



TERRA LAWSON-REMER

CHAIR

**SUPERVISOR, THIRD DISTRICT
SAN DIEGO COUNTY BOARD OF SUPERVISORS**

AGENDA ITEM

DATE: September 9, 2025

16

TO: Board of Supervisors

SUBJECT

NO CHILD ALONE IN COURT: EXPANDING THE IMMIGRANT LEGAL DEFENSE PROGRAM TO PROTECT UNACCOMPANIED MINORS (DISTRICTS: ALL)

OVERVIEW

Beginning October 1, 2025, hundreds of unaccompanied immigrant children, some as young as toddlers, will be forced to stand before an immigration judge without an attorney. They will face federal prosecutors alone, with their futures and safety on the line.

This crisis was manufactured by the federal Department of Government Efficiency (DOGE) and the U.S. Department of Justice, which on March 21, 2025, moved to eliminate legal representation for tens of thousands of unaccompanied minors. On April 29, 2025, a federal court ordered funding to continue but only through September 30, 2025ⁱ. After that date, children in our community will again be left without counsel in deportation proceedings. This is about the most basic right to due process and a fair day in court.

The local impact is already clear. Earlier this year, roughly 300 children in San Diego County lost their attorneys when federal contracts were abruptly cut, including fifty left mid-case when a nonprofit's contract was terminatedⁱⁱ. These are children in our neighborhoods and schools, abandoned to navigate a system stacked against them.

Jose was 4 and Maria was 16 when they came to San Diego, fleeing persecution and reuniting with a family member in the United States. At their first immigration hearing they stood alone, told to find an attorney who could help them pursue legal status. They had no money for counsel and spent months searching before finding a pro bono lawyer.

Eventually, a lawyer guided them through a maze of filings: asylum applications, immigration court hearings, and a California Superior Court petition for Special Immigrant Juvenile Status (SIJS), a pathway for children who have been abused, abandoned, or neglected to pursue

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permanent residency. Because their safety depended on multiple forms of relief, legal representation was essential.

Both Jose and Maria were scheduled for asylum interviews before other cases concluded. They were ultimately granted asylum, securing permanent status and safety in the United States.

Starting October 1, hundreds of children in San Diego will stand alone in court and face the same impossible odds, unless they have counsel.

San Diego County knows what works. We were one of the first counties in the nation to establish a publicly funded Immigrant Legal Defense Program (ILDP), a model that has become a lifeline for families facing deportation. In just four years, ILDP has provided counsel to more than 3,000 San Diegans, ensuring their cases received a fair hearing. The results are stark: without an attorney, only 5 percent of people prevail in immigration court; with an attorney, the success rate rises to 66 percent. That difference has kept families together, prevented children from being returned to danger, and upheld the principle that due process applies to everyone. The ILDP is also highly cost-effective, delivering services at up to 80% lower cost than private attorneys.

Today's action expands the ILDP, so unaccompanied minors are not left alone in court as federal protections are rolled back. When the federal administration retreats, our County will step forward to defend our residents and uphold the promise of justice for all. No child in San Diego will stand in court alone.

RECOMMENDATION(S)
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1. Direct the Chief Administrative Officer (CAO) to immediately categorize "unaccompanied minors" as eligible for ILDP representation to protect the due process rights of this most vulnerable of populations from unjust deportation without legal representation.
2. Direct the Public Defender to study and implement recruitment efforts to add paralegal ancillary service professionals to the ancillary service provider system. Upon panel attorney request and individual OAC approval, paralegals will assist counsel with direct case preparation to add further ILDP growth and add case capacity.
3. Approve the request to add 1.0 staff year to be classified by the Department of Human Resources, in the Public Defender to assist with the growing number of intake phone calls, ILDP case assignments and general program clerical work.
4. Direct the CAO to create an annual Finance and Assessments `Needs Report through the Public Defender that can forecast program needs, including identifying funding opportunities, and exploring the budgetary needs to move towards a true universal representation model. Report should be produced annually no later than February 28th.
 - a. Funding opportunities include, but are not limited to, possibilities of philanthropic and charitable funding, and state funding opportunities to fully meet the needs to protect the due process rights of San Diego County immigrants for a public/private partnership in maintaining a sustainable funding future for the ILDP.
 - b. Reporting should also forecast the estimated number of panel attorneys needed to provide representation towards a true universal representation model.

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- c. Forecast any additional staff needed to assist and manage the expansion efforts.
5. Direct the CAO to update the description on all resources and materials related to the ILDP from the “Immigrant Rights Legal Defense Program” to “Immigrant Legal Defense Program.”
6. In accordance with Administrative Code section 66 and Board Policy A-112, direct the CAO to identify and accept philanthropic and charitable donations for the Immigrant Legal Defense Program and support long-term sustainability of legal representation services for immigrants in San Diego County.
 - a. Authorize the Chief Administrative Officer, and/or designee, to submit, accept, negotiate and execute all grant and grant-related documents, including applications and agreements requiring an authorized representative from the County of San Diego, and any annual extensions, amendments and/or revisions that do not materially impact or alter the services or funding levels, until June 30, 2035.
 - b. Waive Board Policy B-29, Fees, Grants, Revenue Contracts – Department Responsibility for Cost Recovery, which requires prior approval of grant applications and full cost recovery for grants.
7. Direct the CAO to work with the Public Defender on updating its record retention schedule to include ILDP records pursuant to the shortest retention required by law, or, as determined by the Public Defender and OAC, as reasonable and appropriate to effectively carry out their ethical obligations in providing legal representation to this population.
8. Direct the CAO to work with the Public Defender to amend any contracts, as needed, to ensure the confidentiality and destruction of ILDP records in accordance with applicable laws.
9. Waive Board Policy A-87 and authorize DPC to amend ILDP contracts as needed to include unaccompanied minors as designated by the CAO, and to reflect changes in funding and services subject to the approval of the Public Defender.

EQUITY IMPACT STATEMENT

By expanding the Immigrant Legal Defense Program (ILDP) to protect unaccompanied minors will advance equity in San Diego County by ensuring that the most vulnerable population have access to legal representation. Unaccompanied minors are disproportionately from low-income, immigrant, and refugee backgrounds, many fleeing violence, persecution, or abuse. Without counsel, these children face structural inequities in the immigration system, including language barriers, cultural isolation, and a lack of resources to navigate complex legal proceedings

SUSTAINABILITY IMPACT STATEMENT

This action supports long-term community resilience by prioritizing local resources to protect due process. Promoting legal representation and stable families reduces the risk of unjust deportations, strengthens trust in government, and fosters the social cohesion that underpins a safe and sustainable region.

FISCAL IMPACT

There is no fiscal impact associated with Recommendation 1 to categorize “unaccompanied minors”, Recommendation 5 to update the program name, and Recommendation 6 related to

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philanthropic and charitable funding. There will be no change in net General Fund cost and no additional staff years.

Funds for Recommendation 3 to add 1.0 staff year in the Office of Assigned Counsel are included in the Fiscal Year 2025-26 Operational Plan in the Public Defender. If approved, this action will result in costs of approximately \$300,000 in Fiscal Year 2025-26 based on existing General Purpose Revenue from the \$5.0 million annual allocation for ILDP. There will be no change in net General Fund cost.

Funds for Recommendation 4 to create an annual report, Recommendation 7 related to ILDP records and Recommendations 8 and 9 related to contract amendments are included in the Fiscal Year 2025-26 Operational Plan based on existing General Purpose Revenue. There will be no change in net General Fund cost and no additional staff years. There may be fiscal impacts associated with future related recommendations which staff would return to the Board for consideration and approval.

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

N/A

BACKGROUND

On May 4, 2021 (5), the County of San Diego Board of Supervisors took bold action to uphold constitutional rights and due process by establishing the Immigrant Legal Defense Program (ILDP), becoming the first border county in the nation with a program of this kind. Launched in April 2022, the ILDP created a panel of qualified immigration attorneys to represent detained individuals in removal proceedings at the Otay Mesa Detention Center.

The need for legal representation in immigration court is critical. Immigration law is among the most complex areas of law in the United States, and unlike in the criminal legal system, individuals facing deportation are not guaranteed an attorney. Without counsel, even those with strong legal claims may be removed without ever having the chance to make their case.

Since its launch, the ILDP has become a lifeline for San Diegans caught in the deportation system. In just four years, the program has provided legal representation to more than 3,000 residents. Nearly two-thirds (66%) of clients whose cases reached a decision were granted relief by a judge, compared to just 5% of unrepresented individuals. The program has also proven to be highly cost-effective, with legal costs nearly 40% lower than comparable public programs and up to 80% less than hiring a private attorney.

But as federal immigration enforcement expands, our region faces growing threats to due process. In January 2025, the Department of Homeland Security (DHS) unilaterally expanded its “expedited removal” policy, granting federal agents the power to deport individuals anywhere in the United States without a hearing before a judge. What was once confined to the border zone

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now reaches deep into our communities. These policies sidestep constitutional principles and result in swift removals without legal counsel, family notification, or meaningful review.

Now, the federal government is taking aim at children. In March 2025, the Department of Government Efficiency (DOGE) and the U.S. Department of Justice announced plans to end legal representation for unaccompanied minors, threatening to unravel decades of protections. For nearly thirty years, the Flores Settlement Agreement (1997) has ensured that children in federal custody have access to counsel, as well as basic safeguards for humane conditions. This administration is seeking to dismantle those protections, leaving children alone to face deportation proceedings.

Federal courts intervened and issued a temporary injunction requiring the continuation of legal representation for unaccompanied minors, but that order only extends through the end of the federal fiscal year. Without further action, these protections will expire on September 30, 2025, leaving children in our community to face deportation hearings without legal counsel.

Unaccompanied minors who arrive in the United States without legal status are typically housed in Office of Refugee Resettlement (ORR) facilities until they can be released to a parent, relative, or community sponsor. While in ORR custody, and even after release, these children are legally considered “detained” and therefore eligible for ILDP representation. Many local children are also in the County foster system or under the care of extended family and community members. These are children whom our local Superior Courts have already found to be abandoned or neglected. They may qualify for legal status under pathways such as Special Immigrant Juvenile Status (SIJS), but the process is lengthy, complex, and nearly impossible to navigate without an attorney.

The need for representation is especially urgent given the traumas these children have survived. Many have fled violence, abuse, or persecution in their home countries, only to face further instability here. Trust in adults often comes slowly, but immigration attorneys have become a critical lifeline, helping them find safety, enroll in school, and begin to heal. Stripping away this representation risks sending children back into danger and eroding the fragile trust they have built in our legal system.

The broader community impact cannot be overstated. More than 22% of San Diego County residents live in mixed-status households. Indiscriminate enforcement actions destabilize families, erode trust in government, and threaten public safety by making vulnerable populations less likely to seek help or report crimes. Deportations are often permanent and traumatic, tearing apart households, displacing children, and weakening our local economy and workforce.

The County has a proud record of defending civil liberties and advancing policies that protect all residents, regardless of immigration status. At a time when federal policy is failing to uphold these basic rights, local leadership is essential. The ILDP reflects the County’s commitment to justice, fairness, and the principle that no one should face deportation alone.

To ensure the program continues to meet these goals, targeted refinements are needed. Granting discretion to the Director of the Office of Assigned Counsel to expand representation to

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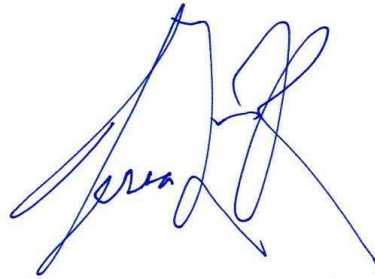
unaccompanied minors will allow the County to respond quickly to changes in federal policy and community needs, and to protect children when federal safeguards are stripped away.

The County should also pursue new funding partnerships, both through the State of California and through philanthropy, to sustain this critical safety net and ensure it meets the need. With these refinements and sustained investment, the ILDP can continue to protect families, uphold constitutional rights, and ensure San Diego County lives out the values of fairness, dignity, and justice for all who call this region home.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

The continued support of the ILDP to provide legal representation to San Diegan immigrants in our community achieves the 2025-2030 Strategic Plan's mission of providing public services that continue to build a strong and Live Well San Diego composed of sustainable communities. San Diegan immigrants feeling support in their pursuit to return to their family and community while awaiting their legal outcome ensures stronger communities.

Respectfully submitted,



TERRA LAWSON-REMER
Supervisor, Third District

ATTACHMENT(S)

N/A

ⁱ <https://amicacenter.org/press-releases/federal-district-court-orders-trump-administration-to-protect-immigrant-children/>

ⁱⁱ Statistics from Acacia Center for Justice's Acacia Network that provided funding to local nonprofits in the region. Funds came from the HHS's "Unaccompanied Children Program." Approximately 200 of unique children released to the San Diego County region with active representation in the Acacia Network under CLN2 with verified data from UCLS. The additional 100 children are represented under UCP.