



# TERRA LAWSON-REMER

SUPERVISOR, THIRD DISTRICT  
SAN DIEGO COUNTY BOARD OF SUPERVISORS

## AGENDA ITEM

**DATE:** April 8, 2025

**15**

**TO:** Board of Supervisors

### **SUBJECT**

**DEFENDING DUE PROCESS RIGHTS AND PREVENTING UNJUST  
DEPORTATIONS IN SAN DIEGO COUNTY (DISTRICTS: ALL)**

### **OVERVIEW**

Everyone deserves a fair day in court—regardless of their immigration status. But as federal enforcement policies grow more aggressive and unpredictable, too many San Diegans are at risk of deportation without ever having a chance to make their case. San Diego County is a welcoming, binational region built by immigrants. Over 22% of our residents live in mixed-status households<sup>i</sup>. These neighbors, friends, and family members are directly impacted by the legal complexities—and injustices—of our immigration system.

**Indiscriminate deportation sweeps and aggressive immigration enforcement are tearing families apart, destabilizing neighborhoods, and eroding trust in government. These operations bypass due process and swiftly remove people from their homes and communities without even a hearing—violating basic constitutional rights. The impacts are immediate and long-lasting: kids left without parents, workers ripped from jobs, and families forced into crisis overnight.**

San Diego County has a proud track record of standing up for constitutional rights and defending every resident's access to justice—regardless of immigration status. We remain unwavering in our commitment to the principles enshrined in the 4th and 5th Amendments: due process, equal protection, and freedom from unlawful detention. At a time when federal policies are undermining those rights, it's our job to lead locally and protect the people who call this region home.

However, our communities are facing growing threats to their due process rights, as executive orders<sup>ii</sup> and federal policies undermine fundamental legal protections. In January 2025, the Department of Homeland Security (DHS) unilaterally expanded its "expedited removal" protocol, stripping thousands of immigrants of their right to a hearing before a judge. What was once limited to the border zone is now being applied across the entire United States. Under this policy, DHS can quickly deport individuals without due process, no hearing, no legal

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representation, no chance to make their case. This is not justice, and it's not consistent with the constitutional rights we strive to uphold.

Increasing immigration enforcement operations and the stoppage of asylum seekers at our southern border means that more law-abiding immigrants living peacefully in our communities are being swept into detention – often without warning, and without access to legal counsel. These residents are our neighbors, coworkers, and family members – and without support, they risk being deported before they ever see a judge.

On May 4, 2021 (5), the Board took bold action to uphold due process and defend constitutional rights, approving the creation of the Immigrant Legal Defense Program (ILDP). This pioneering initiative helps ensure that detained immigrants in San Diego County have access to legal representation, connecting individuals with qualified attorneys to keep families together and protect the fundamental rights that anchor our democracy. Immigration law is complex and the right to an attorney is fundamental. Legal representation can mean the difference between staying with your family and being deported without cause.

**Since its launch, the ILDP has delivered powerful results: nearly two-thirds (66%) of participants whose cases reached a decision have been granted relief by a judge — compared to just 5%<sup>iii</sup> for those without access legal representation. For the remaining one-third, having an attorney helped their case be heard and adjudicated fairly with a result that we can be confident followed the law. The program is also cost-effective, with average legal costs being nearly 40% lower than similar public programs and up to 80% less than hiring a private attorney.**

Two years in, the ILDP has proven its impact, but the need is evolving. With federal enforcement expanding and more community members at risk of due process violations, we must refine the program to meet the needs, maximize impact, and strengthen funding partnerships. The demand for these services is expected to grow—not only for individuals in detention but also within our communities.

### **Eligibility**

As immigration enforcement increasingly targets people in our neighborhoods—and more immigrants face the risk of being deported without a fair hearing—the need for legal help for those not in detention is growing. We need to modify eligibility to include people in our communities that are not detained to keep families together and prevent unjust separations.

Focusing ILDP eligibility on low-and-moderate income individuals without the types of criminal convictions that would bar them from any forms of immigration relief, will also ensure limited legal capacity is directed toward cases with viable immigrant defense relief. Individuals with serious criminal convictions—such as for murder, rape, or drug trafficking—are already ineligible to remain in the country under existing immigration law and should not be accepted as ILDP clients.

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These adjustments will encourage more attorneys to join the panel, align with state requirements to leverage future funding opportunities, and prioritize support for San Diego County residents who cannot afford representation.

**Fee Structure**

To ensure long-term sustainability, the ILDP should adopt a sliding scale fee structure, similar to the Public Defender model. This approach would guarantee free representation for the most financially vulnerable, while allowing those with limited means to contribute based on income. It should also reflect differences in case complexity, including detained versus non-detained clients. These adjustments will help expand access to justice, strengthen due process protections, and keep families together across San Diego County.

**Leveraging State and Philanthropic Matching Funding**

To build on the ILDP's success and meet growing demand, the County of San Diego must pursue additional funding partnerships. By seeking support from the State and philanthropic organizations, we can work toward increasing the program's budget, allowing us to help more San Diegans access basic legal representation. With additional funding partners, we can protect more families, keep communities intact, and uphold the values of fairness and due process.

Today's action directs the Chief Administrative Officer to explore targeted refinements to the ILDP program that would enhance its impact, meet emerging community needs, and secure additional funding partnerships. By strengthening this critical program, we reaffirm our commitment to due process, keeping families together, and ensuring that all residents—regardless of immigration status—have access to a fair day in court. I urge my colleagues to support this effort to defend constitutional rights and preserve the values that hold our communities together.

**RECOMMENDATION(S)**

**SUPERVISOR TERRA LAWSON-REMER**

1. Direct the CAO to explore targeted updates to the ILDP program to enhance impact and meet emerging community needs and ensure sufficient legal capacity. Return to the Board within 45 days with options to codify into a Board Policy.
  - a. For ILDP participants seeking pro bono representation, consider the following eligibility criteria:
    - i. Have a total household income below 200% of the Department of Health and Human Services (DHHS) Federal Poverty Guidelines, and,
    - ii. Not have any criminal convictions that would bar eligibility for any immigration relief.
    - iii. ILDP participants that do not meet the eligibility requirement of (a)(i) may participate based on a sliding scale fee structure to share in the cost of representation.
  - b. Explore increased responsiveness to community needs by including representation for non-detained individuals within our communities, with the following eligibility criteria, and with appropriate safeguards to ensure that detained individuals continue to receive services without disruptions or reduction:

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- i. Be a resident, or have immediate family members as residents, of San Diego County,
  - ii. Have a total household income below 200% of the Department of Health and Human Services (DHHS) Federal Poverty Guidelines, and,
  - iii. Exclude those with criminal convictions that would bar eligibility for any immigration relief, such as murder, rape, and drug trafficking.
  - iv. Participants that do not meet the eligibility requirement of (a)(i) may participate based on a sliding scale fee structure to share in the cost of representation.
2. Direct the Chief Administrative Officer to investigate potential State funding opportunities, as well as the possibilities of philanthropic and charitable funding, to fully meet the needs to protect the due process rights of San Diego County immigrants and return to the Board of Supervisors within 120 days with a report of findings.
3. Direct the CAO to update the description on all resources and materials related to the ILDP from the “Immigrant Rights Legal Defense Program” to the correct name of “Immigrant Legal Defense Program.”
4. Direct the Chief Administrative Officer (CAO) to maintain the current level of funding for the Immigrant Legal Defense Program (ILDP) at the \$5 million budget to uphold due process and defend Constitutional rights.

**EQUITY IMPACT STATEMENT**

The proposed action aims to promote fairness and equal treatment in the justice system by preventing discriminatory practices that disproportionately impact immigrant communities. The original policy of refusing to honor federal immigration transfer and notification requests remains in place with pragmatic revisions to also support local county law enforcement in their efforts to protect the communities from the most serious criminal offenders. This approach supports the County's commitment to social justice and inclusion, fostering trust and cooperation between immigrant communities and local law enforcement, which is essential for effective community policing and public safety.

**SUSTAINABILITY IMPACT STATEMENT**

This action supports long-term community resilience by prioritizing local resources to protect due process and uphold public safety, rather than diverting them toward federal immigration enforcement efforts. 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**

Based on the originating direction from the Board, funds for the ILDP are planned for the Fiscal Year 2025-26 CAO Recommended Operational Plan in the Public Defender. There will be no change in net General Fund cost and no additional staff years. Any additional fiscal impacts resulting from the implementation of today's recommendation would be brought to the Board for consideration and approval.

**BUSINESS IMPACT STATEMENT**

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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 by the Office of Assigned Counsel 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 complex, and unlike in the criminal legal system, individuals facing deportation are not guaranteed a public defender. Without an attorney, even those with strong legal claims may be removed without ever having a chance to make their case.

Since its launch, the ILDP has helped ensure that detained San Diego County residents have access to justice. Nearly two-thirds (66%) of clients whose cases reached a decision were granted relief by a judge—compared to just 5% of individuals without representation. 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 unilaterally expanded its “expedited removal” policy—giving 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 now reaches deep into our communities. These policies sidestep the Constitution and result in swift removals without legal counsel, family notification, or meaningful review.

The impacts are profound. More than 22% of San Diego County residents live in mixed-status households. Indiscriminate enforcement actions destabilize families, erode trust in government, and threaten the safety and cohesion of our communities. These removals are often permanent and traumatic, tearing apart households, displacing children, and damaging our local economy and workforce.

The County of San Diego 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 our 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 now needed. Exploring updates to eligibility criteria will ensure that limited legal resources are focused on low- and moderate-income individuals with viable legal claims and strong community ties. These changes will improve legal capacity, align the program with state funding requirements, and meet emerging needs of individuals facing removal while living in our communities.

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The County should also pursue new funding partnerships—both through the State and philanthropy—to sustain this critical safety net and ensure it meets the need. With smart refinements and deeper 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

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<sup>i</sup> KPBS, “Measuring the Potential Impact of Mass Deportations in San Diego,” January 17, 2025;

<https://www.kpbs.org/news/border-immigration/2025/01/17/measuring-the-potential-impact-of-mass-deportations-in-san-diego>

<sup>ii</sup> January 20, 2025, Executive Order, “Protecting the American People Against Invasion,” increased the ability for Department of Homeland Security (DHS) to expeditiously remove an immigrant from 100 miles of any port of entry to the entire interior of the U.S. unless the immigrant can prove that they have been residing in the U.S. within the past two years of a DHS encounter. Prior to this Executive Order, an encounter within fourteen (14) days of arrival was all that was necessary to bypass a removal hearing before a judge.

<https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/>

<sup>iii</sup> <https://inewssource.org/2022/02/16/san-diego-county-immigrant-legal-defense/>