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Continuing Legal Representation and Due Process Services for Immigrants

The County of Los Angeles (County) is home to the largest immigrant population in any region in the United States, with more than a third of our population born outside of the United States. This dynamic immigrant population is deeply integrated into every aspect of County life. For instance, 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. 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.

The County has made a bold commitment to advance equity and due process for our immigrant residents and their families. This effort culminated in the Board of Supervisors (Board) declaring immigration a County Priority in September 2017, the most significant County designation, placing it alongside the County’s commitment to fighting homelessness, supporting justice reform, protecting children, and advancing environmental and healthcare priorities.

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However, outdated federal immigration policies continue to put many of the County's nearly two million non-citizen residents at risk of deportation. This includes unaccompanied children, refugees and asylees, Deferred Action for Childhood Arrivals (DACA) recipients, holders of Temporary Protective Status (TPS), lawful non-permanent residents, and nearly one million undocumented people. This is so because despite the complexity of immigration proceedings and the grave consequences that deportation cause them, people facing deportation are left to defend themselves without the right to a government-provided attorney. However, people represented by attorneys are ten times more likely to get positive immigration relief than unrepresented individuals.

In response to the urgent need for immigration legal representation, in December 2016, the Board directed the County to work with public and private partners to launch an initiative to provide immigration legal representation to low-income County residents at risk of removal. In executing the Board's directive, the County partnered with the City of Los Angeles (City), the California Community Foundation (CCF), and the Weingart Foundation to launch the Los Angeles Justice Fund (LAJF), a two-year pilot. The County contributed \$3 million to the LAJF, which was augmented by \$2 million from the City and \$2.9 million from CCF and Weingart. To implement the LAJF, the County entered into an agreement with CCF to serve as a LAJF third-party administrator. CCF awarded grants to 16 legal service providers to provide direct legal representation, as well as strengthen immigration removal defense. The 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, which began serving clients in January 2018.

The Board requested an independent evaluation report (Evaluation Report) of the LAJF pilot's effectiveness within two years of the program's launch. CCF contracted the Vera Institute of Justice (Vera) to collect and analyze program data and prepare the Evaluation Report. The Evaluation Report concluded that in its two years of existence, the LAJF pilot had made considerable progress in affording due process to vulnerable immigrants and their families by expanding their access to direct legal representation. Results included:

1. Screenings and legal consultations to nearly 1,750 people. In many cases, immigrants only need a legal consultation to evaluate their situation and determine what steps to take next.
2. LAJF attorneys are providing legal representation to 550 vulnerable individuals and have secured the release of about 50 percent of initially detained clients.
3. Among completed cases, more than 60 percent have resulted in positive outcomes that enabled clients to remain in the United States. This compares to less than 5 percent nationwide for people without counsel.
4. One third of LAJF clients were children or young adults who entered the United States as children.
5. Combined, represented clients are parents of more than 75 children, 95 percent of whom are U.S. citizens.
6. 14 years is the average number of years clients have lived in the U.S.

The Evaluation Report also recommended that the County and its partners continue building upon the foundation the LAJF Pilot laid out, and work with a consultant and stakeholders to develop a report for a sustainable program model to provide immigrants and their families with immigration legal representation and wraparound support services.

To move forward, on July 20, 2020, this Board directed OIA to work with the Chief Executive Office (CEO) and CCF to extend the LAJF pilot for one more year, and sunset it on June 30, 2021. Additionally, this Board directed OIA to work with a consultant, CCF, LA City, Weingart and other stakeholders to develop a report (Report) for an LAJF Phase II program (Program) to provide legal services to immigrants in a culturally, linguistically, and immigration-appropriate manner.

One-time funding was identified for the Pilot's one-year extension and added during the FY 2020-21 Supplemental Budget phase. In addition to the County's \$1 million, the City invested \$1 million and CCF and Weingart invested a combined \$2 million.

Regarding the LAJF Phase II proposed Program, through a grant from CCF, OIA hired a consultant organization, Grantmakers Concerned with Immigrants and Refugees (Consultant), to develop the Report. OIA met weekly with the Consultant, CCF, Weingart and the City to develop the Report – the *Los Angeles Immigrant Community Legal Defense Program* – which incorporated input from nearly 100 stakeholders, including the LAJF Pilot participants and dozens of public, non-profit and legal stakeholders. The Report addresses this Board's directives, and proposes the framework for a comprehensive and sustainable Program to provide immigrants and their families with immigration legal representation, wraparound support services, and robust case

management. This Program model also aligns with and supports a number of the recommendations the Immigration Protection and Advancement Task Force included in the Immigrant Protection and Advancement Strategy Report they submitted to this Board on December 15, 2018.

The Report's proposed approach to addressing these challenges is comprised of four distinct but tightly interconnected pillars: Detained Removal Defense, Non-Detained Removal Defense, Community Engagement, and Affirmative Immigration Benefits Support. OIA submitted the Report to this Board on March 3, 2021 and included a memo outlining three phases to stand up the Program.

Sustainable funding is needed to implement the proposed Program. Given the current uncertainty regarding the County's fiscal outlook caused by the pandemic, the County will be better equipped to address the funding needs for the propose Program during our Supplemental Budget Phase in October 2021. However, we must ensure that, in the meantime, the services currently provided by the LAJF Pilot and the infrastructure thereof remain uninterrupted. While the current sunseting date of the LAJF Pilot is slated for June 30, 2021, there is funding leftover to bridge the gap until the FY 2020-21 Supplemental Budget.

WE, THEREFORE, MOVE that the Board of Supervisors:

1. Authorize the Director of the Department of Consumer and Business Affairs (DCBA), or his designee, to extend the LAJF Pilot past June 30, 2021, as needed, and continue funding the program through any unspent funds;

2. Direct the Office of Immigrant Affairs in DCBA to create a framework, developed in collaboration with the City of Los Angeles, the California Community Foundation, and the Weingart Foundation, for a proposed Los Angeles Justice Fund Phase II Program; and
3. Direct the Chief Executive Officer to report back in the FY 2021-22 Supplemental Budget on available funding to implement the proposed Los Angeles Justice Fund Phase II Program.

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