

February 23, 2017

San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 244  
San Francisco, CA 94102-4689

via email: [Board.of.Supervisors@sfgov.org](mailto:Board.of.Supervisors@sfgov.org)

Dear San Francisco Board of Supervisors,

The 91 below-signed members of FREE-SF, the San Francisco Immigrant Legal Defense Collaborative (SFILDC), the San Francisco Immigrant Legal and Education Network (SFILEN), and other community groups, professional associations, and agencies in the San Francisco Bay Area urge you to take further action to protect the most vulnerable immigrants in our community: those who are detained and denied access to counsel.

**Community-based organizations (CBOs) would like to partner with the Public Defender (PD) based on a well-deliberated plan to meet the need for both, detained and non-detained immigrants.** In 2016, CBOs reached out to the PD to discuss the significant gap in access to counsel for detained immigrants. The CBOs agreed that our strength was in representing non-detained immigrants, given SFILDC's focus and excellent performance in this area. The PD agreed that its expertise was in providing high volume, high quality services for those whose liberty is at risk, individuals in detention. The PD already houses one of San Francisco's first city-funded deportation and detention defense attorneys (Francisco Ugarte) who built the first immigration defense program for our city. After months of discussions and deliberations, the PD agreed to help by building a program for detained immigrants while the CBOs would focus on representing non-detained immigrants. **CBOs and the PD mutually decided that such a division of labor and programs would be most beneficial to the community based on our capacities and expertise.**

**The CBOs do not have the capacity of the PD to scale at the level that is needed for the detained population before the San Francisco Immigration Court.** Of the 21 SFILDC and SFILEN organizations providing services to immigrants, only three are able to provide detained representation. While these **three organizations** are hiring one new attorney each for detention representation, **this is only a stop-gap measure.** Given the existing need for over 1,500 detainees, as well as the anticipated increase in detentions, there is a major gap in representation for detained immigrants. In addition, this is a significant organizational commitment and burden on our infrastructures as the CBOs each only house 3-8 total immigration attorneys at our nonprofits. We do not have the capacity to hire and train the additional attorneys and support staff that our city needs. However, the PD, with over 90 defense attorneys, has the capacity to hire the needed 9 attorneys with 6 support staff, to build an effective and much-needed immigration detention representation program.

**Housing the detained representation program at the PD's office provides political advantages.** Public defenders as government agents may have advantages and better channels of

communication when working with other government agencies, including the Department of Homeland Security and the Department of Justice. Providing immigrant defense through a city agency as opposed to CBOs therefore creates a more level playing field that is between government agencies.

**The Department of Homeland Security released new anti-immigration directives in the last week**, criminalizing broad classes of immigrants and their families, increasing arrests and detentions, and expediting deportations. These directives **communicate a greater urgency than ever before** to ensure that detainees processed through the San Francisco Immigration Court have legal representation.

**CBOs and advocates would like to see a long-term commitment to the detained immigrant community.** We believe that just as the federal government funds the Department of Homeland Security to detain and prosecute immigrants, our community is entitled to a public defense in all matters relating to detention or imprisonment. Funding through a city agency such as the PD demonstrates a long-term commitment and safety net for our community.

**In the long-term, we believe that all immigrants in detention and deportation proceedings will be afforded a right to counsel through a federal program.** An agency like the PD that has already led the way in a similar fashion for criminal defendants has the historical and institutional advantage to be able to successfully roll out such a plan. Prior to the landmark Supreme Court case, *Gideon v. Wainwright*, which afforded a right to an attorney for all criminal defendants, cities and counties supported access to counsel and a defense against unjust prosecution. While immigration proceedings are a civil and administrative matter, immigrants' liberty, safety, and freedom are at stake. We urge the city of San Francisco to lead the way toward the creation of a federal program to provide representation for all detained immigrants.

**We are grateful** for the funding that you approved for the 21 SFILDC and SFILEN organizations to provide much-needed services to our community focusing on non-detained immigration services. **We now also urge you to consider the families and individuals that were not fully funded: the detained immigrants.**

Sincerely,

1. ACLU of Northern California
2. Advancing Justice - Asian Law Caucus
3. African Advocacy Network
4. AIDS Legal Referral Panel
5. American Federation of Teachers Local 2121
6. American Immigration Lawyers Association – Northern California Chapter
7. API Council
8. Arab Resource and Organizing Center
9. Asian Pacific Islander Legal Outreach
10. Bay Area Community Resources
11. CAIR San Francisco Bay Area
12. California Faculty Association, SF State University
13. California Federation of Interpreters
14. California Immigrant Policy Center
15. California Immigrant Youth Justice Alliance
16. California Rural Legal Assistance Foundation
17. CARECEN
18. Causa Justa | Just Cause

19. Center for Gender & Refugee Studies
20. Centro Legal de la Raza
21. Chinese for Affirmative Action
22. Chinese Progressive Association
23. Coalition on Homelessness
24. Coleman Advocates for Children and Youth
25. Community Housing Partnership
26. Community Initiatives for Visiting Immigrants in Confinement (CIVIC)
27. Community Legal Services in East Palo Alto
28. Community Resource Initiative (CRI)
29. Community United Against Violence (CUAV)
30. Dolores Street Community Services
31. Drug Policy Alliance
32. East Bay Sanctuary Covenant
33. EBCLC
34. El/La Para TransLatinas
35. Evolve
36. Faith in Action Bay Area
37. Filipino Community Center
38. Harvey Milk LGBT Democratic Club
39. Hospitality House
40. Housing Rights Committee of SF
41. Immigrant Families Defense Fund
42. Immigrant Legal Resource Center
43. Immigration Center for Women and Children
44. Instituto Familiar de la Raza, Inc.
45. Jobs with Justice SF
46. Justice & Diversity Center of BASF
47. KIND
48. La Raza Centro Legal
49. La Raza Community Resource Center
50. Labor and Community Studies, City College of San Francisco
51. Larkin Street Youth Services
52. Latin@ Young Democrats of San Francisco
53. Legal Aid at Work
54. Legal Services for Children
55. LYRIC
56. Mujeres Unidas y Activas
57. National Center for Lesbian Rights
58. National Lawyers Guild SF Bay Area
59. National Union of Healthcare Workers
60. New Avenues Democratic Club
61. NLG SF Immigration Committee
62. Oakland Law Collaborative
63. OneJustice
64. Our Family Coalition
65. Pangea Legal Services
66. PODER
67. Roadmap to Peace Initiative
68. Root & Rebound
69. San Francisco Child Care Providers' Association
70. San Francisco Young Democrats
71. SEIU United Service Workers West
72. Senior and Disability Action
73. SF Human Services Network
74. SF Rising Alliance
75. Social Justice Collaborative
76. South of Market Community Action Network (SOMCAN)
77. St. James Infirmary
78. Tahirih Justice Center
79. TGI Justice Project
80. Transgender Law Center
81. UC Berkeley Law - Berkeley Journal of Criminal Law
82. UC Berkeley Law - Berkeley Journal of International Law
83. UC Berkeley Law - Boalt Hall Committee for Human Rights
84. UC Berkeley Law - California Asylum Representation Clinic
85. UC Berkeley Law - East Bay Dreamers Clinic (EBDC)
86. UC Berkeley Law - Policy Advocacy Clinic
87. UC Berkeley School of Public Policy - Migration and Refugee Policy Group
88. UC Davis Immigration Law Clinic
89. Unite Here Local 2
90. University of San Francisco Immigration Clinic
91. Young Workers United