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Central American Migration and U.S. Communities

Newcomer Central American Immigrants' Access to Legal Services

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The **Center for Latin American & Latino Studies (CLALS)** at American University, established in January 2010, is a campus-wide initiative advancing and disseminating state-of-the-art research. The Center's faculty affiliates and partners are at the forefront of efforts to understand economic development, democratic governance, cultural diversity, migration, peace and diplomacy, health, education, and environmental well-being. CLALS generates high quality, timely analysis on these and other issues in partnership with researchers and practitioners from AU and beyond.

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About This Report

This is one in a series of reports generated as part of the project, "**The Impact of Central American Child and Family Migration on U.S. Communities.**" The project aims to map the landscape of local government and community services available to newcomer Central American immigrants and to analyze how varying levels of community capacity and response are shaping newcomers' integration experiences and impacting existing service infrastructures. Reports will present research findings from each of three distinct, yet at times overlapping, service areas: **education; health and human services; and legal services.** The intent is to identify and describe the principal challenges confronting communities and highlight best practices and innovative solutions for addressing newcomers' needs across diverse community contexts. For further information on the project, see <https://www.american.edu/clals/central-american-migration-and-us-communities.cfm>.

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EXECUTIVE SUMMARY

Increased Central American child and family migration is impacting local communities across the U.S. Between late 2013 and mid 2018, over 193,000 unaccompanied children (UACs) and 300,000 adults and children traveling as family units from Central America were apprehended at the U.S.-Mexico border. As their cases overburden the immigration courts, federal engagement in the provision of immigration legal services remains virtually non-existent. Local governments and community-based organizations (CBOs) have been forced to improvise how best to provide legal services for this growing newcomer population as they navigate the immigration process. Varying levels of capacity and response across diverse community contexts, however, are contributing to disparities in newcomers' ability to secure an attorney. Without legal representation, many newcomers face nearly certain deportation regardless of whether they qualify for immigration relief.

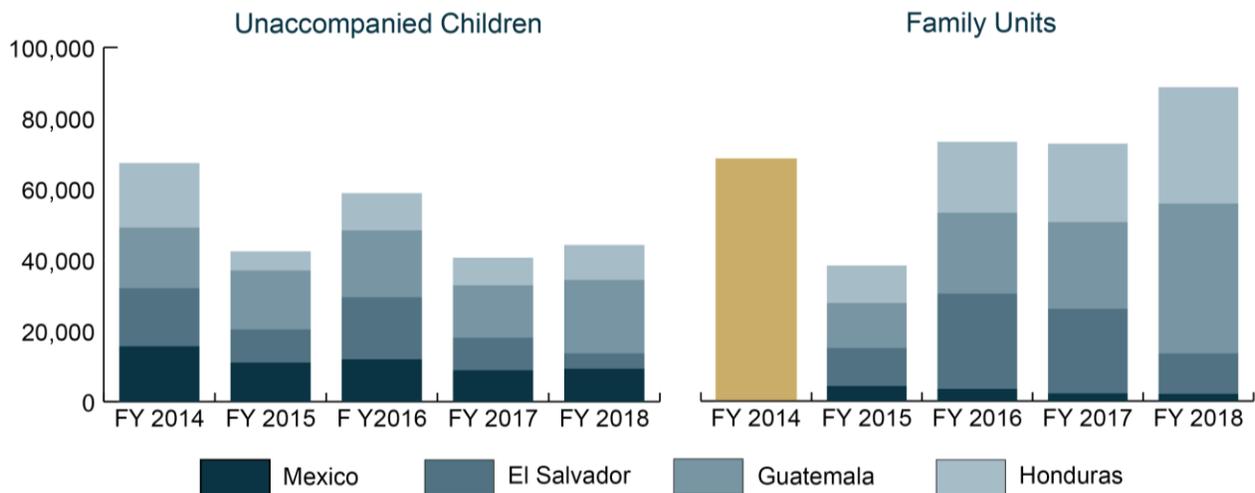
To better understand local variations in the provision of legal assistance and barriers faced by Central American migrants in accessing existing services, researchers from the Center for Latin American & Latino Studies (CLALS) at American University and the Graduate College of Social Work at the University of Houston conducted interviews with service providers, local government officials, and other stakeholders across three major immigrant receiving communities: the Washington, DC and Houston metropolitan areas, and North and South Carolina. Drawing on project interviews and publicly available data, this report documents legal service gaps, catalogues the principal challenges confronting community-based legal service providers, and highlights strategies for enhancing service provider capacity and overcoming access barriers.

While both public and private partners across a number of U.S. communities are engaged in innovative, scaled-up approaches to providing legal services, demand continues to outstrip available resources. The need is particularly acute in localities outside of the major metropolitan areas that are home to large Central American immigrant communities. Significant barriers to access remain and—in the current context of immigration enforcement policy—are accumulating. The forecast of continued strain on an already over-taxed ecology of service providers and on the immigration adjudication system threatens the well-being of tens of thousands of newcomers whose futures hinge on improved capabilities.

INTRODUCTION

Increased Central American child and family migration is impacting local communities across the U.S. Between late 2013 and mid 2018, over 193,000 unaccompanied children (UACs) from El Salvador, Guatemala, and Honduras—the three countries that constitute the Northern Triangle of Central America (NTCA)—were apprehended at the U.S.-Mexico border. Pursuant to federal law, these youth are transferred into the custody of the Department of Health and Human Services’ (HHS) Office of Refugee Resettlement (ORR), where personnel seek to place them with a parent, other family member, or non-relative sponsor living in the U.S. while their cases are pending in immigration court. During the same period, over 300,000 Central Americans traveling as family units were apprehended at the Southwest border. Fiscal year (FY) 2018 has witnessed a record number of family units from the NTCA apprehended at the U.S.-Mexico border—over 87,000 as of the end of August. While this population has been subjected to varying policies with respect to detention and release on bond, many have also been released into communities with notices to appear at later court proceedings.¹

Figure 1: Southwest Border Apprehension by Country of Origin, FY 2014–2018*



Notes: Data for FY 2018 is through August 31. Country of origin data for family unit apprehensions in FY 2014 is unavailable.

Data Sources: U.S. Customs and Border Protection (CBP), “U.S. Border Patrol Southwest Border Apprehensions by Sector FY2018,” accessed September 13, 2018, <https://www.cbp.gov/newsroom/stats/usbp-sw-border-apprehensions>; CBP, “United States Border Patrol Southwest Family Unit Subject and Unaccompanied Alien Children Apprehensions Fiscal Year 2016,” accessed June 30, 2018, <https://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children/fy-2016>.

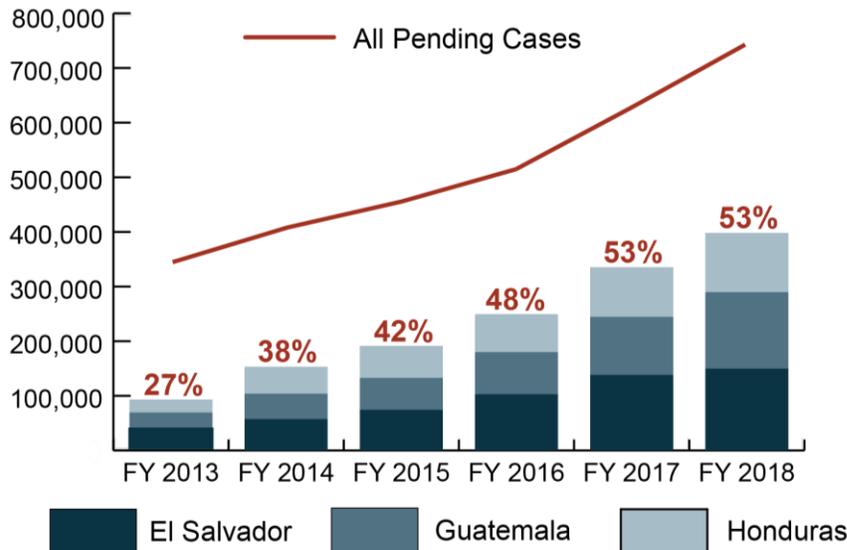
These cases have overburdened an already resource-starved immigration adjudication system. The backlog in immigration courts has more than doubled since 2013, vaulting from 350,000 cases to over 746,000 as of July 2018. Cases involving NTCA citizens now account for over half (53 percent) of the total backlog (see Figure 2).

Federal Engagement in the Provision of Immigration Legal Services is Extremely Limited and on the Decline

Successive administrations have denied any constitutional obligation to guarantee legal representation for UACs or family units, even while data have linked access to legal services with significantly higher rates of compliance with immigration obligations and with improved efficiency and fairness in immigration courts.² Likewise, the U.S. Supreme Court and federal

courts have thus far declined to recognize a right to appointed counsel for individuals in removal proceedings at the government’s expense, maintaining that immigration proceedings are civil rather than criminal in nature.³ Some limited federal resources, however, have been earmarked for a small subset of Central American newcomers. Under federal law, HHS is required to arrange for legal representation for UACs to the greatest extent practicable, and in accordance with that mandate, ORR provides youth in its custody with a legal orientation program (widely referred to as a “Know Your Rights” workshop) and a list of pro bono legal service providers upon release.⁴

Figure 2: Pending NTCA Cases in Immigration Court, FY 2013–2018*



Note: Data for FY 2018 is through July 31.

Data Source: TRAC, “Immigration Court Backlog Tool,” accessed September 13, 2018, http://trac.syr.edu/phptools/immigration/court_backlog/.

Through grants to nonprofits including the Vera Institute of Justice, the U.S. Committee for Refugees and Immigrants (USCRI), and the United States Conference of Catholic Bishops (USCCB), ORR also funds legal representation for the minority of youth who remain in its care long term and who are among those designated to receive post-release services once placed with a sponsor.⁵ The percentage of released children who receive post-release services is subject to funding allocations but has hovered around 10%.⁶ The grant of post-release services is at the discretion of ORR and only youth released from an ORR shelter locally in one of nine priority cities are eligible.⁷

Under intense pressure from advocacy groups, the Obama administration took limited steps in 2014 to expand access to representation for unaccompanied minors released into sponsor care. In partnership with the Corporation for National and Community Service (CNCS), the Department of Justice (DOJ) launched Justice AmeriCorps, a program to enable legal aid organizations in 20 cities to recruit approximately 100 lawyers and paralegals to represent children in removal proceedings.⁸ The program operated through FY 2017, until the Trump administration declined to renew it, citing loss of key leadership and inadequate performance.⁹ An outside evaluation by the Vera Institute of Justice in 2016 had concluded that the program was achieving its primary goal of increasing representation levels for unaccompanied children but that eligibility requirements that unduly restricted the population of children who could be

represented hampered the program's effectiveness.¹⁰

No federal funds have ever been allocated to provide direct legal representation for Central American families and adults, though recent years have witnessed varying levels of support for basic legal education programming. Between January 2016 and June 2017, the Department of Homeland Security's (DHS) Immigration and Customs Enforcement (ICE) unit piloted the now-defunct Family Case Management Program (FCMP).¹¹ The FCMP was an alternative-to-detention (ATD) program that provided select family units in five metropolitan areas with comprehensive case management services by tracking and monitoring compliance with the immigration process while also offering assistance in accessing housing, education, and mental health services.¹² Unlike federal programming for UACs, FCMP funds were not used to support direct representation but to provide legal orientations to increase enrollees' knowledge of the immigration process and their legal obligations.¹³ While in detention, some families and individuals have access to basic legal information through the Legal Orientation Program (LOP), managed by DOJ's Executive Office for Immigration Review in partnership with nonprofit organizations.¹⁴ The LOP is currently under scrutiny after Attorney General Sessions' unsuccessful attempt to end the program in April 2018.¹⁵

Despite these limited efforts, representation rates for Central Americans in immigration courts have remained low. While 63% of all Central Americans in removal proceedings have an attorney, representation rates for Central American newcomers—largely UACs and family units—are considerably lower.¹⁶ As of July 2018 only 47% of newcomer Central American juveniles have an attorney.¹⁷ Since the unprecedented influx of UACs in the summer of 2014, the percentage of minors appearing in court with an attorney has fluctuated in response both to the ebb and flow of apprehensions and to service providers' ability to take on new cases. The current rate is up from 32% in late 2014 but down from 56% in early 2017.¹⁸

With the rescission of an Obama-era policy designating adults with children as priority cases, data on representation rates for family units (both nationally and for each state where an immigration court sits) can no longer be disaggregated from the limited publicly available data; however, in the past, family unit representation rates typically tracked between 5-10 percentage points below the corresponding UAC rate.

Localities Differ in Approaches to Filling Legal Services Gap

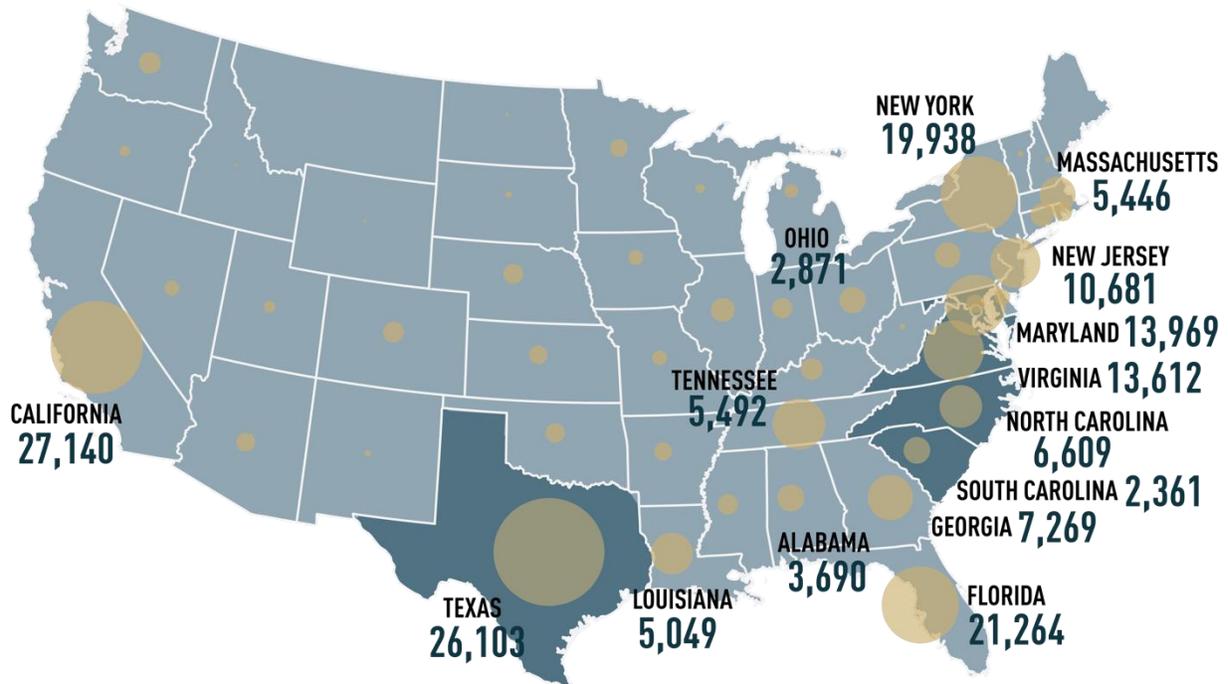
In the relative absence of federal engagement following the release of Central American migrants, local governments and community-based organizations (CBOs) have been forced to improvise how best to provide legal services for this growing newcomer population as they navigate the immigration process and to promote the integration of those deemed eligible for immigration benefits. Recognizing this critical service gap and the impact of unauthorized status on integration outcomes, some localities have established public-private partnerships to fund a range of legal services for residents in removal proceedings, including Central Americans. Others have relied exclusively on nonprofits to bridge the gap, giving rise to privately funded service provider collaboratives or, in more resource-strapped locales, unfunded or underfunded working groups intended to facilitate information sharing among providers.

STUDY SITES AND METHODS

To better understand local variations in the provision of legal assistance and barriers faced by migrants in accessing existing services, researchers from the Center for Latin American & Latino Studies (CLALS) at American University and the Graduate College of Social Work at the

University of Houston conducted interviews with service providers, local government officials, and other stakeholders across three major immigrant receiving communities: the Washington, DC and Houston metropolitan areas, and North and South Carolina. These three sites span four top-ten UAC-receiving states (Texas, Maryland, Virginia, and North Carolina) and include four top-ten receiving counties (Harris County in Texas; Prince George’s and Montgomery counties in Maryland; and Fairfax County in Virginia). As of June 2018, these sites account for over one-fifth (21%) of all UAC placements since the start of FY 2014.

Figure 3: UACs Released to Sponsors by State, FY 2014–2018* (Research Sites Highlighted)



Notes: Data for FY 2018 is through July 31. While placement data include UACs of all nationalities, UACs from the NTCA accounted for between 91-95% of all annual placements between FY 2014-2017. ORR, “Facts and Data,” accessed September 13, 2018, <https://www.acf.hhs.gov/orr/about/ucs/facts-and-data>.

Data Source: ORR, “Unaccompanied Alien Children Released to Sponsors by State,” accessed September 13, 2018, <https://www.acf.hhs.gov/orr/resource/unaccompanied-alien-children-released-to-sponsors-by-state>.

Table 1: Top UAC-Receiving Counties, FY 2014–2018* (Research Sites Highlighted)

Harris	TX	13,706
Los Angeles	CA	12,530
Miami-Dade	FL	5,232
Suffolk	NY	5,145
Prince George’s	MD	4,947
Palm Beach	FL	4,857
Fairfax	VA	4,621
Nassau	NY	4,213
Dallas	TX	4,118
Montgomery	MD	3,813

Notes: Data for FY 2018 is through July 31. While placement data include UACs of all nationalities, UACs from the

NTCA accounted for between 91-95% of all annual placements between FY 2014-2017. ORR, “Facts and Data,” accessed September 13, 2018, <https://www.acf.hhs.gov/orr/about/ucs/facts-and-data>.

Data Source: ORR, “Unaccompanied Alien Children Released to Sponsors by County,” accessed September 13, 2018, <https://www.acf.hhs.gov/orr/resource/unaccompanied-alien-children-released-to-sponsors-by-county>.

To assess the impact of Central American migration on existing service infrastructures, study sites included not only localities boasting the highest overall number of UAC placements but also areas with high per capita placement rates. As Table 2 illustrates, using this analytic lens, the Washington, DC metropolitan area stands out as ground zero for measuring how existing service infrastructures have been impacted by and have responded to sustained migration from Central America. Other examples in this study include the counties of Durham (part of the Raleigh-Durham metropolitan area) and Mecklenburg (part of the Charlotte metropolitan area) in North Carolina. With 657 UAC placements, Durham is not among the top-ten receiving counties; however, its per capita placement rate is higher than Los Angeles, CA; Miami-Dade, FL; and Dallas, TX. Similarly, with just under 2,000 UAC placements, Mecklenburg’s per capita UAC placement rate puts it on par with Miami-Dade, FL. Comprehensive data on where family units are residing post-release is unavailable but likely tracks UAC placement trends given the location of NTCA immigrant communities throughout the U.S.

Table 2: Per Capita Placement Rates for Top Ten Receiving Counties and Other Research Site Jurisdictions, FY 2014–2018* (Research Sites Highlighted)

County	State	Number of UAC Placements	Rank for UAC Placements	2017 Population Estimate	Rate of UAC Placements (per 1,000 inhabitants)
Prince George’s	MD	4,947	5	912,756	5.42
Fairfax	VA	4,621	7	1,148,433	4.02
Montgomery	MD	3,813	10	1,058,810	3.60
Suffolk	NY	5,145	4	1,492,953	3.45
Palm Beach	FL	4,857	6	1,471,150	3.30
Nassau	NY	4,213	8	1,369,514	3.08
Harris	TX	13,706	1	4,652,980	2.95
Miami-Dade	FL	5,232	3	2,751,796	1.90
Dallas	TX	4,118	9	2,618,148	1.57
Los Angeles	CA	12,530	2	10,163,507	1.23
Alexandria City	VA	798		160,035	4.98
Arlington	VA	574		234,965	2.44
Durham	NC	657		311,640	2.11
Mecklenburg	NC	1,998		1,076,837	1.86
Greenville	SC	516		506,837	1.02
Wake	NC	828		1,072,203	0.77

Notes: Data for FY 2018 is through July 31. While placement data include UACs of all nationalities, UACs from the NTCA accounted for between 91-95% of all annual placements between FY 2014-2017. ORR, “Facts and Data,” accessed September 13, 2018, <https://www.acf.hhs.gov/orr/about/ucs/facts-and-data>.

Data Sources: ORR, “Unaccompanied Alien Children Released to Sponsors by County,” accessed September 13, 2018, <https://www.acf.hhs.gov/orr/resource/unaccompanied-alien-children-released-to-sponsors-by-county>; U.S. Census Bureau, “County Population Totals and Components of Change: 2010-2017,” accessed September 13, 2018, <https://www.census.gov/data/datasets/2017/demo/popest/counties-total.html>.

Research Site Profiles

Washington, DC, Houston, and the Carolinas offer compelling case studies that are

representative of the diverse community contexts across the U.S. where the largest number of Central American UACs and families reside. In order to capture the broad range of receiving community diversity, these sites were purposively selected on the basis of the following criteria: geographic diversity; differences in population size, immigrant concentration, and diversity of immigrant population; traditional immigrant gateway vs. emergent high-growth immigration sites; variation and innovation in programming across service areas; and variation in immigrant reception climate (i.e., welcoming vs. exclusionary).

Washington, DC Metropolitan Area

Continuing a decades-long history of Central American immigration, the Washington, DC metropolitan area has received over 19,000 (9%) of all UAC placements since October 2013. As the only metropolitan area in the U.S. in which Central Americans—principally Salvadorans—are a majority of the immigrant population, Washington, DC offers a critical case study for understanding how traditional urban gateways, including Los Angeles and New York, are being impacted by and responding to increased flows of Central Americans. Like Los Angeles and New York, the DC metropolitan area boasts an extensive network of immigrant-serving nonprofits providing a wide range of programs and services, including legal services to foreign-born communities. Yet rapid growth of the Central American immigrant population in the region's outer suburbs has distanced newcomers from some service providers, many of which have traditionally been concentrated within city limits. As these organizations have attempted to extend their reach, their service portfolios and funding have been affected by local jurisdictions' distinct political environments and service infrastructures, promoting spatial variations within the metropolitan area that are likely to contribute to disparate integration experiences and outcomes.¹⁹

Houston Metropolitan Area

The most diverse, fastest-growing major metropolitan area in the U.S., Houston has received over 7% of all UACs since the start of FY 2014. With over 13,700 UACs, Harris County is the top receiving county in the country. Like Los Angeles and New York, Houston's capacity to integrate newcomers has been bolstered by a strong labor market, a growing economy, and philanthropic support from foundations and corporate donors. Despite these advantages, Houston has a relatively low-wage economy, and the low incomes of Houston's immigrants—particularly Central Americans—may present barriers to their integration and access to legal assistance, health care, and other needed services.²⁰ Because placements in Houston, unlike in DC, are overwhelming concentrated in a sole jurisdiction (Harris County), immigrants are less likely to encounter varying types and levels of services and often confusing residency restrictions that incentivize geographic mobility within the metropolitan area.

North and South Carolina

Like Houston, the Carolinas represent one of fastest growing new immigrant destinations in the U.S. Foreign-born Central Americans, including resettled UACs, are concentrated in four counties (Durham, Mecklenburg, and Wake counties in North Carolina, and Greenville County in South Carolina) across three urban centers: Raleigh-Durham, Charlotte, and Greenville. While some cities and municipalities within these jurisdictions have passed largely symbolic resolutions in support of integration efforts, relocated UACs and families encounter less established networks of nonprofit service providers and more restricted access to state and local services than in the other two research sites. As a result, the Carolinas case study affords key insights into the impacts of Central American migration on smaller, emergent destination communities across Southeastern states, such as Tennessee, Georgia, Louisiana, Alabama, and central and northern Florida, which when combined with the Carolinas account for roughly 15% of all UAC placements.

Table 3: NTCA-Born Population Across Research Sites and Select Jurisdictions, 2016 Estimate

Research Sites with Select Jurisdictions	Foreign-Born Population			Total NTCA Population
	El Salvador	Guatemala	Honduras	
DC Metropolitan Area	184,213	45,626	39,267	269,106
District of Columbia	12,693	3,317	1,586	17,596
Montgomery County, MD	43,013	7,854	7,866	58,733
Prince George's County, MD	42,891	14,420	6,075	63,386
Alexandria City, VA	4,767	1,592	2,496	8,855
Arlington County, VA	5,407	2,032	544	7,983
Fairfax County, VA	34,144	8,006	9,959	52,109
Houston Metropolitan Area	113,163	35,282	53,371	201,816
Harris County, TX	100,374	30,846	47,638	178,858
North Carolina	30,338	19,901	29,370	79,609
Durham County, NC	2,177	1,447	3,237	6,861
Mecklenburg County, NC	8,587	2,646	8,681	19,914
Wake County, NC	4,199	1,961	2,797	8,957
South Carolina	2,988	7,676	5,550	16,214
Greenville County, SC	267	1,758	1,123	3,148

Data Source: U.S. Census Bureau, "Place of Birth for the Foreign-Born Population in the United States," Table B05006, 2012-2016 American Community Survey 5-Year Estimates, accessed September 13, 2018, https://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml.

Data Suggest Central American Newcomers Across Research Sites Are Accessing Legal Services at Rates Below the Already Low National Average

While only 47% of Central American minors nationwide have any attorney, the percentage of represented juveniles in each of the study's research sites is even lower, with the exception of Virginia. The representation rate for juveniles is currently 39% in immigration court in Maryland, 26% in the Carolinas, 40% in Texas, and 53% in Virginia (see Table 3). These data suggest that demand has simply outstripped available resources in these receiving communities. Representation rates for juveniles—the overwhelming majority (72%) of whom are Central American—are also significantly lower than rates for the sum of immigration cases in these localities regardless of nationality. While these data fail to provide a comprehensive picture of newcomer Central Americans' access to legal services within the precise geographical boundaries of the three study sites, they do point to the existence of characteristics or circumstances unique to this immigrant population that obstruct their access to legal services (see Table 4).

Table 4: Representation Rates by State for Pending Cases Involving Juveniles, July 2018

State(s)	Number of Pending Cases	Number of Cases with Representation	Representation Rate
All States	241,151	116,295	48%
Maryland	16,384	6,429	39%
North (and South) Carolina	9,790	2,511	26%
Texas	37,018	14,751	40%
Virginia	14,852	7,835	53%

Notes: State-level data include all cases assigned to the immigration court in that state, not just the metropolitan areas under study, which may slightly draw down representation rates. All cases with hearing locations in South

Carolina are assigned to the immigration court in Charlotte, NC, and so reference to South Carolina is added to the table for clarity. The data are not restricted to juveniles from the Northern Triangle countries of El Salvador, Guatemala, and Honduras, but juveniles from the NTCA account for 72% of all pending juvenile cases.

Data Source: TRAC, “Juveniles – Immigration Court Deportation Proceedings,” accessed September 13, 2018, <http://trac.syr.edu/phptools/immigration/juvenile/>.

Table 5: Representation Rates for All Immigration Cases in Major Receiving Jurisdictions, July 2018

Select Receiving Jurisdictions	Number of Pending Cases	Number of Cases with Representation	Representation Rate
Washington, DC Metropolitan Area			
District of Columbia	3,321	2,418	73%
Fairfax County, VA	11,660	8,547	73%
Montgomery County, MD	9,180	5,396	59%
Prince George’s County, MD	11,771	6,368	54%
Houston Metropolitan Area			
Harris County, TX	39,824	25,603	64%
North and South Carolina			
Durham County, NC	1,025	417	41%
Mecklenburg County, NC	3,358	1,302	39%
Wake County, NC	1,499	724	48%
Greenville County, SC	778	236	30%

Notes: Unlike Table 3, which uses data tabulated for each immigration court, data here are tabulated according to the recorded home address postal codes found in court records on file with the U.S. Department of Justice (DOJ) Executive Office for Immigration Review (EOIR). The data are not restricted to citizens from the Northern Triangle countries of El Salvador, Guatemala, and Honduras.

Data Source: TRAC, “Individuals in Immigration Court by Their Address,” accessed September 13, 2018, <http://trac.syr.edu/phptools/immigration/addressrep/>.

Methods

Between November 2017 and May 2018, researchers conducted a total of 41 in-person and phone interviews with a range of key informants across all three research sites (see Table 6). Informants included supervising and staff attorneys at nonprofit legal service organizations, attorneys in private practice, and faculty at law school-based immigration clinics. Where feasible, researchers also interviewed officials at local government agencies engaged in legal services programming.

Interviews followed a structured interview guide designed to elicit information about the legal service needs of newcomer Central Americans; the existing service landscape in the respondents’ community; service gaps and barriers; their clients’ integration experiences and outcomes; and innovative and promising practices impacting this population’s ability to access legal services.

Interviews were transcribed and coded for analysis to assist the research team in identifying recurrent themes and comparing data across sites. Qualitative analyses of interview data were supplemented by publicly available data and published reports. Findings were also informed by parallel research initiatives carried out by members of the research team in both the Washington, DC and Houston metropolitan areas, which have included interviews and focus groups with over 120 Central American newcomers.²¹

Table 6: Distribution of Key Informant Interviews Across Study Sites

Site	Number of Interviews
Washington, DC Metro Area	17
Houston Metro Area	12
North and South Carolina	12
Total	41

FINDINGS

Service Gaps and Barriers to Accessing Legal Services

According to government figures, between only one-quarter and one-half of non-detained Central American newcomers access legal services, despite increased awareness among advocates and policymakers of the often-determinative impact of representation on case outcomes and an influx of private and public funding to help address this critical service gap. Interviews with local public officials and attorneys at community-based organizations and private legal practices identified several compounding factors that contribute to low representation rates among this population, including: (1) unprecedented demand and other barriers to service provider capacity building; (2) the complexity of the immigration system and eligibility requirements for certain forms of relief; (3) language, literacy, and cultural barriers; (4) household circumstances and other logistical challenges; and (5) climates of fear and mistrust.

Demand and Other Barriers to Service Provider Capacity Building

The need for legal representation in immigration proceedings continues to perennially outstrip available resources, both in established receiving communities and in emerging immigrant gateways. The gap between supply and demand is so wide that the majority of service providers interviewed stated that their organizations were at capacity. As the data presented above suggest, service availability varies considerably by geographic location, but nowhere has supply outpaced demand. In non-traditional receiving communities, such as North and South Carolina, where the landscape of pro bono and low-cost immigration legal services is sparse, service providers’ capacity to meet newcomers’ legal needs has been quickly exhausted. Though the cumulative baseline capacity of CBOs is greater in localities like the Washington, DC and Houston metropolitan areas—where more robust legal service infrastructures incorporating private firm pro bono partners have developed in response to decades of in-migration—there too sheer demand combined with the difficulties associated with accessing this population and sustaining provider-client relationships has pushed down representation rates.

Many interviewees noted that government-reported representation rates for Central Americans in immigration courts paint a deceptively favorable picture of the capacity of the existing service landscape. By excluding Central Americans who are in need of legal services but not yet in removal proceedings or who may have already received a removal order, those rates fail to accurately convey the inadequacy of available resources. The Houston Immigration Legal Services Collaborative (HILSC), for example, estimates that service providers are meeting only 20% of the need for free and low-cost immigration legal services throughout the Houston area.²²

Screenings at youth shelters and family detention facilities have increasingly become the principal intake points for pro bono services, leaving immigrants released without having

been connected with a CBO less likely to access affordable legal services. Facing crippling demand, many non-profit CBOs are reasonably directing their limited resources to cases that they are more likely to win and that do not require a disproportionate obligation of time and effort. This strategy not only ensures a maximum investment-impact ratio but also contributes to near-100% success rates, which make it easier for CBOs to secure renewed or additional funding. Many of these more “winnable” cases are identified during screenings at ORR shelters or family detention facilities. Most of the CBOs conducting screenings at ORR facilities are already engaged in providing legal services for youth designated for post-release services, a subgroup of unaccompanied minors that already accounts for a large proportion of CBOs’ client base.

Again, geographical location is often determinative, as local service providers are only able to commit to cases where the migrant will be released locally (as opposed to being sent to live with a sponsor in another state) or where the legal service provider has an office near the migrant’s intended destination. While the design of this service pipeline succeeds in leveraging limited resources to provide the greatest number of migrants with high quality representation, it leaves a number of groups with severely limited access to no or low-cost services. These groups include migrants released to localities outside of the major legal service provider networks, those with more difficult or complex cases, and those who were not apprehended upon arrival in the U.S. but later find themselves in removal proceedings as a result of interior enforcement activities. Respondents also noted that many migrants who undergo an initial consultation and screening at a shelter or detention facility and are not offered services may be released with the impression that they do not have a viable claim and may be less motivated to seek another consultation.

Protracted case timelines deemphasize the sense of urgency among newcomers to secure counsel and impede providers’ ability to commit to new cases—many of which have been further complicated by notification deficiencies. When released from custody, migrants are served a Notice to Appear (NTA), initiating removal proceedings and instructing them to appear before an immigration judge (IJ) on a scheduled date. In practice, however, NTAs rarely indicate the date, time, and place of the preliminary hearing and instead are marked “TBD,” downplaying the urgent need for newcomers to secure representation. In June 2018, the Supreme Court ruled that NTAs lacking time and place information are defective, but it remains to be seen whether lower courts will interpret the Supreme Court decision to mean that all removal proceedings initiated under an invalid NTA are unlawful.²³

In January 2017, DOJ rescinded priority docketing practices requiring that many newcomers appear at a first master calendar hearing within just weeks of the initiation of removal proceedings—within 21 days for UACs and 28 days for family units.²⁴ That practice had been widely criticized for facilitating the fast-tracked removal of family units who appeared in court without having found an attorney in less than a month’s time.²⁵ With respect to UACs, the policy reportedly had more innocuous effects, as judges typically issued continuances to allow minors time to secure counsel. Now, however, with extended wait periods for just a preliminary hearing, respondents reported that it is even more difficult to communicate the urgency of the situation to newcomers and their families, most of whom are generally aware that cases often take years to be resolved. As of July 2018, the average time pending cases had been waiting in immigration courts was just under two years (722 days).²⁶ Believing they have sufficient time to find an attorney, many migrants delay and risk forfeiting benefits for which otherwise they would have been eligible. While many service providers stressed the need to connect newcomers with attorneys as soon as possible following release, some nonprofit providers stated that their

reliance on fluctuating, uncertain sources of funding has made it difficult for them to commit to cases with hearings scheduled years down the road.

While protracted case timelines present their own array of difficulties, immigration attorneys have stressed that policy changes aimed at speeding up the immigration courts will give rise to more pernicious due process challenges.²⁷ In August 2018, Attorney General Sessions issued a precedent-setting decision limiting the discretion of IJs to grant continuances absent a showing of “good cause.”²⁸ The Attorney General’s decision echoed guidance first issued in July 2017 by DOJ’s Executive Office for Immigration Review—the office that oversees the immigration courts—characterizing continuances not only as a contributing factor in the courts’ ballooning case backlog, but as a litigation-prolonging tool abused by immigrants in removal proceedings.²⁹ The practice of granting an initial continuance to secure representation is unlikely to end, as the Attorney General’s decision instructs IJs to consider “administrative efficiency” when evaluating whether “good cause” exists.³⁰ However, some IJs may now feel pressured to deny continuances in other contexts, including for attorney preparation, especially in light of new case completion quotas to be implemented beginning October 1, 2018.³¹ While it remains to be seen how these recent decisions and policy changes will impact individual cases, respondents expressed concern that their clients face compounding due process challenges.

While a critical source of support, public funding often hinders innovation and hampers organizations’ ability to respond to challenges by imposing strict eligibility and implementation requirements. Nonprofit legal service providers have made diligent use of diverse public funding streams. Drawing on grant funding from HHS, many nonprofits serve exclusively unaccompanied youth, and some limit their caseloads even further by only taking on cases in which clients are soliciting a particular form of deportation relief, such as Special Immigrant Juvenile (SIJ) status. Still others have made targeted use of the patchwork of federal and state funds allocated to assist survivors of domestic violence, rape, sexual assault, or human trafficking, who may be eligible for U or T visas or protection under the Violence Against Women Act (VAWA). Examples of these funding sources include DOJ’s Office on Violence Against Women (OVW), DOJ’s Office for Victims of Crime, HHS’ National Human Trafficking Victim Assistance Program, and state-level victims of crime assistance programs. Some nonprofit CBOs have also augmented their budgets with funds from state IOLTA (Interest on Lawyers Trust Accounts) programs, which funnel interest earned on certain attorney trust accounts to provide civil legal services for indigent clients.

Service providers reported that reliance on public funding has advantages and disadvantages. On the one hand, building legal service programming around public funds designated for a discrete purpose has allowed many CBOs to develop specialized expertise in serving specific subgroups of the newcomer population and petitioning for particular immigration benefits. Some of these CBOs have been able to channel that expertise into efforts to address systemic shortcomings, such as policy advocacy and impact litigation. On the other hand, however, the trend toward more narrow immigration legal services programming can at times reinforce the divide between newcomers who are likely to access affordable services and those who are not, prioritizing youth with more “winnable” cases and victims of trafficking or other crimes committed in the U.S. over more difficult though equally meritorious cases. Some service providers lamented having to turn down cases while searching for a client whose claim would satisfy a government funder’s requirements.

In addition to excluding cases that fall outside narrow qualification parameters, public grants typically favor a service delivery rather than a capacity building approach. Respondents in small to mid-sized CBOs reported that the effort involved in providing direct representation for “x”

number of clients in compliance with funding terms often precluded investment in pro bono mentoring and trainings, which could generate more sustainable impact. Implementation requirements also limited organizations' flexibility to respond to new challenges—a considerable drawback given the rapidly changing immigration policy context. Some smaller CBOs have insulated themselves from these disadvantages by incorporating revenue-generating models that employ sliding scale fee schedules to supplement their operating budgets. Others reported significant increases in the flow of private grants and donations in recent years, which has lessened their reliance on public funds. Many large national service providers, for their part, remained generally untouched by these concerns, as private contributions and donated professional services vastly outweigh public funds on their financial statements.

With many nonprofit CBOs at capacity, attorneys at private, for-profit practices are playing a critical role in shouldering the additional burden presented by a steady influx of new cases, but their capacity varies by location. Respondents reported that in the absence of more affordable options, many newcomers are hiring solo practitioners and attorneys at boutique immigration law firms—a finding corroborated by the research team's interviews with newcomers throughout the Washington, DC metropolitan area. Referral lists are also indicative of this trend. In the DC metropolitan area, for example, referral lists generally included around a dozen free or low-cost service providers but nearly double the number of private firms. Many respondents at nonprofit CBOs indicated that they had expanded referrals to private attorneys because they knew most nonprofits were no longer accepting new cases.

Interviewees noted that fees for these services tended to vary widely. SIJ or other visa applications can run between \$2,000-\$7,000; affirmative asylum petitions and defense in removal proceedings typically cost individual clients between \$5,000-\$10,000, often more for family units. Overall, respondents' assessment of the quality of these services was high, though most noted the heightened risk of *notario* fraud (discussed below) when newcomers seek legal assistance through informal channels rather than through bona fide referrals. Private attorneys remarked that while striking a balance between generating adequate revenue and negotiating a manageable fee for clients was often a challenge, they believed their clients benefited from the extra time and attention that overextended staff working to meet funding quotas are often unable to provide.

The capacity of private attorneys to assume this burden also varies according to their experience in soliciting similar claims and their ability and willingness to take on a greater volume of time-intensive cases. The number of pending immigration cases in South Carolina, for example, far exceeds the number of members in that state's chapter of the American Immigration Lawyers Association, and only a few nonprofit immigration legal service providers exist to mentor non-immigration attorneys. Distance from the immigration court and asylum office designated to serve South Carolinian clients is another complicating factor. To represent clients in immigration court, South Carolina attorneys must cross state lines to appear in the immigration court in Charlotte, NC. To represent UACs in affirmative asylum proceedings, attorneys in both North and South Carolina are required to travel to the asylum office in Arlington, Virginia. For lawyers not already making these trips as part of their routine practice, such logistical challenges are frequently prohibitive.

Complexity of the Immigration System and Eligibility Requirements

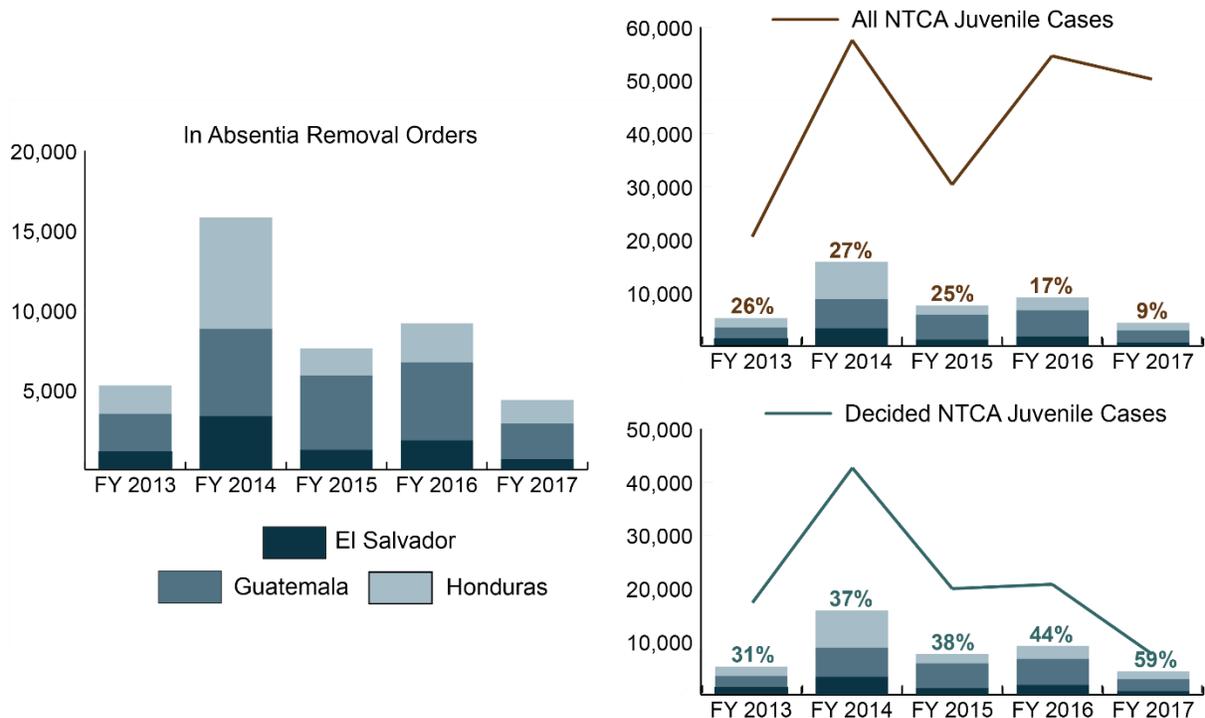
Newcomers' misunderstandings of the immigration system and of different forms of immigration benefits are a major threshold barrier to legal service provision, leading many newcomers not to appear in court. Service providers reported that legal orientation

programs, such as “Know Your Rights” presentations, are vital to developing newcomers’ awareness of their immigration obligations, stressing the importance of obtaining a lawyer, and dispelling common misconceptions about the immigration process. Respondents were careful to point out, however, that receiving a presentation does not necessarily produce a functional understanding of the immigration system, a reality that highlights gaps in both communication (e.g., age appropriateness) and understanding that deserve further attention.

Absent effective legal orientation programming, immigrants tend to rely on the experiences of family and friends for guidance, often to the detriment of their own cases. Lack of access to clear information about the immigration process generated several commonly referenced scenarios that either keep migrants from obtaining counsel or complicate attorneys’ efforts to effectively advocate on behalf of their clients. Such scenarios included migrants confusing a credible fear interview administered by a Customs and Border Protection (CBP) officer with obtaining legal status; interpreting release from detention as a grant of asylum; mistaking a mandatory check-in with ICE with a court appearance; and construing lengthy backlogs in immigration courts as permission to remain in the U.S. indefinitely. Respondents noted that newcomers are generally unaware of the consequences of missed court hearings or the need to update their address with DOJ’s Executive Office of Immigration Review in addition to notifying other government agencies, such as HHS and DHS.

Newcomer Guatemalans and Hondurans are less likely than Salvadorans to retain legal representation, and thus are more likely to be ordered removed in absentia. According to respondents, misunderstandings of the immigration system, compounded by a lack of legal representation, are the principal driver behind the tens of thousands of in absentia removal

Figure 3: In Absentia Removal Orders, Juvenile Cases Initiated and Decided FY 2013–2018*



Notes: Data reported through July 31, 2018. The fiscal year value refers to the year the case was filed, not when the case was decided. Over 33,000 NTCA cases filed in FY 2016 and 43,000 NTCA cases filed in FY 2017 remain

pending and so in absentia removal orders will likely continue to accrue. This would bring the overall proportion of FY 2016 and FY 2017 in absentia removal orders closer to those recorded in previous years.

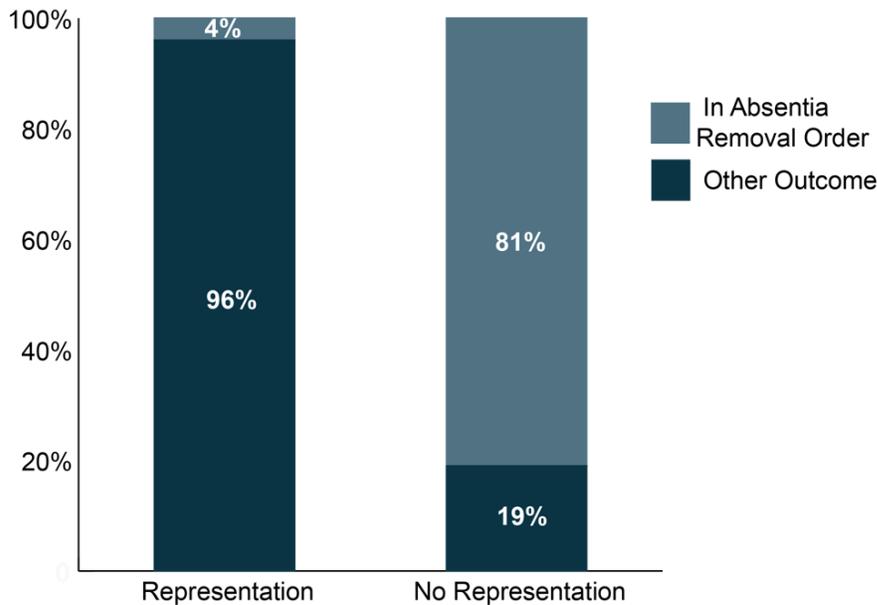
Data Source: TRAC, “Juveniles – Immigration Court Deportation Proceedings,” accessed September 13, 2018, <http://trac.syr.edu/phptools/immigration/juvenile/>.

orders issued for Central Americans in recent years. Over 103,000 Central Americans whose cases were initiated between FY 2013-2017 were ordered deported after failing to appear in court, representing 18% of all NTCA cases filed during that period.³² Over 42,000 of those orders were issued for minors, representing one in every five children (20%). If pending cases are set aside, in absentia removal orders were issued in 39% of all decided juvenile cases. Nearly half (47%) of those in absentia removal orders were issued for Guatemalan youth. The number of those orders is likely to continue to climb, as over 105,000 FY 2013-2017 cases involving juveniles from the NTCA remain pending. Nearly one-fourth of all Guatemalan (24%) and Honduran (24%) juveniles were ordered deported in absentia, compared to 12% of Salvadorans.

Respondents claimed that high numbers of in absentia removal orders are directly associated with low levels of representation, and that disparities in the issuance of these orders among the NTCA youth population can be attributed to divergent levels of representation. The limited publicly available data lend support for both assertions.

First, of the over 42,000 juveniles from the NTCA who received in absentia removal orders, 94% did not have an attorney. Only 4% of juveniles with an attorney received an in absentia removal order, compared to 81% of those without an attorney (see Figure 4). NTCA youth who were not represented were 96 times more likely to receive an in absentia removal order than their represented peers (see Table 7).

Figure 4: Juvenile Case Outcomes by Representation Status for Decided Cases Initiated FY 2013–2017



Notes: Data reported through July 31, 2018. Data only include decided cases filed during FY 2013-2017, not pending cases. Data are restricted to cases involving juveniles from the NTCA.

Data Source: TRAC, “Juveniles – Immigration Court Deportation Proceedings,” accessed September 13, 2018, <http://trac.syr.edu/phptools/immigration/juvenile/>.

Table 7: Juvenile Case Outcomes by Representation Status for Cases Initiated FY 2013–2017

	Cases Initiated	Cases Decided	In Absentia (% of cases decided)	Other Outcome
Represented	125,296	58,694	2,475 (4%)	56,219 (96%)
Not Represented	87,961	49,169	39,746 (81%)	9,423 (19%)
TOTAL	213,257	107,863	42,221 (40%)	65,642 (60%)
Odds Ratio	Unrepresented to represented youth receiving in absentia removal orders		4.2179 / 0.0440 = 95.810 times more likely	

Notes: Data reported through July 31, 2018. Data include only cases involving juveniles from the NTCA.

Data Source: TRAC, “Juveniles – Immigration Court Deportation Proceedings,” accessed September 13, 2018, <http://trac.syr.edu/phptools/immigration/juvenile/>.

Second, in decided cases initiated between FY 2013–2017, Salvadoran juveniles were 2.2 times more likely to be represented than their Guatemalan and Honduran counterparts (see Table 8). That fact, paired with the data presented above on the impact of representation on the odds of receiving an in absentia removal order, supports a link between Guatemalan and Honduran juveniles’ lower rates of representation and their greater chances of receiving an in absentia removal order.³³ These disparities in representation rates across nationalities are likely attributable to differing levels of immigrant community organization and of the strength of social networks that assist newcomers in finding counsel.³⁴ Observations in the Washington, DC metropolitan area, for example, suggest that highly organized Salvadoran migrants who came to the U.S. during El Salvador’s civil war boast far greater levels of community organization and solidarity than their Guatemalan and Honduran counterparts.

Table 8: Representation Status by Nationality for Decided Juvenile Cases Initiated FY 2013–2017

	Cases Initiated	Cases Decided	Represented (% of cases decided)	Not Represented
El Salvador	69,975	30,316	20,679 (68%)	9,637 (32%)
Guatemala	82,291	44,588	21,830 (49%)	22,758 (51%)
Honduras	60,991	32,959	16,185 (49%)	16,774 (51%)
TOTAL	213,257	107,863	58,694 (54%)	49,169 (46%)
Odds Ratio	Salvadoran to Guatemalan/Honduran youth securing representation		2.1458 / 0.9616 = 2.231 times more likely	

Notes: Data reported through July 31, 2018. Data include only cases involving juveniles from the NTCA.

Data Source: TRAC, “Juveniles – Immigration Court Deportation Proceedings,” accessed September 13, 2018, <http://trac.syr.edu/phptools/immigration/juvenile/>.

Representation rates for pending cases involving NTCA citizens suggest these disparities in representation status and the issuance of in absentia removal orders are likely to persist. As of July 2018, 71% of all Salvadorans in removal proceedings had an attorney, compared to 58% of Guatemalans and 57% of Hondurans (see Table 9). Representation rates are lower for the subset of Central American juveniles, but disparities between nationalities remain.

Table 9: Representation Status by Nationality for Pending NTCA Cases, July 2018

	Pending Cases	Represented (% of pending cases)	Not Represented
All Cases			
El Salvador	147,463	104,545 (71%)	42,918 (29%)
Guatemala	138,349	79,971 (58%)	58,378 (42%)
Honduras	106,642	61,143 (57%)	45,499 (43%)
TOTAL	392,454	245,659 (63%)	146,795 (37%)
Juvenile Cases			
El Salvador	53,101	31,564 (59%)	21,537 (41%)
Guatemala	71,930	30,183 (42%)	41,747 (58%)
Honduras	47,893	20,316 (42%)	27,577 (58%)
TOTAL	172,924	82,063 (47%)	90,861 (53%)

Data Source: TRAC, “Details on Deportation Proceedings in Immigration Court,” accessed September 13, 2018, <http://trac.syr.edu/phptools/immigration/nta/>.

Service providers stressed that the work involved in contesting outstanding in absentia removal orders is a significant drain on resources—one that could be avoided by the timely provision of representation. Respondents also noted that newcomers’ own in absentia removal orders are not the only problem. Outstanding removal orders issued for other family members are a major source of anxiety and fear for newcomers and their families. Often parents or other family sponsors refuse to take newcomer children to court for fear that their own outstanding removal orders—some decades old—will come to light.

Even when newcomers understand the importance of securing counsel, access to legal services can be frustrated by a lack of basic knowledge regarding immigration remedies and the complex rules that govern their application. For example, some migrants are generally aware of the existence of a *visa juvenil* (juvenile visa) but reasonably do not understand that applying for SIJ status involves a two-step process involving both state courts and federal immigration authorities. The sharing of adjudication responsibilities between state and federal entities has generated variation between states regarding eligibility requirements, which in turn, have resulted in vastly different outcomes for similarly situated children.³⁵

In the asylum context, communicating to clients what an asylum claim is, what the requirements are, how precedent has interpreted and shaped those requirements, how their cases can be most successfully framed, and even where might be the most receptive place to bring such a claim represents a significant barrier to matching clients with appropriate legal services. In addition, newcomers often do not understand how the availability of derivative benefits (e.g., family member visas) varies across differing forms of immigration relief. Respondents explained that such complexities of immigration law make representation essential, but without a basic appreciation of these intricacies, many newcomers remain, at best, unaware of what types of information are most essential to attorneys; at worst, newcomers continue under the false impression that they can manage on their own.

Attorneys are struggling to advance asylum claims brought by Central American newcomers in localities where approval rates are far below the national average. In immigration courts, Central Americans already face asylum approval rates far below the national average—a testament to the difficulties they face articulating their claims within the narrow framework of the legally protected grounds established under refugee and asylum law.³⁶ Between FY 2012-2017, asylum grant rates for Salvadorans, Hondurans, and Guatemalans

were 20.8%, 25.3%, and 21.9% respectively.³⁷ During that five-year period, the grant rate for all nationalities gradually declined, from 55.5% to 38.2%, likely a result of the large number of asylum seekers without representation and the disproportionately high number of claims brought by citizens of countries with traditionally low grant rates, including El Salvador, Guatemala, and Honduras.³⁸

While the nationality of Central American newcomers does much to dim their prospects for winning asylum, evidence suggests that the location of the immigration court where their claim is adjudicated (and even to which judge their case is assigned) plays a weightier role in determining case outcomes.³⁹ Consistent with nationwide trends, asylum grant rates for the immigration courts serving newcomers residing across this study’s research sites varied markedly, indicating deep systemic challenges to unbiased processing and adjudication of asylum claims, with grave consequences for individual newcomers and immigrant communities in so-called “asylum-free zones” (see Table 10).⁴⁰ Across the research sites, asylum seekers whose cases were heard by the immigration court in Arlington, Virginia fared best, with a cumulative five-year grant rate of 71%. Both the Arlington and Baltimore courts generally posted annual grant rates that exceeded the national average. As respondents noted, asylum seekers appearing in court in Houston, Texas and Charlotte, North Carolina face particularly daunting odds, with five-year grant rates of only 13% and 19% respectively.⁴¹

Table 10: Asylum Grant Rates by Immigration Courts Serving the Washington, DC and Houston Metropolitan Areas and North and South Carolina, FY 2012–2016

		Arlington, VA	Baltimore, MD	Houston, TX	Charlotte, NC	All Courts
FY 2012	Grants	539	363	73	52	11,978
	Denials	171	243	199	125	9,574
	Grant Rate	76%	60%	27%	29%	56%
FY 2013	Grants	550	297	44	24	9,933
	Denials	172	290	118	110	8,823
	Grant Rate	76%	51%	27%	18%	53%
FY 2014	Grants	345	192	20	20	8,775
	Denials	140	241	32	104	9,222
	Grant Rate	71%	44%	38%	16%	49%
FY 2015	Grants	230	193	32	21	8,246
	Denials	133	254	309	146	8,833
	Grant Rate	63%	43%	9%	13%	48%
FY 2016	Grants	342	246	147	49	8,726
	Denials	210	144	1,529	240	11,643
	Grant Rate	62%	63%	9%	17%	43%
FY 2012– 2016	Grants	2,006	1,291	316	166	47,658
	Denials	826	1,172	2,187	725	48,095
	Grant Rate	71%	52%	13%	19%	50%

Notes: Case data include asylum claims for all nationalities. Immigration courts in Arlington, Virginia and Baltimore, Maryland serve the Washington, DC metropolitan area. The immigration court in Charlotte, North Carolina manages all cases involving respondents in South Carolina as well as in North Carolina.

Data Sources: Executive Office for Immigration Review, *FY 2012 Statistical Yearbook*, March 2013, <https://www.justice.gov/sites/default/files/eoir/legacy/2013/03/04/fy12syb.pdf>; *FY 2013 Statistics Yearbook*, April 2014, <https://www.justice.gov/sites/default/files/eoir/legacy/2014/04/16/fy13syb.pdf>; *FY 2014 Statistics Yearbook*, March 2015, <https://www.justice.gov/sites/default/files/eoir/pages/attachments/2015/03/16/fy14syb.pdf>; *FY 2015*

Statistics Yearbook, April 2016, <https://www.justice.gov/eoir/page/file/fysb15/download>; *FY 2016 Statistics Yearbook*, March 2017, <https://www.justice.gov/eoir/page/file/fysb16/download>.

Under the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), unaccompanied minors from Central America are permitted to apply for asylum “affirmatively,” despite being in removal proceedings. Affirmative applications are adjudicated via a non-adversarial process managed by the Asylum Division of DHS’s Citizenship and Immigration Services (CIS). Asylum officers (AOs) interview applicants and decide either to grant asylum or refer the case to immigration court for re-evaluation as part of removal proceedings. In this context, too, limited data suggest that variation exists in the outcomes of similar claims across the Asylum Division’s eight domestic offices. Recent reports generated by CIS’ Refugees, Asylum, and Parole System indicate higher approval rates for applications decided by the Arlington office (which serves asylum seekers living in the Carolinas) than by the Houston office.⁴² Neither location had approval rates approaching those of the Los Angeles and San Francisco offices (>75%). Beyond concerns stemming from the unequal distribution of justice evidenced by these variations, legal service providers noted that they were often forced to reframe clients’ claims in novel, time-consuming ways when working in these less receptive settings.

Increased reliance on country conditions and mental health assessments in the adjudication of fear-based claims has further burdened legal service providers and their clients. Service providers petitioning for asylum or alternative forms of fear-based immigration relief on behalf of Central American newcomers cited expert assistance as a critical unmet need. To explain the growing trend to employ experts whenever possible, respondents pointed to the specific nature of newcomers’ claims, many of which rely on the diagnosis of trauma or stress-related disorders or the corroboration of criminal activities perpetrated by gangs, organized crime groups, or government actors in Central America.⁴³

Some organizations had developed ad hoc partnerships, pro bono and otherwise, with mental health practitioners and country experts who provided written affidavits and/or expert testimony for cases deemed most likely to benefit from expert interventions. Others considered expert assistance a luxury they could not afford because of steep expert fees and the considerable effort required in recruiting and collaborating with experts. Even when representing clients at no or low-cost, most service providers reported having to pass along expert fees directly to clients. While respondents were unanimous in asserting that non-legal expertise can have a determinative impact on case outcomes, there was less consensus around what particular types of cases benefit most from expert support and in what venues (e.g., Asylum Office versus immigration courts; one immigration court versus another immigration court). Such data, respondents commented, would allow for more targeted allocation of finite resources to fund expert assistance.

Legal scholars stated that the executive government’s ongoing efforts to rollback protections and favorable judicial precedent for asylum seekers will only increase the necessity and depth of expert evidence required to advance viable claims.⁴⁴ In June 2018, Attorney General Sessions issued an opinion reversing established precedent allowing certain victims of domestic violence to be granted asylum.⁴⁵ Anticipating the Sessions’ decision, respondents expressed concern that this and similar types of legal roadblocks will continue to increase evidentiary burdens on Central American asylum seekers and, in turn, widen the gap between legal service needs and available resources.

The elimination of temporary protections for long-time Central American residents and heightened enforcement activities in the country’s interior could potentially increase

demands on legal service providers and siphon off resources that could otherwise be dedicated to support newcomers' claims. During the first eight months of the Trump administration, the number of ICE arrests in the interior of the country rose by 42 percent, from 77,806 to 110,568, compared with the same time period in FY 2016; removals tied to interior arrests increased by 37 percent.⁴⁶ While recent data indicate that ICE arrests have stabilized following this initial jump—at least as of June 2018,⁴⁷ this significant increase in arrests compared to the last two years of the Obama administration has forced service providers to juggle yet another stream of new cases.

The Trump administration's decisions during the first half of 2018 to end Temporary Protected Status (TPS) for 195,000 Salvadorans and 57,000 Hondurans who have lived in the U.S. for upwards of two decades have also increased service providers' workloads.⁴⁸ Beyond the effort involved in re-registering TPS beneficiaries for the final extension periods, some service providers reported already filing affirmative asylum applications on behalf of Central American TPS holders who fear return to their communities of origin. This additional demand on legal service providers is likely to increase as TPS termination dates—September 2019 for El Salvador and January 2020 for Honduras—draw closer. If TPS protections expire without a legislative solution for beneficiaries, 250,000 more Central Americans will find themselves at risk for deportation and potentially in need of representation.

Similarly, experts noted that the Trump administration's recent efforts to reopen as many as 350,000 previously closed immigration cases is likely to further burden legal service providers and add to the burgeoning case backlog.⁴⁹ In May 2018, Attorney General Sessions rescinded immigration judges' general authority to administratively close cases, a practice common during the Obama administration when cases were deemed to fall outside of enforcement priorities.⁵⁰ Over 180,000 cases were administratively closed during the final four years of the Obama administration alone, usually as a form of prosecutorial discretion or in the context of a pending immigration benefit;⁵¹ over 22,000 cases involving juveniles from the NTCA filed between FY 2013-2017 were administratively closed.⁵² Sessions' decision has coincided with indications by ICE of its intent to reopen many of these cases. In response, legal advocacy organizations have advised attorneys to be prepared to file motions opposing DHS' efforts to recalendar previously closed cases.⁵³

The extent to which the end of TPS and the push to re-docket administratively closed cases will impact legal service providers' ability to meet the needs of the ongoing wave of Central American newcomers remains largely speculative, but respondents reported that they are anticipating new demands on already stretched resources. Respondents were also careful to note that DHS' enforcement efforts will necessarily be shaped by its own limited resources, the discretion of ICE Field Offices, and the capacity of the immigration court system to hear new cases.

Language, Literacy, and Cultural Barriers

While language barriers—real or perceived—figured prominently in respondents' discussions of newcomers' ability to access legal assistance, Spanish-language services are widely available across sites, with the exception of rural areas home to emergent immigrant communities. In the Washington, DC; Houston; Raleigh-Durham; and Charlotte metropolitan areas, providers were fully equipped to support Spanish-speaking clients throughout the immigration process. Most nonprofits employed bilingual staff or relied on language access programs run by larger local nonprofits, while many private attorneys, especially in the Carolinas, relied on phone-based interpretation services and external

translators. Those services did not extend, however, to many rural areas, particularly in North and South Carolina where immigrant communities are relatively small. In those localities, the need for bilingual, bicultural staff is particularly acute. Respondents across sites reported that language can still pose a client-level barrier because essential court documents, including the Notice to Appear and subsequent hearing notices, are in English and some newcomers' remain unaware of the availability of Spanish-language services.

Indigenous language interpreters and translators remain a critical unmet need across localities. Respondents agreed that many indigenous Central American newcomers are not accessing legal services due to language barriers, and that many who do seek services have to rely on their limited Spanish skills to communicate with service providers and immigration judges. Though official numbers are not publicly available, respondents stressed that the demand for indigenous-language interpreters has increased in recent years. Since the unprecedented influx of Central American UACs and family units in the summer of 2014, numerous sources have documented language exclusion practices during the apprehension and detention of indigenous migrants, as well as in immigration courts.⁵⁴ Many of these cases have involved Mayan immigrants from the Western Highlands of Guatemala, where over 20 Mayan and other indigenous languages are spoken, including K'iche', Mam, Achí, Q'anjob'al, Ixil, Awakatek, and Popti.

With Guatemalans now accounting for over half of all Central American UACs and family units apprehended at the border, that demand is likely to continue in the short- and perhaps medium-term. In June 2018, Texas nonprofit RAICES renewed calls for volunteer interpreters of Mayan and other Mesoamerican indigenous languages amidst the separation of thousands of Central American families under DHS's zero-tolerance policy.⁵⁵ Some experts expressed concern that these pleas, coupled with the scarcity of trained indigenous-language interpreters, encourage untrained and inexperienced speakers to engage in high-stakes legal interpretation at great risk to clients. Some respondents also noted that many indigenous Guatemalans are opting to migrate to less traditional immigrant destinations, including to rural areas in North and South Carolina and Tennessee, where service infrastructures are even less prepared to meet their unique linguistic needs. Having received legal orientation programming in either English or Spanish, many may be unaware of their immigration obligations. One respondent recounted a recent consultation she had conducted during which a Guatemalan minor had told her, in broken Spanish that was then translated into English by an interpreter, that the immigration judge had instructed him to bring a K'iche' interpreter with him to his next hearing.

Despite widespread availability of Spanish-language services, minimal formal schooling and illiteracy among newcomers and their caretakers negatively impact access, retention, and, in some cases, the overall benefit received from assistance. Respondents stressed that having bilingual staff and informational materials was only half the battle; communications with newcomers, whether children or adults, had to be grade-level appropriate—a task made even more daunting given the often-complex nature of legal assistance information and high rates of limited formal education among newcomers and their family members. Some respondents reported becoming adept at identifying low-literacy and illiterate clients and distilling legal jargon in plain language. Absent such efforts, respondents warned that clients are unable to actively contribute to their own cases and may miss vital information regarding documentation requirements and deadlines.

Lack of familiarity with and trust in nonprofits and pro bono services leads many newcomers to seek legal assistance through informal channels. Respondents reported that some newcomers and their families do not seek assistance from nonprofits because they

equate low or no cost with low quality. Illustrating newcomers' unfamiliarity with the mission of immigrant-serving CBOs generally, one attorney noted that she was commonly asked by clients, "If I pay more, will you do a better job?" This finding is consistent with the results of a 2016 community listening study sponsored by the DC Consortium of Legal Service Providers, which found that the issue of cost for low-income clients—immigrant and non-immigrant alike—was tied to the perception of quality.⁵⁶ In that study, nearly 60% of study participants agreed or strongly agreed with the assertion: "Lawyers who will help you for free are not as good as lawyers who charge you." That percentage was the same even among participants who had received pro bono services. As a result, many newcomers rely on word-of-mouth referrals from family members and friends; newspaper, television, and radio advertising; and results from web- or app-based searches. In this way, newcomers are often reassured that service providers look like them, speak their language, and understand their difficulties. Sometimes, however, newcomers do not know—or fail to verify—whether such advertisements are sponsored by credentialed attorneys with the specialized expertise in immigration law required to successfully advance their claims. Some attorneys noted that the immigrant community's perception of pro bono and low-cost services had prompted conversations within their organizations about whether they should be passing along more costs to clients and whether such practices would promote client accountability.

Newcomers' reliance on informal referrals makes them especially vulnerable to *notario* and immigration consultant fraud, which later complicates providers' efforts to advocate on their behalf. Service provider accounts of newcomers being defrauded, cheated, or otherwise taken advantage of by unauthorized immigration law practitioners—most frequently posing as *notarios públicos*—abounded.⁵⁷ Respondents reported that *notarios* frequently set up shop within immigrant neighborhoods, often at local strip malls, where they offer victims a false sense of security because they are easily accessible and speak Spanish. Their use of the term "notario" is purposely misleading because in Central American countries *notarios públicos* are highly trained legal professionals akin to attorneys who provide legal advice and draft legal documents. In exchange for exorbitant fees, *notarios* in the U.S. typically provide flawed advice or fail to perform any legal work whatsoever, and then threaten to report their clients' immigration status to authorities if clients report abuse. Respondents recounted having to fix late, absent, or fraudulent immigration filings by *notarios* and stressed the very real danger posed by immigration services scams to newcomers, both in terms of the immediate immigration consequences and the financial hardship suffered by migrant families.

Mental health stigma and newcomers' reluctance to seek help outside of immediate social networks represent community-level obstacles to effective legal service provision. Some attorneys stated that a significant number of clients initially resist speaking with a psychologist or licensed clinical social worker, typically out of concern for their own or their family's reputation (i.e., being labeled a *loco*) and/or a distrust or skepticism of formal providers. This finding is consistent with the academic literature on mental health service utilization among Latino immigrants generally and with mental health practitioners' observations in parallel interviews conducted as part of this research. Respondents emphasized the need to educate newcomers about the ways in which counseling and other mental health interventions frequently provide critical evidence needed to establish clients' claims.

Household Circumstances and Other Logistical Challenges

Unable to access pro bono or low-cost services, many newcomers cannot afford the high costs associated with retaining private counsel. As recent entrants, newcomers often arrive already indebted to migrant smugglers (known as *coyotes* or *polleros*) and thus are unable to

take on additional financial obligations. According to respondents, many newcomer adults are often still trying to secure employment as their initial hearing approaches, and youth who come intending to work are often surprised to learn that they are required to attend school, which limits their potential earnings in the short-term. Some migrants who come to join economically stable households—particularly in destinations with long-established immigrant communities—are able to take advantage of other family members' wages and savings to hire an attorney. Even then, paying fees ranging anywhere between \$2,000-\$10,000 is a major burden on household resources, and expenses quickly accrue when taking into account costs for retaining experts, missing work to attend appointments, and securing transportation.

Getting to and from appointments with attorneys, ICE check-ins, court hearings, and asylum office interviews presents difficulties for newcomers without driver's licenses and/or limited access to transportation. Respondents reported that newcomers across the majority of the study's research sites are unable to legally drive, which complicates their engagement with legal service providers and compliance with immigration obligations. In North and South Carolina, Texas, and Virginia residents must provide a social security number or proof of legal presence to obtain a driver's license.⁵⁸ Though Maryland has offered licenses to undocumented immigrants since 2015, only applicants who have filed Maryland state income tax returns for the preceding two years are eligible, effectively ruling out newly settled migrants.⁵⁹ The District of Columbia does allow undocumented immigrants to drive legally, offering a limited purpose driver's license to District residents unable to provide a social security number or prove legal presence.⁶⁰ Respondents stated that some DC and Maryland residents, despite being eligible for licenses, were not sufficiently literate to pass the driver's license test, much less able to afford a vehicle or regularly buy gas.

According to respondents, restricted license eligibility puts newcomers in a dilemma, forcing them to rely on friends or family to provide rides, depend on often-limited public transportation options, or drive without a license and risk being stopped by law enforcement. Interviewees recounted stories of clients who waited hours to be picked up by family members and friends who were then unable to get off work. Respondents across sites stated that public transportation options often do not reach neighborhoods in the semi-urban peripheries, suburbs, and rural areas where many newcomers live. Houston-area respondents, for example, noted that the city's bus system does not serve many adjacent communities, making it difficult for clients to attend appointments at providers' offices. Likewise, many local courthouses are not easily accessible by public transportation. Many clients do not have a credit card or smartphone to access ridesharing options like Uber or Lyft, and costs for both these and standard taxi services become prohibitive for trips that are routinely over an hour or two each way.

While many newcomer children can potentially benefit from affirmative asylum or Special Immigrant Juvenile (SIJ) status, minor status can adversely impact access to legal services and present a barrier to effective representation. Unaccompanied youth and children in family units are forced to rely on adult caretakers to comply with immigration obligations and to access an attorney. Absent sponsor or parent engagement, most children have no access to transportation or means of paying for a lawyer. Even in scenarios involving interested caretakers, respondents noted that sponsors commonly require older adolescent newcomers to fund their own representation, further complicating minors' ability to secure counsel.

Beyond the limitations imposed by minors' lack of agency, service providers face additional hurdles to effectively advocate for children, many of whom have suffered repeated traumas. Interviewees reported that establishing rapport with minors is a time-intensive but essential

process because U.S.-based caretakers are often unaware of facts and circumstances pertinent to minors' claims. The work involved in getting young and/or traumatized youth to recount difficult experiences often requires extensive counseling by a bilingual clinical social worker or psychologist. In many cases, children require multiple meetings before they begin to open up and discuss their situation and needs. Once a relationship of trust has been established, attorneys and mental health professionals are tasked with preparing children to coherently recount their past experiences for an asylum officer or immigration judge in a way that speaks to the complexities of asylum law and does not jeopardize their credibility.

Clients' work schedules frequently overlap with service providers' normal business hours, and attempts to provide alternative scheduling options are often complicated by multiple jobs and transportation and child care needs. Service providers observed that Central American newcomers and their family members are less able to control their day-to-day work schedules in order to attend appointments. Respondents reported that incomes for these families are absolutely essential, and so clients are more likely to miss an appointment than to skip work. The inflexibility of newcomers' schedules is particularly problematic given that their cases often demand more frequent in-person engagement with attorneys and other expert collaborators. The few providers that mentioned efforts to offer evening or weekend appointments noted that their organizations still struggled to accommodate adults and high-school aged newcomers working evening jobs and families needing child care services for appointments taking place during out-of-school hours.

Complex family reunification scenarios and high rates of household disruption and relocation keep many newcomers from accessing or utilizing legal services. Newcomer youth who migrate to the U.S. alone or as part of a family unit are resettled in a diverse range of household contexts, many under the care of a long-separated or formerly unknown parent, other relative, or family friend. Some women migrating with their children also incorporate into established households in the U.S., often with an immediate or extended family member, or less commonly, their children's father. Respondents agreed that relational issues surrounding newcomers' reunification and incorporation into these households need to be addressed in order to prevent a breakdown in family relationships that impedes families' ability or willingness to access or maintain engagement with service providers.

High rates of household disruption were a perennial concern among respondents. Interviewees stated that placement disruption is common, particularly among older adolescents who do not get along with their sponsor or others in the household; never planned on residing with their designated sponsor; or leave to escape situations of abuse or neglect. Household relocation is common as well. Many newcomers live in temporary housing or have informal rental arrangements, making it difficult to secure proof of residence. Respondents reported that many receiving families frequently move to accommodate newcomers and that clients are unaware that an attorney or accredited immigration representative must submit a motion to change venue if they relocate to another immigration court jurisdiction.

For many well-intentioned newcomers and sponsors of recently arrived youth, the urgency of other needs often precludes them from focusing on their immigration cases. Respondents frequently noted that legal services ranked low on newcomers' hierarchy of needs. Newcomer parents and sponsors are often struggling to simultaneously get children enrolled in school, address immediate medical needs, find housing, and manage a household while trying to work one or more jobs. Amidst this seemingly endless cascade of demands on their time and resources, many newcomers and their caretakers are unable to prioritize legal needs. One respondent recounted a client confessing, "I just want to forget [about my case]. I have more

important things to worry about.” Respondents stressed that it was not that newcomers do not care about their legal status, but that they have more pressing needs that crowd out their attention to their immigration cases.

Even when linguistic, cultural, and household barriers are overcome, maintaining communication with newcomer clients is a challenge. Service providers stated that newcomers frequently change cellphone accounts or have extensive periods of suspended service. Some respondents stated that it was now common for them to direct clients to fast-food restaurants or other businesses offering free Wi-Fi near clients’ residences so that clients can communicate with them via WhatsApp. Attorneys and support staff reported that they often have to make multiple phone calls and send multiple text messages to ensure client engagement at each follow-up appointment.

Climate of Fear and Mistrust

A generalized climate of fear fueled by anti-immigrant political rhetoric and increased enforcement actions has led some newcomers and their families to avoid interactions with service providers. Service providers reported that despite already being in removal proceedings, many Central American newcomers remain fearful of immigration reprisals. Though some fears stem from a lack of reliable information, they nevertheless impact newcomers’ engagement with legal service providers, local authorities, and the immigration system. Some newcomers, for example, fear they will be re-apprehended, detained, and possibly deported before the conclusion of their immigration case. For those Central American newcomers who crossed into the U.S. undetected, the risk of imminent detention and deportation cannot be understated.

According to respondents, however, the majority of newcomers’ fears revolve around the vulnerability of family and other household members who are without legal status and not currently in removal proceedings. Interviewees stated that the Trump administration’s broadening of enforcement priorities to include virtually all immigrants who are not lawfully present have placed even law-abiding immigrants with long histories in the U.S. and deep ties to the country in the immigration enforcement crosshairs and unnecessarily heightened fear within immigrant communities.⁶¹ Because of the precariousness of these members’ situations, entire households operate under the shadow of deportation.

ICE’s announcement in June 2017 of plans to initiate criminal prosecutions and deportation proceedings against immigrant parents and guardians who bring their children to the U.S. through the use of smugglers or traffickers has further exacerbated family and community anxieties.⁶² Though ICE claims that these actions are aimed at disrupting and dismantling transnational criminal and human smuggling operations, advocates and attorneys have countered, pointing to the use of newcomer children as “bait” and the clear targeting of undocumented immigrants who have come forward to sponsor unaccompanied children.⁶³ In August 2017, ICE reported having arrested more than 400 undocumented parents and guardians who allegedly paid smugglers to facilitate their children’s unlawful entry into the U.S.⁶⁴ And as recently as September 2018, ICE arrested over 40 individuals who came forward to sponsor UACs.⁶⁵ Respondents across all research sites noted how these and similar enforcement actions have deterred immigrants from appearing in court and negatively impacted newcomers’ sense of well-being and overall integration experiences.⁶⁶

Fear plays a pernicious, isolating role in the daily lives of clients, despite differences in how localities interact with immigrants and the extent to which local authorities

cooperate with federal immigration officials. Interviewees stated that fear of immigration reprisals is widespread even in localities where policies and practices protect undocumented immigrants and limit local law enforcement's involvement in enforcing immigration law.

State and Local Cooperation with Immigration Enforcement

So-called "sanctuary" policies typically restrict or prohibit local law enforcement officials from inquiring about a person's immigration status or from complying with ICE detainers, which instruct local authorities to hold detained individuals for up to 48 hours beyond their scheduled release in order to be taken into ICE custody.⁶⁷ Many jurisdictions across the country have resisted ICE's use of detainers, citing the burden of additional detention costs and concerns that such holdings violate the Fourth Amendment's protection against wrongful detention.⁶⁸

Washington, DC Metropolitan Area: Among the research sites, the Washington, DC metropolitan area is home to the greatest number of jurisdictions with policies and practices in place to protect undocumented immigrants and limit local law enforcement's involvement in enforcing immigration law. The District of Columbia has embraced the "sanctuary city" label and passed legislation prohibiting compliance with ICE detainers except in cases where immigrants have been convicted of specific crimes.⁶⁹

Most county governments, including Montgomery and Prince George's counties in Maryland and Fairfax County in Virginia, have shied away from proclaiming themselves sanctuary jurisdictions in hopes of fending off federal government retaliation in the form of funding cuts following President Trump's January 2017 executive order.⁷⁰ While Montgomery County law enforcement officers do not ask residents about their immigration status or actively collaborate with ICE, county officials have stressed that they do honor ICE detainers accompanied by warrants and/or involving serious crimes.⁷¹ Similarly, Prince George's County has resisted the sanctuary label but only honors detainers accompanied by a valid warrant.⁷² Numerous municipalities across Prince George's County have passed ordinances formalizing their status as sanctuary jurisdictions and prohibiting the use of municipal resources to assist in immigration-related investigations or arrests. Participating municipalities include Cheverly, College Park, Hyattsville, Mount Rainier, and Takoma Park.⁷³

A similar situation exists in Northern Virginia, where jurisdictions do not self-identify as sanctuaries but do offer undocumented immigrants varying levels of protection. In January 2018, the Fairfax County Sheriff's Office rescinded an intergovernmental service agreement (IGSA) with ICE obligating the county to comply with immigration detainers.⁷⁴ While the City of Alexandria does not participate in ICE raids or arrests and city police officers do not request immigration status when making stops or interacting with residents, the Alexandria Sheriff's Office does have an IGSA with ICE and routinely honors detainers.⁷⁵ Arlington County, however, only complies with detainers accompanied by a valid warrant.⁷⁶ In April 2018, Virginia's governor vetoed legislation that would have forced localities to hold all individuals with an outstanding detainer.⁷⁷

Houston Metropolitan Area: Throughout the Houston metropolitan area, authorities must abide by Senate Bill 4 (SB 4), passed by the Texas legislature during the first half of 2017 in an effort to outlaw sanctuary jurisdictions throughout the state. The city of Houston joined Austin, Dallas, San Antonio, and other local governments to challenge the constitutionality of the measure,⁷⁸ but the U.S. Court of Appeals for the Fifth Circuit unanimously ruled in March 2018 to uphold almost the entirety of the legislation.⁷⁹ Under SB 4, police are free to inquire about the

immigration status of people they lawfully detain, including during routine traffic stops. In addition, sheriffs, constables, police chiefs, and other local leaders can face misdemeanor charges, jail time, and fines if they fail to honor ICE requests to hold potential immigration violators.⁸⁰ Though the law has only been in full effect since March 2018, the Houston Police Department has reported little change in its dealings with immigrant community members, citing only two instances between September 2017 and March 2018 in which officers questioned a detainee's immigration status.⁸¹ Houston officials have acknowledged, however, that the city is complying with ICE requests to hold unauthorized detainees in accordance with SB 4.⁸²

North Carolina: In October 2015 North Carolina's governor signed into law a bill that prohibits localities from passing laws that limit cooperation with federal immigration authorities. Accordingly, all law enforcement agencies, counties, cities, and municipalities are obligated by state law to honor detainer requests, including localities that have taken more pro-immigrant positions such as Durham, Chapel Hill, and Carrboro in the Raleigh-Durham metropolitan area and Charlotte in Mecklenburg County.⁸³ State lawmakers tried unsuccessfully in 2016 and 2017 to strengthen the 2015 ban on sanctuary polices by allowing the state to withhold funds from non-compliant jurisdictions.⁸⁴

Wake County (which includes Raleigh) and Mecklenburg County are among six counties throughout the state—and 78 law enforcement agencies across 20 states nationwide—that actively partner with ICE to enforce immigration laws.⁸⁵ Both county sheriff's offices have signed memoranda of understanding with ICE as part of the 287(g) program, a delegated authority initiative through which ICE deputizes local law enforcement officers to perform the functions of federal immigration agents.⁸⁶ The 287(g) program in Mecklenburg-Charlotte led to nearly 300 deportations in FY 2017 alone, generating such an outcry among immigration advocates that the program became the central issue in the Democratic primary race for county sheriff, which took place in May 2018.⁸⁷ In that race, former police detective Garry McFadden vowed to end the controversial program, ultimately beating out incumbent Sheriff Irwin Carmichael to capture the Democratic nomination. With no Republican opponent, McFadden is essentially guaranteed to be Mecklenburg County's next sheriff.⁸⁸

South Carolina: Though no self-proclaimed or de facto sanctuary jurisdictions exist in South Carolina, the state has taken preemptive measures to prevent localities from restricting their cooperation with federal immigration authorities.⁸⁹ After an anti-sanctuary policy bill endorsed by the governor stalled in the General Assembly in April 2018, supporters incorporated into the state's general appropriations bill a provision requiring local governments to prove that they are not flouting federal immigration laws.⁹⁰ Any county or municipal government that the State Law Enforcement Division determines to be non-compliant faces a loss of state funding.⁹¹ The bill, South Carolina State Budget Bill H. 4950, went into effect on July 1, 2018.⁹² All jurisdictions within the state honor ICE detainers, and four counties statewide participate in the ICE's 287(g) program: Charleston, Horry, Lexington, and York; the first three are home to populations of between 1,000-1,700 foreign-born NTCA citizens.⁹³

All Jurisdictions: No jurisdiction can exempt itself from the electronic information-sharing system that automatically alerts ICE when potential immigration violators or other removable persons are taken into custody and fingerprinted by local law enforcement authorities.⁹⁴ That program—Secure Communities—was introduced by the Bush administration in March 2008 and expanded nationwide under the Obama administration, which ultimately replaced it with the Priority Enforcement Program (PEP) in November 2014.⁹⁵ Secure Communities was reinstated by the Trump administration via executive order on January 25, 2017.⁹⁶

In the Washington, DC metropolitan area, for example, where most local law enforcement agencies do not interrogate residents regarding their immigration status or actively cooperate with federal immigration authorities, respondents pointed to recurrent raids by ICE as sources of community anxiety.⁹⁷ Other studies, including a 2016 survey of Latino neighborhoods throughout the DC metropolitan area, have also questioned the degree to which so-called sanctuary policies allay community members' fears.⁹⁸ In the 2016 study, 45% of Latinos surveyed said they were less likely to voluntarily offer information about crimes to police, or to report a crime—regardless of their immigration status—due to fear that the police will ask them, their family, or people they know about their immigration status.⁹⁹ That Latinos in the DC metropolitan area are reluctant to engage local authorities for fear of immigration reprisals—despite longstanding trust-building initiatives sponsored by local law enforcement agencies—suggests that levels of fear are likely higher among newcomers living in destinations like Houston and the Carolinas where statewide bans on sanctuary policies actively sow mistrust between police and immigrant communities. In addition, recent research has documented ICE's strategy of concentrating interior enforcement activities in jurisdictions deemed uncooperative by ICE, ironically exacerbating fears in many immigrant-friendly localities.¹⁰⁰ According to interviewees, this pervasive fear across research sites complicates already low baseline rates of representation by further isolating newcomer populations.

Access to a lawyer and/or general information about how to interact with local police and federal immigration officials tempers the fears of those newcomers who might otherwise resist appearing in court. Respondents agreed that “Know Your Rights” information—provided either by an attorney or another reliable source—empowers newcomers and their families to let go of groundless fears, mitigate the risks posed by real threats, and act appropriately when difficult situations arise. Interviewees consistently pointed to represented newcomers' high rates of compliance with immigration obligations as evidence that informed newcomers are better equipped to assert their own rights amidst an onslaught of anti-immigrant rhetoric, erroneous or exaggerated news coverage, and commonly repeated myths among immigrant communities.

Strategies for Overcoming Barriers and Increasing Access

This study's multisite approach allowed the research team to identify best practices and innovative solutions deployed (or not) by local governments and community-based organizations to increase the availability of and access to legal services for Central American newcomers. During interviews, study informants discussed how their organizations are attempting to overcome the barriers described above. Without presuming to offer an exhaustive list of programs and practices, specific efforts undertaken within the study's research sites are highlighted below and grouped into six broad categories: (1) local government and other new funding streams; (2) community-based legal education; (3) holistic case management; (4) cross- and intra-disciplinary partnerships; (5) technical assistance and capacity building support; and (6) impact litigation.

Local Government and Other New Funding Streams

Some service providers in major receiving communities are benefiting from the proliferation of legal aid funds created by local governments, often in the form of public-private partnerships, to bolster their ability to provide direct representation as well as legal orientation programming. The Washington, DC metropolitan area is illustrative of a nationwide trend among large immigrant-friendly destinations to subsidize legal assistance for immigrants.¹⁰¹ Throughout the DC metropolitan area, at least four jurisdictions—including the District of Columbia, Montgomery and Prince George's counties in Maryland, and Arlington

County in Virginia—are using public dollars to support immigration legal services, though the scale and scope of the programs vary considerably.

In October 2018, the DC Mayor’s Office will enter its third year of funding the Immigrant Justice Legal Services (IJLS) program, the budget for which has grown from \$250,000 when the program was launched in early 2017 to \$900,000 in FY 2019.¹⁰² The IJLS program provides grants to nonprofit CBOs, as well as private organizations, associations, and law firms to offer “Know Your Rights” legal briefings, trainings and mentorship for pro bono attorneys, and direct legal assistance, among other services. By not restricting eligibility to nonprofit CBOs, the DC Mayor’s Office has sought to foster new and innovative partnerships between the District’s nonprofit providers and private entities. One notable example is the funding of school-based legal consultations and “Know Your Rights” fairs at Briya Public Charter School through a scaled-up partnership with Julia M. Toro Law Firm.¹⁰³ Briya PCS is one of a number of public charter and international high schools that serve DC’s diverse immigrant population.

Prince George’s County in Maryland has embraced a slightly different model. In late 2017, the Prince George’s County Council launched the Immigration Services and Language Access (ISLA) Initiative, which included a \$100,000 FY 2018 allocation to fund immigration legal services.¹⁰⁴ The county secured matching funds from the Vera Institute of Justice’s Safety and Fairness for Everyone (SAFE) Cities Network, a program established in 2017 to spur innovation around local government engagement in the provision of immigration legal services.¹⁰⁵ The nonprofit Capitol Area Immigrants’ Rights (CAIR) Coalition is the implementing partner. The program in Prince George’s County—like many across the nation—has sprung up in response to increased interior enforcement activities targeting longtime community members. Often characterized as “legal defense” funds, many of these programs prioritize cases involving community members who have been detained and are facing imminent deportation.¹⁰⁶ As mentioned previously, this is a less common scenario for the many newcomer Central Americans who are already in removal proceedings, but with newcomers’ family members a growing target of enforcement operations, newcomers are likely to benefit by extension.

Overall, service provider interviewees were enthusiastic and optimistic about partnering with local governments. but many were also careful to note that local government involvement has the potential to create its own set of difficulties and access barriers. First, in instances where there are low levels of trust among immigrant communities, government programs often need to allocate more funds upfront for legal orientation programming than for direct representation, in order to establish rapport with community members. Second, local officials often must adapt program models to accommodate diverse political realities. In DC, for example, some advocates have criticized the IJLS program for not addressing the legal needs of detained immigrants.¹⁰⁷ In response, the DC Mayor’s Office has attempted to justify its approach, contending that the spending provision would be unlikely to survive congressional scrutiny in the current political climate if it included support for detainees.¹⁰⁸ Third, local government engagement has given rise to community debates about whether taxpayer dollars should be used to provide attorneys for immigrants with criminal histories.¹⁰⁹ Some legal service providers have even withdrawn bids to partner with localities that disqualified immigrants with certain criminal convictions.¹¹⁰

In some localities where government assistance is lacking, private funders are working in collaboration with service providers to implement novel approaches to building local communities’ legal services capacity. In 2013, immigrant-serving nonprofits and local funders throughout the Houston area began to brainstorm ways to scale up the region’s existing network of immigration service providers, particularly within the legal services community. Community engagement was broad, encompassing nonprofit legal services providers, outreach and

advocacy organizations, the business community, law school clinics, public agencies, and private foundations, many of which eventually banded together to form the Houston Immigration Legal Services Collaborative (HILSC).¹¹¹ Initial funders included the Houston Endowment, The Simmons Foundation, the Texas Access to Justice Foundation, and the Greater Houston Community Foundation.¹¹² Since its founding, the Collaborative has played a critical role in coordinating and harmonizing the work of service provider stakeholders. By increasing awareness of available programming and resources among Houston-area stakeholders, the Collaborative has enabled providers to enlarge their service footprint and to pool expertise to design field projects customized to address local realities and identify the best-positioned implementing partners. This approach has allowed HILSC to attract increased funding from national donors and, in turn, has perpetuated a model in which nonprofit stakeholders most attune to the on-the-ground realities of service provision take on a unique grantmaking role.¹¹³

Community-Based Legal Education

With insufficient resources to provide direct representation for all newcomer Central Americans, service providers have stepped up community-based efforts to educate those who must navigate the immigration process on their own. Cognizant that many newcomers are not accessing legal services out of fear, providers are increasingly capitalizing on trusted community access points—such as schools, churches, consulates, and embassies—to engage newcomers and provide limited services. As part of their community outreach, service providers are sponsoring “Know Your Rights” trainings and similar public forums where members of the immigrant community can ask general questions about immigration laws and local policies.¹¹⁴ In the Houston and DC metropolitan areas, providers are conducting screenings and consultations at local courthouses, and in Houston, providers are hosting weekly pro se workshops, where staff attorneys give legal advice to families and individuals representing themselves in asylum proceedings and help them fill out paperwork. Many providers also reported holding power-of-attorney and family preparedness workshops, where volunteers assist newcomer parents and undocumented adults sponsoring newcomers in making legal arrangements concerning the care of their children should the parents be detained.

Service providers viewed these interventions as essential in combatting misunderstandings and the widespread lack of information among immigrant communities. In Houston, service providers have gone even further to keep immigrants informed about immigration laws and policies, creating the Immigration Rights Hotline in early 2017.¹¹⁵ According to HILSC, the hotline received more than 5,000 calls in 2017, with a peak of nearly 750 calls in a single day following the passage of Texas’ anti-sanctuary jurisdiction legislation, SB 4.¹¹⁶ While callers frequently have questions related to immigration policy, HILSC reports that most callers are seeking referrals to free and low-cost immigration service providers.¹¹⁷

Holistic Case Management

Recognizing that the service needs of newcomer Central Americans are overlapping and interconnected, most nonprofit providers are employing social workers and case managers to identify and overcome barriers in order to ensure clients’ optimal engagement throughout the immigration process. While referrals to outside service providers continue to represent a core case management activity, study participants insisted that dedicating in-house personnel to identify clients’ unique extra-legal needs, formulate an action plan, and coordinate clients’ access to reliable local community resources is critical to overcoming the litany of linguistic, household, and other logistical challenges faced by Central American newcomers. As a result, assistance received from housing, education, medical, and

mental health services contributes collectively to the well-being and stability of the newcomer household. This comprehensive support system, in turn, offers compounding benefits for legal practitioners who depend on sustained client engagement to effectively advocate on newcomers' behalf. Some service providers are looking to go in further, signaling their organizations' tentative plans to transition to an arrival-to-citizenship model, which would provide a continuum of legal and social services support for newcomers ranging the entire life-cycle of their claim. Under this model, cases would not be closed following a grant of relief, but attorneys would continue to assist clients with any subsequent adjustment of status, petitioning for derivative immigration benefits, and, depending on eligibility, naturalization. In this way, service providers would avoid having to correct mistakes made by unauthorized immigration practitioners and could ensure newcomers and their families are taking advantage of the benefits afforded by any form of relief that may be granted.

Cross- and Intra-Disciplinary Partnerships

In localities with robust service provider networks, CBOs are teaming up with health practitioners and school administrators to employ innovative models for legal service delivery. School-based immigration legal services and medical-legal partnerships offer service providers an array of benefits.¹¹⁸ First, these and similar models allow legal service providers to connect with newcomers who would otherwise be unlikely to seek out legal assistance. Second, schools and health centers are often conveniently located for newcomers, reducing transportation and other logistical barriers. Third, attorneys are able to take advantage of existing relationships of trust with teachers, counselors, social workers, doctors, and mental health therapists to establish rapport with immigrant clients. Fourth, cross-professional partnerships assist lawyers in identifying clients with specific claims. Schools, for example, are an ideal location to screen students who might be eligible for age-dependent immigration benefits. Similarly, health centers treating immigrant patients with HIV and members of the LGBT community are likely to serve individuals who have persecution-based claims. In the medical-legal partnership setting, attorneys also benefit from an integrated team approach in which physicians and psychologists are on hand to consult on complex cases and provide critical evidence needed to establish legal claims. Having in-house medical and mental health practitioners allows for seamless access to physical and psychological assessments and expert services.

A small number of legal service providers have recruited attorneys specializing in education, employment, consumer, disability, and housing law in order to address the full spectrum of newcomer Central Americans' legal needs. While newcomers typically identify immigration as their primary legal need, respondents reported that service providers often lack the capacity to break out of the silo of immigration legal services. Some of Central Americans' non-immigration legal needs, such as divorce, custody issues, and crime victim safety, are often resolved in conjunction with newcomers' applications for immigration relief. Many others, however, routinely remain unmet. Respondents cited the need for education advocacy work around language access in schools, enrollment barriers, and access to special education services. Others mentioned legal needs related to wage theft and employment discrimination, public benefit navigation, tenant harassment, and housing code violations.

Technical Assistance and Capacity Building Support

Faced with staggering demand and complex cases, many nonprofit CBOs and private practices are increasingly reliant on technical assistance from national networks of nonprofit providers, law school-based training and advocacy centers, and private

organizations. Support generally falls within three main categories: (1) legal expertise and attorney training; (2) expert witness and other professional services; and (3) organizational capacity building. While interviewees across sites referenced many technical assistance programs, the following overview mentions only a few to highlight illustrative programming.

Service providers noted a relatively wide range of options when seeking to enhance their staff's legal expertise or consult on a particular case. Nonprofit service providers and advocacy organizations, such as Catholic Legal Immigration Network, Inc. (CLINIC), offer legal advice through phone consultations, multi-day trainings, broadcast emails, webinars, and a variety of publications and practice manuals.¹¹⁹ Similarly, the Center for Gender & Refugee Studies (CGRS) has long provided free technical assistance for asylum cases and continues to serve as a go-to resource for relevant research and publications.¹²⁰ The National Immigrant Women's Advocacy Project (NIWAP) is a national provider of training and technical assistance to advocates, attorneys, and pro bono law firms working with immigrant victims of domestic violence.¹²¹ Private organizations are also advancing technical assistance efforts. ASISTA, for example, is a nationally recognized leader in providing assistance for attorneys advocating for immigrant survivors of domestic violence and sexual assault.¹²²

Technical assistance programs also provide non-legal support services, including access to expert witnesses and interpretation/translation services. In September 2018, CGRS launched a new searchable database of qualified and pre-vetted country specialists and health professionals who provide expert testimony in support of asylum claims.¹²³ Other institutions are also working to promote more effective collaboration between attorneys, country experts, and medical practitioners. The University of North Carolina at Chapel Hill School of Law, for example, recently published a handbook of best practices for immigration attorneys working with expert witnesses in asylum cases.¹²⁴ With respect to language services, Virginia-based Ayuda's Community Legal Interpreter Bank provides language access support to a wide array of clients.¹²⁵ Respondents also noted that a couple of organizations, including CLINIC and World Relief, provide management training and program support to organizations and individuals seeking to start new immigration legal services programs.¹²⁶

Impact Litigation

Amidst congressional inaction on immigration reform and the current administration's efforts to obstruct immigrants' access to forms of humanitarian relief available under U.S. law, legal service providers reported increasing reliance on targeted litigation to effect systemic change.¹²⁷ Impact litigation has traditionally fallen within the domain of national civil rights and immigration advocacy organizations, including the ACLU, the Northwest Immigrant Rights Project (NWIRP), and Heartland Alliance's National Immigrant Justice Center (NIJC), to name just a few. These national organizations often work in collaboration with private firms and law school immigration clinics. While these organizations remain at the forefront of litigation efforts, many local and regional service providers are creating impact litigation programs to leverage their limited resources to influence the development of more favorable precedent for broad groups of immigrants—and not exclusively in the field of immigration law.¹²⁸ In some larger CBOs, targeted litigation complements other advocacy work, including legislative and administrative agency advocacy as well as strategic communications.

Respondents highlighted two main goals behind the push to integrate litigation into their existing legal services programming: first, to combat the lack of transparency throughout the immigration process by compelling the production of information regarding enforcement and detention practices and application processing that can be used to support individual cases; and second,

to advocate for structural reforms that protect immigrants' due process and liberty rights and ensure the fair and equitable adjudication of asylum and other claims. Many service providers noted that their involvement in impact litigation has developed organically, prioritizing recurrent issues arising in their own casework.

CONCLUSION

Across the U.S., receiving communities' capacity to adequately provide for newcomers' legal service needs is uneven and, in the overwhelming majority of cases, insufficient. While both public and private partners across a number of localities are engaged in innovative, scaled-up approaches to the provision of immigration legal services, demand continues to outstrip available resources. Significant barriers to access remain and—in the current context of immigration enforcement policy—are accumulating. The unprecedented number of border crossings by family units in FY 2018 and the Trump administration's barrage of challenges to legal precedent governing the detention of immigrant children and families underscore the continued urgency around guaranteeing legal representation in immigration proceedings. The forecast of continued strain on an already over-taxed ecology of service providers and on the immigration adjudication system threatens the well-being of tens of thousands of newcomers whose futures hinge on improved capabilities. Absent such improvements that would enable newcomers to integrate safely and productively into local communities, vulnerable Central American youth and families will instead continue to face significant hardship and remain a source of community instability and institutional strain.

GLOSSARY

Administrative closure: Administrative closure is a mechanism by which immigration judges (IJs) can temporarily halt removal (deportation) proceedings against an individual. This process removes the immigration case from the active docket and no future hearings are scheduled. However, this does not confer any immigration status on the non-citizen. Removal proceedings remain suspended unless one party, either the non-citizen or the Department of Homeland Security (DHS) successfully moves to recalendar it.

Affirmative asylum: Asylum seekers who voluntarily present themselves to U.S. immigration officials and who are not currently in removal proceedings can solicit asylum through an affirmative application adjudicated by the Asylum Division of DHS' Citizenship and Immigration Services (CIS). Non-citizens who have been apprehended by DHS are not eligible to file an affirmative asylum application, with the exception of unaccompanied children (UACs) from non-contiguous countries (.e.g., the NTCA countries of El Salvador, Guatemala, and Honduras). Under the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), these unaccompanied children are authorized to seek asylum affirmatively despite having had removal proceedings initiated against them. An asylum officer at the Asylum Office reviews affirmative claims, considers the evidence, and makes a decision on the application in a non-adversarial, interview setting. If an asylum application is denied, the case will be referred to immigration court where the asylum claim will be re-evaluated defensively as part of the removal proceedings.

Asylum: Asylum is a legal status granted to a non-citizen who is unable or unwilling to return to his or her home country due to past persecution or a well-founded fear of being persecuted in the future on account of race, religion, nationality, membership in a particular social group, or political opinion. The asylum seeker must demonstrate that the persecution was carried out by government agents or by private actors that the home country government is unable or unwilling to control. A first-time illegal entry into the U.S. does not necessarily make one ineligible for asylum status. Asylum applications must be submitted within one year of arriving in the U.S. Asylees are authorized to work in the U.S. and may apply for Legal Permanent Resident (LPR) status (a "green card") after one year of being granted asylum. Asylum seekers face the same legal requirements as refugees; however, whereas an asylum seeker applies for status while in the U.S., a refugee applies while abroad in a third country.

Asylum Division: The Asylum Division within the CIS division of DHS processes affirmative asylum applications. Asylum officers (AOs) decide whether asylum claims are granted or referred to immigration court for hearing as part of removal proceedings. The Asylum Division has eight domestic offices based in Arlington, Chicago, Houston (with a sub-office in New Orleans), Miami, Newark (with a sub-office in Boston), New York, Los Angeles, and San Francisco.

Continuance: A continuance is a docket-management tool that an immigration judges utilize to move an upcoming hearing from one scheduled date to another or to pause an ongoing hearing and move it to a future date.

Defensive asylum: Defensive asylum is the process by which a non-citizen who is already in removal proceedings in immigration court files for asylum as a legal defense against deportation.

Family unit: The term "family unit" is used by Customs and Border Protection (CBP) to refer to

parents and children migrating together. In the context of Central American migration, family units are predominantly comprised of women with children.

Fear-based claim: Often a non-citizen may be ineligible for asylum but his or her past persecution or well-founded fear of future persecution satisfies the requirements for other forms of humanitarian relief, including withholding of removal and protection under the Convention Against Torture (CAT). Asylum, withholding, and CAT claims are referred to collectively as “fear-based claims.” When filing an asylum application, asylum seekers customarily seek withholding of removal and protection under CAT as alternative forms of relief in the event that they fall short of the asylum requirements.

Immigration detainer: Immigration and Customs Enforcement (ICE) uses immigration detainers to take custody of potentially deportable individuals detained in state and local jails and prisons. An ICE detainer is a written request that a state or local law enforcement agency detain an individual for an additional 48 business hours after his or her release date in order to provide ICE agents time to take the individual into federal custody for removal purposes.

In absentia removal order: An immigration judge can order a non-citizen removed in absentia for failure to appear at a scheduled removal hearing. DHS must establish by clear, unequivocal, and convincing evidence that proper written notice of the hearing was provided and that the non-citizen is removable. Because an in absentia removal order is issued does not necessarily mean that it will be enforced by Immigration and Customs Enforcement (ICE). Non-citizens with an outstanding removal order who are apprehended are subject to expedited removal without judicial review. Additionally, an in absentia removal order precludes a non-citizen from eligibility voluntary departure, cancellation of removal, and adjustment or change of status, for a period of ten years after the date of the removal order. In certain cases, non-citizens may successfully contest or rescind and reopen an in absentia removal order, usually by demonstrating lack of sufficient notice of the hearing or by demonstrating other extraordinary circumstances.

Notario fraud: In many Latin American countries, *notarios* (notary publics) function as attorneys and are authorized to represent clients in government proceedings. In the U.S., however, notary publics are appointed by state governments to witness the signing of important documents and administer oaths. *Notario* fraud refers to the unauthorized provision of immigration legal services by self-identified notarios who are neither licensed attorneys nor accredited representatives of the Board of Immigration Appeals.

Notice to Appear (NTA): A Notice to Appear is the charging document issued by DHS to initiate removal proceedings. The NTA is filed with Department of Justice’s (DOJ) Executive Office for Immigration Review (EOIR), who then takes charge of the proceedings.

Office of Refugee Resettlement (ORR): The Department of Health and Human Services’ (HHS) Office of Refugee Resettlement is tasked with the custody and care of unaccompanied minors who have been apprehended by CBP or ICE or referred by other federal agencies. While providing shelter care, ORR makes every effort to reunify children with a family member in the U.S. or arrange for foster care.

Post-Release Services (PRS): ORR provides post-release services for a subset of unaccompanied children selected to receive ongoing assistance by a social service agency following placement with a family or other sponsor. These services include assistance in connecting children and their sponsors to community-based resources. PRS are typically

provided by non-profit organizations and may include assessment of the youth's safety and well-being, family counseling, and referrals for health, mental health, and educational services.

Secure Communities: Secure Communities is an electronic information-sharing system that automatically alerts ICE when potential immigration violators or other removable persons are taken into custody and fingerprinted by local law enforcement authorities. The program was introduced by the Bush administration in March 2008 and expanded nationwide under the Obama administration, which ultimately replaced it with the Priority Enforcement Program (PEP) in November 2014. Secure Communities was reinstated by the Trump administration via executive order on January 25, 2017.

Special Immigrant Juvenile (SIJ) status: Special Immigrant Juvenile status provides a pathway to lawful permanent residency to undocumented minors who have suffered abandonment, neglect, or abuse by a parent. To qualify, the child must obtain an order from a juvenile court demonstrating that he or she is dependent on the state and cannot be safely reunited with parents. The child then uses that court order to submit an application for SIJ status to CIS. Federal law allows children under the age of 21 to qualify, but some state courts only have jurisdiction over children under the age 18, so youth between the ages of 18 and 21 cannot obtain the necessary state court order to apply.

Temporary Protected Status (TPS): Temporary Protected Status (TPS) provides temporary lawful status to foreign nationals living in the U.S. from countries experiencing armed conflict, natural disaster, or other extraordinary circumstances that prevent the safe return of their citizens. To qualify, foreign nationals from countries designated for TPS must be residing in the U.S. at the time of the designation. Law-abiding TPS holders cannot be removed from the U.S. and can obtain employment authorization.

T visa: T nonimmigrant status is a temporary immigration benefit that enables certain victims of a severe form of human trafficking to remain in the U.S. for up to 4 years if they have assisted law enforcement in an investigation or prosecution of human trafficking. T nonimmigrant status is also available for certain qualifying family members of trafficking victims. T nonimmigrants are eligible for employment authorization and may also be able to adjust their status and become lawful permanent residents.

Unaccompanied children (UACs): Unaccompanied children (or "unaccompanied alien children," as they are designated by U.S. immigration law) are children who lack lawful immigration status in the U.S., who are under the age of 18, and who are either without a parent or legal guardian in the U.S. or without a parent or legal guardian in the U.S. who is available to provide care and physical custody. They most often arrive at U.S. ports of entry or are apprehended along the southwestern border with Mexico.

U visa: The U nonimmigrant status is set aside for victims of certain crimes who have suffered mental or physical abuse and are helpful to law enforcement or government officials in the investigation or prosecution of criminal activity. A U visa is valid for four years, but extensions are available in certain, limited circumstances. Certain qualifying family members of U visa holders may be eligible for a derivative U visa. U visa holders are eligible for employment authorization and may also be able to adjust their status and become lawful permanent residents.

VAWA self-petition: Under the federal Violence Against Women Act (VAWA), certain battered spouses, children, and parents of U.S. citizens and certain battered spouses and children of

legal permanent residents may file an immigrant visa petition for themselves, without their abuser's knowledge. VAWA beneficiaries are eligible for employment authorization and may also be able to adjust their status and become lawful permanent residents.

287(g) program: ICE's 287(g) program allows a state or local law enforcement entity to enter into a partnership with ICE, under a joint Memorandum of Agreement (MOA), in order to receive delegated authority for immigration enforcement within their jurisdictions.

ENDNOTES

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