



MEMORANDUM

Date: July 21, 2014

To: The Honorable Chair and Members
Pima County Board of Supervisors

From: C.H. Huckelberry
County Administrator

A handwritten signature in black ink, appearing to be "CHH", is written over the printed name "C.H. Huckelberry".

Re: **Southwest Key and Undocumented Minors**

I have asked staff to provide research regarding this subject particularly as it relates to cost transfers and other issues. The attached July 11, 2014 report prepared by Business Services Coordinator Patrick Cavanaugh includes information that the Board of Supervisors may find interesting in understanding the scope and complexity of this problem.

Of particular interest is Attachment 3 "Unaccompanied Alien Children: An Overview" by the Congressional Research Service. Also provided is information regarding the issues associated with locating shelters in other communities in compliance with zoning and other local codes.

The primary question I asked was whether the current operator for shelter Southwest Key could or would pass along their operational and client support cost to local government. The analysis indicates such is unlikely.

If you require any additional information on this subject, please contact me.

Attachment

CHH/anc

c: Hank Atha, Deputy County Administrator for Community and Economic Development
Jan Leshner, Deputy County Administrator for Medical and Health Services
Dr. Francisco Garcia, Director, Health Department
Patrick Cavanaugh, Business Service Coordinator, Economic Development

July 11, 2014

TO: Chuck Huckelberry, Pima County Administrator

Hank Atha, Deputy County Administrator

Community and Economic Development

FROM: Patrick Cavanaugh, Business Services Coordinator

Pima County Economic Development

SUBJECT: Southwest Key

Mr. Atha relayed to me your request for information about Southwest Key and the unaccompanied immigrant minor shelters the company operates under contract to offices within the U. S. Department of Health and Human Services (HHS). As I understand it, the primary concern from staff was whether Southwest Key may pass some of its operational and client support costs to local governments. After receiving your request, an additional concern was raised by Deputy County Administrator Jan Leshar as to the licensure status of the facility recently opened in Tucson. I have already addressed Ms. Leshar's information request directly to her and the behavioral health licensing of the Tucson facility does not appear to be an issue. My findings relevant to your request begin on page 8.

Federal Program Background

The shelter programs for unaccompanied immigrant minors are funded through the Office of Refugee Resettlement (ORR), an office of the Administration for Children and Family division of HHS. ORR issues grantee contracts to qualified private sector organizations to staff and operate the shelters. Southwest Key, with total expenditures last year of \$120,000,000, is one of the largest recipients of grantee contracts issued by ORR.

The shelter services for the unaccompanied children provided by Southwest Key should not be confused with assistance being provided to the immigrant families traveling with children that are transiting through the Tucson Greyhound Bus facility after being apprehended and conditionally released under a separate federal mandate. Not should the unaccompanied minor shelter programs be confused with other state-administered and faith-based ORR programs in Arizona for immigrant services that often have grant-matching requirements. These programs are more community-based and tend to generate additional costs for state and local governments than the temporary and more self-contained shelter programs. Several studies have been conducted that examine the fiscal and economic impact of illegal immigration within Arizona, but I was unable to identify any studies that analyze the “snapshot” period of immediate and temporary services provided to refugees and immigrants that relate to the surge now occurring along the Mexican border. However, a review of the ORR programs within Arizona that would apply to refugee and immigrant settlement (excluding the unaccompanied minors) occurring as part of the current surge is concerning.

While immediate fiscal impacts are unknown, the limited ORR funding in Arizona (for example, only \$226,320 allocated for a targeted assistance program in Pima County last year) is likely to prove inadequate. (See FY2013-2014 State of Arizona ORR funded programs in *Attachment 1*.)

The shelter program in its current form originated March 1, 2003 with the passage of the Homeland Security Act of 2002 (Section 462) which transferred responsibility for the care and placement of “unaccompanied alien children” (the federal term used for the minors) from the Immigration and Naturalization Service to ORR. This law, primarily intended to protect immigrant minors and prevent human trafficking of children, prevents federal agencies from returning alien minors to certain countries of origin without the process of a deportation hearing. By contrast, children from Mexico and Canada can be returned through a much more expeditious process. Since 2003, ORR has cared for more than 92,000 of these children, the majority of whom have arrived from Central American countries experiencing extreme poverty, violent criminal activity and social strife. In FY 2009, Mexican unaccompanied minors accounted for 82 percent of the 19,668 of the children apprehended by Immigration and Customs Enforcement (ICE) while Honduras, Guatemala and El Salvador accounted for 17 percent. By the first eight months of FY2014 the total number of apprehensions had increased significantly and the proportions had almost reversed: Mexican unaccompanied minors accounted for only 25 percent of the 47,017 apprehensions while children from the three Central American nations comprised 73 percent. The emigration is occurring from very specific cities and regions of the three nations and is unlikely to subside any time soon. (Please see ICE “location of origin document” in *Attachment 2*.)

According to the U.S Department of Homeland Security (DHS) federal protocols were recently established to contend with the influx of unaccompanied minors apprehended at the Southwest border. These protocols include:

(1) After arrival in the U.S., the child is identified, undergoes an initial health screening and immigration processing to initiate removal is begun by ICE. (The majority of the children being apprehended during the current surge are found in the Rio Grande Valley of Texas.)

(2) The child may be transferred to a short-term facility operated by HHS and other federal agencies where they are provided medical checks, immunizations and assign the children for transfer to shelters. (These facilities are intended to simply expedite the processing of the children and are similar to the one operating in Nogales, AZ.)

(3) The child travels to the HHS-run shelter assignment under transportation provided by DHS. (These are the shelters operated by Southwest Key and other grantees in facilities nationwide, including Tucson.)

(4) The child remains in the shelter until a sponsor or relative is identified. The child is placed with the relative or sponsor in the U.S. pending outcome of the immigration process.

Several bills to potentially alter the HHS/ORR shelter program (some focusing on more expeditious deportation procedures) are now being

considered in Congress. It should also be noted that White House issued the following statement on June 7, 2014:

“It is unlikely that most of the children will qualify for humanitarian relief which means they will not have a legal basis for remaining in this country and will be returned.”

The issue of federal responsibility for these children is not new. It is the significantly increased volume of unaccompanied minors arriving from Central America on the southern border over the last year (which has required more services and facilities) that has drawn the public’s attention to the issue and generated the current controversy. For more details about the federal program and the magnitude of the current surge of unaccompanied minors, please see the June 23, 2014 Congressional Research Service report “Unaccompanied Alien Children: An Overview” that I have included as ***Attachment 3.***

The magnitude of the immigration surge of unaccompanied minors can also be documented through expansion of ORR’s shelter program. According to documents obtained from ORR last month through a Freedom of Information Act request by *Mother Jones* magazine, the number of new facilities opened each year is as follows:

- 2005: 33
- 2006: 34
- 2007: 42
- 2008: 41

- 2009: 51
- 2010: 48
- 2011: 53
- 2012: 68
- 2013: 80

As you are no doubt aware, the federal government is urgently attempting to expand the program for unaccompanied minors and President Obama has requested an additional \$3.7 billion to deal with the surge of Central American refugees. Increased apprehensions, combined with our proximity to the border, existing ICE facilities and increased federal funding, raise the possibility that Pima County could see more facilities sited locally in addition to the unaccompanied minor facility Southwest Key recently opened in Tucson.

Southwest Key Background

Southwest Key is an Austin-based national “community service and community development” non-profit/charitable/501(c) (3) founded in 1987. The company employs more than 2,200 people in the six states of Arizona, Texas, California, New York, Georgia and Wisconsin. Within Arizona, Southwest Key operates facilities in Phoenix, Youngtown, Mesa, Glendale and now Tucson - occupying the formerly vacant College Place Apartments at 1601 N. Oracle. A rumor is circulating (apparently based on one unsourced television news report) that Southwest Key may open an unaccompanied minor facility in Oracle but I have not been able to

substantiate this information. An individual I spoke with at Pinal County development services claimed to have no applications from Southwest Key. Additionally, the proposal floated by members of the Tucson Unified School District Governing Board and members of the Tucson Mayor and Council to utilize vacant school buildings as shelter sites is still being discussed but appear to be dependent on the actual capacity requirements of ORR and Southwest Key.

In addition to the shelters for unaccompanied minors, Southwest Key also operates juvenile justice and family programs, alternative schools and conducts community building initiatives. In total, Southwest Key operates 55 site-specific programs and claims it served more than 225,000 youth and families in 2013. Related to these charitable programs, Southwest Key also operates several revenue-generating “social enterprises” under the holding company Southwest Key Enterprises, Inc. that account for a small percentage of the company’s annual revenue. These enterprises include Southwest Key Maintenance, LLC, Southwest Key Café del Sol, LLC, Southwest Key Properties, LLC, Southwest Key Green Energy and Construction, LLC and Blooming Florist, LLC.

The company’s revenue primary sources are contracts and grants with federal, state and local governments, foundations grants, and charitable contributions from individual and corporations. In 2013 Southwest Key reported total revenue of \$124,256,408 and total expenditures of \$120,901,477. Ninety percent (\$108,568,718) of its budget was classified as program expenditure, 9.8 percent (\$11,955,419) was allocated to administrative costs and less than 1 percent (\$377,340) went to fundraising.

I found no significant legal or regulatory issues with Southwest Key beyond personal injury and other routine lawsuits that would be expected from a social service company of its size that deals primarily with children. External audits provided to the Southwest Key board of directors have not disclosed any significant deficiencies. The company was ranked fourth among the top 25 Hispanic non-profits in America by *Hispanic Business* magazine in 2009.

Findings: “Do Shelters for Unaccompanied Immigrant Minors Operated by Southwest Key Pass Some of their Operational and Client Support Costs to Local Government?”

In the course of an analysis I conducted of several municipalities and counties where Southwest Key shelters are located, I did not find evidence that this is occurring on any appreciable scale.

There is some concern that the high wages paid at the shelters may create sudden waves of vacancies in established employment sectors such as medical and education fields, but this could also be viewed as employment expansion.

Minors who reunite with families or are placed with sponsors after exiting the shelter programs may lead to additional costs for local communities, but that point is related to the much broader debate over the fiscal impact of illegal immigration and is not germane to the question at hand.

One potential area of cost transfer would be uncompensated care for children from the shelters requiring inpatient care in local hospitals. I was unable to obtain any information on this potential cost, but I will work with the Pima

County Health Department to try and obtain the data from HHS and/or local hospitals if you so direct.

Analysis and Method

By federal HHS/ORR protocol, and assuming adherence to the requirements promulgated as part of the federal procurement process for shelter services that I reviewed, the shelters appear to be very self-contained. A concise synopsis of this self-sufficiency is provided on the HHS/Administration for Children and Families Web site:

“The impact on the local community is minimal. The Department of Human Services pays for and provides all services for the children through the network of grantees. This includes providing food, clothing, education and medical screening to the children. All activities, including outdoor recreation time, take place on the grounds of the temporary facilities. Children do not attend local schools. Communities can expect increased use of local retail services (hotels, restaurants and retail) by those coming to work at and visit the shelter.”

Additionally the transitory nature of the shelters, where children stay on average less than 35 days, also decreases any impact on local government services.

Nationally, several local governments have recently rejected placement of the shelters in their jurisdictions but these denials seem to be rooted within the politics of the immigration debate. In reviewing local jurisdictions where

the shelters have been established prior to the recent media coverage and resulting controversy, I found several local governments viewing the shelters as beneficial to local economic development. In Youngtown, AZ., a shelter established last year was viewed as revitalizing a blighted street and the mayor has written letters of recommendation on behalf of Southwest Key to other communities considering allowing the shelters to open. I have included a newspaper article and minutes from both the Youngtown Common Council and Youngtown Planning and Zoning Commission that illustrate this. (See *Attachment 4*.)

As we do in Pima County, local governments will review prospective developments and land uses for impacts on local services. A review of local government records where Southwest Key was applying to open a shelter found no indication of cost-shifting concerns. Typical of these reviews is a report from the Escondido, Calif. Planning Commission. The Commission ultimately voted to deny the conditional use permit based on noise and traffic concerns, but the report found no substantial service impacts and the highly politicized nature of the meeting likely affected the outcome. (See *Attachment 5* for a Southwest Key handbill, media coverage of the issue and the Escondido Planning Commission report.)

Please let me know if you require any additional information.

ATTACHMENT 1

OFFICE OF REFUGEE RESETTLEMENT

An Office of the Administration for Children & Families

FFY 2013-14 State of Arizona ORR Funded Programs

Published: December 6, 2013

Archived 2012/13 Figures (<https://www.acf.hhs.gov/programs/orr/resource/ffy-2012-13-state-of-arizona-orr-funded-programs>) | Archived 2011/12 Figures (<https://www.acf.hhs.gov/programs/orr/resource/ffy-2011-12-state-of-arizona-orr-funded-programs>) | Archived 2009 Figures (<http://www.acf.hhs.gov/programs/orr/resource/ffy-2009-state-of-arizona-orr-funded-programs>)

Key Contacts (<https://www.acf.hhs.gov/programs/orr/resource/orr-funded-programs-key-contacts#az>)

MANDATORY AND FORMULA GRANTS TO STATES*

RECIPIENT	CMA MANDATORY	REFUGEE SOCIAL SERVICES PROGRAM	TARGETED ASSISTANCE PROGRAM
Arizona Department of Economic Security	\$10,500,000	\$2,132,811	\$0
Maricopa County	\$0	\$0	\$667,857
Pima County	\$0	\$0	\$226,320

DISCRETIONARY GRANTS TO STATES*

SERVICE PROVIDERS	CUBAN-HAITIAN PROGRAM	REFUGEE PREVENTIVE HEALTH PROGRAM	REFUGEE SCHOOL IMPACT	SERVICES TO OLDER REFUGEES PROGRAM	TARGETED ASSISTANCE - DISCRETIONARY	TOTAL FY
Arizona Department of Economic Security	\$191,680	\$145,877	\$558,900	\$97,200	\$150,000	\$1,240,857

*For full information about subcontracts awarded under these grants, please contact the State Refugee Coordinator (<http://www.acf.hhs.gov/programs/orr/resource/orr-funded-programs-key-contacts>).

DISCRETIONARY GRANTS TO LOCAL AGENCIES

This state receives discretionary funding to local agencies in the following ORR programs:

- Ethnic Community Self Help (<http://www.acf.hhs.gov/programs/orr/resource/ethnic-community-self-help-grants>)
- Preferred Communities (<http://www.acf.hhs.gov/programs/orr/resource/preferred-communities-grants-by-affiliate>)
- Services to Survivors of Torture (<http://www.acf.hhs.gov/programs/orr/resource/services-for-survivors-of-torture-grants>)

MATCHING GRANT PROGRAM AFFILIATES

AFFILIATE	LOCAL GRANTEE	AMOUNT	END DATE	CONTACT
CWS	Refugee Focus, a Division of Lutheran Social Services of the Southwest	\$444,400	09/25/2015	Craig Thoresen 3443 N. Central Ave North Rotunda Phoenix, AZ 85012 602.248.4400
ECDC	Arizona Immigrant and Refugee Services (formerly RIRC)	\$110,000	09/25/2015	Safa Mohammed 10240 North 31st Ave, Suite 112 Phoenix, AZ 85051 602.944.1821
EMM	Lutheran Social Services of the Southwest	\$176,000	09/25/2015	Nicolle Trudeau 5049 E. Broadway Blvd. Suite 126 Tuscon, AZ 85711 520.748.2300
IRC	IRC Phoenix, AZ	\$965,800	09/25/2015	Donna Magnuson 5227 North 7th Street Phoenix, AZ 85017 602.433.2440

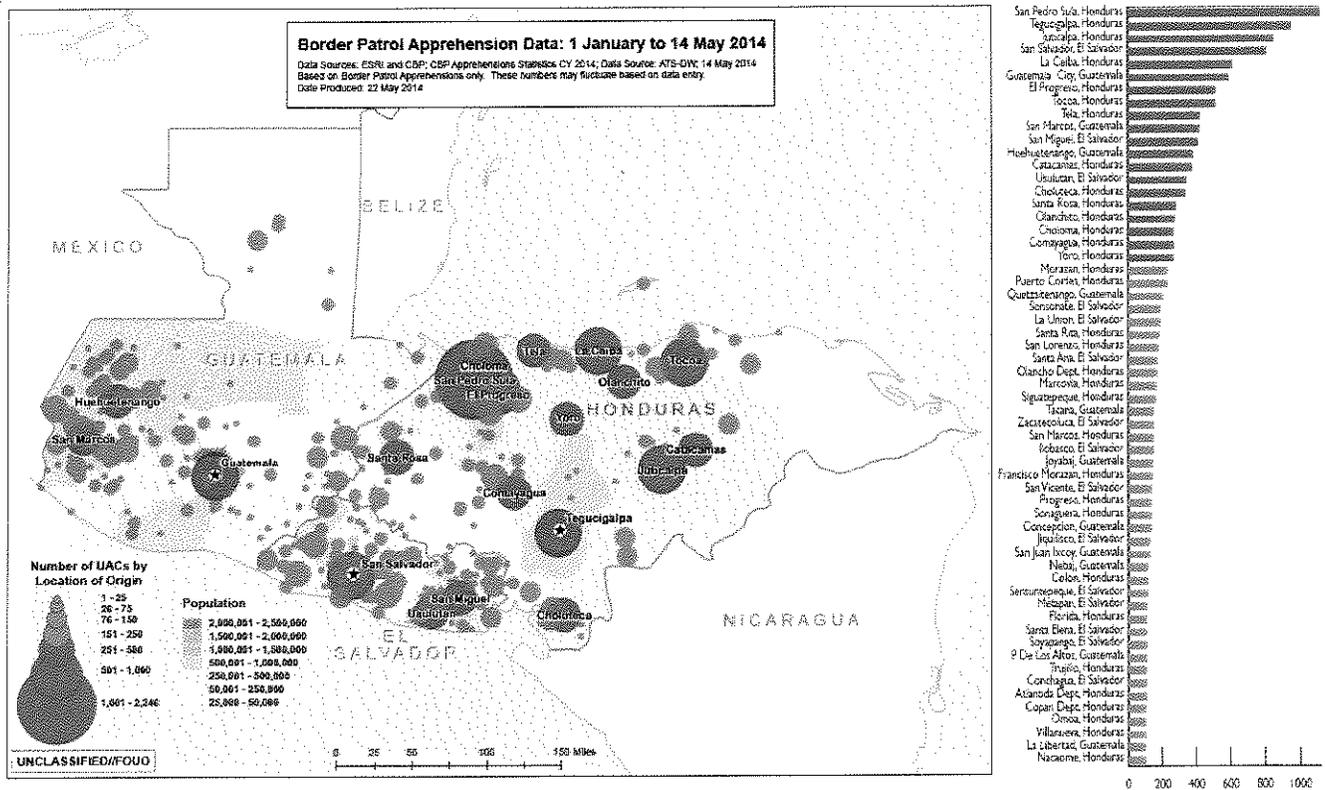
AFFILIATE	LOCAL GRANTEE	AMOUNT	END DATE	CONTACT
IRC	IRC Tucson, AZ	\$376,200	09/25/2015	Jeffery Cornish 3100 N. Campbell Ave, Suite 101 Tucson, AZ 85711 520.319.2160
LIRS	Lutheran Social Services of the Southwest	\$475,200	09/25/2015	Craig Thoresen 3443 N. Central Ave North Rotunda Phoenix, AZ 85012 602.248.4400
LIRS	Lutheran Social Services of the Southwest	\$167,200	09/25/2015	Nicolle Trudeau 5049 E. Broadway Blvd., Suite 126 Tucson, AZ 85711 520.748.2300
USCCB	Catholic Charities Community Services	\$591,800	09/25/2015	Joanna Morales 1825 W. Northern Avenue Phoenix, AZ 85021 602.997.6105 x51028
USCCB	MRS - Catholic Social Services	\$158,400	09/25/2015	Ferdinand Lossavi Lossou 140 W Speedway Blvd., Suite 130 Tucson, AZ 85705 520.623.0344 x1012

ATTACHMENT 2

(C) Unaccompanied Alien Children (UACs) by Location of Origin for CY 2014: Honduras, El Salvador, and Guatemala

(FOUO) We analyzed these locations to determine the factors pushing child migration to the US Southwest Border. We assess these reasons vary regionally. For example, many Guatemalan children come from rural areas, indicating they are probably seeking economic opportunities in the US. Salvadoran and Honduran

children, on the other hand, come from extremely violent regions where traveling alone to the US preferable to remaining at home. This violent other secondary factors will make stemming the flow of UACs to the U





United States Border Patrol

Juvenile (0-17 Years Old) and Adult Apprehensions - Fiscal Year 2013 (Oct. 1st through Sept. 30th)

SECTOR	Accompanied Juveniles	Unaccompanied Juveniles	Total Juveniles	Total Adults	Total Apprehensions
Miami	24	28	52	1,686	1,738
New Orleans	2	11	13	487	500
Ramey	4	5	9	915	924
Coastal Border Sectors Total	30	44	74	3,088	3,162
Blaine	9	8	17	343	360
Buffalo	8	5	13	783	796
Detroit	1	6	7	643	650
Grand Forks	1	4	5	464	469
Havre	1	0	1	87	88
Houlton	0	0	0	37	37
Spokane	3	3	6	293	299
Swanton	32	4	36	495	531
Northern Border Sectors Total	55	30	85	3,145	3,230
Big Bend <i>(formerly Marfa)</i>	66	125	191	3,493	3,684
Del Rio	471	2,135	2,606	20,904	23,510
El Centro	147	434	581	15,725	16,306
El Paso	196	744	940	10,214	11,154
Laredo	983	3,795	4,778	45,971	50,749
Rio Grande Valley <i>(formerly McAllen)</i>	4,474	21,553	26,027	128,426	154,453
San Diego	412	656	1,068	26,428	27,496
Tucson	1,605	9,070	10,675	110,264	120,939
Yuma	125	247	372	5,734	6,106
Southwest Border Sectors Total	8,479	38,759	47,238	367,159	414,397
Nationwide Total	8,564	38,833	47,397	373,392	420,789

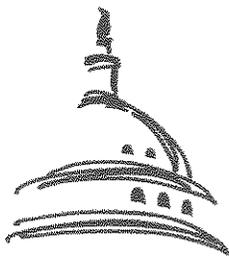


United States Border Patrol

Juvenile and Adult Apprehensions - Fiscal Year 2012 (Oct. 1st through Sept. 30th)

SECTOR	Accompanied Juveniles	Unaccompanied Juveniles	Total Juveniles	Total Adults	Total Apprehensions
Miami	32	18	50	2,459	2,509
New Orleans	7	5	12	462	474
Ramsey	3	5	8	694	702
Coastal Border Sectors Total	42	28	70	3,615	3,685
Blaine	15	12	27	510	537
Buffalo	6	18	26	1,117	1,143
Detroit	6	10	18	932	950
Grand Forks	2	2	4	414	418
Havre	2	0	2	100	102
Houston	0	1	1	40	41
Spokane	3	2	5	312	317
Swanton	32	5	37	665	702
Northern Border Sectors Total	70	50	120	4,090	4,210
Big Bend (formerly Marfa)	44	168	212	3,752	3,964
Del Rio	245	1,618	1,863	19,857	21,720
El Centro	481	498	979	22,937	23,916
El Paso	183	659	842	8,836	9,678
Laredo	1,037	2,658	3,695	41,177	44,872
Rio Grande Valley (formerly McAllen)	1,845	10,759	12,604	85,158	97,762
San Diego	357	524	881	27,580	28,461
Tucson	2,122	7,239	9,361	110,639	120,000
Yuma	122	280	402	6,098	6,500
Southwest Border Sectors Total	6,436	24,403	30,839	326,034	356,873
Nationwide Total	6,548	24,481	31,029	333,739	364,768

ATTACHMENT 3



**Congressional
Research Service**

Informing the legislative debate since 1914

Unaccompanied Alien Children: An Overview

Lisa Seghetti

Section Research Manager

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Specialist in Immigration Policy

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Specialist in Immigration Policy

June 23, 2014

Congressional Research Service

7-5700

www.crs.gov

R43599

Summary

The number of unaccompanied alien children (UAC) arriving in the United States has reached alarming numbers that has strain the system put in place over the past decade to handle such cases. UAC are defined in statute as children who lack lawful immigration status in the United States, who are under the age of 18, and who are without a parent or legal guardian in the United States or no parent or legal guardian in the United States is available to provide care and physical custody. Two statutes and a legal settlement most directly affect U.S. policy for the treatment and administrative processing of UAC: the *Flores Settlement Agreement* of 1997; the Homeland Security Act of 2002; and the Trafficking Victims Protection Reauthorization Act of 2008.

Several agencies in the Department of Homeland Security (DHS) and the Department of Health and Human Services' (HHS) Office of Refugee Resettlement (ORR) share responsibilities for the processing, treatment, and placement of UAC. DHS Customs and Border Protection apprehends and detains UAC arrested at the border while Immigration and Customs Enforcement (ICE) handles the transfer and repatriation responsibilities. ICE also apprehends UAC in the interior of the country and is responsible for representing the government in removal proceedings. HHS is responsible for coordinating and implementing the care and placement of UAC in appropriate custody.

Four countries account for almost all of the UAC cases (El Salvador, Guatemala, Honduras, and Mexico) and much of the recent increase has come from El Salvador, Guatemala, and Honduras. In FY2009, Mexican UAC accounted for 82% of 19,668 UAC apprehensions, while the other three Central American countries accounted for 17%. By the first eight months of FY2014, the proportions had almost reversed, with Mexican UAC comprising only 25% of the 47,017 UAC apprehensions, and UAC from the three Central American countries comprising 73%.

Both the Administration and Congress have begun to take action to respond to the surge in UAC coming across the border. The Administration has developed a working group to coordinate the efforts of the various agencies involved in responding to the issue. It also has opened additional shelters and holding facilities to accommodate the large number of UAC apprehended at the border. The Administration has also announced plans to provide funding to the affected Central American countries for a variety of programs and security-related initiatives. Relatedly, Congress is considering funding increases for HHS and DHS.

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Background

There has been a large increase in the number of unaccompanied alien children (UAC) apprehended along the Southwest border, which has placed a strain on several agencies and their resources. During a recent hearing on the topic, Congressional members, like the Administration, characterized the issue as a humanitarian crisis.¹ Overwhelmingly the children are coming from three Central American countries,² and Mexico. They are reportedly coming for economic opportunities, escaping violence in their home countries, and to be reunited with parents or other family members who are living in the United States.³ Critics of the Obama Administration, however, assert that the recent surge in UAC fleeing their home countries is due to a perception of relaxed U.S. immigration policy towards children.⁴

Unaccompanied alien⁵ children (UAC) are defined in statute as children who lack lawful immigration status in the United States,⁶ are under the age of 18, are without a parent or legal guardian in the United States, or no parent or legal guardian in the United States is available to provide care and physical custody.⁷ They most often arrive at United States ports of entry or are apprehended along the southwestern border with Mexico. Less frequently they are apprehended in the interior and determined to be a juvenile⁸ and unaccompanied.⁹ Although most of these children are aged 14 or older, recently there has been an increase in the apprehension of UAC under the age of 13.¹⁰

The report opens with an analysis of the data of the recent surge in UAC crossing the border. It then discusses current policy on the treatment, care, and custody of the population. The

¹ Senate Judiciary Committee hearing on *Oversight of the Department of Homeland Security*, June 11, 2014. Hereinafter referred to as *Senate oversight hearing*.

² Guatemala, Honduras, and El Salvador.

³ Cecilia Muñoz, the White House Director of Domestic Policy Council, "Press Call Regarding the Establishment of the Inter-Agency Unified Coordination Group on Unaccompanied Alien Children," press release, June 3, 2014.

⁴ Most commonly these critics cite the Border Security, Economic Opportunity, and Immigration Modernization Act (S. 744), passed by the Senate in 2013, which would allow certain unlawfully present aliens to adjust to a lawful immigration status; and the administrative policy entitled Deferred Action for Childhood Arrivals (DACA), which grants certain aliens who arrived in the United States prior to a certain period as children some protection from removal for at least two years. For an example of these arguments, see U.S. Congress, Senate Committee on the Judiciary, *Oversight of the Department of Homeland Security*, 113th Cong., 2nd sess., June 11, 2014. For a discussion of S. 744, see CRS Report R43099, *Comprehensive Immigration Reform in the 113th Congress: Short Summary of Senate-Passed S. 744*, by Ruth Ellen Wasem. For a discussion of DACA, see CRS Report RL33863, *Unauthorized Alien Students: Issues and "DREAM Act" Legislation*, by Andorra Bruno.

⁵ *Alien*, a technical term appearing throughout the Immigration and Nationality Act (INA), refers to a foreign national who is not a citizen or national of the United States.

⁶ The child may have illegally entered the country or been legally admitted but overstayed length of admittance (i.e., a visa overstay.)

⁷ 6 U.S.C. §279(g)(2).

⁸ A juvenile is defined as an alien under the age of 18. 8 CFR §263.3. In this report, the terms "juvenile," "child," and "minor" are used interchangeably.

⁹ A juvenile is classified as *unaccompanied* if neither a parent nor a legal guardian is with the juvenile alien at the time of apprehension, or within a geographical proximity to quickly provide care for the juvenile. 8 CFR §236.3(b)(1).

¹⁰ White House, Departments of Homeland Security and Health and Human Services, "Press Call Regarding the Establishment of the Inter-Agency Unified Coordination Group on Unaccompanied Alien Children," press release, June 3, 2014.

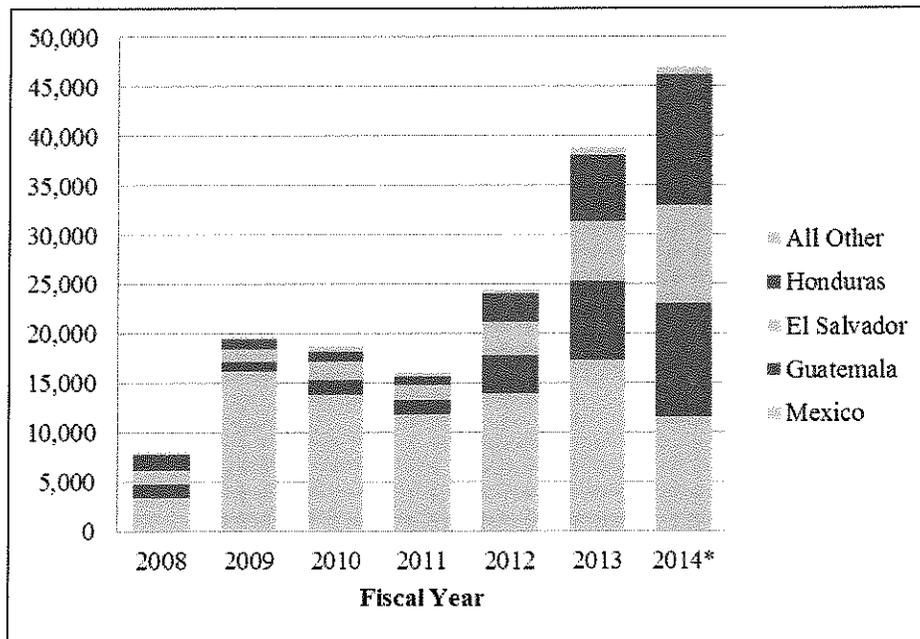
processing and treatment of UAC is detailed, with a discussion of each agency that is involved with the population. The report then discusses both Administrative and Congressional action to deal with the current crisis. As this issue is still emerging, the report concludes with a series of questions related to UAC that remain unanswered.

Scope of the Problem

Overall, the number of UAC apprehended by the Border Patrol has increased significantly over the past five years, and most of the increase comes from three countries: El Salvador, Guatemala, and Honduras.¹¹ As of the end of May, the Border Patrol apprehended more UAC than in any of the previous five years, and had apprehended almost twice as many UAC as in FY2012.

According to the Administration, in FY2014 there has been an increase in the number of UAC who are girls and the number of UAC who are under the age of 13. Because CRS was unable to get data to illustrate this change, it is unclear whether the increase in girls and in children under 13 in the UAC population is simply because the number of all UAC has increased, or if the number of girls and children under 13 has increased as a proportion of all UAC.

Figure I. UAC Apprehensions by Country of Origin, FY2008-FY2014



Source: For FY2008-FY2013: U.S. Department of Homeland Security, United States Border Patrol, *Juvenile and Adult Apprehensions—Fiscal Year 2013*. For FY2014, unpublished data provided by Customs and Border Protection to CRS.

Notes: FY2014 figures are October 1, 2013 to May 31, 2014, representing 2/3 of a fiscal year.

¹¹ Over the past three years, there has been an increase in Border Patrol apprehensions of third-country nationals. While the number of those apprehended from Mexico decreased slightly (from 286,154 to 267,734), the number of apprehended third-country nationals increased almost three-fold from 54,098 to 153,055.

Nationals of Guatemala, Honduras, El Salvador, and Mexico account for almost all unaccompanied alien children apprehended at the Mexico-U.S. border, as **Figure 1** shows. Flows of UAC from Mexico rose substantially in FY2009 and have remained rather steady. UAC from Guatemala, Honduras, and El Salvador account for the surge beginning in FY2012. In FY2009, Mexican UAC accounted for 82% of 19,668 UAC apprehensions, while the other three Central American countries accounted for 17%. By the first eight months of FY2014, the proportions had almost reversed, with Mexican UAC comprising only 25% of the 47,017 UAC apprehensions, and UAC from the three Central American countries comprising 73%.

Current Policy¹²

Two laws and a settlement discussed below most directly affect U.S. policy for the treatment and administrative processing of UAC: the Flores Settlement Agreement of 1997; the Homeland Security Act of 2002; and the Trafficking Victims Protection Reauthorization Act of 2008.

During the 1980s, allegations of UAC mistreatment by the former Immigration and Naturalization Service (INS)¹³ caused a series of lawsuits against the government that eventually resulted in the *Flores Settlement Agreement (Flores Agreement)* in 1997.¹⁴ The *Flores Agreement* established a nationwide policy for the detention, treatment, and release of UAC and recognized the particular vulnerability of UAC while detained without a parent or legal guardian present.¹⁵ It required that immigration officials detaining minors provide (1) food and drinking water; (2) medical assistance in emergencies; (3) toilets and sinks; (4) adequate temperature control and ventilation; (5) adequate supervision to protect minors from others; and (6) separation from unrelated adults whenever possible. For several years following the *Flores Agreement*, criticism continued over whether the INS had fully implemented the regulations that had been drafted.¹⁶

Five years later, the Homeland Security Act of 2002 (HSA; P.L. 107-296) divided responsibilities for the processing and treatment of UAC between the newly created Department of Homeland Security (DHS) and the Department of Health and Human Services' (HHS) Office of Refugee Resettlement (ORR). The HSA assigned apprehension, transfer, and repatriation responsibilities to DHS. To HHS, the law assigned responsibility for coordinating and implementing the care and placement of UAC in appropriate custody; reunifying UAC with their parents abroad if appropriate; maintaining and publishing a list of legal services available to UAC; and collecting statistical information on UAC, among other things.¹⁷ The HSA also established a statutory definition of UAC as unauthorized minors without the accompaniment of a parent or legal guardian. Despite these developments, criticism that the *Flores Agreement* had not been fully implemented continued.

¹² William Kandel, Analyst in Immigration Policy, contributed to this section.

¹³ The Homeland Security Act of 2002 abolished the Immigration and Naturalization Service (INS) and its functions were split in the Departments of Homeland Security, Justice and Health and Human Services.

¹⁴ *Flores v. Meese—Stipulated Settlement Agreement* (U.S. District Court, Central District of California, 1997).

¹⁵ See DHS Office of Inspector General, *CBP's Handling of Unaccompanied Alien Children*, OIG-10-117, Washington, DC, September 2010.

¹⁶ See U.S. Department of Justice, Office of the Inspector General, *Unaccompanied Juveniles in INS Custody*, Executive Summary, Report no. I-2001-009, September 28, 2001.

¹⁷ ORR assumed care of UAC on March 1, 2003, and created the Division of Unaccompanied Children's Services (DUCS) for addressing the requirements of this population. P.L. 107-296, Section 462.

In response to ongoing concerns that UAC who were apprehended by the Border Patrol were not being adequately screened to see if there were a reason that they should not be returned to their home country, Congress passed the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA, P.L. 110-457). The TVPRA directed the Secretary of DHS, in conjunction with other federal agencies, to develop policies and procedures to ensure that UAC in the United States are safely repatriated to their country of nationality or of last habitual residence. The section set forth special rules for UAC from contiguous countries (i.e., Mexico and Canada), allowing such children, under certain circumstances, to return to Mexico or Canada without additional penalties, and directing the Secretary of State to negotiate agreements with Mexico and Canada to manage the repatriation process. Unaccompanied alien children from countries other than Mexico or Canada—along with UAC from those countries who are apprehended away from the border—are to be transferred to the care and custody of the Department of Health and Human Services (HHS) and placed in formal removal proceedings. The TVPRA requires that children from contiguous countries be screened within 48 hours of being apprehended to determine whether they should be returned to their country or transferred to HHS and placed in removal proceedings.

Processing and Treatment of UAC Apprehended

Several DHS agencies are involved in apprehending, processing, and repatriating UAC, while the Department of Health and Human Services (HHS) is responsible for the care and custody of UAC. The Executive Office of Immigration Review (EOIR) in the U.S. Department of Justice conducts the immigration removal proceedings.

Customs and Border Protection (CBP) apprehends, processes, and detains the majority of UAC arrested along U.S. borders. Immigration and Customs Enforcement (ICE) physically transports UAC from CBP to HHS Office of Refugee Resettlement (HHS-ORR) custody. HHS-ORR is responsible for detaining and sheltering UAC who are from non-contiguous countries and those from contiguous countries (i.e., Canada and Mexico) for whom there is a concern that they may be victims of trafficking or have an asylum claim, while they await an immigration hearing. U.S. Citizenship and Immigration Services is responsible for the initial adjudication of asylum applications filed by UAC. The Executive Office of Immigration Review (EOIR) in the U.S. Department of Justice conducts the immigration proceedings that determine whether the UAC is allowed to remain in the United States or is deported to his or her home country. If a UAC is ordered removed from the United States, ICE is responsible for returning the alien to his/her home country. The following sections discuss the role of these federal agencies in apprehending, processing, detaining, and repatriating UAC.

Customs and Border Protection

The Office of Border Patrol (OBP)¹⁸ and the Office of Field Operations (OFO)¹⁹ are responsible for apprehending and processing UAC that come through a port of entry (POE) or are found at or

¹⁸ OBP includes the Border Patrol. OBP and the Border Patrol are used interchangeably throughout this section.

¹⁹ The OFO oversees the CBP Officers who provide inspections of travelers and goods that come through a port of entry.

near the border.²⁰ UAC that are apprehended between POEs are transported to Border Patrol stations, and if they are apprehended at POEs, they are escorted to CBP secondary screening areas. In both cases, when CBP confirms that juveniles have entered the country illegally and unaccompanied, they are considered UAC and processed for immigration violations, and the appropriate consulate is notified that the juvenile is being detained by DHS.

The Border Patrol apprehends the majority of UAC at or near the border. They also process UAC.²¹ With the exception of Mexican and Canadian UAC who meet a set of criteria discussed below, the Border Patrol has to turn UAC over to ICE for transport to HHS-ORR within 72 hours.²² Up until 2008, the Border Patrol, as a matter of policy and practice, returned Mexican UAC to Mexico under *voluntary departure*.²³ Under this practice, Mexican UAC were removed through the nearest POE and turned over to a Mexican official within twenty-four hours and during daylight.

As mentioned, the TVPRA required the Secretary of Homeland Security, in conjunction with the Secretary of State, the Attorney General, and the Secretary of HHS, to develop policies and procedures to ensure that UAC are safely repatriated to their country of nationality or last habitual residence. Of particular significance, the TVPRA required CBP to follow certain criteria for UAC that are nationals or habitual residents from a contiguous country (i.e., Canada and Mexico). In these cases, within 48 hours CBP personnel must screen the UAC to determine the following:

- that the UAC has not been a victim of a severe form of trafficking in persons and that there is no credible evidence that the minor is at risk should the minor be returned to his country of nationality or of last habitual residence;
- that the UAC does not have a possible claim to asylum; and
- that the UAC is able to make an independent decision to voluntarily return to his country of nationality or of last habitual residence.²⁴

If, after assessing the UAC, CBP personnel determine the minor to be inadmissible under the Immigration and Nationality Act,²⁵ they can permit the minor to withdraw his application for admission²⁶ through *voluntary departure* and return the minor to his country of nationality or of last habitual residence.

²⁰ When both OBP and OFO are referenced in this section, “CBP” is used.

²¹ The processing of UAC includes gathering biographic information such as their name and age as well as their citizenship and whether they are unaccompanied. Border Patrol agents also collect biometrics on UAC and query relevant immigration, terrorist, and criminal databases.

²² The 72-hour time period was established in statute by the TVPRA.

²³ Voluntary departure is a form of discretionary relief that may be offered to certain aliens in lieu of being subject to formal removal proceedings. Aliens accepting an offer of voluntary departure are not inadmissible in the future under INA §212(a)(9). When granted by the border patrol, the procedure is usually referred to as “voluntary return.”

²⁴ P.L. 110-457, §235(a)(2)(A).

²⁵ 8 U.S.C. §1101 et seq. Although the screening provision only applies to UAC from contiguous countries, in March 2009 DHS issued a policy that, in essence, made the screening provisions applicable to all UAC. U.S. Congress, Senate Committee on the Judiciary, “Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking,” testimony of Acting Deputy Assistant Secretary Kelly Ryan, September 13, 2011.

²⁶ In this case, the UAC is permitted to return immediately to Mexico or Canada, and does not face administrative or other penalties. 8 U.S.C. §1225(a)(4).

The TVPRA contains a number of specific safeguards for the treatment of UAC while in the care and custody of CBP and it also provides guidance for CBP personnel on returning a minor to his country of nationality or of last habitual residence. It also requires the Secretary of State to negotiate agreements with the contiguous countries with respect to the repatriation of their UAC. The agreements would serve as a protection from trafficking and, at minimum, are required to include provisions pertaining to (1) the hand-off of the minor children to an appropriate government official; (2) a prohibition against returning UAC outside of “reasonable business hours”; and (3) a requirement that the border personnel of the contiguous countries be trained in the terms of the agreements.

As mentioned, UAC apprehended by the Border Patrol are brought to a Border Patrol facility where they are processed. In 2008, the agency issued a memorandum entitled “Hold Rooms and Short Term Custody.”²⁷ Since the issuance of this policy, non-governmental organizations (NGOs) have criticized the Border Patrol for failing to fully uphold the provisions in current law and the *Flores Agreement*.²⁸ Indeed, the DHS Office of Inspector General (OIG) issued a report in 2010 that concluded while CBP was in general compliance with the *Flores Agreement* it needed to make improvements in certain areas with respect to its handling of UAC.

The 2010 OIG report, however, did not address whether OBP was in compliance with the TVPRA. As highlighted above, the TVPRA requires CBP personnel to screen UAC from contiguous countries for severe forms of trafficking in persons *and* for fear of persecution if they are returned to their country of nationality or last habitual residence. At least one NGO that conducted a two-year study on UAC²⁹ asserted in its report that OBP doesn’t adequately do this nor do they have training in place for their Border Patrol agents.³⁰

Immigration and Customs Enforcement (ICE)

ICE is responsible for the physical transfer of UAC from CBP to HHS-ORR. Additionally, ICE may apprehend UAC in the interior during immigration enforcement actions. ICE is also responsible for representing the government in removal procedures before EOIR. Unaccompanied alien children who are not subject to TVPRA’s special repatriation procedures for certain children from Mexico or Canada (i.e., voluntary departure) may be placed in standard removal proceedings pursuant to INA §240. The TVPRA specifies that UAC in standard removal proceedings also are eligible to be granted voluntary departure under INA §240B at no cost to the child. The TVPRA requires that HHS ensure, to the greatest extent possible, that UAC have

²⁷ UAC are held in “hold rooms” at Border Patrol stations. The 2008 memorandum, which is publically available but redacted, outlines agency policy on the care and treatment of individuals in CBP care and custody. See U.S. Customs and Border Patrol, Memorandum on “Hold Rooms and Short Term Custody,” June 2, 2008, <http://foiarr.cbp.gov/streamingWord.asp?i=378>.

²⁸ See for example, *Children at the Border: The Screening, Protection and Repatriation of Unaccompanied Mexican Minors*, by Betsy Cavendish and Maru Cortazar, Appleseed, Washington DC, 2011. Hereinafter referred to as *Children at the Border*.

²⁹ See *Children at the Border*.

³⁰ Relatedly, the 2010 OIG study was unable to determine whether CBP personnel had sufficient training to comply with the provisions in the *Flores Agreement*. Notably, the Appleseed study (*Children at the Border*) included site visits to ten Border Patrol facilities as well as site visits to locales in Mexico and interviews with government officials in both countries and minors in custody and who have been repatriated. Whether this limited site visit sample is sufficiently varied to be adequately generalizable to all Border Patrol facilities on the U.S.-Mexico border is unclear.

access to legal counsel; and statute also permits HHS to appoint independent child advocates for child trafficking victims and other vulnerable unaccompanied alien children.

ICE is also responsible for the physical removal of all foreign nationals, including UAC, who have final orders of removal or who have elected voluntary departure while in removal proceedings. To safeguard the welfare of all UAC, ICE has established policies for repatriating UAC. The policies include:

- returning the UAC only during daylight hours;
- recording the transfer by making sure that the receiving government official or designee signs for custody;
- returning the UAC through a port designated for repatriation;
- providing the UAC the opportunity to communicate with a consular official prior to departure for the home country; and
- preserving the unity of families during removal.³¹

ICE notifies the country of every foreign national being removed from the United States.³² The ability to affect a removal order is dependent on the ability of the U.S. government to secure travel documents for the alien being removed from the country in question.³³ As a result, the United States is dependent on the willingness of foreign governments to accept the return of their nationals. Each country sets documentary requirements for repatriation of their nationals.³⁴ While some countries allow ICE to use a valid passport to remove an alien (if the alien is in possession of one), other countries require ICE to obtain a travel document specifically for the repatriation.³⁵ According to one report, the process of obtaining travel documents can become problematic because countries often change their documentary requirements or raise objections to the return of a juvenile.³⁶

Once the foreign country has issued travel documents, ICE arranges transport of the UAC and, if flying, accompanies the UAC on the flight to their home country. The majority of ICE's UAC removals are conducted by commercial airlines. ICE provides two escort officers for each UAC.³⁷ Mexican UAC are repatriated in accordance with Local Repatriation Agreements (LRA), which

³¹ Email from ICE Congressional Relations, May 16, 2014.

³² A country clearance is the process by which ICE notifies a foreign country, through the U.S. Embassy abroad, that a foreign national is being repatriated. Additionally, when an alien is being escorted by ICE personnel, the country clearance process is used to notify the U.S. Ambassador abroad that U.S. government employees will be travelling to the country.

³³ Conversation with Doug Henkel, Associate Director, ICE Removal and Management Division, February 20, 2012.

³⁴ Depending on the country and depending on where the UAC is housed, the consular officers will conduct in-person or phone interviews. Olga Byrne and Elise Miller, *The Flow of Unaccompanied Children Through the Immigration System*, Vera Institute of Justice, Washington, DC, March 2012, p. 27.

³⁵ Annex 9 of the Civil Aviation Convention requires that countries issue travel documents, but the convention lacks an enforcement mechanism.

³⁶ Olga Byrne and Elise Miller, *The Flow of Unaccompanied Children Through the Immigration System*, Vera Institute of Justice, Washington, DC, March 2012, p. 27.

³⁷ An additional officer is added for each group that exceeds five UAC. The gender of the officers corresponds to the gender of the children being repatriated. Email from ICE Congressional Relations, May 16, 2014.

require notification of the Mexican Consulate for each UAC repatriated. Additional specific requirements apply to each LRA (e.g., specific hours of repatriation).³⁸

Office of Refugee Resettlement Program³⁹

The Unaccompanied Alien Children Program in ORR/HHS provides for the custody and care of unaccompanied alien minors who have been apprehended by ICE or CBP or referred by other federal agencies. The Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008, which made significant reforms to policies on UAC, directed that HHS ensure that the UAC “be promptly placed in the least restrictive setting that is in the best interest of the child.”⁴⁰ The HSA requires that ORR develop a plan to ensure the timely appointment of legal counsel for each UAC, ensure that the interests of the child are considered in decisions and actions relating to the care and custody of a UAC, and oversee the infrastructure and personnel of UAC residential facilities, among other responsibilities.⁴¹ ORR also screens the UAC to determine if the child has been a victim of a severe form of trafficking in persons, if there is credible evidence that the minor is at risk should the minor be returned to his or her country of nationality or of last habitual residence, and if the UAC has a possible claim to asylum.

ORR arranges to house the child either in one of its shelters or in a foster care situation; or the UAC program reunites the child with a family member. The *Flores Agreement* outlines the following preference ranking for sponsor types: (1) a parent; (2) a legal guardian; (3) an adult relative; (4) an adult individual or entity designated by the child’s parent or legal guardian; (5) a licensed program willing to accept legal custody; or (6) an adult or entity approved by ORR.⁴² According to ORR, the majority of the youth are cared for through a network of state-licensed ORR-funded care providers that provide classroom education; mental and medical health services; case management; and socialization and recreation. The state-licensed ORR-funded care providers also facilitate the UAC release to family members or other sponsors who are able to care for them.⁴³

In making these placement determinations, ORR conducts a background investigation to ensure the identity of the adult assuming legal guardianship for the UAC and that the adult does not have a record of abusive behavior. ORR may consult with the consulate of the UAC’s country of origin as well as interview the UAC to ensure they also agree with the proposed placement. If such background checks reveal evidence of actual or potential abuse or trafficking, ORR may require a home study as an additional precaution.⁴⁴ In addition, the parent or guardian is required to

³⁸ Ibid.

³⁹ William Kandel, Analyst in Immigration Policy, contributed to this section.

⁴⁰ §§235(a)-235(d) of TVPRA; 8 U.S.C. §1232(b)(2).

⁴¹ Section 235(c) of the TVPRA and Section 462(b) of the Homeland Security Act of 2002 (HSA, P.L. 107-296) describe conditions for the care and placement of UAC in federal custody.

⁴² *Flores v. Reno Stipulated Settlement Agreement*, 1997, p.10.

⁴³ Administration for Children and Families, *Office of Refugee Resettlement, Unaccompanied Alien Children Program*, U.S. Department of Health and Human Services, Fact Sheet, May 2014, http://www.acf.hhs.gov/sites/default/files/orr/unaccompanied_childrens_services_fact_sheet.pdf. (Hereinafter ORR UAC Fact Sheet, May 2014.)

⁴⁴ Pursuant to the TVPRA of 2008, home studies are required for certain UAC considered especially vulnerable.

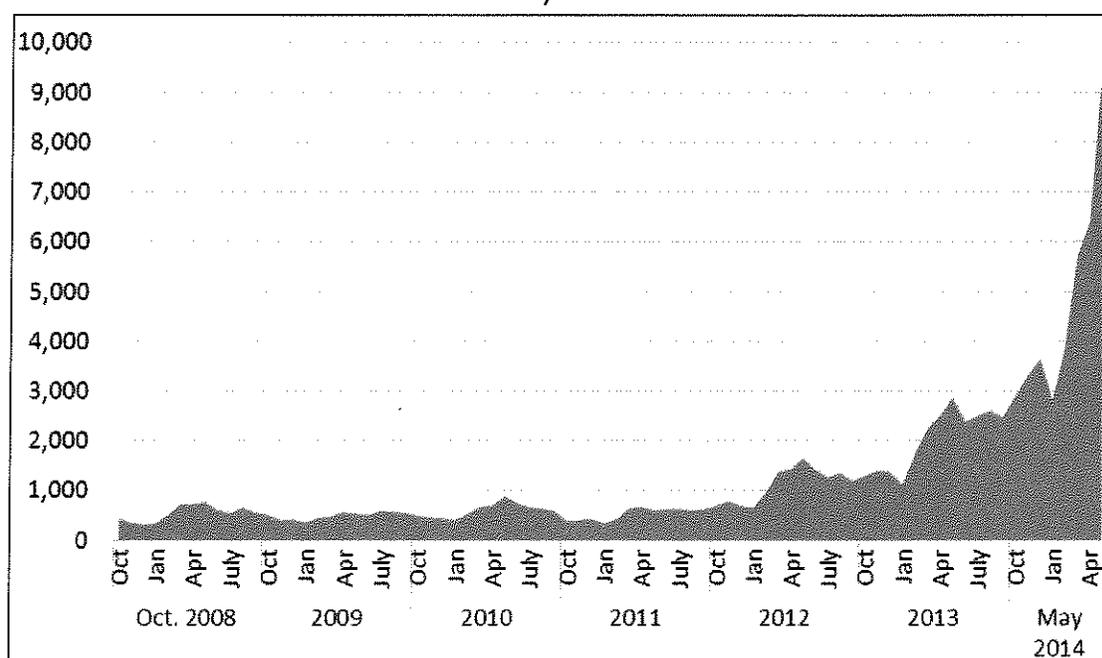
complete a Parent Reunification Packet to attest that they agree to take responsibility for the UAC and provide him or her with proper care.⁴⁵

A juvenile may be held in a secure facility only if he or she is charged with criminal or delinquent actions; threatens or commits violence; displays unacceptably disruptive conduct in a shelter; presents an escape risk; is in danger and is detained for their own safety; or is part of an emergency or influx of minors that results in insufficient bed space at non-secure facilities.⁴⁶

Of the children served, ORR reports that ultimately about 85% are reunified with their families.⁴⁷ Between FY2008 and FY2010, the length of stay in ORR care averaged 61 days, and total time in custody ranged from less than one day to 710 days.⁴⁸ In a May 2014 fact sheet, ORR reported: “The average length of stay in the program is currently near 35 days.”⁴⁹ It is important to note that removal proceedings continue even when UAC are placed with parents or other relatives.

Figure 2. UACs in ORR Custody, October 2008 through May 2014

Monthly Referrals



Source: CRS presentation of unpublished data from the Office of Refugee Resettlement.

⁴⁵ Office of Refugee Resettlement, Unaccompanied Children’s Services, *ORR/DCS Family Reunification Packet for Sponsors (English/Español)*, <http://www.acf.hhs.gov/programs/orr/resource/unaccompanied-childrens-services#Family%20Reunification%20Packet%20for%20Sponsors>.

⁴⁶ Center for Human Rights & Constitutional Law, *Flores v. Meese: Final Text of Settlement Establishing Minimum Standards and Conditions for Housing and Release of Juveniles in INS Custody*, Exhibit 2 (1997).

⁴⁷ ORR UAC Fact Sheet, May 2014.

⁴⁸ Vera Institute Study, p. 17.

⁴⁹ ORR UAC Fact Sheet, May 2014.

Figure 2 uses monthly referrals to ORR to illustrate the trends over time and shows a sharp increase in UAC in ORR custody over the past year. Monthly referrals were less than 1,000 until March 2012. By March 2013, monthly referrals to ORR surpassed 2,000 UAC cases, and the number hit 5,527 in March 2014. In May 2014, 9,500 UAC were transferred to ORR. Bear in mind that not all UAC are referred to ORR; for example, some arriving from contiguous countries voluntarily return home.

U.S. Citizenship and Immigration Services

As mentioned, U.S. Citizenship and Immigration Services (USCIS) is responsible for the initial adjudication of asylum applications filed by UAC. If either CBP or ICE find that the child is a UAC and transfer the child to ORR custody, USCIS will generally take jurisdiction over the asylum application, even where there may be some evidence that the child reunited with a parent or legal guardian after CBP or ICE made the UAC determination. In addition, USCIS has initial jurisdiction over asylum applications filed by UACs with pending claims in immigration court, with a case on appeal before the Board of Immigration Appeals, or with a petition for review with a federal court as of the date of enactment of the TVPRA (December 23, 2008). The UAC must appear at any hearings scheduled in immigration court even after he or she has filed for asylum with USCIS.

The Executive Office of Immigration Review

The U.S. Department of Justice Executive Office of Immigration Review (EOIR) is responsible for adjudicating immigration cases, including removal proceedings. Generally, during an immigration removal proceeding, the foreign national and the U.S. government present testimony so that the immigration judge can make a determination on whether the foreign national is removable or qualifies for some type of relief from removal (i.e., the alien is permitted to remain in the United States either permanently or temporarily.)

EOIR has specific policies for conducting the removal hearings of UAC to ensure that UAC understand the nature of the proceedings, can effectively present evidence about their cases, and have appropriate assistance. The policy guidelines discuss possible adjustments to create “an atmosphere in which the child is better able to present a claim and to participate more fully in the proceedings.” Under these guidelines, the immigration judges are supposed to:

- establish special dockets for UAC so that they are separated from the general population;
- allow child-friendly courtroom modifications (e.g., judges not wearing robes, allowing the child to have a toy, permitting child to testify from a seat rather than the witness stand, allowing more breaks during the proceedings);
- provide courtroom orientations to familiarize the children with the court;
- explain the proceedings at the outset;
- prepare the child to testify; and
- employ child-sensitive questioning.

Under policy, immigration judges should strongly encourage the use of pro bono legal representation if the child is not represented.

Administrative and Congressional Action

Both the Administration and Congress have begun to take action to respond to the surge in UAC coming across the border. The Administration has developed a working group to coordinate the efforts of the various agencies involved in responding to the issue. It also has opened additional shelters and holding facilities to accommodate the large number of UAC apprehended at the border. Relatedly, Congress is considering funding increases for HHS/ORR and DHS/CBP.

Administrative Action

The Administration developed a Unified Coordination Group that is comprised of representatives from all of the relevant agencies involved in responding to this issue.⁵⁰ Federal Emergency Management Agency (FEMA) Administrator Craig Fugate was named as the Federal Coordinating Official, and will be coordinating the federal response to the UAC issue.⁵¹ Reportedly, the Unified Coordination Group is looking at the large increase in UAC from an incident management perspective. Administrator Fugate's role is to support the lead agencies, CBP and HHS, by bringing in capacity from throughout the federal government so that the lead agencies can focus on their missions.⁵²

Reportedly, CBP will maintain primary responsibility for border security operations at and between ports of entry and, working with ICE, provide for the proper care of unaccompanied children when they are temporarily in DHS custody.⁵³ DHS will continue to coordinate closely with the Departments of Health and Human Services, State, and Defense, the General Services Administration, and other agencies, to ensure a coordinated and fast response within the United States in the short term, and in the longer term to work with the sending countries to undertake reforms to address the causes behind the recent migration trends.⁵⁴ DHS is also currently working with the Central American countries on a public education campaign to dissuade UAC from attempting to migrate illegally to the United States.⁵⁵

To deal with the current influx of UAC, HHS/ORR has made use of a network of group homes operated by nonprofit organizations in Texas and other parts of country. These nonprofit organizations have experience providing the types of services that UAC need (e.g., medical,

⁵⁰ Department of Homeland Security, "Statement by Secretary Johnson on Increased Influx of Unaccompanied Immigrant Children at the Border," press release, June 2, 2014, <http://www.dhs.gov/news/2014/06/02/statement-secretary-johnson-increased-influx-unaccompanied-immigrant-children-border>.

⁵¹ Alejandro Mayorkas, Deputy Secretary of the Department of Homeland Security, "Press Call Regarding the Establishment of the Inter-Agency Unified Coordination Group on Unaccompanied Alien Children," press release, June 3, 2014.

⁵² Craig Fugate, Federal Coordinating Administration of the Inter-Agency Unified Coordination Group on UAC, "Press Call Regarding the Establishment of the Inter-Agency Unified Coordination Group on Unaccompanied Alien Children," press release, June 3, 2014.

⁵³ ICE is also focusing on dismantling the smuggling organizations who are smuggling UAC into the United States.

⁵⁴ Department of Homeland Security, "Statement by Secretary Johnson on Increased Influx of Unaccompanied Immigrant Children at the Border," press release, June 2, 2014, <http://www.dhs.gov/news/2014/06/02/statement-secretary-johnson-increased-influx-unaccompanied-immigrant-children-border>.

⁵⁵ Alejandro Mayorkas, Deputy Secretary of the Department of Homeland Security, "Press Call Regarding the Establishment of the Inter-Agency Unified Coordination Group on Unaccompanied Alien Children," press release, June 3, 2014.

nutritional, educational). In addition, HHS has reached out to the Department of Defense (DOD) for additional assistance in housing UAC. DOD has made facilities available in Lackland Air Force Base in San Antonio, TX, and at Naval Base Ventura County in Oxnard, CA. The Lackland facility can hold 1,200 UAC and had 1,000 UAC as of June 3, 2014. The facility in Ventura can hold 600 UAC and was expected to begin operations on June 6, 2014. According to a press report, these facilities are only supposed to be temporary and are not intended to remain open for more than 120 days.⁵⁶

In addition to the aforementioned efforts, the Corporation for National and Community Service (CNCS), which administers AmeriCorps,⁵⁷ and the Department of Justice EOIR have created “Justice AmeriCorps.” Justice AmeriCorps is a grant program that will enroll approximately 100 lawyers and paralegals as AmeriCorps members to provide legal representation to UAC during removal proceedings.⁵⁸

On June 20, 2014, the Administration announced additional efforts it is taking to address this issue. In its “Fact Sheet: Unaccompanied Children from Central America,” the Administration noted that it has partnered with its Central American counterparts in three key areas: “combating gang violence and strengthening citizen security, spurring economic development, and improving capacity to receive and reintegrate returned families and children.” (Security and economic issues are believed to be contributing “push” factors that has led to the massive out migration from Guatemala, Honduras, and El Salvador.) In the fact sheet, the Administration announced assistance it will be providing to Guatemala, Honduras, and/or El Salvador to provide support in the areas of reintegration and repatriation of their citizens, to improve security, to provide economic and educational opportunities and anti-gang and crime prevention programs, and to promote “peace, security, stabilization, and other related rule of law programs.”⁵⁹ The Administration has collaborated with the other Central American governments on campaigns to inform would-be migrants of the danger of relying on human smuggling networks *and* on reinforcing that recently arriving children will not benefit from current Administrative policies⁶⁰ or pending legislation.⁶¹ The Administration also announced that it has “enhanced enforcement and removal proceedings.”

⁵⁶ Leslie Berestein Rojas, “Emergency Shelter for Unaccompanied Migrant Kids Opening in Ventura County,” 89.3 *KPCC, Southern California Public Radio*, June 5, 2014, <http://www.scpr.org/blogs/multiamerican/2014/06/05/16777/emergency-shelter-for-unaccompanied-migrant-kids-o/>.

⁵⁷ For more information on the CNCS and AmeriCorps, see CRS Report RL33931, *The Corporation for National and Community Service: Overview of Programs and Funding*, by Abigail B. Rudman and Benjamin Collins.

⁵⁸ Department of Justice and the Corporation for National and Community Service, “Justice Department and CNCS Announce New Partnership to Enhance Immigration Courts and Provide Critical Legal Assistance to Unaccompanied Minors,” press release, June 6, 2014, <http://www.nationalservice.gov/newsroom/press-releases/2014/justice-department-and-cnsc-announce-new-partnership-enhance>.

⁵⁹ The Administration also announced additional funding for ongoing bilateral assistance to the three countries for a variety of programs. “Fact Sheet: Unaccompanied Children from Central America,” <http://www.whitehouse.gov/the-press-office/2014/06/20/fact-sheet-unaccompanied-children-central-america>.

⁶⁰ For example, the administrative policy entitled Deferred Action for Childhood Arrivals (DACA) grants certain aliens who arrived in the United States prior to a certain period as children some protection from removal for at least two years.

⁶¹ For example, the Border Security, Economic Opportunity, and Immigration Modernization Act (S. 744) as passed by the Senate would allow certain unlawfully present aliens to adjust to a lawful immigration status.

Congressional Action

In the President's FY2015 budget for the various agencies responsible for the UAC population (i.e., specifically in HHS/ORR and DHS budgets), there wasn't a request for funding increases to help address what has been characterized as a strain on agency resources.⁶²

The FY2015 President's budget request for the HHS/ORR program was originally \$868 million, which is the same amount that was appropriated in FY2014. However, on May 30, 2014, the Office of Management and Budget updated its cost projections related to the UAC crisis and requested a total of \$2.28 billion for FY2015 for the UAC program in the Office of Refugee Resettlement.

The Senate Committee on Appropriations Subcommittee on Labor, Health, and Human Services, and Education and Related Agencies approved the Department of Labor, Health, and Human Services, and Education and Related Agencies FY2015 draft appropriations bill on June 10, 2014. With respect to the UAC program, the subcommittee recommended \$1.94 billion, which is \$34 million less than the Administration's amended request and a more than \$1 billion increase over FY2014 levels. The subcommittee noted the fluidity of the issue and recommended an expansion of HHS transfer authority "to respond to sudden or urgent needs in the future."⁶³

For DHS agencies, the Administration's amended request included an additional \$166 million for "CBP overtime, contract services for care and support of UAC, and transportation costs."⁶⁴ Previously, DHS appropriators criticized the Administration for not requesting additional funding to deal with the crisis,⁶⁵ and on June 10, 2014, the House Committee on Appropriations approved the Administration's amended request of \$166 million above the budget request.⁶⁶

Policy Challenges

The Administration has recently announced an initiative that is aimed at unifying efforts among the various agencies charged with UAC responsibilities, *and* Congress is considering increasing appropriations for the various agencies involved. These efforts, however, are geared toward responding to the immediate crisis, and there is no way to know whether the numbers of UAC will decrease, increase or level off over the long run. Also, although there is speculation about what is causing the increase in UAC attempting to illegally enter the United States, there is no clear answer to the root causes. A clearer understanding of the factors that make up the "push-

⁶² While the Administration did not request an increase in FY2015 funding for the HHS/ORR UAC program, in its FY2014 budget request the Administration requested a \$192 million increase and received an almost \$492 million increase over the FY2013 levels.

⁶³ See United States Senate Committee on Appropriations, "FY15 LHHS Subcommittee Markup Bill Summary," June 10, 2014.

⁶⁴ Executive Office of the President Office of Management and Budget memo to Representative Nita Lowey, May 30, 2014.

⁶⁵ See House Subcommittee on DHS Appropriations markup on April 2, 2014, and House Appropriations Committee markup of the DHS appropriations bill on June 10, 2014.

⁶⁶ Previously, the House Subcommittee on DHS Appropriations approved \$77 million above the budget request for ICE transportation costs.

pull” of this extraordinary migration will aid the Administration and Congress in framing the most effective policy responses.

In addition, it is unknown how many of these children will qualify for asylum or other forms of immigration relief that may allow them to remain in the United States, or if many of them will be returned to their home countries. If, as some observers have noted, many of the UAC have family in the United States, and many of those family members, in turn, are not legally present, it raises thorny policy questions. Not only does it hinge on what is in the “best interests of the child,” it also hinges on what is permissible under the Immigration and Nationality Act and other relevant laws.

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ATTACHMENT 4

By Rusty Bradshaw
Independent Newsmedia, Inc. USA

Updated June 18, 2013

SUN CITY, Ariz. -- Children in the country illegally often get lost in the system, causing a drain on resources.

Youngtown officials helped bring a facility to the Northwest Valley to attempt to address the issue. Southwest Key, a company based in Texas, operates a transitional home facility on 113th Avenue. It houses about 30 children currently, but has a capacity of just over 100, according to Mike LeVault, Youngtown mayor.

“There are about 70,000 of these children in the United States, and often times they are left on their own,” he said.

The Southwest Key facility is just one of several renovations of major buildings in the small community between Sun City and El Mirage. Mr. LeVault said the work is part of town officials’ efforts to revitalize Youngtown.

The transitional home caters to children ranging from infants to 18-year-olds who came to the U.S. without documentation. They live at the facility until their status and eventual disposition is determined. The facility is designed to see an ongoing rotation of residents as dispositions are implemented.

“Some of these kids were brought here by their parents, some came on their own and some were victims of human smuggling,” Mr. LeVault explained.

Independent contacted Southwest Key officials for comment, but required approvals, including from the U.S. government, were not completed for interviews and a facility tour before the newspaper’s press time.

Some Youngtown residents believe the transitional home and other renovations bode well for the town.

“The transitional children’s home in Youngtown is good, and a true ‘transition’ for the Council,” Jim Trolen stated in an e-mail. “113th Avenue is a booming corridor.”

In addition to the transitional home, renovation is under way at the former church at 113th and Michigan avenues, transforming to Discover You Montessori School, and at Aurora Village, a senior care and housing facility.

The town will receive a small amount of income from the facilities, mostly through real estate taxes, but Mr. LeVault believes the biggest pluses for Youngtown is quality businesses and increased jobs.

“Between those three facilities, we are expecting about 200 jobs to be created,” he said. “Those would be permanent jobs.”

Although some Youngtown residents support the transitional home, others in neighboring Sun City do not.

Marjorie Vickery, a Sun City resident since 2000, acknowledged that Youngtown has suffered since losing its age overlay in 1998. However, she is frustrated residents from neighboring communities were not brought into the discussion before the facility was allowed.

“Local government should promote public policies that enhance economic well-being while ensuring the safety and desirability of the entire community,” she stated in an e-mail. “The decision-making process should always include open forums for public comments prior to implementation. Often, this step is neglected when the motive is money.”

Mr. LeVault said Youngtown staff and council members thoroughly vetted Southwest Key’s request to locate in the town, including touring another Southwest Key facility in Central Phoenix. Youngtown officials came away impressed. “We were interested in making sure we got a quality facility here,” Mr. LeVault said. “We have worked too hard to turn things around to allow something that is detrimental.”

Ms. Vickery stated she was concerned about the transitional home because of potential increased crime in Youngtown that could spill over into Sun City.

The Southwest Key facility will be a closed campus, according to Mr. LeVault. But Ms. Vickery is also concerned about the people and consequences the facility could draw to Youngtown and surrounding communities.

“Does Youngtown have law enforcement capable of controlling any unwanted element?” she asked.

While the town once had its own police force, more than one year ago, Youngtown contracted with Maricopa County Sheriff’s Office for law enforcement services.

Sun City resident Steve Zeitler is concerned about spillover into Sun City of another sort.

“Schools and group homes have no place in Sun City,” he stated in an e-mail.

While sympathetic to Youngtown’s economic issues, Ms. Vickery believes town officials should be conscious of the consequences beyond its borders.

“Sun City is a quiet, active-adult community. We are not looking for jobs and we certainly do not want chaos and confusion,” she stated. “Possibly if projects were brought to light in the beginning, people could accept and believe in the strategies.”

Southwest Key Programs is a national nonprofit organization providing transformative education, innovative safe shelters and alternatives to incarceration for more than 6,000 youth daily, while creating opportunities for their families to become self-sufficient, according to a narrative on the company’s website. It is reportedly the fourth largest Hispanic nonprofit in the country, employing a staff of more than 1,600.

Mr. LeVault said the average stay for a young client at a Southwest Key transitional home is 32 days.

“Most are sent back to their country of origin, and others go into the foster care system,” he explained.

Founded in 1989 and headquartered in Austin, Texas, Southwest Key is funded through a number of small businesses, including a cafe, flourish, construction, maintenance and work force development.

News Editor Rusty Bradshaw can be reached at 623-445-2725 or rbradshaw@newszap.com.

Comments

You are encouraged to leave relevant comments but engaging in personal attacks, threats, online bullying or commercial spam will not be allowed. All comments should remain within the bounds of fair play and civility. (You can disagree with others courteously, without being disagreeable.) Feel free to express yourself but keep an open mind toward finding value in what others say. To report abuse or spam, click the X in the upper right corner of the comment box. For more information, please visit our [FAQ page](#).



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MINUTES OF SPECIAL MEETING OF THE COMMON COUNCIL OF YOUNGTOWN
THURSDAY, MARCH 28, 2013 TOWN CLUBHOUSE, 12033 CLUBHOUSE SQUARE

1. **Call to Order:** Mayor LeVault called the meeting to order at 7:01 p.m.
2. **Roll Call:** Council present: Mayor LeVault, Vice Mayor Duran, Councilmembers Margaret Chittenden, Dorena Mello, Shirley Gustafson and Judy Johnson. Absent: Councilmember Susan Mackay
Staff Present: Town Manager Lloyce Robinson, Town Attorney's Susan Goodwin and Trish Stuhan, Economic Development Coordinator Gregory Arrington, Economic Development Manager Gayle Cooper, Public Safety Manager Mike Kessler and Town Clerk/Treasurer Diane Cordova.
3. **Pledge and Invocation:** Pledge led by Councilmember Johnson and Invocation by Councilmember Mello.
4. **Business:**
 - A. **Discussion and Action Re:** Planning and Zoning Case #13-02 A Special Use application by Cornerstone Property Services to locate a Children's Residential Care Facility at 12030 N. 113th Avenue. (CORDOVA)
Cordova Town Clerk
 - Last week Council meeting Thursday, March 21, 2013 an ordinance was passed by council regarding adding and placing a definition to a "Children's Residential Care Facility". Today we are here to discuss and take action on a special use permit application submitted by property owners Cornerstone Property Services; the facility location is 12030 N. 113th Avenue, what used to be the Fountain Retirement Center.Mayor LeVault
 - The ordinance was approved without an emergency clause which means it will not be effective until 30 days from its date of approval, which was March 21, 2013. This special use permit approval will be contingent upon those 30 days.
 1. **Staff Report**

Gregory Arrington Community development Coordinator (report attached)

 - The applicant is proposing minor modification to the interior of the building and the addition of a security fence and gate on the site. There are no plans to modify the exterior of the building at this time.Councilmember Chittenden
 - The applicant is seeking a variance to exceed the 6 foot fencing in front of the facility; what about the south side of the property along the park?Norman King, Cornerstone Properties
 - On the east side (front) of property will be an ornamental fence similar to the one at the site that council visited. On the south side will be a masonry (block) fence, the chain link will be removed.
 2. **Zoning Hearing Officer Recommendations**

Ray Jacobs Hearing Officer

 - I am here to answer any questions. The minutes are enclosed from the Citizen's Hearing and the Planning & Zoning hearing. My recommendations with stipulations have been given and Town Attorneys have reviewed.Mayor LeVault
 - Were there any comments from residents at these hearings?Ray Jacobs Hearing Officer
 - There were none, only staff and applicant.Mayor LeVault
 - Had the prior occupant, owner of this facility ever go through a special use process on this facility?Robinson Town Manager
 - In its 40 years of operation, there has not been any special use permit application on the facility.

Councilmember Chittenden

- This has been an independent living facility since 1979.
- The report stated that activities end at 9:00 p.m. not 10:00 p.m.
- I have a question about "sound system", there's not going to be a band until 10:00 p.m.?
- What are the start times for outdoor activities?

Ray Jacobs Hearing Officer

- In the report it is stated that all music, activities will shut down by 10:00 p.m.

Mayor LeVault

- I had our Town Attorney's do a background research on the Southwest Key Program. They reported that no complaints were found.

Geraldo Rivera Southwest Key (power point presentation attached)

- Southwest Key since its founding in 1987 has been a leader in designing and implementing innovative, effective and culturally sensitive program models for many federal, state, and local agencies, including the Office of Refugee and Resettlement (OOR)/Division of Unaccompanied Children Service (DUCS) and charter schools. Due to high demand of much needed shelters, nation-wide, the Office of Refugee and Resettlement reached out to Southwest Key to request additional beds, identifying Arizona as a location. Currently the proposed location is Youngtown, Arizona, to shelter 100 - 130 youth.
- We have minimal youth run away from our program. There have been zero issues or concerns with neighbors. Zero issues or concerns with the youth stealing or injuring anyone.
- The youth that we receive run away to reunify themselves with family or friends. They run away from their home land in order to "work" and make a living for themselves.
- Southwest Key Programs is licensed by the Office of Behavioral Health Licensure (OBHL) in the State of Arizona. We are funded by the Office of Refugee Resettlement/Division of Unaccompanied Children Services. Our policy and procedures adhere to the Flores vs. Reno settlement as well as Trafficking Victims Protective Rights Act and Perez vs. Olano settlement.
- Southwest Key Programs is annually monitored by: Office of Refugee and Resettlement Project Officers; SW Key Headquarters management team; Office of Behavioral Health Licensure; Fire Department annual inspections and Health Department annual inspections.
- Southwest Key works in collaboration with Homeland Security; Florence Project Attorney's; Maricopa County School District; local and non-local Consulates; Immigration Court System and religious Community Partners.
- Southwest Key ensures all youth are provided suitable living conditions; three meals per day, 3 snacks, all conforming to National Scholl Lunch Programs. Medical: we ensure that all youth receive routine medical and dental care, family planning and emergency health care services. Education: upon entry, the youth academic levels are assessed.
- Assessment: An individualized assessment is conducted during the intake process, which takes place within twenty-four hours of arrival; mental health screening, preliminary service plan, admission assessment, psychosocial assessment, and individual service plans.
- Southwest Key goal is family reunification and release services. We make every effort to expediently reunify the youth with his/her family and/or appropriate sponsors in the U.S. We do provide youth with legal service information; youth is given the right to be represented by counsel at no expense to the government, the right to a removal hearing before an Immigration Judge and the right to apply for political asylum or to request an attorney in lieu of removal.
- Southwest Key staff is provided training that complies with state licensing requirements along with ORR training requirements as stated in its ORR policies and procedural manual.
- Southwest Key provides youth with pre-vocational training, which includes various job seeking and job readiness training.

Mayor LeVault

- For clarification, Cornerstone Property Services are the owners and leases to Southwest Key?

Norman King Cornerstone Property Services

- We are the owners and we lease to Southwest Keys. They have been good partners for 11 years. They maintain the facilities very well.

Mayor LeVault

- How did you find Youngtown?

Geraldo Rivera

- We have individuals looking out for potential sites. Cornerstone Properties purchases buildings and Southwest Keys help fix them up. We've been partners for eleven years. We never had any negative incidents with the community or with the neighbors.
- Thank you for visiting the Reflective Key sight in Phoenix.

Councilmember Chittenden

- When will you be closing on the purchase of the property and when is the projected date of moving in?

Norman King Cornerstone Properties

- We will actually be closing and signing final documents tomorrow, March 29, 2013.
- We are projecting to be moved in May 2013

Councilmember Chittenden

- Will you be hiring others outside of your agency and how will you be advertising for jobs?

Geraldo Rivera

- We are presently conducting interview and the hiring process has been initiated. We are utilizing Manpower for individual research, screening and recruiting.

Councilmember Chittenden

- This has been so fast paced, but it's impressive.
- How do you monitor the youth? Do you have outside security?

Geraldo Rivera

- We have cameras and staff that monitor security.

Councilmember Mello

- How does this generate revenue to the Town?

Robinson Town Manager

- The Town will receive TPT – transaction privilege tax from the lease, a rental tax of 2%.

Mayor LeVault

- This is a ripple effect, going from having a vacant facility eye sore to an improvement to the site and in addition a masonry wall.

Robinson Town Manager

- The fencing will be a great improvement; it will be decorative and pleasant.

Gayle Cooper Economic Development Manager

- The real value in this addition to our community is the employment it will provide. There are many good jobs; nurses, teachers, counselors – coming to Youngtown as a result of it

Councilmember Johnson

- What other exterior changes will be done?

Norman King Cornerstone Properties

- The landscaping, trimming trees and painting the outside of building.

Councilmember Johnson

- Your neighbor to the south will be a doggie park.

Councilmember Chittenden

- The Dog Park Committee received a \$1,000 estimate to remove the present chain link fence.

Norman King Cornerstone Properties

- We will take care of the fence.

3. Open Public Hearing

Mike Phlig Resident

- A statement was stated that jobs will be available. How many of those will be from Youngtown?
- Will a soccer field be placed on the west side of the building?

Gayle Cooper Economic Development Manager

- "Manpower is a great organization. They will seek out our community first. Qualified applicants who live here will have every opportunity to work for Southwest Key.

Mayor LeVault

- The best qualified will be hired.

Val Wilson Resident

- I have a question about the process; the children are pick-up by the border patrol, why not by CPS?
- Don't you follow the McKinney Act?
- Will you be partnering with our local school district?

Maria Rios Reflective Key Facility Director

- We work with the Refugee Resettlement Division. It is then through them that CPS gets involved on cases of abuse. We also work with many other agencies.
- All referrals come from ICE – Immigration Customs Enforcement. Then OOR- Office of Refugee gets involved.
- We have looked into other school districts, however they've taken into consideration graduation rates and dropout rates; adding our program would increase their rates.
- Our many focus it reunification. If this cannot be completed, the child is assigned an attorney and obtains legal relief and is placed in foster care, however this is a small percentage.

4. Close Public Hearing

Mayor LeVault closed public hearing.

Town Attorney Goodwin

- We have prepared a special use permit with stipulations. This special use permit is contingent to the 30 day ordinance.

Norman King Cornerstone Properties

- A variance for the fence will be need? Will a block fence will be okay?

Robinson Town Manager

- Mayor may we recess for further discussion on this

Mayor LeVault

- Let's take a few minutes for clarification.

Council and Staff with Town Attorney's took 15 minutes for discussion and clarification.

Mayor LeVault

- By process a variance will be needed for the fence. The Special Use Permit is not applicable until after the 30 days of approved ordinance, which will be April 21, 2013.

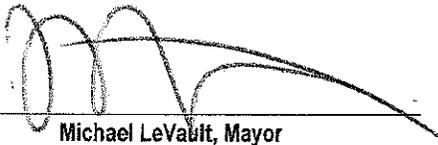
Motion to approve Planning and Zoning Case #13-02 A Special Use application by Cornerstone Property Services to locate a Children's Residential Care Facility at 12030 N. 113th Avenue contingent to the 30 day when the ordinance is in effect. – Councilmember Johnson

2nd – Vice Mayor Duran

Motion passed on a vote 6 yes 0 no

Announcement: Regular Council Meeting, Thursday, April 4, 2013 has been cancelled.

Adjournment. Meeting adjourned at 8:50 p.m.



Michael LeVault, Mayor

Attest:



Diane Cordova, Town Clerk

Minutes approves at April 18, 2013 regular meeting.



12030 Clubhouse Square, Youngtown, AZ 85363

**TOWN OF YOUNGTOWN
PLANNING AND ZONING
HEARING MINUTES**

The Zoning Hearing Officer of the Town of Youngtown, Arizona will hold a Planning and Zoning Hearing open to the public on **Tuesday, March 12, 2013** at the Town Clubhouse, 12033 Clubhouse Square, and Youngtown, to begin at the hour of **2:00 p.m.**

Call to Order- Planning and Zoning Hearing call to order at 2:07 p.m.

Planning and Zoning Hearing on Case PZ13-01: An ordinance of the Common Council of the Town of Youngtown, Arizona, amending Title 17 Zoning, Chapter 17.04 General Provisions, Administration and Enforcement by amending Section 17.04.030 Definitions to add the definition of Children's Residential Care Facility; Amending Chapter 17.36 C-1 Commercial District by amending Section 17.36.020 Use Regulations and adding new section 17.36.130 Children's Residential Care Facility Regulation related to the operation and regulation of a Children's Residential Care Facility in a C-1 Commercial District and requiring a special use permit; and amending Chapter 17.56 Special Uses and Temporary Buildings by amending Section 17.56.10 Special Uses Enumerated to add Children's Residential Care Facility to the list of Enumerated Special Uses.

a. Staff Report (copy attached)

Town Manager Robinson

- Youngtown's current zoning code is in need to broaden its allowable uses for C-1 Commercial District. This was brought to staff's attention when a potential buyer introduced an interesting vital use for the property. Youngtown's current zoning does not allow or have the appropriate category for this potential use. This amendment to the zoning code will embrace this new business which is expected to be a positive asset to the Town. Amendments to the code: 1. Adding definition for "Children's Residential Care Facility" 2. Amendment to C-1 Zoning Use Regulation adding Children's Residential Care Facility, subject to a special use permit. 3. Adding new Section 17.36.130 Children's Residential Care Facility regulations. 4. Amending Special Uses and Temporary Buildings to Add "Children's Residential Care Facility" to the Special use enumeration. Staff recommends that these text amendment additions be made to the Youngtown Title 17 Zoning code.

Town Attorney Stuhan

- The ordinance changes have been noted to 35,000 sq. ft. Clarified the services provided to state children under 18 years of age; page 3 C. added that special use permit shall include detailed site plan and operations plan.

b. Applicant Presentation

Town request

c. Open Public Hearing

No public comments

d. Close Public Hearing

Hearing Closed

e. Questions from Zoning Hearing Officer

Hearing Officer Jacobs

- Town Attorney Stuhan, on the ordinance page 3 D. what does an administrative record of each child shall be maintained with the Town mean?

Town Attorney Stuhan

- Whatever the Town deems an administrative record on file from the children's residential care facility. The intent is to have updated information on the number of children in the facility.

Town Manager Robinson

- The administrative record would be needed for the annual group home census count required by Maricopa County Associations of Government (MAG) Population Technical Advisory Committee (POPTAC).

Hearing Officer Jacobs

- I propose that the Town submit in writing to the children's facility that an administrative record will be needed.

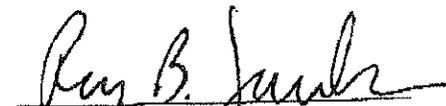
f. Decision of Zoning Hearing Officer

Hearing Officer Jacobs

- I recommend P&Z Case #13-01 amendments to Title 17 Zoning Ordinance for a Children's Residential Care Facility.

Announcement: The Hearing Officer's Recommendation on the proposed ordinance may be considered at the Council meeting on **Thursday, March 21, 2103 at 7:00 p.m.** Youngtown Clubhouse 12033 Clubhouse Square, Youngtown, Arizona 85363 at which time the Council will take additional public comment on the proposed ordinance.


Diane Cordova, Town Clerk


Ray Jacobs, Zoning Hearing Officer

ATTACHMENT 5

Escondido panel rejects center for minors

Hundreds of residents flood meeting to oppose project

By [J. Harry Jones \(/staff/j-harry-jones/\)](#) 10:55 p.m. June 24, 2014 Updated 11:21 p.m.



People packed into the Escondido

City council Chambers listen as the Escondido Planning Commission holds a meeting June 24, 2014 considering a request for a conditional use permit to convert a 96-bed skilled nursing facility to an "Unaccompanied Youth Care Center." *Hayne Palmour IV*

ESCONDIDO — The Escondido Planning Commission on Tuesday unanimously rejected a request by the U.S. Department of Health and Human Services to open a 96-bed shelter in the city that would serve unaccompanied minors who have crossed the border illegally.

Hundreds of people flooded the commission's meeting at Escondido City Hall, with most urging the panel to block the plan. During hours of public testimony, speakers blamed President Obama's immigration policies for a crisis that has prompted the federal government to search out sites for new shelters to house the growing number of children from Central America who have fled to the U.S. without their parents.

Planning Commission Chairman Jeff Weber repeatedly emphasized that, by law, the panel could only consider local land use issues in deciding whether the site — a former nursing home in southwestern Escondido that closed last year — was appropriate for the center.

By a 7-0 vote, the panel ultimately decided against the project, saying it could generate more traffic and noise in the neighborhood.

"This is a use in a suburban neighborhood that would require 24-hour-a-day operation," Weber said. "Traffic coming and going...this is not a compatible use."

Officials with Southwest Key Properties, a nonprofit group that would contract with the federal government to operate the center, declined to say after the vote whether they would appeal the commission's decision to the Escondido City Council. If an appeal is filed, the earliest it would be heard is July 23.

Southwest Key already operates two smaller centers in San Diego County — one in Lemon Grove and the other near El Cajon — that serve unaccompanied minors, as well as several centers elsewhere in California and the U.S.

Alexis Rodriguez, Southwest Key's vice president of immigrant legal services, told the commission Tuesday night that the facility proposed in Escondido "is not a detention center" and that concerns expressed by neighbors and others are unfounded.

She said virtually none of the children cared for in facilities the company operates have ever "escaped" and none have committed crimes while in their care.

Responding to concerns from neighbors, Rodriguez also said that all children who would be in the center are screened for medical problems first by the Border Patrol when they are taken into custody and then more fully when they are brought to the facility.

Southwest Keys officials said the average stay for a child at the center would be just 21 days.

An overwhelming number of speakers were opposed to the center. Some said they worried about crime, others about a drop in their property values.

Baljit Stoor, the director of the Sikh Society of San Diego which has a temple across the street from the proposed center on Avenida del Diablo, said he worried about the safety of Sikh children who often play in the temple's parking lot.

There were some speakers who favored the plans. In the middle of the hearing — to the jeers of much of the crowd — a group of about 20 people representing various Latino organizations came to the podium.

"Stand on the side of humanity," Iris Mendoza urged the commission. Some in her group were children who Mendoza said would soon be deported.

She said the center was about helping children. After their minute to speak was up, the group marched out chanting in Spanish "people united will never be defeated."

Outside the packed chambers Mendoza said she thinks "it is horrible that people are so biased and hold onto their political beliefs" and ignore the humanitarian needs of kids.

The atmosphere in the chambers was not unlike eight years ago, when the City Council proposed an ordinance that would have punished landlords for renting to undocumented immigrants. The move sparked a fierce divide in Escondido, which has a predominantly Latino population.

The debate over the Escondido facility has been fueled in recent days by radio talk show hosts and conservative bloggers.

Mayor Sam Abed went on record early this week opposing the center as did Councilman Mike Morasco, who said on the radio Tuesday that he would "stand strong" against the federal government.

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OPEN HOUSE

*Come Learn More About
Southwest Key*

Sunday, June 22, 2014 at 6:00 PM

1817 Avenida Del Diablo

Escondido, CA 92029

Meet Southwest Key staff, ask questions, and learn more about the following topics:

- Southwest Key is the only company with a perfect score from the Council on Accreditation.
- Youngtown, Arizona Mayor Michael LeVault says Southwest Key's shelter in his city is, "a good neighbor and a valued addition to the community."
- Southwest Key services are self-contained and non-disruptive to the neighborhood.
- Southwest Key will bring approximately 115 jobs to Escondido.
- Southwest Key will infuse \$8.5 million annually into the local economy.
- Learn about the children we serve.



PLANNING COMMISSION

Agenda Item No.: G.2
Date: June 24, 2014

CASE NUMBER: PHG 14-0017

APPLICANT: U.S. Department of Health and Human Services

The 2.31-acre project site is located on the southern side of Avenida del Diablo, between Valley Parkway and Del Dios Road, addressed as 1817 Avenida del Diablo (APN 235-180-32)

TYPE OF PROJECT: Conditional Use Permit and Extension of Time

PROJECT DESCRIPTION: A Conditional Use Permit (CUP) for Government Services to operate a 96-bed unaccompanied youth care facility serving minors between 6 and 17 years of age, within an existing 35,200 SF building in the RE-20 zone. The facility would be operated by Southwest Key (SWK), on behalf of the United States Department of Health and Human Services. The applicant is proposing to install six-foot-high decorative tubular steel fencing and will be required to construct a solid cover over the existing trash enclosure; no other new construction or exterior modifications are proposed. The project also includes an extension of time for the existing skilled nursing residential care facility CUP allowing it to be reactivated when the CUP for the unaccompanied youth care facility is terminated. The proposal also includes the adoption of the environmental determination prepared for the project.

STAFF RECOMMENDATION: Receive testimony and approve, conditionally approve, or deny the CUP request.

GENERAL PLAN DESIGNATION: Estate II (2 du/acre maximum)

ZONING: RE-20 (Residential Estates, 20,000 SF minimum lot size)

BACKGROUND/SUMMARY OF ISSUES:

"Governmental services" (all levels of government including immigration protective functions, but excluding correctional institutions) is identified as a conditionally permitted use in the RE zone. The applicant is requesting a Conditional Use Permit (CUP) for governmental services to operate a 96-bed youth care facility that would temporarily shelter unaccompanied minors under the protective care of the U.S. government. The request includes the ability to preserve/extend the existing skilled nursing facility CUP for reactivation by the property owner at a future date when the lease for unaccompanied youth care facility expires.

A Conditional Use Permit was approved on the subject site for the construction and operation of a 31,000 SF, 96-bed intermediate care facility in 1981 (81-193-CUP). Several revisions to the CUP were approved over the next few years however the number of patient beds remained constant. The CUP revisions involved converting the use to a skilled nursing facility in 1986 (86-123-CUP), an expansion to add 2,000 SF to the building as well as add 23 parking spaces in 1987 (87-36-CUP), and construction of a temporary, 1,200 SF office building in 1989 (88-122-CUP). An administrative approval was granted in 1991 to construct an approximate 1,000 SF addition. The CUP request for the current proposal includes extending the conditions of the skilled nursing facility to re-open and operate under the previously approved CUP upon closure or abandonment of the youth care facility (Exhibit "C").

The previous owner of the site (Palomar Pomerado Health Systems) has entered escrow to sell the property and Southwest Key (SWK) is proposing to lease the site from the new owners. SWK (www.swkey.org) is a contractor for the U.S. Department of Health and Human Services (HHS), Office of Refugee Resettlement (ORR). SWK proposes to use the existing 35,200 SF facility for a 24-hour, live-in youth care facility to provide daily living services to a maximum of 96 minors at a time, ranging in age from 6 to 17 years.

According to the U.S. Department of Health and Human Services thousands of unaccompanied minors, primarily between the ages of 14-17 from Central American countries, travel to the United States each year. The reasons for entering the country vary, including violence or poverty in their home country, and/or a desire to find work to support family members. Many unaccompanied minors end up in the care and custody of the U.S. government. The Department of Health and Human Services (Office of Refugee Resettlement) contracts with Southwest Key (SWK) a non-profit organization that operates several services for children and families, including an Unaccompanied Minor Program.

SWK states that the mission for their Unaccompanied Minor Program involves "reunifying unaccompanied immigrant children with their families while providing shelter and services in a nurturing and therapeutic environment." Minors in SWK's program are provided temporary shelter and services, including education, case management, counseling, legal, recreation and medical services while they await reunification with relatives and/or resolution of their legal case. Typically, the length of stay in the shelter is approximately 10-60 days. SWK caseworkers work closely with the Office of Refugee and Resettlement, the Bureau of Immigration, Customs Enforcement, pro-bono attorneys and the client's family to facilitate the re-unification process.

A total of 90 staff would be employed on the subject site, including 40 from 8 am to 4 pm, 30 from 4 pm to 12 am, and 20 from 12 am to 8 am. The ratio of staff members to minors would range from 1:2.5 during the day to 1:5 during the overnight hours. Staff members include case managers, nurses, teachers, cooks, and clinicians. The annual operating budget for the proposed facility is approximately \$6-7 million dollars. Annual employee salaries for this facility range from \$27,000 for cooks and youth care workers to \$70,000 - \$80,000 for the Assistant Program Director and Director. SWK operates other similar facilities throughout the southwestern United States, including two smaller facilities in San Diego County. A letter from the Mayor of Youngtown, AZ discussing his community's positive experience with a local SWK facility is attached to this report as Exhibit "E."

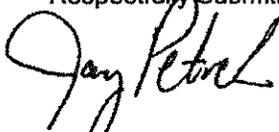
STAFF RECOMMENDATION:

Staff recommends that the Commission receive testimony and approve, conditionally approve, or deny the request based on the totality of information provided at the meeting. Alternative CUP Findings of Fact have been written (Exhibit "A"). Conditions of Approval are proposed if the Planning Commission determines that the CUP should be conditionally approved (Exhibit B). The Planning Commission's decision is considered final unless appealed to the City Council within 10 days of action.

Staff feels that the issues are as follow:

1. Whether the site is appropriate for use as an unaccompanied youth care facility.
2. Whether the existing Conditional Use Permit for a residential care facility should be suspended or extended and permitted to be used in the future.

Respectfully Submitted,



Jay Petrek, AICP
Assistant Planning Director

2. CONDITIONAL USE PERMIT AND EXTENSION OF TIME – PHG 14-0017:

REQUEST: A Conditional Use Permit for Government Services to operate a 96-bed unaccompanied youth care facility serving minors between 6 and 17 years of age, within an existing 35,200 SF building in the RE-20 zone. The facility would be operated by Southwest Key on behalf of the United States Department of Health and Human Services. The applicant is proposing to install six-foot-high fencing and a required trash enclosure cover; no other new construction or exterior modifications are proposed. The project also includes an extension of time for the existing skilled nursing residential care facility Conditional Use Permit so that it can be reactivated when the Conditional Use Permit for the unaccompanied youth care facility is terminated. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY LOCATION: The property consists of a 2.31-acre parcel on the southern side of Avenida del Diablo, between Valley Parkway and del Dios Road, addressed as 1817 Avenida del Diablo.

ENVIRONMENTAL STATUS: The proposed project is categorically exempt from environmental review in conformance with CEQA Section 15301, "Existing Facilities."

APPLICANT: U.S. Department of Health and Human Services

STAFF RECOMMENDATION: Receive testimony and direct staff on the appropriateness of the Conditional Use Permit request.

COMMISSION ACTION:

PROJECTED COUNCIL HEARING DATE:

H. CURRENT BUSINESS:

Note: Current Business items are those which under state law and local ordinances do not require either public notice or public hearings. Public comments will be limited to a maximum time of three minutes per person.

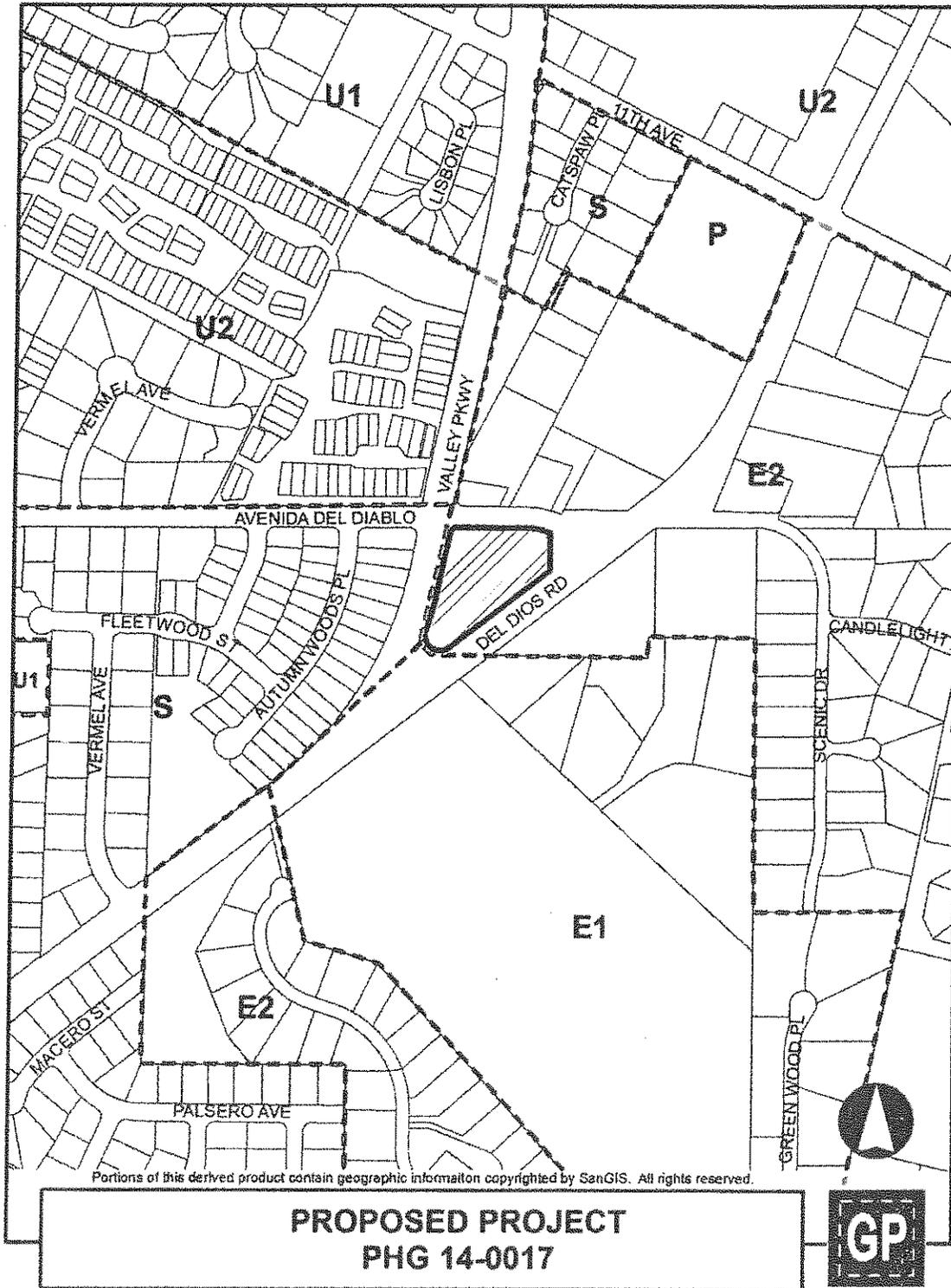
I. ORAL COMMUNICATIONS:

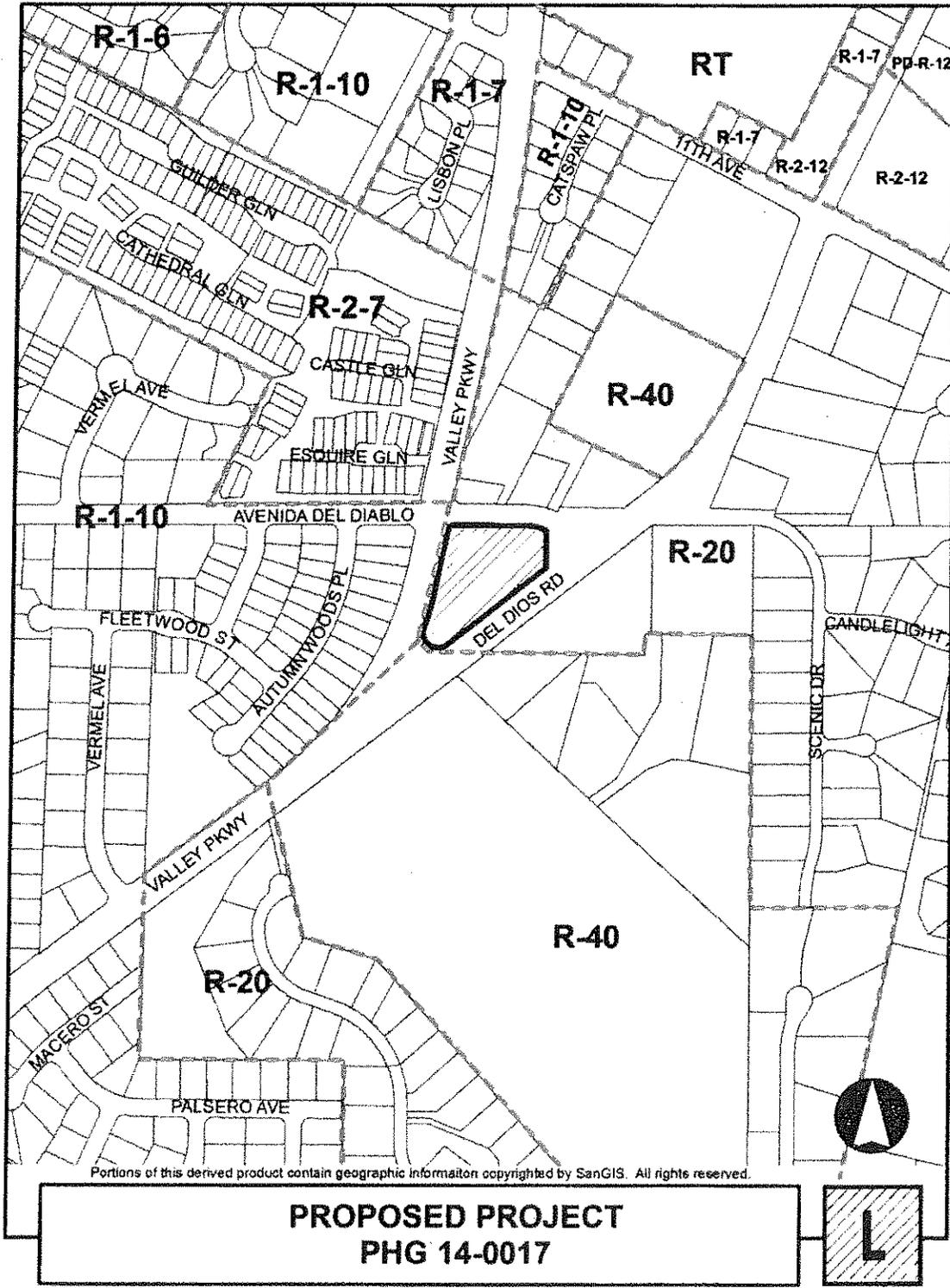
"Under State law, all items under Oral Communications can have no action and may be referred to staff for administrative action or scheduled on a subsequent agenda."

This is the opportunity for members of the public to address the Commission on any item of business within the jurisdiction of the Commission.

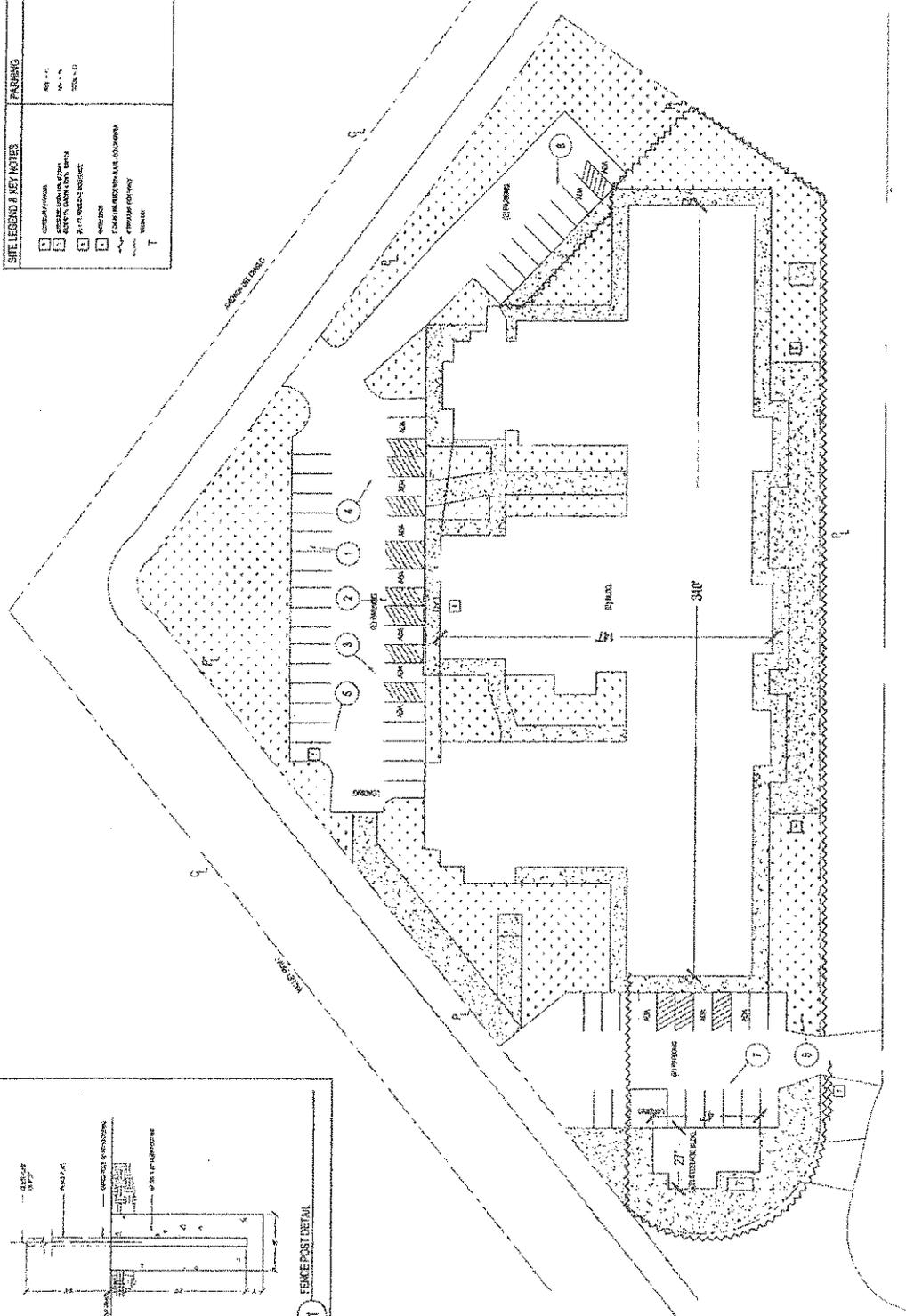
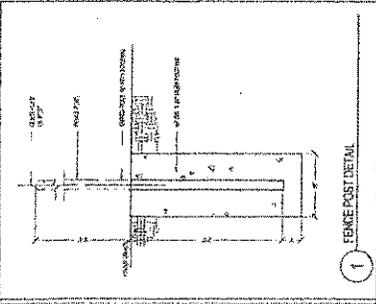
J. PLANNING COMMISSIONERS

K. ADJOURNMENT





SITE LEGEND & KEY NOTES		PARKING	
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PROPOSED PROJECT
 PHG 14-0017



SITE PLAN

ANALYSIS

A. LAND USE COMPATIBILITY/SURROUNDING ZONING

- NORTH - RE-20 zoning (Residential Estates, 20,000 SF minimum lot size) – On the northern side of Avenida del Diablo is a Sikh religious facility and single-family residences on lots ranging in size from approximately 0.5 acre to over 4 acres. The nearest residence is approximately 150 feet away, across Avenida del Diablo.
- SOUTH - RE-40 zoning (Residential Estates, 40,000 SF minimum lot size) – Del Lago Academy High School is located to the south of the project site, on the other side of the Del Dios Road. The nearest residence is approximately 180 feet away, across Del Dios Road.
- EAST - RE-20 and RE-40 zoning – Scattered single-family residences are located to the east of the site, on the eastern side of Del Dios Road, on lots ranging in size from approximately 1 acre to 3 acres. The nearest residence is approximately 180 feet away, across Del Dios Road.
- WEST - R-1-10 zoning (Single-family residential, 10,000 SF minimum lot size) – West of the project site, on the western side of Valley Parkway, are single-family residences on lots approximately 7,500 SF in size. The nearest residence is approximately 200 feet away, across Valley Parkway.

B. AVAILABILITY OF PUBLIC SERVICES

1. Effect on Police Service – The Police Department has expressed no concern regarding the proposed development and their ability to continue to provide service to the site. The Police Department requests that a contact person and phone number be provided 24 hours a day, seven days a week, to resolve any issue with the residents or the facility that may arise, and supports providing fencing for the facility.
2. Effect on Fire Service – The Escondido Fire Department has indicated their ability to continue adequately serving the proposed project site with respect to day-to-day fire suppression and EMS services. The site is served by Fire Station No. 6 (1735 Del Dios Road), which is located approximately 600 feet from the site. The property is within the seven and one-half minute Quality of Life Standard response time specified for urbanized areas in the General Plan. The proposed use is not expected to contribute any increases in demand or create significant impacts on fire services.
3. Traffic – The project takes access from Avenida del Diablo and Del Dios Road. Del Dios Road is unclassified in the City's Circulation Element and currently terminates in a cul-de-sac at the property. Avenida Del Diablo is classified as a Local Collector. The majority of traffic would enter the site via the existing driveway on Avenida del Diablo, which provides access to the majority of parking spaces and the main entrance to the building. Secondary access for emergency vehicles and deliveries is provided from Del Dios Road. A total of 53 parking spaces are provided on-site, including 12 ADA accessible spaces.
4. Utilities – City sewer and water mains with sufficient capacity to serve the project are available within the adjoining streets. No expansions of existing facilities are proposed. The project would not materially degrade the levels of service of the public sewer and water system.
5. Drainage – The project site is not located within a 100-year Flood Zone as indicated on current FEMA maps. There are no significant drainage courses within or adjoining the property. No grading or site modifications are proposed in conjunction with the project. Runoff from the site enters existing on-site or adjacent drainage facilities. The project does not materially degrade the levels of service of the existing drainage facilities.

C. ENVIRONMENTAL STATUS

1. A Notice of Exemption was issued on June 10, 2014, in accordance with California Environmental Quality Act (CEQA) Section 15301 (Existing Facilities).
2. In staff's opinion, no significant issues remain unresolved through compliance with code requirements and the recommended conditions of approval.
3. The project will have no impact on fish and wildlife resources as no sensitive or protected habitat occurs on-site or will be impacted by the proposed development.

D. CONFORMANCE WITH CITY POLICY/ANALYSIS

General Plan

The General Plan land use designation on the subject site is Estate II, which allows 20,000 SF minimum lot sizes and a maximum density of 2 dwellings/acre. The designation accommodates detached single-family homes on large lots on the edge of urban development or in an area already characterized by an estate development pattern. Other similar residential uses as well as Governmental Services are customarily permitted in residential zones with a Conditional Use Permit when conditioned to meet the underlying zone and related restrictions and when compatible with surrounding properties.

Whether the Site is Appropriate for the Proposed Use

The existing facility on the site has been used as a residential care facility (Palomar Continuing Care Center) for more than 30 years. City staff determined that, based on the description of the proposed unaccompanied youth care facility, the proposed use is more consistent with a boarding house or shelter rather than a skilled nursing or residential care facility. Since the proposed operator of the facility is a contractor for the U.S. Department of Health and Human Services, the use is classified as "Government Services," which requires a Conditional Use Permit.

While an unaccompanied youth care facility is not the same use as a skilled nursing facility, and a new Conditional Use Permit is required, there are certain similar operational characteristics. The proposed SWK facility would have the same number of residents as the previous skilled nursing facility, with each of the 48 bedrooms having double occupancy for a total of 96 residents. The minors of the proposed residential facility are not considered detainees but are residents of the facility which provides daily living services to them, similar to the previous use. On-site activities will primarily occur indoors, outside areas will be limited to eating, studying or other quiet activities; no active recreation, loudspeakers would be permitted.

Southwest Key staff act as parental authorities; minors are constantly supervised, whether inside or outside of the facility. The ratio of youth to staff range from 2.4:1 (8 am – 4 pm), 3.2:1 (4 pm – midnight), 4.8:1 (Midnight – 8 am). The minors would primarily arrive at the facility in small groups from other areas, including out-of state. The 'check-in' registration for new residents would be limited to 7:00 am – 9:00 pm. And all registration activities would occur indoors. The minors are roomed together according to age and gender, with the younger children separated from the older ones and all residents separated by gender. According to the population in the facility at any time, room assignments may be re-arranged.

Most services will be provided on-site, although the residents are always accompanied by a staff member(s) when they leave the facility. Off-site services may include religious services, medical or dental appointments, and educational or recreational field trips. SWK collaborates with the San Diego County Office of Education (SDCOE) to provide all education on-site (also see attached letter from SDCOE, Exhibit F). The children are also provided with medical and mental health screenings. Recreational activities are also provided, including physical activity and sports, English classes, crafts and games.

The proposed facility includes bedrooms with bathrooms, two interior recreation rooms, a central kitchen and cafeteria, individual study halls, a laundry area and administrative offices for staff. The recreation areas will include opportunities for games, arts and crafts, vocational classes, a computer lab and small gym. Larger recreational activities could include use of local parks and public school spaces. SWK has a regimented weekly and daily schedule for residents at an existing facility, including consistent wake-up times, meals, classes, homework, recreation and bed time. A sample of this schedule (Exhibit "D") is included, and a similar schedule would be developed for this site.

The Police Department reviewed the proposal and expressed a concern about the potential unauthorized departure of minors. They support securing the facility and request Southwest Key provide a 24/7 direct contact to the Police Department in case of any issues with the property or its residents, which is a condition of approval. Southwest Key's experience with other similar facilities that they operate throughout the southwestern United States indicates that the frequency of unauthorized departures is less than 1% of total residents.

The applicant is proposing six-foot-high decorative tubular steel fencing on the site in order to provide better security and keep residents from wandering off the site. The fencing is proposed along the southern (Del Dios Road) property line, in addition to other key areas that include some landscaped areas and paved patio areas. This will allow some secured outdoor areas for quiet activities. The applicant proposes some the fencing to be green vinyl-clad green chain link with slats. However, if approved, staff feels that all proposed fencing should be of tubular steel due to the visibility of the site, the residential nature of the surrounding area, the stability of the material, and consistency with other on-site fencing (Condition 11).

Conformance with Zoning Code Development Standards

The maximum building height in the RE zone is 35 feet and the existing structure is approximately 17 feet in height. The site was zoned R-1-10 (Single Family Residential; 10,000 SF minimum lot size) when the CUP was first approved and constructed in the 1980s. The structure does not conform to all of the setback requirements of the existing RE-20 zone, which are 25 feet (front yard), 10 feet (side yards) and 20 feet (rear yard). The frontages on Avenida del Diablo and Valley Parkway have been determined to be front yards, while the Del Dios Road frontage is a rear yard. The existing building meets all setbacks of the RE zone, except along the Valley Parkway frontage, where the setback is 22 feet rather than the required 25 feet. The only proposed exterior modifications are new six-foot-high fencing, which will conform to zoning requirements and a required cover over the existing trash enclosure. No other additions or modifications to the site plan or building are proposed. In addition, no exterior lighting or new signage is proposed.

Adequate Parking

Fifty-three parking spaces are on the site, including 12 accessible spaces. Thirty-eight spaces are located in the main parking lot on the north side of the site. Vehicles arriving and departing the facility to drop off and pick up minors are conditioned to primarily use the northern parking lot adjacent to Avenida del Diablo. Article 39 of the Zoning Code (Off-Street Parking) requires one parking space per three beds for children's homes and other similar uses. The shelter's 96 beds which would require a minimum of 32 total parking spaces. Applying the parking requirement for an emergency shelter (one space per three beds plus one space for each employee at the peak time) would not be appropriate since the residents of the proposed facility will not have vehicles or be able to drive. Vans accommodating eight passengers are used to transport the children and for emergency/evacuation, and approximately 12 vans will be parked on the site. Staff feels that the parking provided on the site would be adequate because the residents would not be driving, there would be few visitors to the site, and the largest number of employees at the site at one time is 40 during the day shift.

Concerns raised by area residents

The proposal has generated interest and concern from surrounding residents. Several comment letters have been received, which are included in the staff report. Three issues have been consistently raised regarding:

- a) Concern that the intake/processing of minors may occur during early morning or late evening and that some entry processing may occur outdoors causing a disruption for the surrounding neighborhood.
- b) Concern regarding the general health of some minors arriving at the facility and the potential of air-borne illnesses impacting the surrounding area.
- c) Concern that the facility may dramatically expand its occupancy in order to address a national crisis without further local discretion.

Staff forwarded these concerns to the applicant who has provided a response (see Exhibit "G")

Whether the Existing Conditional Permit for a skilled nursing facility should be suspended and permitted to be used in the future

Zoning Code Section 33-1206 specifies that when a conditional use permit is abandoned or terminated for a period of twelve consecutive months, the permit shall terminate, unless an extension of time is granted by the Planning Commission. The residential care/skilled nursing facility being operated by Palomar Pomerado Health Systems closed in December 2013, and the CUP would expire in December 2014. The current owner of the site has expressed an interest in using the site for a residential care facility in the future when the lease with SWK expires. The lease between the property owner and SWK is for five years with available extensions, so it is not certain when the owner would reactivate the CUP as a residential care/skilled nursing facility but would be required to update the facility as required for state licensing.

If the Planning Commission approves the Unaccompanied Youth Care Facility staff feels it is appropriate to allow the current CUP to reactivate in the future, because the interior of the building is specifically designed as a residential care facility, adequate parking is already provided, and any new State licensing requirements would be applied. Additionally, there have been no ongoing code enforcement issues, violations or complaints on the property related to the use as a skilled nursing facility.

SWK, as the government contractor operating the facility, does not propose any interior building modifications. Once SWK, or a subsequent government contractor operating the site, vacates/abandons the site the property owner would be allowed to again utilize the previously approved Conditional Use Permit, subject to all previous conditions in addition to any State requirements that are required at that time. The conditions of the previous Conditional Use Permits are included as Exhibit "C" to this staff report.

SUPPLEMENT TO STAFF REPORT/DETAILS OF REQUEST

A. PHYSICAL CHARACTERISTICS

The project site is located on the southern side of Avenida del Diablo, between Del Dios Road and Valley Parkway. The site has been previously developed with a residential care facility and associated off-street parking spaces. Existing access to the site is via driveways from Avenida del Diablo and Del Dios Road. Del Dios Road terminates in a cul de sac just past (south of) the site. The site is fairly level, sloping up slightly towards the east. Vegetation on the site consists of mature, ornamental trees and shrubs and some grass areas. There is no native habitat remaining on the site. The site is mostly surrounded by single-family residences on medium-size to large-size lots, a religious facility and a public high school.

B. SUPPLEMENTAL DETAILS OF REQUEST

1. Property Size: 2.31 acres
2. Number of Lots: One existing lot
3. Building size: 35,200 SF main structure (existing), 1,000 SF detached storage building (existing)
4. Number of residents: Maximum of 96
5. Number of employees: Approximately 90 total
8 am - 4 pm: 40 employees
4 pm -12 am: 30 employees
12 am - 8 am: 20 employees
6. Hours of Operation: 24 hours/day
7. Grading: None proposed
8. Landscaping: All existing landscaping is to remain.
9. Building Colors/Materials: Existing Spanish Architecture: white stucco walls, red concrete tile roof. Black tubular steel fencing.
10. Project Fencing: The applicant proposes new 6-foot-high fencing in key locations to secure the site, including a combination of black tubular steel and green chain link with slats. The project is conditioned to provide only tubular steel fencing where fencing is proposed.
11. Signage: No signage is proposed. The existing signage is proposed to be removed.

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11. Signage: No signage is proposed. The existing signage is proposed to be removed.

C. CODE COMPLIANCE ANALYSIS

	<u>Required RE-20 Zone</u>	<u>Existing</u>
1. Setbacks:		
Front:	25 feet	
Valley Parkway		22 feet
Avenida del Diablo		38 feet
Rear (Del Dios Road):	20 feet	20 feet
2. Parking:		41 Regular spaces
	<u>(1 space per 3 beds)</u>	<u>12 Handicap accessible spaces</u>
	32 total spaces required	53 total spaces existing
3. Building Height:	35 feet	17', One story
4. Floor Area Ratio	0.5 maximum	.36

**FINDINGS OF FACT
PHG 14-0017
EXHIBIT "A"**

Conditional Use Permit

1. Granting the proposed Conditional Use Permit for a "Government Services" unaccompanied youth care facility at this location would/would not be based upon sound principles of land use and is/is not in response to services required by the community because the proposed youth shelter proposes housing and services for minors with no family in the area until their residency/legal cases are resolved. The proposed project would/would not diminish the quality of life for the area because the operational characteristics of the proposed project are/are not compatible and consistent with the surrounding neighborhood.
2. The proposed use for a "Government Services" unaccompanied youth care facility at this location would/would not cause a deterioration of bordering land uses and would/would not create special problems in the area in which the facility is located regarding potential noise, traffic, safety, health and general welfare concerns given the operational characteristics of the proposed use which is determined to be/not to be in character with bordering land uses.
3. The proposed Conditional Use Permit for a "Government Services" unaccompanied youth care facility at this location has been considered in relationship to its effect on the surrounding neighborhood and has been determined to be/not to be compatible with immediate surrounding properties that primarily include single family residential uses and taking into account the concentration of other non-residential uses in the neighborhood involving a church, public high school and fire station.

**CONDITIONS OF APPROVAL
PHG 14-0017
EXHIBIT "B"**

Planning Division Conditions

1. The developer shall be required to pay all development fees of the City then in effect at the time and in such amounts as may prevail when building permits are issued, including any applicable City-Wide Facilities fees.
2. All construction and grading shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Engineering Division, Building Division, and Fire Department.
3. The legal description attached to the application has been provided by the applicant and neither the City of Escondido nor any of its employees assume responsibility for the accuracy of said legal description.
4. All requirements of the Public Art Partnership Program, Ordinance No. 86-70, shall be satisfied prior to building permit issuance. The ordinance requires that a public art fee be added at the time of the building permit issuance for the purpose of participating in the City Public Art Program.
5. All exterior lighting shall conform to the requirements of Article 35 (Outdoor Lighting) of the Escondido Zoning Code. All outdoor lighting shall be provided with appropriate shields to prevent light from adversely affecting adjacent properties or streets.
6. As proposed, a minimum of 53 striped parking spaces shall be provided in conjunction with this development, and maintained at all times. Said spaces shall be double-striped and dimensioned per City standards. The striping shall be drawn on the plan or a note shall be included on the plan indicating the intent to double-stripe per City standards.
7. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with Section 1129B (Accessible Parking) of the California Building Code, including signage. All parking stalls shall be provided with six-inch curbing or concrete wheel stops in areas where a vehicle could reduce minimum required planter, driveway or sidewalk widths.
8. An inspection by the Planning Division will be required prior to issuance of and certificates of occupancy. Items subject to inspection include, but are not limited to parking layout and striping (double-stripe), identification of handicap parking stalls and required tow-away signs, lighting, landscaping, fencing, trash enclosure cover(s) as well as any outstanding condition(s) of approval. Improvements should be installed prior to calling for an inspection, although preliminary inspections may be requested. Contact the project planner at (760) 839-4671 to arrange a final inspection.
9. Trash enclosures must be designed and built per City standards, and permanently maintained. All trash enclosures (including existing trash enclosures) shall meet current engineering requirements for storm water quality, which includes the installation of a decorative roof structure. Solid metal doors shall be incorporated into the trash enclosure. A decorative exterior finish shall be used. All trash enclosures must be screened by landscaping as specified in the Landscape Ordinance, including shrubs and/or vines. All trash enclosures shall be of sufficient size to allow for the appropriate number of trash and recyclable receptacles as determined by the Planning Division and Escondido Disposal, Inc.
10. The colors, materials, uses and design of the project shall conform with the plans, exhibits, details, references and conditions contained in the staff report to the satisfaction of the Planning Division.
11. Six-foot-high fencing shall be located on the property as shown on the attached exhibits and shall be constructed of black tubular steel, wrought iron, or other decorative material to the satisfaction of the city. No chain link fencing shall be located on the site.

12. No signage is approved as part of this permit. All proposed signage associated with the project must comply with the City of Escondido Sign Ordinance (Article 66, Escondido Zoning Code). A separate sign permit shall be required prior to the installation of any signs.
13. All new utilities shall be underground.
14. All rooftop equipment must be fully screened from all public view utilizing materials and colors which match the building.
15. The City of Escondido hereby notifies the applicant that the County Clerk's office requires a documentary handling fee of \$50.00 in order to file a Notice of Exemption for the project (environmental determination for the project). In order to file the Notice of Exemption with the County Clerk, in conformance with the California Environmental Quality Act (CEQA) Section 15062, the applicant should remit to the City of Escondido Planning Division, within two working days of the final approval of the project (the final approval being the hearing date of the Planning Commission or City Council, if applicable), a certified check payable to the "County Clerk" in the amount of \$50.00. The filing of a Notice of Exemption and the posting with the County Clerk starts a 35 day statute of limitations period on legal challenges to the agency's decision that the project is exempt from CEQA. Failure to submit the required fee within the specific time noted above will result in the Notice of Exemption not being filed with the County Clerk, and a 180 day statute of limitations will apply.
16. This CUP shall become null and void unless utilized within twelve months of the effective date of approval.
17. All project generated noise shall comply with the City's Noise Ordinance (Ord. 90-08) to the satisfaction of the Planning Division.
18. This CUP authorizes operation of an unaccompanied youth care facility for a maximum of 96 unaccompanied minors at any one time on any given day. If the facility exceeds 96 unaccompanied minors at any time it shall be in violation of this CUP which shall be grounds for revocation.
19. This item may be referred back to the Planning Commission upon recommendation of the Director of Community Development for review and possible revocation or modification of the Conditional Use Permit upon receipt of nuisance complaints regarding performance of the operation of the facility and/or non-compliance with the conditions of the project approval.
20. All vegetation shall be maintained in a flourishing manner, and kept free of all foreign matter, weeds and plant materials not approved as part of the landscape plan. All irrigation shall be maintained in fully operational condition. The existing landscaped area at the corner of Avenida del Diablo and Del Dios Road shall continue to be maintained.
21. The name e-mail and phone number of a responsible party shall be identified to the Police Department and Planning Division prior to opening of the facility and shall be updated as necessary. The responsible party or parties shall be available 24/7 to address issues with the site or the residents.
22. The security gate across the driveway off Del Dios Road shall be subject to approval by the Engineering, Planning and Building Divisions and the Fire Department.4. The gate shall meet requirements for security gates, including stacking, access, Knox box and setbacks. Fencing and gate shall be of black tubular steel, wrought iron or other decorative material to the satisfaction of the city. An electrical permit through the Building Division is required for the gate.
23. The City shall be notified in writing if and when a contractor other than Southwest Key assumes the government contract for the site in order to operate the facility. Any new contractor shall abide by all the conditions of this Conditional Use Permit.

24. No organized recreational activities will be located on the exterior of the building. No outdoor loudspeakers or sound systems shall be installed. The only activities located outside shall be conducted in a manner so as not to disrupt surrounding properties. They shall include eating, studying, or other quiet activities. No active recreation shall be permitted outside. Adult supervision shall be provided whenever unaccompanied youth are outside in order to minimize disruption to surrounding properties.
25. Vehicles arriving or departing the site to drop off and pick up youths shall use the northern driveway and parking lot off Avenida del Diablo. The intake, check-in, registration, and processing of unaccompanied minors shall be conducted only between the hours of 7:00 a.m. and 9:00 p.m. and shall occur inside the facility to minimize disruption to surrounding properties.
26. Pursuant to Escondido Zoning Code Section 33-1206, within twelve months of the date when the lease expires for the SWK youth care facility or when the site is vacated, the existing Conditional Use Permit for a residential care/skilled nursing facility may be utilized, subject to the previous Conditions of Approval (81-193-CUP, 86-123-CUP, 87-36-CUP and 88-122-CUP), attached as Exhibit "C," and any State conditions needed to satisfy licensing requirements.

Building Division Conditions

1. Prior to occupancy the Building Division will need to verify the occupancy classification, including occupant load, with the applicant. Additional detail on the floor plan may be required.
2. Prior to occupancy the applicant shall work with the Building Division to ensure that egress and safe dispersal requirements are met where the area adjacent to a building exit is fenced.

Fire Department Conditions

1. All gated entrances shall be equipped with electric switches accessible from both sides and operable by dual-keyed switches for both fire and police with Knox box and locks. Electric gates shall be operable by Fire Department strobe detectors and allow free exiting, to the satisfaction of the Fire Department.
2. A minimum four-foot-wide gate shall be provided in fencing to align with building exists. Knox lock shall be provided to the satisfaction of the Fire Department.
3. An evacuation plan for the facility, including gathering places, shall be provided to the Fire Department, prior to occupancy of the site.

**CONDITIONS OF APPROVAL
EXTENSION OF TIME
RESIDENTIAL CARE FACILITY/SKILLED NURSING FACILITY
EXHIBIT "C"**

81-193-CUP

1. A cul-de-sac shall be constructed on Del Dios Highway in conformance with City standards with a 28 foot minimum curb radius. A 10' wide bicycle/pedestrian path shall be constructed from the cul-de-sac- to Del Dios Highway in a manner approved by the City Engineering Department.
2. Street improvements shall be constructed on all frontage in conformance with the City of Escondido designed standards. Valley Parkway shall be designed to Major Road standards and Avenida Del Diablo and Del Dios Highway shall be designed to Local Collector standards. Necessary right-of-way shall be dedicated to the City as required.
3. Vehicular access rights to Valley Parkway shall be dedicated to the City.
4. The proposed driveway on Avenida Del Diablo shall be alley type, conforming with City standards, with a minimum throat of 25' and 20' radius returns. The proposed driveway on Del Dios Highway shall be minimum throat width of 18' at the curb.
5. All drainage coursed emanating from outside the property and flowing through the site shall be improved in conformance with the City design standards.
6. A public sewer main shall be designed from the intersection of Valley Parkway and Avenida Del Diablo and Valley Parkway to the intersection of Del Dios Highway and Lorry Lane in conformance with City water and sewer master plan and the City design standards. This sewer shall be constructed by the developer in conjunction with this project. Sewer services for the building obtained from this line.
7. The site lines within the Rincon Del Diablo service area. Domestic service for the site shall be obtained from Rincon. Any request for fire sprinklers service from the City shall be subject to approval.
8. A study shall be made by the developer's engineer to show that adequate fire services can be obtained for the site per the requirements of the fire marshal.
9. A grading and drainage plan shall be approved by the Engineering Department prior to issuance of a Grading or Building Permit.
10. Six (6) copies of a revised plot plan shall be submitted to the Planning Department. Said plot plan shall indicate a revised parking lot layout with a circulation pattern acceptable to the enclosed trash containers.
11. Two (2) copies of detailed landscape plan shall be approved by the Planning Department prior to the issuance of Building Permits. The landscaping plan shall include a permanent irrigation system, a parkway wall along Valley Parkway, a large number of trees and shrubs throughout the project, the existing trees which are to remain and street trees.
12. Detailed elevation shall be submitted to and approved by the Planning Department. Said elevations shall note the exact type of finish materials to be used.

Sample Weekly Schedule

Time	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
6:00		wake-up	wake-up	wake-up	wake-up	wake-up	Wake up
7:00		breakfast	breakfast	breakfast	breakfast	breakfast	breakfast
8:00				community meeting/brushing teeth	English Language Development		
9:00	wake up						
9:30	Breakfast						Wake up
10:00							breakfast
10:30							
11:00	Community Meeting						Community Meeting
11:30							
12:00					Morning Break		
12:30					Math		Chores/ outing
1:00	Religious Services						
1:30					Lunch		
2:00					Math		
2:30	Lunch						Lunch
3:00					Health/History/Science		
3:30	Physical Education	Geography	Cooking/Art	Group Therapy	Keyboarding	Survival English	Physical Education
4:00							
4:30							
5:00							
5:30							
6:00							
6:30							
7:00							
7:30							
8:00							
8:30							
9:00							
9:30							
10:00							
10:30							



Town of Youngtown
12030 Clubhouse Square
Youngtown, Arizona 85363

February 24, 2014

Ms. Cynthia Dunham, Executive Director
West Mesa Community Development Corporation
567 W. 10th St.
Mesa, AZ 85201

Dear Ms. Dunham:

Norman King and Larry LeSueur asked if I would be willing to contact you and share Youngtown's experience with Cornerstone Property Services and Southwest Key.

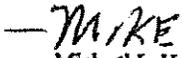
Prior to Town Council approval of the required special use permit, we thoroughly vetted the organization and principals involved. Included in this vetting process was a 'field trip' which took our entire Council to examine Southwest Key's Phoenix operation located at 2932 N. 14th Street. We interacted with staff, clients and principals during the vetting process. All feedback and investigation results were positive. There were no complaints from neighbors of existing facilities in other cities. Youngtown Town Council's approval of the special use permit was unanimous.

Southwest Key's Youngtown facility (La Hacienda del Sol) opened in May of last year and has quickly become a good neighbor and a valued addition to the community. The operation is a closed campus, located in what was a vacant property--last used as a nursing home. It is located in a mixed-use neighborhood with staff and clients quietly going about their mission of providing temporary housing for immigrant children while they are processed for return to their country of origin. Clients' average stay is around 35 days.

Both the building and the grounds were substantially rehabilitated and gentrified. The contractor partnered closely with our code and building inspection staffs to assure compliance with all life-safety, building and maintenance codes.

I would heartily recommend the organization to any municipality being considered for a facility location. Please feel free to contact me with any questions. My Cell # is 623.262.7744.

Sincerely,


Michael LeVault, Mayor

OFFICE OF THE MAYOR

Town Hall: (623) 933-8286 Public Safety: (623) 974-3885 Court: (623) 972-8226 Fax: (623) 933-5981 TDD: (623) 974-3885

Exhibit "F"



SAN DIEGO COUNTY OFFICE OF EDUCATION

6401 LINDA VISTA ROAD, SAN DIEGO, CALIFORNIA 92111-7399 (858) 292-3500

Superintendent of Schools
Randolph E. Ward, Ed.D.

June 17, 2014

I am pleased to hear that Southwest Key Programs, a non-profit, community based organization, is seeking a location at 1817 Avenida Del Diablo Road. Southwest Key has been a partner of the San Diego County Office of Education, Juvenile Court and Community Schools (JCCS) portfolio over the last few years. We have provided the educational services to their two south/east San Diego shelters. We support their expansion of shelter services which will continue to provide unaccompanied alien children in this region the support to reunite and/or find a safe transition location. Their work with the United States Department of Health and Human Services, Office of Refugee Resettlement/ Division of Children's Services (ORR/DCS) is one to be commended.

We have had the pleasure of observing Southwest Key's work in the delivery of these services first hand as they have provided an excellent, full range of residential services for unaccompanied alien children who enter the United States undocumented and who are currently in the custody of ORR/DCS. By providing Southwest Key Programs a use of this facility will provide additional services in this area will ensure that more unaccompanied minors will receive the highest quality of culturally competent physical and mental health, education, reunification, and residential services. I know that during their stay at a Southwest Key facility, every effort is made to achieve the goal of reunification with biological parents or other appropriate family members. This is a rewarding outcome for all parties.

As the Senior Director for JCCS, I would like to express my upmost support for Southwest Key's Unaccompanied Minors Shelter Care Program. We look forward to continue working in partnership with Southwest Key programs to continue providing these services to help improve the lives of these unaccompanied minors. We are confident that this collaboration will allow both organizations to stretch needed resources so that we may reach more children more profoundly.

Respectfully yours,

José Manuel Villarreal, Ed.D.
Senior Director

Board of Education

Mark C. Anderson Susan Hartley Sharon C. Jones Lyn Neylon Gregg Robinson

SERVICE AND LEADERSHIP

Exhibit "G"

Southwest Key Programs

Q: At similar facilities around the country nearby residents have complained that the intake of minors occurs at all hours of the day and night and it becomes a nuisance during quieter evening hours. Staff is considering applying a limitation on when 'check-in' could occur (perhaps 7:00 a.m. – 9:00 p.m.). In addition, that all 'check-in' procedures shall occur indoors, to alleviate concerns that minors are lining up outside the building awaiting to get processed for admission into the facility. I'd appreciate your input on these potential conditions.

A: Southwest Key policy is to conduct all intakes in the building. At no time will we have any adolescents standing in line outside of the building waiting for an intake to be conducted. Very few intakes occur in the evening and seldom do they occur in the late hours of the night. The majority of our intakes occur during traditional business hours 9am-5pm. Imposing a restriction on intakes from 9pm to 7am will have little to no impact on our program operation, therefore we would not oppose this type of restriction should the City require it.

Q: Concern has been raised that no/minimal health screening occurs until minors arrive at the facility, and minors with potential air-borne illnesses could infect the surrounding community. Please provide detailed information regarding the type of health screening minors undergo prior to their arrival at the facility.

A: Prior to being referred to the Southwest Key by the Office Refugee Resettlement, all Clients must have a Medical Screening conducted by ICE/Border Patrol, and be medically cleared prior to traveling to Southwest Key. If ICE/Border Patrol determines the minor is ill or requires medical attention then the minor is seen by a Dr. before to being referred to Southwest Key. ICE/Border Patrol have extensive training in recognizing and detecting air borne pathogens.

Q: Given the scope of this issue on a national level the facility will 'triple up' or 'quadruple' up each bedroom's occupancy after installation to address the crisis posed by the sheer number of anticipated youth, and that because this is a 'Federal Government Facility' residents will have no ability to protest. While the CUP will limit the number of minors to 96, are there any assurances from the applicant that no efforts will be made to expand the facility without going through the formal CUP expansion process? For example, how has expansion of similar facilities been conducted in other locations?

A: In California our programs are licensed under Community Care Licensing Division Title 22. In Title 22 it states that only 2 minors are able to reside in a bedroom regardless of size. As well, CCLD defers the occupancy to the Fire Dept. and the CUP occupancy. Although the Federal Government contracts us, we are still bound by state and local guidelines. In spite of the national crisis of UAC, our programs in CA have not expanded and fully abide by all applicable state and local guidelines.



CITY OF ESCONDIDO
PLANNING DIVISION
201 NORTH BROADWAY
ESCONDIDO, CA 92025-2798
(760) 839-4671

Notice of Exemption

To: San Diego County Recorder's Office
Attn: James Scott
1600 Pacific Highway #260
P.O. Box 121750
San Diego, CA 92112-1750

From: City of Escondido
Planning Division
201 North Broadway
Escondido, CA 92025

Project Title/Case No.: Conditional Use Permit for unaccompanied youth care facility and Extension of Time for skilled nursing facility - PHG 14-0017

Project Location - Specific: The approximately 2.31-acre project site is located on the southern side of Avenida del Diablo, between Valley Parkway and Del Dios Road, addressed as 1817 Avenida del Diablo (APN 235-180-32).
Project Location - City: Escondido **Project Location - County:** San Diego

Description of Project:

A Conditional Use Permit for Government Services to operate a 96-bed unaccompanied youth care facility serving minors between 6 and 17 years of age, within an existing 35,200 SF building in the RE-20 zone. The facility would be operated by Southwest Key Program, on behalf of the United States Department of Health and Human Services. The applicant is proposing to install six-foot-high fencing to secure the site; no other new construction or exterior modifications are proposed. The project also includes an extension of time for the existing Conditional Use Permit for a skilled nursing residential care facility, so that it can be utilized again when the Conditional Use Permit for the unaccompanied youth care facility is terminated.

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project:

Name: Southwest Key Program for U.S. Department of Health and Human Services
Alexia Rodriguez, SWK Program, 6002 Jain Lane, Austin, TX 78721; Telephone: (512) 583-8548
 Private entity School district Local public agency State agency Other special district

Exempt Status:

Categorical Exemption. CEQA Section 15301, "Existing Facilities"

Reasons why project is exempt:

1. The proposed project consists of a Conditional Use Permit for an unaccompanied youth care facility in an existing structure currently used as a residential care facility. No physical expansion of the building is proposed. Physical improvements to the site are limited to the addition of six-foot-high fencing in key locations.
2. The proposed project would not substantially increase the number of daily vehicle trips to the site nor impact vehicular circulation on or around the site.
3. The project site has no value as habitat for endangered, rare or threatened species, as the site has been previously cleared and developed with a residential care facility, and does not contain any sensitive habitat or species.
4. The proposed project would not have the potential to cause an adverse impact on the environment. Therefore, the proposal is not subject to further CEQA review.
5. The site can be adequately served by all required utilities and public services.

Lead Agency Contact Person: Kristina Owens Area Code/Telephone/Extension (760) 839-4519

Signature: Kristina Owens 6/5/14
Kristina Owens, Associate Planner Date

- Signed by Lead Agency Date received for filing at OPR:
 Signed by Applicant

Jay Petrek

From: Iris Siefert <axlemom@att.net>
Sent: Monday, June 16, 2014 8:41 AM
To: Jay Petrek
Subject: Case PHG 14-0017 hearing delay request due to planning department unavailability

Mr. Petrick,

I would like to request that the CUP hearing for Case 14-0017 scheduled for June 24, 2014 be delayed because the planner assigned to this case, Kristina Owens, is unavailable until the date of the hearing. I have many questions and concerns and no one assigned to the specific case is available to answer my questions. I believe this puts me at a disadvantage for this upcoming hearing on an issue that will decimate my property value and cause extreme financial harm to my family. If this hearing is not delayed I have contacted my attorney and will contest any CUP issued on the basis of improper procedure, as the assigned planner should be available and responsive to questions and concerns and is not. Iris Siefert, 1720 Lorry Lane, Escondido, CA 92029 760-504-9000

1720 Lorry Lane

Escondido, Ca 9202

June 16, 2014

Jay Petrek, Escondido Planning Department, Case PHG 14-0017

I am writing to object to Escondido granting a Conditional Use Permit for a youth care facility for unaccompanied immigrant children to be run by Southwest Key Program. Please deny this request. In presenting my opinion, I will address both the suitability of this location for the children, and the suitability of this use for this particular location and neighborhood.

Before discussing my concerns, I would like to point out that your public notice regarding this hearing is incorrect in a very significant and misleading manner. Your picture on the notice shows this parcel as being surrounded on all sides by roads. In reality, Del Dios Road dead ends behind the facility and does not go through. There is simply a small open area between this facility and Del Lago Science and Technology Academy. This is an important flaw, as disease contamination is far more likely to occur on a property line where there is common pedestrian access to the fence line, and less likely to occur with a road acting as a barrier. Please correct your diagram to reflect the true nature of this facility's proximity to our newest beautiful high school.

SUITABILITY OF PARCEL FOR CHILDREN: The Palomar pomorado Continuing Care Center was built as a skilled nursing facility. The patients were generally not ambulatory. As a result, this facility is simply a building and a parking lot. There is essentially no outdoor space other than some small patios and a couple of tiny grassy sections next to the parking lot. There is no place for teenagers to get any exercise or outdoor activity. There is no gymnasium, simply a multi-purpose room. While this room may be large enough for younger children to play games, or for teenagers to take an instructor led dance class, it is grossly inadequate for teen boys. Kids this age need a place to at least be able to kick a ball around, and no such outdoor space exists. The kids will go stir-crazy. I was told this issue is irrelevant because the average stay is only 34 days. If you've ever raised a teen age boy, imagine his mood after 34 days of rain, if he was unable to expend any energy outdoors. This facility was not designed for children, and it is not suitable.

DISEASES INTO HIGH SCHOOL CAMPUS: Arizona ABC Channel 15 did a report on these unaccompanied children and found that the Texas and Arizona processing centers don't screen for diseases. These kids are shipped out to facilities like the proposed as-is. This report found that 10-15% of these kids had Scabies, a parasitic skin disease. They also found chicken pox, MRSA staph infections, and assorted contagious viruses. If this facility was simply in a residential neighborhood and these contagions got out, they would probably sicken a small circle of residents. But this is being proposed directly adjacent to Del Lago Academy. If these contagions are airborne, or washed into the surrounding soil, we could see a disease

outbreak at the school which could rapidly be spread to hundreds of neighborhoods. It is not a good choice of location.

BUS ACTIVITY AND NEIGHBORHOOD DISRUPTION 24 HOURS/DAY: In San Benito, an existing shelter such as this has generated complaints from neighbors about a steady stream of buses dropping off the immigrants, where they then line up in full view for intake processing. According to Southwest Key's own website, "Children are accepted at our shelters anytime of the day or night". My neighborhood, Lorry Lane, is two-thirds older people who go to bed early and cherish the quiet character of the neighborhood. Now we face the prospect of belching buses chugging into the neighborhood from Texas and Arizona all hours of the night. This is not appropriate to inflict upon us.

SECURITY OF SITE AND OF CHILDREN: this facility will, I am told, have a six foot iron fence constructed. This will not be sufficient to keep teen-age boys in. Jay Petreck has said that in other facilities the rate of children leaving into the community is 1%. I don't know what that means. Does that mean that if all 96 beds are full, one child every night will enter our neighborhood? Or if three nights go by without incident, on the fourth a group of four teens will escape as a group?

NEIGHBORHOOD CHARACTER and GHETTOIZATION IMPACTS: 92029 tends to have higher property values (property tax base) and a productive citizenry. In making decisions for this city, one should make those choices which elevate poor neighborhoods, and protect those neighborhoods which are desirable already. Just since this facility was announced, I have seen an increase in No Trespassing signs, Beware of Dog signs, signs showing firearms, etc. The character of the neighborhood is deteriorating simply upon the threat of this inappropriate facility. I find these changes extremely sad. If city leaders wish to have a more affluent and successful population, this takes that desire in the wrong direction by changing the character of one of Escondido's nicest and best neighborhoods in a negative way.

CONCLUSION: Please deny the Conditional Use Permit for the immigrant youth care facility. It is not the right choice for the children that need some outdoor area, it is not the right choice for the neighborhood. Buses coming into our quiet neighborhood all hours of the night would cause an impossible condition for many of us. Surely Southwest Key can find a more suitable property.

Sincerely,

Iris Siefert

Jay Petrek

From: Larry Demry <2z06.hwyman@gmail.com>
Sent: Tuesday, June 17, 2014 10:44 PM
To: Jay Petrek
Subject: Fwd: Case PHG 14-0017 Request for Conditional Use Permit

June 17, 2014

To the Escondido Planning Commission

via Jay Petrek, Deputy Director Escondido Planning Department

As property owners and residents of the Rincon Del Diablo residential area, we strongly urge you to **NOT APPROVE** the C.U.P. for 1817 Avenida Del Diablo, Escondido, CA

After discussing the issue at great length this afternoon with deputy director Jay Petrek, we are compelled to immediately submit our concerns, as well as attend the June 24th Planning meeting with our neighbors.

You are looking to approve what amounts to a DETENTION CENTER for illegal immigration. We do not want a DETENTION CENTER of any sort in our residential community. You can not assure us that these unsupervised detainees can speak English if they were to get out into our community without permission. You can not assure us that these unsupervised detainees are not hardened or violent criminals. We already know they are criminals, they have broken our immigration laws. You can not assure us that they don't belong to gangs in their homeland. What about disease - smallpox, chickenpox, scabies and other diseases that these children coming illegally into our city may carry. You can not assure us that these "children" would not have these diseases, or that they have even been inoculated prior to their being housed in any detention facility. And this facility is next to a new multimillion dollar school. And in a residential community with a lot of new babies. And in a residential community with long time elderly residents. We do not need the introduction of disease and illness in our community. We do not need the introduction of unknown, unsupervised (without parental supervision) children to be housed behind a six foot fence with the pretense that this will keep these children where they belong in detention. It is probable that each of the detainees have already gone under, over or through a much more secure fence in their life. You can not assure us that this is not a potential hotbed for crime. The apparent lack of adult supervision is troubling, particularly when it comes to teenagers who will be emboldened by the fact they are not being deported and can apparently violate laws without repercussion. And so what does this do to our property values? Within a two mile radius, homes to the east currently range from \$500,000 to \$700,000; homes to the west range from \$300,000 to \$600,000; homes to the north up to the mid \$650,000's. A privately run, high traffic detention center with the potential for increased crime as a result of unsupervised children and teens does not bode well for property values of our homes. How does the Escondido city government plan to help us maintain our property values

if this CUP is approved. Will they be responsible for compensation of lost values if a detention center is allowed for up to ten years or more?

This facility had been used for the severely disabled and very elderly population. As such, some of the patients were housed in this residential facility for as many as twenty continuous years. The population had very low turnover, and was very sedate, which is more appropriate in a residential area. The current plan does not support that profile at all.

The current request for aged six to seventeen year old "children" with unknown background, unknown upbringing, unknown gang affiliations, etc. is inappropriate for a residential area where young children, and many elderly widows reside. We are concerned about noise, both in the facility and in the coming and going of the staff, the processing procedures, departures and returns for planned outings of the "children" since the facility can not support those required activities. As we understand it, there will be 24 hour staff in the facility but no permanent caretakers who live on site with these "children". We also understand that the staff that count toward care taking ratio include food services staff, janitors, case workers on site for a couple of hours, etc. This equates to UNSUPERVISED, primarily non English speaking youngsters and teenagers. A six foot fence wrought iron is not a deterrent to any teenager who wants to leave the facility for any reason; whether it be for unattended social activity, or violent crime such as murder, rape or theft. We do not want that in our residential community. No community wants their local government to support that kind of potential influx. If an eight or ten foot concertina fence was put in place, such as in prison facilities, that may be more of a deterrent to these unsupervised "children" who may attempt to leave the facility; however that would defeat the purpose of attempting to pretend this facility use is appropriate for unsupervised, "children" who have come into the United States in violation of our immigration laws. It would also boldly show the true situation of what this facility entails and why it is an inappropriate use for the existing building.

Allowing processing of these "children" in unknown quantities from 7 AM to 9 PM means that cars, buses, food and supply delivery, etc. will be in our residential area in unknown quantities and with unknown noise for potentially a 14 hour day seven days a week. That may be appropriate for commercial application, but not a residential area. With a possible expected turnover every 10 days of 96 beds, this is untenable. According to HHS officials, they estimate a steady stream of children will be housed in the facility and you would allow this in a 14 hour window daily. And you want to give HHS a five year use permit, with 5 year renewal -- 10 years of this business operation in our residential community? No thanks.

Limiting outside activity sounds reasonable so that the noise is kept to a minimum. But the reality of 96 or more "children" living in a detention center with the only possibility of exercise and physical activity is to be bussed out to some other location is a poor solution. A better solution is to find a facility that is not located in a populated residential area, which has appropriate room to bed these "children" and allow them room for their educational needs, their

physical activity needs, and the other needs that children require. The prison systems understand that unknown quantities and qualities of inmates are best served in unpopulated and remote areas. These HHS detention facilities need to be situated in the same way. Please do not compound this political situation with the federal government by creating inappropriate detention in residential areas; specifically this facility at 1817 Avenida Del Diablo, Escondido.

Additionally, not knowing the background of these "children" and not knowing the male/female ratios and knowing there is no parental supervision and the adults on site are 8 hour employees such as "cooks", "security", and at some times "case workers" opens the door for sexual and other violence inside and outside the facility. No one wants to find out that their neighbor, friend, wife or daughter was attacked by one of these unsupervised 17 year old "children" who inappropriately left the facility for some "fun" because no one knew their true roots.

It is the council's responsibility to maintain reasonable safety and security of the citizens of Escondido. Allowing this type of detention center in a residential area is not in the best interest of safety and security of your citizens. As leaders of this city, you also have a fiduciary responsibility to your constituents. We see no monetary gain for the city or residents; in fact we see a large potential for property value decline for all the nearby homes. We see numerous potential detrimental issues and absolutely zero potential benefits to our city and it's residents. Why would any reasonable person enter into such a contract? Why would anyone increase their risk potential without any potential gain? That is business and social and political suicide.

Please, this is not the correct facility or location to use to conduct this type of business. Protect the men, women and children in this community and vote NO to a conditional use permit for case PHG 14-0017.

We will continue to appeal any decision by Escondido city that allows HHS and Southwest Key Program to use this facility as a detention center for unaccompanied youth that have come to our country and city illegally.

Thank you.

Respectfully,

Larry & Kitty Demry
2219 Avenida del Diablo
Escondido, CA 92029

Jay Petrek

From: Larry Demry <2z06.hwyma@gmail.com>
Sent: Wednesday, June 18, 2014 1:14 PM
To: tom.stinson@asm.ca.gov; Jay Petrek; Clay Phillips; Jeffrey Epp; Craig Carter
Subject: Regarding: Notice of Public Hearing for Conditional Use Permit calendared June 24, 2014

Location: 1817 Avenida Del Diablo, Escondido, CA 92029
Case Number: PGH 14-0017
Date of Hearing: June 24, 2014

This request for information regards the City of Escondido Planning Department holding a hearing for a conditional use permit for Southwest Key Program under the auspices of U.S. Department of Health and Human Services.

We request the Escondido Planning Commission vote NO on this application until all the state required steps are completed to comply with State law. In that regard, we are requesting the assistance of Assemblymember Waldron (district 75) and her staff to voice the California State requirements and request all the appropriate reports and verification that the State Facility approvals are in place.

We also will forward this email to each of the entities that we believe are required to prepare reports of fact finding/expenses, and appropriate plans to deal with this type facility with the request for the approved plan from your department.

We would like to know who is Southwest Key Program? Are they a for-profit private entity? Is this private entity acting on behalf of the federal government as it appears to designate in the Public Hearing Notice?

It is our understanding that the current designation for this facility is HEALTH CARE. In order to use this facility for "unaccompanied youth" the designation must be changed and is either a) INCARCERATION or b) GROUP HOME. Can we be made aware of which designation the State of California is providing, and what steps are currently in place for Southwest Key Program to complete to have adequate study and enforcement of regulations in place for this requested use?

As required by California state law, in a designation change for a facility there are a series of steps which are required to be completed in order to have the designation change, and specific reports which must be filed and made available to the citizens.

We would like to be given a copy of the following reports that are mandatory when changing the usage designation:

1. approved EIR indicating the usage as incarceration or group home;
2. Escondido Planning Department Traffic Report for the traffic usage on the public roads in the area;
3. Escondido Police Department Chief Carter's report on potential crime; what the potential issues are and how they will be addressed;
4. City of Escondido Mayor Abed's review on the reports that address all affected costs that will be borne by the City of Escondido for this facility if used to house "unaccompanied youth";
5. San Diego County report on the costs for education, recreation, and food services. What are the costs and how they will be borne.
6. Health Department plan to ensure inoculation records and disease free "unaccompanied youth" are out in the community.

It is our understanding that the "unaccompanied youth" that are housed at this facility will be bused out for education, recreation, field trips, perhaps medical appointments, etc. In addition to the traffic, the unidentified costs borne by taxpayers, the noise, the possible crime, the loss in property value for surrounding homes, and the commercial like activity from processing "unaccompanied youth" from the commercial hours of 7 AM until 9 PM, we are concerned that the constraints in outdoor physical activity/play time for lack of facility space and in regards to noise concerns in the residential community will create "unaccompanied youth" to illegally leave the facility and enter the community.

Not knowing the background of these "unaccompanied youth" and not knowing the male/female ratios and knowing there is no parental supervision and the adults on site are 8 hour employees such as "cooks", "security", and at some times "case workers" opens the door for sexual and other violence inside and outside the facility. No one wants to find out that their neighbor, friend, wife or daughter was violently attacked, robbed, raped or murdered by one of these unsupervised 17 year old "unaccompanied youth" who inappropriately left the facility for some "fun" as a result of roots in gang activity from their home origin. With that thought, a detailed crime report by the Chief of Police Craig Carter is of particular interest.

All these steps (and perhaps others required by the State of California, with their approved reports, which we are requesting copies of, and the State of California review and enforcement mechanisms, should be in place before the City of Escondido can proceed with conditional use permits. We look forward to receiving the report that your department has prepared, and that has been approved by the City Council, and the State of California.

Thank you,

Larry and Kitty Demry
2219 Avenida Del Diablo

Dear Escondido Planning Commission and City Council,

This letter is to express concern and opposition to the proposed youth care facility at 1817 Avenida del Diablo operated by the Southwest Key Program. Though we believe a facility like this does have its place we feel that opening in this location, a heavily populated residential area and our community is not the proper fit. My home is located at 1410 Autumn Woods Place, directly across Valley Parkway and approximately 100 feet from the proposed "shelter". I live here with my wife and 14 month old son. We are happy to call this neighborhood home and we are proud residents of Escondido. This proposed youth shelter would negatively affect me, my family and my neighbors. Please allow me to express the concerns we have and that have also been echoed by many of the community residents that we have spoken to.

1. **Safety Concern:** This facility, operated by the Southwest Key Program, is intended to house up to 96 children and teenagers ages 6 to 17 who are in the United States illegally while they await "resolution of their legal case" (Southwest Key Website, www.swkey.org/programs/shelters/). While being held they are in essence being detained against their will until a resolution is found and they are moved to either their home country or another location. This is evidenced by the fact that the program proposes to install "six-foot high fencing" (Notice of Public Hearing, City of Escondido) around the facility. Though this fencing may in most cases do its job in holding in the children in there is a distinct possibility of one or more of the children or teens finding a way to leave or escape the shelter. If this were the case it is my belief that they would look for a nearby safe haven to hide from authorities. My home is directly across Valley Parkway from the site and our backyard faces the proposed facility. It would be very easy for one of the children to climb our short wall and use our yard as a place to temporarily hide. This is of massive concern as I am a father of a fourteen month old son and do not wish to give up my safety or peace of mind for a facility like this. Though this happening may not be likely, it is surely a possibility and this possibility disrupts our right to live peacefully in our home. I do not want to live in a place where I have to lock down every window at night for concern of someone entering my property.
2. **Diminished Property Value:** We as residents of Escondido are proud to live in this amazing city. We are excited that home values have increased in the past year. Increased home value means increased prosperity for residents, increased optimism, increased demand for local business and much more. The proposed facility at Avenida del Diablo is a detriment to property values of the homes surrounding it. Demand for housing in our neighborhood of Del Dios Woods and the other surrounding neighborhoods will greatly diminish if this facility were to be installed. Property values in the immediate area will decrease from this lack of demand and appeal for our neighborhood. A shelter with a six-foot fence surrounding it would frankly be a concern to families and homebuyers wishing to locate to the neighborhood. This facility does not represent something positive and appealing, it represents something that is of massive concern. I can tell you as a recent home purchaser I would not be as drawn to living in a neighborhood with a holding facility of this nature located in it. I expect this to be true for other homebuyers as well. Our homes are our safe havens, our places to be at peace and away from the some of the negativity we see in this world. We don't want to be confronted with the unfortunate situation of illegal homeless children and be reminded of this sadness every time we turn in to our neighborhood. Again, there is a place for this facility but it is not here among our homes and children.

3. **Lack of Service to our Community:** The proposed six-foot fence that would surround this shelter is not only something to keep the residents in but is representative of the separation between our community and the facility. This proposed center is not something that directly serves us, our community or the residents of Escondido. This facility serves another segment of the population altogether. Those of us living in the neighborhoods surrounding the site are US citizens. This program plans to bring in as many as 96 non-citizen immigrants to live in our neighborhood for as many as 45 days at a time. This is not representative of the demographic of the neighborhood and does not serve us as residents in any way. This land, in my opinion, should in some way benefit residents of Escondido. In its former use as a continuing care facility it did just that. Our direct neighbor benefited from its former use as her mother was once housed there. In addition, many other residents of our community were assisted at the site.

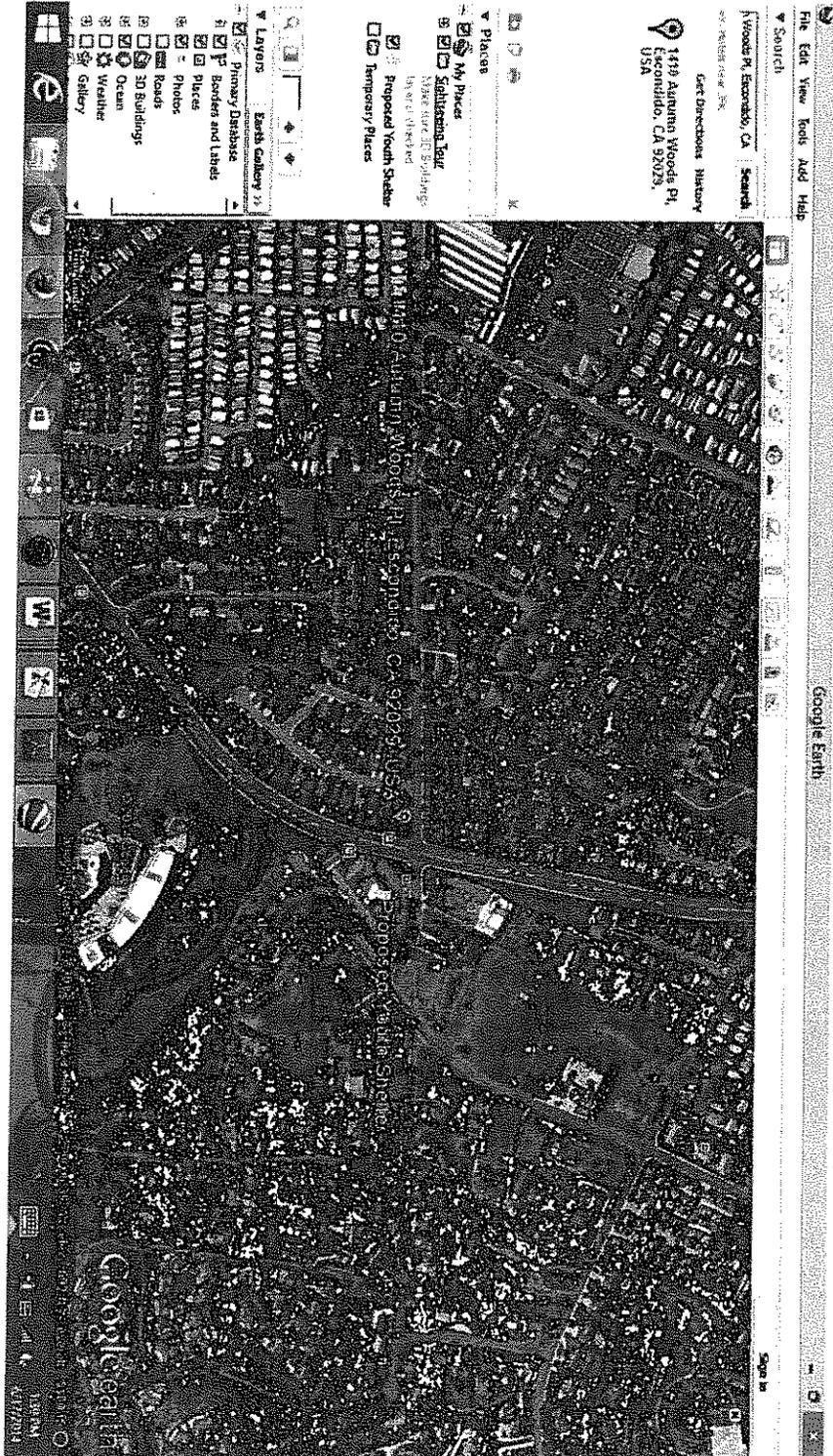
In conclusion, there is no benefit to our neighborhood and community with this facility. There are safety concerns for the residents and there is a potential decrease in the property values of the surrounding homes. It is for these reasons that we ask you, the planning commission and city council to hear our voices and vote with us opposing the conditional use permit for this site to be used as a youth facility operated by Southwest Key. Thank you for hearing us and supporting our community.

Elias Berlinger

Resident, Del Dios Woods, Escondido

Addendum

Map showing the proximity of the proposed youth facility to homes and neighborhoods:



Jay Petrek

From: Bill Martin
Sent: Wednesday, June 18, 2014 8:10 AM
To: Jay Petrek
Subject: FW: [Website Feedback]: Public Notice- Youth Special Needs Facility

From: noreply@www.escondido.org [mailto:noreply@www.escondido.org]
Sent: Tuesday, June 17, 2014 7:58 PM
To: Bill Martin
Subject: [Website Feedback]: Public Notice- Youth Special Needs Facility

Sharon
sharonmariekim@gmail.com

June 17, 2014

Escondido City Planning Commission
City Hall, First Floor
201 North Broadway
Escondido, CA 92025

Dear Ms. Barbara Redlitz, or To Whom It May Concern:

I recently saw the public notice posted by the City of Escondido describing plans and a hearing regarding the construction of a youth special needs facility. I am a homeowner in the View Terrace Neighborhood, and live on Cathedral Glen, which is less than a half mile away from the property that is being considered for the facility. I am writing a letter in lieu of being able to attend the public hearing taking place on June 24, 2014 @ 7 p.m.

I can appreciate the development of facilities that work toward serving special needs youth. The agency proposing to operate the facility, Southwest Keys appear to offer programs including: "mentoring system-involved youth, residential treatment, and alternatives to detention," however, which extends beyond "special needs" and into the realm of rehabilitation of individuals that are either in conflict or at risk of conflict with the law and raises concern considerably.

The construction of a six-foot fence around the 96-bed facility is troubling because it is highly visible creating an eyesore on a busy intersection but moreover, it is concerning because it indicates some serious risks the facility creates for the neighborhood. It indicates that either those inside may try to leave without permission, or worse, that those who are not permitted to enter may attempt to do so. In either situation, it poses a safety threat to the community surrounding it. The property identified for possible construction of the facility is residential and densely populated with children and families, in mobile and single family homes on either side of Valley Parkway, nearest to the facility. There are also two schools (Del Diablo Middle School and Del Lago Academy) nearby within less than a half mile distance of the proposed area.

As a social worker, I am interested in seeing that our youth, at-risk or otherwise receive the full array of services possible to help them achieve their full potential and would advocate that these programs are important and at times necessary for rehabilitation and safety. However, I do not find that a facility of such a large scale with 96 beds, belongs in any residential neighborhood. A site closer to juvenile hall, Regional Center, and Rady Children's Hospital would appear to be a more suitable location.

I urge you to seriously consider all of the objections to approval of a permit for this facility, and to halt any progress moving forward towards its construction. Thank you for your time and consideration.

Sincerely,

Sharon Kim

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Jay Petrek

From: kitty demry <2kittydemry@gmail.com>
Sent: Wednesday, June 18, 2014 1:33 PM
To: Jay Petrek
Subject: newspaper article on housing the youth crossing into US

link: <http://conservativebyte.com/2014/06/nyc-overwhelmed-illegal-immigrant-children/>



New York City Being Overwhelmed by Illegal Immigrant Children

by [Dan Riehl](#) 17 Jun 2014 [518](#) [post a comment](#)

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With some comparing it to a refugee crisis, New York City, among other areas, is struggling to deal with the explosion of illegal immigrant children brought about by the Obama administration's failed policies.

The fallout is being felt most acutely in places with large immigrant populations, like New York, where newly arrived children and their relatives are flooding community groups, seeking help in fighting deportation orders, getting health care, dealing with the psychological traumas of migration, managing the

challenges of family reunification and enrolling in school. "It's almost like a refugee crisis," said Steven Choi, executive director of the New York Immigration Coalition, an advocacy group.

And a lack of cooperation by Federal officials may not be making things any easier. They refuse to "reveal how many children they are holding, how many are being released or where they are being sent".

Advocacy organizations in the New York region are reporting "a stunning rise in the number of unaccompanied minors seeking help in the past several months," kicking into what many view as an already overwhelmed system.

"We are trying to triage," said Emma Kreyche, organizing and advocacy coordinator for the group. "I don't think anyone really knows what the scope of this is and how to see what's coming down the pike and figure out how to respond."



The New York Times <http://nyti.ms/1qouydn>

N.Y. / REGION | NYT NOW

Surge in Child Migrants Reaches New York, Overwhelming Advocates

By KIRK SEMPLE JUNE 17, 2014

For more than a month, 16-year-old Cristian threaded his way from his home in rural Guatemala to the United States, hoping to reunite with his father, whom he had not seen in nearly four years. Guided by smugglers, he rode in cars, buses and trains, walked countless miles, dodged the authorities in three countries, hid out in dreary safe houses and went days at a time without food.

But Cristian's trip came to an abrupt halt in March, when he was corralled on a patch of Texas ranchland by American law enforcements agents.

Now the daunting trials of his migration have been replaced by a new set of difficulties. Though he was released to his father, a kitchen worker in a restaurant in Ulster County, N.Y., Cristian has been ordered to appear in immigration court for a deportation hearing and is trying to find a low-cost lawyer to take his case while he also struggles to learn English, fit into a new high school and reacquaint himself with his father.

"I pray that they don't deport me," said Cristian, who asked that his full name not be used because he remains undocumented.

Cristian is one of the tens of thousands of unaccompanied minors who have illegally crossed the border with Mexico in recent months, in a wave that has overwhelmed immigration officials and prompted the Obama administration to declare a humanitarian crisis and open three emergency shelters, on military bases in California, Oklahoma and Texas.

But while the government's response has been largely focused on the Southwest, the surge of child migrants is quickly becoming a crisis around the country. The fallout is being felt most acutely in places with large immigrant

populations, like New York, where newly arrived children and their relatives are flooding community groups, seeking help in fighting deportation orders, getting health care, dealing with the psychological traumas of migration, managing the challenges of family reunification and enrolling in school.

"It's almost like a refugee crisis," said Steven Choi, executive director of the New York Immigration Coalition, an advocacy group.

Federal officials will not reveal how many children they are holding, how many are being released or where they are being sent. But in the New York region, immigrant advocacy organizations say they have seen a stunning rise in the number of unaccompanied minors seeking help in the past several months.

"All of a sudden it went from a trickle to more like a river," said Anne Pilsbury, director of Central American Legal Assistance in Brooklyn.

At the Worker Justice Center of New York, a group based in Kingston, N.Y., that helps farmworkers and other low-wage workers, employees were caught off guard by a similarly sharp increase.

"We are trying to triage," said Emma Kreyche, organizing and advocacy coordinator for the group. "I don't think anyone really knows what the scope of this is and how to see what's coming down the pike and figure out how to respond."

Many of the unaccompanied minors say they have been driven to leave their home countries because of violence and the threat of gang recruitment. Others have been motivated by economic necessity, a desire to rejoin parents who came to the United States years ago or by a perceived change in American policy that would favor child immigrants. (The Obama administration has emphasized that there has been no such policy change.)

Most of the children who have been detained at the southwest border have been channeled into deportation proceedings and, within several days, handed over to the Department of Health and Human Services, which cares for them until they can be released to relatives or legal guardians in the United States.

The majority of the department's 100 or so shelters are near the border, but others are scattered around the country, said Kenneth J. Wolfe, spokesman for the Administration for Children and Families, the division that oversees them. At least two are in the New York metropolitan area, housing a total of about 300 children; they have been at capacity for months, advocacy groups said.

Jay Petrek

From: Larry Demry <2z06.hwyrman@gmail.com>
Sent: Wednesday, June 18, 2014 11:30 AM
To: Jay Petrek
Subject: Case PHG 14-0017 Request for Conditional Use Permit

<http://www.nytimes.com/2014/06/18/nyregion/immigration-child-migrant-surge-in-New-York-City.html?hpw&rref=nyregion>

Mr. Wolfe would not comment on the department's current capacity or whether the agency was planning to expand regional shelter capacity.

Leo, who also asked that his full name not be used because he remains undocumented, spent about two months at a shelter in the New York area waiting to be reunited with his brother, who was living in Brooklyn. Leo had left his home in Guatemala at the end of 2012, when he was 16, fleeing gangs in his hometown and hoping to find work in the United States. After traveling for three months he had been detained in Houston.

"I wanted to better myself," Leo, now 18, said during an interview at Atlas: DIY, a center for immigrant youths in Brooklyn, where he takes English classes and gets legal guidance.

Many of the children who have been released from detention and wind up in New York are funneled onto special monthly court dockets for minors. Those who arrive at court without a lawyer have the option of being screened by pro bono lawyers who will try to identify possible grounds for relief from deportation, such as political asylum, or for special visas for children who have been victims of crime or abuse.

On a recent Thursday morning, several dozen children clustered with their parents and other relatives in a hallway outside an immigration courtroom in downtown Manhattan. Several immigrant advocacy groups share responsibility for handling the special dockets, and in June the job fell to Safe Passage Project, a nonprofit based at New York Law School that provides free legal counsel to immigrant children facing deportation.

"Do you have an attorney?" asked Lenni Benson, the founder and director of Safe Passage, as she went from family to family introducing herself. "Do you want a free attorney?" Those without representation were led to a room where they were interviewed by a team of lawyers and paralegals.

It is unclear how many of the recently arrived minors will be allowed to stay permanently in the United States. But Ms. Benson said that nearly 90 percent of the unaccompanied minors her group encountered appeared to qualify for some form of immigration relief. Lawyers at the Door, another New York City group that provides free legal services to young immigrants, said that more than half of the children it screened during a special immigration court docket in May appeared to qualify for some form of relief.

Other groups who principally represent child immigrants also said the soaring demand, combined with limited resources, was prompting them to pick their cases carefully, focusing on those that had the best chance of success.

Beyond legal help, the immigrants have other urgent needs that are not necessarily being met, including health care, psychological counseling and educational support, advocates said.

Mario Russell, director of the Immigrant and Refugee Services Division for Catholic Charities Community Services in New York, said a lot of the children had suffered trauma, either in their home countries or en route to the United States.

“Over time, how do these kids receive the care that they need?” Mr. Russell asked. “How many will be lost into their communities? How many are going to be sent to work? How many will not go to school? How many are going to be sick?”

Service providers have begun discussing among themselves how to deal with the surge at this end of the pipeline, and wondering where they might get much-needed funding to provide additional help for the growing population of distressed immigrant children.

As he considered the challenge, Mr. Russell remembered a case he had several years ago. He had been working with a girl, an unauthorized immigrant, to legalize her status. Her deportation was dismissed and she was finally approved to receive a green card. But before she received it, she dropped off Mr. Russell’s radar.

“She just disappeared,” he recalled. “She could’ve been trafficked, working in an apple orchard. I have no idea.”

Mr. Russell was never able to locate her.

“Her card is still in my desk,” he said.

Correction: June 17, 2014

Because of an editing error, an earlier version of this article misidentified the school where Safe Passage Project is based. It is New York Law School, not New York University Law School. The error was repeated in a photo caption.

A version of this article appears in print on June 18, 2014, on page A19 of the New York edition with the headline: New York Strains to Handle Surge in Child Migrants.

Jay Petrek

From: Bill Martin
Sent: Thursday, June 19, 2014 1:35 PM
To: Jay Petrek
Subject: FW: [Website Feedback]: Proposed Immigrant Youth Shelter

From: noreply@www.escondido.org [mailto:noreply@www.escondido.org]
Sent: Thursday, June 19, 2014 12:29 PM
To: Bill Martin
Subject: [Website Feedback]: Proposed Immigrant Youth Shelter

Ricardo Rubio
[rickyr0328@yahoo.com](mailto:ricky0328@yahoo.com)

Good Afternoon,

I'm writing you today as a concerned resident of Escondido regarding the proposed Immigrant Youth Shelter at 1817 Avenida del diablo. I've recently purchased a home near the site of the proposed shelter and have great concerns. First off, I have a four year old daughter and feel she'll be in danger if an immigrant teenager were to run away from this shelter. I would not feel safe with children from my neighborhood playing with each other in the afternoons knowing of the possibility of a runaway immigrant. I'm currently serving in the US Navy and there are times when I am gone for months at a time and won't be at peace knowing my family is in such close proximity of this shelter. I moved to this community because I thought it was safe and good neighborhood where I wouldn't have to worry. Also, does it make sense to you to have this type of shelter in a RESIDENTIAL AREA? It makes NO SENSE to me whatsoever and I find it unacceptable that it's being proposed. Ask yourselves if you would welcome this type of shelter in your own backyards. I assume none of you would agree to this. This shelter also brings no benefit to our community and if anything, would decrease home values. Being in the military has taught me to not only raise concerns of safety but also provide solutions. I recommend you look for a different site such as a building near city hall where this type of shelter can be closely monitored or in any other area EXCEPT in a residential area. Again, I completely disagree with this proposed shelter at 1817 Avenida del diablo and my neighbors all disagree with this proposal as well. I appreciate your time and consideration.

Thank you,

Ricardo Rubio

909-657-8655

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