



# County of San Mateo

## Inter-Departmental Correspondence

**Department:** COUNTY MANAGER

**File #:** 19-797

Board Meeting Date: 8/6/2019

**Special Notice / Hearing:** None  
**Vote Required:** Majority

**To:** Honorable Board of Supervisors  
**From:** Michael Callagy, County Manager  
Iliana Rodriguez, Deputy 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, 2019 through June 30, 2020, in an amount not to exceed \$662,783.

### **BACKGROUND:**

The federal government has continued to increase the extent of immigration enforcement in San Mateo County, continuing a trend of 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 Immigration Project, 4,919 San Mateo County residents are currently in removal proceedings. Of those immigrants, 1,424 are unrepresented.

In response to these circumstances and the community need, the County of San Mateo, pursuant to Resolution No.076150 of the Board of Supervisors, entered into an agreement with the Legal Aid Society of San Mateo County pursuant to which the Legal Aid Society of San Mateo County and subcontracted non-profit legal services agencies have provided legal representation of immigrants

living in San Mateo County in removal actions; urgent legal assistance to individuals referred by the San Mateo County Rapid Response Hotline; and coordination of the San Mateo County Rapid Response Network for the term of September 1, 2018 through August 31, 2019.

#### **DISCUSSION:**

As noted, it continues to be the case that 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 enter into a new contract with the Legal Aid Society of San Mateo County to provide the range of services described above for the period of September 1, 2019 through August 31, 2020. (As was the case for the agreement covering the preceding year, the Legal Aid Society will contract with the County and intends, in turn, to subcontract with partner non-profit legal services 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 \$662,783 in funds should be made available to fund such services supporting San Mateo County immigrants. Staff also recommends that the Board find that it 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:**

	<b>FY 2019-20 Projected</b>	<b>FY 2018-19 Actual</b>
150 residents represented in removal proceedings	100%	77%*

(\*FY 2018-19 Actual percentage complete only includes September 2018-May 2019)

#### **FISCAL IMPACT:**

The term of this agreement is September 1, 2019 through June 30, 2020. The maximum amount payable under the agreement is \$662,783. 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 Department's FY 2019-20 Budget.