



**COMMUNITY
INVESTMENT
FOR FAMILIES
DEPARTMENT**
Paths to Prosperity



KAREN BASS, MAYOR
ABIGAIL R. MARQUEZ, GENERAL MANAGER

October 12, 2023

Council File: 17-0046-S3
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COMMITTEE TRANSMITTAL: REPORT BACK ON THE REPRESENTLA MEMORANDUM OF UNDERSTANDING AMENDMENT

SUMMARY

The General Manager of the City of Los Angeles Community Investment for Families Department (CIFD) respectfully requests that your office review this transmittal and forward it to the appropriate committees for further consideration. Through this transmittal, CIFD provides a report back on actions approved under Council File (C.F.) 17-0046-S3.

This report provides a status update on the RepresentLA program and an amended Memorandum of Understanding (MOU). The revised MOU expands the eligible uses of allocated City funds to include detained and non-detained merits-blind removal defense.

RECOMMENDATIONS

The General Manager of CIFD respectfully requests that the Mayor and City Council:

- I. **APPROVE** the First Amendment to the MOU, Attachment A, with the Los Angeles County Department of Consumer and Business Affairs, Office of Immigrant Affairs to include detained and non-detained merits-blind removal defense and
- II. **AUTHORIZE** the General Manager of CIFD, or designee, to execute the First Amendment to the MOU between the City and the Los Angeles County Department of Consumer and Business Affairs, Office of Immigrant Affairs to provide immigrant legal services funding to the RepresentLA program.

BACKGROUND

The RepresentLA program, formerly known as the Los Angeles Justice Fund (LAJF), is a public-private partnership involving the City of Los Angeles (City), County Department of Consumer and Business Affairs, Office of Immigrant Affairs (DCBA-OIA), California Community Foundation (CCF), and the Weingart Foundation. This comprehensive initiative pools financial resources to offer free legal representation for individuals in removal proceedings, legal counsel and representation for vulnerable individuals seeking affirmative immigration relief, resource linkage to vital support services, and outreach and education to Los Angeles County residents in underserved communities. The four pillars of the RepresentLA program include Detained Deportation Defense, Non-Detained Deportation Defense, Affirmative Immigration Relief Representation, and Outreach and Education.

On May 10, 2022, the City Council and Mayor adopted an amending motion (De Leon - O'Farrell/Krekorian – Rodriguez- Martinez) relative to the conclusion of the LAJF Pilot Program and adoption of a new program framework (C.F. 17-0046-S2). This motion allocated the City's funding contribution to services related to two of the four pillars of the RepresentLA program: Outreach and Education and Affirmative Immigration Relief Representation.

On May 1, 2023, the City Council and Mayor authorized the General Manager of CIFD, or designee, to negotiate and execute the MOU between the City and DCBA-OIA to fund immigrant legal services through RepresentLA.

CIFD executed the MOU with DCBA-OIA to allocate City funds for services related to Outreach and Education and Affirmative Immigration Relief Representation in June 2023.

On June 13, 2023, the City Council adopted a motion (Soto-Martinez, Price - Raman, C.F. 17-0046-S3) relative to expanding the eligible uses of allocated City funds for the RepresentLA program. The motion instructed CIFD, with the assistance of the City Attorney and the Chief Legislative Analyst (CLA), to work with the DCBA-OIA to prepare and present an amended MOU to the City Council expanding the scope to include detained and non-detained merits-blind removal defense.

DISCUSSION

CIFD, with the assistance of the Chief Legislative Analyst (CLA), City Attorney, and DCBA-OIA, has prepared an amended MOU, Attachment A. The purpose of amending the MOU is to expand the eligible uses of allocated City funds to include detained and non-detained merits-blind removal defense.

CIFD, with the assistance of the CLA, assessed the impact of expanding the eligible uses of allocated city funds to include detained and non-detained merits-blind removal defense legal representation. The impact of including the two remaining pillars of the RepresentLA program is below.

Supporting Individuals with Prior Convictions

This policy decision represents an allocation of city funds aimed at providing crucial legal representation for immigrants with prior convictions, spanning a wide range in terms of severity and scope. This initiative embodies a small yet significant step within a broader merits-blind approach.

Nationwide data from the U.S. Customs and Border Protection reveals a Fiscal Year 23 Year-To-Date total of 12,659 arrests involving individuals with criminal convictions.¹ It is worth noting that, regardless of the gravity of their convictions, immigrants lack a constitutional right to legal counsel. Consequently, most defend themselves against government-funded attorneys and immigration judges without proper representation. As highlighted in the Grantmakers Concerned with Immigrants and Refugees (GCIR) 2020 report, immigrants stand five times more likely to secure relief from deportation and less susceptible to unscrupulous immigration practitioners when they have a qualified attorney advocating for their rights. This merits-blind approach garners support from the County, philanthropic partners, RepresentLA program grantees, and community immigration advocates.

Moreover, it aligns with the model GCIR recommended in its December 2020 report. This model prioritizes due process, ensuring legal representation throughout the entirety of the legal proceedings, regardless of an individual's criminal history, and will serve individuals who meet eligibility requirements, such as income and residency, contingent on funding availability.

Multi-year Funding for Immigration Representation

There have been concerns about the duration and cost of immigration defense and questions if immigration legal representation was within the jurisdiction of the City functions. According to the "Los Angeles Justice Fund No-Cost Extension Year Final Close-out Report" by CCF in October 2022, the LAJF program accepted 756 cases for legal representation, with a total budget of approximately \$11.9 million. Additional expenses included infrastructure development, capacity building, outreach and education, technical assistance, field coordination efforts, and legal screenings for cases that were not accepted. Beyond the termination of the LAJF program, approximately 40% (299) of cases remained active and were transferred to RepresentLA service providers for continued representation.

Once a legal service provider accepts a case for legal representation, it may necessitate multi-year funding if the case extends beyond the initial funding period. The duration of an immigration case is unpredictable, ranging from six months to over a decade, contingent on various factors such as an individual's history, U.S. Citizenship and Immigration Services (USCIS) review and processing times, and immigration court schedules.

Furthermore, once a legal service provider assumes representation, the legal service provider enters into a contract with the client, committing to represent them until the immigration judge or USCIS renders a decision. While most service providers have contract clauses allowing them to terminate a contract for good cause, once they have entered an appearance in immigration court on behalf of a client, the attorney is obligated to represent the client throughout the case unless the attorney moves to withdraw as counsel and an immigration judge grants the motion. These factors will make it difficult for RepresentLA service providers to discontinue representation for a client should program funds terminate before the client's case is resolved. Loss of program funding would be highly disruptive to service providers and their clients, as organizations would be faced with finding alternative funding sources or instructing their clients to find other counsel.

Existing Funding

Providing legal representation services in partnership with the County and philanthropy leverages the City's financial investment, elevates the program's profile, and allows the program

¹ <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics/criminal-noncitizen-statistics>

to accept more cases. The County has contributed \$8 million to the RepresentLA program, while the CCF and the Weingart Foundation have each contributed \$1 million, totaling \$2 million in philanthropic support. Combined with the City's \$4 million contribution, the RepresentLA program has a total of \$14 million. This funding facilitates the expansion of the program's infrastructure, including expanding affirmative representation for victims of labor trafficking and workplace exploitation, immigrant youth, and veterans. Additionally, a minimum of \$250,000 has been allocated to serve veterans.

RepresentLA Update

The RepresentLA program issues quarterly reports, and the following data is from the first quarter, spanning from April 1, 2023, to June 30, 2023. During this period, the RepresentLA program assisted a total of 467 clients, with 55 percent of these clients (259 individuals) residing within the City of Los Angeles. Below is a breakdown of services by category.

Services Provided		Number Served
Removal Defense	Detained Representation	21 Individuals
	Non-detained Representation	323 Individuals
Affirmative Legal Representation	Asylum Seekers, 88 individuals received services, including	34 Full-scope Representation
		10 Pro Se Application Preparation
		44 Legal Consultations Only
Labor Trafficking & Workplace Exploitation Representation		11 Individuals
Immigrants Experiencing Homelessness		24 Individuals
Special Immigrant Juvenile Status Representation*		24 Individuals
*This number is not included in the total client count but has been included to provide insight into this particular category; this category reflects the time period of July 1, 2023 to August 15, 2023.		

Resource Linkage

Seventy clients received social service linkage assistance, which included support for housing, medical, and mental health services. DCBA-OIA plans to enhance these services by leveraging its Capacity-Strengthening for Immigrant-Focused Community-Based Organizations Initiative. This initiative will contract with a case management lead agency to expand case management services among legal services providers, ultimately improving resource linkages.

Veteran Outreach

Veterans, like all constituents, have the opportunity to access these services through the existing RepresentLA program. DCBA-OIA, in collaboration with CIFD, has met with service providers, veteran organizations and relevant stakeholders to identify service solutions for this specific population. Currently, DCBA-OIA is in the process of preparing the procurement to identify organizations that can serve veterans through the RepresentLA program. The RFP is expected to be released in November 2023 and the new contractor should be identified by the start of 2024.

In the interim, CIFD has been proactively engaging with veteran-led and veteran-serving organizations to promote the availability of services for veterans. This effort includes outreach to over ten organizations and active participation in five community events to connect with veterans who can benefit from these services. CIFD remains committed to ensuring that veterans are recognized as a prioritized demographic within the scope of the RepresentLA program.

FISCAL IMPACT STATEMENT

There is no impact to the General Fund. The services provided under the MOU are supported by the \$4 million in General Fund appropriated under Account 21W224 ([17-0046-S2](#)).

There may be a future General Fund impact beyond the term of the MOU due to the inclusion of funding immigrant legal representation as identified in this report.



ABIGAIL R. MARQUEZ
General Manager

Attachment A: [First Amendment MOU](#)

FIRST AMENDMENT
TO MEMORANDUM OF UNDERSTANDING
BETWEEN
CITY OF LOS ANGELES
AND
LOS ANGELES COUNTY DEPARTMENT OF CONSUMER AND BUSINESS AFFAIRS
TO PROVIDE
IMMIGRANT LEGAL SERVICES FUNDING

THIS FIRST AMENDMENT to Memorandum of Understanding (“MOU”), is made and entered into this _____ day of _____, 2023 (“Amendment” or “First Amendment”) by and between the City of Los Angeles, a municipal corporation (“City”), by and through its Community Investment for Families Department (“CIFD”), and the County of Los Angeles (“County”), by and through its Department of Consumer and Business Affairs (“DCBA”). City and County are hereinafter after sometimes individually referred to as “Party” and collectively referred to as “Parties.”

WHEREAS, City and County entered into a MOU, dated on or around June 15, 2023, for the purpose of providing immigrant legal services funding as set forth and in accordance with the MOU.

WHEREAS, Section IV of the MOU provides for amendments to the MOU.

WHEREAS, City and County are desirous of amending the MOU as provided by City Council file number 17-0046-S3 (Council approved June 13, 2023), and Section 14.8 of the Los Angeles Administrative Code for the purpose of: (a) expanding the eligible uses of the allocated City funds to include detained and non-detained merits-blind removal defense; and (b) making such other changes as are required in connection with the foregoing, all as detailed elsewhere in this Amendment.

WHEREAS, this First Amendment is necessary and proper to continue and/or complete certain activities authorized under the MOU.

NOW, THEREFORE, City and County agree that the MOU be amended as follows:

FIRST AMENDMENT

§1. Amend the MOU, section entitled “Recitals,” last “Whereas” paragraph, by deleting it in its entirety, and replacing it with the following:

“WHEREAS, the Parties desire to enter into this MOU and any necessary amendments to specify the responsibilities of each Party and to facilitate the transfer of funding between Parties to support the provision of mutually agreed upon services including, detained and non-detained merits-blind removal defense representation, affirmative immigration benefits representation, and outreach, and education to City residents through the County’s existing Program.”

§2. Amend the MOU, section I, “General Provisions,” paragraph A, subparagraphs ii and iii, by deleting it in its entirety, and replacing it with the following:

“ii. DCBA/OIA, through its Program Administrator, shall utilize \$3,750,000 of City Funds contribution to provide detained and non-detained merits-blind removal defense representation, affirmative immigration relief representation, and community support for individuals who reside or intend to reside in the City of Los Angeles.

iii. DCBA/OIA, through its Program Administrator, shall utilize \$250,000 of City Funds contribution to provide detained and non-detained merits-blind removal defense representation, affirmative immigration relief representation, and community support for veterans of the U.S. Armed Forces who reside or intend to reside in the City of Los Angeles.”

§3. Amend the MOU, section VI, “DCBA/OIA Responsibilities,” paragraph C, by adding the following immediately before the original subparagraph “i,” and renumbering the original subparagraph “i,” “Community Support,” as subparagraph “ii,” as well as renumbering the original “ii,” “Affirmative Immigration Relief Representation,” as subparagraph “iii:”

“i. **Detained and Non-Detained Removal Defense** – Merits-blind legal representation to low-income and other vulnerable immigrants who currently reside, or intend to reside in the City, are subject to immigration removal proceedings, and are in need of legal representation in immigration courts. Services include:

- Representation in active removal proceedings, including representation in ancillary applications and/or petitions filed before a state court or U.S. Citizenship and Immigration Services (USCIS), intended as a defense to removal, until a decision is made by the immigration judge or the Board of Immigration Appeals (BIA);
- A motion to reopen, from the time of case acceptance, including active representation in immigration court (if the case is reopened), until a decision is made by the immigration judge or the BIA;
- An appeal before the BIA, where representation is newly initiated, or an appeal is submitted in a case where the legal service provider previously represented respondent at the immigration court level and the individual has been ordered removed;

- Subsequent representation in immigration court, if a BIA appeal is remanded, until a final decision is made by the immigration judge and/or the BIA shall count as a separate case;
- An appeal before the federal courts (Ninth Circuit), whether or not the case was previously represented at the immigration court/BIA level through RepresentLA or other funding;
- Post-conviction relief representation for an individual in active removal proceedings or an individual with a final order of removal, whether or not the case was previously represented at the immigration court/BIA level through RepresentLA or other funding;
- Representation to facilitate the return to the U.S. of a deportee (e.g., a U.S. Armed Forces veteran) who previously resided or intends to reside in the City;
- Representation of asylum applications filed before USCIS/Asylum Office, where the individual was initially in active removal proceedings, but their proceedings were dismissed pursuant to the exercise of prosecutorial discretion;
- Representation for individuals who have been issued a Notice to Appear, but it has not been filed at the Executive Office for Immigration Review at the time representation is initiated will include the following:
Provider shall make efforts to make substantive filings for appropriate relief within three months of representation initiation, including, but not limited to applying for asylum in a timely manner, to meet any deadlines.”

§4. Amend the MOU, section VI, “DCBA/OIA Responsibilities,” paragraph D, by deleting it in its entirety, and replacing it with the following:

“D. Within ninety (90) days of the execution of this MOU, or within sixty (60) days of any subsequent amendment to this MOU, DCBA/OIA through its Program Administrator agrees to provide the City with a report on how the populations described in Section VI.C can access the variety of legal services offered under the Program and provide recommendations to improve and/or remove any barriers to entry into the Program.”

§6. Amend the MOU, section VI, “DCBA/OIA Responsibilities,” paragraph E, by deleting it in its entirety, and replacing it with the following:

“E. DCBA/OIA agrees to allocate one-time funding of \$250,000 of the City’s contributed funds to provide Program detained and non-detained merits-blind removal defense representation, affirmative immigration relief representation, and outreach and education to veterans of the U.S. Armed Forces, who reside or intend to reside in the City of Los Angeles, through its Program Administrator.”

§5. Amend the MOU, Exhibit A, under “Cost Category,” first line item, by adding “Detained and Non-Detained Removal Defense Representation,” immediately before “Affirmative Immigration Relief Representation and Community Support.”

§6. This Amendment may be executed in one or more counterparts, and by the Parties in separate counterparts, each of which when executed shall be deemed to be an original but all of which taken together shall constitute one and the same agreement. The Parties further agree that facsimile signatures or signatures scanned into .pdf (or signatures in another electronic format designated by City) and sent by e-mail shall be deemed original signatures.

§7. This Amendment includes five (5) total pages, which constitute the entire understanding and agreement of the Parties.

[Remainder of page intentionally left blank.]

[Signatures begin on the next page.]

IN WITNESS THEREOF, the County has caused this MOU to be executed by the Director of the DCBA or his designee. The City has caused this MOU to be executed by the General Manager of CIFD or her designee.

LOS ANGELES COUNTY DEPARTMENT OF CONSUMER AND BUSINESS AFFAIRS

By _____ Date _____
RAFAEL CARBAJAL
DIRECTOR

CITY OF LOS ANGELES
COMMUNITY INVESTMENT FOR FAMILIES DEPARTMENT

By _____ Date _____
ABIGAIL R. MARQUEZ
GENERAL MANAGER

APPROVED AS TO FORM:

DAWYN R. HARRISON
Interim County Counsel

By _____
Deputy County Counsel