Immigration Legal Due Process for Low-Income Immigrants at Risk of Deportation

With nearly 3.5 million of its residents – about 36 percent of its total population – having been born outside the United States, the County of Los Angeles (County) is home to the largest immigrant population in any region in the United States.¹ This dynamic immigrant population is deeply integrated, both socially and economically, into just about every aspect of County life. Immigrants make up 44 percent of the County’s workforce, run small businesses that generate 40 percent of the County’s self-employed income, and pay billions of dollars in federal taxes every year.² Additionally, nearly 60 percent of children born in the County have at least one immigrant parent, and 44 percent of households are headed by an immigrant.³

Recognizing the vital contributions of immigrants and their families, which make the County the special home it is for all of its residents, the County’s leadership has made a bold commitment to advance equity and due process for its immigrant residents and their families. This effort culminated in the Board of Supervisors (Board) declaring immigration a County Priority in 2017⁴, the most significant designation, placing it alongside the County’s commitment to fighting homelessness, supporting justice reform and child protection, and promoting environmental and healthcare priorities.

¹ [https://dornslife.usc.edu/assets/sites/731/docs/LOSANGELES_web.pdf]
³ See supra, note 1.
However, in recent years, aggressive and widespread Federal immigration enforcement of various anti-immigrant policies and proposals put many of the County’s nearly two million non-citizen residents at risk of deportation. This includes lawful permanent residents, refugees and asylees, Deferred Action for Childhood Arrivals recipients, and almost one million undocumented people.\(^5\)

But despite the high complexity of immigration proceedings and the grave consequences that deportation inflicts on people, individuals in immigration court cases are left to defend themselves without the right to a government-provided attorney. Predictably, people who are afforded due process by getting an attorney to represent them are more than five times more likely to get positive immigration relief than people who don’t have an attorney. In response to the urgent and growing need for immigration legal representation, in December 2016, the Board directed the Chief Executive Officer (CEO), in consultation with County Counsel, to collaborate with public and private stakeholders to launch a coordinated initiative to provide representation to County residents at risk of removal and who cannot afford an attorney.

In executing the Board’s directive, CEO partnered with the City of Los Angeles, the California Community Foundation (CCF), and the Weingart Foundation to design and launch the Los Angeles Justice Fund (LAJF), a two-year public-private pilot. The County contributed $3 million to the LAJF, which was augmented by $2 million from the City of Los Angeles and $2.9 million from philanthropic partners.

To implement the LAJF pilot, in July 2017, the County entered into an agreement with CCF to serve as the LAJF third-party administrator. CCF awarded grants to 16 legal service providers to provide direct immigration legal services to eligible County immigrant residents, as well as strengthen immigration removal defense. The Los Angeles County Office of Immigrant Affairs (OIA) in the Department of Consumer and Business Affairs (DCBA) was designated to oversee the County’s involvement in the LAJF pilot, which began serving clients in January 2018.

The Board also requested an independent Year One Evaluation Report (Evaluation Report) of the LAJF pilot’s effectiveness, fiscal and economic impacts, as well as a report

\(^5\) See id.
back within two years of the program’s launch date. As the LAJF pilot administrator, CCF contracted the Vera Institute of Justice (Vera) to collect and analyze program data and prepare the Evaluation Report (attached). The Evaluation Report evaluated the LAJF from January 1 – December 31, 2018, the first year of service delivery under the program. It measured performance in areas that include building and launching the pilot, expanding capacity, and client service delivery.

The LAJF pilot is scheduled to conclude on June 30, 2020. The Evaluation Report concluded that in its two years of existence, the LAJF pilot has made considerable progress in affording due process to vulnerable immigrants and their families by expanding their access to direct legal representation and strengthening the delivery of wrap-around services available to them. The Evaluation Report also made a set of recommendations to continue and build upon the foundation the LAJF pilot has laid to provide legal representation to immigrants who have made the County their home.

I, THEREFORE, MOVE that the Board of Supervisors:

1. Direct the Office of Immigrant Affairs (OIA) in the Department of Consumer and Business Affairs (DCBA) to work with the LA Justice Fund (LAJF) pilot third-party administrator, the California Community Foundation (CCF), to extend the LAJF pilot through FY 2020-21 and sunset it by June 30, 2021.

2. Direct CEO to work with OIA in DCBA to report back in the supplemental budget phase on available one-time funding for the pilot’s one-year extension.

3. Authorize the Director of DCBA, or his designee, to contract with a consultant to develop an LAJF phase two program model (Phase Two Program) to provide immigrants and their families the following services in a culturally, linguistically, and immigration-appropriate manner:
   a. Immigration legal representation due process;
   b. Robust case management; and
   c. Wraparound support services.
Through the consultant, DCBA shall collaborate with CCF and Weingart, as well as existing LAJF partners, to develop the Phase Two Program. The resulting report should include, to the extent possible and at a minimum:

a. A description of the desired collaboration of local, state, and federal governments, philanthropic partners, legal immigration services providers, and other strategic stakeholders;
b. To ensure the viability and continuity of any proposed model, a discussion of attainable funding from diverse sources (i.e., public, philanthropic, private); and
c. The estimated County funding required to operate the Phase Two Program.

4. Direct OIA to report back in writing to the Board within 180 days.

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HLS: jv