

County of Santa Clara
Office of the County Executive

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DATE: October 22, 2020

TO: Honorable Board of Supervisors
Jeffrey V. Smith, County Executive

FROM: David Campos, Deputy County Executive
Zelica Rodriguez-Deams, Director, Office of Immigrant Relations

SUBJECT: Off-Agenda Report to the Board re Office of Immigrant Relations' Service Cost Analysis and Cost Breakdown to Clarify the Activities and Cost of Legal Services Charged by Contracted Providers to Clients for County Investments

On September 22, 2020 at the Board of Supervisors' meeting, President Chavez asked the Administration to provide an off-agenda report to the Board after discussion at the Children, Seniors, and Families Committee relating to the Office of Immigrant Relations (OIR) service cost analysis of the county investments being made for providing immigration assistance to undocumented clients. Specifically, President Chavez asked that OIR identify and clarify what legal service fees the contracted providers charge for direct immigration legal assistance, what the County pays for, and what costs are not being deferred under the current contracts.

Service Activity Details and Output for County Investments Managed by OIR

Currently, Santa Clara County is committed to investing in the protection and integration of immigrants in the total amount of \$4.9 million for Fiscal Year 2021. The Office of Immigrant Relations is responsible for the program development, monitoring, deliverables, administration, and reporting of County investments for immigration related free or low-cost legal services across four categories identified as (1) Case Management Legal Representation, Intervention Contracts (CLI), (2) Emergency Services, Rapid Response Network (RRN) contract, (3) Unmet Civil Legal Needs (UCLN) contracts, and (4) Programs for Immigrant Integration (PII) contracts.

(1) Direct Services: Case Management, Legal Representation, Intervention (CLI) Contracts

Between January 2020-June 2020 (under the current RFP), 12 selected providers met and reached the investment output goal of serving 1879 individuals with the county investment of \$1,616,936 for the six month period, and currently, for Fiscal Year 2021, the contracts were extended for 12 months for a total investment is \$2,623,755 target output of 3140 clients to serve.

The CLI contracts provide:

- Direct full-scope legal services for detained and non-detained individuals through initial intakes/screenings, information and referral, consultation, case representation for affirmative legal services as well as removal defense services;
- Represent clients at Master Calendar hearings and individual hearings;

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- Focus on the needs of battered immigrants, including self-petitioning under the Violence Against Women’s Act (VAWA) and “U” visas under Victims of Trafficking and Violence Protection Act;
- Provide legal representation to vulnerable populations, including victims of sexual violence, domestic violence and human trafficking victims, representation of unaccompanied minors, DACA recipients, and follow up services, home visits, and case management and safety net referrals.

(2) Emergency Services: Rapid Response Network (RRN) Contracts

The county wide Rapid Response Network (RRN), a collection of 6 community-based organizations (CBOs). Between January 2020- June 2020 (under the current RFP), the RRN providers met and reached the investment output goal of serving 1055 individuals with the county investment of \$275,280 for the six month period, and currently, for Fiscal Year 2021, the contracts were extended for 12 months for a total investment is \$495,504, target output of 1900 clients to serve.

The RRN contract provides Know Your Right (KYR) workshops to inform immigrant families about their rights when facing ICE agents, including monthly workshops in south San Jose as well as other locations, such as schools in San Jose Unified School District, Alum Rock Unified School District, East Side Union High School District, Family Resources Centers, and other partner organizations. RRN also holds monthly Family Preparedness Sessions to help families make financial and safety plans in the event that undocumented parents are separated from their children, and will develop a “train the trainers” curriculum and tools to increase capacity and enable volunteers and partner organizations to provide KYR and rapid response trainings. RRN also leads a hotline for around-the-clock support and defense to individuals threatened with immediate ICE engagement, along with referrals for legal services and additional resources.

(3) Unmet Civil Legal Needs (UCLN) Contracts

Between January 2020- June 2020 (under the current RFP), the 5 selected providers met and reached the investment output goal of serving 885 individuals with the county investment of \$318,424 for the six month period, and currently, for Fiscal Year 2021, the contracts were extended for 12 months for a total investment is \$574,961, target output of 1679 clients to serve.

UCLN contracts provide a wide range of civil legal needs for vulnerable and very low-income residents including legal assistance to achieve economic stability, navigate safety net systems, public assistance, food stamps, subsidized housing and receive protection from abuse and harassment. These contracts also offer legal assistance for seniors and disabled persons to protect their rights, housing, employment rights, consumer issues, family law, immigration legal services, educational rights and other civil legal assistance.

(4) Education, Outreach and Prevention: Programs for Immigrant Integration (PII) Contracts

Between January 2020- June 2020 (under the current RFP), the 5 selected providers met and reached the investment output goal of serving 6,484 individuals with the county investment of \$469,462 for the six month period, and currently, for Fiscal Year 2021, the contracts were extended for 12 months for a total investment is \$1,203,083, target output of 11,583 clients to serve.

PII contracts fund community based organizations with a high level of experience in providing Know Your Rights education to the immigrant community, including conducting KYR workshops and train the trainer sessions at schools, churches, libraries and community events to ensure the community is

educated on critical immigrant rights information in multiple languages. Outreach includes local LGBTQ community groups, migrant workers, and other hard to reach communities to ensure that their members are aware of immigration legal resources and rights. Services also include distributing emergency preparedness presentations and kits for immigrant families, offering information and providing education on naturalization and citizenship process, citizenship application assistance, citizenship class and tutoring, and a citizenship day event.

Please refer to Table 1.1 below for the summary of cost analysis, legal assistance fee, and target client output breakdown for all contracts for FY2020 (shown for 6 months, starting with new RFP on January 2020-June 2020) and refer to Table 1.2b below for FY2021 (12 months), respectively. Please note that UCLN, PII and RRN contracts have no legal fees associated with them.

Table 1.1

County Investment and Legal Services Costing Schedule FY2020 (Jan 2020 - June 2020)										
Contracted Legal Service Providers	CLI Contracts				UCLN Contracts		PII Contracts		RRN Contract	
	County Investment	Target # of Clients to Serve	Legal Service Cost Charged to Client	USCIS Fee Waiver request submitted on behalf of Client**	County Investment	Target # of Clients to Serve	County Investment	Target # of Clients to Serve	County Investment	Target # of Clients to Serve
Sacred Heart (Lead), Rapid Response Network									\$275,280	1055
Asian Law Alliance	\$279,798	192	\$10 (Waived)*	✓	\$42,421	410	\$88,910	846		
Bay Area legal Aid	\$116,650	282	No cost	✓	\$97,500	179				
Catholic Charities of Santa Clara	\$100,791	235	No cost	✓	\$53,007	168	\$74,601	1380		
Law Foundation of Silicon Valley	\$289,900	141	No cost	✓	\$100,496	103				
Pars Equality Center	\$69,864	166	No cost	✓			\$89,951	1710		
Santa Clara University	\$70,837	105	No cost	✓						
Community Legal Services	\$292,900	248	No cost	✓						
Human Agenda	\$50,000	71	No cost	✓						
Justice and Diversity Center	\$90,795	186	No cost	✓						
Oasis Legal Services	\$68,004	100	No cost	✓						
StepForward Foundation	\$90,797	107	No cost	✓						
Tahirih Justice Center	\$96,600	46	No cost	✓						
Senior Adults Legal Center					\$25,000	25				
International Rescue Committee							\$41,000	50		
Center for Employment Training							\$175,000	2498		
Total	\$1,616,936	1879			\$318,424	885	\$469,462	6484	\$275,280	1055

*Nominal fee waived for low-income clients

**No fee waiver available for DACA Renewals

Table 1.2

County Investment and Legal Services Costing Schedule FY2021 (12 Months)										
Contracted Legal Service Providers	CLI Contracts				UCLN Contracts		PII Contracts		RRN Contract	
	County Investment	Target # of Clients to Serve	Legal Service Cost Charged to Client	USCIS Fee Waiver request submitted on behalf of Client**	County Investment	Target # of Clients to Serve	County Investment	Target # of Clients to Serve	County Investment	Target # of Clients to Serve
Sacred Heart (Lead), Rapid Response Network									\$495,504	1900
Asian Law Alliance	\$407,657	386	\$10 (Waived)*	✓	\$78,157	820	\$251,580	1562		
Bay Area legal Aid	\$155,805	80	No cost	✓	\$175,500	304				
Catholic Charities of Santa Clara	\$171,344	399	No cost	✓	\$95,412	301	\$235,557	1503		
Law Foundation of Silicon Valley	\$450,330	280	No cost	✓	\$180,892	204				
Pars Equality Center	\$118,769	335	No cost	✓			\$269,249	3420		
Santa Clara University	\$127,507	210	No cost	✓						
Community Legal Services	\$497,930	431	No cost	✓						
Human Agenda	\$90,000	141	No cost	✓						
Justice and Diversity Center	\$154,351	372	No cost	✓						
Oasis Legal Services	\$122,407	200	No cost	✓						
StepForward Foundation	\$163,435	214	No cost	✓						
Tahirih Justice Center	\$164,220	92	No cost	✓						
Senior Adults Legal Center					\$45,000	50				
International Rescue Committee							\$73,800	100		
Center for Employment Training							\$372,897	4998		
Total	\$2,623,755	3140			\$574,961	1679	\$1,203,083	11583	\$495,504	1900

*Nominal fee waived for low-income clients

**No fee waiver available for DACA Renewals

Cost Analysis Breakdown of Direct Legal Services provided (CLI Contracts), including Legal Service Fees Charged to Clients

With regard to direct legal service cost to clients for the county investments under the CLI contracts, 11 out of the 12 contracted legal service providers offer *no cost* legal assistance to clients as per contract terms, with one service provider offering legal services for a nominal fee of \$10 (usually waived for low-income clients.)

Cost Analysis of USCIS Fees and Access to Fee Waivers for Clients Served under Direct Legal Services (CLI) Contracts

In June 2020, OIR conducted a survey of the 12 contracted providers under the direct legal services (CLI) contracts to assess client cost regarding not only the providers legal fees to clients but also the USCIS application fees that clients may incur. The 12 contracted legal service providers advised OIR that the clients served were eligible and received a USCIS fee waiver as part of the legal assistance offered by the provider, since low-income clients (less than 125% of poverty income guidelines) are prioritized for legal services and make up most of those served with county investment funding. For special cases when a few clients did not receive the fee waiver, some providers offered payment plans and other sources of fundraised financial assistance. However, it should be noted that one service type, DACA application renewals with a USCIS fee of \$495 are not offered a fee waiver by USCIS; and those costs were not covered by the legal service providers.

With potential changes to USCIS fee waiver processes on the horizon starting as early as October 2, 2020, OIR will continue to assess if clients served will continue be eligible and receive a USCIS fee waiver as part of the legal assistance offered by the providers. DACA application renewals in FY2021

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are increasing from the current \$495 and renewal schedules will be required every 12 months as opposed to the current every 24 months. For DACA application renewals, USCIS continues not to offer fee waivers for low-income individuals. Please refer to Table 1.3 below for USCIS Fee Schedule.

Table 1.3

USCIS FEE SCHEDULED	
Immigrant Benefit Request	USCIS Fees**
USCIS Immigrant Fee	\$220
Biometric Service Fee	\$85*
Certificat of Citizenship Document	\$1,170
N-565 Application for Replacement Naturalization/Citizenship Document	\$555
N-470 Application to Preserve Residence for Naturalization Purposes	\$355
N-400 Application for Naturalization	\$640
N-336 Request for Hearing on a Decision in Naturalization Proceedings	\$700
I-929 Petition for Qualifying Family Member of a U-1 Nonimmigrant	\$230
I-765 Application for Employment Authorization	\$410
I-751 Petition to Remove Conditions on Residence	\$595
I-698 Application to Adjust Status From Temporary to Permanent Resident	\$1,670
I-601 Application for Waiver of Ground of Excludability	\$930
I-539 Application to Extend/Change Nonimmigrant Status	\$370
I-600 Petition to Classify Orphan as an Immediate Relative/Application	\$775
I-485 Application to Register Permanent Residence or Adjust Status	\$1,140
I-290B Notice of Appeal or Motion	\$675
I-131 Application for Travel Document	\$575
I-130 Petition for Alien Relative	\$535
I-90 Application to Replace Permanent Resident Card	\$455
DACA Renewal Application	\$495*

*DACA renewals and biometrics are not covered under USCIS fee waiver program.

**USCIS fee waivers are available for eligible low-income households (income less than 150% of Federal Poverty Guidelines) except for DACA Renewals and biometrics. USCIS Fee schedule expected to increase after October 2, 2020.

OIR Recommendations re USCIS Fee Waivers and DACA Financial Assistance Need for FY2021

Key Considerations:

1. DACA renewal expires after 12 months and DACA recipients are having to renew annually the DACA renewal fee at \$495.
2. There has been an injunction on fee hikes and potential elimination of fee waivers that will create more financial hardship for immigrants, especially when facing job loss and hours.
3. Depending on the outcome of the upcoming November 2020 elections, with a possible change in Administration, there may be further changes in immigration policy and rules for FY 2021 regarding USCIS fees and fee waivers.

Recommendations:

1. The approved \$200k fund in FY2020 granted financial assistance to a total of 405 DACA recipients and was exhausted in May 2020, approximately thirty days before the six-month grant period expired. Currently, there are 55,000 Dreamers residing in Santa Clara County and 8,580 of those individuals are DACA recipients as indicated by USCIS data for the San Jose-Sunnyvale-Santa Clara region. Assuming we can find funding notwithstanding the budget

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deficit, OIR recommends offering another \$200k minimum for Fiscal Year 2021 in support of covering the DACA renewal fees for low-income DACA recipients.

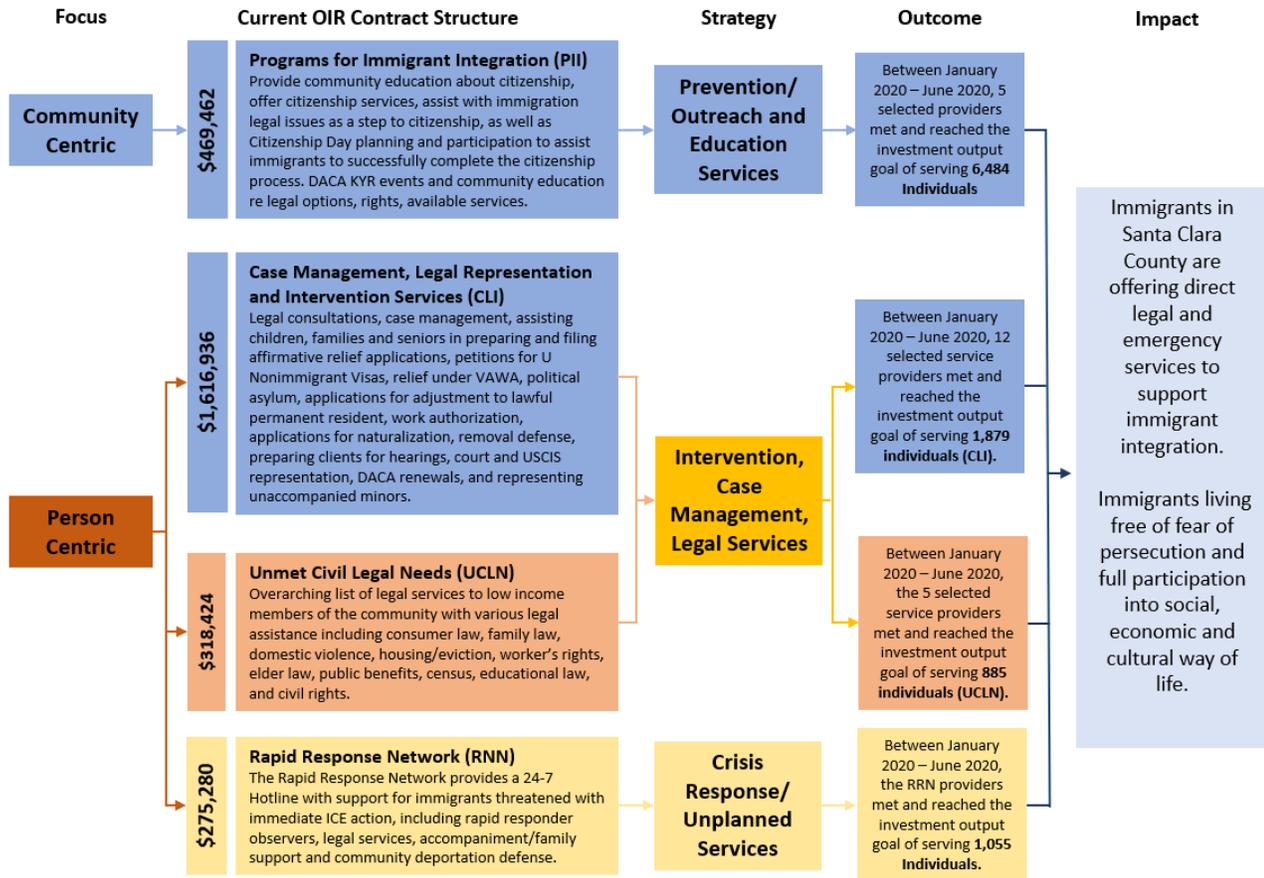
2. With the injunction currently in effect re the elimination of fee waivers, and while fee waivers are still being granted, there is uncertain time to evaluate financial impact on immigrants. For example, Citizenship applications filing fee is currently at \$725 and will potentially increase to \$1,170 (without a fee waiver). If fee waivers are limited, then there will be at a minimum, a 50% increase of fee waiver denials. OIR recommends monitoring changes in the immigration filing process and offering an update to the Board of Supervisors in case grants for application assistance are needed.

Attachment: OIR Vendor Service Delivery Chart (PDF)

cc: Chief Board Aides
Miguel Marquez, Chief Operating Officer
James Williams, County Counsel
Mary Ann Barrous, Agenda Review Administrator
Megan Doyle, Clerk of the Board

ATTACHMENT A

OIR Vendor Service Delivery



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