



County of San Mateo

Inter-Departmental Correspondence

Department: COUNTY MANAGER

File #: 20-450

Board Meeting Date: 6/30/2020

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: Michael P. Callagy, County Manager
Justin W. Mates, Deputy County Manager

Subject: **Measure K:** Resolution approving an amendment to the agreement with Legal Aid Society of San Mateo for Removal Defense Legal Services Supporting Immigrant Residents

RECOMMENDATION:

Measure K: Adopt a resolution approving an amendment to the agreement with Legal Aid Society of San Mateo County to continue to provide removal defense legal services supporting immigrant residents of San Mateo County extending the term through June 30, 2021 and increasing the amount payable under the Agreement by \$795,340 to an amount not to exceed \$1,458,123.

BACKGROUND:

The federal government has maintained immigration enforcement throughout the Bay Area, 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 58,000 unauthorized residents, more than half have lived in the United States for more than ten years. More than 70% of the adults are employed, and many have children who are U.S. citizens. 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.

In response to these circumstances and the community need, the County of San Mateo, pursuant to Resolution No.076150 and Resolution No. 076851 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 June 30, 2020.

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.

The County of San Mateo contracted with the Legal Aid Society to provide the services described above for the period of September 1, 2018 through June 30, 2020, owing to their familiarity with the legal needs of San Mateo County residents, their long experience working with these populations, and their ability to continue providing these services without interruption.

Since September 2018, the Legal Aid Society, working in coordination with partner subcontractor agencies, has represented 170 individuals in removal proceedings with successful outcomes on 11 cases they have represented thus far. Individuals represented span the whole County and of those represented, 62% are 18 years of age or younger. About 70% of individuals have sought asylum while almost 20% have filed for Special Immigrant Juvenile Status. In conjunction with legal service representation, the Rapid Response Network has also fielded more than 400 calls, participated in more than 80 events, and outreached to more than 15,000 people. The most recent contract between the County and the Legal Aid Society for these services was entered into on September 1, 2019 and was for the term of September 1, 2019 through June 30, 2020, for an amount not to exceed \$662,783.

Given the success of the program and due to the current political and economic climate, there is a continuing need for the services described above and the Legal Aid Society and its partner agencies remain uniquely suited to provide these services to County residents. Now more than ever some of our most vulnerable community members need support, and that includes continued access to low/no cost immigration legal services. As seen in the past few months, those with a legal immigration status have far more opportunities for financial stability and economic security than those who do not.

Under these circumstances, staff recommends that the County amend the existing contract with the Legal Aid Society of San Mateo County to extend its term for one year through June 30, 2021 and to increase the maximum amount payable by \$795,340 for an amount not to exceed \$1,458,123. (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).

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

PERFORMANCE MEASURE:

	Term 2018-19 Actual	Term 2019-20 Actual	FY 2019-20 Projected
150 residents represented in removal proceedings	92%	100%	100%

FISCAL IMPACT:

The term of the Amended Agreement is from July 1, 2020 through June 30, 2021, increasing the Agreement by \$795,340 for a new not to exceed amount of \$1,458,123. Appropriation for this Amendment will be included in the County Manager's Office FY 2020-21 Adopted Budget in September. This contract will be fully funded by **Measure K** funds.