## IMMIGRANT ADVOCATE

TEACHING, INTERPRETING, AND CHANGING LAW SINCE 1979,







#### MESSAGE FROM THE ILRC

By Eric Cohen | ILRC Executive Director



## **Immigrants** deserve to be treated humanely

and with dignity. At the ILRC, we feel strongly that the dehumanizing of immigrants and other heartless tactics employed by the current administration are unnecessarily cruel and should be stopped immediately.

Imagine how extreme the conditions must be in the origin countries of immigrants if they are willing to stand resolute in the face of US nativism and bigotry, hopeful to be granted permission to remain here? Maybe you don't have to imagine because you know what your family's immigration story is/was or maybe it is what you experienced yourself.

There are some public servants today who refuse to acknowledge the humanity of immigrants and refuse to treat them in a humane and fair manner.

We cannot let ourselves become desensitized to deaths in detention centers, including from the lack of access to proper medical care.

As you know, since January 2017, the assault on immigrant rights has been relentless. We were all devastated when images of families being torn apart at the border saturated the news. Now, more than two years later, the situation is no less dire. We will not let ourselves become desensitized to families being torn apart, some lost by a faulty tracking system with no checks or balances. We must not let ourselves become desensitized to immigration detention centers

overflowing past capacity. We cannot let ourselves become desensitized to deaths in detention centers, including from the lack of access to proper medical care.

At the ILRC, we believe that there is hope. A <u>Gallup Poll</u><sup>1</sup> on immigration shows that the overwhelming majority of those polled support increasing immigration or keeping it at its present rate rather than decreasing immigration. Voices representing a range of demographics and sectors are getting louder, calling for an end to the scapegoating of America's problems on immigrants.

While this is a dark period in our history, people like you and organizations like the ILRC are partnering to stand with and support immigrants, including some of the most vulnerable in our communities. We are also imploring that our elected officials pass immigration reform that protects every immigrant—no matter their status or their entanglement in the criminal legal system. Together, our collective efforts will provide the light that will help to lead us from this darkness.

1. https://news.gallup.com/poll/1660/immigration.aspx







So far in 2019 alone, **1,069,450** of the ILRC's **Know Your Rights** red cards have been delivered. These cards provide invaluable service to families seeking to defend themselves from ICE raids and arrests by asserting their constitutional rights.

#### IN FOCUS: GOALS FOR THE NEW AUSTIN, TEXAS OFFICE

The focus of our Austin office is to support our policy work in Texas. This includes cultivating local partnerships with community-based organizations, elected officials, and law enforcement agencies to advance immigrant and criminal justice policies throughout Texas, and developing unique legal strategies that support those policies. The staff attorney in our Austin office serves as an expert and strategist officials on issues related to the intersectionality of immigration and criminal justice, such as SB4,\* 287(g), and other policies that impact immigrants in Texas

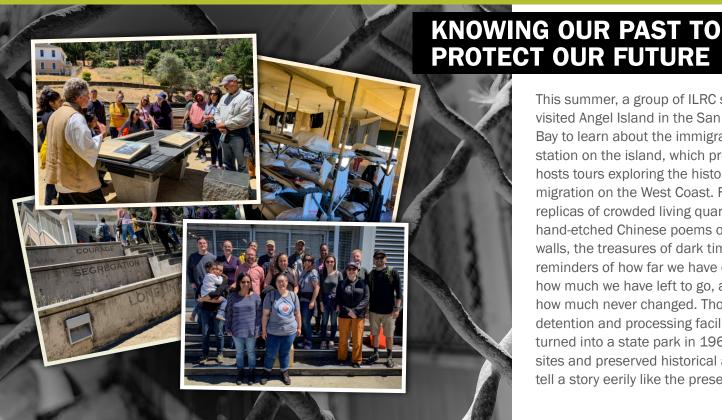


Austin, TX ILRC Staff Attorney, Anita Gupta

Currently, our Austin office is engaged in local-level policy work in Austin/Travis County, San Marcos/Hays County, San Antonio/Bexar County, and Houston/ Harris County. In Austin, we are working alongside local movement organizers to monitor and track the implementation of the recently-passed Freedom City Policies, which aim to reduce discretionary arrests for low-level, citation-eligible offenses, as well as track any

Police Department and ICE. In San Marcos/Hays County, we are working to implement much-needed criminal justice reforms in order to-deportation pipeline and ensure more judicious

treatment and outcomes for criminal defendants. In Houston/Harris County, our Austin staff attorney supports the work of the Houston Leads immigration coalition and has platform for the Harris County District Attorney. In San alongside the SA Stands immigration coalition on the implementation of the County's expanded cite and release program.



This summer, a group of ILRC staff visited Angel Island in the San Francisco Bay to learn about the immigration station on the island, which presently hosts tours exploring the history of migration on the West Coast. From replicas of crowded living quarters to hand-etched Chinese poems on the walls, the treasures of dark times were reminders of how far we have come, how much we have left to go, and how much never changed. Though the detention and processing facilities were turned into a state park in 1963, the sites and preserved historical artifacts tell a story eerily like the present.

#### RESOURCE SPOTLIGHT

Ending 287(g) agreements: An overview of the effort to keep local law enforcement out of federal immigration enforcement work.

#### What Is 287(g)?

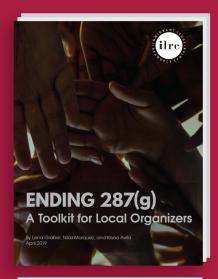
287(g) is a program for allowing state and local agencies to act as immigration enforcement agents. Under 287(g), Immigration and Customs Enforcement (ICE) forms an agreement with a state or local agency—most often a county sheriff that runs a local jail—and this agreement delegates specific immigration enforcement authority to designated

officers within the local agency. These agreements are also known as "287(g) contracts" or "MOAs" (Memorandum of Agreement). The program gets its name from section 287(g) of the Immigration and Nationality Act.

#### Why Are 287(g) Agreements Problematic?

287(g) agreements are designed to extend the reach of the Trump deportation machine by getting localities to do ICE's work at their own expense. 287(g) agreements lead to racial profiling, civil rights violations, isolation of immigrant communities, and family separations. When local officials are working with ICE, police stop and harass Latinx residents at increased rates, while immigrants withdraw from their communities, avoid business that requires them to give their personal information, and decline to participate in public events where law enforcement may be present.

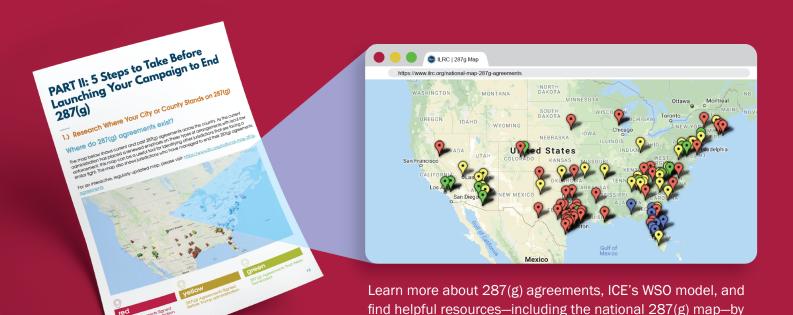
In 287(g) jurisdictions, ending these contracts is an essential first step to disentangling local law enforcement from ICE, which is why we've mapped these agreements nationwide. This map of entangled jurisdictions is the first of its kind.



The ILRC has created a toolkit for local organizers fighting 287(g) agreements in their communities, whether those agreements already exist, are pending, or are a potential threat.

#### **What Is The Warrant Service Officer Program?**

ICE recently announced a new program for co-opting local sheriffs into deporting immigrants called the "Warrant Service Officer Program" (WSO). Misleadingly, ICE has messaged this program as a way to 'circumvent sanctuary policies.' However, this program is limited in its scope and, in fact, many sanctuary laws already fully prevent WSOs. ICE has always been quick to deceive the public if it will help the agency expand its enforcement reach, and this new program is no exception.



going to bit.ly/287gmap

## CONGRESS MUST TAKE DOWN TRUMP ADMINISTRATION'S BARRIERS TO CITIZENSHIP

This article originally appeard in The Hill as an op-ed on July 16, 2019

By Eric Cohen | ILRC Executive Director

There is no question that democracy flourishes as a result of the active participation of voters—citizens determined to make our country representative of the people who call it home. Citizenship never should be restricted to those with power or money, or based on race, but an under-the-radar immigration form change¹ and imminent increases to citizenship application fees could do just that.

These changes, compounded by the Trump administration's refusal to address <u>unprecedented</u> <u>backlogs</u><sup>2</sup> and processing delays faced by citizenship applicants, are part of a larger menu of policy changes that make citizenship inaccessible.

In what appears to be an attempt to stack the deck against lower-income immigrants and immigrants of color who aim to gain lawful permanent residency and contribute to their communities, Citizenship and Immigration Services (USCIS) has continued to push fee waivers for naturalization further out of reach for the most vulnerable and stated that, next month, it expects the Department of Homeland Security to <u>raise fees</u><sup>3</sup> for immigration applications.

Our federal lawmakers must vocally reject the wealth test, which also disproportionately impacts immigrants of color, that the administration seeks to impose. This would make a narrow, elitist, and racist vision of who belongs in the United States a reality.

The fee to naturalize has <u>risen steadily by 800 percent</u><sup>4</sup> in real terms since 1985. The price tag, \$725 to file the application and thousands of dollars more for language classes and attorneys, would be overwhelming for most families and impossible for those working in low-wage jobs. For this reason, applying for a fee waiver should be straightforward and fair.

The existing application form grants fee waivers for those on programs such as Medicaid and SNAP, giving USCIS an efficient and government-verified way of making that decision. Going forward, USCIS plans to reject the calculations and conclusions of state agencies who are the primary assessors of income eligibility for support that reaches people who have no disposable income to pay for health care or food. Sadly, the USCIS approach now will price these people out of achieving American citizenship—the highest honor conferred by our immigration system to longtime residents who have demonstrated tenacity and commitment to undergo the naturalization process.

In USCIS's proposed change, the agency would assume a new scope in determining all individual income calculations itself and a new workload of assessing and applying it—which will complicate the process and make it harder for nonprofit organizations to help applicants. The shift will put further strain on an overburdened agency and make the process toward citizenship slower and rife with needless difficulties. By throwing out the tried-and-true method of proving fee waiver eligibility, USCIS can institute a more difficult standard to meet and prove. These changes will exponentially increase the processing delays applicants face.

Unfortunately, this is not the side of history that fulfills the promise of our immigration system to our country's families.

In our internal March 2019 study—surveying 200 organizations within the New Americans Campaign that works to provide eligible immigrants with resources about naturalization—15 percent of respondents reported that adjudicators are questioning the legitimacy of fee waiver applicants' low-income status by asking

CONTINUED ON NEXT PAGE

On Tuesday, July 16, Eric Cohen joined representatives from the American Immigration Lawyers Association (AILA) and Catholic Legal Immigration Network, Inc. (CLINIC) to shed light on how USCIS policy changes and processing delays are negatively impacting those seeking immigration benefits and our country as a whole.

To watch Eric's full oral testimony, go to:

bit.ly/uscisdelaytestimony



irrelevant questions, after the fee waiver has been approved.

Ironically, once naturalized, the use of public benefits decreases<sup>5</sup> as immigrants gain more opportunities to lift themselves out of poverty and contribute to their communities. Given the ability to apply for a greater range of jobs, an Urban Institute study<sup>6</sup> across 21 cities found that if immigrants who are eligible to naturalize became citizens, their annual earnings would increase by an average of \$3,200, the employment rate would rise by over 2 percent, and homeownership would grow by more than 6 percent.

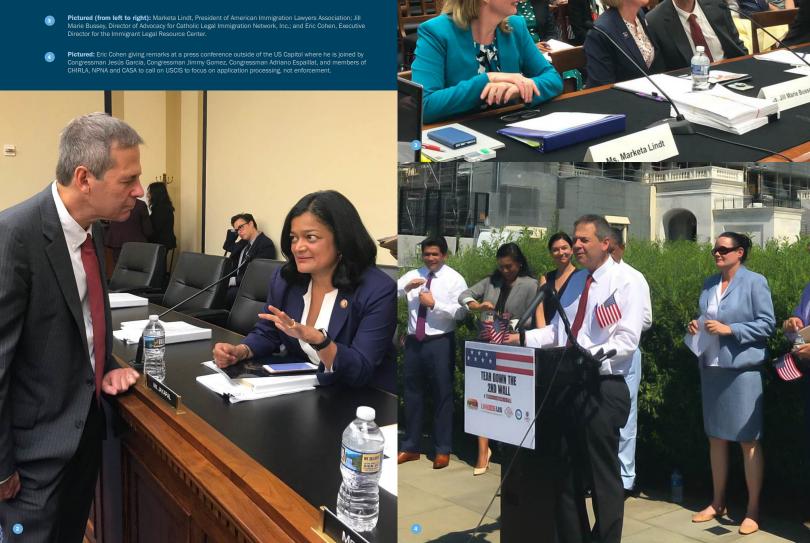
Barriers within the immigration system are steep. Chief among them is the enormous expense and administrative burden—cited by 18 percent of Latino immigrants as the main obstacle<sup>7</sup> to citizenship.

Congress must intervene to prevent the administration from fortifying the barriers it has created for permanent residents to obtain the security and full participation of citizenship. Our promise to permanent residents—that is, the chance to succeed and to be part of something larger-must hold true. It must be equally available to individuals regardless of race, income, religion, or political persuasion.

To protect the opportunities that naturalization embodies, our elected representatives must preserve access to fee waivers, halt the planned increase of already exorbitant fees, and stand against policies that erect barriers to naturalization. Without providing checks and balances against the administration's policies, we will imperil the hopes of families for generations to come.



- 4. http://newamericanscampaign.org/wp-content/uploads/2017/05/IPL\_NaturalizeNY\_Research-Brief.pdf 5. https://www.urban.org/research/publication/economic-impact-naturalization-immigrants-and-cities/view/full\_report 6. https://www.urban.org/report 6. https://www.urban.org/report
- Pictured: Eric Cohen giving his oral testimony at the House Judiciary Subcommittee Hearing on Immigration Policy and Processing Delays.
- lictured: Eric Cohen speaking with Immigration and Citizenship Subcommittee Vice President,





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This year, the Immigrant Legal Resource Center (ILRC) celebrates a milestone in the fight to protect immigrants and their families—our 40th anniversary. Forty years ago, the ILRC was founded by San Francisco-based attorney and law school professor Bill Ong Hing. He recognized a lack of adequate legal information and resources for communitybased organizations serving immigrants. With a reputation for expertise in immigration law, Bill established a law clinic at Golden Gate University to help connect immigrant clients with representation and to supply legal advice to immigration legal service providers. Within a few years, the clinic's influence and reputation grew and evolved into the independent nonprofit we know today.

From its humble beginnings in 1979, the ILRC has developed into a leading national resource center with a broad range of expertise in complex immigration issues. We work every day to build the capacity of and comprehension in the field of immigration law. The ILRC works with community groups, attorneys, other legal service providers, lawmakers, and advocates to protect and defend the rights of immigrants from coast to coast.

From assisting Iranian students during the hostage crisis in 1979 to advocating for our nation's most just, inclusive immigration policies in 2019, the ILRC believes that no one deserves to be excluded, expelled, detained, or deported based on their immigration status,

> and affirms that reforms focused on criminal, racial, and economic justice are at the center of the fight for immigrant equity.



Bill Ong Hing at Stanford Law

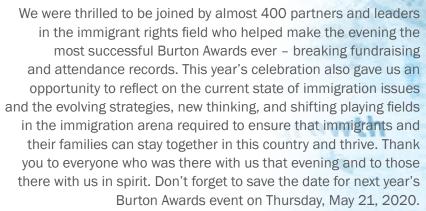
PHILLIP BURTON AWARD for ADVOCACY **CECILLIA WANG** DEPUTY LEGAL DIRECTOR. AMERICAN CIVIL LIBERTIES UNION



On May 9, the Immigrant Legal Resource Center and its allies, partners, and supporters gathered for a very special Phillip Burton Immigration & Civil Rights Awards dinner. This night marked the 30th anniversary of the Awards, celebrated the ILRC's 40-year milestone, recognized the work of this year's award recipients: Cecillia Wang, Deputy Legal Director for the ACLU; Harriet Ishimoto, former Immigration Specialist for Speaker Nancy Pelosi. The night also paid tribute to the legacies of trailblazer Jeff Adachi, former SF Public Defender, and immigrant rights stalwart and former ILRC Senior Staff Attorney, Mark Silverman. The annual Awards event allows us a much-needed moment to acknowledge and highlight the astounding work of truly inspiring and courageous advocates and policymakers in the field.









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#### **ILRC PROGRAM AREAS**

The ILRC works with immigrants, community organizations, legal professionals, law enforcement, and policymakers to help improve the lives of immigrants. Our work on a broad range of issues directly impacts immigrant families and the community through our three program areas.



#### **MISSION**

The mission of the Immigrant Legal Resource Center (ILRC) is to work with and educate immigrants, community organizations, and the legal sector to continue to build a democratic society that values diversity and the rights of all people.

## MESSAGE FROM THE ILRC EXECUTIVE DIRECTOR

The ILRC spent 2018 fighting for the rights of immigrants and their families, thanks, in part, to the outpouring of support from individuals and organizations like you. Attacks on immigration processes and policies did not let up. One of the most heartbreaking and galvanizing assaults on immigrant and human rights was the current administration's policy of separating families seeking asylum, or other relief, at our borders. The ILRC responded by creating critical resources and preparing legal professionals and community groups to best protect and defend those caught up in this unnecessary cruelty.

The ILRC refuses to believe that relentlessly assailing immigrant rights is the new normal in this country. In order to push back against the government's systematic attempt to disenfranchise immigrants, in 2018, the ILRC grew its staff by six to bolster our expertise and grow our bandwidth to address a long-term strategy to help restore and repair the immigration system and to build our capacity to rapidly respond to crises affecting those in immigrant communities. Your investment in our work helped to make all of this possible. Thank you for believing in our mission.

G. G. Core Eric Cohen



Our policy work focuses on immigration reform, Department of Homeland Security policies, and many other issues affecting immigrants and their families.



We engage immigrants in mobilizing and raising their voices on issues critical to their communities.



We provide technical legal assistance, trainings, and publications to immigration law practitioners and community-based organizations.



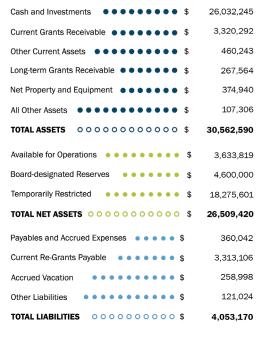
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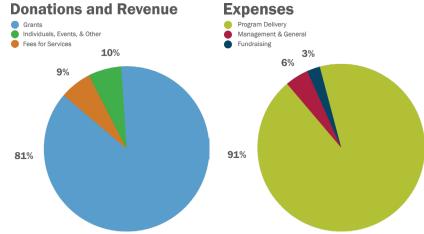
Rising to meet the challenge to protect and defend immigrants and their families in 2018, the ILRC maintained a solid financial standing throughout the year. Institutional giving increased by 8% from its previous record-breaking year in 2017. Individual giving contributions remained healthy, posting its second highest year for revenue in the ILRC's history. The ILRC welcomed over 400 new donors and tripled the number of donors making monthly recurring donations. Thank you for investing in our work and for helping to build the capacity in the immigrant rights field.

The ILRC is proud to share that **91 cents of every dollar raised is spent on delivering our programs** and that only 3 cents of each dollar raised is spent on fundraising-related costs.

The ILRC continued to partner with nonprofits across the country to deliver services to immigrant communities through our regranting program. Institutional funders committed to supporting the immigrant rights movement trust the ILRC to know what issues are the most urgent to invest in and what program partners are doing the most

critical, and oftentimes, grassroots work. These institutional supporters award the ILRC funding specifically to redistribute to nonprofits across the country. This helps to underwrite the work of key program partners, bolstering the impact we can all have in the field. In 2018, the ILRC distributed grants to 90 nonprofit organizations working to advance the rights of immigrants, an increase of 15% over 2017.





#### **ILRC BY THE NUMBERS**

2018

590,705

Know Your Rights
RED CARDS
Distributed

7,938



**Attorney of the Day** 

Issues Answered for Non-Profits, Service Providers, and Pro Bono Attorneys



**572** 

Trainings, Webinars, Community Meetings, Task Forces, Workshops, Media Reports, and CRISP Meetings with more than

21,901

Attendees & Participants



# 2018 POLICY ADVOCACY HIGHLIGHT: PUBLIC CHARGE

In 2018, the administration instilled fear in immigrant communities with negative rhetoric and proposed policies focused on immigrant

families' use of public benefits and services. Early in 2018, a leaked draft of a possible rule about "public charge" circulated in the media. Then, in October 2018,\* the Trump administration officially proposed a change to the "public charge" rule in immigration law. These proposed changes received significant media attention, and although the proposal did not have legal effect, the announcement of this proposal created confusion and fear in immigrant communities. Some people believed the proposal was already being implemented, some thought it would change eligibility requirements for non-citizens accessing public benefits, and others feared it applied to immigrants in all categories and statuses—causing concerns about deportation. Service providers reported that eligible lawful permanent residents were afraid to apply to naturalize due to these proposed changes, and social services agencies documented a chilling effect on the use of vital safety net programs. County agencies reported that individuals were cancelling their enrollment or the enrollment of eligible family

members, such as US citizen children in benefit programs, such as Medi-Cal and WIC, or choosing not to enroll altogether.

The confusing nature of immigration law and inaccurate information fueled these fears. "Public charge" is a legal term of art. It is a test applied to determine whether a person is likely to become dependent on government-provided cash aid or long-term care in the future. This is not a provision of law that applies to all immigrants. This law only applies to individuals seeking admission into the United States or applying for adjustment of status to become a permanent resident (get a green card). As such, this test does not apply to many immigrants, such as US citizens, most lawful permanent residents, refugees, and other humanitarian statuses. Nonetheless, the proposal would significantly increase the standard for those seeking to gain certain immigration benefits, such as a visa to visit the United States or a green card through a family member, to show they will not become dependent on public benefits for their support. The proposal seeks to drastically change longstanding current polices to penalize those that use vital health and nutrition programs, such as Medicaid and SNAP, threatening the health of our communities.

The announcement of the proposed change unleashed a surge of panic across immigrant communities, and families became afraid that this proposed change

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would cause family members to be deported or lose status. There is an urgent need to share accurate information directly with the immigrant community as well as to those service providers and others who work closely with the immigrant community in order for the immigrant community to access those benefits to which they are eligible and are vital to their health and wellbeing.

The ILRC worked to meet the urgent need for accurate

- "Public Charge: Your Questions Answered,"1 in English and Spanish, which gave service providers an overview on what public charge is, who is impacted, what benefits impact public charge, and where to refer people for immigration help.
- In partnership with AILA and AIC, "Public Charge Template Comment to the Proposed Rule,"<sup>2</sup> a template for comments against the proposed rule change that focused on the impact to immigrants and immigration legal service providers.
- Email messaging about the proposed rule change inviting the public to submit unique comments opposed to the change. The public comment period ended on December 10, 2018 and over 266,000 comments were received, with the majority opposed to the changes.

information within immigrant communities and service provider networks. We hosted trainings and created materials to help service providers and community members understand the public charge law, the proposed changes, and who would be affected under what circumstances. In addition, the ILRC worked with national partners to help generate over 200,000 comments in response to the proposal. These are some of the resources that the ILRC prepared in 2018 about public charge:

- "Public Charge and Naturalization," a practice advisory that provided an update on public charge for advocates providing naturalization legal assistance.
- "An Overview of Public Charge" (December 2018) to provide practitioners with the most updated information about the status of public charge.
- In-person trainings with legal practitioners throughout California and in other parts of the United States.
- National webinars on public charge.

\*As of July 2019, nothing has changed in the public charge rules for people applying for a green card within the United States. However, we expect that new rules may be published later in 2019. Additionally, the US Department of State has made changes to the public charge rules that affect people who apply for immigration benefits at US consultates showed.



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#### JOINING THE ILRC FAMILY



#### Ann Block | Senior Special Projects Attorney

Ann Block joined the ILRC in April 2019. She previously served as a Contract Attorney for ILRC for almost ten years, while maintaining a private practice. Prior to ILRC, Ann worked for direct service immigration nonprofits in the San Francisco Bay Area and taught the immigration law podium class while supervising the Immigration Clinic at McGeorge School of Law. Ann has also served as both Vice-Chair and Chair of the California State Bar's Immigration and Nationality Law Advisory Commission (INLAC), writing and grading attorney examinations in connection with applications for certification as immigration law specialists. A graduate of the University of Nebraska-Lincoln with a BA and double major in political science and psychology, and the University of California-Davis for her JD, Ann has lived in Northern California since 1983. She is proficient in Spanish and loves to hike, river raft, kayak, and travel, especially with her two "twenty-something" daughters.



#### **Andrew Craycroft** | Staff Attorney

Andrew joined the ILRC in May 2019 as a Staff Attorney focusing on immigrant youth issues. Prior to joining the ILRC, he worked at Staten Island Legal Services representing clients in a variety of affirmative and defensive immigration matters. Previously, Andrew worked at Catholic Charities Community Services in New York, representing detained and released unaccompanied minors in removal defense. Andrew received his JD from the Georgetown University Law Center. Andrew earned his BA from the University of California at Berkeley, where he majored in Political Economy of Industrial Societies. He is fluent in French and Spanish, with some knowledge of Italian, Portuguese, and Arabic.



#### Peggy Gleason | Senior Staff Attorney

Peggy Gleason joined the ILRC in March 2019. She worked most recently in the Office of Civil Rights and Civil Liberties at the Department of Homeland Security, for the Citizenship and Immigration Services Ombudsman and for the Department of Justice Executive Office of Immigration Review. Before her time with the federal government, she was a senior attorney for Catholic Legal Immigration Network's training and technical support section for 23 years, providing technical assistance and training to CLINIC's affiliated programs and other nonprofits nationwide. She began her legal career with Colorado Rural Legal Services farmworker program. She has studied and worked abroad in Argentina, Peru, Brazil, Colombia, Mexico, and the Marshall Islands.



#### Anita Gupta | Staff Attorney

Anita Gupta joined the ILRC in February 2019 as a staff attorney based in Austin, Texas. She works with community based-organizations and local elected officials to advance local policies throughout Texas that promote criminal and immigrant justice. She also contributes to ILRC's Attorney of the Day program and legal resources on immigration law. Prior to joining the ILRC, Anita worked in private practice and nonprofit organizations in Chicago and Austin, where she represented immigrants in a variety of matters before the Immigration Court, USCIS, and ICE. Anita obtained her Bachelor's Degree from the University of Wisconsin-Madison, and she earned her law degree from DePaul University in Chicago. She is an aspiring potter and pianist.



#### Matt Jones | Grants & Programs Coordinator

Matt joined the ILRC in January of 2019 as the Grants and Programs Coordinator. He is responsible for tracking grant and program deliverables, reporting project successes, and administering the Attorney of the Day program. Prior to joining the ILRC, Matt served in the Peace Corps as an agriculture and rural business development volunteer in the Republic of Moldova. He then spent the next several years working in disaster recovery for the Office of Management and Budget and the Federal Emergency Management Agency. Matt is new to the Bay Area and enjoys getting out and exploring, trying new restaurants, and going to the theater. Matt holds a BS in Business Administration from Oklahoma State University and an MPA from Cornell University.



#### Arianna Rosales | Communications Associate

Arianna Rosales joined the ILRC in December 2018 as the organization's Communications Associate. In this role, she supports the organization's digital and media strategy. Prior to joining the ILRC, Arianna worked as the Communications Manager at the New York Immigration Coalition, an umbrella policy and advocacy organization that represents over 200 immigrant and refugee rights groups throughout the state of New York. She also spent three years serving as the Deputy Editor and Production Manager of various print and digital communications, including the Stanford Lawyer alumni magazine at the Stanford Law School. Arianna graduated from Stanford University with a BA in English Literature. As a Bay Area native, she is happy to call San Francisco home.

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