



County of San Mateo

Inter-Departmental Correspondence

Department: COUNTY MANAGER

File #: 18-852

Board Meeting Date: 9/4/2018

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors
From: Michael Callagy, Assistant County Manager
Subject: Funding for Removal Defense Legal Services Supporting immigrant residents

RECOMMENDATION:

Adopt a resolution waiving the request for proposal process and authorizing an agreement with Legal Aid Society of San Mateo County to provide removal defense legal services supporting immigrant residents of San Mateo County for the term of September 1, 2018 through August 31, 2019 in an amount not to exceed \$764,750.

BACKGROUND:

The federal government has recently increased the extent of immigration enforcement in San Mateo County, resulting in more immigrant residents of the County being placed in removal proceedings before the Executive Office for Immigration Review. Many immigrants in such proceedings lack the resources to secure legal representation in such proceedings.

The Migration Policy Institute estimates that about half of the 114,000 residents of San Mateo County who are foreign born and not naturalized United States citizens are lawful permanent residents or have visas. The other half are unauthorized immigrants. Of these 57,000 unauthorized residents, more than half have lived in the United States for more than 10 years. More than 70% of the adults are employed, and many have U.S. citizen children. These San Mateo County residents are our neighbors and co-workers, members of our congregations; their children learn alongside ours at local schools. They are part of the social, economic, and cultural fabric of our community.

According to Syracuse University's Transactional Records Access Clearinghouse (TRAC) Immigration Project, 4,009 San Mateo County residents are currently in removal proceedings. Of those immigrants, 1,372-more than a third-are unrepresented. Non-profit immigration legal services agencies serving San Mateo County currently employ a total of about seven full-time-equivalent (FTE) attorneys, who are actively representing around 220 San Mateo County residents in removal proceedings. Collectively, the agencies expect to accept around 150 new San Mateo County removal cases in the next year, just 11% of the County residents needing representation.

DISCUSSION:

As noted, a significant portion of the immigrants with a connection to San Mateo County who find themselves in removal proceedings before the Executive Office for Immigration Review lack the means to retain counsel to assist them in these critical proceedings. Numerous authorities, including, for example, the American Immigration Council, in its September 2016 Special Report, Access to Counsel in Immigration Court, have concluded that immigrants with counsel in immigration court fare better, on average, at every stage of court proceedings. These better results in cases in which immigrants are represented by counsel include a higher incidence of being released from custody when the immigrant is in custody; and a higher rate of applying for and obtaining relief to which the immigrant is entitled.

Under these circumstances, staff recommends that the County contract with the Legal Aid Society of San Mateo County to provide the range of services described above for the period of September 1, 2018 through August 31, 2019. (The Legal Aid Society would contract with the County and would, in turn, subcontract with partner agencies for some of the services set forth in the agreement.) Based on staff's analysis and consultation with the Legal Aid Society and its partner agencies, we recommend that \$764,750 in funds should be made available to fund such services supporting San Mateo County immigrants. Staff also recommends that the Board find that is in the best interest of the County to waive the request for proposal process for this contract.

The agreement and resolution have been reviewed and approved by County Counsel as to form.

The agreement contributes to the Shared Vision 2025 outcome of a Prosperous Community by providing legal support to immigrants, thereby facilitating their engagement in the community and ability to remain self-sufficient.

PERFORMANCE MEASURE(S):

	FY 2018-2019 Projected	FY 2018-2019 Actual
150 residents represented in removal proceedings	100%	N/A
Resident's experience with the service has positively impacted their quality of life	75%	N/A

FISCAL IMPACT:

The term of this agreement is September 1, 2018 through August 31, 2019. The maximum amount payable under the agreement is \$764,750. The fiscal obligation incurred under this agreement will be funded with Measure-K Sales and Use tax revenues. Budgetary appropriation for this agreement is included in the FY 2018-19 Tentatively Adopted Budget.