


# REPORT OF THE CHIEF LEGISLATIVE ANALYST

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DATE: September 5, 2018

TO: Honorable Members of the Immigrant Affairs, Civil Rights  
and Equity Committee

FROM: Sharon M. Tso   
Chief Legislative Analyst

Council File No: 18-0537  
Assignment No: 18-08-0803

## Unaccompanied Minors

### SUMMARY

On June 8, 2018, Councilwoman Nury Martinez introduced a Motion (Martinez-Rodriguez) instructing this Office to report on how “unaccompanied children” are being resettled in the City of Los Angeles and to identify any City resources or programs that could be made available to “unaccompanied children” and families that are affected by the “Zero Tolerance” immigration policy imposed by the Secretary of the U.S. Department of Justice (C.F. 18-0537; Attached).

In response to the request, our Office consulted with staff from the Housing and Community Investment Department (HCID) and immigrant rights advocates such as the Coalition for Immigrant and Refugee Rights (CHIRLA), Central American Resource Center (CARECEN), Immigrant Defenders Law Center, and Public Counsel. Our Office also reviewed reports by the U.S. Government Accounting Office (GAO), the Congressional Research Service (CRS), internet sites for the Department of Homeland Security (DHS) and the U.S. Department of Health and Human Services (HSS), and examined documents such as the *Flores Settlement Agreement of 1997 (Flores Agreement)*<sup>1</sup>, the Homeland Security Act of 2002 (HSA)<sup>2</sup>, and the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA)<sup>3</sup> which relate to the treatment and administrative processing of “unaccompanied minors.”

This report provides a brief background on policies and agencies governing unaccompanied minors, a description of existing City services that could be made available to unaccompanied minors and their families, and recommendations to partner with other organizations to leverage efforts and enhance services.

### Background

Unaccompanied Alien Child (UAC), defined by U.S. Code Section 276, refers to a child who has no lawful immigration status in the U.S., is under the age of 18, and has no parent or legal guardian in the U.S., or has no parent or legal guardian who can provide care and physical custody in the U.S. In this report, UACs will be referred to as “unaccompanied minors.”

The CRS partly attributes migration of unaccompanied minors (primarily from Guatemala, Honduras and El Salvador) to violent crimes in their home countries, economic conditions, poverty rates, and the presence of transnational gangs. Approximately 50 percent of minors apprehended are under the age of 14. Prior to the Trump Administration, families arriving at the border without authorization to enter but claiming a credible fear if returned to their home country, were permitted to enter the U.S. and apply for asylum. However, a recent change in federal immigration policy<sup>4</sup> to criminally prosecute individuals crossing the border without authorization has led to the separation of families. Given that individuals crossing the border without authorization are now charged criminally, their children have been separated and processed as unaccompanied minors. By law, unaccompanied minors are

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<sup>1</sup> The Flores Agreement sets the minimum standards for the detention, housing, and release of non-citizen juveniles who are detained by the government, and obliges the government to pursue a general policy favoring release. The Flores Agreement provides that minor in deportation proceedings shall be afforded a bond redetermination hearing before an immigration judge.

<sup>2</sup> The HSA transferred authority over the care and placement of unaccompanied minors to the ORR.

<sup>3</sup> The TVPRA parallels the Flores Agreement and reaffirmed ORR’s responsibility over the care and treatment of unaccompanied minors.

<sup>4</sup> Zero Tolerance Policy – federal immigration policy to criminally prosecute individuals crossing the border illegally. Under this policy, the U.S. Department of Justice has directed ICE and Border Patrol to separate minors from their parents or guardians when: 1) DHS is unable to determine the familial relationship, 2) DHS determines that a child may be at risk with the parent or legal guardian, or 3) the parent or legal guardian is referred for criminal prosecution. Numerous public officials and immigrant rights organizations view this policy as a cruel tactic

detained for a maximum of 72 hours by immigration agencies and must subsequently be transferred to HSS Office of Refugee Resettlement (ORR) for further processing and care. ORR contracts with multiple organizations to house unaccompanied minors and for legal representation. ORR operates over 100 shelters in 17 states. The average length of stay is reportedly 57 days. According to the ORR of the 27,000 minors released between October 2017 and June 2018, approximately 3,800 were released to sponsors in California. Of those released in California, 1,500 were released in Los Angeles County. The GAO, American Civil Liberties Union, and numerous news agencies have reported abuse and neglect and denounced the inhumane treatment and processing of unaccompanied minors by federal immigration enforcement agencies.

#### Immigrant Rights Advocates

Local immigrant rights advocates have expressed concerns over the treatment and administrative handling of unaccompanied minors while detained in immigration facilities, during agency transfers and upon their release to qualifying sponsors. Concerns have also been raised relative to reductions in federal funding previously allocated for legal representation through the ORR. Legal representation through ORR had been available in 38 Immigration and Customs (ICE) detention centers across the country. According to the Vera Institute of Justice, which partners with a network of legal aid organizations to provide legal representation, approximately 50,000 individuals benefit from this federal legal representation program per year.

Due to such reductions in federal funding, immigrant rights organizations have stepped in to provide legal representation, in many cases pro bono. Additionally, these organizations have indicated that there are challenges in bridging existing community resources, including the City, with the needs of unaccompanied minors and their families that are released in the Los Angeles area.

If Council wishes to support legislation or administrative action urging federal officials to reinstate funding for legal representation for unaccompanied minors as provided by the Department of Health and Human Services, the CLA should be instructed to prepare a resolution.

#### Housing Community and Investment Department

Staff from HCID has indicated that the existing FamilySource System may be a valuable option to assist unaccompanied minors who are released in the Los Angeles area. There are 16 FamilySource Centers in high-need areas which provide services to low-income families. These centers offer social, educational and employment training services to families and individuals who qualify. The centers also partner with other organizations to leverage and enhance these services. Some of these partners include the Los Angeles Unified School District, the County of Los Angeles and numerous social and legal service organizations.

HCID reports that each of the FamilySource Centers has identified a liaison to address issues of unaccompanied minors. This liaison serves as a navigator connecting families to resources and providing case management services. HCID is also in the process of surveying FamilySource Centers to identify staff that is qualified to provide mental health services to unaccompanied minors.

HCID also reports that the Mayor's Office of Immigrant Affairs and the County of Los Angeles Office of Immigrant Affairs have held three regional meetings with HCIDLA, LAUSD, Counsel Generals and immigrant legal providers. The purpose of these meetings is to develop a process to connect and provide follow-up services for separated families and unaccompanied minors. A recommendation is included in this report to instruct HCID to report with quarterly updates relative to any future regional meetings on this issue.

Through this collaborative effort, HCID will train operators of the County's 211 information system to refer clients to the City's FamilySource Centers. We recommend that HCID also work with the Information Technology Agency to provide training to the City's 311 operators to refer unaccompanied minors and their families to FamilySource Centers or other appropriate agencies.

In addition, we recommend that the Council instruct HCID to work with immigrant rights advocates, LA County and LAUSD, to develop a framework to coordinate responsibilities and establish procedures for the referral of recently released unaccompanied minors, and separated minors and their families, to FamilySource Centers.

#### Los Angeles Public Library

The Los Angeles Public Library has established New American Centers (Centers) throughout City libraries. The centers are located at Central Library and branches in Pacoima, Junipero Serra, Pio Pico Koreatown, Benjamin Franklin, and Wilmington. The Centers offer free on-site immigration and naturalization services. The Centers provide assistance in the following areas:

- Immigration/Adjustment of Status
- Green Card renewal (I-90)
- Family Preparedness/Guardianship
- Money Management
- Entrepreneurship
- Housing Rights
- Worker's Rights
- DACA (Deferred Action for Childhood Arrivals)
- TPS (Temporary Protected Status)

Interested individuals may schedule appointments for these services and sign up for classes. We recommend that the Council request the Library Department to report on any programs or resources that may be utilized to assist unaccompanied minors and to provide recommendations to leverage any efforts with other City departments.

#### LA Justice Fund

On June 23, 2017, the City Council approved a \$2 million contract with the California Community Foundation (CCF) to expand legal representation for individuals in removal proceedings (C-129909). This was part of a joint effort which includes the Los Angeles County, the Weingart Foundation and the California Community Foundation (CCF). CCF also serves as the fiscal sponsor and administrator of the LA Justice Fund.

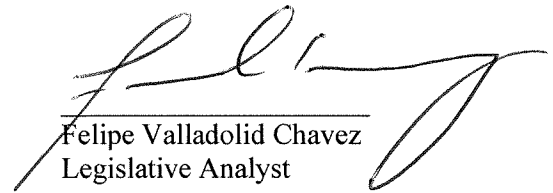
On July 3, 2018, the City Council approved an extension of the contract with CCF for an additional one-year term through June 30, 2019. As part of the action, the Council also approved a modification to the residency requirements of eligible individuals to include "children separated from their families due to the Federal government's Zero Tolerance policy and allow for provision of legal representation to the respective parents or sponsor of detained or housed children" as defined in the contract. The contract already allowed for legal representation for unaccompanied minors. It is recommended that the City Council request the CCF to report on how current legal service providers have used funds to assist unaccompanied minors and to report on any strategy to utilize the LA Justice Fund to assist minors who have been separated from their families.

### **RECOMMENDATIONS**

That the City Council

- 1) Instruct the Housing, Community and Investment Department to:
  - A) Work with immigrant rights advocates, LA County and LAUSD, to develop a framework to coordinate responsibilities and establish procedures for the referral of unaccompanied minors and minors who have been separated from their families to FamilySource Centers, and report to Council in 45 days.
  - B) Report with quarterly updates relative to the regional meetings between the Mayor's Office of Immigrant Affairs and the County's Office of Immigrant Affairs with respect to unaccompanied minors and children who have been separated from their families.

- C) With the assistance of the Information Technology Agency, provide training to the City's 311 operators to refer unaccompanied minors and their families to FamilySource Centers or other appropriate agencies.
- 2) Request the Library Department to report on any programs or resources that may be utilized to assist unaccompanied minors including recommendations to leverage any efforts with other City departments.
- 3) Request the California Community Foundation to report on how current legal service providers have used funds to assist unaccompanied minors and to report on any strategy to utilize the LA Justice Fund to assist minors who have been separated from their families.



Felipe Valladolid Chavez  
Legislative Analyst

Attachment: Motion (Martinez-Rodriguez)  
SMT:fvc

## MOTION

## IMMIGRANT AFFAIRS, CIVIL RIGHTS AND EQUITY

Unaccompanied children who are apprehended having illegally entered the United States are designated as "unaccompanied children" and are placed in the care of Department of Health and Human Services' (HHS) Office of Refugee Resettlement (ORR), where they are ideally connected with caretakers, often relatives who reside in the United States, while they await an immigration hearing.

On April 26, 2018, Steven Wagner, the Acting Assistant Secretary for the Administration for Children and Families in the United States Department of Health and Human Services, testified at the United States Senate's Subcommittee on Homeland Security and Governmental Affairs on the actions being taken by the Department of Homeland Security and the Department of Health and Human Services to improve transfers and monitoring of care for unaccompanied children who are apprehended having made illegal entry in to the United States.

The hearing largely addressed issues raised by the United States Government Accountability Office, which has released multiple reports outlining the inefficiencies of the process of referral and placement of unaccompanied children. According to the testimony provided by the Acting Assistant Secretary, the ORR reached out to 7,365 children and their sponsors, but were unable to contact or otherwise reach 1,475 children or their sponsors. According to the ORR report, 2,906 unaccompanied children were placed with caretakers in Los Angeles County in 2017.

There may be several resources within the City that can provide aid to populations impacted by enforcement of the zero-tolerance policy. The City's FamilySource Centers provide supportive services to families in need and could potentially provide services or direct unaccompanied minors and their caregivers to appropriate resources. Services provided by the City may be more accessible to those who fear potential prosecution by the Department of Justice.

The inability of federal government to track and otherwise provide safety to unaccompanied minors represents a significant safety issue for unaccompanied children who may reside in the City of Los Angeles and leaves them vulnerable to human trafficking, abusive conditions, or illicit activities.

I THEREFORE MOVE that the City Council:

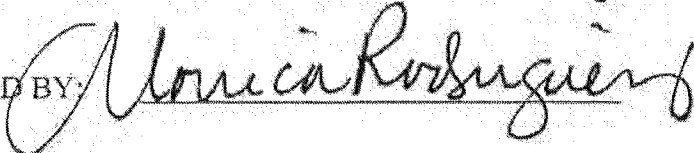
1. Direct the Chief Legislative Analyst, with assistance of other appropriate entities, to report on how "unaccompanied children" are being resettled in the City of Los Angeles.
2. Direct the Chief Legislative Analyst, with assistance of the Housing and Community Investment Department and other appropriate entities, to identify any City resources or programs that are currently available or could be made available to aid unaccompanied children and families affected by the Department of Justice's zero-tolerance policy.

PRESENTED BY:

  
 NURY MARTINEZ  
 Councilmember, 6<sup>th</sup> District

JUN 08 2018

SECONDED BY:



ORIGINAL