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AGENDA REPORT

DATE: 10/6/14
TO: City Councilmembers
FROM: Councilmember Noel Gallo, Vice Mayor Larry Reid, Mayor Jean Quan
SUBJECT: Item # 4 - Funds for Unaccompanied Children from Central America

RECOMMENDATION

Councilmember Noel Gallo, Vice Mayor Larry Reid, and Mayor Jean Quan recommend that the City Council adopt:

A Resolution Authorizing A Grant In An Amount Up To \$577,231.00 To Centro Legal De La Raza To Be Used To Provide Legal Services To Central American Unaccompanied Children (UAC) In Oakland That Have Fled To The United States To Escape Violent And Other Oppressive Conditions In Their Countries, And Authorizing The City Administrator To Appropriate And/Or Identify Funds For The Grant

REASON FOR URGENCY

An emergency humanitarian crisis is taking place at the United States-Mexican border where thousands of unaccompanied children (UAC) from Central America including countries, such as El Salvador, Guatemala, Honduras, and Nicaragua are being apprehended and detained in crowded shelters, detention centers and facilities on military bases where they have been subjected to inhumane living conditions for indeterminate periods of time. These are unacceptable conditions that the United States Department of Homeland Security (DHS) and Human Health Services (HHS) will not be equipped or funded to humanly address until Congress passes comprehensive immigration reform. Therefore, this is a humanitarian crisis that requires immediate attention.

EXECUTIVE SUMMARY

Councilmember Gallo, Vice Mayor Reid and Mayor Quan brought together a "Collaborative" of long-time East Bay service providers and faith-based groups with numerous years of experience serving the community to provide assistance to newly arrived unaccompanied children and families with young children seeking asylum and living in Oakland. Members of the

“Collaborative” include Centro Legal De La Raza (Centro Legal), Oakland Community Organization (OCO), East Bay Sanctuary Covenant (EBSC), Catholic Charities of the East Bay (CCEB), La Clínica de la Raza (La Clínica), and the Primera Iglesia Presbiteriana Hispana (PIPH).

Together, this collaborative is requesting \$1,000,000 to provide desperately needed, emergency services to accompanied children and families with young children seeking asylum and living in Oakland and Alameda County. These services include legal, mental health, and housing services.

The Collaborative has requested \$422,769 from Alameda County to assist in the mental health and housing services, and \$577,231 from the City of Oakland to assist in the urgently needed legal and community coordination services. (*Attachment B*)

Pursuant to Resolution No. 85151 C.M.S., approved by Council on July 29, 2014, (*Attachment D*), which commits the City of Oakland resources and support efforts at Congressional level to ensure humanitarian relief efforts to unaccompanied children (UAC) and their families, Councilmember Gallo, Vice Mayor Reid, and Mayor Quan recommend adoption of a Resolution authorizing a grant of up to \$577,231 for Centro Legal De La Raza to be used to provide legal services to Central American unaccompanied children in Oakland that have fled to the United States to escape violent and other oppressive conditions in their countries, and authorizing the City Administrator to appropriate and/or identify funds for the grant. The attached resolution authorizes the City Administrator to continue to review and identify other funding sources as and when they become available.

OUTCOME

The City would enter into a Grant Agreement with Centro Legal De La Raza (the Collaborative’s leader) in the amount of up to \$577,231.00 to provide urgently needed legal and coordination services to Unaccompanied Children (UAC) living in Oakland. If funding is received, the Collaborative proposes the following for one year:

- 520 UACs and/or families with young children will receive free legal consultation;
- 350 UACs and/or families with young children will receive free legal representation in their asylum or Special Immigration Juvenile Status (SIJS) case;
- Attorneys from the Collaborative will staff the San Francisco rocket docket twice a week during morning and afternoon dockets;
- 24 immigration legal clinics will be held at schools, churches, and community centers in Oakland and Alameda County;
- 24 workshops will be held for teachers, clergy, and other community members so that they receive training in how to respond/provide help to UACs and families with young children seeking asylum;

- The Collaborative's partners will meet on a monthly basis to review services provided and ensure coordination of services.

LEGISLATIVE HISTORY

In 2007, the Oakland City Council adopted a "Sanctuary City" Resolution No. 80584, calling for a moratorium on immigration raids and for the passage of fair and humane federal immigration laws; as well as declaring Oakland a refuge for immigrants for all countries; providing equal access to public services and civil protections without regard to an individual's immigration status. The City had earlier passed a resolution stating Oakland was a refuge for those from El Salvador, Guatemala, Haiti and South Africa.

ANALYSIS

As the scope and severity of the violence and gang activity in Central America has drastically increased over the past year, so too has the number of young children and families seeking refuge in the United States. Faced with severe violence and threats of death in their home countries, families are fleeing and desperate parents are sending unaccompanied children, as young as three years old, on the dangerous journey from Central America to the U.S. border.

As of June 30, 2014, Department of Health and Human Services (DHHS) estimated that 242 unaccompanied children had been released to individuals living in Alameda County. Children have continued to arrive by the hundreds since that date. Other UACs, who have not been in contact with Immigrations and Custom Enforcement (ICE), are simply piecing together housing in the community. DHHS does not provide statistics regarding cities, but Oakland Unified School District (OUSD) reports that 183 UACs have enrolled since June of 2013.

This ongoing humanitarian crisis requires an immediate, coordinated, and urgent response from the City of Oakland because most of those seeking protection are unaccompanied children (UAC) and young families.

The Collaborative is committed to helping and serving this vulnerable population despite having no dedicated funding due to the severity and urgency of this humanitarian crisis. Centro Legal De La Raza is leading the Collaborative's efforts to seek emergency funding from the City of Oakland to secure legal representation for UACs and families. It is estimated that a UAC or family with young children only has a 1 in 10 chance of successfully winning a removal defense case, and with legal representation, they have 8 in 10 change of being granted protection. At Centro Legal De La Raza, the number of children and young families seeking services at its immigration clinics has tripled since January 2014. This is in addition to the high number of individuals being screened at immigration court. These UACs also need help applying for valid asylum claims or applying for Special Immigrant Juvenile Status (SIJS), a special status based on a child being abandoned and/or neglected by at least one parent.

Centro Legal has been attempting to represent as many of these children and families as possible, either in house or through mentored pro bono representation. Centro Legal has provided legal consultations and has seen over 350 UAC cases from July 2014 to September 2014.

The Collaborative has, therefore, requested funding in the amount of \$577,231.00 from the City of Oakland for Centro Legal De La Raza to secure and provide urgently needed legal and community coordination services to UACs living in Oakland. (*Attachment A*)

PUBLIC OUTREACH/INTEREST

There is no public outreach required for adoption of the proposed legislation.

COORDINATION

The efforts of identifying specific needs of services and funding will be coordinated among Councilmember Gallo, Vice Mayor Reid, and Mayor Quan, the Collaborative, Office of City Administrator, Budget Office, Office of City Attorney, and Department of Human Services.

COST SUMMARY/IMPLICATIONS

Approval of the Resolution will allow the City Administrator to appropriate and/or identify funds to execute a grant in the amount of up to \$577,231.00 to Centro Legal De La Raza to be used to retain and provide legal immigration, child and family welfare and other legal and coordination services needed by Central American unaccompanied children (UAC), and their families, in Oakland that have fled to the United States to escape violent and other oppressive conditions in their countries. (*Attachment B*)

1. **AMOUNT OF RECOMMENDATION:** up to \$577,231.00
2. **SOURCE OF FUNDING:** The City Administrator is authorized and directed to identify and review probable funding sources, and use, or appropriate said funds if necessary, for the grant.
3. **FISCAL IMPACT:** To date, the fiscal impact is unknown.

SUSTAINABLE OPPORTUNITIES

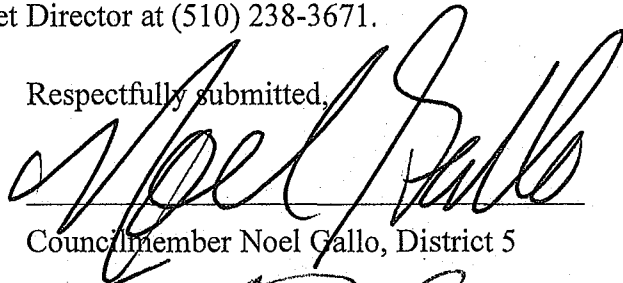
Economic: No direct economic opportunities have been identified.

Environmental: There are no impacts to environmental opportunities associated with this report.

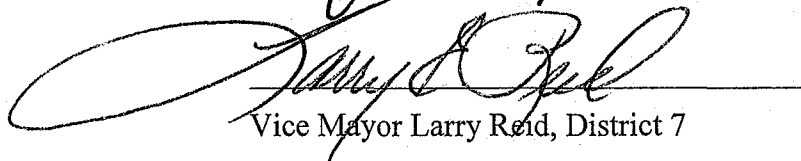
Social Equity: This grant funds would enhance the quality of life of the unaccompanied minors as the residents of Oakland.

For questions regarding this report, please contact Clara Garzon, Office of Councilmember Noel Gallo at (510) 238-7051 or Kiran Bawa, Budget Director at (510) 238-3671.

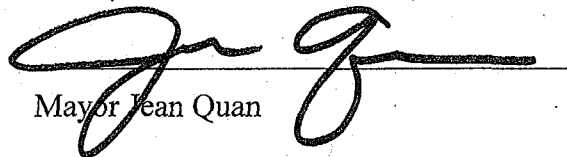
Respectfully submitted,



Councilmember Noel Gallo, District 5



Vice Mayor Larry Reid, District 7



Mayor Jean Quan

Reviewed by:

Donna Hom, Office of the City Administrator
Kiran Bawa, Budget Director
Melissa Vargas, Office of the Mayor

Prepared by:
Clara Garzon, Chief of Staff to
Councilmember Noel Gallo, District 5

Attachments:

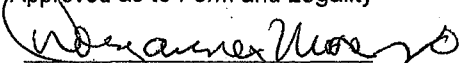
- A – Collaborative’s Increased Services Proposal for UAC*
- B – Collaborative’s Budget for Proposed Services to UAC*
- C – Unaccompanied Children in the OUSD*
- D – City Council approved Resolution No. 85151 C.M.S.*

REVISED

FILED
OFFICE OF THE CITY CLERK
OAKLAND

14 OCT -6 PM 4:39

Approved as to Form and Legality


Oakland City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY COUNCILMEMBERS GALLO, REID AND MAYOR QUAN

RESOLUTION AUTHORIZING A GRANT IN AN AMOUNT UP TO \$577,231.00 TO CENTRO LEGAL DE LA RAZA TO BE USED TO PROVIDE LEGAL SERVICES TO CENTRAL AMERICAN UNACCOMPANIED CHILDREN (UAC) IN OAKLAND THAT HAVE FLED TO THE UNITED STATES TO ESCAPE VIOLENT AND OTHER OPPRESSIVE CONDITIONS IN THEIR COUNTRIES, AND AUTHORIZING THE CITY ADMINISTRATOR TO APPROPRIATE AND/OR IDENTIFY FUNDS FOR THE GRANT

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

WHEREAS, in 2007, the Oakland City Council adopted a "Sanctuary City" Resolution No. 80584, calling for a moratorium on immigration raids and for the passage of fair and humane federal immigration laws; as well as declaring Oakland a refuge for immigrants from all countries; providing equal access to public services and civil protections without regard to an individual's immigration status, the City had earlier passed a resolution stating Oakland was a refuge for those from El Salvador, Guatemala, Haiti and South Africa; and

WHEREAS, an emergency humanitarian crisis is taking place at the United States-Mexican border where thousands of unaccompanied children (UAC) from Central America including countries, such as El Salvador, Guatemala, Honduras and Nicaragua are being apprehended and detained in crowded shelters, detention centers and facilities on military bases where they have been subjected to inhumane living conditions for indeterminate periods of time; and

WHEREAS, these are unacceptable conditions that the United States Department of Homeland Security (DHS) and Human Health Services (HHS) will not be equipped or funded to humanly address until Congress passes comprehensive immigration reform; and

WHEREAS, data collected by the Department of Homeland Security shows that from October 2013 to July 2014, more than 62,000 Central American children have fled from their home countries into the United States; and it is estimated that by the end of 2014, up to 90,000 children fleeing violence from Central America will

enter the United States alone, seeking protection, with an average of 120-400 children crossing the border each day; and

WHEREAS, on July 29, 2014, the Oakland City Council approved Resolution No. 85151 C.M.S., committing the City of Oakland to assist in the humanitarian relief efforts by collaborating with local, state and federal organizations to address the short and long term needs of unaccompanied immigrant children entering into Oakland and the East Bay region by:

1. Publicizing the need for host families and sponsors who can provide safe and stable housing opportunities for the unaccompanied children and work to move children from shelters into homes of relatives or host families as soon as possible; and
2. Identifying city resources to ensure that City Departments, in partnership with non-profit organizations, can offer a continuum of culturally competent relief services to meet the medical, mental health, educational and legal needs of these children and their families; and

WHEREAS, a group of long-time East Bay service providers and faith-based groups with numerous years of experience serving the community have formed a collaborative to provide services to newly arrived UACs and to families with young children seeking asylum; and

WHEREAS, members of the collaborative include the Oakland Community Organization (OCO), Centro Legal de la Raza (Centro Legal), East Bay Sanctuary Covenant (EBSC), Catholic Charities of the East Bay (CCEB), La Clínica de la Raza (La Clinica) and the Primera Iglesia Presbiteriana Hispana (PIPH) (collectively referred to hereafter as "Collaborative"); and

WHEREAS, Collaborative members are committed to helping and serving this vulnerable population despite having no dedicated funding due to the severity and urgency of this humanitarian crisis; and

WHEREAS, Centro Legal De La Raza is leading the Collaborative's efforts to seek emergency funding from the City of Oakland to secure legal representation for UACs and families with young children seeking asylum; and

WHEREAS, Centro Legal De La Raza has seen over 350 UAC cases from July 2014 to September 2014; and

WHEREAS, it is estimated that a UAC or family with young children only has a 1 in 10 chance of successfully winning a removal defense case, and with legal representation, they have an 8 in 10 chance of being granted protection; and

WHEREAS, the stakes are very high for securing legal representation for these children and families because they could face potential death if deported; and

WHEREAS, the Collaborative has requested funding in the amount of \$577,231 from the City of Oakland for Centro Legal De La Raza to secure and

provide urgently needed legal and community coordination services to UACs living in Oakland; and

WHEREAS, to fund this grant it will be necessary to authorize the City Administrator to identify monies in, or appropriate monies from, the current Fiscal Year 2014-2015 adjusted budget, provided that such monies shall not be subject to any federal, state, Charter or Council grant request for proposal or qualification processes; now, therefore, be it

RESOLVED: That the Oakland City Council authorizes a grant up to the amount of \$577,231.00 to Centro Legal De La Raza to be used to retain and provide legal immigration, child and family welfare and other services needed by Central American unaccompanied children (UAC), and their families; in Oakland that have fled to the United States to escape violent and other oppressive conditions in their countries; and be it

FURTHER RESOLVED: That the City Administrator is authorized and directed to identify and review probable funding sources, and/or to appropriate funds if necessary, and use said funds for the grant; and be it

FURTHER RESOLVED: That the Council requests the City Administrator to execute a grant agreement once partial or full funding sources have been identified or return to Council with a report regarding legal or other impediments causing delay in execution; and be it

FURTHER RESOLVED: That the Oakland City Council authorizes the City Administrator to identify funds in current Fiscal Year 2014-15 budgeted funds, or to appropriate funds if no budgeted funds are available, in an amount up to \$577,231.00 to cover said grant, provided that said funds shall not be subject to any federal, state, Charter or Council grant request for proposal or qualification processes; and be it

FURTHER RESOLVED: That the City Attorney shall review and approve the grant awarded hereunder for form and legality prior to its execution and a copy shall be placed on file in the office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, SCHAAF, REID AND
PRESIDENT KERNIGHAN

NOES -
ABSENT -
ABSTENTION -

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California

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FINANCE & MANAGEMENT CMTTE