Legal Issues: Immigration Legal Services

CONTEXT

The number of immigrant families and workers in Santa Clara County has grown at tremendous rates. Our county is home to nearly 600,000 immigrants.

Some immigrants in Santa Clara County are high-skilled workers with H1-B visas who can afford attorney’s fees and legal services. The greatest demand, however, remains the need to provide legal services to disadvantaged, low-income immigrants and refugees. Especially critical is the need for legal service assistance with complex immigration and citizenship cases. In fact, attorney assistance and legal help is extremely scarce. The Mercury News reported in a 1999 study that Santa Clara County’s 7,000 lawyers are “stingy” compared with other legal communities. Local attorneys give an average of $6 in donations to non-profit services as opposed to $60 nationally and $30 in California.

The need for legal services for low-income immigrants is overwhelming. According to a Mercury News report in May 2000, of the 1.7 million Santa Clara County residents, only about 400,000 can qualify for free legal services under federal guidelines, which require a family of four to earn less than $31,400.

One of the biggest challenges in meeting the need for legal services in Santa Clara County is the lack of funding, so that organizations can expand their programs. Some of the greatest needs for immigration legal services in Santa Clara County are centered around legal consultations, representation at INS, citizenship and naturalization, adjustment of status, employment authorization, petitions under the Nicaraguan Adjustment and Central American Relief Act (NACARA) and the Violence Against Women Act (VAWA), asylum, amnesty, deportation defense and expungements. As an example, only one organization in Santa Clara County provides VAWA assistance, even though the need for this service is ever increasing.

In Santa Clara County there are various non-profit organization providing immigration and other legal services to immigrants. The main organizations providing accredited or attorney-guided immigration legal services in Santa Clara County are Asian Law Alliance, Catholic Charities, the Center for Employment Training, the East San Jose Community Law Center, and International Rescue Committee. Other community organizations provide citizenship classes and application assistance and information.
FINDINGS AND RECOMMENDATIONS

Finding 1: “Coalition Building” is one of the biggest gaps in immigration legal services in Santa Clara County.

The development of the Immigration Legal Services Work Group as part of the Summit on Immigrant Needs process has proven to be highly effective in the collaboration of these agencies and has resulted in the improvement of services for immigrants.

Best practices analysis shows that collaboration among agencies providing legal services is necessary in order to have a stronger position to accomplish common goals.

Gaps in services analysis shows that coalition building among immigration legal service providers is lacking in Santa Clara County. There are currently five non-profit agencies in Santa Clara County providing immigration legal services by staff attorneys or accredited representatives. These agencies are Asian Law Alliance, Catholic Charities, the Center for Employment Training, East San Jose Community Law Center and International Rescue Committee. These agencies provide their services independently from one another. However, the success and efficiency in delivery of immigration legal services would be greatly improved by increased collaboration, association and information sharing among and between immigration legal service agencies.

Recommendations for Finding 1:

It is important to formalize the Immigration Legal Services Work Group into the Santa Clara County Immigration Legal Services Providers Association in order to increase the quality, availability and access of immigration legal services provided to low-income immigrants in Santa Clara County. This Association will be a collaboration among representative members from the leading accredited non-profit immigration legal service providers in Santa Clara County.

The purpose of this association would be to continue the work already begun by the Immigration Legal Services Work Group to improve services. In addition the association will participate in local and national advocacy efforts. The association would accomplish this in the following manner:

Service Component

1. Information Sharing and Networking Among Service Providers. Immigration Legal Service staff, attorneys and accredited representatives would network and share information on service delivery.
3. **Grant Writing.** The Association would increase our capacity to provide services by creating a forum for resource development including collaborative grant-writing efforts among its members.

4. **Website Development.** The Association would create and maintain a website to create links to immigration legal services agencies and staff. Including in this could be referral resources, agency information, Question and Answer, and upcoming events.

5. **Law Updates and Training.** This Association would facilitate the updating of laws and training of staff in regards to changes in immigration law.

**Advocacy Component**

1. **Policy Review.** Liaison with organizations currently evaluating legislation and advocating on behalf of immigrants, such as the National Lawyer’s Guild, Catholic Legal Immigration Network Inc. (CLINIC), and the Immigrant Legal Resource Center (ILRC). Review existing policy intiatiaves and others that are necessary based upon the needs of immigrant clients served in Santa Clara County. This will strengthen advocacy efforts with the knowledge the members of this association have acquired through their day-to-day interactions serving the immigrant community. This information will increase the depth and ensure the relevancy of advocacy efforts on behalf of the immigrant community in Santa Clara County.

2. **Recommendation Panel.** Make policy recommendations directly to our federal representatives and to local policy boards such as the Santa Clara County Board of Supervisors.

**Finding 2: There is a need for more immigration legal services in Santa Clara County.**

Currently in Santa Clara County there is a great need for direct immigration legal services that exceeds the capacity of existing immigration legal service agencies. Non-profit agencies are forced to turn people away because they don’t have the capacity to serve them.

During the Immigrants Building Community discussions, Iranian and Mexican participants stated that not enough legal services and information are reaching their communities. Participants also stated that immigration and legal rights information should be translated into various languages so that flow of information can be distributed throughout the community.

The random sample survey of immigrants from the top five nationalities most represented in Santa Clara County from Mexico, Vietnam, China, the Philippines and India showed that there is a need for providing low-cost immigration legal services. The data showed that the Mexican community needs immigration legal services the most, since 45% of Mexican respondents expressed the need. Chinese respondents also reported the need at a very high rate, in 41% of the cases. The Filipino, Indian and Vietnamese groups were less likely to express the need for immigration legal services.
Similarly, a survey of the 16 top immigrant nationalities receiving any public assistance in Santa Clara County showed that of the total 1,441 respondents, 40% of the immigrants answered that they need immigration legal assistance now. Of these, the majority were Mexican: 55% of Mexican public assistance recipients in the survey checked the box that they that they need immigration legal services now.

**Recommendation for Finding 2:**

Santa Clara County should support immigration legal service providers in obtaining funds to hire additional professional staff to provide direct representation and assistance in immigration legal issues. Included in these services are administrative and judicial proceedings, processing applications and petitions, and general counseling. This support might take the form of providing direct funding, leveraging matching funds, or assisting in obtaining private or other funding sources.
**Finding 3: Currently in Santa Clara County there is a great need for community education regarding immigration legal issues and services.**

Existing organizations do not have the resources or capacity to provide community training in order to empower community members. As a result, immigrants are often-times misguided and misinformed by turning to individuals, family or friends. In addition, they often turn to illegal immigration consultants (“notarios” in Spanish) who do not provide accurate information. There needs to be better outreach to immigrant communities so that they acquire correct information and guidance.

Focus group participants from the following groups mentioned the following immigration legal issues and concerns:

- Ethiopian refugees: the cost and length of asylum procedures
- Moslem immigrant women on CalWORKs: long delays in processing of green card applications
- Indo-Americans in the U.S.: the difficulty of H-4 (spouse of professional) and F-1 (student) visa holders in gaining permission to work legally
- Latina immigrant women: legalization of undocumented status, access to social security number
- Central Americans: the need for amnesty
- Immigrant low wage workers: injustice towards undocumented workers
- Mexican immigrants: the need for amnesty
- Mexican seniors: the need for amnesty, processing delays for citizenship
- Somali refugees: asylum and Social Security

Gaps in services analysis also showed that there is a great need in Santa Clara County to educate communities in regards to immigration legal issues, especially because of the misinformation that is often shared among immigrants.

Best practices analysis showed that community training and presentations at various venues such as schools and community centers is imperative in order to disseminate information that is needed in communities throughout Santa Clara County.

In addition to immigrants’ lack of knowledge of immigration laws and procedures, it is also readily apparent that immigrants are not sufficiently aware of immigration legal service providers. The random sample survey of the top five immigrant groups in the county showed that these immigrants are unaware of existing service providers. An average of 78% of immigrants from Mexico, Vietnam, the Philippines, the People’s Republic of China and India did not know of any low-income program in the immigration law area.
Information coming from focus groups demonstrated that for the majority of the respondents, immigration legal services were one of their prioritized needs. In the Latina immigrant women’s focus group, one of the solutions that the respondents offered to the problem of lack of information is to set up a direct line of information about immigration issues, with “capable, respectful and considerate” people.

During the Immigrants Building Community discussion, Iranian participants strongly stressed the importance of the flow of information. They suggested that this information can be disseminated through workshops and trainings by volunteer and community members.

**Recommendation for Finding 3:**

It is essential to empower immigrants by providing them access to competent and quality immigration legal service providers. The community needs to be empowered through training and education so that when information sharing happens they are giving each other accurate information.

One example of how this could happen is through community training carried out at community centers and agencies through the use of trained and culturally sensitive staff, volunteers and interns.
Finding 4. There is a need for changes in immigration law and policies that eliminate inconsistencies and uniformly promote family unification, dignity, a right to work, and human rights.

Work group members’ collective experience and the comments of participants in focus groups (above) and Immigrants Building Community overwhelmingly point to this need.

Recommendations for Finding 4:

Policy makers and advocates should utilize community-based organizations as a resource for determining the practical impact of laws and policies on immigrant communities that they serve.

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**WHAT IMMIGRANTS SAY ABOUT IMMIGRATION STATUS, WORK, AND FAMILY UNITY**

“With an H-4 Visa I cannot work and I would like to study but I cannot pay non-resident tuition.”

-- Juliet, from focus group on professionals not working in their profession

“Employers don’t pay you well or treat you well because you don’t have papers.”

-- Jose Luis, Latino low-wage worker focus group

“They take advantage of you for not having papers.”

-- Carlos, Latino low-wage worker focus group

“The person who doesn’t have papers in this country is the one who suffers the most. The INS doesn’t provide much help. Even with amnesty, if people don’t have much time here, they won’t get amnesty and they have no options.”

-- Leslie, Nicaraguan mother

“They shouldn’t separate families. In my case, I don’t have children, but what I have seen for thousands of Central American families is that the immigration laws separate families, keeping families apart from their parents, which is extremely difficult on them.”

-- Silvia, Salvadoran worker