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MOTION BY SUPERVISORS HILDA L. SOLIS
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Legal Representation and Wraparound Services Linkage for Immigrants

Historical anti-immigrant federal policies have placed many of the County’s nearly two million non-citizen residents at risk of deportation. This includes unaccompanied children, asylum seekers, Deferred Action for Childhood Arrivals (DACA) recipients, holders of Temporary Protected Status (TPS), lawful non-permanent residents, essential workers, and nearly one million undocumented people. This is due to the complexity of immigration law and the severe consequences for immigrants who, unlike people in the criminal justice system, do not have the right to a government-provided attorney to defend them. Yet research shows that immigrants represented by attorneys are ten times more likely to get positive outcomes than unrepresented individuals.

In response to the urgent need for immigration legal representation services for immigrants who cannot afford an attorney, in December 2016, this Board of Supervisors (Board), in partnership with the City of Los Angeles (City) and the California Community

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Foundation and Weingart Foundation (Philanthropic Partners), launched an initiative to provide immigration legal representation to low-income County residents at risk of deportation. The Los Angeles Justice Fund (LAJF Pilot) – a two-year public-private pilot - was the first of its kind in the County to provide due process in the form of immigration legal representation to low-income immigrants in removal proceedings. To learn about the LAJF Pilot's impact and measure its effectiveness, this Board requested an evaluation report. The evaluation report concluded that in its first two years of existence, the LAJF Pilot made considerable progress in advancing due process by providing immigration legal representation for vulnerable immigrants. The two-year Pilot included the following achievements:

1. Screenings and legal consultations to nearly 1,737 people.
2. Legal representation for 528 individuals, one third of whom were children.
3. Securing the release of 32 percent of initially detained clients.
4. Obtaining positive outcomes for 63 percent of completed cases that allowed the clients to remain in the United States. This compares to less than 5 percent nationwide for people without counsel.
5. Legal representation for parents of more than 75 U.S.-born children.
6. Representing clients who have lived in the U.S. an average of 14 years.

To move forward, the evaluation report recommended that the County, City and Philanthropic Partners continue building upon the foundation that the LAJF Pilot laid out and launch a program to provide immigrants with immigration legal representation and

strong linkage to wraparound support services available for them and their families.

As a result, on July 20, 2020, this Board directed the Office of Immigrant Affairs (OIA) in the Department of Consumer and Business Affairs (DCBA) to work with the City, Philanthropic Partners, and a consultant to develop a report (Report) for a program (Program) that included, at a minimum, the following components:

1. Immigration legal representation due process, wraparound support services, and robust case management services;
2. Collaboration between public, philanthropic, legal immigration services providers, and other strategic stakeholders;
3. To ensure the viability and sustainability of the proposed Program, an overview of possible funding from diverse sources (i.e., public, philanthropic, private);
4. An estimated Program budget and the needed County financial investment to operate the Program.

OIA worked with the City, Philanthropic Partners, and a consultant, Grantmakers Concerned with Immigrants and Refugees (GCIR), to develop the Report. Titled the *Los Angeles Immigrant Community Legal Defense Program*, the Report, which OIA submitted to this Board on March 3, 2021, incorporated input from nearly 100 stakeholders, including the LAJF Pilot's grantees and dozens of public, non-profit, and legal organizations. The Report addressed this Board's directives and proposed the framework for a comprehensive, sustainable and inclusive Program to provide immigrants and their families with immigration legal representation, wraparound support services, and robust case management. The proposed Program model also aligns with

a number of the recommendations the Immigrant Protection and Advancement Task Force included in the Immigrant Protection and Advancement Strategy Report they submitted to this Board on December 15, 2018.

As proposed by the Report, the Program puts forward a visionary, systemic approach to address the historical and current challenges immigrants and their families face. The Program also incorporates the flexibility needed to capitalize on opportunities for immigration relief created by changing federal policy. The Program considers that immigrants and their families rarely confront immigration challenges in isolation, and that significant concerns related to health, housing, employment, and education can be devastating not only to the individual facing deportation, but to their entire household. Thus, the Report points out that addressing these intersecting needs requires a Program that considers and addresses:

1. The actions of the federal immigration system in its three primary areas of operation: Civil immigration enforcement and prison detention, civil removal proceedings, and affirmative immigration benefits adjudication.
2. The economic, health, and social impact of detention and deportation; and
3. Access to wraparound services available to affected families (i.e., housing, employment, and mental/medical health care) to overcome the devastating impact created by the detention and/or deportation of family members.

On May 18, 2021, this Board directed OIA to submit Framework for the Program, developed in collaboration with the City and Philanthropic Partners, that incorporates the recommendations in the consultant's Report. The attached proposed Program Framework, guided by the consultant's Report, and created in partnership with the City

and Philanthropic Partners, consists of four distinct but tightly interconnected pillars, subject to approval by the other legislative bodies and philanthropic boards. Visionary and responsive, this Program would provide immigrants and their families with equitable, comprehensive, and sustainable immigration legal representation, case management, outreach and education, and linkage to wraparound support services. This approach will support them in overcoming the historically inequitable impact of immigration policies, as well as seize on immigration relief opportunities available now or in the future. The proposed Program recognizes that immigrants and their families rarely confront immigration challenges in isolation, and that concerns, including health, housing, and employment, can be equally devastating. Therefore, the proposed Program incorporates case management and resource linkages for individuals in deportation proceedings and their families. Specifically, the proposed Program includes these four pillars:

1. Detained removal defense,
2. Non-detained removal defense,
3. Community support, and
4. Legal support for affirmative immigration benefits.

The Framework also identifies these five core components to create and sustain the Program:

1. Designate a lead organization or organizations to centralize coordination and maximize system-wide efficiencies. The lead organization will also assume responsibility for facilitating collaboration among the appropriate number of grantees to minimize duplication of effort, strengthen relationships, and

maximize available resources. This includes establishing a Program-wide system for intake and referrals; facilitating capacity-building, training, and technical assistance opportunities; and coordinating advocacy and litigation efforts to address Program-wide issues and challenges.

2. Adopt a goal to maintain an organizational, performance-based contract model of funding on a multi-year budget cycle.
 - a. Resources should not be allocated on a per-case basis or tied to specific case outcomes because this leaves participating organizations vulnerable to budgetary impacts they cannot control. Rather, resources should support staffing teams at a right-size number of grantees to ensure maximum coordination, efficiency, effectiveness, and sustainability of legal services.
 - b. While case outcomes are critical, they are only one measure that should be considered, other performance indicators that measure and demonstrate the full impact of any investment should be utilized as well.
3. Create uniform and clear eligibility guidelines for representing clients throughout the Program:
 - a. Serve immigrants that either reside or intend to reside in Los Angeles County, as evidenced by self-attestations;
 - b. Prioritize low-income immigrants whose incomes are at or below 250 percent of the Federal Poverty Level to account for the cost of living in

the Los Angeles area and to align with immigration legal services funded through the California Department of Social Services; and

- c. Consistent with the consultant's Report and other County and City-funded programs, provide merit-less legal representation regardless of prior criminal history. This approach reduces administrative burdens, while addressing systemic inequities in the criminal justice system that disproportionately impact communities of color.
4. Adopt streamlined data collection and reporting processes that document, measure, and evaluate performance Program-wide, while providing an opportunity to assess actual costs associated with providing the array of services encompassed in the four-pillar approach.
5. Elevate and fund deep and authentic collaboration among grantees to minimize duplication of effort, strengthen relationships, and maximize resources. For example, there should be greater transparency in terms of related or complementary funding streams that could influence how funding is allocated.

Finally, the Framework identifies braided funding investments from the City and Philanthropic Partners, which will be augmented by a County investment. The City's investment is \$2 million for Fiscal Year 2021-22, with a goal of at least two additional years at \$2 million each. The Philanthropic Partners' pending investment matches the City's at \$2 million for Fiscal Year 2021-22, with the goal to raise additional philanthropic support for subsequent years. Since the County covers a larger jurisdiction, our investment should match or exceed the \$2 million contributed by both the City and

Philanthropic Partners. 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 proposed Program during our Supplemental Budget Phase in September 2021.

WE, THEREFORE, MOVE that the Board of Supervisors:

1. Direct the Department of Consumer and Business Affairs' (DCBA) Office of Immigrant Affairs, in partnership with the City of Los Angeles and Philanthropic Partners, to begin implementing the Program as outlined in the attached Framework;
2. Direct the Chief Executive Officer to work with the Director of DCBA, or his designee, on identifying and allocating at least \$2 million in on-going funding during the Fiscal Year 2021-21 Supplemental Budget to implement the Program as outlined in the attached Framework; and
3. Authorize the Director of DCBA, or his designee, to enter into any contracts, memorandums of understanding, and agreements needed to develop and implement the Program.

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