safety net service, their Health Access Program (HAP) adapts a Whole Person Care Model to support the needs of uninsured, underinsured, Day Laborers and recently arrived immigrants in Alameda County, including many Guatemalan monolingual Mam speakers. The Fruitvale based agency prioritizes an integrative approach to triage clients who are 93% foreign-born in free twice-weekly health screenings; on-site health insurance enrollment; nutrition interventions; mental health consultations; and critical case management services. They also support income security activities as a protective health factor for low-wage workers via our Immigrant Rights and Empowerment Program (IRE).

Vietnamese American Community Center of the East Bay (VACCEB): VACCEB has been providing core program services to the Southeast Asian refugee and immigrant communities in Oakland and Alameda County for over eighteen years. Their services include food security programs, housing assistance, social navigation services, information and assistance, a senior center for elderly, on-site translation services, ESL classes, employment placement assistances, health screening and annual vaccinations, and hosting education and town hall meetings for communities on issues that are critical to their interest and/or time sensitive. The organization's core competency is serving Southeast Asian refugees/immigrants; namely, Vietnamese, Bhutanese, Burmese, Cambodian, and Laotians, and ethnic Chinese whose national origin are from Vietnam, Bhutan, Burma, Cambodia and Lao and other smaller Southeast Asian countries.

BACKGROUND/LEGISLATIVE HISTORY

According to the most recent census (2010), more than *one-quarter* of Oakland's residents were foreign-born (27%).⁹ By any estimation, the number of immigrants has continued to grow since the last census—and much of this growth has been amongst persons without documented status. In addition, over 40% of Oakland residents speak a language other than English at home.¹⁰ Within Alameda County, over 53% of children live with one or more foreign born parent at home.¹¹

The student population of Oakland Unified School Districts (OUSD) includes 11,000 Oakland students who are English language learners which is 30% of the entire student population. Over 8,000 of OUSD English Language Learner students were born in the U.S. At present, 5,066 OUSD students are foreign-born, from countries that include: Afghanistan, Burma, China, El Salvador, Eritrea, Ethiopia, Guatemala, Honduras, Mexico, Mongolia, Nepal, Philippines, Vietnam and Yemen.

TOTAL BUDGET FOR OAKLAND IMMIGRATION LEGAL REPRESENTATION AND RAPID RESPONSE NETWORK

- 5 attorneys- \$500,000
 - 3 attorneys at Centro Legal de la Raza
 - 1 attorney at the Alameda County Public Defender's Office
 - 1 attorney at Catholic Charities of the East Bay
- 1 Rapid Response Coordinator at Mujeres Unidas y Activas - \$150,000 (includes costs for hotline)
- 1 Know Your Rights Coordinator at Causa Justa/Just Cause- \$100,000 (includes costs for KYR materials)
- 8 Community Responders - \$480, 000

⁹ <http://www.census.gov/quickfacts/table/PST045215/0653000>

¹⁰ *ibid*

¹¹ <http://www.kidsdata.org/topic/573/foreign-parents>

- California Immigrant Youth Justice Alliance
 - Causa Justa/Just Cause
 - Ella Baker Center
 - Interfaith Movement for Human Integrity
 - Oakland Community Organizations
 - Spanish Speaking Community Foundation
 - Street Level Health
 - Vietnamese American Community Center of the East Bay
- Administrative cost to Fiscal Lead Centro Legal de la Raza- \$61, 500 (5% of total grant)

FISCAL IMPACT

The Oakland Immigration Legal Representation and Rapid Response Network has been developed by and for community members and introduced to the Oakland City Council by Centro Legal de la Raza, Oakland Unified School District, Alameda County Office of the Public Defender, Black Alliance for Just Immigration, California Immigrant Youth Justice Alliance, Catholic Charities of the East Bay, Causa Justa/Just Cause, Interfaith Movement for Human Integrity, Oakland Community Organizations, Spanish Speaking Community Foundation, Street Level Health and the Vietnamese American Community Center of the East Bay.

The impact on the greater Oakland community of immigrant residents and families facing imminent deportation or other adverse action as a result of immigration enforcement activities will be severe and broadly felt. The scope of the Rapid Response Network goes far beyond the City of Oakland's capacity for funding. The Oakland City Council urges the County of Alameda and the Bay Area philanthropic community to join us in these efforts to protect our immigrant communities. It is our hope and intention that the full costs of the Rapid Response Network can be shared by the City of Oakland, the County of Alameda and the philanthropic community. We urge the City Council to act on this resolution to publicly state our intention to provide funding for a significant portion of the costs of the Rapid Response Network in the amounts of \$150,000

in FY 2016-17 and \$150,000 in FY 2017-18. The resolution also directs the City Administrator to work with officials in Alameda County and with the Bay Area philanthropic community to identify additional resources to fully fund the Rapid Response Network.

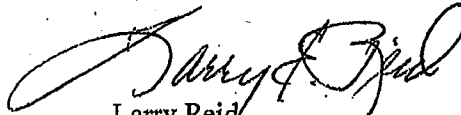
ACTION REQUIRED OF THE CITY COUNCIL

We respectfully request that the Oakland City Council adopt the resolution directing the City Administrator to identify \$150,000 in FY 2016-17 and \$150,000 in FY 2017-18 to support the Oakland Immigrant Legal Representation and Rapid Response Network to provide urgent legal and support services to Oakland families facing the immediate threat of separation due to deportation and directing the City Administrator to work with Alameda County and the Bay Area philanthropic community to develop a plan to fully fund the Oakland Immigrant Legal Representation and Rapid Response Network proposal.

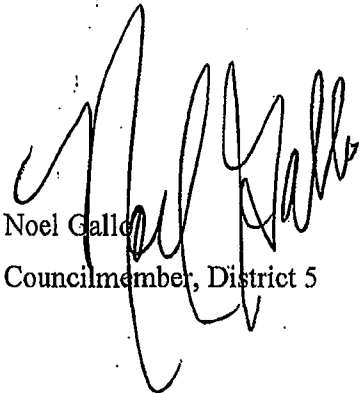
Sincerely,



Annie Campbell Washington
Vice Mayor and Councilmember, District 4



Larry Reid
President Pro Tem, District 7



Noel Gallo
Councilmember, District 5



Abel Guillen
Councilmember, District 2

FILED
OFFICE OF THE CITY CLERK
OAKLAND

Approved as to Form and Legality

DRAFT

City Attorney's Office

DEC -8 PM 6:10

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

INTRODUCED BY VICE MAYOR CAMPBELL WASHINGTON, PRESIDENT PRO TEM
REID, COUNCILMEMBER GALLO AND COUNCILMEMBER GUILLEN

ADOPT A RESOLUTION DIRECTING THE CITY ADMINISTRATOR TO RETURN TO CITY COUNCIL IN JANUARY 2017 WITH A RESOLUTION TO APPROPRIATE \$150,000 IN FY 2016 - 2017 AND \$150,000 FY 2017 – 2018 FOR THE OAKLAND IMMIGRANT LEGAL REPRESENTATION AND RAPID RESPONSE NETWORK TO PROVIDE URGENT LEGAL AND SUPPORT SERVICES TO OAKLAND FAMILIES FACING THE IMMEDIATE THREAT OF SEPARATION DUE TO DEPORTATION AND WORK WITH ALAMEDA COUNTY AND THE BAY AREA PHILANTHROPIC COMMUNITY TO FULLY FUND THE NETWORK.

WHEREAS, since the presidential election, there has been a sense of uncertainty and fear among many immigrant communities in Oakland and across the nation; and

WHEREAS, the City of Oakland has been on record since July 8, 1986 as a City of Refuge when it adopted Resolution No. 63950; and

WHEREAS, the Oakland City Council reaffirmed the declaration that Oakland is a City of Refuge for immigrants from all countries; and

WHEREAS, the City of Oakland has a strong tradition of embracing and valuing diversity and respecting the civil and human rights of all residents regardless of their immigration status; and

WHEREAS, over 40% of Oakland residents speak a language other than English at home¹; and

WHEREAS, approximately 31% of all Alameda County residents are foreign born², hailing from communities from all over the world and approximately 53% of children in Alameda County live in families where at least one parent was born outside the United States³; and

WHEREAS, 11,000 or 30% of the Oakland Unified School District (OUSD) student population are English language learners; and

¹ <http://www.census.gov/quickfacts/table/PST045215/0653000>

² U.S. Census available at www.census.gov

³ Kids Data available at www.kidsdata.org

WHEREAS, at present, 5,066 OUSD students are foreign-born, from countries that include: Afghanistan, Burma, China, El Salvador, Eritrea, Ethiopia, Guatemala, Honduras, Mexico, Mongolia, Nepal, Philippines, Viet Nam, and Yemen; and

WHEREAS, with the expected increase in immigration litigation, immigrants will need experienced and qualified attorneys to fight against the expected surge of deportation and detention; and

WHEREAS, the Oakland Immigrant Legal Representation and Rapid Response Network simultaneously need resources to create a meaningful rapid response network to make sure the immigrant community is aware of their rights and can access counsel as soon as needed if they are detained by Immigration and Customs Enforcement (ICE); and

WHEREAS, the Oakland Immigrant Legal Representation and Rapid Response Network formed to provide urgent legal and support services to Oakland families facing the immediate threat of separation due to deportation; and

WHEREAS, in a report from Northern California Collaborative for Immigrant Justice, it was reported that over 50% of the represented detained individuals involved in the study had lived in the United States for over a decade, 77% were separated from family members as a result of their detention with approximately half of them separated from children and 65% had been gainfully employed prior to their detention⁴; and

WHEREAS, research shows that the removal of family members, who are often the primary wage earner, pushes families into the brink of poverty and homelessness and can leave U.S. citizen children without parents to care for them; and

WHEREAS, a report from the Department of Justice Executive Office for Immigration Review showed that only 11% of detained and unrepresented immigrants were successful in challenging their deportation⁵ yet the detained individuals who were represented by Bay Area non-profits were successful 83% of the time⁶; and

WHEREAS, the Oakland Immigrant Legal Representation and Rapid Response Network includes various legal and community groups including but not limited to Centro Legal de la Raza, Alameda County Office of the Public Defender, Oakland Community Organizations, Ella Baker Center for Human Rights and many other legal and community organizations; and

WHEREAS, this diverse and dynamic Oakland organizations network requests that \$1,291,500 be provided for rapid response coordination, community responders and know your rights education for the Oakland immigrant population; and

⁴ Northern California Collaborative for Immigrant Justice (NCCIJ), Access to Justice for Immigrant families and Communities (Oct. 2014) (Hereinafter referred to as "NCCIJ Report"), available at <https://media.law.stanford.edu/organizations/clinics/immigrant-rights-clinic/11-4-14-Access-to-Justice-Report-FINAL.pdf>.

⁵ NCCIJ Report at 9, 18.

⁶ NCCIJ Report at 9.

WHEREAS, the Network will provide a rapid response to the legal needs of Oakland residents and families facing imminent deportation or other adverse action as a result of immigration enforcement activities like raids in homes, workplaces, schools, and other sensitive locations; and

WHEREAS, the Network will house five attorneys between legal service organizations and the Alameda County Office of the Public Defender and a Rapid Response Coordinator will lead five Community Responders in managing a hotline where affected individuals and community members can call to report immigration enforcement actions; and

WHEREAS, the Know Your Rights Coordinator will work with the legal service providers to develop presentations to be conducted monthly at schools, places of worship, health clinics, and other trusted community locations along with critical education regarding legal rights; now therefore be it

RESOLVED, that the City Council directs the City Administrator to return To City Council in January 2017 with a resolution to appropriate \$150,000 in FY 2016 - 2017 And \$150,000 FY 2017 – 2018 for the Oakland Immigrant Legal Representation and Rapid Response Network to provide urgent legal and support services to Oakland families facing the immediate threat of separation due to deportation and; be it

FURTHER RESOLVED, that the City Council directs the City Administrator to work with officials in Alameda County and the Bay Area philanthropic community to identify resources to fully fund the Oakland Immigrant Legal Representation and Rapid Response Network.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

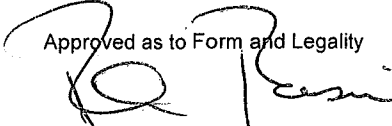
AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN,
REID AND PRESIDENT GIBSON MCELHANEY

NOES –
ABSENT –
ABSTENTION –

ATTEST:

LATONDA SIMMONS
City Clerk and Clerk of the Council of the City
of Oakland, California

2017 JAN 26 PM 6: 37

Approved as to Form and Legality

Deputy City Attorney

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AMENDING THE CITY OF OAKLAND'S FISCAL YEAR (FY) 2016-17 MIDCYCLE BUDGET, WHICH WAS ADOPTED PURSUANT TO RESOLUTION NO. 86250 C.M.S. ON JUNE 21, 2016, TO APPROPRIATE \$150,000 IN FY 2016-17 FROM THE GENERAL PURPOSE FUND (1010) FUND BALANCE FOR A GRANT TO THE OAKLAND IMMIGRANT LEGAL REPRESENTATION AND RAPID RESPONSE NETWORK TO PROVIDE URGENT LEGAL AND SUPPORT SERVICES TO OAKLAND FAMILIES FACING THE IMMEDIATE THREAT OF SEPARATION DUE TO DEPORTATION, AND AUTHORIZING A GRANT TO THE OAKLAND IMMIGRANT LEGAL REPRESENTATION AND RAPID RESPONSE NETWORK OR AFFILIATE IN AN AMOUNT NOT TO EXCEED \$150,000 TO PROVIDE SUCH SERVICES

WHEREAS, since the presidential election, there has been a sense of uncertainty and fear among many immigrant communities in Oakland and across the nation; and

WHEREAS, the City of Oakland has been on record since July 8, 1986 as a City of Refuge when it adopted Resolution No. 63950 C.M.S.; and

WHEREAS, the Oakland City Council reaffirmed the declaration that Oakland is a City of Refuge for immigrants from all countries by adopting Resolution No. 86498 C.M.S., on November 29, 2016; and

WHEREAS, the City of Oakland has a strong tradition of embracing and valuing diversity and respecting the civil and human rights of all residents regardless of their immigration status; and

WHEREAS, with the expected increase in immigration litigation, immigrants will need experienced and qualified attorneys to fight against the expected surge of deportation and detention; and

WHEREAS, the Oakland Immigrant Legal Representation and Rapid Response Network simultaneously need resources to create a meaningful rapid response network to make sure the immigrant community is aware of their rights and can access counsel as soon as needed if they are detained by Immigration and Customs Enforcement (ICE); and

WHEREAS, the Oakland Immigrant Legal Representation and Rapid Response Network formed to provide urgent legal and support services to Oakland families facing the immediate threat of separation

due to deportation; and

WHEREAS, the Oakland Immigrant Legal Representation and Rapid Response Network includes various legal and community groups including but not limited to Centro Legal de la Raza, Alameda County Office of the Public Defender, Oakland Community Organizations, Ella Baker Center for Human Rights and many other legal and community organizations; and

WHEREAS, the Network will provide a rapid response to the legal needs of Oakland residents and families facing imminent deportation or other adverse action as a result of immigration enforcement activities like raids in homes, workplaces, schools, and other sensitive locations; and

WHEREAS, on December 13, 2016, the City Council adopted Resolution No. 86534 C.M.S., which directed the City Administrator to return to the City Council in January 2017 with a resolution to appropriate \$150,000 in FY 2016-17 and \$150,000 in FY 2017-18 for a grant to the Oakland Immigration Legal Representation and Rapid Response Network to provide urgent legal and support services to Oakland families facing the immediate threat of separation due to deportation, and work with Alameda County and the Bay Area philanthropic community to fully fund the Network; and

WHEREAS, the required 7.5 percent set-aside for the General Purpose Fund (1010) Emergency Reserve will be trued-up with the FY 2016-17 Second Quarter Revenue and Expenditure Report; now, therefore, be it

RESOLVED: That the City Council hereby amends the Fiscal Year 2016-17 budget adopted pursuant to Resolution No. 86250 C.M.S. on June 21, 2016, to appropriate \$150,000 from the General Purpose Fund (1010) fund balance for a grant to the Oakland Immigrant Legal Representation and Rapid Response Network, or an entity affiliated with the Network as approved by the City Administrator, to provide urgent legal and support services to Oakland families facing the immediate threat of separation due to deportation; and be it further

RESOLVED: That the City Council further authorizes a grant to the Oakland Immigrant Legal Representation and Rapid Response Network, or an entity affiliated with the Network as approved by the City Administrator, in an amount not to exceed \$150,000 to provide urgent legal and support services to Oakland families facing the immediate threat of separation due to deportation; and be it further

RESOLVED: That the City Administrator or her designee is authorized to negotiate and execute a contract for said grant, and take whatever action is necessary with respect to the grant consistent with this Resolution and its basic purposes.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, AND PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California