

SHARING SANCTUARY: ACCOUNTING FOR GAPS IN SERVICES TO UNACCOMPANIED IMMIGRANT CHILDREN IN THE SAN FRANCISCO BAY AREA

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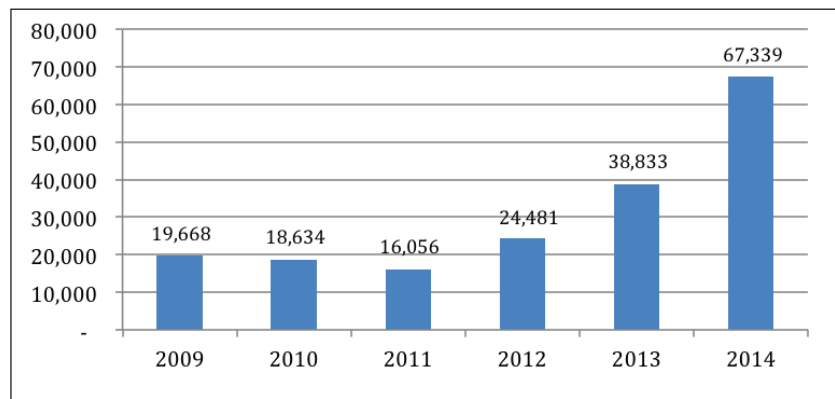
The number of unaccompanied immigrant children arriving at the United States-Mexico border from Central American countries spiked in 2014. The resettlement of these children to the San Francisco Bay Area has posed new challenges for the legal and social service providers who work to assist them. These challenges, coupled with persistent gaps in services, have serious implications for the unaccompanied children who have settled in the region. Though the San Francisco Bay Area has championed their needs, this article makes the case for greater local emphasis on legal representation and on the needs of host families for these children.

Arrival of Unaccompanied Immigrant Children in California and the Bay Area

Unaccompanied immigrant children (UCs)¹ have been arriving at the United States-Mexico border for decades to pursue reunification with family in the United States. In 2014, their numbers spiked to unprecedented heights, and the total number of UCs increased by almost 30,000—three times higher than in 2009 (see figure 1).² While the greatest share of UCs apprehended along the

border have historically been from Mexico, by 2014 the number of Central American children surpassed the number of Mexican children. Moreover, since federal legislation mandates that children from Mexico be sent back immediately after being apprehended, the current domestic issue almost exclusively concerns children from Central America.³

Figure 1.
Unaccompanied immigrant children apprehended at the U.S.-Mexico border, fiscal year 2009 to fiscal year 2014. 2015 figures still being recorded (26,276 as of August 2015).



Source: U.S. Customs and Border Protection, statistics page⁴

The unaccompanied status of these children creates a unique responsibility for the U.S. government to oversee their care while they remain in the United States. Once apprehended along the border, UCs are relocated within the United States by the federal Office of Refugee Resettlement (ORR) and released to an approved “sponsor”—a parent, legal guardian, family member, or trusted family friend—through a process known as reunification.⁵ Though the greatest number of these children arrive at the Texas border,⁶ California and the San Francisco Bay Area counties (the Bay Area) are noteworthy destinations for sponsor reunification. ORR data signal that among U.S. states, California has received the largest number of UCs released to sponsors in 2015,⁷ and the Bay Area is the second largest region of settlement for UCs in California after Los Angeles.⁸ UCs have settled throughout the Bay Area, but urban counties such as Alameda, San Francisco, and San Mateo have received the largest share (see figure 2).

unclear, giving rise to gaps between federal and local policy that come at a great cost to UCs and local governments alike.

Constraints on the Federal Courts

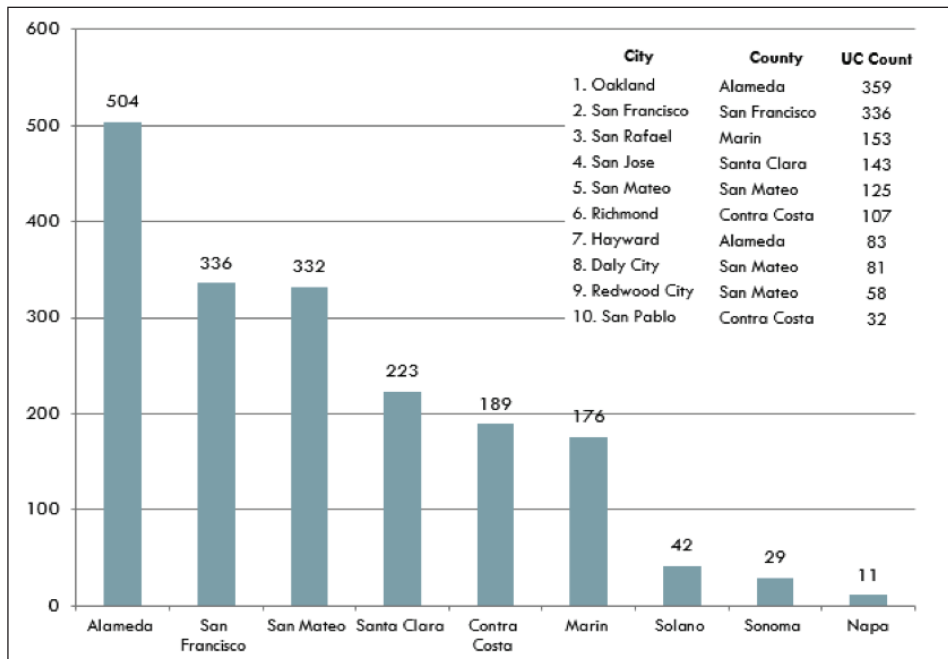
The disconnect between federal and local policy is apparent in immigration courts. In 2014, the San Francisco Immigration Court experienced a staggering 816 percent increase in UC caseload relative to 2013 (see figure 3).¹¹ This growth was partly due to the Court’s role as the chief immigration court for all UC cases in Northern California, coupled with the rise in settlement of UCs in rural areas. The Bar Association of San Francisco estimates that nearly one in five UCs appearing in immigration court live in the Central Valley,¹² and ORR counts at least 700 UCs residing in rural locations surrounding the Bay Area.¹³ Due to these changes, legal service providers in the Bay Area received cases from UCs outside the Bay Area in addition to their local caseloads.

Figure 2. UCs released to sponsors by county and city between January 2014 and May 2015

Summary of UC arrivals since “the surge” of 2014*¹⁰

- ◆ 51,705 UCs arrived from Central America to the United States-Mexico border.
- ◆ 5,831 UCs were relocated to California by the ORR.
- ◆ 1,842 UCs were recorded in the Bay Area by the ORR.

*as of August 2015



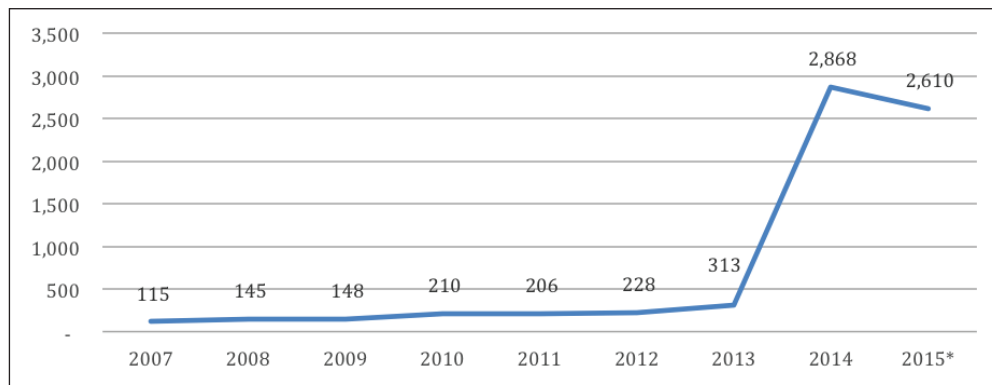
Source: ORR data on UCs released to sponsors by zip code⁹

Gaps in Services for Unaccompanied Immigrant Children in the Bay Area

While the federal government plays a critical role in determining legal and geographic outcomes for these children once they are in the United States, local cities and governments are also key players in shaping UCs’ transitions to their new homes. Yet the proper role of local counties is

With the rise in UCs, the San Francisco Immigration Court—which is repeatedly cited as under-staffed and under-funded—experienced a large backlog of UC cases.¹⁵ In response to these constraints, the Department of Justice established immigration court dockets (also known as “surge dockets” or “rocket dockets”) requiring judges to expedite the adjudication process for UCs who arrived in

Figure 3. Number of juvenile cases filed in the San Francisco Immigration Court, fiscal year 2007 to fiscal year 2015



*2015 figures still being recorded, partial total shown
 Caseload numbers obtained from Syracuse University’s Transactional Records Access Clearinghouse Immigration Project, as of August 2015¹⁴

2014. These dockets reduced the time that UCs are given to appear before an immigration judge from the typical four to six months to only twenty-one days. Unlike U.S. citizens, UCs do not have a right to government-funded legal counsel, and immediately after 2014, the number of UCs lacking legal representation sharply increased (see figure 4).¹⁶

Figure 4. UCs lacking legal representation in the San Francisco Immigration Court

Year	Not Represented (number of children)	Not Represented (percent of total)
2011	86	29%
2012	129	27%
2013	253	29%
2014	1,020	29%
2015*	1,586	51%

*2015 figures still being recorded, partial total shown
 Caseload numbers obtained from Syracuse University’s Transactional Records Access Clearinghouse Immigration Project, as of August 2015¹⁷

Regionalism in Social Service Provision

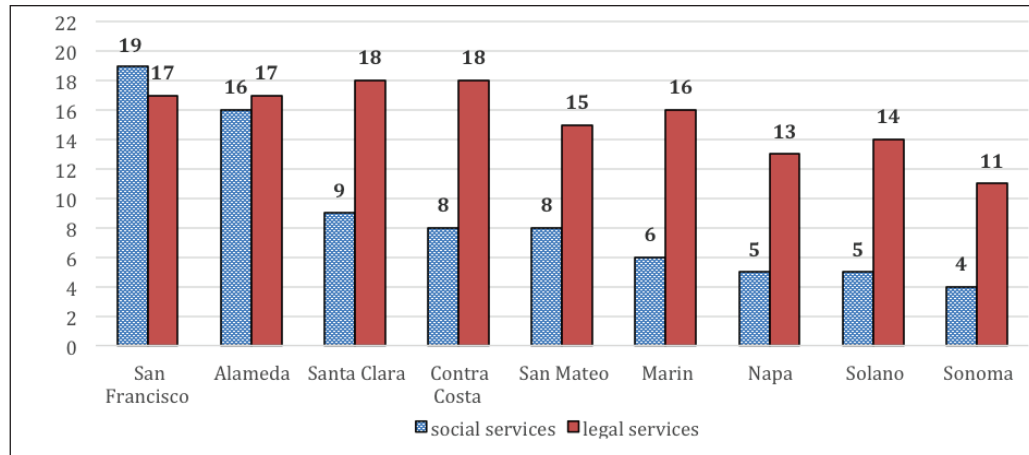
Legal and social service organizations supporting UCs are not evenly located throughout the Bay Area. Out of 113 organizations identified from a running tally of service providers, 80 percent are located in Alameda, San Francisco, and Santa Clara Counties (San Francisco alone houses 40 percent of these organizations). Despite their urban locations, legal service providers offer their services almost evenly across the Bay Area (see figure 5 on next page). However, social service providers indicated that they limit

their services to their respective geographic areas, signaling gaps in social services in less urban counties. (For purposes of this discussion, the term *social services* broadly encompasses any direct public services that unaccompanied immigrant children receive, insofar as they are *not* legal services. This includes services provided by school districts, county health departments, mental health/counseling professionals, and faith-based shelters, among others.¹⁸)

Differences in legal and social service provision reflect the funding priorities of Bay Area philanthropists and local governments. For instance, the state of California, along with San Francisco and Alameda Counties, has dedicated funds to boost legal representation for UCs in the region, giving rise to the Bar Association of San Francisco’s “Attorney of the Day” program, which provides *pro bono* counsel to UCs facing the rocket docket. These funds have had positive spillover effects throughout Northern California, accounting for the relatively even distribution in figure 5. Legal service providers have also used the funds to form UC-specific coalitions, such as the San Francisco Immigrant Legal Defense Collaborative.¹⁹

On the other hand, social service providers have been slower to mobilize than their legal counterparts, and their collaborations have been loose and informal. By a large margin, social service providers listed overly restrictive funding as the greatest challenge to providing services to UCs. One exception are schools: funding has been devoted to create positions in Oakland Unified and San Francisco Unified school districts exclusively for services for UCs.

Figure 5. Number of respondents offering services in various Bay Area counties



Source: Association of Bay Area Governments legal and social service survey to Bay Area immigrant-serving organizations²⁰

Count of organizations represented: 31 legal service providers; 29 social service providers

Still, professionals expressed concern that other administrators are uninformed about programs and services for which UCs are eligible, such as legally-mandated McKinney-Vento homeless assistance, which applies to a large portion of UCs facing trouble with sponsors.

Beyond funding, social service providers face structural challenges that complicate their ability to mobilize in support of UCs. A lack of awareness around UC issues is heightened by staff turnover and impacts the ability of some UCs to stay in the Bay Area. For instance, most counties require social workers to identify immigrant youth who may be eligible for Special Immigrant Juvenile Status (SIJS)—an important precursor to permanent legal status—yet many child welfare offices are staffed by new social workers unfamiliar with SIJS. Moreover, the nature and frequency of services offered by social service providers are different: social services are heterogeneous and providers work with a vast clientele, whereas legal services are fairly uniform and tailored to idiosyncratic legal cases. Accordingly, social service providers reported offering services to a greater *count* of UCs, whereas legal service providers reported spending a greater number of *hours on average* serving UCs.²¹

Concluding Remarks and Recommendations

The experiences of these unaccompanied children are akin to those of immigrants who receive temporary protected

status (TPS) or refugee status: both populations are offered temporary support in the United States until they return to their home countries. UCs, however, are not eligible for refugee status or TPS, and this fact greatly limits the services available to them. It is unlikely that the federal government will offer these forms of legal relief to UCs in the near future; indeed, the expedited dockets were fashioned by the Obama administration with deterrence as a key principle.²²

Nevertheless, it is important that local cities and counties still account for the presence of these children while they await their court hearings. Relative to other parts of the country, the Bay Area has made a noteworthy effort to build a supportive infrastructure for UCs, especially with regard to funding for legal services. Still, 37.3 percent of all UC cases in the San Francisco Immigration Court lack legal representation, and data from immigration courts show that on average, only 15 percent of UCs without an attorney are allowed to remain in the United States, compared to 73 percent of their legally represented counterparts.²³ Legal and social service organizations express further concerns about the lack of culturally-sensitive services, lack of adequate training to serve these specific populations, mobility issues, a distrust of services on behalf of UCs, a lack of cross-agency coordination, and political issues.

The multifaceted needs of UCs—including (but not limited to) legal needs, language needs, cultural adaptation, mental and physical health needs, housing needs, and outstanding

debt—require a comprehensive, holistic response from all UC-serving organizations. Areas where public policy likely has the greatest impact on these needs are a UC’s legal hearing and reunification with sponsors or foster care. As previously discussed, funding for legal services has had positive spillover effects throughout Northern California. On the other hand, lack of support for, and oversight of, the reunification process has failed to mitigate ensuing problems with sponsors, and these challenges adversely affect almost every aspect of services to UCs. Both literature on UCs and professionals in the Bay Area highlight that reunifications with sponsors—many of whom are undocumented and in poverty—often exacerbate the profound trauma that these children carry with them, and a lack of buy-in from sponsors creates huge barriers to attending school and accessing social services. Finally, professionals express concern that the “rocket docket” policy has expedited reunification and reduced sponsor vetting, thereby increasing the likelihood of problems with sponsors.

To account for these challenges, the Bay Area should continue to focus on legal representation and work to boost its supportive services for sponsors. Given the influence of the sponsor experience on UC relationships with other social service providers, research could be done to determine the extent to which investing in a strong sponsor program could reduce costs in other areas, such as schooling. One standout program is an alternative sponsor program run by the Bill Wilson Center in Santa Clara, which invites local members of the community to host UCs as volunteer sponsors through an exchange-program model.^{24, 25} These innovative efforts, along with others throughout the region, have provided crucial short-term support for unaccompanied immigrant children. Nevertheless, there is significant need for ongoing funding support for services. Focusing on legal services and sponsor support will help ensure that, in time, UCs can transition into contributing students and residents of the Bay Area.

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The findings of this article are based on research undertaken with the Association of Bay Area Governments in the summer of 2015. Research methods incorporate interviews with twenty-six key immigration professionals in the Bay Area, two surveys with results from sixty-one legal and social service providers, and extensive research on over seventy secondary sources.

Endnotes

- [1] The Homeland Security Act defines an “unaccompanied alien child” as a child who has no lawful immigration status, is under 18 years of age, and has no parent or legal guardian in the country available to provide care and physical custody.
- [2] These numbers are subject to change depending on the period. “Southwest Border Unaccompanied Alien Children Apprehensions,” U.S. Customs and Border Protection, accessed June 2015, <http://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children>.
- [3] For more information on UCs on a country-by-country basis, see Pamela Goldberg, Leslie Velez, Nicole Boehner, Susan Schmidt, and Aryah Somers, *Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the Need for International Protection* (United Nations High Commissioner for Refugees, 2014), www.unhcrwashington.org/sites/default/files/1_UAC_Children%20on%20the%20Run_Full%20Report.pdf.
- [4] “Southwest Border Unaccompanied Alien Children Apprehensions,” U.S. Customs and Border Protection, accessed June 2015, <http://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children>.
- [5] For further details on UC’s movement within the U.S. immigration system, see “The Flow of Unaccompanied Children through the Immigration System: A Resource for Practitioners, Policy Makers, and Researchers,” *The Vera Institute*, <http://www.vera.org/pubs/flow-unaccompanied-children-through-immigration-system-resource-practitioners-policy-makers-and>.
- [6] Jens Manuel Krogstad and Ana Gonzalez-Barrera, “Number of Latino Children caught trying to enter the U.S. doubles in less than a year,” *Pew Research Center*, June 10, 2014, accessed June 2015, www.pewresearch.org/fact-tank/2014/06/10/number-of-latino-children-caught-trying-to-enter-u-s-nearly-doubles-in-less-than-a-year/.
- [7] “Unaccompanied Children Released to Sponsors by State,” Office of Refugee Resettlement, accessed August 2015, www.acf.hhs.gov/programs/orr/programs/ucs/state-by-state-uc-placed-sponsors.
- [8] Lee Romney, “Oakland churches offer aid, sanctuary to Central American immigrants,” *The Los Angeles Times*, December 30, 2014, accessed July 2015, www.latimes.com/local/california/la-me-bay-area-sanctuary-20141231-story.html#page=1.
- [9] As of August 2015. Data obtained from ORR release records by zip code, recorded in the period between January 2014 and May 2015. For more information, see “Unaccompanied Children Released to Sponsors by State,” Office of Refugee Resettlement, www.acf.hhs.gov/programs/orr/programs/ucs/state-by-state-uc-placed-sponsors.
- [10] *Ibid.*

[11] “Juvenile Immigration Court Deportation Proceedings,” Syracuse University’s Transactional Records Access Clearinghouse Immigration Project, Accessed November 2015, www.trac.syr.edu/phptools/immigration/juvenile/.

[12] California Lawyer, “Unaccompanied, but Not Alone: Kids Who Immigrate Alone Face Tough Odds Finding A Lawyer,” www.callawyer.com/2015/05/unaccompanied-minors-face-tough-odds-finding-a-lawyer-especially-in-central-valley/.

[13] *Ibid.*

[14] “Juvenile Immigration Court Deportation Proceedings,” Syracuse University’s Transactional Records Access Clearinghouse Immigration Project, Accessed November 2015, www.trac.syr.edu/phptools/immigration/juvenile/.

[15] Adina Hemley Bronstein, “The San Francisco Immigrant Legal Defense Collaborative: Bay Area Public Interest Attorney’s Collective Response to Crisis,” *The Bar Association of San Francisco Blog*, May 7, 2015, accessed July 2015, <http://blog.sfbar.org/2015/05/07/the-san-francisco-immigrant-legal-defense-collaborative-bay-area-public-interest-attorneys-collective-response-to-crisis/>.

[16] Data as of November 2015. “Juvenile Immigration Court Deportation Proceedings,” Syracuse University’s Transactional Records Access Clearinghouse Immigration Project, Accessed November 2015, www.trac.syr.edu/phptools/immigration/juvenile/.

[17] *Ibid.*

[18] The full range of service providers under consideration are detailed in the full report from the Association of Bay Area Governments, available at: <http://abag.ca.gov/planning/minors.html>.

[19] Adina Hemley Bronstein, “The San Francisco Immigrant Legal Defense Collaborative: Bay Area Public Interest Attorney’s Collective Response to Crisis,” *The Bar Association of San Francisco Blog*, May 7, 2015, accessed July 2015, <http://blog.sfbar.org/2015/05/07/the-san-francisco-immigrant-legal-defense-collaborative-bay-area-public-interest-attorneys-collective-response-to-crisis/>.

[20] Internal survey conducted by ABAG to local legal and social service providers. For more information on the project, see: <http://abag.ca.gov/planning/minors.html>.

[21] *Ibid.*

[22] “Letter from the President – Efforts to Address the Humanitarian Situation in the Rio Grande Valley Areas of Our Nation’s Southwest Border,” The White House Office of the Press Secretary, June 30, 2014, <https://www.whitehouse.gov/the-press-office/2014/06/30/letter-president-efforts-address-humanitarian-situation-rio-grande-valle>.

[23] “Juvenile Immigration Court Deportation Proceedings,” Syracuse University’s Transactional Records Access Clearinghouse Immigration Project, Accessed November 2015, www.trac.syr.edu/phptools/immigration/juvenile/.

[24] Eric Kurhi, “Santa Clara County to Take up Border Kids Crisis on Tuesday,” *Mercury News*, August 3 2014, accessed July 2015, www.mercurynews.com/immigration/ci_26275336/santa-clara-county-take-up-border-kids-crisis.

[25] Elena Kadvany, “County to Create Host Family Program for Unaccompanied Immigrants,” *Palo Alto Online*, August 6, 2014, accessed November 2015, Available at: www.paloaltoonline.com/news/2014/08/06/county-to-create-host-family-program-for-unaccompanied-immigrants.