



TO: Community, Vitality and Safety Committee Members
FROM: Councilman Keith Blocker
SUBJECT: Immigrant Defense Fund
DATE: August 9, 2017

SUMMARY:

At the July 18, 2017 Study Session, I shared a Council Consideration Request to bring a topic forward to the Community, Vitality and Safety Committee. The topic relates to the feasibility of the City establishing an Immigrant Defense Fund for undocumented residents of Tacoma facing deportation to ensure these residents would have access to an attorney at their deportation hearing.

At the August 8, 2017 study session, the Immigrant and Refugee task force will present several recommendations, and one may be related to the establishment of an Immigrant Defense fund. At the August 10, 2017 CVS meeting, the committee will be discussing the feasibility and policy issues surrounding such a fund.

BACKGROUND:

In response to federal immigration practices, several cities such as New York, Los Angeles, San Francisco, Chicago, Baltimore, and Seattle have established such funds. New York's defense fund dates back to 1997.

Unlike most criminal defendants in the United States, undocumented immigrants facing potential deportation are not constitutionally guaranteed counsel if they aren't able to afford a private attorney. The purpose of such funds is to guarantee that immigrants facing deportation that cannot afford a lawyer, have access to free legal counsel.

A 2015 study published by the *University of Pennsylvania Law Review* reported that detained immigrants with legal counsel were 10 times more likely to be granted legal residency than those without. For immigrants who were not detained, those with a lawyer were five times more likely to avoid deportation than those without. According to the City of Seattle's defense fund statistics, approximately 92% of individuals in Tacoma's immigration court are not represented, and in 2016 approximately 1,249 individuals were deported. The Northwest Immigrant Rights Project estimates that in any given year, approximately 50-100 Tacoma residents are detained.



Initial spending levels have ranged from \$200,000 (San Francisco) to \$10 million (Los Angeles).

ISSUE:

There are several large policy questions that would have to be addressed if we were to consider establishing such a fund.

1. Eligibility: Who would be qualified to access dollars from such a fund?
–Criteria to be considered: income (restrictions on use of public funds must be considered); residency; criminal history; prior deportation history
Most jurisdictions have established that undocumented immigrants must not already have ability to secure a private attorney, with many basing this assessment on income levels. Seattle’s fund provides services to residents and workers with limited financial means and immigration matters before either the Seattle or Tacoma immigration courts. We would have to come to a consensus as to whether this fund was only for those defined as residents of Tacoma when detained, as well as tackle issues other jurisdictions have faced such as whether a background of criminal convictions could be a disqualifier.
2. How will this fund be administered?
 - a. –Issues to be considered: structure of fund/program; metrics for program evaluation; existing staff/resources for administration; cost of additional resources to administer
In Seattle/King County, the fund is structured as a grant that will require interested community based organizations to respond to a competitive request for proposal that is facilitated by the Office of Immigrant and Refugee Affairs. Qualified community based organizations can apply for this fund to hire immigration attorneys, legal staff and legal navigators. As we do not have an Immigrant and Refugee Office, we would need to discuss who would oversee such a program.
3. What is the source of the funding?
 - a. –Options to be considered: source of City Funds; amount of City contribution; one-time vs. on-going; community engagement/donation based funding
The City of Seattle allocated \$1 million in 2017 from the General Subfund, while councilmembers pursue options in the next budget cycle to sustain the fund. In speaking with the City Manager, our initial thought is to put some seed money towards starting a fund, with the hope that public and private partners would contribute.

ALTERNATIVES:

This is a feasibility discussion. There are no alternatives presented.

FISCAL IMPACT:

This is a discussion of the feasibility of such a fund, with no fiscal impact identified at this time.

RECOMMENDATION:

This is a discussion item only. Therefore, there are no recommendations at this time.