

CITY AND COUNTY OF SAN FRANCISCO
BOARD OF SUPERVISORS
BUDGET AND LEGISLATIVE ANALYST
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Policy Analysis Report

To: Supervisor Fewer
From: Budget and Legislative Analyst's Office
Re: Expansion of Legal Services for Immigrants in Other Cities
Date: February 15, 2017



Summary of Requested Action

Your office requested that the Budget and Legislative Analyst survey other U.S. cities and public jurisdictions that have recently created or expanded legal services for immigrants facing deportation proceedings. You asked that we compile information about the scope of services being funded or provided by those jurisdictions and the extent to which the services are provided by public agencies or community-based non-profit organizations. You requested information on the amounts and sources of funding being provided for these legal services for each jurisdiction.

For further information about this report, contact Fred Brousseau at the Budget and Legislative Analyst's Office.

Executive Summary

- While many U.S. local and state government entities have pre-existing programs that provide services for immigrants, the Budget and Legislative Analyst has identified a number of jurisdictions that are establishing or expanding funding for immigrant services since the November 2016 election, particularly legal services for immigrants in deportation proceedings.
- We surveyed the following cities and counties that we identified as establishing or expanding funding for legal and other services for immigrants since November 2016:
 - Alameda County
 - City of Boston
 - City of Chicago
 - City of Los Angeles
 - County of Los Angeles
 - City of San José
 - County of Santa Clara
 - Washington, D.C.

We surveyed the City of New York though it has not announced plans for expansion of their legal or other services for immigrants since the November 2016 election. This is because, unlike the other surveyed jurisdictions, the City of New York funded a Universal Representation program starting in 2014 that provides legal representation services for indigent detained immigrants in deportation proceedings in their local immigration court. The City has also been providing an array of other immigrant services since before November 2016.

- Two bills are also pending before the California State Legislature that would provide new statewide funding for immigrant legal services.
- Funding for legal services for immigrants are being established or expanded by local and state governments because of expected increases in deportations and immigration court proceedings due to federal government policy changes since the November 2016 election and because the majority of defendants in deportation proceedings are not represented. Unlike constitutional provisions for citizens of the United States in criminal cases, the government is not required to provide representation in immigration proceedings for defendants unable to afford such services on their own.
- The arrangements for immigrant legal services being established or expanded vary in the surveyed jurisdictions, with some jurisdictions funding legal services through their existing indigent legal defense offices (public defenders) and others funding non-profit and for-profit legal services organizations. Some jurisdictions are establishing partnerships with other local governments and/or private philanthropic foundations to establish funding pools for immigrant services. Alameda County, for example, has appropriated funds to combine with those provided by a foundation. The City of Los Angeles and County of Los Angeles have created a partnership with several foundations to fund enhanced immigrant legal and other services and the City of San José and the County of Santa Clara have established a partnership, with private foundation funding expected, for funding enhanced and new immigrant services. A summary of the jurisdictions identified by the Budget and Legislative Analyst that have funded or are planning to fund legal services for immigrants since November 2016, plus New York City which has had such a program and other immigrant services in place since 2014, is shown in Exhibit A.

Exhibit A: U.S. Cities and Counties with New or Expanded Legal Immigrant or Other Services

Jurisdiction	New or Expanded Services since November 2016 Election	Funding for New or Expanded Services
Alameda County	Legal representation for immigration cases	<i>Combination of:</i> \$750,000 (County) <u>\$750,000 (foundation)</u> For a total of \$1.5 million thru FY '18
Boston	<i>Know Your Rights</i> immigrant education and outreach services, including legal rights education	Pending
Chicago	Legal representation for immigration cases Community outreach and legal rights education, including <i>Know Your Rights</i> training	\$1.3 million one-time funding
City of Los Angeles, County of Los Angeles	Legal representation for immigrants facing deportation Education and outreach	<i>Combination of:</i> \$2 million (City) +\$3 million (County) <u>+\$5 million (est'd., from foundations)</u> For a total of \$10 million thru FY '18
New York City	<i>Existing (various immigrant services started in 2014, including Universal Representation, providing legal services to all indigent detained immigrants in deportation proceedings)</i>	\$30 million+/year for existing services
San José, County of Santa Clara	Legal representation for immigration cases with immigrants in danger of deportation, except violent offenders	<i>Combination of:</i> \$75,000 anticipated (City) + \$1.5 million proposed (County) + \$1.5 million County match <u>anticipated from foundations</u> For a total of \$3.1 million
Washington, D.C.	Legal services for immigrants	\$500,000

Source: Budget and Legislative Analyst Survey of Jurisdictions

- In San Francisco, the Board of Supervisors approved a supplemental appropriation of \$1,500,000 in January 2017 to the Mayor’s Office of Housing and Community Development (MOHCD), the City Administrator’s Office of Civic Engagement and Immigrant Affairs (OCEIA), and the Human Rights Commission (HRC) to fund legal representation, pathways to citizenship, public outreach, and rapid response social services to be provided by community-based organizations in FY 2016-17.
- In San Francisco, out of its population of 840,763 for 2015, the U.S Census reports 115,186 non-citizen residents, or 13.7 percent of the total. There were 12,818 deportation proceedings in San Francisco’s Immigration Court in FY 2015-16, with 2,209 detainees.
- In a 2016 study of case outcomes and representation for California immigration cases in process or disposed of between 2012 and 2015, the California Coalition for Universal Representation found that 68 percent of all detained immigrants and 27 percent of non-detained immigrants were unrepresented. Further, their analysis of the cases disposed of during that three year period found that, though success rates were low overall for detained immigrants, they were seven times as likely to have successful case outcomes if they had representation. Non-detained immigrants were found to have successful case outcomes 3.5 times more often if they were represented compared to those without representation.

Project Staff: Fred Brousseau, Latoya McDonald, and Linden Bairey

Background

A number of U.S. cities and counties are funding or plan to soon fund legal services for immigrants facing deportation as well as other services for immigrants such as education and outreach. Our office identified the cities of Boston, Chicago, Los Angeles, San José, and Washington, D.C. and the counties of Alameda, Los Angeles, and Santa Clara, California as adding or enhancing immigrant services, including legal services. Through its Universal Representation program, the City of New York has been providing legal services since 2014 for every detained immigrant whose income does not exceed 200 percent of the federal poverty level. Other jurisdictions are now establishing or enhancing such services in the wake of the November 2016 national elections.

Survey Results

Details on the surveyed jurisdictions are presented on the following pages. Documents and data pertaining to immigrant services were obtained for each city and county surveyed, followed by interviews with representatives of each jurisdiction. Population data for all jurisdictions is from the U.S. Census Bureau’s American Community Survey 2015 five year survey. Immigration court and detainee data were obtained from Syracuse University’s Transactional Records Access Clearinghouse (TRAC), using the Immigration Court and hearing locations serving the surveyed jurisdictions.

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County of Alameda

Total Population	Non-Citizen Population	Pending Cases in Local Immigration Court, as of December 2016	FY 2016 Deportation Cases Opened in Local Immigration Court	FY 2016 Number of Detainees
1,584,983	233,980 (14.8% of total)	38,034	12,818	2,209

Funding for new or expanded immigrant legal services since November 2016	<p>\$750,000 one-time General Fund appropriation</p> <p>+\$750,000 in matching funds from the San Francisco Foundation</p> <p>For a total of \$1.5 million over two years</p>
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Services focused on immigrants prior to November 2016	<p>In 2014, Alameda County initiated California's first Public Defender Immigration Representation Project for noncitizen immigrants in response to local residents' requests. The goal of the project was to expand immigration representation services to better protect the immigrant community in Alameda County.</p> <p>The County's Public Defender's Office now has one full-time and one part-time attorney dedicated to immigrant representation. However, the demand for immigrant representation continues to outpace the existing capacity of the Public Defender's Office.</p>
New or enhanced immigration services added or planned since November 2016	<p>In February 2017, the Board of Supervisors of Alameda County approved a supplemental appropriation of \$750,000 to implement the recommendations of the Ad Hoc Committee on Immigrant Rights. The San Francisco Foundation also provided a one-time matching grant of \$750,000 to support these services.</p> <p>The Board authorized the County to disburse these funds to a non-profit organization, which would then contract with the Public Defender's Office as a grantee to provide immigrant representation services. This strategy would boost the capacity of the existing team at the Public Defender's office through hiring additional full-time attorneys dedicated to immigrant representation for a period of one to two years.</p>
Population to be served	All non-citizen immigrants in removal proceedings.

<p>Funding for new or enhanced services</p>	<p>\$750,000 County Supplemental Appropriation using General Funds. +\$750,000 San Francisco Foundation Matching Grant. For a total of \$1.5 million for up to two years.</p>
<p>Service providers for new or enhanced services</p>	<p>A non-profit organization would manage the grants while the Alameda County Public Defender’s Office would deliver the immigration representation services as a grantee. The grants will not be disbursed directly to the Public Defender’s Office as they do not currently have the capacity to manage the administrative responsibilities of managing a grant.</p>
<p>Helpful insights and findings</p>	<p>Limited Time Funds. The two-year grant period provides the Alameda County Board of Supervisors the flexibility to adapt to any changes in immigration policy and laws and to make revisions to their funding model as necessary. Alameda County will reassess the needs of the immigrant community at the end of the two-year period to determine whether a more permanent program at the Public Defender’s Office would be appropriate.</p>

City of Boston

Total Population	Noncitizen Population	Pending Cases in Local Immigration Court, as of December 2016	FY 2016 Deportation Cases Opened in Local Immigration Court	FY 2016 Number of Detainees
650,281	93,095 (14.3% of total)	15,665	4,599	1,096

Funding for new or expanded immigrant legal services since November 2016	Pending
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Services focused on immigrants prior to November 2016	<p>The City of Boston’s Mayor’s Office for Immigrant Advancement (MOIA), created in 1998, has been providing education, outreach, advocacy and related services to immigrants, with the goals of helping immigrants become active in civic life and access services. MOIA coordinates immigration law clinics where volunteer lawyers provide one-on-one consultations but do not provide full representation for immigration cases. These clinics occur in the form of small twice-monthly sessions at City Hall and occasional large day-long events.</p> <p>Public defender services in Massachusetts are provided through the statewide Committee for Public Counsel Services (CPCS). According to its website, the Boston Public Defender’s Office’s Immigration Impact Unit assists criminal defense attorneys by providing advice on individual cases and offering trainings throughout Massachusetts on the immigration consequences of criminal conduct. The Immigration Impact Unit also provides post-conviction litigation support and distributes written materials and updates on significant legal issues.</p>
New or enhanced immigration services added or planned since November 2016	<p>After the 2016 general election, the MOIA partnered with a small non-profit legal services organization, Political Asylum/Immigration Representation Project (PAIR), to coordinate enhanced <i>Know Your Rights</i> workshops in schools, businesses, and numerous locations across the City. MOIA has served as a point of contact for organizations and agencies requesting the presentations, while PAIR coordinates presenters and content for the presentations. The workshops provide a forum for immigration attorneys to educate service providers, the local immigrant population, and City of Boston residents on legal rights related to immigration law and policy.</p>
Population to be served	Immigrants and other City of Boston residents.

<p>Funding for new or enhanced services</p>	<p>Pending; unknown at this time.</p> <p>Funding for new <i>Know Your Rights</i> workshops will not be provided by the City, but by external funders. MOIA provides staffing to coordinate the planning and scheduling of the workshops. MOIA only receives City funds for operational expenses, such as salaries and benefits. At this time, programs and initiatives, including the <i>Know Your Rights</i> workshops, are financed externally. MOIA is currently exploring various funding options, including public-private partnerships, as there is definite interest in future collaboration.</p>
<p>Service providers for new or enhanced services</p>	<p>Community-based organizations for <i>Know Your Rights</i> workshops.</p> <p>MOIA does not directly administer programs and has instead chosen to disburse grants to community-based organizations (CBOs) that deliver legal services and other support to the immigrant community. MOIA chose CBOs because these organizations already have existing relationships with the immigrant community and the expertise required to provide effective legal counsel.</p>
<p>Helpful insights and findings</p>	<p>Local and regional philanthropic foundations serving the Boston area convened on February 8, 2017 to discuss how to better support vulnerable and marginalized communities in light of shifting policies at the federal level, especially for immigrants and refugees. MOIA's Director participated on the panel to brief the attendees prior to their strategy discussion.</p> <p>The City and County of San Francisco could consider such a convening to supplement local General Fund appropriations. The tighter restrictions on immigration directly impact the technology industry of Silicon Valley and such a discussion could potentially garner interest in that community.</p>

City of Chicago

Total Population	Noncitizen Population	Pending Cases in Local Immigration Court, as of December 2016	FY 2016 Deportation Cases Opened in Local Immigration Court	FY 2016 Number of Detainees
2,717,534	331,369 (12.2% of total)	23,712	6,635	2,466

Funding for new or expanded immigrant legal services since November 2016	\$1.3 million
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Services focused on immigrants prior to November 2016	<p>The City of Chicago has not directly funded or provided legal representation services for immigrants in the past. The City’s Office of New Americans, established within the Mayor’s Office in 2011, provides information and referral services and collaborates with community organizations, academic institutions, and the private sector on topics pertinent to immigrants and refugees. The Office’s goal is to improve services and community integration for immigrants and refugees.</p> <p>Cook County’s Public Defender’s Office does not provide legal services specifically to individuals with immigration issues. It does provide referrals to the Bar Associations of Cook County and Chicago and other community-based legal services organizations for immigration-related legal services.</p>
New or enhanced immigration services added or planned since November 2016	<p>The City appropriated new funding after the November 2016 election for a new Legal Protection Fund. The funds are being distributed to two key partners: Heartland Alliance’s National Immigrant Justice Center (NIJC) and The Resurrection Project (TRP) which, together, will be responsible for providing legal consultations, legal representation, and community-based outreach and education efforts such as <i>Know Your Rights</i> trainings. City representatives anticipate that the Legal Protection Fund will serve more than 20,000 immigrants.</p> <p>NIJC has a network of 1,400 <i>pro bono</i> attorneys to represent individuals who are currently detained and those threatened with detention. TRP facilitates Chicago’s Community Navigator Program through which it manages and awards funding to eight collaborating organizations with established local community relationships. All eight organizations are community-based and have long-standing histories of serving immigrant communities.</p> <p>Together, TRP and NIJC will focus on providing access to legal services to immigrants who face imminent deportation and on integrating local legal support with the Community Navigator Program, which serves as a liaison to provide outreach, education, and assistance to immigrants in their communities.</p>

<p>Population to be served</p>	<p>Immigrants threatened with detention and those currently detained for legal representation; all immigrants for outreach and education services.</p> <p>The National Immigrant Justice Center will continue to provide legal representation services for immigrants threatened with detention and those currently detained. The Resurrection Project will continue to facilitate community outreach and education programs to immigrants. In total, the City of Chicago anticipates that the Legal Protection Fund will serve more than 20,000 immigrants through legal consultations, legal representation, and community-based outreach and education efforts like <i>Know Your Rights</i> trainings.</p>
<p>Funding and sources for new or enhanced services</p>	<p>\$1.3 million in one-time funding.</p> <p>At the request of Chicago Mayor Rahm Emanuel, the City Council approved the redirection of \$1.3 million of available City property tax rebate funds to the Chicago Legal Protection Fund for Calendar Year 2017. The property tax rebate monies were unspent after the close of a 2016 initiative that allowed Chicago residents to claim a rebate on property taxes. The amount is a one-time funding source.</p> <p>The City of Chicago is also soliciting philanthropic support to supplement the initial funding from the City.</p>
<p>Service providers for new or enhanced services</p>	<p>Community-based organizations.</p> <p>The City of Chicago’s Department of Family and Support Services will manage the Legal Protection Fund and oversee all appropriations to the National Immigrant Justice Center and The Resurrection Project. Monthly reports will be provided to the “Chicago is With You” Task Force, which was created in December 2016 by the Mayor and other elected representatives from the Chicago area. Quarterly reports will be provided to the City Council Commission on Human Relations.</p>
<p>Helpful insights and findings</p>	<p>The City of Chicago elected to forego an open Request for Proposals process in light of the time sensitivity and overall urgency of need. Instead, the City created a specific and detailed list of criteria and qualifications to identify and select partner organizations. The City had previously worked with NIJC on a program to provide assistance to unaccompanied minors.</p> <p>The City of Chicago has also framed its efforts to solicit philanthropic support to supplement the City’s initial investment.</p>

City of Los Angeles
County of Los Angeles

Total Population	Noncitizen Population	Pending Cases in Local Immigration Court, as of December 2016	FY 2016 Deportation Cases Opened in Local Immigration Court	FY 2016 Number of Detainees
3,900,794 (City) 10,038,388 (County)	838,441 (City) (21.5% of total) 1,777,416 (County) (17.7% of total)	48,860	14,285	2,297

Funding for new or expanded immigrant legal services since November 2016	<p>\$2 million, over 2 years (City) +\$3 million, over 2 years (County) +Anticipated \$5 million in private funding (\$3.85 million raised as of February 14, 2017) Anticipated grand total of \$10 million over two years.</p>
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Services focused on immigrants prior to November 2016	<p>The Mayor’s Office re-established an Office of Immigrant Affairs in 2011. The Office does not provide legal representation services but promotes and advances the economic, cultural, social, and political well-being of immigrants in the City through advocacy, education, and outreach services.</p> <p>Los Angeles County’s Public Defender’s Office maintains an Immigration Unit that provides counselling and information and referral services for immigrants and for their legal service providers.</p>
New or enhanced immigration services added or planned since November 2016	<p>New legal representation, outreach, and education services will be provided to individuals and families dealing with removal proceedings in Los Angeles County through the creation of the Los Angeles Justice Fund. The Fund is a public-private partnership created in December 2016 that combines funding from the City of Los Angeles, the County of Los Angeles, and private foundations, including the California Community Foundation, the Weingart Foundation, and the California Endowment. The goal of the Fund is to increase access to legal representation and counsel for individuals and families going through deportation proceedings in Los Angeles County, as well as provide community outreach and education services.</p> <p>The full details of how the Los Angeles Justice Fund will operate are still under</p>

	<p>discussion among all the partners of the initiative, and a consultant has been hired to develop criteria and priorities. The current plan is to award grants to nonprofit legal services organizations that are already providing legal representation and community outreach services, and in particular those organizations that depend on—and may be at risk of losing—federal funding.</p> <p>The Los Angeles Justice Fund expects to announce grant opportunities later in the spring of 2017.</p> <p>Separately, in January of 2017 the Los Angeles County Board of Supervisors approved a proposal to establish an Office of Immigrant Affairs to coordinate and streamline access to Countywide services for immigrants. The scope, budget, and staffing levels of the new office are currently under discussion.</p>
<p>Population to be served by new or enhanced services</p>	<p>Immigrants who are or may potentially be subject to detention and deportation hearings.</p> <p>The Los Angeles Justice Fund will also support efforts to engage and educate the community overall.</p>
<p>Funding and sources for new or enhanced services</p>	<p>\$10 million anticipated pool: \$3 million from County; \$2 million from City; \$5 million in private funding (currently \$3.85 million raised).</p> <p>In December of 2016 the Los Angeles County Board of Supervisors approved a motion directing the Chief Executive Officer to identify and set aside \$1 million in FY 2016-17 and up to \$2 million in FY 2017-18 for legal representation for County immigrant residents who are at risk of removal and unable to afford an attorney. The funding is a one-time appropriation over two years from the County’s General Fund.</p> <p>The City of Los Angeles has announced its plans to join the County in funding this endeavor but has not yet identified the source of its contribution to the L.A. Justice Fund. At its meeting on February 8, 2017, the City Council adopted a Budget and Finance Committee Report directing the City Administrative Officer (CAO) and the Office of the City Attorney to identify and report on a \$2 million City contribution to the California Community Foundation for the L.A. Justice Fund. The CAO will report back to the City Council by March 1, 2017 on potential sources of funds for the contribution, among other matters.</p> <p>In addition to the \$5 million in public funding, the California Community Foundation has committed \$2.2 million, the Weingart Foundation has committed \$1 million, and the California Endowment has committed \$650,000, for a current total of \$3.85 million in philanthropic commitments as of February 14, 2017. The L.A. Justice Fund anticipates raising a total of \$5 million in philanthropic contributions, and ongoing fundraising efforts are underway. The anticipated \$5 million in private philanthropic contributions will be combined with the \$5 million in County and City funds for a total of \$10 million to be pooled for the new immigrant legal representation, outreach, and education services through FY 2017-18.</p>

Memo to Supervisor Fewer
February 15, 2017

Service providers for new or enhanced services	Community-based organizations. Services will be provided by non-profit community based organizations and other organizations selected to receive grants. Private attorneys may also be engaged to expand <i>pro bono</i> and 'low bono' (reduced fee) legal services. The grant application process, funding, and provision of services will be administered by the California Community Foundation.
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City of New York

Total Population	Noncitizen population	Pending Cases in Local Immigration Court, as of December 2016	FY 2016 Deportation Cases Opened in Local Immigration Court	FY 2016 Number of Detainees
8,426,743	1,462,222 (17.3% of total)	69,953	17,820	1,146

Funding for new or expanded immigrant legal services since November 2016	No new funding but over \$30 million funded for FY 2016-17 prior to November 2016, for existing immigrant services including Universal Representation program that provides representation to indigent detainees in immigration proceedings and three other key programs detailed below. The four key programs detailed below account for \$24.6 million of The \$30+ million in funding. The New York City Office of Civil Justice's 2016 Annual Report details the additional immigration legal services available to the immigrant community.
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Services focused on immigrants prior to November 2016	<p>The City of New York offers legal services to immigrants through a variety of programs funded by the Mayor, the City Council, and philanthropic organizations. Services are provided primarily by non-profit legal service providers including community-based organizations and legal service providers. The City of New York was the first jurisdiction in the United States to provide universal representation to detained indigent immigrants facing deportation.</p> <p>Some key programs include:</p> <ol style="list-style-type: none"> 1) New York Immigrant Family Unity Project (NYIFUP) is funded by a City Council discretionary grant and was the first government-funded legal representation program for detained immigrants in the United States. This initiative provides in-court legal representation to indigent immigrant in detention facing deportation who cannot afford an attorney. NYIFUP is funded at \$6.2 million for FY 2016-17. The program's target is to serve 1,250 people in the current fiscal year. Started in 2014, program service providers include three non-profit legal service providers: Brooklyn Defender Services, The Bronx Defenders, and the Legal Aid Society. 2) Immigrant Opportunity Initiative (IOI) was first established through the
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	<p>award of discretionary funding by the City Council and is now largely in the Mayoral baseline budget. Through IOI, service providers offer low-income immigrant New Yorkers access to legal assistance for citizenship and lawful permanent residency applications, as well as with legal representation in complex immigration matters and case management services in support of legal counsel. In FY 2016-17, these legal services programs are funded through a combination of Mayoral and City Council funding totaling approximately \$8.5 million. This includes \$2.7 million in Mayoral funding for legal representation in 1,000 complex immigration cases. The IOI program is expected to serve a total of approximately 5,000 individuals in FY 2016-17.</p> <p>3) ActionNYC is a partnership among the Mayor’s Office of Immigrant Affairs (MOIA), the New York City Human Resources Administration (HRA), and the City University of New York (CUNY). It is funded through the Mayoral budget at \$8.4 million for FY 2016-17. ActionNYC provides free immigration legal services at community-based locations, including community-based organizations, public schools, and hospitals, as well as programming that supports the provision of legal services, including outreach, navigation, technology and education services. The ActionNYC network is composed of community-based partners and legal services providers that conduct outreach, community navigation and legal services, including free comprehensive legal screenings, application assistance for straightforward cases, and linkages for complex cases and to relevant social services.</p> <p>4) The Unaccompanied Minors Initiative (UMI)/Immigrant Children Advocates Relief Effort (ICARE) was developed by the City Council in partnership with the Robin Hood Foundation and the New York Community Trust to provide legal and social services to address the surge of immigrant children living in New York City. The program provides unaccompanied immigrant and refugee children in New York City with counsel, the opportunity to apply for relief from removal, and the opportunity to receive social, medical and health services. With \$1.5 million in funding for FY 2016-17, the program is expected to serve a projected 700 people.</p>
<p>New or enhanced immigration services added or planned since November 2016</p>	<p>The City of New York has not announced or funded new programs or services since the November 2016 election but will continue providing the comprehensive set of services already in place and described above.</p> <p>The City is now exploring strategies to adjust the level of resources dedicated to existing programs based on the shifting needs of the local immigrant community. As immigration laws and policies are subject to change, the City of New York is interested in the adaptability of existing programs to the changing immigration landscape.</p>

Population to be served	The immigrant population in general is targeted for these services. Indigent immigrants in detention facing deportation receive legal services.
Funding for new or enhanced services	Unknown at this time if there will be new or enhanced services but the four key initiatives described above total \$24.6 million in FY 2016-17 funding and, in total, over \$30 million is already funded in FY 2016-17 by the City for existing immigrant legal services. The New York City Office of Civil Justice’s 2016 Annual Report details the additional City immigration legal services available to the immigrant community.
Service providers for new or enhanced services	<p>Non-profit community-based organizations.</p> <p>Legal representation services for detained immigrants in deportation proceedings will continue to be provided by three non-profit organizations: Brooklyn Defender Services, the Bronx Defenders, and the Legal Aid Society. Other community-based non-profit organizations and legal services providers will continue to provide other legal assistance services to other segments of the immigrant population.</p>
Helpful insights and findings	<p>New York City continues to fund local community-based organizations and legal services providers to lead these initiatives as City representatives believe that those organizations have developed deep expertise in immigration law and a strong understanding of the needs of the local immigrant community through years of experience.</p> <p>The Mayor’s Office of Immigrant Affairs believes that a holistic and strategic approach is fundamental to the success of immigrant defense programs. In New York City, there are three key programmatic areas to strengthen the effectiveness of immigrant protection programs:</p> <ol style="list-style-type: none"> 1) Community Outreach – connecting with immigrant community members to ensure that they are well-educated about their legal rights and knowledgeable about the programs and resources available to them. The Office of Immigrant Affairs also advised that it is important to customize the outreach approach as needed for each immigrant community. 2) Screening – carrying out a legal screening process to determine the nature of an immigrant’s legal needs and referring them to the appropriate program and resources. 3) Legal Representation – providing legal representation for immigrants both in deportation cases, which can be the most time-intensive, or for other cases such as special juvenile status, family status adjustments, or affirmative asylum. <p>Together, these three components help address the multifaceted nature of immigrant needs and can boost the effectiveness of program outcomes.</p>

City of San José
County of Santa Clara

Total Population	Non-Citizen population	Pending Cases in Local Immigration Court, as of December 2016	FY 2016 Deportation Cases Opened in Local Immigration Court	FY 2016 Number of Detainees
1,000,860 (City)	172,418 (City) (17.2% of total)	38,034	12,818	2,209
1,868,149 (County)	329,779 (County) (17.6% of total)			

<p>Funding for new or expanded immigrant legal services since November 2016</p>	<p>City: \$75,000 proposed for legal services; pending City Council approval scheduled for February 14, 2017.</p> <p>County: \$1.5 million proposed over two years, not yet approved by Board of Supervisors.</p> <p>County anticipates its funding be matched by private foundations.</p> <p>Total funding (with foundations) would be \$3.1 million</p>
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<p>Services focused on immigrants prior to November 2016</p>	<p>The City of San José created an Office of Immigrant Affairs in 2015, primarily providing education, outreach, and referral services for immigrants. The Office has not directly or indirectly provided legal representation to immigrants.</p> <p>The County of Santa Clara’s Office of Immigrant Relations serves as a resource for other local governments and convenes groups of service providers and community-based organizations on immigrant-related matters. The Office administers funding from the County to local non-profit service providers who provide assistance to immigrants on immigration legal issues.</p> <p>The County of Santa Clara’s Public Defender’s Office added an immigration specialist position to its staff in 2014 to provide advice to Public Defender clients on the immigration consequences of criminal convictions.</p>
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<p>New or enhanced immigration services added or planned since November 2016</p>	<p>The City of San José and the County of Santa Clara are working together to address the new needs of the immigrant population after the 2016 general election and have identified three new initiatives to expand services for non-citizen immigrants.</p> <p>Communications and Outreach Campaign. The City of San José and the County of Santa Clara plan to launch a County-wide media campaign to educate local immigrants about their legal rights and the resources available. The City of San José has contracted with a consultant to conduct interviews with key stakeholders and to gain insight on the legal rights education needs of the local immigrant population. The results of will interviews will inform the communication campaign strategy, which would be led by the Santa Clara County Office of Immigrant Relations. While the City of San José is providing funding for the initial consultant work, Santa Clara County is exploring ongoing funding options for the communications campaign.</p> <p>Funding to Legal Services Providers Serving the Immigrant Community. The City of San José staff has also proposed \$75,000 in General Fund appropriations to establish a one-time fund dedicated to creating a coordinated <i>pro bono</i> system that can provide legal services until Santa Clara County’s programs and initiatives are implemented. The mid-year budget request will be heard by the City Council at the end of February 2017.</p> <p>Through the Office of Immigrant Relations, Santa Clara County is exploring the option of disbursing block grants—renewable periodically based on performance—to organizations with expertise and success in providing legal defense and other immigration-related legal services for local non-citizen immigrants. These services would be provided to all immigrants in danger of deportation, except violent criminal offenders. The block grant model is being considered as a way to implement a pay-as-you-go model, which measures performance among grantees and would enable the County to discontinue funding if a grantee’s performance is not meeting set goals. The Office of Immigrant Relations is currently considering a set of outcome-oriented performance metrics—such as number of clients and/or families released from detention, number of E-28 forms filed, among others—that could be used to measure grantee performance. The County funding level has not yet been determined but County staff is proposing a sum of \$1.5 million or more over two years and will submit a formal request for Board of Supervisors approval on February 28, 2017.</p> <p>Santa Clara County is seeking to have its funds for immigrant services matched by private foundations, making up to an estimated \$3 million available for legal assistance (assuming \$1.5 million is formally proposed and approved). The proposed funding amount would finance both legal services and the communications campaign.</p>
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	<p>At this time, the County's Office of Immigrant Relations is unaware of any increased funding to be allocated to the Public Defender's Office.</p> <p>Coordination of Pro Bono Legal Services. Santa Clara County is also considering implementation of a coordinated effort to recruit <i>pro bono</i> law firms to provide specific one-off legal counsel on citizenship and U-visa applications, and coordination across participating firms. The County is exploring this option as a way to engage private firms along with establishing a well-coordinated group of <i>pro bono</i> lawyers. These services would include litigation.</p>
<p>Population to be served</p>	<p>All immigrants for education and communications program; undocumented immigrants in danger of deportation, except the most violent criminal offenders, for legal services.</p>
<p>Funding for new or enhanced services</p>	<p>\$75,000 requested but not yet approved (City).</p> <p>County undecided at this time but \$1.5 million General Fund appropriations over two years, through FY 2017-18 has been preliminarily proposed by staff.</p> <p>County anticipates matching funds from foundations, or \$1.5 million if County appropriates that amount.</p> <p>Total funding, composed of City's \$75,000 and County and foundations each contributing \$1.5 million, would be \$3.1 million through FY 2017-18.</p>
<p>Service providers for new or enhanced services</p>	<p>Community-based organizations will be the primary service providers. City representatives report they have strong connections and experience supporting the local immigrant community.</p>
<p>Helpful insights and findings</p>	<p>Making Pro Bono Legal Services Efficient. Through work with the County, the City of San José learned that the County recruits <i>pro bono</i> law firms to provide specific one-off legal counsel on citizenship and U-visa applications, and coordination across participating firms. The County chose these specific services as <i>pro bono</i> lawyers are often not available for complex long-term cases but are more likely able to complete short and less complex assignments. The City and County of San Francisco could consider supplementing the work completed by non-profit organizations with a similar initiative.</p> <p>Decreasing Wait Times for Immigration Case Documentation. Santa Clara County's Office of Immigrant Relations is exploring the option of collaborating with the Office of the Public Defender to provide immediate assistance in the collection and processing of immigration case documentation. As the Public Defender has a consistent presence in local courts, the Office's attorneys could expedite the document collection process for grantees by serving as points of contact and collecting documentation when it would be more expedient to do so.</p>

Washington, D.C.

Total Population	Noncitizen Population	Pending Cases in Local Immigration Court, as of December 2016	FY 2016 Deportation Cases Opened in Local Immigration Court	FY 2016 Number of Detainees
647,484	54,854 (8.5% of total)	31,588	10,941	1,476

Funding for new or expanded immigrant legal services since November 2016	\$500,000
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Services focused on immigrants prior to November 2016	The Mayor's Office on Latino Affairs, the Mayor's Office on Asian and Pacific Islander Affairs, and the Mayor's Office on African Affairs all administer annual community grant programs. In recent years some grants have been awarded for legal services proposals, but the grant programs were not aimed at immigrant rights or providing legal services for immigrants.
New or enhanced immigration services added or planned since November 2016	<p>A newly-established Immigrant Justice Legal Services grant program will use the \$500,000 in City funds to award grants to: community-based 501(c)(3) organizations; private entities partnering with 501(c)(3) organizations; and private entities providing legal resources. Awards will fund programs that provide targeted services to immigrants in Washington, D.C. through one-time grants of up to \$150,000.</p> <p>The scope of the program is broad and not focused on one area of legal services. Eligible projects include aid for Washington, D.C. residents applying for green cards, renewing DACA applications and work permits, <i>Know Your Rights</i> workshops, asylum applications, representation in deportation proceedings and at asylum interviews or hearings, legal assistance for family reunification efforts, and more.</p> <p>The program has issued a Request for Applications and is currently accepting grant applications through February 21, 2017. Awards will be announced in April 2017.</p>
Population to be served	Immigrant population in general.
Funding for new or enhanced services	\$500,000 from the District's Contingency Cash Reserve that may be used for nonrecurring or unforeseen needs between budget cycles. The Contingency Cash Reserve Fund maintains a minimum balance of 4 percent of Local Fund operating expenditures less debt service costs, based on the operating expenditures as

	<p>reported in the District’s most recently published Comprehensive Annual Financial Report (CAFR) for the previous fiscal year.</p> <p>The District’s 2017-18 budget has not yet been submitted, and it remains to be seen whether this funding represents a one-time commitment or whether D.C. will continue to award funding in future fiscal years.</p>
<p>Service providers for new or enhanced services</p>	<p>Community-based organizations and their private sector partners and private sector legal service providers.</p> <p>The Immigrant Justice Legal Services grant program is managed by the Executive Office of the Mayor and grants are solicited through the Mayor’s Office on Asian and Pacific Islander Affairs, the Mayor’s Office on Latino Affairs, and the Mayor’s Office on African Affairs.</p>
<p>Helpful insights and findings</p>	<p>The District of Columbia decided to structure the program as an open grant opportunity to help foster creative partnerships between organizations and to take advantage of the high level of legal goodwill in the city. In addition to aiding immigrants, some of the program’s goals are to boost organizations that are already serving immigrants, to help them diversify and expand their range of services into legal services with additional funding, and to connect volunteer lawyers interested in immigrant justice with community-based organizations.</p>

Pending State Legislation

In addition to new initiatives that cities and counties in California and elsewhere have undertaken or plan to roll out to fund expanded legal services for immigrants, two bills are pending before the State of California Legislature that would also establish programs and funding for legal services for immigrants.

Senate Bill 6

Senate Bill 6 (SB 6) would create a State program to fund legal representation for immigrants in removal proceedings who are not otherwise entitled to legal representation under existing programs. SB 6, also known as the Due Process for All Act, would require the California Department of Social Services (CDSS) to contract with qualified nonprofit organizations to provide these legal services to immigrants facing deportation. The bill would also authorize CDSS to contract with organizations to provide legal training and technical assistance to qualified nonprofit legal services organizations, to provide relief services to immigrants after convictions, and to provide placement services and case coordination to individuals in removal proceedings.

SB 6 would appropriate a currently unspecified amount from the General Fund to CDSS to fund the program, and also would establish the California Universal Representation Trust Fund to accept philanthropic and private donations.

The text of the bill declares that this act is an urgency statute, and therefore would take effect immediately.

Assembly Bill 3

This proposed bill would require CDSS or a nonprofit contracting with CDSS to issue requests for proposals and grants to qualified legal services projects, support centers, or county Public Defender offices to:

1. expand their programs to serve as regional centers to provide legal training, written materials, mentoring, and technical assistance to county Public Defender offices related to the immigration consequences of criminal convictions; and/or
2. act as a statewide resource center for these regional centers and county Public Defender offices and provide ongoing training, written materials, mentoring, and technical assistance, as well as to coordinate a statewide effort to ensure efficient delivery and high-quality services.

The bill would also require CDSS or a contracted nonprofit to issue requests for proposals and grants to county Public Defender offices for new tools to enable attorneys to represent noncitizen defendants in ongoing cases and for those offices to assist nonprofit organizations and private immigration attorneys serving noncitizens in removal proceedings with the acquisition of legal documents related to the noncitizen's prior criminal case.

Memo to Supervisor Fewer
February 15, 2017

The bill would appropriate an unspecified amount from the General Fund for the purposes of the grants. The text of the bill declares that this act is an urgency statute, and therefore would take effect immediately.