



CITY OF COSTA MESA

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 25-436

Meeting Date: 9/2/2025

TITLE:

UPDATE ON OPTIONS FOR LEGAL ASSISTANCE FOR RESIDENTS AND POTENTIAL PARTICIPATION IN LAWSUIT CHALLENGING ROAMING IMMIGRATION ENFORCEMENT PATROLS

DEPARTMENT: CITY ATTORNEY'S OFFICE

PRESENTED BY: KIMBERLY HALL BARLOW, CITY ATTORNEY

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RECOMMENDATION:

Staff recommends the City Council:

1. Receive and file this update on options to provide legal defense funding to assist residents in connection with federal immigration enforcement and direct staff accordingly.
2. Consider whether and how to participate in *Perdomo, et al. v. Noem, et al.*, United States District Court for the Central District of California, Case No. 2:25-cv-05605-MEMF-SP.

BACKGROUND:

At the August 5, 2025 City Council Meeting, City Council provided direction to identify options available to the City to provide legal defense funding to provide legal assistance to residents in connection with federal immigration enforcement. Several specific potential partners were identified to which the City could provide funding, including the Public Law Center and Legal Aid. The City Attorney was also asked to identify any limitations on providing funding for such services.

ANALYSIS:

Legal Defense Funding

The City may elect to provide funding for legal assistance to residents who are detained or targeted for immigration enforcement. The only legal restrictions on such expenditures are that the City may not expend federal funds for such assistance, or grant or restricted funds. There are no limitations on the City's use of its General Fund for this purpose, however, due to the possible General Fund revenue stagnation, it is recommended that funding be allocated from available General Fund reserves.

The City could elect to create its own program for such legal assistance, however, the costs of creating and staffing such an endeavor are likely to be far more than providing funding to existing groups who provide this service. Existing staff does not have the expertise or training to provide the services necessary, and the City Attorney's Office does not provide immigration related services.

However, many existing programs are available to which the City could provide funding to assist its residents with legal issues relating to immigration enforcement.

The Public Law Center provides a wide range of services and resources relating to immigration issues, including:

Deportation Defense (removal defense); Relief under the Violence Against Women Act (VAWA) (victims of domestic violence by abusers with lawful immigration status); U Visa (victims of serious crimes); T Visa (victims of trafficking); Special Immigrant Juvenile Status (for undocumented minors who have been abused, neglected or abandoned by one or both of their parents); Adjustment of status (application for legal permanent residence); Asylum (for those fleeing persecution in their home countries); Deferred Action for Childhood Arrivals (for undocumented minors who entered the United States as children and were educated in the U.S.); Naturalization Assistance (for qualified immigrants who wish to become U.S. citizens); Counseling about Immigration Consequences of Criminal Charges; Other Miscellaneous Cases. The Public Law Center has indicated a willingness to discuss contracting with the City.

Community Legal Aid SoCal also provides legal assistance in the following areas:

VAWA Self Petitions; T Visas; U Visas; Naturalization; Special Immigrant Juvenile Status; Adjustment of Status; Cancellation of Removal; Removal Defense; Asylum Applications. However, because Community Legal Aid SoCal receives federal funding, it cannot provide services to undocumented immigrants who do not fall within approved service exceptions. Community Legal Aid SoCal has indicated it is willing to partner with the City to provide services to eligible Costa Mesa residents.

Legal Aid Association of California (LAAC) - This organization provides a wide range of resources relating to immigration issues, including:

Deportation, Removal, and Detention; Permanent Residence/Green Cards; Naturalization/Citizenship; Family Petitions; Asylum, Refugee, and Special Immigrant Juvenile (SIJ); Immigrants & Domestic Violence; Citizenship through Military Service; and Interactions with ICE. LAAC does not itself provide legal services, but it supports and refers residents to specific types of legal providers. See <https://www.lawhelpca.org/issues/immigration>

The Immigrant Defenders Law Center (ImmDef) provides full-scale services and resources relating to immigration issues, including:

Deportation Defense (representation and education for detained and non-detained children and adults); Children's Representation (defense services for children applying for humanitarian protections such as asylum, special immigrant juvenile status, and visas for victims of crimes or trafficking); Litigation and Advocacy (cases addressing access to counsel, detention conditions, minors' rights, and systemic due process violations); Cross-Border Initiative (representation for individuals seeking asylum due to persecution based on race, religion, nationality, social group, or political opinion); Deported Veterans (representation for veterans seeking lawful return to the United States); Post-Conviction Relief (challenges to criminal convictions affecting immigration status or removal proceedings); National Qualified Representative Program (representation for immigrants in ICE detention with serious mental disorders entitled to court-appointed counsel); Client Wellness (case management connecting clients to mental health services, housing, transportation, food,

clothing, school enrollment, and post-release planning).

The State of California Department of Social Services has awarded grants to a number of additional Orange County providers for immigration related services, some of which may involve legal assistance. They are: Access California Services; BPSOS Center for Community Advancement, Inc.; Council of American-Islamic Relations (CAIR) Gay & Lesbian Community Services Center of Orange County; Orange County Labor Federation, AFL-CIO; Solidarity- Camino Immigration Services; and World Relief Corporation. If so directed, staff can explore specifics of what these organizations provide and how they might assist Costa Mesa residents.

Perdomo, et al. v. Noem, et al.

This lawsuit was brought by five individual plaintiffs and three membership associations, to challenge the “roving patrols” being used to detain individuals for immigration enforcement. The essence of the litigation is that individuals were being detained without reasonable suspicion that the person to be stopped is within the United States in violation of U.S. immigration law, in contravention of the Fourth Amendment. During the course of these “roving patrols” throughout Southern California, multiple citizens and lawful residents have been detained, taken into custody and even arrested.

The federal district court judge issued a Temporary Restraining Order (TRO), finding that the Plaintiffs are “likely to succeed in showing that the seizures are based upon the four enumerated factors” or a subset of them. Those factors are (1) apparent race or ethnicity; (2) speaking Spanish or speaking English with an accent; (3) presence at a particular location; and (4) the type of work one does. The district court then concluded that “sole reliance on the four enumerated factors does not constitute reasonable suspicion” either alone or in any combination. A copy of the TRO is included as Attachment 1. On August 1, 2025, the Ninth Circuit Court of Appeals upheld the Temporary Restraining Order against federal agents from roving patrols or other efforts to detain individuals solely on the basis of one or more of these factors. A copy of the Ninth Circuit’s ruling is included as Attachment 2. The Trump Administration has filed a request for an emergency stay of the TRO with the United States Supreme Court.

Shortly before the TRO was upheld, the district court considered a Motion to Intervene by numerous public entities. The Department of Justice did not oppose the Motion, and the district court granted it on the basis that each of the applicant intervenors has a “significant protectable interest” relating to the action, the disposition of which may, as a practical matter, impair or impede the applicant’s ability to protect that interest, and the applicant’s interest is inadequately represented by the parties to the action. In the case of this particular motion to intervene, the intervenors seek relief that is broader than requested by the original plaintiffs, as well as showing that they face a different kind of impact and harm from the challenged conduct. The intervenors added are: City of Los Angeles, County of Los Angeles, Culver City, West Hollywood, Santa Monica, Pico Rivera, Montebello, Pasadena and Monterey Park (collectively, the “Plaintiffs in Intervention”).

The existing Plaintiffs in Intervention have filed a First Amended Complaint which seeks to add intervenors, the City of Anaheim, the City of Bell Gardens, the City of Beverly Hills, the City of Carpinteria, the City of Huntington Park, the City of Long Beach, the City of Lynwood, the City of Oxnard, the City of Paramount, the City of Pomona, the City of Santa Ana, the City of Santa Barbara, and the City of South Gate. Along with the original intervenors, each City has alleged that the untargeted enforcement is causing harm to the City and its residents, impacting law enforcement

activities, crime enforcement and prosecution, use of public resources, reduction in tax revenue, and generalized fear in the community.

The existing and proposed Intervenorers have filed an amicus brief with the Supreme Court in opposition to the Administration's emergency stay request and in support of the TRO. A copy of the amicus brief is included as Attachment 3. It seems likely that other amicus opportunities will present themselves throughout the litigation.

Recently, the City of Fullerton City Council voted to provide amicus support in the district court proceedings as it advances to a Preliminary Injunction and trial. Other Orange County cities have expressed interest, as well. Thus, Costa Mesa could partner with other cities to reduce the overall cost of supporting that effort.

ALTERNATIVES:

The City Council may:

1. Direct staff to explore funding agreement(s) with one or more of the identified entities or alternative providers and identify the amount of any such funding.
2. Direct staff to explore creating an in-house legal assistance team, but this alternative is not recommended.
3. Take action to participate in the Perdomo litigation and direct staff as to whether to seek intervention, participate with an amicus brief effort and/or otherwise support restrictions on roaming patrols/detentions of individuals without reasonable suspicion.
4. Receive and file the report.

FISCAL REVIEW:

The fiscal impact of Council's direction will depend on whether the City Council directs staff to move forward with implementing a legal defense program or partnership and whether and how it directs participation in the Perdomo litigation. The Fiscal Year 2025-2026 All Funds and General Fund Budget does not include any appropriations for this request.

LEGAL REVIEW:

The City Attorney has prepared this report.

CITY COUNCIL GOALS AND PRIORITIES:

This item supports the following City Council Goals:

- Strengthen the Public's Safety and Improve the Quality of Life

CONCLUSION:

Staff recommends the City Council:

1. Receive and file this update on options to provide legal defense funding to assist to assist residents in connection with federal immigration enforcement and direct staff accordingly.
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