



County of San Mateo

Inter-Departmental Correspondence

Department: COUNTY MANAGER

File #: 21-300

Board Meeting Date: 4/20/2021

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 a second 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 a second 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, 2022 and increasing the amount payable under the Agreement by \$795,340 to an amount not to exceed \$2,253,463.

BACKGROUND:

In recent years, the federal government maintained heightened 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.

The Migration Policy Institute estimates that about 56,000 of San Mateo County immigrant residents are unauthorized residents, and that about 60% of them 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, and 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, since 2018, the County of San Mateo, has contracted with the Legal Aid Society of San Mateo County which has, in collaboration with partner non-profit legal services agencies, 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. The current agreement between the County and the Legal Aid Society is for a term that

began on September 1, 2019, which was subsequently amended to extend its term through June 30, 2021.

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 from removal to which the immigrant is entitled.

As mentioned, the County of San Mateo has contracted with the Legal Aid Society to provide the removal defense services described above, and this agreement was subsequently amended to extend its term through June 30, 2021, 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 187 individuals in removal proceedings with successful outcomes in 12 of the cases that they have litigated to conclusion thus far. It is important to note that there are currently 174 active cases remaining in progress. Individuals represented span the whole County, and of those represented, 64% are 18 years of age or younger. About 66% of individuals have sought asylum while almost 23% have filed for Special Immigrant Juvenile Status. In conjunction with legal service representation, the Rapid Response Network has also fielded more than 750 calls, participated in more than 80 events, and outreached to more than 15,000 people. The current agreement between the County and the Legal Aid Society for these services was entered into for an original term of September 1, 2019 through June 30, 2020, for an amount not to exceed \$662,783. The agreement was subsequently amended to extend the term through June 30, 2021, and to increase the total amount payable under the agreement to an amount not to exceed \$1,458,123.

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 year during this pandemic, 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 further amend the existing agreement with the Legal Aid Society of San Mateo County to extend its term for one year, through June 30, 2022, and to increase the maximum amount payable by \$795,340 for an amount not to exceed \$2,253,463. (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.) Also, in light of the urgent need for the continuation of these services and the need to ensure continuity of legal representation for those currently receiving legal services from Legal Aid and its collaborating agencies, staff recommends that the request for proposals process be waived with respect to the services covered by this

amendment.

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

PERFORMANCE MEASURE:

Summary as of December 31, 2020

Measure	FY 2020-2021	Actual
Active Cases	150	174
Total Cases Served	N/A	187
Cases Closed	N/A	13

FISCAL IMPACT:

The term of the Amended Agreement is from July 1, 2021 through June 30, 2022, increasing the Agreement by \$795,340 for a new not to exceed amount of \$2,253,463. Appropriation for this Amendment will be included in the County Manager's Office FY 2021-22 Recommended Budget in June. This contract will be fully funded by **Measure K** Reserves.