



Access to Justice and Protection for Unaccompanied Immigrant and Refugee Children In San Francisco and the Central Valley

April 2019

Children in Need

Since 2014, over 260,000 unaccompanied immigrant and refugee children have arrived in the U.S. fleeing violence and danger in Guatemala, El Salvador, Honduras and Mexico, much of it perpetrated by gangs, narco-traffickers, human traffickers, and other criminal groups. After apprehension by the federal authorities, these children face adversarial removal proceedings in immigration court. No child is guaranteed access to an attorney, although having a lawyer by their side is the first and most important step to protecting a child's rights and wellbeing. In the past two years, the actions of the Trump administration have generated chaos, cruelty and threats to this vulnerable population, and created an increasing complex legal and political environment for them.

Kids in Need of Defense (KIND), founded in 2009, is the leading national organization working to ensure that no immigrant or refugee child faces immigration court alone. In partnership with our network of over 600 law firms, corporate legal departments, law schools, and bar associations nationwide, KIND provides pro bono representation to unaccompanied immigrant or refugee children referred to our 10 offices around the country. KIND and its partners carry an open caseload of over 5,000 cases nationally and successfully achieve legal relief for 98% of completed cases.

Despite the Trump administrations harsh measures, children continue to arrive, seeking safety. Since 2014, over 19,000 children joined sponsors in California. KIND's San Francisco and Fresno sites operate together serving children living in both regions who attend immigration court in San Francisco. In the Central Valley, a dearth of pro bono capacity and nonprofit providers is compounded by geography. Children typically live two to five hours from the immigration court, often in small rural towns with limited public transportation options. In San Francisco, despite the presence of more pro bono providers, the need for pro bono representation has outpaced capacity, in part due to the increasing complexity of cases.

KIND's response

KIND opened our San Francisco and Fresno offices in early 2016¹ to provide access to justice and holistic support to vulnerable unaccompanied immigrant and refugee children in San Francisco and the Central Valley. Over the past three years, the offices have built a network of 183 law firms, corporate legal departments, and solo practitioners representing unaccompanied children under KIND's mentorship and have trained over 2,900 pro bono attorneys. Currently, the two offices serve 393 child clients.

Legal Representation: The first step in protection

KIND's proven legal services model includes the following strategies:

¹ KIND began operations in Baltimore, Boston, Houston, Los Angeles, Newark, New York, Seattle, and Washington, DC in 2009, and in Atlanta in 2016.

- Recruit and train pro bono attorneys from law firms, corporations and law schools;
- Conduct intake interviews with every child referred to the office to assess legal and other needs;
- Match children with trained pro bono attorneys;
- Mentor each pro bono attorney throughout the duration of each child’s case; and
- Provide direct representation to children with time-sensitive or complicated cases, or vulnerable social services’ needs.

The San Francisco and Fresno team, headed by a Managing Attorney who oversees both offices, includes twelve staff: Managing Attorney; four attorneys, a paralegal and a program assistant in San Francisco; and three attorneys, a paralegal and a social services coordinator in Fresno. In addition to released children in San Francisco County and 9 counties in the Central Valley,² San Francisco office also represents children in Long Term Foster Care in the greater Sacramento area.

As the only legal service provider physically based in Fresno solely dedicated to serving unaccompanied children, and one of very few agencies serving children in the Central Valley, KIND is the leading pro bono provider for these children. KIND works with close to 300 children in the Central Valley, placing cases either in-house with one of KIND’s three attorneys in Fresno, or with pro bono attorneys and mentored by KIND’s San Francisco-based staff.

Most KIND pro bono partners are law firms and corporations in San Francisco and Silicon Valley. These partnerships are maintained and strengthened through outreach, trainings and mentoring of pro bono attorneys. Most of the pro bono attorneys represent children in the Central Valley, often two to five hours away from the attorney’s office. To facilitate that representation, KIND has identified donated office space with partner agencies through the Central Valley as well as volunteer interpreters. KIND also utilizes technology, including arranging video meetings and providing children with cell phones.

Both offices receive referrals through an online process based on the city or county to which the child has been released. Additional referrals come from school districts, immigration court docket, state child welfare agencies, community members, and other legal and social service providers. Both offices serve children and families separated during the “zero tolerance” policy who are now reunified in the greater San Francisco Bay Area and the Central Valley.

Social Services: Promote immigrant child integration

All of KIND’s clients have experienced trauma, at home, during their journey, in detention, or here in the U.S., and the need for psychosocial support among this population is extremely high. KIND’s Social Services Coordinators (SSCs) address the myriad of issues that child clients face, including medical and mental health access, housing, transportation and education challenges. These critical inputs keep children on track with their legal cases, safely within the system and able to thrive and heal.

KIND’s Fresno SSC works with children in over eight counties that span approximately three hundred miles. The lack of social services resources in many smaller communities necessitates additional advocacy and creativity. The Fresno SSC works with community stakeholders to connect the children with such services; provides intensive support to child clients in crisis; and assists attorneys in addressing their client’s needs. The SSC organizes resource fairs and workshops for children and sponsors in cities

²Attorneys based in the San Francisco office site serve released children in San Francisco County. Attorneys based in both sites serve released children living in San Joaquin, Stanislaus, Merced, Madera, Fresno, Tulare, Kings and Kern Counties. At times, and when there is an urgent need, the office has accepted cases for pro bono mentorship for released children living in the following counties: Alameda, Contra Costa, Glenn, Marin, Monterey, San Mateo, Santa Clara and Solano.

and towns throughout the Central Valley, bringing together providers to share information about resources and services in the respective communities. KIND staff present Know Your Rights information, and families leave the events equipped with information as well as with donated food, clothing, books and toys. The Fresno SSC also advocates with school districts, mental health counselors, and family resource centers for inclusion of KIND clients in summer and tutoring programs, as well as for additional resources.

Community Collaboration

KIND is a member of the San Francisco Immigrant Legal Defense Collaborative (SFILDC), which funds two KIND attorneys and a paralegal who represent approximately 100 children and families living in San Francisco County as of March 2019. SFILDC, founded in 2014 in response to the surge of children and families seeking protection in the United States, now consists of 15 members, including two technical assistance partners. In addition to providing free legal assistance to children and families in San Francisco, SFILDC also operates a Rapid Response Network. KIND attorneys staff this response and coordination network on a rotating basis.

The Fresno office participates actively in the Central Valley Immigrant Integration Collaborative (CVIIC), sharing information about unaccompanied immigrant and refugee children's legal remedies and social service needs, taking part in CVIIC training and community outreach events, presenting during conferences, and supporting partner organizations. CVIIC members likewise participate in KIND's resource fairs. KIND's Fresno office is also part of the Fresno County Legal Defense Steering Committee, advocating for funding of attorneys in Fresno, attorney recruitment and training, and rural justice fellows.

KIND has developed close relationships with multiple school districts and social services agencies in the San Francisco Bay Area and Central Valley, including San Francisco Unified, Oakland Unified, Fresno Unified, Mendota Unified, and Modesto City Schools. KIND receives referrals from these partners and utilizes their office space for pro bono attorney meetings. KIND also shares information about our child clients' needs with the partner agencies and refers children to them for services.

Policy, Advocacy and Communications

Assisted by KIND's headquarters Policy, Advocacy and Communications team, the San Francisco and Fresno offices collaborate actively with the local community to support state and local efforts to better serve and protect unaccompanied immigrant and refugee children. KIND's new San-Francisco-based State Policy Director will work with partner organizations and other stakeholders working on budget and policy issues and funding for immigrant and refugee services, particularly legal services for unaccompanied refugee and immigrant children.

KIND's Programming Needs and Aspirations in 2019

Legal Services

The lack of pro bono attorneys in the Central Valley region dictates that staff attorneys are essential to KIND's Fresno office. Additional staff attorneys would provide both direct representation for complex cases and mentor pro bono attorneys in order to represent more children in this underserved region.

Social Services

Additional resources would dramatically enhance the social services program. Although the child clients of the San Francisco office do not face the same geographic challenges or extreme shortage of resources, they have experienced trauma and experience the same needs for guidance in accessing services. The San Francisco office does not yet have a full-time Social Services Coordinator on staff to work with San Francisco County residents.

KIND has documented the success of resource fairs in the Central Valley. Additional funding would enable KIND to reach more communities with resource fairs, educating the immigrant and refugee children and their families about their legal rights, and connecting them with critical resources.

State and Local Advocacy

In the DC Metro area and Los Angeles, KIND's Voices that Matter Most program provides middle and high-school immigrant and refugee students with the training and opportunity to advocate on immigration issues that impact their lives and their communities using their personal stories.

A proposed expansion of the project to the Central Valley would engage children in Fresno to articulate and share their immigration stories to achieve an advocacy or public education goal through a series of workshops with experts. These young people would advocate on the immigration issue they choose with an elected official using their first-hand experience to help advance the advocacy/public education goal.

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