

REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: October 15, 2021

TO: Honorable Members of the Los Angeles City Council

FROM: Sharon M. Tso 
Chief Legislative Analyst

Council File No. 17-0046-S2
Assignment No. 21-08-0631

SUBJECT: Proposed Immigrant Legal Services Program Framework

SUMMARY

On September 2, 2020, the City Council adopted a Chief Legislative Analyst (CLA) report relative to the development of a new immigrant legal services program in partnership with the Los Angeles County Department of Consumer and Business Affairs (DCBA) – Office of Immigrant Affairs (OIA) and philanthropic partners, and the sunset of the Los Angeles Justice Fund (LAJF) (C.F. 17-0046-S2).

In response to the Council's request, the CLA and City Administrative Officer (CAO) worked with County representatives, the California Community Foundation (CCF), the Weingart Foundation, and the Mayor's Office to develop recommendations for a new immigrant legal services program that will replace the LAJF. This report provides the status of the recommendations approved by Council including: 1) an overview of the proposed immigrant legal services program and funding sources; 2) eligibility requirements for the proposed new framework; 3) an update on the Memorandum of Understanding (MOU) between the City and other funding partners; 4) alternative funding sources for immigrant legal representation services; 5) the feasibility of a separate immigrant services procurement process; 6) sunset of the LAJF and disposition of open cases should funding not be available in the future; 7) information related to vulnerable immigrant populations provided by the USC Equity Research Institute (ERI); and, 8) scenarios of servicing the immigrant community after the 2020 national election. These components are further addressed in the Discussion Section of this report.

As the development of the proposed immigrant services program proceeds, the Council must determine whether it wishes to continue to fund immigration legal services, as the effort would represent a new program supported with General Fund resources. If the Council wishes to provide such services, it must further determine whether partnering with the County and philanthropy would be the best approach in serving the City's constituents. If the Council determines that providing immigration legal services through a partnership with the County and philanthropy, the Council must then consider whether the proposed immigrant legal services framework is in alignment with the Council's priorities and further affirm its expectations, conditions, eligibility requirements, procurement processes, and reporting protocols.

This report provides an analysis of potential future costs and the budgetary impact associated with continued participation. The options presented in the recommendations below will allow the Council to determine whether the City participates as a partner of the proposed Immigrant Legal Services framework, whether the City intends to finance only existing cases and proceed with the conclusion of the program, or continues to finance existing and new cases resulting in the potential need for multi-year funding, which

could have a General Fund impact, and whether the City wishes to continue certain restrictions on the use of funds.

RECOMMENDATIONS

If the Council wishes to move forward:

1. The actions below will assist in determining whether the Council wishes to fund immigrant legal services, including removal defense. The first set of options will determine if the Council wishes to fund immigration legal services in partnership with the County and philanthropy; if the Council wishes to provide such services unilaterally; or, if the Council wishes to sunset the funding of immigrant legal services:

OPTION 1A: Adopt the proposed Immigrant Legal Services framework, in partnership with Los Angeles County, the California Community Foundation, and the Weingart Foundation, and instruct the CAO and the CLA to report on the transfer of existing Los Angeles Justice Fund (LAJF) cases to the new program, or

OPTION 1B: Instruct the CAO and the CLA to report with options to unilaterally implement a City immigrant legal services framework based on Council's priorities, release a separate procurement process, and complete the disposition of existing LAJF cases, or

OPTION 1C: Conclude the provision of immigrant legal services and instruct the CAO, with the assistance of the CLA, to report on the disposition of existing LAJF cases.

2. If the Council selects OPTION 1A above, the Council should determine whether City funds are used for existing cases only or for existing and new cases:

OPTION 2A: Authorize City funds allocated in the Fiscal Year 2021-22 Adopted Budget to be used for financing existing LAJF cases only, or

OPTION 2B: Authorize City funds allocated in the Fiscal Year 2021-22 Adopted Budget to be used for financing existing LAJF cases and new cases under the new Immigrant Legal Services framework.

3. If the Council selects OPTION 1A above, the Council should determine whether or not to only finance cases with no serious or violent criminal convictions:

OPTION 3A: Restrict City funds for cases with no serious or violent criminal convictions similar to the policy adopted under the LAJF and include the cost of criminal background checks under the new program, or

OPTION 3B: Adopt a merit-blind approach where criminal history is not considered as eligibility criteria for participating in the new program.

If Council selects OPTION 1A, the following additional actions are recommended:

4. Authorize the CAO, with the assistance of the CLA, to work with the County Office of Immigrant Affairs and philanthropic partners to develop and implement a competitive bid process, or sole source contract, if necessary, for the selection of: a) a lead organization(s) to serve as program operator; b) an organization to manage data collection, evaluation, and performance metrics that take into account the various interactions during the life of a case; and c) sub-grantees; and, report to Council with selections for a, b, and c for approval.
5. Instruct the program lead organization(s) and the program evaluator, once selected, to monitor eligibility requirements and program access, and report periodically to Council with recommendations to improve and/or remove any barriers to entry into the new program, including a status report on the transfer of existing Los Angeles Justice Fund cases once the new program has been implemented.
6. Instruct the lead organization, once selected, to report on the selection of the Community Advisory Group for Council approval.
7. Instruct the CAO to report with a revised budget that contemplates the new implementation timeline, including the funding resources identified in this report from philanthropy and the County of Los Angeles, and report on the use of the City's \$2 million allocation in the Fiscal Year 2021-22 Adopted Budget, a payment methodology, and options to set aside funds to cover the cost of background checks and expenses associated with referrals to public agencies providing wraparound services.
8. Instruct the CAO and the CLA, and request the County Office of Immigrant Affairs, to include in the Memorandum of Understanding (MOU), a provision to enhance outreach efforts encouraging participation by Black and Indigenous immigrants, and other vulnerable populations, in the proposed Immigrant Legal Services program, and report on how individuals can access the variety of legal services offered by the program.
9. Instruct the CLA to continue to monitor federal legislation and other administrative actions that provide resources for legal representation services for individuals at risk of deportation and report to Council with periodic updates.
10. Instruct the CAO and the CLA to include the above Council actions in the final MOU between the City, County and other partners, and report to Council for approval.

FISCAL IMPACT

The Fiscal Year 2021-22 Adopted Budget provides \$2 million for immigrant legal services. Should the Council adopt Options 1A and 2B, a multi-year legal services program may result in a potential estimated General Fund obligation of approximately \$2 million annually until at least Fiscal Year 2023-24 (C.F. 21-0600). It should be noted that accepting new legal cases may result in a multi-year funding obligation inasmuch as an immigration case could take years to resolve.

BACKGROUND

In September 2020, the Council took the following actions relative to the development of a multi-year immigrant legal services program and the sunset of the LAJF as listed below:

- Authorized a \$1 million allocation for a one-year extension of the LAJF from July 1, 2020 through June 30, 2021 for legal representation services, including new and existing cases;
- Instructed the CLA and the CAO to report on: a) a strategic plan for a multi-year funding program for removal defense; b) an MOU with the County Office of Immigrant Affairs to better align metrics and reporting requirements; c) identification of additional funding sources; and, d) recommendations for a reduced number of legal service providers;
- Instructed the CLA to work with the CAO and the City Attorney to report on the feasibility of creating a request for proposals consisting of immigration legal service provider(s) with demonstrated capacity and experience;
- Instructed the CAO to report on the impact to open LAJF cases should funding not be available in the future; and,
- Instructed the CLA to report on the various scenarios of servicing the immigrant community after the November 2020 national elections.

In June 2021, as part of the Fiscal Year 2021-22 Adopted Budget, the Council included \$2 million for immigrant legal services. To ensure continuity of services under the current LAJF, the City and County have both authorized no-cost contract extensions through June 30, 2022.

On July 27, 2021, the County Board of Supervisors (Board) adopted a motion directing the DCBA – OIA, in partnership with the City and philanthropic partners, to begin implementation of the immigrant legal services framework described in this report. County DCBA staff reports that the Board has committed \$3.5 million for FY 2021-22 as the County's share for implementation of the Immigrant Legal Services framework and authorized DCBA to enter into any contracts, memoranda of understanding, and agreements needed to develop and implement the program. The Weingart Foundation approved \$1 million for the program, and CCF is set to approve a \$1 million commitment in October 2021.

If the Council approves the proposed Immigrant Legal Services framework, the following key steps will follow:

- Finalize development of an MOU between the City, County, and philanthropic partners, and report to Council for approval.
- Engage in a contracting process for the selection of a lead organization for program management, a program evaluator for data collection and performance metrics, procure two cohorts of program grantees for legal services and community outreach, and establish a proposed Community Advisory Group, with guidance from funding partners, and report to Council for approval.

If approved, the launching of the proposed immigrant legal services program will occur in May 2022. The CLA and the CAO will continue to monitor the implementation of the new program and the sunset of the LAJF and will provide updates to Council as recommended in this report.

DISCUSSION

1. Proposed Immigrant Legal Services Program Framework and Funding Sources

The City Council and the Board have both directed staff to report on the implementation of a multi-year funding model for immigration legal services. In response, representatives from the City, County, and philanthropic funding partners have met regularly to discuss and develop a proposed model. The County commissioned a study by Grantmakers Concerned with Immigrants and Refugees (GCIR) to make recommendations concerning a multi-year immigrant legal services program. The proposed Immigrant Legal Services framework is based on recommendations made by GCIR. The proposed framework consists of a four-pillar model supported by five core elements and a reduced number of legal services providers with an anticipated budget of \$7.5 million. A lead organization will be selected to oversee the implementation and operations of the new program. New participant eligibility requirements are proposed to address certain inefficiencies identified by legal service providers, funding partners, and immigration advocates. Below is a detailed description of the proposed Immigrant Legal Services framework:

A. Four-Pillar Framework

1. Investing in Impacted Immigrant Communities (Education and Outreach)
2. Detained Removal Defense
3. Non-Detained Removal Defense
4. Earned Immigration Affirmative Benefits

B. Five Core Elements

1. One or two lead organization(s) to centralize system-wide efficiencies.
2. Multi-year and sustainable budget goals.
3. Create uniform eligibility guidelines that promote equity and efficiency.
 - a. Individuals residing or with family ties to the Los Angeles region as evidenced by self-attestation.
 - b. Individuals with incomes up to 250 percent of the federal poverty level.¹
 - c. No criminal background check.
4. Streamlined data collection and reporting.
5. Braided (multiple) and sustainable funding streams.

Under the proposed Immigrant Legal Services framework, one or two lead organizations will be selected through a competitive bid process to operate and manage the program including developing agreements with all sub-grantees; creating intake, screening, and referral systems; coordinating between grantees, communities, and funders; and, establishing a Community Advisory Group to create and maintain ties with the immigrant community. The lead organization will also coordinate with the program evaluator to develop a process to transmit data and performance metrics.

The model proposes at least two sets of sub-grantees: legal service providers and community outreach contractors. These subcontractors will be procured by the selected lead organization(s) with guidance from program funders. A cohort of between six to eight legal service providers are recommended by GCIR to handle the growing number of detained and non-detained individuals with removal orders in the Los Angeles area. These providers would focus on offering immigration legal services in the context of immigration court operations and in regional detention facilities that are operated by or under contract by the U.S. Department of Homeland Security.

¹ The 2021 Federal Poverty Level (FPL) for one person is \$12,880. The FPL for one person at 250 percent is \$32,200.

Legal service providers would also offer affirmative immigration relief benefits, such as assistance with DACA application renewals and immigration status changes. The framework also includes a referral system for wraparound services, such as housing, food security, and health services, as needed. It is expected that the lead organization(s) will work with the funders to establish criteria for referrals and affirmative case acceptance to ensure clients and their families obtain information and access to available social services.

A portion of the overall budget will be used to cover expenses associated with referrals from public agencies. In the event a public agency provides additional funding to the program to assist a specific vulnerable population with affirmative representation services, the lead organization(s) will work to establish procedures to accept referrals commensurate with the agency's contribution to the program. The following immigrant populations, who are not in removal proceedings, will be prioritized to receive legal services and referrals as necessary:

- Unaccompanied children who may qualify for Special Immigrant Juvenile Status.²
- Immigrants experiencing homelessness or are at risk of homelessness.
- Temporary Protected Status (TPS) assistance with applications, renewals, re-acquisitions, and adjustment to legal permanent status.
- Asylum seekers.
- Survivors of human trafficking and other violent crimes.
- Victims of fraud and unauthorized practice of law.
- Deferred Action for Childhood Arrivals (DACA), applications, renewals, and assistance with permanent status applications (to the extent other programs are not meeting the local need).
- Individuals eligible for new immigration relief opportunities not adequately funded at the federal and/or State level.

Additionally, a cohort of between four and six community/grassroots organizations will be funded to help facilitate the flow of information to and from communities, as well as leverage community assets by supporting family members, raise funds for immigration bail bonds, increase public awareness of immigrants' legal rights, and prevent *Notario* fraud.³

The lead organization(s) will also be tasked with establishing a Community Advisory Group, which will be composed of 12 to 15 members, and whose mission is to elevate the concerns and perspectives of community members who are directly impacted by immigration enforcement, detention, and removal. The members of the Community Advisory Group will be selected by the lead organization(s) with guidance from program funders. Consistent with the City's equity priorities, the MOU will include criteria to ensure broad representation from hard to reach populations, such as Indigenous, Black, and Asian immigrants.

As part of the Fiscal Year 2021-22 Adopted Budget, the City allocated \$2 million for immigrant legal services. County DCBA staff reported that the Board has approved \$3.5 million for a new program and the Weingart Foundation has approved a \$1 million commitment for the program. The CCF board will be

² Special Immigrant Juvenile Status – Minors under the age of 21 who are currently living in the United States, are unmarried, with a court order issued by a State court, or dependent of a State agency, and cannot be reunified with his or her parents due to abuse, abandonment, or neglect, and is not in his or her best interest to return to his or her country of birth.

³ *Notario* refers to a notary public. Some notary agencies and individuals have been found to mislead and defraud individuals who are seeking immigration consultation. In Latin American countries, a "notario publico" holds a law degree, provides legal advice, and drafts legal documents on behalf of clients. In the United States, although requirements may vary from State to State, to receive a "notary public" license, individuals must fill out an application, reside in the State where the license is issued, and pay a fee. A notary public's main duty is to verify a person's identity when signing a document.

considering its funding commitment of \$1 million in October 2021. First year funding for the program could potentially reach \$7.5 million.

2. Proposed Eligibility Requirements

Under the proposed program, some eligibility requirements will remain consistent with the LAJF, while others are different, as follows:

- **Residency Requirement**

The program will include a policy of self-attestation of residency or family ties to the City of Los Angeles for City-funded cases, similar to the policy under the LAJF.

- **Income Requirement**

The income eligibility requirement will be raised from 200 percent of the federal poverty line under the LAJF to 250 percent to align with the State's immigrant services program.

- **Criminal Background Checks**

The Immigrant Legal Services framework adopted by the County does not include a requirement for criminal background checks as part of the intake process.⁴ This model allows for due process, which guarantees legal representation throughout the life of a case irrespective of criminal history, and will serve individuals who meet eligibility requirements, subject to funding availability. The County, philanthropic partners, LAJF program grantees, and community immigration advocates support a program model that does not require criminal background checks.

The County and philanthropic partners view the criminal background check requirement as an additional layer of enforcement of the criminal justice system and alters the intent of the program. The County expressed that the program should be focused on equity and due process for the poorest and most vulnerable communities within the larger immigrant population facing removal. Furthermore, LAJF legal service providers do not receive funding for screening or conducting the criminal background checks, and have reported inefficiencies in the use of time and resources. To comply, legal service providers must conduct a review of each county in which the client may have resided. Legal service providers report that they handle language barriers and complex detention center policies and protocols, which further complicates the completion of the criminal background check process. Legal service providers also note that potential clients who are detained face numerous obstacles when gathering documents or trying to communicate effectively. If the Council chooses to continue conducting criminal background checks, this report includes a recommendation to cover expenses associated with the effort.

Under the LAJF, the City and County offered immigration legal representation services to individuals with no serious or violent criminal convictions. City-funded cases were subject to the following criminal history exclusion:

LAJF services shall not be provided to individuals who have a conviction for a violent felony, as defined by subdivision (c) of Section 667.5 of the California Penal Code and/or a conviction for human trafficking child abuse, domestic violence, or pimping. However, if the legal service provider 1) determines that an individual with a conviction for a crime listed above has a justifiable extenuating circumstance and potentially meritorious claim for immigration relief or defense from removal, and 2) makes an affirmative finding of justifiable extenuating circumstances and such potentially meritorious claim, then the provider may utilize the funding provided by the City

⁴ It is noted that the County required a criminal background check under the LAJF and has removed that requirement under the new program.

for services to the otherwise excluded person. This affirmative finding must be documented in writing and included as part of the program fund reporting requirements.

For individuals facing deportation, a criminal conviction for a “deportable crime” or “inadmissible crime” can have serious consequences with respect to immigration relief. Under U.S. immigration law, certain kinds of criminal convictions can lead to a non-citizen being deported regardless of how long the individual has lived in the U.S. Deportable crimes include aggravated felonies; crimes of moral turpitude; domestic violence; and, the sale of controlled substances and possessing drugs with the intent to sell. An attorney who exercises their due diligence will likely conduct a criminal background investigation to properly advise the client about their options.

This report includes options for Council to determine if City funding should be used only for cases with no serious or violent crime convictions and to cover expenses associated with criminal background checks, or if it wishes to pursue a merit-blind approach, similar to Los Angeles County.

3. Memorandum of Understanding

In September 2020, the City Council instructed the CAO and the CLA to negotiate an MOU with the County to better align metrics, reporting requirements, additional funding sources, and a reduced number of legal service providers. In response, the City and County, along with philanthropic partners, have been meeting regularly to discuss lessons learned from the LAJF and have identified efficiencies to improve the program.

City and County staff are generally in agreement with the proposed Immigrant Legal Services framework and will incorporate specific provisions related to contract procurement, client access, eligibility requirements, the transfer of open cases to new service providers, and budget allocations as part of the MOU, pending Council approval. Our Office and the CAO will continue to negotiate the MOU with the County, and will report to Council for approval once the negotiations have been completed.

The County will be issuing two Request for Interest (RFI) solicitations for program management and data collection, and will subsequently lead the partnership in the procurement of these contractors. City staff have provided input with respect to preferred procurement processes and outreach. This report includes a recommendation instructing the CAO, with the assistance of the CLA, to work with the County OIA and philanthropic partners to develop a competitive bid process, or sole source contract, if necessary, for the selection of: 1) a lead organization(s) to serve as program operator; and 2) an organization for data collection, evaluation, and performance metrics, and report to Council with the selected organizations for approval. The selected organization will implement a separate RFP process, with guidance from funding partners, for the selection of subgrantees, and will also report to Council for approval.

4. Alternative Funding Resources for Legal Representation Services

In response to Council’s request to identify alternative funding resources, this section provides an overview of existing federal and State programs supporting legal representation services.

- **Federal Legal Representation Programs**

The federal government established the following two programs to provide legal representation to vulnerable populations within the immigrant community:

Under the Unaccompanied Children Program, the federal government subcontracts with legal service providers across the country to provide unaccompanied children arriving at the border with free legal

representation. This program has been in existence since 2005 and provides approximately \$115 million in funding through the U.S. Department of Health and Human Services.

The National Qualified Representative Program provides appointed legal representation for detained, unrepresented immigrants who are found by an immigration judge to be incompetent to represent themselves due to a serious mental disorder. The program was created in 2013 by the Executive Office for Immigration Review and provides \$12 million per year.

- **State Legal Representation Programs**

The State provides funding for legal representation services and other legal immigration services for undocumented immigrants. According to the State Legislative Analyst's Office, the State provides nearly \$65 million per year for immigrant services, including removal defense. This funding includes approximately \$45 million that is distributed throughout the State through immigrant legal services organizations, and an additional \$20 million through the California Community Colleges, the California State University, and the University of California systems.

LAJF legal providers, such as Catholic Charities of Los Angeles, the Central American Resource Center (CARECEN), and the Coalition for Humane Immigrant Rights (CHIRLA) received State funding for immigrant services, including removal defense.⁵

To date, the City has provided \$3 million in General Funds for immigrant legal services consisting of the \$2 million initial allocation to the LAJF and \$1 million for the LAJF extension. There is an additional \$2 million in the General City Purposes portion of the 2021-22 Adopted Budget to cover expenses associated with this program. If the Council wishes to finance new cases under the proposed framework, funding in future fiscal years may be required until the cases are completed. If the Council wishes to restrict funding to existing cases, the impact to the General Fund could decrease over time.

5. Separate Request for Proposals for Immigrant Legal Services

As part of the Council action in September 2020, City staff was instructed to report on the feasibility of creating and issuing a separate Request for Proposals process apart from the LAJF. This instruction was based on a Council action of March 3, 2017, which allocated \$1,025,000 in AB 1290 funds for direct community immigration services.

Providing legal representation services in partnership with the County and philanthropy leverages the City's financial investment and elevates the profile of the program. Under the proposed framework, services such as housing, healthcare, food security, and other critical services are not envisioned at this time. However, the program includes a referral system to ensure that vulnerable populations with specific needs are referred to the appropriate agencies.

If the Council wishes to explore options to support the immigrant community apart from the proposed legal services program, the Council may wish to instruct City staff to report with recommendations on the feasibility of funding legal and non-legal immigrant services, such as housing, health care, and employment readiness, for those who are not already eligible. Although the Mayor's Office maintains an Office of Immigrant Affairs with dedicated staffing, the City has not assigned immigration issues to a specific department. If the Council wishes to further formalize this service, it is recommended that staff report on the feasibility of assigning immigration issues to an existing department, such as the Civil,

⁵ California Department of Social Services:
<https://www.cdss.ca.gov/Portals/9/Immigration/FY%202019-20-ISF-Funding-Award-Announcement-2.14.20.pdf>

Human Rights, and Equity Department (CHRED) or the Community Investment for Families Department (CIFD). Ordinance No. 187032 specifies the duties of CHRED, which includes working with the Board of Human Relations Commissioners, an advisory board that recommends policies and programs to promote full and equal participation in the affairs of City government, including those from the immigrant community. The ordinance also notes that, whenever practical, CHRED should coordinate with related offices and entities in other jurisdictions to serve and defend the liberties of Los Angeles’ diverse communities. Ordinance No. 187122 specifies the duties of CIFD, which are to plan, develop, and administer programs and policies related to poverty reduction and improving the quality of life for low-income communities.

On June 30, 2021, the Council instructed this Office to work with the CAO, the Community Investment for Families Department, and the City Attorney to report on: 1) the status of the City’s sole source contract with the Salvadoran American Leadership and Education Fund (SALEF), which provides case management and housing navigation services to migrant transitional-age youth; 2) the feasibility of incorporating this contract into the proposed Immigrant Legal Services Program; and, 3) funding resources to further enhance the efforts to assist unaccompanied minors with housing and other wraparound services (C.F. 19-0777). However, County representatives and the Mayor’s Office have stated that the transfer of the SALEF contract may not be in alignment with the mission of proposed framework. A report from this Office is pending and will be presented to Council at a future date.

6. Sunset of LAJF and Disposition of Open Cases

In September 2020, the Council approved a \$1 million allocation to extend the LAJF through June 30, 2021. The Council further approved a no-cost contract extension through June 30, 2022. The City and County contracted with the USC Dornsife ERI to evaluate the progress of LAJF cases during the extension period and the transition of cases into the new program. ERI found that the progress of legal cases was impacted by the COVID-19 pandemic.

Collectively, the LAJF received \$11.6 million for legal representation services and capacity building over a three-year period. Table 1 below shows the total amount of funding provided to the LAJF by each partner.

Table 1 – LAJF Funding Allocations

	Grant 1	Grant 2	Grant 3	
	October 2017	2019-2020	December 2020	Total
City	\$1,905,000	\$95,000	\$1,000,000	\$3,000,000
County	\$2,685,000	\$315,000	\$1,000,000	\$4,000,000
Philanthropy	\$2,510,000	\$1,715,000	\$400,000	\$4,625,000
Total	\$7,100,000	\$2,125,000	\$2,400,000	\$11,625,000

Source: USC Dornsife Equity Research Institute

According to the ERI, as of August 2021, the LAJF processed over 2,208 legal screenings and accepted 742 cases for legal representation, of which 331 were City cases as noted below.

Table 2 – LAJF Cases – August 2021

	Total
Legal Intakes	2,208
Total Cases Represented	742
City Cases Represented	331
County Cases Represented	312
Philanthropy Cases Represented	99
Black Immigrants	37
Adult Cases	374
Children Cases	222
Legal Service Providers	11

Source: USC Dornsife Equity Research Institute

Inasmuch as the LAJF is in a transition period, the City and County will work with the lead organization(s) to ensure a process to smoothly transfer existing LAJF cases to the new immigrant services program. If approved, it is anticipated that the new program will be ready for implementation in May 2022. By that time, all open LAJF cases will be transferred and the proposed immigrant services program will begin to enroll new applicants.

Based on total LAJF funding, including legal representation and capacity building, the average cost per case was \$15,667, to date.⁶ In terms of City-funded cases, the average cost per case to date is approximately \$9,000, as the City’s allocation was provided for legal representation only. The GCIR report indicates that to measure program efficiency, it is important to develop evaluation measures that reflect the various phases and interactions during the life of a case inasmuch as metrics are focused only on outcomes. GCIR does not recommend a fixed or minimum number of accepted cases or an evaluation based on a cost-per-case basis, as these calculations will depend on a number of factors that cannot be estimated or predicted.

CCF and GCIR have expressed that instead of evaluating the program on a cost-per-case basis, funders should consider the investment into the safety net that was created under the LAJF. This report includes a recommendation for staff to ensure that program effectiveness is measured by other factors and outcomes beyond a cost-per-case, including the various phases, interactions, and points of contact during the life of a case.

The Council requested information on the impact to open cases should funding not be available in the future. The 2021-22 Adopted Budget includes \$2 million for immigrant services. County DCBA staff reported that the Board has approved \$3.5 million for the program and the Weingart Foundation has approved a \$1 million commitment for the program. The CCF board is expected to consider its funding commitment of \$1 million in October 2021. If all funding commitments are realized, there will be approximately \$7.5 million for the first year of the proposed immigrant services program.

Of the 742 cases opened under the LAJF, 513 remain active, of which 254 are City cases. Under the new framework, all existing cases will be either carried over by organizations selected under the new program, or will be transferred to the new program if their organization is not selected. The process for transferring cases is currently in development and instructions are included in this report to present to Council once

⁶ Total LAJF Investment / Number of Cases Accepted. Costs may increase as cases are completed.

the transition is complete. Once transferred, it is the City's prerogative whether to only fund existing cases or to fund new cases, as well.

It is difficult to predict the length of the life of a case. Once a case has been accepted for representation, servicing the case may require multi-year funding if it is not closed within the funding period. A recommendation is included in this report instructing the program's lead organization(s) to monitor the impact to existing cases and report to Council once the new program, should it be approved, has been implemented. The recommendations in this report allow the Council to select whether it wishes to fund only existing cases or new cases, as well.

7. Information on Vulnerable Immigrant Populations

The ERI report highlights the demographics represented among LAJF clients. According to ERI, Black and Indigenous immigrants are often under-represented in immigration services. In 2018, nearly 20 percent of Black Angelenos were either immigrants or the U.S.-born children of immigrants.⁷ Black immigrants comprise a disproportionate share of individuals facing deportation. Between 2003 and 2015, Black immigrants were five percent of the unauthorized population in the U.S., but represented nearly 11 percent of all immigrants in removal proceedings. RAICES, a non-profit agency that provides free and low-cost legal services to immigrants, attributes this inequity to higher rates of legal enforcement on Black immigrants and a finding that, on average, Black immigrants pay a much higher amount for immigration bonds.⁸ The ERI reports that there are 37 Black immigrants represented by LAJF program grantees.

Recent data also reveals the diversity of Indigenous immigrants. Among those residing in the Los Angeles area, 54 percent identified as Zapoteco, 18 percent as Mixe, 16 percent as Quiche, five percent as Chinanteco, two percent as Mixteco, two percent as Triqui, one percent as Acateo, one percent as Mazateco, and one percent as Totonaco, mostly from the Americas.⁹ This report includes a recommendation to develop a strategy to more effectively reach Black and Indigenous immigrants, and other hard to reach populations, with appropriate services.

8. Scenarios for Servicing the Immigrant Community After the 2020 Election

According to the Brookings Institution, a non-profit public policy and research organization, the Biden Administration has begun to revise previous immigration policies and executive orders. Some of these actions include revising border and re-entry policies, ending the "Muslim Ban," revoking sanctions on "sanctuary cities," preserving and fortifying the DACA Program, and reversing some of the impacts of the child separation policy. While executive action has been helpful and has brought some relief to immigrant communities, federal legislation is needed to ensure that there is a pathway to citizenship for those who qualify, as well as to establish a humane process for asylum seekers and refugees.

The outcome of the 2020 election has been perceived as favorable by the immigrant community. However, there is still a need for legal representation services for people at risk of deportation. According to the American Immigration Council, federal law ensures the right to legal counsel in immigration removal proceedings, but does not guarantee that the government will pay for counsel if the person is unable to afford one. Individuals who are detained by federal immigration authorities face challenges due to their inability to represent themselves, access documents, or communicate with family members. Additionally, the American Immigration Council indicates that providing legal counsel to people needing

⁷ USC ERI analysis of data from the 2014 through 2018 March Supplement of the *Current Population Survey*; U.S. Census.


⁸ The Refugee and Immigrant Center for Education and Legal Services (RAICES) found that between June 2018 and June 2020, the average bond paid by RAICES was \$10,500, but bonds paid by RAICES for Haitian immigrants was \$16,500.

⁹ CIELO, "Indigenous Grocery Fund," April 28, 2020.

humanitarian protection will facilitate the government's overall aims of ensuring the fair and efficient handling of migrants. People who are represented by counsel have a better understanding of the legal process and are typically more prepared to proceed in their legal cases.

On August 11, 2021, the White House Legal Aid Interagency Roundtable met to discuss access to legal representation and other recent challenges faced by immigrants. The Legal Aid Interagency Roundtable is in the process of producing a report that may outline potential resources for legal representation for people at risk of removal. Our Office will continue to monitor and report once more information becomes available.

On March 23, 2021, Senator Gillibrand (D-NY) introduced the Funding Attorneys for Indigent Removal (FAIR) Proceedings Act (H.R. 963) to provide access to legal counsel during removal proceedings for children, individuals with disabilities, victims of abuse, torture, and violence, and those living at or below 200 percent of the federal poverty level. In addition, the FAIR Act would require legal orientation programs for all detained non-citizens at immigration facilities and help streamline court proceedings to reduce the immigration court backlog.


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