



The Need to Expand Immigration Legal Services in Northern California



GRANTMAKERS
CONCERNED
WITH IMMIGRANTS
AND REFUGEES

Commissioned by the Zellerbach Family Foundation
for the California Immigrant Integration Initiative

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About the Zellerbach Family Foundation

The mission of the Zellerbach Family Foundation is to be a catalyst for constructive social change by initiating and investing in efforts that strengthen families and communities.

Its Immigrants and Refugees Program is designed to take a comprehensive approach to supporting projects that help smooth the way for the successful integration of newcomers into our communities and promote their full participation in civic life. Funds are directed to community organizations that engage in direct services, leadership development, civic participation, and policy analysis and development. Grants are also aimed at strengthening the capacity of immigrant-serving organizations, and at promoting creative solutions to the challenges local communities face in accommodating diverse populations. Collectively, the grants in the Immigrants and Refugees grantmaking program support projects that build the skills and knowledge of community members, advance equitable public policies, and promote greater communication and coordination among organizations so the needs of community members can be met more effectively.

The Zellerbach Family Foundation funds primarily in the San Francisco Bay Area. In 2007, it made over \$5 million in grants, 25 percent of which supported the Immigrants and Refugees Program.

About GCIR

Since 1990, Grantmakers Concerned with Immigrants and Refugees (GCIR) has been providing resources that foundations need to address the challenges facing newcomers and their host communities and to strengthen society as a whole. Our mission is to influence the philanthropic field to advance the contributions and address the needs of the country's growing and increasingly diverse immigrant and refugee populations.

As a nationwide network, GCIR involves grantmakers who work on a range of community issues and who fund in traditional immigrant strongholds and new immigrant destinations. Demographic trends, combined with today's complex social, economic, and political environments, make understanding immigration-related issues critically important to all grantmakers, regardless of their geographic focus or issue priorities. In response, GCIR helps funders connect immigrant issues to their funding priorities by serving as a forum to:

- **Learn** about current issues through in-depth analyses, research reports, and online data, tools, and resources tailored specifically for grantmakers
- **Connect** with other funders through programs, briefings, and conferences that examine major immigration trends and how they impact diverse communities
- **Collaborate** with grantmaking colleagues on strategies that strengthen immigrant-related funding locally and nationally

About the California Immigrant Integration Initiative

The California Immigrant Integration Initiative (CIII) seeks to develop a comprehensive immigrant integration agenda and to strengthen the immigrant integration infrastructure throughout the state. Its activities include:

- Generating data and information about California immigrants and their integration needs, focusing on health, education, workforce development, and civic participation
- Disseminating data and information to promote public discourse and response by diverse stakeholder groups, including but not limited to, local and state policymakers, advocates, service providers, foundations, and businesses

- Encouraging the identification and development of public policy, as well as community-based and private-sector solutions to promote immigrant integration
- Promoting funder coordination, collaboration, and leadership to advance immigrant integration in California

In spring 2008, CIII released *Integration Potential of California's Immigrants and Their Children: New Estimates of Potential New Voters at the State, County, and Legislative District Levels*, which was widely covered in the media. In addition, CIII is working on several other research projects on the following topics: the need for and supply of English instruction by county, the role of community colleges in promoting immigrant integration, and existing sources of information on health and health services for immigrants in major California counties.

CIII involves a wide range of foundations and government agencies and collaborates with immigrant service and advocacy organizations. Current funders include Evelyn & Walter Haas, Jr. Fund, Rosenberg Foundation, Silicon Valley Community Foundation, The California Endowment, The San Francisco Foundation, The William and Flora Hewlett Foundation, van Löben Sels/RembeRock Foundation, and Zellerbach Family Foundation.

For more information on GCIR and CIII, visit www.gcir.org/about/ciii.

Cover: A volunteer helps an applicant to complete forms to become a U.S. citizen during a naturalization application workshop. Photo by Jeff Chenoweth.

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EXECUTIVE SUMMARY

Northern California is home to more than 1.3 million naturalized citizens, more than 750,000 naturalization-eligible immigrants, and an estimated 540,000 unauthorized immigrants.¹ These newcomers face a maze of complex immigration laws that govern the most fundamental aspects of their lives: adjusting their immigration status, applying for citizenship, sponsoring a family member to join them in the United States, and accessing critical public services. Free and low-cost immigration legal services provided by nonprofit community organizations enables low-income immigrants to obtain the legal status that leads to better jobs, family unification and stability, access to health care, improved educational outcomes for children, and fuller participation in community life—all of which are building blocks for strong communities and healthy societies.

Access to reliable and affordable immigration legal services can help ensure that immigrants access vital health, education, and social service programs for themselves or their children. It can also prevent them from falling prey to exploitation by unscrupulous immigration consultants, notaries public, or attorneys. In the United States, there is no right to counsel for immigration proceedings, and the private-attorney fees for family immigration procedures are often well beyond what low-income immigrants can afford.

Recognizing the unique immigration legal services needs of the sizable immigrant population in Northern California, the Zellerbach Family Foundation commissioned the California Immigrant Integration Initiative of Grantmakers Concerned with Immigrants and Refugees (GCIR) to undertake this survey to understand the scope and capacity of nonprofit groups that provide immigration-related legal services in the region's 38 counties. The survey sought participation from organizations with attorneys as well as those that are accredited by the Board of Immigration Appeals

(BIA)² to represent individuals in immigration proceedings. It also reached out to immigrant-serving organizations that work closely with legal services groups to address the legal concerns of their constituents. The survey assesses services across the broad spectrum of immigration procedures and pays special attention to services related to naturalization. The 66 organizations that responded to the survey are representative of the range of immigration-related legal services available in Northern California.

Key Findings

- 1 Northern California has a robust network of organizations providing legal services to low-income immigrants.** Despite very modest budgets, most of the surveyed groups—from attorney-staffed to BIA-recognized programs—provide a wide array of legal assistance that ranges from naturalization and adjustment of immigration status applications to family visa petitions and challenges to deportation orders.
- 2 The availability of immigration legal services falls far short of current and future needs.** The legal services providers in this survey have the capacity to serve less than eight percent of the estimated 99,000 low-income, naturalization-eligible immigrants in Northern California. The need for legal services would significantly increase if the federal government were to pass legislation that creates a pathway to legal status and citizenship for 540,000 unauthorized immigrants residing in this region.
- 3 Most of the clients of surveyed organizations have been in the United States less than 10 years and/or are limited English proficient (LEP).** Approximately 85 percent of the respondents indicated these groups as their target populations. About two-thirds of the survey respondents provide services in Spanish, and roughly a third offer services in Asian languages.
- 4 Providers of immigration legal services are concentrated in the Bay Area and the Sacramento-Stockton area.** The overwhelming majority (92 percent) of Northern California immigrants reside in these two geographic areas.
- 5 Access to legal services, especially from attorney-staffed groups, is a substantial challenge for immigrants residing in rural counties.** The number of providers overall is very small in rural counties, and immigration legal services in these counties are primarily delivered by BIA-recognized providers.
- 6 Legal services providers, both attorney-staffed and BIA-recognized organizations, collaborate effectively with immigrant services providers to reach a greater number of low-income immigrants in need of legal referrals and assistance.** Group naturalization clinics help large numbers of immigrants navigate the citizenship application process. Immigration law clinics typically provide general information about immigration law, conduct intake interviews with attendees, and then refer them to a staff attorney or a volunteer lawyer in the private bar.

¹ Tabulation of the 2000 Census by the Migration Policy Institute's Center on Immigrant Integration Policy.

² BIA accreditation allows non-attorney advocates with a certain level of experience in and knowledge of immigration law to provide legal advice and representation on immigration matters before the BIA, Department of Homeland Security, United States Citizenship and Immigration Services, and immigration courts. BIA-accredited individuals can only offer legal advice and services while working for a BIA-recognized nonprofit organization.

Recommendations to Funders

Based on the survey findings, this report offers the following recommendations to private and public funders:

1 Expand the capacity of nonprofit immigration legal services providers, particularly those with BIA accreditation, in both urban and rural areas.

The target population should be low-income immigrants who have been in the United States less than 10 years and/or are limited English proficient. Harsh anti-immigrant political rhetoric and stepped-up immigration enforcement have compelled a greater number of naturalization-eligible immigrants to seek assistance about their rights and the requirements to become a citizen. The stakes for low-income immigrants are too high if they receive misinformation and incorrect advice from unscrupulous immigration consultants, notaries public, or attorneys.

a Nurture strong, regional networks of legal and social services providers.

Legal services providers and immigrant-serving groups have demonstrated a positive track record of collaboration to address the legal needs of immigrants. Foundations can support regional networks that expand ongoing naturalization and public education efforts, as well as strengthen the infrastructure to accommodate a potential, large-scale legalization program. Such networks can develop and disseminate accurate and linguistically accessible information about immigration laws and their impact on individuals and families. They can also conduct group naturalization workshops and offer ongoing legal assistance in the event of a new legalization program.

b Fund initiatives that increase the number of BIA-accredited staff and BIA-recognized organizations. These investments will provide low-income immigrants, especially those in rural counties, with greater access to reliable and affordable immigration legal services. Survey respondents that have not been certified by the BIA expressed an interest in learning more about the accreditation process.

c Provide resources for efficient and reliable case-management and other administrative systems. Small administrative missteps by legal services providers can result in dire consequences for individuals in immigration proceedings. There is a need to develop and maintain reliable client management systems with the capacity for long-term recordkeeping. Legal services providers and their partners are in a good position to design collaborative solutions to this challenge.

d Make multi-year grants. The expansion of naturalization assistance and other immigration-related legal services would benefit enormously from multi-year support. Nurturing strong regional networks and helping to create additional BIA-recognized groups require sustained funder commitment to increase the supply of services over time and to build the infrastructure needed to respond to any federal immigration reform legislation that may pass in the future.

2 Support the development and maintenance of a statewide directory of nonprofit immigration legal services providers. An accurate, regularly updated electronic directory of organizations offering immigration-related legal services is essential to developing

a strategy to address the legal needs of newcomers. Furthermore, such a centralized resource could direct organizations and individuals to reliable legal experts, thus reducing the likelihood that they will seek guidance from untrained or unscrupulous sources. A directory can also facilitate communication, coordination, and sharing of information and resources among providers, especially those that deliver services in underserved areas.

3 Support efforts to educate immigrants about their rights and responsibilities and the public about the societal benefits of providing a pathway to citizenship for undocumented immigrants. Educating immigrants about their legal rights and responsibilities as community members will provide them the tools and options to educate policymakers about the need for inclusive immigration reform. Educating the general public about the societal benefits of citizenship and legalization will increase support for policies that promote the full integration of all immigrants into our communities.

4 Provide financial aid to individuals who cannot afford application filing fees. Last year the U.S. Citizenship and Immigration Services significantly increased immigration filing fees, raising the cost of applying for citizenship to \$675 and the cost of applying for legal permanent residency to \$1,010 per individual applicant. Lack of funds should not prevent an eligible immigrant from applying for U.S. citizenship or for permanent residency status. Foundations can support the development of financial aid programs that offer direct assistance in the form of loans or grants to individuals who cannot afford the high filing fees. Although not within the scope of this report, successful models for such programs abound.

Conclusion

The findings of this report are a sobering reminder that the need for immigration legal services far outstrips the availability. The capacity of legal services providers and their partners must be substantially increased in order to meet current needs and to plan for and implement programs to help undocumented immigrants apply for legal status in the event of future federal immigration reform legislation. Although it is difficult to predict the requirements that

eligible immigrants might have to fulfill, immigrants will need sustained information and legal representation over time to stabilize their immigration status and to become full members of society.

Northern California funders, both public and private, have experience in mounting coordinated responses to changes in federal immigration policies that have had a profound impact on immigrant residents. They can also draw from the experiences of funders in other regions to shape a well-informed response.

By working together, finding new partners, and leveraging one another's resources, funders can play a critical leadership role to expand the infrastructure of immigration legal assistance to meet current and future needs. Such efforts will reap benefits not only for immigrants but for the Northern Californian communities in which they live and work. These efforts will also serve as a model for other regions across the United States to address the legal services needs of their communities.

INTRODUCTION

Northern California is home to more than 1.3 million naturalized citizens, over 750,000 naturalization-eligible immigrants, and an estimated 540,000 unauthorized immigrants. These newcomers face a maze of complex immigration laws that govern the most fundamental aspects of their lives. Nonprofit legal services providers help a large number of low-income immigrants to navigate this maze, including adjusting their immigration status, applying for citizenship, sponsoring a family member to join them in the United States, and accessing vital health, education, and social service programs for themselves and their children.

Affordable and reliable immigration legal services are critically important because U.S. law does not provide for the right to counsel in immigration proceedings. Even in the best of situations, navigating immigration law and federal bureaucracies can be fraught with delays, legal perils, and prohibitive expenses. For instance, the current naturalization process can take years to complete and cost a family an average of \$1,500 – \$3,000 in private-attorney fees, which are hardly affordable for most families. To make matters worse, fraudulent consultants, notaries public, and attorneys prey on immigrants, selling them false promises of citizenship and work permits and exploiting their desire to become a part of American society. Oftentimes, these unscrupulous practitioners can put immigrants and/or their family members in a much more difficult legal situation than they were hired to address. Nonprofit immigration attorneys and qualified advocates can ease some of the confusion and combat fraud by providing

affordable and accurate legal advice to immigrants and their families.

Recognizing the unique legal needs of the sizable immigrant population in Northern California, the Zellerbach Family Foundation commissioned Grantmakers Concerned with Immigrants and Refugees (GCIR) to undertake this survey to understand the scope and capacity of nonprofit groups that provide immigration-related legal services in the region's 38 counties. The survey sought participation from attorneys as well as advocates who are accredited by the Board of Immigration Appeals (BIA) to represent individuals in immigration proceedings. It also reached out to immigrant-serving organizations that partner closely with legal services groups to address the legal concerns of their constituents. The survey assessed services across the broad spectrum of immigration law and pays special attention to services related to naturalization. The 66 organizations that responded to the survey are representative of the range of immigration-related legal services available in Northern California.

By supporting the expansion of immigration legal services and community education about immigration matters, foundations can help increase the availability of services and remove barriers on a large population of newcomers as they proceed toward citizenship, legal status, and integration into local communities. Should future federal immigration reform include a path to earned citizenship, providers in Northern California would be severely overwhelmed with the number of immigrants in need of legal services. Foundations can play a leadership role in helping to increase the availability of

immigration legal services to meet current needs and build the long-term capacity to respond to any future federal law changes that would likely and dramatically increase the demand.

Northern California

Northern California is home to more than 1.3 million naturalized citizens, more than 750,000 naturalization-eligible immigrants, and 540,000 unauthorized immigrants.³ As one of the most linguistically and ethnically diverse regions in the country, it encompasses dense metropolitan areas such as San Francisco and more rural areas from Sacramento north to the Oregon border. The geographic scope of this report includes the following counties:

<i>Alameda</i>	<i>Plumas</i>
<i>Alpine</i>	<i>San Francisco</i>
<i>Amador</i>	<i>San Joaquin</i>
<i>Butte</i>	<i>San Mateo</i>
<i>Calaveras</i>	<i>Santa Clara</i>
<i>Colusa</i>	<i>Santa Cruz</i>
<i>Contra Costa</i>	<i>Sacramento</i>
<i>Del Norte</i>	<i>Sierra</i>
<i>El Dorado</i>	<i>Siskiyou</i>
<i>Glenn</i>	<i>Shasta</i>
<i>Lake</i>	<i>Solano</i>
<i>Lassen</i>	<i>Sonoma</i>
<i>Humboldt</i>	<i>Stanislaus</i>
<i>Marin</i>	<i>Sutter</i>
<i>Mendocino</i>	<i>Tehama</i>
<i>Modoc</i>	<i>Trinity</i>
<i>Napa</i>	<i>Tuolumne</i>
<i>Nevada</i>	<i>Yolo</i>
<i>Placer</i>	<i>Yuba</i>

The majority of Northern California's diverse immigrant populations are concentrated in more urban counties. According to the U.S. Census Bureau, Northern California's population of adult legal permanent residents (LPRs) in 2000 was

BIA Accreditation *BIA accreditation allows non-attorney advocates with a certain level of experience in and knowledge of immigration law to provide legal advice and representation on immigration matters. BIA-accredited individuals can only offer legal advice and services while working for a BIA-recognized nonprofit organization. Once fully accredited, an individual can provide legal advice and represent clients before the Department of Homeland Security, United States Citizenship and Immigration Services, immigration courts, and the BIA.*

³ Rob Paral and Associates. 2008. *The Potential for Immigrant Integration in California: New Estimates for the State, Its Counties, State Senate Districts and State Assembly Districts*. Sebastopol, CA: California Immigrant Integration Initiative of Grantmakers Concerned with Immigrants and Refugees.

Five Northern California counties with the largest immigrant populations	Legal Permanent Residents	Unauthorized Immigrants
Santa Clara	163,087	129,699
Alameda	123,263	88,178
San Francisco	76,986	41,546
San Joaquin	42,152	27,191
San Mateo	67,968	47,534

765,000, while its unauthorized population numbered 534,000.⁴ The metro Bay Area—which includes Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma counties—is home to the majority (72 percent) of Northern California’s adult LPR population (551,813) and unauthorized individuals (401,598).⁵ Twenty percent (155,368) of the region’s adult LPR population and 18 percent (95,785) of the region’s unauthorized population resides in Sacramento and the outlying counties of San Joaquin,

Stanislaus, Sutter, Yuba and Yolo.⁶ In the remaining relatively rural counties there are 57,583 LPRs and 49,838 unauthorized immigrants.⁷

⁴ Migration Policy Institute. 2008. *An Assessment of Adult English Language Instruction Need and Supply in California*. Sebastopol, CA: California Immigrant Integration Initiative of Grantmakers Concerned with Immigrants and Refugees and Zellerbach Family Foundation.

⁵ Ibid.

⁶ Ibid.

⁷ Ibid.

GOALS AND METHODOLOGY

This report aims to inform foundations about the current capacity of nonprofit immigration legal services organizations serving newcomers in Northern California and to identify ways funders can support the expansion of these services. The survey encompasses the full range of immigration-related legal services, outreach efforts, and education programs, all of which are essential to efforts to further the integration and full civic participation of the region's immigrants and refugees. Given the enormous need for naturalization services, the survey paid special heed to assessing the capacity and need surrounding naturalization-related legal services.

To identify survey participants, GCIR compiled a list of legal and non-legal services organizations offering citizenship or other immigration legal services. An initial database of more than 550 organizations and contacts was developed by merging the outreach and referral lists of advocacy organizations, the BIA roster of registered organizations, the relevant directories of various bar associations serving Northern California, and other online resources. This list was pared down to approximately 150 organizations comprising legal services organizations, BIA-recognized organizations, and non-legal services organizations that primarily serve immigrants. The survey was conducted between December 15, 2007 and January

31, 2008, and 66 of the 150 invited organizations completed the online survey, for a response rate of about 44 percent.

The primary focus of the survey was to identify and understand the current capacity of immigration-related legal services in the targeted northern California counties. To this end, GCIR consulted with legal services and community-based organizations to better understand the sector and to develop an effective and relevant questionnaire. The research took into account the following factors:

- Legal services organizations range significantly in size, expertise, and types of legal services rendered.
- Few nonprofit organizations focus exclusively on immigration law, and none are dedicated solely to the legal needs of newcomers. Organizations with a broader mission that have one or two attorneys with appropriate legal training are more prevalent. Often, these in-house immigration attorneys are focused on a narrow area of law such as deportation defense or law-reform litigation.
- Increasingly, attorneys collaborate with other service organizations to identify emerging issues, connect with linguistically or otherwise isolated clients, and conduct community-based legal services clinics and educational outreach, such as neighborhood “know your rights” workshops.
- Unlike other areas of law, upon receiving training and BIA certification non-attorneys working at a BIA-recognized organization can represent individuals in immigration proceedings.
- Community-based organizations are often the most trusted resources in newcomer communities. As a result, they often have a keen knowledge and understanding of a newcomer's experience in seeking legal services.

Based on these factors, the survey sought to assess not only traditional “legal services” strategies, such as representing clients in legal proceedings, but also to document community-based legal services such as group naturalization processing, “know your rights” workshops, and neighborhood legal clinics. This approach ensures accurate documentation of the range of strategies currently in use to address the immigration law needs of newcomers. The substantive scope of the survey was also expanded to the full range of immigration and other legal services provided by the surveyed organizations.

KEY FINDINGS

1 Northern California has a robust network of organizations providing legal services to low-income immigrants.

Despite very modest budgets, most of the surveyed groups—from attorney-staffed to BIA-recognized organizations—provide a wide array of legal assistance that ranges from naturalization and adjustment of immigration status applications to family visa petitions and challenges to deportation orders.

Immigrants in Northern California receive immigration-related legal services from a variety of organizations. Of the 66 respondents to the survey, 36 were legal services organizations, either with an immigration attorney or a BIA-accredited representative providing legal services, and 30 were social service organizations assisting newcomers. The majority of the surveyed organizations provide services primarily to new immigrants⁸ and/or LEP individuals, and all but two target low-income individuals. Over half of the respondents are small- to medium-sized operations with fewer than 15 full-time staff. One-third of respondents operates with an annual budget of less than \$1,000,000 and yet serves more than 500 individuals a year.

Surveyed organizations reported that they offer a full range of services and cover a wide range of immigration law topics. The types of legal representation provided by respondents included adjustment of status, naturalization applications, family petitions, and assistance to domestic violence survivors. In addition, survey participants also engaged in community education, advice and referral to relevant social and legal services, tenant and policy advocacy and other services.

The 21 attorney-staffed organizations that responded to the survey reported having a combined estimated budget of \$1,865,000 for their immigration legal services programs and serving 7,700 clients in 2007. The average cost of services is \$242 per client, based on the most basic formula of dividing the number of individuals

served by total budget. It should be noted, however, that this figure does not provide a complete picture because services rendered can range widely from preparing an adjustment-of-status application to providing time-intensive deportation defense.

Nevertheless, the average per-client cost based on these estimates clearly illustrates that nonprofit legal services are extremely cost-effective, especially when compared to private-attorney fees. At a cost between \$100 and \$300 per hour, the cost of having a private attorney prepare a full visa package averages between \$1,000 and \$3,000 a person, but for more complicated cases, fees can range between \$4,000 and \$12,000.

2 The availability of immigration legal services falls far short of current and future needs.

The legal services providers in this survey have the capacity to serve less than eight percent of the estimated 99,000 low-income naturalization-eligible immigrants in Northern California.⁹ The need for legal services would significantly increase if the federal government were to pass legislation that creates a pathway to legal status and citizenship for the 540,000 unauthorized immigrants residing in this region. Numerous respondents raised concerns about meeting current and anticipated increases in demands with limited capacity and funds. One respondent noted a legalization program would “require us to double or triple our current legal staff.”

3 Most of the clients of surveyed organizations have been in the United States less than 10 years and/or are limited English proficient (LEP).

In Northern California, 445,000 LPR individuals—about 60 percent of all LPRs—need English-language instruction to be able to pass the citizenship test.¹⁰ About 85 percent of the respondents indicated these groups as their target populations. About

two-thirds of the survey respondents provide services in Spanish, and roughly a third offer services in Asian languages.

According to the survey, the languages for which immigration legal services in Northern California are provided include:

Arabic	Hindi	Punjabi
Burmese	Italian	Russian
Cambodian	Japanese	Spanish
Cantonese	Korean	Tagalog
Dari	Laotian	Taiwanese
English	Mam	Thai
Farsi	Mandarin	Triqui
French	Mien	Vietnamese
French Creole	Mixtec	
Hebrew	Polish	

4 Providers of immigration legal services are concentrated in the Bay Area and the Sacramento-Stockton area, which is home to the overwhelming majority (92 percent) of immigrants in Northern California.

According to the survey, the majority of providers with immigration attorneys and BIA-accredited representatives are densely concentrated in Alameda, Contra Costa, Marin, San Francisco, and San Mateo counties. These counties also include four out of the five Northern California counties with the largest immigrant populations.¹¹

The Sacramento-Stockton area is less densely populated, with nearly 450,000 immigrants residing in Sacramento and surrounding counties.¹² According to the survey, these counties are served by 55 percent of respondents.

⁸ For the purposes of this survey, “new immigrants” are individuals who have been in the United States for less than ten years.

⁹ This figure was calculated using California’s average poverty rate 13.2 percent between 2002 and 2005, according to calculations by the Public Policy Institute of California of U.S. Census Bureau data.

¹⁰ See Migration Policy Institute, Appendix 4, Map 6. This number is slightly inflated as it includes Mariposa, Inyo, and Mono counties which were not included in the scope of this report.

¹¹ See Migration Policy Institute, Appendix 3, Table A.

¹² These include San Joaquin, Stanislaus, Sutter, Yuba, and Yolo counties.

5 Access to legal services, especially from attorney-staffed groups, is a substantial challenge for immigrants residing in rural counties.

Although the survey did not reach every legal service provider in Northern California, responses from the 66 survey respondents indicate that legal services are very limited in rural counties and that immigration legal services in these counties are primarily delivered by BIA-recognized providers.

For example, only one attorney-staffed organization responding to the survey indicated providing services in 18 of the rural counties; 26 rural counties have only one or two organizations providing immigration-related services; and none of the 66 respondents indicated providing service in Tuolumne County.

While attorney-staffed programs may be scarce, the survey reveals that BIA-recognized organizations play an important role in providing immigration-related legal services to under-served rural counties. Such organizations, however, cannot address more complicated immigration cases that require an attorney.

Geographic isolation, coupled with the limited availability of immigration legal

services, creates a significant barrier that prevents the 62,000 naturalization-eligible immigrants in rural counties¹³ from taking steps toward civic integration. According to one of the few advocates offering immigration-related legal services in the far northern reaches, scarce services means that “these poor people either have to travel far (dangerous during the winter time due to the snow), brave the process on their own, or fall victim to notaries public who do not keep current with the changes in immigration law and can cause irreparable harm to a person’s legal status or hopes of obtaining it.”

6 Legal services providers—both attorney-staffed and BIA-recognized organizations—collaborate effectively with immigrant services providers to reach a greater number of low-income immigrants in need of legal referrals and assistance.

Group naturalization clinics help large numbers of immigrants navigate the citizenship application process. With proper legal oversight, such clinics are an efficient and effective means of providing legal services for non-complex cases and for “red-flagging” complex cases that require more intensive attorney review. Nine

respondent organizations reported serving 2,770 people at group naturalization clinics in 2007, and the majority of these clinics took place in the metro Bay Area or Sacramento-Stockton region.

Immigration law clinics are often collaborative initiatives between community and legal services organizations. They differ in subject matter, format, and size, but all typically offer a general overview of an immigration law topic, followed by a question-and-answer period. Topics covered include an overview of immigration and naturalization law, response to raids by federal immigration authorities, public benefits, family petitions, workers’ rights, domestic violence, and asylum. In addition to educating immigrant communities, some clinics conduct intake interviews with attendees and refer them to staff attorneys, volunteer attorneys, or members of the private bar, depending upon each client’s situation. Nearly 80 percent of non-legal survey respondents reported collaborating to conduct a clinic, but the geographic reach of the clinics was limited to the metro Bay Area and the Sacramento vicinity.

¹³ See, Rob Paral and Associates, pg. 15.

RECOMMENDATIONS TO FUNDERS

Based on the survey findings, this report offers the following recommendations to private and public funders:

1 *Expand the capacity of nonprofit immigration legal services providers, particularly those with BIA accreditation, in both urban and rural areas.*

As this survey shows, existing capacity does not meet current needs and will be overwhelmed should future federal immigration reform create a path to earned legal status and citizenship for unauthorized immigrants. Given the needs and the demographic trends, the target population of expanded services should be low-income immigrants who have been here less than 10 years and/or are limited English proficient. Harsh anti-immigrant political rhetoric and stepped-up immigration enforcement have compelled a greater number of naturalization-eligible immigrants to seek information on their rights and the citizen application process. The stakes for low-income immigrants are too high if they receive misinformation and incorrect advice from unscrupulous immigration consultants, notaries public, or attorneys.

- a *Nurture strong regional networks of legal and social services providers.*** Legal services providers and immigrant-serving groups have demonstrated a positive track record of collaboration to address the legal needs of immigrants. Foundations can support regional networks that expand ongoing naturalization and public education efforts, as well as strengthen the infrastructure to accommodate a potential, large-scale legalization program. Such networks can develop and disseminate accurate and linguistically accessible information about immigration law and its impact on individuals and families. They can also conduct group naturalization workshops and offer ongoing legal assistance in the event of a new legalization program.

b *Fund initiatives that increase the number of BIA-accredited staff and BIA-recognized organizations.* These investments will provide low-income immigrants, especially those in rural counties, with greater access to reliable and affordable immigration legal services. Survey respondents that have not been certified by the BIA expressed an interest in learning more about the accreditation process.

c *Provide resources for efficient and reliable case-management and other administrative systems.* Small administrative missteps by legal services providers can result in dire consequences for individuals in immigration proceedings. There is a need to develop and maintain reliable client management systems with the capacity for long-term recordkeeping. Legal services providers and their partners are in a good position to design collaborative solutions to this challenge.

d *Make multi-year grants.* The expansion of naturalization assistance and other immigration-related legal services would benefit enormously from multi-year support. Nurturing strong regional networks and helping to create additional BIA-recognized groups require sustained funder commitment to increase the supply of services over time and to build the infrastructure needed to respond to any federal immigration reform legislation that may pass in the future.

2 *Support the development and maintenance of a statewide directory of nonprofit immigration legal services providers.*

An accurate and current listing of the organizations offering immigration-related legal services is essential to developing a strategy to address the legal needs of newcomers. Furthermore, an accessible,

centralized resource could direct organizations and individuals to reliable legal experts, thus reducing the likelihood that they will seek guidance from untrained or unscrupulous sources. A directory can also facilitate communication, coordination, and sharing of information and resources among providers, especially those that deliver services in underserved areas.

3 *Support efforts to educate immigrants about their rights and responsibilities and the public about the societal benefits of providing a pathway to citizenship for undocumented immigrants.*

Educating immigrants about their legal rights and responsibilities as community members will provide them the tools and options to educate policymakers about the need for inclusive immigration reform. Educating the general public about the societal benefits of citizenship and legalization will increase support for policies that promote the full integration of all immigrants into our communities.

4 *Provide financial aid to individuals who cannot afford application filing fees.*

Last year the U.S. Citizenship and Immigration Services significantly increased immigration filing fees, raising the cost of applying for citizenship to \$675 and the cost of applying for legal permanent residency to \$1,010 per individual applicant. Lack of funds should not prevent an eligible immigrant from applying for U.S. citizenship or for permanent residency status. Foundations can support the development of financial aid programs that offer direct assistance in the form of loans or grants to individuals who cannot afford the high filing fees. Although not within the scope of this report, many successful models for such programs abound, and such loan pools have a very high repayment rate.

CONCLUSION

Funders with an interest in promoting greater civic participation must look at support of immigration legal services as a key strategy. Access to affordable and reliable immigration legal services provided by nonprofit community organizations enables large numbers of immigrants to obtain the legal status that leads to more secure jobs, family unification and stability, access to health care, improved educational outcomes for children, and fuller participation in community life—all of which are building blocks for strong communities and healthy societies.

Unfortunately, the capacity of legal services providers and their partners must be substantially increased in order to meet

current needs, including those of an estimated 99,000 low-income immigrants who are eligible to apply for naturalization. Capacity must also be expanded to plan for and implement programs to help unauthorized immigrants apply for legal status in the event of passage of future federal immigration reform legislation. Although it is difficult to predict the requirements that eligible immigrants might have to fulfill, immigrants will need accurate information and legal representation over time to stabilize their immigration status and to become full members of society.

Northern California funders, both public and private, have experience in mounting coordinated responses to changes in federal immigration policies that have had a

profound impact on immigrant residents. They can also draw from the experiences of funders in other regions to shape a well-informed response.

By working together, finding new partners, and leveraging one another's resources, funders can play a critical leadership role in expanding the infrastructure of immigration legal assistance to meet current and future needs. Such efforts will reap benefits not only for immigrants but for the Northern Californian communities in which they live and work. These efforts will also serve as a model for other regions across the United States to address the legal services needs of their communities.

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