Care First Funding for Immigrant Integration to End Detention & Deportation

California has one of the largest populations of detained immigrants in the country, detaining 4,353 people daily\(^1\), including long-time residents with strong ties to the state and their local community. The Legislature has taken historic steps to end private immigration detention, with private detention expected to shut down in California within the next four years.\(^2\) Many California residents will be at great risk of either being transferred out of state (where they will not have access to legal services to help them adjust their immigration status) or of being released (often left at transit centers alone and after hours) without any of the reentry services afforded to other Californians upon release from incarceration. Meanwhile, the federal government is preparing to reopen the southern border to admit asylum seekers who require assistance integrating into the state.

The time is ripe for California to adopt a new model for immigrant integration. Until now, asylum seekers have had no access to resettlement services, such as those available to refugees. Likewise, other immigrants with long-standing community ties who are detained in California have no pathway to accessing re-entry services available to others jailed or imprisoned in California. This proposal contemplates piloting a model that would respond to the needs of these classifications of individuals that have so far been left out of the conversation. Particularly, this model will support immigrants fighting their deportation charge while providing critical access to community-based services that help strengthen immigrant communities. If taken to scale, this model would save the state tens of millions in a given year, promote immigrant integration, and strengthen the educational, economic and health outcomes for immigrant communities.

Cost Savings

Detention is a federal function and, yet, the state pays a steep cost for supporting this system. First, despite the California’s landmark “sanctuary law\(^3\), the state continues to use considerable local and state resources in assisting the federal government in funneling people into ICE custody.\(^4\) Second, every time the state facilitates the transfer of an individual into ICE custody, the state is exposed to potential liability for violation of state law.

Detention and deportation destabilize and entrench communities into systemic poverty, producing long term harms and exponential costs. A 2015 study found that families with a detained or deported breadwinner experienced income loss and financial stress, resulting in high rates of housing instability and homelessness.\(^5\) In 2019 alone, 19,330 parents of U.S. citizen children were deported, with California being home to more of these children than any other state, except Texas.\(^6\) Children with a deported parent develop physical and behavioral health problems ranging from depression, appetite loss, body aches, self-harm, substance abuse,

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\(^1\) According to the federal government, as of April 19, 2019, 4,353 people were held in detention facilities in California. Freedom for Immigrants, “Detention by the Numbers”. Available at: https://www.freedomforimmigrants.org/detention-statistics.


\(^3\) SB 54 (De León 2017).


aggression, declining performance in school and increased encounters with law enforcement.7 In Los Angeles County, the financial cost of foster care alone can soar to $30 million per year for children with deported parents.8 While the exponential social harms and costs of detention are vast, they are all preventable.

Alternatives to Detention (ATDs)

Community-based alternatives to detention (ATDs) provide a viable, cost-effective solution. ATDs can help immigrants adjust their immigration status and remain with their families. While serving as Attorney General, Xavier Becerra advocated for expanded use of alternatives to detention and identified at least 1,994 individuals (nearly half of the detained population in California) who could be released into alternative programs today. The Biden administration has also signaled its support of ATDs with Congress approving funding for CBOs to support immigrants in lieu of detention.9 The current moment presents the state with a unique opportunity to continue its leadership in criminal justice reform and immigrant integration by funding non-carceral, community-based services that prevent deportations and provide immigration relief while supporting families.

Investments

This proposal invests $5.5 million over two years from the California Department of Social Services (CDSS) to be allocated towards immediate support of people upon release from immigration detention. Community organizations are providing urgent support to immigrants upon release from immigration detention that can be leveraged to provide services for immigrants and asylum-seekers instead of detaining them.

To that end, the state Legislature should invest in post-release support and immigrant integration:

1. Eliminate all transfers from local and state custody to immigration authorities. Every time a Californian is transferred to ICE, our state voluntarily and unnecessarily commits resources to funneling our residents into immigrant prisons. This proposal calls for an amendment to Cal. Gov’t Code § 8627 and §8567 to prohibit all transfers from local law enforcement and prison custody.10

2. Invest in accompaniment and post-release support for immigrants upon release from detention. Community-based organizations work to release individuals and provide them with a variety of post-release services that support their re-entry into the community and, for newly arriving immigrants, serve as the only available integration programming. The services provided have thus far been privately funded and range from immediate support with food, hygiene, shelter and transportation all the way to critical services. Investment in these services will help more immigrants and asylum seekers successfully adjust their status, and support and strengthen outcomes for immigrant communities.11

3. Renew and expand the CA Immigrant Resilience Fund. Provide direct cash assistance for immigrants upon release from detention by addressing barriers to access, including eligibility.

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7 Supra n.5.
8 One study found that in Los Angeles County alone there were 1,178 children in the foster system with a parent who has been deported or is in detention, at a cost of $26,000 per year for every child thrown into foster care upon the separation from detained and/or deported household breadwinning family members. See Seth Freed Wessler, Applied Research Council, “Shattered Families: The Perilous Intersection of Immigration Enforcement and the Child Welfare System” (2011); see also Nicholas Zili, “Better Prospects, Lower Cost: The Case for Increasing Foster Care Adoption” Adoption Advocate 35 (2011): 3.
9 The FY 2021 Department of Homeland Security budget bill includes $5 million earmarked for a case management services grant pilot program to be executed by nonprofit organizations and local communities. This is an opportunity for federal funding to bolster state efforts.
10 The state has already recognized the harmful impact of transferring residents into ICE custody by passing into law the “California Values Act”, Cal. Gov’t. Code §7284.6, which reduced the number of individuals transferred from local law enforcement custody to ICE; this subdivision can be amended to limit all transfers from both local law enforcement and CDCR to ICE.
11 Immigrants are more likely to win their case once they successfully secure their release from detention. Those who are being assisted by accompaniment volunteers are more likely to attend court and comply with all the procedural requirements. See TRAC Immigration, “What Happens When Immigrants Are Released on Bond In Immigration Court Proceedings?” (2015). Available at: https://trac.syr.edu/immigration/reports/436/. See also Golden, et. al., “The Appearance Assistance Program: Attaining Compliance with Immigration Laws Through Community Supervision” (Aug. 1998). Available at: https://www.vera.org/downloads/Publications/appearance-assistance-program-attaining-compliance/legacy_downloads/aap.pdf.