The San Joaquin Valley of California: A Regional Snapshot

The San Joaquin Valley, an agricultural region spanning three hundred miles through the heart of California, is home to over four million residents. Over half of the region’s population is Latino and approximately 20% of the population lives in poverty.\(^1\) The region has a long and rich history of diverse immigrant and refugee populations. Immigrants comprise 22% of the population and 34% of the region’s workforce, with approximately 18% undocumented or living with an undocumented relative.\(^2\) Seventy percent of the region’s undocumented population has resided in the United States for more than ten years and 22% of all children in the region have at least one undocumented parent.\(^3\) Despite the size of the immigrant population, there is a lack of resources supporting organizations in the region working to advance immigrant rights and legal protections. This inadequate capacity, combined with hostile local officials and law enforcement agencies, leaves the region’s immigrant population with limited support services and vulnerable to both immigration enforcement and fraud by unscrupulous legal service providers.

Priority Issues for Our Region

This document represents an outline of priority issues for the region’s immigrant community based on strategy sessions with stakeholders from a diverse set of sectors, including legal, education, health, faith, and others. While other issues impact residents of our region -- such as changes to asylum and border procedures and protocols -- the focus here is on those issues that most directly affect residents of our region and are of urgent concern. This document does not endorse any particular policy or legislative measure but rather highlights issues of importance to our region that must be considered in shaping any policy or program. The current federal landscape creates an opportunity to not only end harmful, anti-immigrant policies and practices but to enshrine laws and policies that will provide opportunity and stability to immigrant families and recognize the contributions and dignity of immigrant communities.

I. Enshrine Inclusive Legal Protections and Status:

Priorities:

- Pathways to legalization for undocumented immigrants are critical. Programs and policies must be inclusive in order to provide status and stability to all, including those with prior contact with immigration authorities and law enforcement. Programs need to be accessible, affordable, and without burdensome documentation requirements that create barriers for low-income immigrants. In our region, this particularly impacts those living in rural areas, farmworkers, indigenous, and low-income community members. These individuals may not have been enrolled in school, sought medical treatment, or have other forms of documentation regarding their presence in the United States. Any program to grant immigration status must include

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1 Source: U.S. Census Bureau, 2010-2014 American Community Survey 5-Year Estimates.
2 Source: 2012-2016 ACS microdata from the Integrated Public Use Microdata Series (IPUMS).
3 Id.
immediate work authorization, access to health care benefits, and the right to travel abroad. For many individuals, this would mark the first opportunity in decades to visit relatives in their countries of origin.

- Programs that provide temporary relief -- such as DACA and TPS -- must be protected and continue to be available. Eligibility requirements for these programs should be reviewed in order to reflect community realities. For example, in order to qualify for DACA an individual must prove continuous residence in the United States since June 15, 2007. As a practical matter, this means an applicant must have nearly 14 years of records in order to qualify for a two-year protection. Similarly, criminal bars and age requirements unreasonably exclude otherwise eligible applicants.

- Current policies for family-based immigration must be reformed in order to remove technical barriers impeding family unification, such as the 3 and 10-year bars and annual visa caps, and to provide opportunities for permanent residence status, such as the reinstatement of INA 245(i) that allows for adjustment of status in the United States for beneficiaries of family petitions regardless of how they entered the United States. The public charge rule must be reversed to ensure family-based immigration is not subject to a wealth test.

- Humanitarian forms of relief, including asylum, Special Immigrant Juvenile (SIJ) Status, U nonimmigrant status, T nonimmigrant status, and others, must be made meaningfully available to applicants, without lengthy wait times, and with immediate benefits and protections. Currently, U nonimmigrant visas are subject to a backlog of approximately ten years, depriving eligible applicants and their families of the stability and protection the program was designed to provide. Deferred action should be granted to children with approved SIJ applications who are waiting for a visa to become available. Refugee admissions and resettlement programs must be fully restored and expanded.

- Naturalization must be supported through additional funding for community outreach, citizenship and English classes, and legal support services. In addition, wait times for interviews must be reduced, officers must be retrained to not engage in unnecessarily harsh scrutiny of applicants, and oath ceremonies completed in a timely manner upon approval.

II. **End Enforcement and Detention and Safeguard Due Process in Immigration Court:**

Priorities:

- **Enforcement:** There must be an immediate halt to ICE presence in local communities and all cooperation between local law enforcement and ICE in order to promote community safety. ICE enforcement practices terrorize community members resulting in the disruption of family life and work as well as cause devastating health and mental health impacts. Such practices include arrests at or outside of people’s homes in the early morning as they leave for work and to take children to school, random traffic stops without proper identification in rural areas in the early hours of the morning that disproportionately impact farmworkers, arrests inside county court houses, and parents being detained in front of their children.

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• Our region, despite state laws limiting cooperation with ICE, continues to suffer high levels of immigration arrests partially due to local law enforcement agencies’ willingness to undermine the protections envisioned by these laws. In 2018, there were 2,279 ICE-related arrests in the San Joaquin Valley, with Kern County having the highest number of arrests (1,235). Many of the practices that local law enforcement engages in when cooperating with ICE are completely voluntary and serve to unjustly double punish immigrants and undermine family and community stability.

• Detention: End the use of immigration detention and disentangle immigration enforcement from the criminal system. Immigration detention has exponentially expanded in the last several years, anchoring its growth in places where immigrants are most likely to be isolated from legal counsel and remain in detention without a real opportunity for release. Such has been the case in our region where, despite strong community opposition, the number of detention beds increased at an alarming rate in the last year, from 400 to 1,400. Further, this growth was pushed forward by private corporations that stand to profit. As an initial step, the government must eliminate private prisons nationwide and reduce detention capacity in our region.

• Research shows that Black and Latino communities are over-policed, resulting in the disproportionate incarceration of Black and Latino people. An immigration system that relies on a criminal justice system riddled with institutionalized racial biases means those same biases result in the double punishment of our immigrant community members.

• Investment in our communities is necessary to develop and fund programs that provide alternatives to detention which are led and managed by community-based organizations. To ensure access to justice for those who are detained, there must be renewed and continued support for Legal Orientation Programs.

• Due Process in Immigration Court: Implement policies to ensure fewer people are referred for removal proceedings and resolve as many cases as possible in a non-adversarial setting. Fully fund and expand Legal Orientation Programs and ensure access to counsel for all people in immigration court proceedings. Establish a specialized corps of immigration judges and adjudicators trained and with substantial experience with unaccompanied children’s cases to hear a dedicated docket of those cases.

• Immigration Courts should also accommodate respondents who live more than 100 miles from the court by allowing telephonic or video teleconferencing (VTC) appearances, scheduling afternoon hearings, and developing a system of mobile courts that visit areas to hear cases in more remote urban areas on a regular schedule. Residents of our region have to travel more than 3-6 hours to attend hearings at the San Francisco Immigration Court, creating undue burdens on respondents and their counsel, increasing costs, as well as limiting the number of

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6 Immigration Issue brief, UC Davis Center for Regional Change, available at www.shfcenter.org/sjvhf/issue-briefs
witnesses and family members that can attend important hearings.\(^9\) However, VTC appearances should not be used in any proceedings in children’s cases unless requested by a child’s attorney or advocate because it was determined to be in the child’s best interest.

- Restore Immigration Judges’ discretion and ability to continue and administratively close cases and remove case completion quotas that impede thorough and thoughtful review. Provide clear guidance to the Office of Chief Counsel regarding when to stipulate and narrow issues as well as when appeals are warranted.

### III. Ensure Meaningful Access to Health, Education, and Support Services:

**Priorities:**

- COVID health services— including testing, treatment, and vaccination— must be provided in an equitable manner that is responsive to the needs of immigrant community members. This is especially critical for those living in rural areas and farm workers, who often lack insurance, a primary care doctor, and ready access to a clinic or health care provider.\(^{10}\)

- COVID relief programs must be accessible to all, including immigrant families. Stimulus payments and tax credits, expanded unemployment benefits, and other safety net measures related to housing, utilities, and food must be available based on need and not immigration status.

- Reverse the harmful public charge rule which has had a chilling effect on immigrant community members seeking important benefits and services, with dire impacts on their health and well-being. Ensure there is clear, multi-language messaging about safely accessing available benefits and services without repercussions on immigration status and options.\(^{11}\)

- Restore and expand programs impacting health, nutrition, maternal health, and mental health and ensure services are inclusive and accessible regardless of immigration status, language, or zip code.

- Promote, support, and enhance opportunities for entrepreneurship and small business ownership by immigrant community members and facilitate access to training, grants, and technical assistance. Investment in immigrant entrepreneurs is especially important as the country recovers from the economic impact of the pandemic.

- Facilitate access to higher education for undocumented students and immigrant students with various forms of status by allowing access to federal financial aid for all students regardless of immigration status and encouraging state policies that allow undocumented students to qualify for in-state tuition.

Our region stands ready to shape and support new policies and programs that will realize our vision of a San Joaquin Valley where all families can live with dignity and thrive.

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