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FEATURED

County funds immigrant aid

Long processes, uncertainty among challenges attorneys, clients face

By Anna Schuessler Daily Journal staff Jul 30, 2018



Legal Aid Society staff attorney Jennifer Horne has taken on an increasing number of immigration cases in the past 20 years.

Anna Schuessler/Daily Journal

As debates over U.S. immigration policy changes swirl across the nation, county officials and residents stirred to respond are throwing their support behind expanding legal services available to immigrants here.

Having committed \$764,000 to an immigrant defense fund in June, county officials are hoping to allay the fears of those who may be affected by recent changes to the country's immigration policies. For more than a year, the county has been working with Legal Aid Society of San Mateo County and three of its partner agencies — Catholic Charities of San Mateo County, Community Legal Services in East Palo Alto and International Institute of the Bay Area. The partnerships offer workshops on how to apply for U.S. citizenship or Deferred Action for Childhood Arrival, among other legal statuses, help immigrants involved in enforcement actions understand what their rights are and assist those who qualify apply for visas or immigration benefits.

But an uptick in immigration enforcement actions under the Trump administration has pushed county residents and supervisors to explore how they can boost support for immigrants in need of legal counsel as they face deportation proceedings. In supporting the work of at least four additional immigration attorneys who can take on the deportation defense caseloads Legal Aid Society and several partner agencies are facing, officials are hoping to curb some of the rising fears attorneys have seen in their clients in the past year, said Dave Pine, president of the San Mateo County Board of Supervisors.



Of the some 250,000 residents in the county who were born in another nation, an estimated 114,000 are not U.S. citizens and roughly half of that group has obtained a legal status for staying in the country, explained Pine. That leaves some 60,000 county residents who may be undocumented immigrants, he said, who added county officials estimate a significant portion of that group have lived in the county for some 10 years and may have valid defenses in a deportation hearing.

“If a person has gotten into custody because of an immigration status, oftentimes with relatively modest help of an attorney, they can be released on bond and therefore stay connected with their families and continue to go to their jobs,” he said.

Acknowledging the team of three immigration attorneys at Legal Aid Society work with families that have been directly affected by changes in federal policy, Stacey Hawver, Legal Aid Society’s executive director, noted the changes are perhaps most deeply felt in the fear driving immigrant clients to stay out of the public sphere. One of many examples Hawver could recall are families comprised of a mix of undocumented immigrants and U.S. citizens that have been afraid to go anywhere without the whole family being together in case they are stopped by federal officials.

“The fear has been really incredible,” she said. “People are really afraid to put themselves forward in so many ways.”

Complicated set of legal procedures

Having taken on an increasing number of immigration cases in more than 20 years she’s worked at Legal Aid Society, staff attorney Jennifer Horne knows from experience how much a client’s legal status — as well as possible changes to it — can mean to them. Whether it’s avoiding entrenched crime in their home countries or fleeing abusive relationships, many of the clients Horne has worked with over the years with have embarked on dangerous journeys to come to the United States because of situations they believe may be even more perilous at home.

Horne said the arguments immigration attorneys use to defend those in deportation proceedings often mirror the cases they would make if they were helping an individual apply for specific visas to stay in the country. Among the immigration benefits clients can apply for are those offered under Deferred Action for Childhood Arrival, or DACA, special immigrant juvenile status, relief for crime victims and asylum, said Horne.

Obtaining a specific legal status or immigration benefits requires applicants follow a complicated set of legal procedures to apply for them, said Horne. And while the process to apply for visas can be lengthy, the time it takes for them to be processed can extend the timeline much farther, she said. Because of a backlog in processing

applications, Horne added that getting off a wait list can take years, and even longer for those coming from Mexico, Ecuador, Guatemala and El Salvador, four countries where the number of visas granted in specific categories is limited.

Long lists of eligibility requirements and even lengthier wait lists are just a few of the hurdles ahead for those applying for visas — sometimes it's a challenge to inform those who are eligible they can apply for them, said Horne. She explained that even though a status like special immigrant juvenile status is available to help minors who have been abused by one or both of their parents, many youth don't apply because they don't know it's an option.

“That can be complicated because you're talking about little kids knowing their rights and if they wait until it's too late they can't do it,” she said. “And that's hard.”

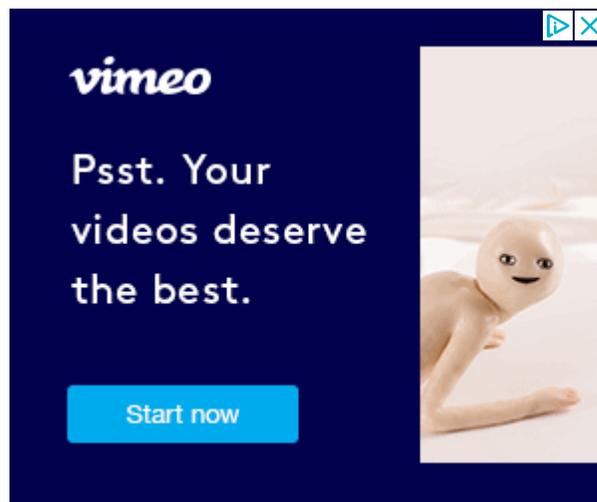
Policy changes

Further complicating cases that are being processed and those she and other immigration attorneys are now starting with clients are immigration policy changes implemented by the presidential administration, some of which have spread fear among the immigrant community, said Horne. With the priority in federal immigration enforcement shifting away from those committing serious crimes to include a wider swath of individuals under the Trump administration, Horne said families with undocumented members have been more fearful to take custody of unaccompanied minors since they have to provide identifying information to the Office of Refugee Resettlement, whose information was not used for enforcement under the Obama administration.

She added the Trump administration has also indicated a desire to use for enforcement denied visa applications submitted by crime victims seeking refuge in the United States. Horne said for some 15 years, she has told those applying for U visas, a type of visa for victims of mental or physical abuse who may assist in the prosecution of crimes, that they don't have to worry about their applications being used to start deportation proceedings. But after learning about the president's desire to make changes to the procedures for U visa applications and several other aspects of immigration policy, Horne said she's more wary of providing advice on lengthy legal procedures that have changed more suddenly under the current administration.

“There’s a long time to wait and in that long time what’s going to happen?” she asked.

Though Horne noted those facing deportation proceedings with a lawyer are much more likely to avoid deportation, she said a lawyer is not enough to keep them in the country if an individual isn’t eligible for a specific type of visa. She said many undocumented immigrants entered the country legally and have stayed past when their visas or statuses allow, and that many have come to San Mateo County to be with family while they await their pending legal status or court proceedings.



Outreach

Having encountered a number of county residents anxious about what’s next for the nation’s immigration policies, Supervisor Warren Slocum, whose district includes Redwood City, East Palo Alto, part of Menlo Park and the unincorporated community of North Fair Oaks, said county officials have seen a significant drop in the number of residents seeking much-needed services like CalFresh food stamps. Slocum emphasized the importance of outreach to assure them they do not need to fear county officials or those providing services to them.

“What that says is people are afraid to come forward and request services,” he said. “I think a lot of community outreach needs to be done.”

Pine noted some \$75,000 dedicated to the San Mateo Rapid Response Network is aimed at reaching those who might benefit from legal services. Organized by the nonprofit Faith in Action, the network provides a hotline county residents can call if

they see an enforcement action so volunteers or legal professionals can respond and assist those who are taken into custody or might be facing deportation proceedings, explained Pine.

Though he acknowledged the legal services the county is hoping to make more accessible may not free an individual from the legal system, Pine hoped they could mitigate the impact deportation proceedings can have on their lives, especially for those residents who have created a life in the county and have valid legal defenses for staying in the country.

“It’s that type of resident that we’d really like to see these legal services focused on,” he said.

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