



CITY AND COUNTY OF SAN FRANCISCO IMMIGRANT RIGHTS COMMISSION

San Francisco Immigrant Rights Commission Meeting
San Francisco City Hall, 1 Carlton B. Goodlett Place, Room 400
October 30, 2023 at 5:30 pm PDT

Online: <https://sfpUBLIC.webex.com/sfpUBLIC/j.php?MTID=mbed6e308cf5204af8a9e6b71c4b7f0ec>

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1. Call to Order and Roll Call

Chair Kennelly called the meeting to order at 5:46 p.m.

Present: Chair Kennelly, Vice Chair Chaudhary, Commissioners Abdou, Obregon, Paz, Qiu, Ruiz, Souza, Wang (left early).

Excused: Commissioners Enssani, Gaime, Latt, Ricarte, Senghor.

OCEIA staff present: Director Rivas, Clerk Shore, Administrative Assistant Alvarez, Operations and Grants Administrator Chan, Senior Spanish Language Specialist Cosenza, Language Services Supervisor Ruiz, DreamSF Coordinator Suarez, Deputy Director Whipple.

2. Ramaytush Ohlone Land Acknowledgment

Chair Kennelly read the land acknowledgment statement.

3. Announcements and General Public Comment

Director Rivas made announcements on how to access interpretation services and make public comment. Chair Kennelly called for general public comment, and there was no public comment.

4. Action Item: Statement in Support of DACA Recipients and San Francisco's Sanctuary City Policy (Chair Kennelly)

(Discussion/Action)

Chair Kennelly proposed issuing a statement in support of DACA and San Francisco's Sanctuary City policy. Commissioner Obregon motioned to empower Chair Kennelly to write and issue the statement, seconded by Commissioner Wang. Chair Kennelly called for public comment, and there was no public comment. The motion was approved by the nine Commissioners present.

5. IRC Hearing on Workforce Development for Immigrant Workers

a. Introduction (Chair Kennelly, Commissioner Souza)

(Information)

Chair Kennelly introduced the hearing and Commissioner Souza made opening remarks. The purpose of this hearing is to discuss strategies to support economic opportunities

for all workers, regardless of their immigration status.

b. Invited Speakers

(Information/Discussion)

1. Estefanía Hermsillo, Immigrants Rising

Estefanía Hermsillo, SEED program manager with Immigrants Rising, stated that undocumented immigrants can legally earn a living through business ownership or self-employment. There are about 823,750 undocumented entrepreneurs in the United States, and 182,142 in California, according to 2019 data from the American Immigration Council. California Senate Bill 1159, which took effect in 2016, allows people to use an individual tax identification document (ITIN) to obtain a professional license. California Assembly Bill 2184, which took effect in 2019, requires local governments to accept alternatives to social security numbers for business licenses and tax certificates. She recommended that the City commit to annual funding through micro- or start-up grants, regardless of immigration status; include undocumented immigrants in existing systems; enhance partnerships with agencies to allow individuals to attain training hours with an ITIN; re-envision work development centers to provide training on acquiring an ITIN and help with opening a business; partner with California Community Colleges, California State Universities, and the University of California to include opening a business with an ITIN in their business curricula; and provide funding for fellowship programs that do not require a social security number and state this explicitly in their eligibility criteria.

2. Janan Howell and Diana Ponce De León, Office of Economic and Workforce Development (OEWD)

Janan Howell, deputy director of workforce development, and Diana Ponce De León, director of community economic development, presented an overview of the Office of Economic and Workforce Development (OEWD). OEWD's workforce development system includes adult programs, young adult programs, sector training, and economic recovery and equity programs. OEWD partners with Dolores Street Community Services on a home support workers' cooperative in collaboration with Homebridge, and partners with Mission Economic Development Association (MEDA) on Promotoras Activas in housing, health care, and social services, and REACH, which provides training in the early childcare sector. OEWD's resource hubs, administered through the Latino Task Force, offer support and referrals. Resources for small businesses are available through City technical assistance (Office of Small Business and Small Business Development Center), community-based organizations' small business support, grants through OEWD, and microloans through Mission Asset Fund and MEDA.

3. Tony Lugo, Human Services Agency (SFHSA)

Tony Lugo, director of CalWorks and the workforce development division of the San Francisco Human Services Agency (SFHSA), provided highlights from SFHSA's work, including support for a self-sufficiency program in partnership with Arriba Juntos and MEDA; a workers' cooperative at Dolores Street Community Services in collaboration with OEWD; limited English proficient (LEP) employment and resource fairs; digital trainings for immigrants; and California State Assembly Bill 1387 (Ting) to allow undocumented immigrants to work as home care providers for family members.

4. Ju Hong, Dream Resource Center, UCLA Labor Center

Ju Hong, director of UCLA Labor Center's Dream Resource Center, provided an overview of the Opportunities for All campaign. Launched in November 2022 by the UCLA Labor Center, Undocumented Student Network, and UCLA Center for Immigration Law & Policy (CILP), it calls for the University of California to hire undocumented students. CILP argues that the Immigration Reform and Control Act (IRCA), the 1986 federal prohibition on hiring undocumented immigrants, does not extend to state entities, and that as a state institution, the University of California faces no legal restriction on hiring undocumented workers. Twenty-eight legal scholars have agreed with this interpretation. There are about 44,000 undocumented college students in California. In May 2023, the UC Board of Regents agreed to form a working group to evaluate hiring undocumented students, develop an implementation plan and legal strategy, and determine next steps by November 2023. The UC Regents will meet on November 13.

5. Beto Yarce, Mission Economic Development Agency (MEDA)

Beto Yarce, chief program officer of Mission Economic Development Agency (MEDA), described MEDA's microloans to small businesses. Immigrant entrepreneurs often face challenges accessing capital and avoiding predatory lending. MEDA's Fondo Adelante Community Development Financial Institution (CDFI), provides access to capital to small-business owners who cannot get a loan at a traditional bank. He recommended that San Francisco continue to help entrepreneurs access capital through CDFIs and consider a universal income program for entrepreneurs.

6. Laura Valdez, Dolores Street Community Services

Laura Valdez, executive director of Dolores Street Community Services (DSCS), discussed DSCS's Home Health Care Co-op, a worker-owned cooperative for undocumented Latinx immigrants. Part of Democracy at Work's rapid response model, the cooperative was incubated at DSCS in partnership with OEWD, HSA, Colmenar Cooperative Consulting, and Homebridge. DSCS partnered with the Department of Public Health and the UCSF Latinx Center of Excellence on *Promotorx de Salud*, which provided COVID-19 outreach,

investigation, and education about vaccines. DSCS's Earn and Learn program offers Spanish-language on-site janitorial services training for emergency shelters. Director Valdez recommended that OEWD establish an Immigrant Workforce Development Program with general fund dollars that prioritizes those who face barriers to employment, specifically immigrants, refugees and asylees who are limited English proficient (LEP), regardless of their immigration status, including undocumented immigrants, Deferred Action for Childhood Arrivals (DACA) recipients and Temporary Protected Status (TPS) holders. She recommended creating a sub-department to oversee the development of rapid-response immigrant workers' cooperatives in low-wage industries that often exploit workers; funding vocational English as a Second Language (ESL) classes for low-wage industries, case management services, Earn and Learn programs, and marketing plans for cooperatives and small businesses.

7. Madeleine Hernandez, Democracy at Work Institute

Madeleine Hernandez, cooperative business developer for the Democracy at Work Institute (DAWI), discussed DAWI's Rapid Response Cooperative model. DAWI created the model in 2017 to develop accessible, replicable, and streamlined workers' cooperatives. Cooperatives generally take 12 to 18 months to establish. Workers own and control cooperatives on a democratic basis. Clients contract with the cooperative rather than the individual, allowing those with barriers to employment to work legally. DAWI established the Radiate Consulting network of cooperatives in the Bay Area, New York, North Carolina, Orange County, and Los Angeles. She recommended that the City support workers' cooperatives for DACA recipients and undocumented immigrants, and fund pilot programs like DSCS's Home Health Care Co-op. Her other recommendations included: developing a system that makes it easier to access resources; raising awareness of cooperatives by providing education through small business offices; creating partnerships between City programs and DAWI; securing City contracting opportunities directly with cooperatives; supporting workers' cooperatives in accessing City opportunities and incubating businesses that serve City priorities; funding pilot programs that develop cooperatives; and providing stipends, food and child care for community members to more easily access educational opportunities and training.

8. Kathy Gin, The Legalization Project

Kathy Gin, the former executive director of Immigrants Rising, discussed her new role as founder of The Legalization Project, a non-profit organization dedicated to supporting undocumented immigrants seeking permanent legal status in the United States. Her work focuses on employment-based immigration pathways for undocumented workers. There are H-1B cap exemptions for colleges and universities and affiliated nonprofits, and nonprofit and government research organizations. The Department of Homeland

Security (DHS) broadened the H-1B cap exemptions, making it easier for nonprofits and government agencies to sponsor immigrant workers. Employers can also sponsor employees through PERM, an employer-sponsored green card that can be used for any type of position, from a dishwasher to a doctor. Director Gin recommended that the City help move more immigrant workers into permanent legal status by: educating employers about employment-based immigration pathways; helping immigrant workers get comprehensive legal screenings to understand all pathways available to them, including employment-based remedies; connecting immigrant workers to free or low-cost legal counsel to help them pursue these remedies; paying for government filing fees; and sponsoring immigrant workers for employment-based immigration pathways like H-1Bs and PERM. She recommended that the City support its immigrant employees and encourage other employers to do the same. Her team of attorneys and consultants can provide legal screenings for immigrant workers and consultations with employers.

9. Richard Whipple, Office of Civic Engagement & Immigrant Affairs (OCEIA)

Richard Whipple, deputy director of the Office of Civic Engagement & Immigrant Affairs (OCEIA), discussed OCEIA's work. Since 2012, OCEIA has funded the San Francisco Day Labor and Women's Collective. In 2014, OCEIA launched DreamSF Fellowship, a professional development program for young people regardless of immigration status. In 2016-2017, OCEIA worked with its language access grantees to pilot a Community Language Bank, providing interpretation training to multilingual residents. In 2020, OCEIA's DreamSF Fellowship partnered with the Democracy at Work Institute (DAWI) to launch Radiate Bay Area. In 2024, OCEIA plans to hire a one-year position to support immigrant workforce development with funding from the California Office of Business Development. He recommended that the City support workers' cooperatives, support with small business fees, fund and prioritize employment-based immigration pathways, and support City employees with limited work authorization.

10. Valeria Suarez, DreamSF Fellowship, OCEIA

Valeria Suarez, coordinator of OCEIA's DreamSF Fellowship program, noted that most undocumented immigrants in San Francisco were never eligible for Deferred Action for Childhood Arrivals (DACA), and fewer people are eligible each year. OCEIA's DreamSF Fellowship is a paid professional development program open to participants regardless of their status. They recommended that the City replicate the DreamSF model and open opportunities to people regardless of their status. Each year DreamSF chooses 20 participants out of 200 to 300 applicants. They encouraged the City and community-based organizations to prioritize working with independent contractors and consultants, which allows individuals to earn an income after completing the fellowship program.

Chair Kennelly thanked the speakers and invited Commissioners to ask questions.

Vice Chair Chaudhary asked about arguments against Opportunities for All, and Ju Hong discussed concerns about whether students would be flagged on E-Verify, and the timeline and difficulty of implementation. In response to a question from Commissioner Wang, he discussed software that distinguishes between foreign students and residents. Commissioner Wang encouraged him to work with community colleges.

Commissioner Souza asked about strategies to support youth and parents. Director Valdez of Dolores Street Community Services noted that California funds workers' cooperatives. MEDA and Dolores Street Community Services have advocated for equity funding from the general fund to support training in computer literacy, and vocational ESL classes for home care workers' cooperatives.

Commissioner Obregon asked about barriers faced by street vendors; where workers' cooperatives stand among the City's priorities; and if MEDA is the only organization that provides loans to ITIN holders. Diana Ponce De León said OEWD's model has become more flexible since the pandemic, and does not focus only on storefronts. OEWD has provided funding to non-profit organizations to train people in skills to launch a business, and many vendors qualify for \$5,000 after completing the training. In addition to MEDA, OEWD works with Mission Asset Fund to provide microloans. Janan Howell noted that OEWD currently invests \$500,000 to support workers' cooperatives through DSCS and MEDA. Now in its third year, they are looking for ways to secure funding without subjecting immigrant workers to the regulations of federal and state grants.

Commissioner Obregon asked how to incentivize employers to sponsor workers. Kathy Gin suggested removing barriers by making it easier for employers to get information; access pro-bono support from law firms; and utilize consultants to develop long-term plans with employers, including investments in staff. She encouraged employers to think about what it would cost to lose their workers, and have to replace them.

Commissioner Paz asked what steps the City can take. Kathy Gin suggested that the City arrange for legal screenings, including evaluation of employment-based remedies; provide ways for employers to learn about remedies and how they can support workers in pursuing them (for example, by paying for filing fees, or providing time off for legal appointments); and explore sponsorship opportunities.

Commissioner Wang asked if the Commission could ask San Francisco's Department of Human Resources to survey City employees and report how many are undocumented.

Chair Kennelly noted that may raise concerns about confidentiality. Commissioner Wang suggested holding a joint hearing on what the City government can do.

Commissioner Abdou asked about the hiring process for the Human Services Agency, and the HSA representative said he would follow up with information.

Chair Kennelly thanked Commissioners and speakers, and invited members of the public to make public comment.

c. Public Comment

1. Hernan Soto, a former fellow with San Francisco and DreamSF, who works at the San Francisco Public Library, said the opportunity to participate in fellowship programs and work for the City changed his life. Since his father passed away last year, he is the main source of income for his family, and he asked the Commission for help.

2. Marisela Mendoza has worked at Excelsior Works! since 2019. A first-generation college graduate of San Francisco State University, she has witnessed working-class families struggle to meet their basic needs. She said San Francisco is failing those who work at community-based organizations and needs to do better as a proclaimed “sanctuary city.” She recommended that rather than criminalizing street vendors, the City provide them with pathways and language access services to obtain business licenses and permits; eliminate English-language and educational requirements for entry-level work; make employers responsible for providing appropriate language access when training and communicating with employees; providing pathways for employer sponsorship of undocumented workers; and acknowledging and adequately compensating the efforts of community workers.

3. David Bogachik, a Ukrainian refugee and psychotherapist who came to the United States eight years ago, said it is difficult to find work when foreign degrees are not accepted; suggested a customized, flexible approach to income generation; and recommended that the City collect feedback from immigrants on the effectiveness of various City-funded programs, noting that programs run by the Latino Task Force and MEDA are effective in connecting job seekers with communities.

4. Amos Lim, economic justice program manager with Chinese for Affirmative Action, said many training programs are in English and Spanish, presenting a barrier for Chinese community members. City College of San Francisco’s cuts to English as a Second Language (ESL) make it difficult for Chinatown residents to take classes. He suggested

that the City re-evaluate its hiring process and explore incentives to encourage employers to remove English-language requirements for certain entry-level jobs.

5. Patricia Bahamonde, founder of the Global Refugee Relief Fund, noted the importance of recognizing the value of immigrants, and suggested that the City fund programs supporting immigrant education, integration, and employment opportunities.

6. Joe Ramirez-Forcier, a director of workforce development at a specialized job center with OEWD, discussed the intersectionality of immigrant workers, people with disabilities, and LGBTQIA+ populations. He suggested conducting an inventory of community service providers and a capacity analysis of their language support, noting that Spanish-speaking capacity is often limited.

7. Natalie Ortiz of the Calle 24 Cultural District urged the City to continue to fund non-profit organizations; host networking events to connect them with funders; educate employers about sponsoring workers; and consider the needs of Transitional Age Youth (14 to 26 years old).

8. The eighth speaker said she has been trying to find a job in City government for about six months, and requested more transparency in the City's hiring process.

9. Virgilio Alvaro Arcos, a day laborer, spoke in Spanish with an interpreter. He said many day laborers don't know the hourly wage, often work extra hours without pay, and want to be trained in construction and other job skills. He described his experience as a crime victim who was attacked by a group of people. He received support covering the hospital bill and support with rent from La Voz Latina, but did not receive any other aid. He has had two head surgeries, and continues to suffer from panic attacks, anxiety, and the beginning of epilepsy. He said he now understands why people kill themselves, and asked where he can get help.

10. The tenth speaker, a program manager for La Voz Latina, said the pandemic has made it more difficult for immigrants in the Tenderloin and other neighborhoods to make a living. Many do not know how to navigate the system or find resources. Non-profit organizations can provide skills training and access to education.

11. José, from La Voz Latina, spoke in Spanish with an interpreter. Six months ago, he was attacked in the Tenderloin and his nose was broken, and he could not go back to work. After working for 23 years at a restaurant, he is now having trouble finding a job. He asked for opportunities to learn different skills. He was treated free of charge at a

hospital, but with COVID, he has used all of his savings. He said innocent, working people are being attacked in the Tenderloin and it is a serious problem.

12. José Cartagena, who came here in 1980, asked what the City can do to incentivize businesses and non-profit organizations to sponsor DACA recipients, and suggested providing a financial incentive for each DACA recipient they hire. He discussed the exploitation of day laborers, and called on the City to create policies to protect them.

13. Dr. Raul Gutierrez of UCSF, who co-founded Bridges Clinic for immigrant children in 2017, said the main needs identified by families are legal services, housing, and employment. San Francisco is one of the top areas for unaccompanied youth seeking asylum, and the New York Times has reported on unaccompanied youth who end up working in jobs that violate child labor laws. He asked the Commission to remember the entire family, including children and young people.

14. Norma Carrera, a Mexican immigrant who lives in the Tenderloin, noted that immigrants pay taxes, regardless of their immigration status, and are often forgotten.

Director Rivas stated that the Commission received a public comment by email from Cesar Love, which is attached to the meeting minutes.

d. Closing Remarks
(Information)

Chair Kennelly and Commissioner Souza made closing remarks and thanked Commissioners, OCEIA staff, invited speakers, interpreters, and community members.

6. Action Item: Approval of Previous Minutes

a. Approval of September 11, 2023 Full Commission Meeting Minutes
(Discussion/Action)

Vice Chair Chaudhary motioned to approve the Commission's September 11, 2023 meeting minutes, seconded by Commissioner Paz. Chair Kennelly called for public comment and there was no comment. Commissioner Wang left early, and the motion was approved by the eight Commissioners present.

7. Adjournment

Chair Kennelly adjourned the meeting at 8:21 p.m.

**Communications to the Immigrant Rights Commission
October 30, 2023**

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From: cesar love <cesarlove714@hotmail.com>

Sent: Monday, October 30, 2023 4:53:18 PM

To: Engagement, Civic (ADM) <civic.engagement@sfgov.org>

Cc: ChanStaff (BOS) <chanstaff@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Daniela Gonzalez <Daniela.Gonzalez@seiu1021.org>

Subject: Presented to the Hearing on Workforce Development for Immigrant Workers

Immigrant Rights Commission

Dear Commissioners,

I work within the Workforce Development Division of the City in the Jobs Now program. I am unable to attend this evening's hearing, therefore, I am sending this email to bring attention to deficits in our ability to serve our immigrant population. Myself and my colleagues who serve immigrants through the Jobs Now program wish to bring the following to your attention.

Jobs Now includes a program that is called the Public Service Trainee (PST) program, in which underserved clients are given temporary employment in City departments as a training program. The PST program had for many years hired and trained limited English speakers if a supervisor was available who spoke the language of the limited-English-speaker. Earlier this year, this practice was stopped. This has effectively frozen immigrant workers from City jobs and training. The rationales given for ending this practice are not consistent nor convincing.

1. We are told that Federal guidelines dictate that the PST program can only hire clients that fully speak English. But when we ask to see the federal guidelines, they have not been produced. This justification does not seem credible since it appears to violate Equal Protection clauses of the Constitution.

2. We are told that a client needs to be fully able to comprehend English to understand emergency commands. Yet, there are several non-English speakers hired by the City as janitors at City Hall, and this was not a previous practice in the PST program.
3. We are told that limited-English-speaking clients should be sent to English classes at Arriba Juntos before they are referred to PST positions. English classes at Arriba Juntos, however, are inadequate and are not culturally sensitive. Their English program includes a job component. The client is given part-time work and English classes simultaneously. The program does not acknowledge the fact that most immigrant workers want fulltime work rather than part-time. Most of the clients who enroll in their English classes drop out before completing them. And those who do complete them still do not speak English adequate enough for a job interview. Yet the contract for Arriba Juntos is renewed every year despite concerns and complaints from clients and staff.

Please investigate the barriers within the PST program and the English program within Arriba Juntos. Neither is serving our immigrant population.

Yours truly,

Cesar Love

Chief Shop Steward SEIU
Employment and Training Specialist, HSA-WDD