

Testimony of Jose Magaña-Salgado, on behalf of CASA<sup>1</sup>  
Fairfax County Board of Supervisors  
Budget Public Hearing  
April 10, 2019

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Good afternoon and thank you for allowing me to testify at today's Budget Public Hearing. My name is Jose Magaña-Salgado and I am here on behalf of CASA, a community organization that advocates for Latinos and immigrants in Fairfax County. I am here today to respectfully encourage the Board to fund the \$200k universal representation pilot program using FY 2019 carryover funds.

This program would provide legal representation to county residents who are immigrants, detained, and cannot afford legal representation; and wraparound community education to residents and their families. Of these, 28 percent will have U.S. citizen children; and 30 percent will have other U.S. citizen family.

Today you will hear from a handful of speakers on this issue, but to begin, I would like to encourage everyone in the audience to stand up if you are here in support of this program. Thank you.

**Petition.** CREDO in Action collected and transmitted a petition to the Board with close to 500 signatures in support of this program, mostly Fairfax County-area residents.

**Polling.** Last month, the U.S. Immigration Policy Center at the University of California San Diego conducted polling on this issue in all ten districts; and found that 62.9 percent of likely November voters in Fairfax County

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<sup>1</sup> For more information regarding CASA, please visit <https://wearecasa.org/>. For questions regarding this testimony, please contact [jose@masadc.com](mailto:jose@masadc.com).

supported expanding legal representation. Additionally, 75.9 percent of Democratic likely November voters would be more willing to vote for a supervisor if he or she supported this program.

**Fiscal Brief.** Fiscally, implementing universal representation in Fairfax County would generate upwards of \$8 million in GDP; and would save county businesses upwards \$766k.

**Letters.** In support, the Board has received letters from Congressman Gerald Connolly; former USCIS Director Leon Rodriguez; two retired immigration judges; the American Bar Association, constituents; and others.

I provided all of the polling, statistics, signatures, and letters mentioned in my testimony today to the Board and asked the Clerk to share a digital copy of these materials.

Fairfax County has the opportunity to be a regional leader in ensuring that immigrant residents have access to due process in our nation's immigration courts. As a DACA recipient myself, whose status will expire less than a year from today, I am acutely aware of the need for legal representation for vulnerable migrants.

On behalf of CASA, our partners, and other Fairfax County constituents, I respectfully urge the Board to vote in favor of funding this program.

Thank you for your time.



April 10, 2019

Fairfax County Board of Supervisors  
Fairfax County Government Center  
12000 Government Center Pkwy  
Fairfax VA, 22035

**RE: CASA LETTER AND MATERIALS IN SUPPORT OF UNIVERSAL REPRESENTATION IN FAIRFAX COUNTY**

Dear Supervisor:

I write on behalf of CASA<sup>1</sup> to urge you to support the funding of the \$200k universal representation pilot program currently under consideration as part of the budget hearings being held in April and May of 2019. As you know, in January of this year, the Board of Supervisors (Board) voted in support of a joint board resolution to consider the funding of this pilot program.<sup>2</sup> Consequently, on May 7th, the Board will vote on whether to fully fund this pilot program through the use of FY 2019 carryover funding. CASA urges all Supervisors to vote in support of this program. For your records, we include CASA and the Capital Immigrants' Rights Area (CAIR) Coalition's original proposal in Appendix A and the approved joint board matter at Appendix B.

This program will provide legal representation to upwards of 30 detained Fairfax County residents in deportation proceedings and their families and countless more in community education trainings. Our hope is that this pilot program would be the first step in the county adopting a permanent program through the next cycle of the Consolidated Community Funding Pool (CCFP). As you know, we seek funding outside of the CCFP process: (a) in light of the dramatically changed immigration environment and high rates of enforcement in Fairfax County; (b) as the CCFP application period is currently closed; and (c) to build a solid foundation through the collection of metrics for a future application to the CCFP. Below, we outline some of the key resources and materials in support of this program.

*Public Budget Hearings.* Earlier today, before the April 10<sup>th</sup>, 2019 budget hearing, CASA and partners held a press conference in front of the Fairfax County Government Center urging the Board to support this program. Moreover, CASA and allies brought a multitude of supporters to the April 10th hearing to demonstrate widespread support for this program. A copy of CASA's testimony in front of the Board may be found at Appendix G.

*Polling.* The U.S. Immigration Policy Center at the University of California San Diego conducted polling on this issue in all ten Fairfax County Districts.<sup>3</sup> The polling found that a "majority (**62.9 percent**) of likely November voters in Fairfax County support efforts by the Fairfax County Board of Supervisors to expand services, including legal representation, to county residents facing deportation" and that there was

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<sup>1</sup> CASA consists of organizers, advocates, and lawyers working to organize, advocate for, and expand opportunities for Latino and immigrant people in the state of Virginia. We do this by providing employment placement; workforce development and training; health education; citizenship and legal services; and financial, language, and literacy training to Latino and immigrant communities throughout the state. CASA has 196 members in Fairfax County alone. For more information, visit <http://www.wearecasa.org>.

<sup>2</sup> See Appendix B.

<sup>3</sup> See Appendix C.

strong support (**69.1 percent**) “to provide wraparound services, such as ‘know your rights’ trainings and deportation defense classes, in order to help county residents avoid deportation.”<sup>4</sup> Moreover, **75.9 percent** of Democratic likely November voters would be “more willing to vote for a Fairfax County [S]upervisor if he or she supported funding legal representation.”<sup>5</sup> The complete polling results may be found at Appendix C.

*Petition.* CASA partnered with CREDO in Action to collect petition signatures from residents in and near Fairfax County, collecting 460 signatures.<sup>6</sup> We include this petition in Appendix D.

*Letters and Statements in Support.* As part of this effort, key Fairfax County constituencies and other stakeholders shared their support with the Board regarding this pilot program. These individuals and organizations include Congressman Gerald Connolly; former U.S. Citizenship and Immigration Services (USCIS) Director Leon Rodriguez; two retired immigration judges from the DMV area; the American Bar Association, the American Immigration Lawyers Association's Washington, D.C. chapter; and more. We include these letters in Appendix I.

*Explanatory Letters.* We also include explanatory letters responsive to requests for information by the Supervisors, including a letter from CAIR Coalition explaining the availability of legal services in Fairfax County and a letter from the Office of the Public Defender in Fairfax County reiterating that they do not provide legal counsel for immigrants in deportation proceedings. We include these letters in Appendix H.

*Economic Benefits.* Previously, we conducted a fiscal analysis of the positive economic impact of implementing universal representation. Fiscally, implementing the \$200k universal representation pilot program would generate upwards of **\$8 million** in Gross Domestic Product for the county; and save employers **\$766k**.<sup>7</sup> We include the entirety of this fiscal brief in Appendix E.

In support of this request and as one of the leaders in the campaign to bring universal representation to Fairfax County, we include the following resources and supporting materials as part of this letter:

- **APPENDIX A** – Proposal for Funding Comprehensive Universal Representation
- **APPENDIX B** – Joint Board Resolution in Support of Universal Representation
- **APPENDIX C** – Polling - Voter Attitudes on Immigration: Fairfax County
- **APPENDIX D** – CREDO Petition in Support of Universal Representation
- **APPENDIX E** – Fiscal Brief on Economic Impact of Pilot Program in Fairfax County
- **APPENDIX F** – Background Memorandum on Universal Representation
- **APPENDIX G** – CASA’s Written Testimony for April 10<sup>th</sup> Budget Hearing
- **APPENDIX H** – Explanatory and Data Letters Regarding Universal Representation
  - **H1** – Office of the Public Defender Letter on Relationship to Immigration Cases
  - **H2** – CAIR Coalition Letter on Availability of Legal Services
- **APPENDIX I** – Letters in Support of Universal Representation Pilot Program
  - **I1** – Lewinsville Faith in Action
  - **I2** – Robert R. Lawrence, Pro Bono Attorney
  - **I3** – American Bar Association
  - **I4** – AYUDA

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<sup>4</sup> Appendix C at 2.

<sup>5</sup> *Id.* at 3.

<sup>6</sup> See Appendix D.

<sup>7</sup> See Appendix E.

- **I5** – Former USCIS Director Leon Rodriguez
- **I6** – Congressman Gerald Connolly
- **I7** – UndocuBlack Network
- **I8** – Immigration Judge John F. Gossart (Retired)
- **I9** – Immigration Judge Paul W. Schmidt (Retired)
- **I10** – Center for Popular Democracy

Under this administration, our nation’s immigrant communities are under unprecedented attack at the mercy of a bloated deportation apparatus that has grown to unimaginable levels. The Board has an opportunity to ensure that Fairfax County is a regional leader in defending its residents, including their U.S. citizen children, from this deportation machinery. All immigrants, no matter their status or background, should have access to legal representation in our nation’s immigration courts. By funding the proposed \$200k universal representation pilot program, Fairfax County can take sorely needed steps to expand due process to county residents.

Thank you for your consideration of this request. If you have any questions, please contact Jose Magaña-Salgado at [jose@masadc.com](mailto:jose@masadc.com) or (480) 678-0040, or Nicholas Katz at [nkatz@wearecasa.org](mailto:nkatz@wearecasa.org) or (240) 491-5743.

Sincerely,

/s/

Luis Angel Aguilar  
Virginia Director  
CASA

**APPENDIX A – Proposal for Funding Comprehensive Universal Representation**



*Fighting for equal justice for all immigrants  
at risk of detention and deportation*

[www.caircoalition.org](http://www.caircoalition.org)

1612 K Street, NW Suite 204  
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T 202 / 331.3320

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December 3, 2018

Fairfax County Board of Supervisors  
12000 Government Center Parkway  
Fairfax, VA 22035

**RE: PROPOSAL FOR FUNDING OF COMPREHENSIVE UNIVERSAL REPRESENTATION FOR FAIRFAX COUNTY RESIDENTS**

Dear Board of Supervisors:

This proposal serves to respectfully request that Fairfax County provide financial support for the funding of a comprehensive universal representation program (referred to in this proposal as an “Immigrant Defense Program”) that would provide legal representation, community education, and training to Fairfax County residents, including legal immigrants, subject to immigration enforcement, including arrest, detention and deportation.<sup>1</sup> The centerpiece of this proposal is the enactment of universal representation for all Fairfax County immigrants, including legal immigrants, who are detained and in deportation proceedings—essentially a public defender type model for immigration court proceedings.

Importantly, as of November 2018, the Vera Institute for Justice opened its grant period for matching catalyst funding under its SAFE Cities initiative.<sup>1</sup> Under this initiative, Vera provides \$100k in initial seed funding that matches contributions by local jurisdictions implementing universal representation programs funded at least \$100k.<sup>2</sup> While we strongly believe legal representation for noncitizens should be funded by public monies, the Vera funding provides substantial funding support for programs in their first year of existence. Funding proposals are due January 17, 2019 and CASA and Capital Area Immigrants’ Rights (CAIR) Coalition are able to work with the county to craft these proposals.<sup>3</sup>

We respectfully request funding for the following program through (a) the FY 2019 advertised budget; (b) a consideration item in the FY 2019 budget; or (c) the second carryover process for FY 2018 that occurs in early 2019. Below, we provide three options regarding the level of funding and population served. Importantly, while this proposal originates from CASA and CAIR Coalition, the proposal envisions the county establishing a process where qualified non-profits can submit a proposal to provide the below enumerated services.

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<sup>1</sup> For questions regarding this proposal, please contact Nicholas Katz at [nkatz@wearecasa.org](mailto:nkatz@wearecasa.org).

**I. Immigrant Defense Program**

**A. Option One: All Detained Residents of Fairfax County**

**Total:** \$1,063,795

Universal Legal Representation	\$875,000
Legal Rights and Education	\$47,894
Bystander Training	\$19,780
Defense Committees	\$55,881
Community Response	\$65,240

Funding for a comprehensive universal representation program, serving 175 people through direct deportation defense, would follow in the footsteps of other jurisdictions in the DMV metropolitan area that fund community education, legal immigration services, and universal representation, including Arlington County,<sup>4</sup> the District of Columbia,<sup>5</sup> Baltimore County,<sup>6</sup> and Prince George’s County.<sup>7</sup> The Option One Plan includes a ramp-up period of six months for target goals. Other aspects of the program include community outreach, family support, case management assistance, non-legal case service support and referrals, and training services, addressing the needs of over 500 people in all nine of the county districts. This holistic program would serve as a strong commitment by Fairfax County to its immigrant residents and establish the county as a regional and national leader in providing universal representation for detained immigrants.

**B. Option Two: Enhanced Pilot Program**

**Total:** \$450,000

Universal Legal Representation	\$350,000
Legal Rights and Education	\$100,000

Under the Option Two, a grantee will initiate assessment and representation for detained residents of Fairfax County, or those residents at risk of detention. Under this model, approximately 75 detained residents or those at risk of detention would be served with a four to five month ramp-up period. A grantee will provide legal rights training and education to the public in all of the nine county districts, serving over 250 persons. The enhanced pilot program would serve at least 50% of the detained population in Fairfax County.

**C. Option Three: Pilot Program**

**Total:** \$200,000

Universal Legal Representation	\$180,000
Legal Rights and Education	\$20,000

Under the Option Three, a grantee will serve approximately 22 detained residents or those residents of Fairfax County at risk of detention. The ramp-up period under this plan would achieve full operational capacity at the three month mark. A grantee will provide Legal Rights and Education to the Public in all county districts, serving a minimum of 50 people.



## **II. About the Organizations Submitting the Proposal**

**CASA.** CASA is the foremost Latino and immigrant organization in the mid-Atlantic region and a national leader in supporting immigrant families and ensuring that all individuals have the core supports necessary for full participation in society. CASA was founded in 1985, and its mission is to create a more just society by building power and improving the quality of life in working class and immigrant communities. Our vision is for a future in which we stand in our own power, our families live free from discrimination and fear, and our diverse communities thrive as we work with our partners to achieve full human rights for all. As CASA has expanded to new geographies over the past several years, the organization has emerged as a regional immigrant powerhouse with deep roots in dozens of local communities. Its more than 96,000 members are low-income immigrants, the majority of whom come from Latin America and West Africa and speak Spanish or French as their first language.

CASA is principally an organization focused on human rights and immigrant rights, and advancing those rights through service, education, organizing, and advocacy strategies. CASA addresses both the causes and consequences of poverty and injustice by supporting immigrant families in their quest for economic empowerment, financial independence, and social, linguistic, and political integration—while also enabling them to challenge unjust systems and policies. Its programs focus on achieving impact in the key areas of a) family economic success, b) education and youth achievement, c) stable and thriving lifestyles, d) neighborhood transformation, and e) political and progressive action.

CASA tracks dozens of outcomes annually and has a 32-year history of serving the community. A sampling of achievements over the past year includes the following: conducted 135 “know your rights” legal education workshops reaching more than 10,500 people; helped to pass a historic minimum wage increase in Montgomery County; enabled 1,220 workers to earn over \$3 million in income as a result of placement in more than 11,000 jobs; provided occupational safety and health training to 1,816 workers; provided comprehensive citizenship support to 1,185 people; assisted 721 people in filing income tax returns. CASA is also coordinating a nationwide “know your rights” initiative with 30 partner organizations across the country, which has to date provided 2.5 million people with information about their legal rights.

**CAIR Coalition.** Originally started as a project of the Washington Lawyers’ Committee for Civil Rights and Urban Affairs, CAIR Coalition became an independent non-profit organization in 1999. In the last decade, CAIR Coalition has more than doubled in size and has added two new programs to complement its original work serving detained adult immigrants. These include the Detained Children’s Program, which assists unaccompanied immigrant children in the custody of the Office of Refugee Resettlement in juvenile facilities in Maryland and Virginia, and the Immigrant Impact Lab (the “Lab”) designed to address the severe injustices faced by indigent adults and children in the American immigration and deportation system within the Fourth Circuit Court of Appeals region. The Lab leverages limited resources for maximum impact through novel, proactive federal court litigation, to help as many people as possible by improving case law within and beyond our region. The Lab also is involved in the training and education of criminal defense attorneys of the immigration impact on criminal offenses so they

can better advise their non-U.S. citizen clients and comport with Supreme Court law.

CAIR Coalition remains the only non-profit organization in the greater Washington area with an immigration legal services program focused exclusively on serving detained immigrants. CAIR Coalition recently partnered with Baltimore City and Prince George's County on two universal representation pilot projects in an effort to increase the number of detained immigrants in the greater Washington area who have an attorney to represent them in immigration court. However, of the hundreds of immigrants CAIR Coalition sees in detention each year, the organization only has the resources to provide a small fraction with full representation before the immigration court.

### **III. Immigration Enforcement Under Current Administration**

#### *A. Background on Immigration Enforcement*

Since President Trump took office in January 2017, the Trump Administration has engaged in an unprecedented expansion of our nation's immigration enforcement and deportation apparatus.<sup>8</sup> Despite a national consensus that our nation's immigration system is broken and in need of a comprehensive overhaul, under President Trump the U.S. Department of Homeland Security (DHS) reverted to engaging in draconian immigration enforcement tactics that seek to instill fear in all immigrant families, regardless of their status. This enforcement machinery is particularly detrimental in light of the strong economic contributions by immigrants in Virginia. For example, workforce participation among immigrants in Virginia is higher than the U.S.-born population—73 percent of immigrants versus 65 percent for U.S.-born individuals.<sup>9</sup> Importantly, immigrants in Virginia have the "highest rate of employment in the professional, scientific, management, and administrative service industry."<sup>10</sup> Moreover, immigrants in Virginia are more likely to start their own businesses, with 11 percent of immigrant workers being self-employed compared to 7 percent for native born workers.<sup>11</sup>

In spite of these contributions however, Fairfax County residents, including legal immigrants, U.S. citizen family members, and undocumented immigrants have experienced enforcement and anti-immigrant rhetoric at an alarming rate, with hate crimes in Virginia growing sharply in 2017.<sup>12</sup> Notably, the Administration abandoned any pretext of discretion in its execution of immigration enforcement, and expanded its deportation priorities to include virtually all undocumented immigrants<sup>13</sup> (rendering 9.6 million additional immigrants subject to deportation),<sup>14</sup> with U.S. Immigration and Customs Enforcement (ICE) increasingly seeking county residents near schools, courthouses, health facilities, and at their homes.<sup>15</sup> In FY 2017, the Administration increased immigration raids by 32%, leading to the collateral, untargeted arrests of over 40,000 immigrants nationwide.<sup>16</sup> ICE now arrests people at a rate of almost 400 per day, with arrests of immigrants with no criminal record increasing by 146% (to nearly 38,000 nationwide) in 2017 compared to the same period in 2016.<sup>17</sup>

In FY 2017, the immigration enforcement division responsible for Virginia and Washington, D.C. conducted 4,163 immigration arrests and deported 2,337 individuals.<sup>18</sup> Furthermore, the Administration also announced the termination of legal protection for a wide spectrum of long-term immigrants, including those protected under the Deferred Action for Childhood

Arrivals (DACA) program and most of those with Temporary Protected Status (TPS), placing over a million more immigrants at risk of deportation nationwide.<sup>19</sup> Virginia is home to almost 35,000 of these Dreamers and TPS beneficiaries who will soon face the prospect of detention and permanent separation from their families in the United States, with many living in Fairfax County.<sup>20</sup> According, to the 2018 Newcomer report, Fairfax County is home to over 52,000 immigrants from Guatemala, El Salvador, and Honduras.<sup>21</sup> Through these efforts, the Administration cruelly separates mothers and fathers from their children and burdens local jurisdictions with the collateral consequences of deportation, including the costs of dealing with the U.S. citizen children left behind and the not insignificant turnover costs to Fairfax County employers who suddenly lose their best workers.

Among those targeted are individuals previously spared from deportation due to compelling humanitarian factors, like Liliana Cruz Mendez. Liliana was a resident of Falls Church for more than 10 years and mother to two U.S. citizen children, Steve (10 years old at the time of his mother's deportation) and Danica (then 4 years old). Now Steve and Danica are left alone with their father who is struggling to make ends meet while dealing with the severe emotional pain of being separated from their mother.

### *B. Fairfax County Demographics*

The Administration's increased immigration enforcement efforts acutely affect Fairfax County residents. Fairfax County is home to 161,523 noncitizens, representing 14 percent of the county's 1.1 million population.<sup>22</sup> There are approximately 8,000 individuals in Fairfax County who hold TPS from El Salvador, Honduras, and Haiti, virtually all who will lose that protection within the next two years, making them targets for deportation.<sup>23</sup> Correspondingly, nearly 7,000 U.S. citizen children in Fairfax County have one or more parents who are TPS holders that, upon deportation, may be shuttled into the county's foster care system. Fairfax County is also home to upwards of 18,000 individuals that currently hold or are eligible for DACA, all of whom will eventually be subject to deportation.<sup>24</sup>

Importantly, all noncitizens, including those with "green cards" (holding lawful permanent resident status, also known as LPR status) or other visas, are potentially subject to deportation. These deportations do not occur in a vacuum: in the state of Virginia alone, deportations cost employers six million dollars in avoidable turnover and employment costs, while burdening the state with nearly one million dollars child health insurance and foster care costs for children separated from family caregivers.<sup>25</sup> Both these costs are likely to continue to grow alongside arrests and deportations.

### *C. The Importance of Universal Representation*

To deport an immigrant, the government places them in a process called removal proceedings, a series of civil and administrative hearings that occur in our nation's immigration courts, under the purview of the Executive Office for Immigration Review (EOIR), an agency within the U.S. Department of Justice (DOJ). While deportations proceedings are a civil matter, they often resemble the adversarial processes most commonly found in our criminal justice system,

including prolonged incarceration of immigrants and serious consequences, including permanent expulsion from the country. Yet, despite the seriousness of these proceedings, under our nation's immigration laws, immigrants in deportation proceedings—including immigrants with authorization to be in the country, such as LPRs, DACA recipients, and TPS holders—are not entitled to a lawyer, unless they are able to pay for a private attorney or access the extremely limited services provided by non-profits.<sup>26</sup> As a result, nationally 86% of all detained immigrants are forced to represent themselves,<sup>27</sup> and in the Arlington Immigration Court (the court that administers deportation proceedings for Fairfax County residents) that number is not much better, with 71% of detained immigrants having no legal representation at any point in their case.<sup>28</sup>

Our nation's immigration laws are complex and individuals—especially detained individuals—without immigration attorneys are unlikely to win their cases, even when they are eligible for relief. Indeed, the most recent 2016 data shows that in the Arlington Immigration Court only 11% of detained, non-represented immigrants won their cases.<sup>29</sup> Immigrants with attorneys fare better at every stage of their case. They are more likely to be released from detention, identify immigration relief, and apply for and receive that relief. In the Arlington Immigration Court, individuals with representation were twice as likely to win their cases as those without counsel.<sup>30</sup> If a universal representation model were implemented, it is likely that number would climb even higher. In New York City, which implemented one of the first universal representation programs in the nation, representation made it 1,100% more likely that an individual would succeed in his or her case.<sup>31</sup> This dramatic difference in outcomes between represented and unrepresented individuals highlights the serious due process issues inherent in federal immigration courts, where every day immigrants who may be eligible for relief are separated from their families and torn away from their communities. A comprehensive universal representation program, with accompanying investments in community support, can help mitigate the human cost of such a system and help ensure the fair and efficient application of justice.

The idea of providing universal representation to individuals facing deportation is not novel. Nationwide, there are over twenty jurisdictions, including cities, counties, and states, that established differing types of universal representation programs for immigrants in deportation proceedings.<sup>32</sup> These programs essentially function as a public defender type program for immigrants, e.g. programs that provide legal representation for all immigrants, regardless of their circumstances. Universal legal representation moves us closer to the vision that all people, no matter their background, should have a fair day in court and an opportunity to secure immigration relief under our laws. The proposal outlined below would establish Fairfax County as a leader among these jurisdictions, setting the bar for a comprehensive and effective universal representation program.

#### **IV. Proposal**

##### *A. Fairfax County Currently Provides Limited Funding for Immigration Services*

Currently, Fairfax County does not provide funding for comprehensive representation of its residents in immigration court. Fairfax County, through the Consolidated Community Funding Pool for FY 2019-2020,<sup>33</sup> does provide funding for organizations that serve the immigrant

community, but these services are currently limited to the areas of naturalization and citizenship support,<sup>34</sup> obtaining legal status,<sup>35</sup> case management for refugees,<sup>36</sup> assistance for immigrant survivors of domestic violence,<sup>37</sup> and integration services.<sup>38</sup> Given that none of the funding from the CCFP currently goes toward detained immigrant defense, and given the increasing urgency of the situation as more and more Fairfax residents are detained and deported, CASA and CAIR Coalition respectfully request that Fairfax County create and Immigrant Defense Program which includes the following components, explained in more detail below:

- universal representation for Fairfax County residents in immigration detention;
- “Know Your Rights” education;
- community organizing and rapid response for families affected by immigration enforcement actions;
- legal services and legal advocacy other than direct representation for detained immigrants (including representation in immigration bond hearings and, in some cases, continuing representation once a person is released from detention, as well as other related legal services);
- bystander training; and
- administrative advocacy.

*B. Universal Legal Representation and Accompanying Support Services*

A qualified legal services provider would provide legal representation in immigration court proceedings, or before relevant government agencies, to all individuals who: (a) are Fairfax County residents; (b) are noncitizens; (c) are detained; (d) in deportation proceedings, or otherwise facing removal (including individuals with prior removal orders who may be eligible for relief); (e) can demonstrate financial need (the person’s income is below 200 percent of the federal poverty guidelines or the person is experiencing exceptional circumstances creating a financial hardship, e.g. medical or mental health crises, death or injury in family); and (f) are unrepresented. This proposal aims to establish a universal representation model to allow the immigration representation of detained immigrants, guaranteeing the due process rights of immigrant community members and helping to keep Fairfax County families together.

Under **Option One**, a grantee will provide the following services:

Based on the number of intakes conducted in FY 2017, we estimate that in Fairfax County between 150 to 175 immigrants per year will need and qualify for legal representation under the framework established above. At \$5,000 per case (the cost per case in nearby jurisdictions), providing universal representation to all detained Fairfax County residents would cost \$875,000. With this funding a qualified legal services provider will: (a) hire eight staff attorneys at 90% time spent on representation; (b) pay 75% of salary for a senior attorney with 75% of their time spent on representation and supervision of attorneys and staff; (c) pay 75% of a managing attorney; hire two legal assistants with 90% time spent on assisting the attorneys in representing people with administrative responsibilities or case work; and (d) cover organizational, administrative and overhead related costs.

When appropriate, the primary grantee will re-grant funds to a select list of qualified non-profit

organizations that specialize in detained bond hearings or removal defense.

**Under Option Two:**

With this funding, a qualified legal service provider would: (a) hire four staff attorneys at 90% time spent on representation; (b) pay 90% of salary for a supervising attorney with 90% of their time spent on representation and supervision of attorneys and staff; (c) hire a legal assistant with 90% time spent on assisting the attorneys in representing people with administrative responsibilities or case work; and (d) and cover organizational administrative and overhead related costs.

**Under Option Three:**

With this funding, a qualified legal service provider would: (a) hire one staff attorney at 90% time spent on representation; (b) pay 25% of salary for a supervising attorney with 25% of their time spent on representation and supervision of attorneys and staff; (c) hire a legal assistant with 90% time spent on assisting the attorneys in representing people with administrative responsibilities or case work; and (d) and cover organizational administrative and overhead related costs.

*C. Legal Rights and Education*

A grantee will provide “Know Your Rights” (KYR) workshops to the immigrant community on topics such as: constitutional and civil rights; immigration legal options; protections in the workplace; how to respond to immigration raids; and how to respond to and report hate crimes. Further, this organization would mobilize “defense committees” charged with strengthening community ties and communication, leading community responses to immigration enforcement actions and de-escalating aggressive situations. Workshops will be held at community centers, schools, churches, and other locations throughout the region. In addition to KYR workshops and sessions, the organization will also conduct a broad social media outreach program to share “Know Your Rights” information to more than 100,000 people.

- **Option Plan #1: Goal/Outcome #2:** The grantee will train 500 immigrants and mixed-status family members to be knowledgeable about their rights and how to protect their families and communities.
- **Option Plan #2: Goal/Outcome #2:** The grantee will train 250 immigrants and mixed-status family members to be knowledgeable about their rights and how to protect their families and communities.
- **Option Plan #3: Goal/Outcome #2:** The grantee will train 50 immigrants and mixed-status family members to be knowledgeable about their rights and how to protect their families and communities

*D. Bystander Training*

The grantee will provide bystander training to enable interested community members to support their neighbors who are targeted for immigration enforcement. In these efforts, the grantee will work with faith partners and recruit churches and universities to provide spaces for potentially

affected community members to gather and discuss their situation safely and confidentially. The grantee will also work with the local school systems, local police and other officials to designate sensitive locations such as schools, bus stops and hospitals as “safe zones” where immigration enforcement is prohibited or discouraged, and endeavor to establish trust between community and government, including through the enactment of new policies and procedures by government agencies.

- **Option Plan #1, Goal/Outcome #3:** The grantee will provide bystander training to 100 Fairfax County residents, surrounding them with a broad base of supporters committed to protecting the community against harsh enforcement and promoting diversity and inclusion.
- **Option Plan #2, Goal/Outcome #3: N/A**
- **Option Plan #3, Goal/Outcome #3: N/A**

#### *E. Defense Committees*

As part of this proposal, a grantee would expand that work in Fairfax County, and focus on particularly vulnerable community members, including those whose families have been affected by immigration enforcement. Participants will be organized into neighborhood and county-wide committees. Each neighborhood committee will be staffed by an organizer and include a core team of member leaders. Each core member leader will also be the point person for a “*comite de defensa*” in their apartment building, parent-teacher association, church, or other local network. Neighborhood committees will work on public awareness and KYR campaigns, thus amplifying the network of information sharing. They will also join with other neighborhood committees in the same county, state, or region to work on larger public awareness initiatives. This structure provides multiple layers of direct leadership development opportunities for member leaders, and also allows the committee to engage their own. *Comites de defensa* serve as the fastest and most effective mechanism for triggering rapid response efforts in the event of an immigration raid.

- **Option Plan #1, Goal/Outcome #4:** The grantee will form five neighborhood defense committees of at least 15 active immigrant community members who have been trained as rapid responders to collect critical information critical to ensuring access to legal counsel in immigration detention cases that take place in their neighborhoods. Total of 60 immigrant community members.
- **Option Plan #2, Goal/Outcome #4: N/A**
- **Option Plan #3, Goal/Outcome #4: N/A**

#### *F. Community Response*

A grantee will provide comprehensive support to families and communities affected by ICE enforcement actions. Rapid response efforts are usually triggered by local *comites de defensa* or an immigrant community member that has participated in a KYRs workshop or legal screening clinic, or by an ally who has participated in a bystander training and witnesses raid activity. Having both deep and broad networks of organized communities mean that the grantee is able to respond immediately to detentions, improving the chances of securing legal counsel for

individuals early in the process and also monitoring for civil rights abuses during detention efforts.

The grantee will maintain and staff a 24 hour hotline, which will frequently be the first point of notification regarding raid activity. Once the grantee is notified via the hotline or a defense committee member, the grantee staff will: (1) within 24 hours of receiving notification of an enforcement action, visit the site to conduct a thorough intake of family members and witnesses to ascertain details about the individual(s) detained and the manner in which the action took place; (2) locate the detained individual and communicate the location to the family to arrange family visitation at the detention centers; (3) communicate with organizational partner providing legal representation to detained individuals, and connect the family to the point of contact at that organization; (4) provide continued support to affected individuals, families and communities; and (5) gather and compile information about ICE enforcement activities in the region and utilize that information to advocate for more effective policies to protect and support immigrant communities.

- **Option Plan #1, Goal/Outcome #5:** Immigrant families are supported after ICE enforcement actions and engaged in efforts to promote the protection of their communities.
- **Option Plan #2, Goal/Outcome #5: N/A**
- **Option Plan #3, Goal/Outcome #5: N/A**

## V. Conclusion

Under this Administration, Fairfax County families are being torn apart, with U.S. citizen children, legal immigrants, businesses, and the county’s social safety net system feeling the brunt of the impact. The above proposal ensures that Fairfax County will prioritize the safety and unity of its residents, including U.S. citizen family members in mixed status families; LPRs; DACA recipients; TPS recipients; and undocumented immigrants. Ensuring due process for families requires a multi-pronged approach that involves including community members, grassroots organizations, and legal service providers. This proposal will ensure that Fairfax County families stay together.

Sincerely,

/s/

George Escobar,  
Senior Director, Human Services CASA

/s/

Kathryn M. Doan  
Executive Director, CAIR Coalition



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<sup>1</sup> SAFE Network, Vera Institute of Justice, Nov. 15, 2018, <https://www.vera.org/spotlights/safe-expansion-and-success>.

<sup>2</sup> *Request for Letters of Interest - An Invitation to Join the SAFE (Safety and Fairness for Everyone) Network to Keep Immigrant Families Together & Communities Safe*, Vera Institute of Justice, Nov. 15, 2018, available at <https://storage.googleapis.com/vera-web-assets/inline-downloads/request-for-letters-of-interest.pdf>.

<sup>3</sup> *Id.*

<sup>4</sup> Press Release, Arlington County, Arlington Funds Legal Aid for Immigrants (Sept. 16, 2017), <https://newsroom.arlingtonva.us/release/arlington-funds-legal-aid-for-immigrants/>.

<sup>5</sup> Press Release, District of Columbia, Mayor Bowser Announces Immigrant Justice Legal Services Grant Program (Jan 9, 2017), <https://dc.gov/release/mayor-bowser-announces-immigrant-justice-legal-services-grant-program>.

<sup>6</sup> Luke Broadwater, *Advocates announce \$500,000 legal defense fund for undocumented immigrants in Baltimore*, Aug. 20, 2017, THE BALTIMORE SUN, available at [www.baltimoresun.com/news/breaking/bs-md-ci-immigrant-defense-fund-20170420-story.html](http://www.baltimoresun.com/news/breaking/bs-md-ci-immigrant-defense-fund-20170420-story.html).

<sup>7</sup> Press Release, Prince George's County, Council Member Deni Taveras Announces ISLA Legal Defense fund Services During Hispanic Heritage conference (Sept. 28, 2017), available at [https://www.caircoalition.org/sites/caircoalition2016/files/2017\\_30\\_09\\_ISLAAnnouncement\\_Taveras.pdf](https://www.caircoalition.org/sites/caircoalition2016/files/2017_30_09_ISLAAnnouncement_Taveras.pdf).

<sup>8</sup> Kate Voigt, *Cogs in the Deportation Machine: How Policy Changes by the Trump Administration Have Touched Every Major Area of Enforcement*, American Immigration Lawyers Association, April 24, 2018, available at <http://www.aila.org/infonet/aila-report-cogs-in-the-deportation-machine> [hereinafter "AILA Report"].

<sup>9</sup> *Virginia Immigrants in the Economy*, The Commonwealth Institute, April 19, 2017, [www.thecommonwealthinstitute.org/2017/04/19/virginia-immigrants-in-the-economy/](http://www.thecommonwealthinstitute.org/2017/04/19/virginia-immigrants-in-the-economy/).

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> Dan Friedell, *Number of hate crimes increased in Virginia in 2017*, WTOP, June 5, 2018, <https://wtop.com/virginia/2018/06/sharp-increase-in-hate-crimes-according-to-latest-virginia-report/>.

<sup>13</sup> Memorandum from John F. Kelly, Secretary, U.S. Department of Homeland Security on Enforcement of the Immigration Laws to Serve the National Interest, to Kevin McAleenan, Acting Commissioner, U.S. Customs and Border Protection, et. al. (Feb. 20, 2017), available at [https://www.dhs.gov/sites/default/files/publications/17\\_0220\\_S1\\_Enforcement-of-the-Immigration-Laws-to-Serve-the-National-Interest.pdf](https://www.dhs.gov/sites/default/files/publications/17_0220_S1_Enforcement-of-the-Immigration-Laws-to-Serve-the-National-Interest.pdf).

<sup>14</sup> Press Release, Migration Policy Institute, MPI: Revisions to DHS Immigration Enforcement Priorities Could Shield Vast Majority of Unauthorized Immigrants from Deportation (July 23, 2015), available at <https://www.migrationpolicy.org/news/mpi-revisions-dhs-immigration-enforcement-priorities-could-shield-vast-majority-unauthorized>.

<sup>15</sup> AILA Report, *supra* note 5, at 9.

<sup>16</sup> *Id.* at 7.

<sup>17</sup> *Id.*; U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. DEPARTMENT OF HOMELAND SECURITY, ICE ERO immigration arrests climb nearly 40%, Nov. 2, 2017, <https://www.ice.gov/features/100-days> ("In total, since the President signed the EOs, ICE's immigration enforcement activity has resulted in more than 400 arrests per day,").

<sup>18</sup> U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. DEPARTMENT OF HOMELAND SECURITY, FY2017 ERO Administrative Arrests, 2017, available at <https://www.ice.gov/sites/default/files/documents/Document/2017/localStats2017b.pdf>.

<sup>19</sup> Elise Foley, *Trump Promised To Reshape America. He's Already Told 1 Million Immigrants Who Had Legal Protections To Get Out*, Huffington Post, May 6, 2018, [https://www.huffingtonpost.com/entry/trump-tps-daca\\_us\\_5aecbb97e4b0c4f1932282a0](https://www.huffingtonpost.com/entry/trump-tps-daca_us_5aecbb97e4b0c4f1932282a0).

<sup>20</sup> *Deferred Action for Childhood Arrivals (DACA) Data Tools*, Migration Policy Institute (last accessed July 20, 2018), <https://www.migrationpolicy.org/programs/data-hub/deferred-action-childhood-arrivals-daca-profiles> (click on Virginia in the interactive map); CAP Immigration Team, *TPS Holders in Virginia*, Oct. 17, 2017, [https://cdn.americanprogress.org/content/uploads/2017/10/19130617/101717\\_TPSFactsheet-VA.pdf](https://cdn.americanprogress.org/content/uploads/2017/10/19130617/101717_TPSFactsheet-VA.pdf).

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<sup>21</sup> Stinchcomb, Dennis and Berger Cardoso, Jodi, *Newcomer Central American Immigrants' Access to Legal Services* (September 2018). CLALS Working Paper Series No. 19, available at <https://ssrn.com/abstract=3254133> or <http://dx.doi.org/10.2139/ssrn.3254133>.

<sup>22</sup> U.S. CENSUS, American Fact Finder, Selected Characteristics of the Native and foreign-Born Populations 2012-2016 American Community Survey 5-Year Estimates (2016) <https://factfinder.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t> (Limiting geographic scope to “Fairfax County, Virginia” and “Foreign born; Not a U.S. citizen” column).

<sup>23</sup> There are 23,500 individuals in Virginia who are TPS holders from El Salvador, Honduras, and Haiti. There are 494,020 foreign born, non-U.S. citizens in Virginia, 161,523 (33%) of who are in Fairfax County. Assuming TPS recipients are evenly distributed throughout the foreign born, non-U.S. citizen population, this means that the share of Fairfax County’s noncitizen population who are TPS holders is 7,683 (or 33% of 23,500). Similarly, assuming the 21,200 U.S. born children in Virginia who have parents from one of these three countries are proportionally distributed, 6,931 U.S. born children with at least one TPS parent live in Fairfax County (33% of 7,683). *Id.*; CAP Immigration Team, *TPS Holders in Virginia*, Center for American Progress, Oct. 20, 2017, available at [https://cdn.americanprogress.org/content/uploads/2017/10/19130617/101717\\_TPSFactsheet-VA.pdf](https://cdn.americanprogress.org/content/uploads/2017/10/19130617/101717_TPSFactsheet-VA.pdf); U.S. CENSUS, American Fact Finder, Selected Characteristics of the Native and foreign-Born Populations 2012-2016 American Community Survey 5-Year Estimates (2016) <https://factfinder.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t> (Limiting geographic scope to “Virginia” and “Foreign born; Not a U.S. citizen” column).

<sup>24</sup> Sarah Hooker and Michael Fix, *County-Level View of DACA Population Finds Surprising Amount of Ethnic & Enrollment Diversity*, Migration Policy Institute, Sept. 2014, available at <https://www.migrationpolicy.org/news/county-level-view-daca-population-finds-surprising-amount-ethnic-enrollment-diversity> (Click on “Profiles for 111 Counties + Ranges of Error”).

<sup>25</sup> Maggie Corser, *Access to Justice: Ensuring Counsel for Immigrants Facing Deportation in the D.C. Metropolitan Area* 17, Center for Popular Democracy, April 5, 2017, available at <https://populardemocracy.org/news-and-publications/legal-aid-could-save-thousands-immigrants-dc-area-deportation> [hereinafter “Access to Justice”]; Ingrid Eagly and Steven Shafer, *Access to Counsel in Immigration Court*, American Immigration Council, Sept. 28, 2016, [https://populardemocracy.org/sites/default/files/DC\\_Access\\_to\\_Counsel\\_rev4\\_033117%20%281%29.pdf](https://populardemocracy.org/sites/default/files/DC_Access_to_Counsel_rev4_033117%20%281%29.pdf).

<sup>26</sup> 8 U.S.C. § 1362 (West 2018) (“In any removal proceedings before an immigration judge and in any appeal proceedings before the Attorney General from any such removal proceedings, the person concerned shall have the privilege of being represented (at no expense to the Government) by such counsel . . .”).

<sup>27</sup> Ingrid Eagly and Steven Shafer, *Access to Counsel in Immigration Court*, American Immigration Council, Sept. 28, 2016, available at <https://www.americanimmigrationcouncil.org/research/access-counsel-immigration-court>.

<sup>28</sup> Access to Justice, *supra* note 22.

<sup>29</sup> *Id.*

<sup>30</sup> Access to Justice, *supra* note 22.

<sup>31</sup> Jennifer Stave, et al., *Evaluation of the New York Immigrant Family Unity Project: Assessing the Impact of Legal Representation on Family and Community Unity*, Vera Institute of Justice, Nov. 2017, <https://www.vera.org/publications/new-york-immigrant-family-unity-project-evaluation>.

<sup>32</sup> A sample of these jurisdictions include: Alameda County, CA; Atlanta, GA; Austin, TX; Baltimore County, MD; Chicago, IL; Columbus, OH; Contra Costa County, CA; Dane County, WI; Denver; Oakland County, CA; New Jersey; New York City County, NY; Prince George’s County, MD; Sacramento, CA; Santa Ana, CA; Santa Clara County, CA; and San Antonio, TX. For more information see VERA’s Safe Cities initiative. *SAFE Cities Network*, Vera Institute of Justice, 2018, <https://www.vera.org/projects/safe-cities-network>.

<sup>33</sup> FAIRFAX COUNTY, STATE OF VIRGINIA, Consolidated Community Funding Pool (last accessed May 16, 2018), <https://www.fairfaxcounty.gov/humanservicesadmin/fundingpool>.

<sup>34</sup> FAIRFAX COUNTY, STATE OF VIRGINIA, Consolidated Community Funding Pool FY 2019-2020 List of Awards 7 (last accessed May 16, 2018), <https://www.fairfaxcounty.gov/humanservicesadmin/sites/humanservicesadmin/files/assets/documents/ccfp%20fy>

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[%202019-2020%20awards 4.pdf](#) (“Provides low-income immigrants in Fairfax County with financial education, citizenship support, English education, and linkage to health and social service resources in the community.”).

<sup>35</sup> *Id.* at 9 (“Provides legal services to help low-income, at-risk immigrants in Fairfax County pursue legal status and secure documentation that will increase their overall economic self-sufficiency and social stability.”).

<sup>36</sup> *Id.* at 14-22 (“The program estimates providing case management, emergency assistance, and employment services to 350 refugees who are new Fairfax County residents.”).

<sup>37</sup> *Id.* at 15 (“Provides free legal services and holistic case management to vulnerable Fairfax County immigrant women, children and non-abusive family members from diverse ethnic and national backgrounds who seek freedom from violence.”).

<sup>38</sup> *Id.* at 21 (“The program identifies the most common barriers that immigrants face in American society and responds with assistance tailored to each client’s unique needs and capacity.”).

**APPENDIX B – Joint Board Resolution in Support of Universal Representation**



COMMONWEALTH OF VIRGINIA  
**COUNTY OF FAIRFAX**



703-356-0551  
Fax 703-821-4275  
TTY 711

McLean Governmental Center  
1437 Balls Hill Road  
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**JOHN W. FOUST**  
DRANESVILLE DISTRICT SUPERVISOR

E-mail: [dranesville@fairfaxcounty.gov](mailto:dranesville@fairfaxcounty.gov)  
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**Joint Board Matter**  
**Supervisor John Foust and Supervisor Jeff McKay**  
**January 22, 2019**

*Herrity - No*

**FY2020 Budget Consideration Item**  
**Re: Comprehensive Universal Representation**

**Background:** The Board of Supervisors has received a joint request from two non-profits, CASA and CAIR Coalition, to provide financial support for a comprehensive universal representation program for Fairfax County residents (referred to herein as the "Program"). As proposed, the Program would provide legal representation, community education, and training to Fairfax County residents, including legal immigrants, who are subject to immigration enforcement, including arrest, detention and deportation. As explained by CASA, "The centerpiece of this proposal is enactment of universal representation for all Fairfax County residents, including legal immigrants, who are detained and in legal deportation proceedings." CASA describes the Program as "essentially a public defender type model for immigration court proceedings."

As explained by CASA, while deportation proceedings are a civil matter, they often resemble the adversarial process most commonly found in our criminal justice system, including prolonged incarceration of immigrants and serious consequences, including permanent expulsion from our country. CASA has described three options for funding different levels of services provided by the Program. The third option is the focus of this consideration item. It is described as a "Pilot Program" that would cost \$200,000 and provide legal representation for detained residents or residents at risk for detention, as well as providing legal rights education to county residents.



It has been clearly demonstrated that an immigrant's chances of successfully defending his or her right to stay in our community is very dependent on whether the immigrant has legal counsel. In other words, county residents who have every right to remain in our country are being deported because they cannot afford legal representation.

A program such as the one CASA and CAIR Coalition describe for universal representation would typically be funded by Fairfax County via the Consolidated Community Funding Pool (CCFP). CASA and CAIR Coalition have also represented to the Board that there are established funding sources that may be available to match any funding provided by the county. Unfortunately, the CCFP will not fund new programs until July 1, 2020. Since the last cut-off for CCFP funding (Fall of 2017) the federal government has aggressively increased and expanded the scope of its deportation efforts. Waiting until July 2020 to fund the Program would result in extreme hardship to many county residents who are legally residing in the county but have insufficient resources to make that case and need assistance.

Through CCFP, Fairfax County provides funding for several organizations that serve the immigrant community, including naturalization and citizenship support, obtaining legal status, case management for refugees, assistance for immigrant survivors of domestic violence, and integration services. Through CCFP, Fairfax County also funds several legal representation programs for indigents. During the next application period for CCFP funding (Fall 2020 for FY 2021 and 2022), CASA, CAIR Coalition and any other non-profit that seeks to provide legal representation services for immigrants can compete against other services for funding. In the interim, the critical need for these services more than justifies immediate funding of the proposed pilot program.

**Consideration Item:** herefore, we ask that the Board consider funding the Program with a one-time allocation of \$200,000 from the FY2019 3<sup>rd</sup> Quarter Review.

**APPENDIX C – Polling - Voter Attitudes on Immigration: Fairfax County**



# VOTER ATTITUDES ON IMMIGRATION: FAIRFAX COUNTY

April 10, 2019

**Tom K. Wong, PhD**  
Department of Political Science  
Director, US Immigration Policy Center  
University of California San Diego (UCSD)

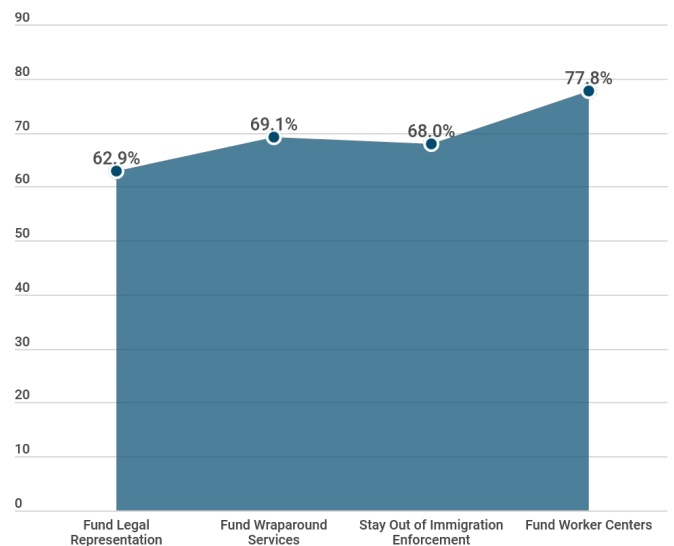
UC San Diego



# Executive Summary

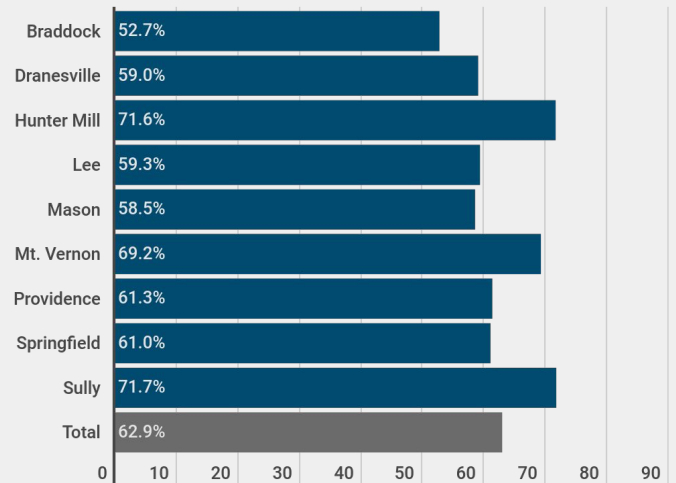
The majority of likely November voters in Fairfax County support efforts by the Fairfax County Board of Supervisors to expand services, including legal representation, to county residents facing deportation. The majority of likely November voters in Fairfax County also strongly support efforts to provide wraparound services, such as “know your rights” trainings and deportation defense classes, in order to help county residents avoid deportation. Likely November voters in Fairfax County also feel strongly that Fairfax County should stay out of the business of federal immigration enforcement by not turning county residents over to the federal government for deportation. These results reflect the fact that the large majority of likely November voters in Fairfax County feel that immigrants positively contribute to American society and culture and think that undocumented immigrants should be given a path to citizenship.

- Just over 6 out of every 10 (62.9%) likely November voters in Fairfax County support “Fairfax County funding legal representation for county residents facing deportation”
- Nearly 7 out of every 10 (69.1%) likely November voters in Fairfax County support “Fairfax County funding outreach services, including ‘know your rights’ trainings and deportation defense classes, to help county residents avoid deportation”
- Nearly 7 out of every 10 (68.0%) likely November voters in Fairfax County feel that it is important or very important that “Fairfax County stay out of federal immigration enforcement by not turning county residents over to the federal government for deportation”
- Nearly 8 out of every 10 (77.8%) likely November voters in Fairfax County support Fairfax County funding worker centers



# LIKELY VOTERS IN FAIRFAX COUNTY SUPPORT LEGAL REPRESENTATION FOR COUNTY RESIDENTS FACING DEPORTATION

- Support for legal representation for immigrants facing deportation is strongest among Democratic likely November voters (88.3%) and likely November voters who identify as politically liberal (89.1%)
- There is cross-over support as well, as 1 out of every 3 (33.2%) Republican likely November voters and just over 3 out of every 10 (30.8%) likely November voters who identify as politically conservative also support funding legal representation for county residents facing deportation
- Regardless of party, the majority of likely November voters support funding legal representation for county residents facing deportation
- When subsetting the analysis by likely 2019 primary voters, the data show that 85.9% support funding legal representation for county residents facing deportation. Among Democratic likely 2019 primary voters, this increases to 93.4%
- There is also majority support among likely November voters across all magisterial districts. This ranges from a low of 52.7% in Braddock to a high of 71.7% in Sully (followed closely by 71.6% in Hunter Mill)
- A full 75.9% of Democratic likely November voters say they would be more willing to vote for a Fairfax County supervisor if he or she supported funding legal representation for county residents facing deportation



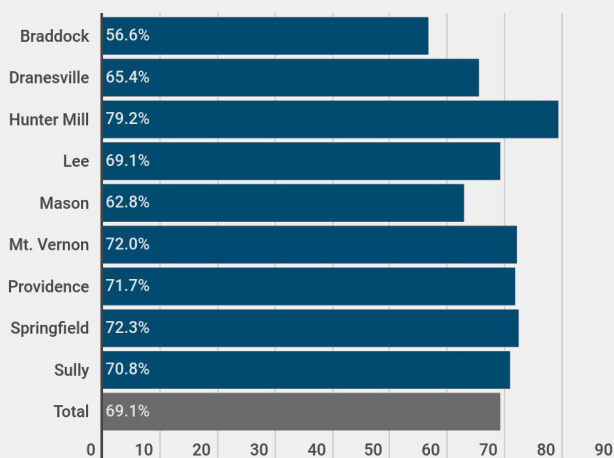
Likely November Election Voters: % Support Funding Legal Representation

- When subsetting the analysis by likely 2019 primary voters, the data show that 70.7% say they would be more willing to vote for a Fairfax County supervisor if he or she supported funding legal representation for county residents facing deportation. Among Democratic likely 2019 primary voters, this increases to 79.7%
- Moreover, a majority of likely November voters (50.7%) say they would be more willing to vote for a Fairfax County supervisor if he or she supported funding legal representation for county residents facing deportation
- The majority that is more likely to vote for a supervisor who supports funding legal representation spans every age group, gender, those with and without a bachelor's degree or higher, and for each race/ethnic demographic we tested

# LIKELY VOTERS IN FAIRFAX COUNTY SUPPORT WRAPAROUND SERVICES TO HELP COUNTY RESIDENTS AVOID DEPORTATION

- Support for wraparound services to help county residents avoid deportation is strongest among Democratic likely November voters (90.6%) and likely November voters who identify as politically liberal (91.1%)
- There is strong cross-over support as well, as just over 4 out of every 10 (40.4%) Republican likely November voters and over 4 out of every 10 likely November voters who identify as politically conservative (42.3%) also support funding outreach services to help county residents avoid deportation
- Regardless of party, the majority of likely November voters support funding outreach services to help county residents facing deportation
- When subsetting the analysis by likely 2019 primary voters, the data show that 85.3% support funding outreach services to help county residents avoid deportation. Among Democratic likely 2019 primary voters, this increases to 93.9%
- There is also majority support among likely November voters across all magisterial districts. This ranges from a low of 56.6% in Braddock to a high of 79.2% in Hunter Mill
- Nearly 8 out of every 10 (77.9%) Democratic likely November voters say they would be more willing to vote for a Fairfax County supervisor if he or she supported funding outreach services to help county residents avoid deportation
- When subsetting the analysis by likely 2019 primary voters, the data show that 71.5% say they would be more willing to vote for a Fairfax County supervisor if he or she supported funding outreach services to help county residents avoid deportation. Among Democratic likely 2019 primary voters, this increases to 83.4%
- Moreover, a majority of likely November voters (52.2%) say they would be more willing to vote for a Fairfax County supervisor if he or she supported funding outreach services to help county residents avoid deportation

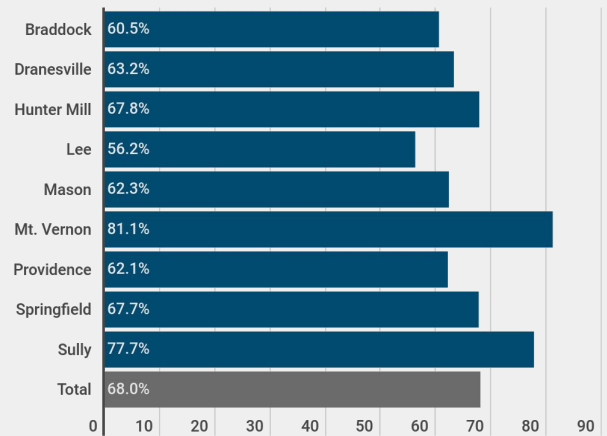
- The majority that is more likely to vote for a supervisor who supports funding outreach to those facing deportation spans every age group, gender, those with and without a bachelor's degree or higher, and for each race/ethnic demographic we tested



Likely November Election Voters: % Support Funding Wraparound Services

# SUPERMAJORITY OF LIKELY VOTERS IN FAIRFAX COUNTY WANT TO STAY OUT OF IMMIGRATION ENFORCEMENT BY NOT TURNING COUNTY RESIDENTS OVER TO THE FEDERAL GOVERNMENT FOR DEPORTATION

- Democratic likely November voters (87.3%) and likely November voters who identify as politically liberal (87.4%) feel most strongly about Fairfax County staying out of federal immigration enforcement collaboration
- There is also strong cross-over support, as nearly 4 out of every 10 Republican likely November voters (38.0%) and just under 4 out of every 10 likely November voters who identify as politically conservative (42.3%) also feel that it is important or very important that Fairfax County stay out of the business of federal immigration enforcement
- Regardless of party, the majority of likely November voters feel that it is important or very important that Fairfax County stay out of the business of federal immigration enforcement
- When subsetting the analysis by likely 2019 primary voters, the data show that 76.5% feel that it is important or very important that Fairfax County stay out of the business of federal immigration enforcement. Among Democratic likely 2019 primary voters, this increases to 80.0%
- Strong majorities of likely November voters feel that it is important or very important that Fairfax County stay out of the business of federal immigration enforcement across all magisterial districts. This ranges from a low of 56.2% in Lee to a high of 81.1% in Mount Vernon
- Over 3 out of every 4 (76.7%) Democratic likely November voters say they would be more willing to vote for a Fairfax County supervisor if he or she supported local policies that kept Fairfax County out of the business of federal immigration enforcement

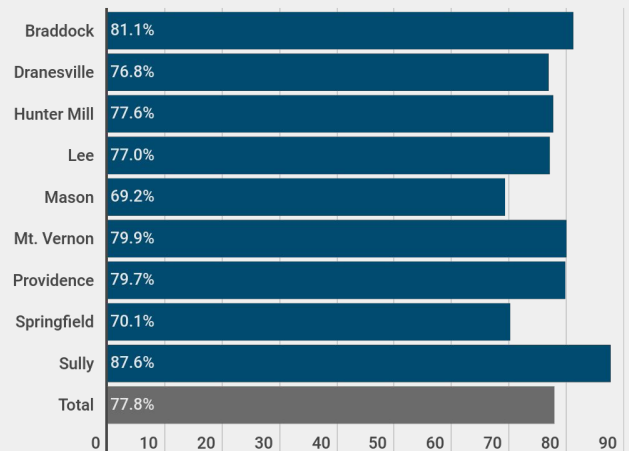


Likely November Election Voters: % Stay Out of Federal Immigration Enforcement

- When subsetting the analysis by likely 2019 primary voters, the data show that 70.2% say they would be more willing to vote for a Fairfax County supervisor if he or she supported local policies that kept Fairfax County out of the business of federal immigration enforcement. Among Democratic likely 2019 primary voters, this increases to 76.7%
- Moreover, a majority of likely November voters (54.5%) say they would be more willing to vote for a Fairfax County supervisor if he or she supported local policies that kept Fairfax County out of the business of federal immigration enforcement
- The majority that is more likely to vote for a supervisor who supports keeping Fairfax County out of the business of federal immigration enforcement spans every age group, gender, those with and without a bachelor's degree or higher, and for each race/ethnic demographic we tested

# LIKELY VOTERS IN FAIRFAX COUNTY WANT TO FUND WORKER CENTERS

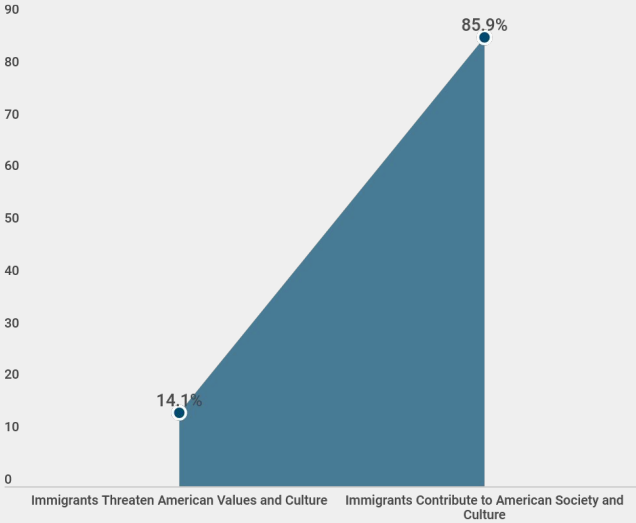
- Democratic likely November voters (92.6%) and likely November voters who identify as politically liberal (94.6%) express the strongest support for county-funded worker centers
- The majority of Republican likely November voters (58.2%) and the majority of likely November voters who identify as politically conservative (56.3%) also support Fairfax County funding worker centers
- Regardless of party, the majority of likely November voters support funding worker centers
- When subsetting the analysis by likely 2019 primary voters, the data show that 87.5% support Fairfax County funding worker centers. Among Democratic likely 2019 primary voters, this increases to 95.1%
- Strong majorities of likely November voters support Fairfax County funding worker centers across all magisterial districts. This ranges from a low of 69.2% in Mason and a high of 87.6% in Sully
- Nearly 8 out of every 10 (78.2%) Democratic likely November voters say they would be more willing to vote for a Fairfax County supervisor if he or she supported funding worker centers
- When subsetting the analysis by likely 2019 primary voters, the data show that 72.9% say they would be more willing to vote for a Fairfax County supervisor if he or she supported funding worker centers. Among Democratic likely 2019 primary voters, this increases to 82.8%



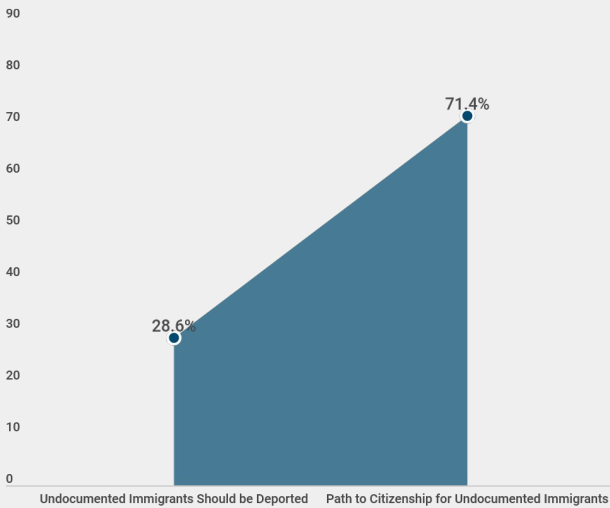
Likely November Election Voters: % Support Funding Worker Centers

- Moreover, a strong majority of likely November voters (61.9%) say they would be more willing to vote for a Fairfax County supervisor if he or she supported funding worker centers
- The majority that is more likely to vote for a supervisor who wants to fund worker centers spans every age group, gender, those with and without a bachelor's degree or higher, and for each race/ethnic demographic we tested

# SUPERMAJORITIES OF LIKELY NOVEMBER VOTERS IN FAIRFAX COUNTY FEEL THAT IMMIGRANTS CONTRIBUTE TO AMERICAN SOCIETY AND CULTURE AND THINK THAT UNDOCUMENTED IMMIGRANTS SHOULD BE GIVEN A PATH TO CITIZENSHIP



- When asked which statement comes closest to their views, 85.9% of likely November voters say that “Immigrants positively contribute to American society and culture” compared to just 14.1% who say that “Immigrants threaten traditional American values and culture”



- When asked which statement comes closest to their views, 71.4% of likely November voters say that “Undocumented immigrants should be given a path to citizenship if they meet certain requirements, such as having a clean criminal record and paying taxes” compared to just 28.6% who say that “If people are here in the country illegally, they should be deported”

# Methodology

This survey was fielded from March 8 to March 18. Likely November voters were identified using voter files obtained from NationBuilder and L2. Voters are labeled likely November voters if they voted in 3 out of the last 5, 4 out of the last 5, or 5 out of the last 5 odd-year November general elections. These voters, who comprised the sample frame, were randomly selected to participate in the survey. All surveys were conducted via phone (landlines and cell phones) by America's Survey Company (ASC). ASC was instructed to verify the identity of the voter and the address of the voter before proceeding. The raw data were weighted to reflect the citizen voting age population (CVAP) of Fairfax County by age group (18-34, 35-55, 55+), by sex, and by education (less than bachelor's degree or bachelor's degree or higher). Estimates of the size and characteristics of the Fairfax County CVAP population were obtained using the 2017 American Community Survey (ACS) 1-YR Public Use Microdata. Regarding race/ethnicity, respondents were given the option to identify as Hispanic/Latino, White not Hispanic/Latino, Black not Hispanic/Latino, AAPI not Hispanic/Latino, and "Other" not Hispanic/Latino. The margin of error is 2.9%.

\*Tom K. Wong, Ph.D., Associate Professor, Department of Political Science, UC San Diego, Director, U.S. Immigration Policy Center. Research support from Jeremiah Cha and Stephanie Peng. Email inquiries to [tomkwong@ucsd.edu](mailto:tomkwong@ucsd.edu).



April 10, 2019



**APPENDIX D – CREDO Petition in Support of Universal Representation**



101 Market St., Suite 700, San Francisco, CA 94105  
credoaction.com · credomobile.com · credoenergy.com

April 9, 2019

Fairfax County Board of Supervisors  
Fairfax County Government Center  
12000 Government Center Pkwy  
Fairfax VA, 22035

**Re: CREDO Petition in Support of Universal Representation**

Dear Fairfax County Board of Supervisors:

We write to share a petition with **460 signatures** from CREDO Action Members, including members primarily from Fairfax County and the Fairfax County area, urging the county to fund the \$200k universal representation pilot program currently being considered by the Board as part of the budget process.

Appendix A (below) contains the petition text; and Appendix B (attached to the email) contains all signatures, broken down by name, city, and zip code.

Thank you and please do not hesitate to contact me at [nregalado@credoaction.com](mailto:nregalado@credoaction.com) if you have any questions.

Sincerely,

Nicole Regalado  
Campaign Director, CREDO Action

*CREDO Action organizes for progressive change, mobilizing our millions of activists to speak out and pressure decision-makers from the local to the national levels. From opposing war to relentlessly defending reproductive freedom, protecting our environment and a healthy food system, fixing our broken democracy and fighting for an economy that works for everyone, CREDO empowers activists to work for the change we want to see, not what we are told we can achieve by Washington insiders. CREDO Action is the advocacy arm of CREDO, a social change organization that offers products – like CREDO Mobile – in order to fund grassroots activism and progressive nonprofit organizations.*



## Appendix A: CREDO Petition

Fairfax County lawmakers are considering a measure that would expand access to legal representation for all immigrants.<sup>1</sup>

**[Tell local lawmakers: Guarantee due process for every Fairfax County resident. Click here to sign the petition.](#)**

If the measure passes, Fairfax County would adopt a universal representation program that would:

- Expand access to legal counsel and support services for immigrants and their families, including those who are incarcerated and facing deportation.
- Ensure that Fairfax County immigrants know their rights.



Under current federal law, immigrants – no matter their immigration status – are not entitled to government-funded legal representation in immigration court. Without access to an attorney, immigrants are less likely to identify, apply for and secure relief. Many end up in deportation proceedings simply because they don't know their rights. This measure would give more Virginia immigrants a fair shot in court.

If we can get Fairfax County lawmakers to adopt this program, it would move the fight to protect immigrants' right to due process in Virginia and across the country one critical step forward. That's why we're teaming up with our friends at CASA to make sure it passes.

**Tell local lawmakers: Guarantee due process for every Fairfax County resident. Click here to sign the petition: <https://act.credoaction.com/sign/legal-counsel-for-fairfax-immigrants>**

Thanks for standing with immigrants,

**Nicole Regalado, Campaign Director**

**[CREDO Action from Working Assets](#)**

### **References:**

1. **CASA, "[CASA commends Fairfax County Board of County Supervisors for supporting first step to expand legal representation for immigrants in deportation](#)," Jan. 28, 2019.**

*CREDO Action organizes for progressive change, mobilizing our millions of activists to speak out and pressure decision-makers from the local to the national levels. From opposing war to relentlessly defending reproductive freedom, protecting our environment and a healthy food system, fixing our broken democracy and fighting for an economy that works for everyone, CREDO empowers activists to work for the change we want to see, not what we are told we can achieve by Washington insiders. CREDO Action is the advocacy arm of CREDO, a social change organization that offers products – like CREDO Mobile – in order to fund grassroots activism and progressive nonprofit organizations.*

**APPENDIX B – PETITION SIGNATURES**



Total signers: 460

\_\_\_\_\_  
Stephen Weber  
Alexandria VA 22314

\_\_\_\_\_  
Kenneth Lederman  
Arlington, VA 22206

\_\_\_\_\_  
Hector Palchik  
Fairfax VA 22031

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Madeline - Madeline Helbraun  
Falls Church VA 22042

\_\_\_\_\_  
Alan Levy  
Mc Lean VA 22101

\_\_\_\_\_  
Shawn W. Firth  
Falls Church VA 22043

\_\_\_\_\_  
Russell Nadel  
Springfield VA 22152

\_\_\_\_\_  
Donna G. Copson  
Reston VA 20191

\_\_\_\_\_  
Ms. Christine M. Hyland Hyland  
Oakton VA 22124

\_\_\_\_\_  
Jackie Woodby  
Reston VA 20191

\_\_\_\_\_  
Michele L Roberts  
Springfield VA 22150

\_\_\_\_\_  
Marly Gorman  
Arlington VA 22205

\_\_\_\_\_  
Amos C. Bennett  
Woodbridge VA 22191

\_\_\_\_\_  
Jim B Sitrick Jr  
Dulles VA 20189

\_\_\_\_\_  
Stephanie M. Hardy  
Springfield VA 22153

\_\_\_\_\_  
Alberto Mucino  
Arlington VA 22205

\_\_\_\_\_  
Judy Moats  
Annandale VA 22003

\_\_\_\_\_  
Ann Srubek  
Ashburn VA 20147

\_\_\_\_\_  
Lynda L West  
Falls Church VA 22044

\_\_\_\_\_  
Susan McHenry  
Sterling VA 20166

\_\_\_\_\_  
Rashaan Marie Evans  
BURKE VA 22015

\_\_\_\_\_  
Tami Palacky  
Springfield VA 22153

\_\_\_\_\_  
Rodney jones  
Manassas VA 20110

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Archer Jordan  
Alexandria VA 22307

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Barbara Seaman  
Alexandria VA 22304

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Tariq Jamaal  
Springfield VA 22153

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Andrew Wilson  
Alexandria VA 22306

\_\_\_\_\_  
Mrs. Patricia Lee Forner  
Reston VA 20191

\_\_\_\_\_  
Meghan Blydenburgh  
Fairfax VA 22032

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Edward Mulligan  
Springfield VA 22153

\_\_\_\_\_  
Anna A Kuipers  
Alexandria VA 22312

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Mildred L Lyons  
Reston VA 20190

Jay A Rose  
Woodbridge VA 22193

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James W Kelly Sr  
Centreville VA 20120

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Nadia Serhani ser.  
Alexandria VA 22306

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Gerard Wardell  
Great Falls VA 22066

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Thomas Keirnan  
Springfield VA 22153

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Manuel E Fiadeiro  
Fairfax VA 22030

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David Rosenmarkle  
22007

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Marge Mathis  
Falls Church VA 22042

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Luc H DEWULF  
Arlington VA 22213

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Rez Alborz  
Ashburn VA 20147

---

Katie Mae Stewart  
Falls Church VA 22046

---

Carolee k. Egan  
Oakton VA 22124

---

Kylie Sparks  
Centreville VA 20121

---

Gary Rinehart  
Fairfax VA 22033

---

Robert F Halsey  
VA VA 22003

---

William Glikbarg  
Great Falls VA 22066

---

Elizabeth Abraham  
Fairfax VA 22032

---

Margaret Chatham  
Falls Church VA 22043

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Mimi Frank Hodsoll  
Falls Church VA 22043

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Pat Javadi  
Oak Hill VA 20171

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Frances Maria Lewis  
Reston VA 20194

---

Robert Powers  
Springfield VA 22151

---

Nancy H Cunningham  
Oakton VA 22124

---

Hazel Brutsche  
Falls Church VA 22046

---

Theodore Alan Zook  
Arlington VA 22207

---

Janet M. Doyle  
Manassas VA 20111

---

Michael Seltzer  
Fairfax VA 22030

---

Terrance Grogan  
Reston VA 20194

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Richard Levine  
FALLS CHURCH VA 22046

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Wend Ann Sylvester  
Arlington VA 22206

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Bill Richard Richards  
Falls Church VA 22043

---

Christopher Dunn  
Woodbridge VA 22192

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James W Hartley  
Arlington VA 22207

---

Cindy L May  
Fairfax Station VA 22039

---

Joy L. Relton  
Alexandria VA 22310

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Phyllis M Lawrence  
Alexandria VA 22302

---

Eugene H LeCouteur  
Middleburg VA 20118

---

Erika Rojas Mejia  
Burke VA 22015

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DeeDee Tostanoski  
Alexandria VA 22314

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Nicole Bertrand  
Manassas VA 20109

---

Sharon Davidow  
Reston VA 20194

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Cindy S Speas  
Falls Church VA 22043

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Vincent Andre Russell  
Fairfax VA 22030

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Eleanor Herman  
Ashburn VA 20147

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Lisa A Khoury  
Springfield VA 22153

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Robert Paul Sledzaus  
Reston VA 20194

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Kathleen Darrah  
Falls Church VA VA 22041

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Marja Erwin  
Fairfax VA 22033

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James R Rechnitzer  
Burke VA 22015

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Shaun M Byrnes  
Bloomington IN 47401

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Annette Ramos  
Falls Church VA 22041

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Ilccia Porres  
Alexandria VA 22312

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Lawrence C. Hager  
Falls Church, VA VA 22041

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Sam Rifai  
Arlington VA 22201

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D D  
Lorton VA 22079

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Peter J Leff  
Arlington VA 22205

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Chalet JeanBaptiste  
Gainesville VA 20155

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Jessica McWaters  
Fairfax VA 22033

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Sheri B. Lemon  
Reston VA 20194

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Mark D. Wise  
Alexandria VA 22315

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Cindy F Gunn  
Fairfax VA 22030

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Stephen Spitz  
Falls Church VA 22041

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Ken Barter  
Haymarket VA 20169

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Keith F Brill  
Arlington VA 22204

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Linda Force  
Occoquan VA 22125

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Marvin Kagan  
Herndon VA 20170

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Susan G Schorin  
alexandria VA 22314

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Joe Marx  
Falls Church VA 22041

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Sarah Reese  
Arlington VA 22203

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Wayne B Johnson  
ALEXANDRIA VA 22302

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Lilit Yoo  
Fairfax VA 22033

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Craig Buckles  
Springfield VA 22152

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Pauline Coderre  
Springfield VA 22153

---

Martha E Kossoff  
Alexandria VA 22304

---

Mrs. Patricia Ann Liske  
Falls Church VA 22043

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Amy Ellen Rothstein  
Mc Lean VA 22101

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Elliot Daniels  
Arlington VA 22206

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Jane Jane Baldinger  
Falls Church VA 22044

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Stefan Koch  
Manassas VA 20111

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Wendy Buendia  
Alexandria VA 22311

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Bob L Tripp  
Reston VA 20190

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Shuron Putman  
Fredericksburg VA 22407

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Alex Sprague  
Alexandria VA 22314

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Gordon Kerr  
Warrenton VA 20187

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Jim Edwards-Hewitt  
Alexandria VA 22312

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Joan Roberts Singer  
Fairfax VA 22031

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Kristen Gates  
Alexandria VA 22315

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Lori A Esposito  
Annandale VA 22003

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Lew A Merkelson  
Woodbridge VA 22192

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Lorraine Schmidt  
Springfield VA 22150

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Charles Tillotson  
Mc Lean VA 22101

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Jerry W. Leach  
Reston VA 20191

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Idella Brown  
Manassas VA 20109

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Dana Whitley  
Annandale VA 22003

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Jo Ann Allen  
22045

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Donald Andress  
Vienna VA 22182

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Sandy Straus  
Centreville VA 20120

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Richard Krause  
Oakton VA 22124

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Steve C Helfen  
Ashburn VA 20147

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D B. Joyce  
Springfield VA 22153

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Ken Gigliello  
Centreville VA 20120

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Eric food Steele  
Falls Church VA 22042

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Pat Jones  
Alexandria VA 22315

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Carlos A Fernandez  
Fairfax VA 22031

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Lisa J Fues  
Alexandria VA 22301

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Walter Kowalski  
Herndon VA 20171

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Afshin Sadeghi  
Alexandria VA 22314

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Becky Daiss  
Arlington VA 22201

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Sharon Walker  
Alexandria VA 22309

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Nancy S Hyde  
Arlington VA 22205

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Sarah S  
Alexandria VA 22309

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Michael Carter  
Annandale VA 22003

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Edward Jahn  
Leesburg VA 20175

---

Shirley E Obeya  
Silver Spring MD 20910

---

Marieke Burchett  
CENTREVILLE VA 20121

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Olivier A Massot  
Arlington VA 22204

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Suzanne Keating  
Vienna VA 22182

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Christopher Thayer  
Vienna VA 22182

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Paul G. Toxie  
Herndon VA 20170

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Phillip L Corrigan  
Sterling VA 20164

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Storm Cunningham  
Arlington VA 22207

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John R Fitzpatrick  
West Springfield VA 22152

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Shirley A. Kuder  
HERNDON VA 20171

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John Roehmer  
Oakton VA 22124

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Linda Kozloff  
Springfield VA 22151

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Ms. Elizabeth B. Douglass  
2413793  
Falls Church VA 22046

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Melissa Reisland  
Reston VA 20190

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Margaret Belsan  
Fairfax VA 22030

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Carlos Maldonado  
22128

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Ronnie C. Howell  
Sterling VA 20165

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Kailey Kefi Kefi  
Herndon VA 20170

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Ruth Skjerseth  
Reston VA 20190

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Susan M Argyelan  
Reston VA 20190

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Larry Dowdy  
Vienna VA 22180

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Susan S Reichbart  
Fairfax VA 22032

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Maurice Edmond Lapierre  
Arlington VA 22207

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Arlington VA 22203

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Michelle A Ross  
Reston VA 20191

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Richard MacIntyre  
Gainesville VA 20155

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Dorothy (dottie) Dane  
Annandale VA 22003

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Shirley S. Dols  
Alexandria VA 22311

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Christie Lum  
Lorton VA 22079

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Susan M Ewing  
Alexandria VA 22303

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Jem E. Michelitch  
Arlington VA 22203

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William Zaccagnino  
Alexandria VA 22308

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Mohamed Musse  
Arlington VA 22204

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Robin N Swope  
Fairfax Station VA 22039

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Jason L Miller  
Arlington VA 22201

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Eric Mens  
Mc Lean VA 22102

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Tim Tomastik  
Fairfax VA 22033

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Jere Gibber  
Alexandria VA 22307

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William V. Brierre Jr.  
Alexandria VA 22302

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Elaine L. Mills  
Arlington VA 22204

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Ron J Karpick  
Falls Church VA 22044

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Britnie Duncan  
Manassas VA 20109

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Linda D. Crafton  
Burke VA 22015

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John Courtney  
Alexandria VA 22310

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Barbara McKenna  
Alexandria VA 22309

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James A Wheeler  
Alexandria VA 22304

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Susan T Wakefield  
Fairfax Station VA 22039

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Maria Klick  
Mc Lean VA 22101

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Mary Jo Marchant  
Reston VA 20190

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Diane Begg  
Falls Church VA 22046

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Joyce E. Howland  
Springfield VA 22153

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Susan L Grossman  
Arlington VA 22206

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Bonnie L. Hobbs  
Fairfax VA 22033

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Patrick Evensen  
Chantilly VA 20151

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Glenn Zoski  
Great Falls VA 22066

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Stephen Don Pratt  
falls Church VA 22041

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David P Chagnon  
Vienna VA 22180

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Barbara R. Lowrey  
Alexandria VA 22312

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Dorothy Johnson  
Centreville VA 20121

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Janet M. Malcolm  
Falls Church VA 22041

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MN Polis  
Burke VA 22015

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Mr. Fred Drake Jr  
RESTON VA 20191

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Teresa Bradford  
Falls Church VA 22042

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James Crannell  
Arlington VA 22202

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Duane C. Hallett  
Poland VA 20124

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Diana Franco  
Broadlands VA 20148

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Elizabeth Morig Morig  
Centreville VA 20121

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Thomas R Meier  
Manassas VA 20111

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Luci Cedrone  
McLean VA 22102

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Genevieve Swyers  
Falls Church VA 22044

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Sandra Holt  
Clifton VA 20124

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Deede Snowwhite  
Reston VA 20190

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Marjorie Runge  
SPRINGFIELD VA 22152

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Isabel Toro  
Ashburn VA 20147

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John Carroll-Gavula  
Fairfax VA 22033

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Glenn Ayres  
Fairfax VA 22033

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Jean H Lowe  
Warrenton VA 20187

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Gloria Ortiz  
Alexandria VA 22306

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Chris Clayborne  
Manassas VA 20111

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Nancy Brown  
Reston VA 20190

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Jennifer Reznick  
Somerton VA 22032

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Gayla Horn  
Arlington VA 22201

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Sarah Vickers  
Alexandria VA 22305

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Glenda Bromberg  
Alexandria VA 22314

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Diane Fernbacher  
Annandale VA 22003

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Patrick Setser  
Centreville VA 20120

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Laura Simon  
Falls Church VA 22042

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Donelle Sawyer  
Vienna VA 22180

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Georgia Chirieleison  
Vienna VA 22180

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David Bloom  
Oakton VA 22124

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Judith Tynes  
Arlington VA 22204

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Patricia E. Byrne  
Springfield VA 22153

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Amanda G  
Warrenton VA 20187

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Joel Serin  
Alexandria VA 22315

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Dragutin Cvijanovic  
Reston VA 20191

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Tanya Cowperthwaite  
Alexandria VA 22301

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Rosie Perez  
Ashburn VA 20147

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Mr James D Walsh  
Alexandria VA 22314

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Robin Lanning  
Burke VA 22015

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Christine RUPPERT Prosch  
Annandale VA 22003

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Joel Drembus  
Reston VA 20191

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Ann Ann McGill  
Reston VA 20191

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Melissa Dixon  
Vienna VA 22180

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Randall Casey  
Herndon VA 20171

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Cynthia Vervena  
Oakton VA 22124

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Donna Kittrell  
Manassas VA 20112

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James Trimm  
Alexandria VA 22304

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Shirin Wertime  
Arlington VA 22206

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Hermineh Miller  
RESTON VA 20190

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Scott Singer  
Woodbridge VA 22193

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John Horejsi  
Vienna VA 22181

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Laura E LaVertu  
Alexandria VA 22303

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Barbara Hazelett  
Vienna VA 22181

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Laura E Crepeau  
Burke VA 22015

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Stacey Elizabeth Janusz  
Springfield VA 22152

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Kerry Wingell  
Reston VA 20191

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Trace Wood  
Fairfax VA 22031

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Neysa Fernandez Moya  
springfield VA 22150

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Patricia Daniels  
Manassas VA 20109

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Georgia Michalowicz  
Manassas VA 20112

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Mary K Baumeister i  
Alexandria VA 22315

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Catharine Garber  
Alexandria VA 22309

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Helene Weiland  
Reston VA 20191

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Charlotte Spencer  
Arlington VA 22202

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Paula Petersen-Dillard  
Alexandria VA 22306

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Michael W Pan  
Vienna VA 22182

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Rebecca Scarborough  
Alexandria VA 22315

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Elizabeth B Keenan  
Falls Church VA 22042

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Carolyn Barker  
ALDIE VA 20105

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Heather Compher  
Reston VA 20190

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Joan f Feld  
Annandale VA 22003

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Amy Grosky Bergman  
Alexandria VA 22312

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Iris Elizabeth Baly  
Alexandria VA 22304

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Mia Millman  
Reston VA 20190

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Peter Sayre  
Annandale VA 22003

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Juanita A Trapp  
Alexandria VA 22309

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Cassandra Osborne  
Woodbridge VA 22193

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Linda Newell  
Fairfax Station VA 22039

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Shanna Samson  
Alexandria VA 22311

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William Welkowitz  
Arlington VA 22202

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John R Mcgaha  
Centreville VA 20120

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Kari L Sabrie  
Alexandria VA 22314

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Stephanie Thompson  
Leesburg VA 20175

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Lee nmi Gurel Ph.D.  
Alexandria VA 22304

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Cynthia Cuellar  
Fairfax VA 22031

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Jessica U Phillippi  
Falls Church VA 22041

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Michael Dougherty  
Gainesville VA 20155

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Diana Johnson  
Vienna VA 22180

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Katherine A Connell  
Arlington VA 22204

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Diane Elizabeth Doyle  
Reston VA 20191

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Sandra Middour  
Middleburg VA 20118

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Mary Farrell  
Vienna VA 22181

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Lisa Robinson  
Herndon VA 20171

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Nancy Nell  
Springfield VA 22153

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Paul Richman  
Great Falls VA 22066

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Joan Namm  
Reston VA 20190

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Richard Bahler  
Fairfax Station VA 22039

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Diane Rohn  
Mc Lean VA 22101

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Linda Hardy  
Arlington VA 22205

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Wanda Bryant Ruffin  
Woodbridge VA 22192

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Melissa Yancy  
Fairfax VA 22033

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Lea L Hodges  
Ashburn VA 20147

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Joseph M. Glombiak  
Haymarket VA 20169

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Victoria Clark  
Fairfax VA 22031

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Elizabeth Grisham  
Gainesville VA 20155

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Betty P Vignes  
Fairfax VA 22032

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Susan L Bradshaw  
Annandale VA 22003

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liz Dyer  
Alexandria VA 22307

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A+a+c = 3 Voters Jhangiani  
RESTON VA 20191

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K A Kneff  
Arlington VA 22203

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William F Brazier  
Reston VA 20194

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Megan K Parker Henderson  
Aldie VA 20105

---

Juan Carlos Montiel  
Lorton VA 22079

---

Joan Family Makurat  
FAIRFAX VA 22030

---

Steven Nasir  
Ashburn VA 20148

---

Teresa Padgett  
Bedford VA 24523

---

Maria Kalousi  
Arlington VA 22201

---

Jo Marlene Scott  
Woodbridge VA 22192

---

Brynn Johnson  
Woodbridge VA 22192

---

Megan O' O'Connor  
Fairfax VA 22033

---

Chau V Walters  
MCLean VA 22101

---

Susan Elfstrom  
Falls Church VA 22046

---

John M Kasper  
Annandale VA 22003

---

Edward J. Liberatore  
Burke VA 22015

---

Norman W. Hill  
Arlington VA 22205

---

Ann Veatch  
Mc Lean VA 22101

---

Bill Glenn  
Fairfax VA 22032

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Michael Aaron Hoffman  
Falls Church VA 22041

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Jodi Polissky  
Ashburn VA 20148

---

Cristina Moody  
Alexandria VA 22310

---

Bruce Alan Rauscher  
Alexandria VA 22312

---

Jennifer K Tulo I  
Alexandria VA 22306

---

Melissa L Leatherman  
Herndon VA 20171

---

Ina Jackson  
Oakton VA 22124

---

Robert E Jordan  
MC LEAN VA 22101

---

Elaine OMalley  
Falls Church VA 22041

---

Douglas C Banker  
Alexandria VA 22304

---

Lorie Gudmundson  
Burke VA 22015

---

Susan D. Lopez  
Alexandria VA 22310

---

Tess Rottman  
Fairfax VA 22033

---

Ruth E Petzold  
Alexandria VA 22302

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Illana n/a Naylor  
Manassas VA 20110

---

Mark L Glaser  
Lorton VA 22079

---

Jeff Nein  
Burke VA 22015

---

Kimberly C Cleland  
ASHBURN VA 20147

---

Ronald L Smith  
BURKE VA 22015

---

Jack Reilly  
Annandale VA 22003

---

Vince Anderson  
Somerton VA 20122

---

Marci Finkelstein  
Alexandria VA 22314

---

Gail Jones  
Burke VA 22009

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Lydia Rigsby  
Springfield VA 22152

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Hali Jilani  
Fairfax VA 22030

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Artemis W Westenberg  
Arlington VA 22209

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Michele Chasse  
Woodbridge VA 22193

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Haskell Taub  
Alexandria VA 22304

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Patricia Rowell PhD Rowell PhD,  
RN  
Alexandria VA 22308

---

James R Mather  
Lorton VA 22079

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Karen Karen Greenbaum  
Reston VA 20190

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Charity Hardison Moschopoulos  
Annandale VA 22003

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Phyllis B Worrell  
Warrenton VA 20187

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Paul F Macomber  
Herndon VA 20171

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Janet C. Dwire  
Alexandria VA 22315

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Jennifer Stacy  
Arlington VA 22206

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Nancy Sheehy  
Vienna VA 22181

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Jessica Cassidy  
Herndon VA 20170

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Leslie Silkworth  
Alexandria VA 22314

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Abdoulaye Sidibe  
Falls Church VA 22044

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Sarah Montuori  
Herndon VA 20170

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Roderick Joseph Harrison  
Reston VA 20194

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Paul D. Whitehead  
Falls Church VA 22046

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Al Joan Kenneke  
Oakton VA 22124

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Nicole A Williams  
Herndon VA 20171

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Donald J Walsh  
Alexandria VA 22314

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Stephen Pendleton  
Chantilly VA 20151

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Escondido CA 92027

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Lorethia Roberts  
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Dr. Diane Hopkins Ph.D.  
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Hollie Satterfield  
Fairfax VA 22033

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Judy Bryan  
Alexandria VA 22311

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Mary Anne Shea  
Arlington VA 22205

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Dian Tublin  
Herndon VA 20170

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Cheryl alston  
Mc Lean VA 22101

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Colin Edner  
Williamsburg VA 23185

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Alexine Roane  
Alexandria VA 22304

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Harriet J Hirsch  
Vienna VA 22182

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Elizabeth W Cox  
Falls Church VA 22044

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Rashmi Ripley  
FALLS CHURCH VA 22043

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Margaret Wagner  
Arlington VA 22204

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Kevin Palmiotto  
Reston VA 20194

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Samuel Rosenbaum  
Falls Church VA 22041

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Pat Onufrak  
Falls Church VA 22043

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Mr. Nicholas J. Gimbrone  
Reston VA 20191

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Nancy Nancy Wilson  
Sterling VA 20164

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Stephanie K Bomar  
CENTREVILLE VA 20121

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Anna Reed  
Fairfax VA 22031

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Karen S. Mauldin  
Falls Church VA 22044

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Annie Biggs  
Ashburn VA 20147

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Karen Oldaker  
Centreville VA 20121

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Corrine E Shearer  
Vienna VA 22180

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Michael Gropman  
Burke VA 22015

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Clifford Riis  
Manassas VA 20110

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Steven Zaret  
Arlington VA 22206

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Nsilo Oure  
Woodbridge VA 22193

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Dave Jakes  
Annandale VA 22003

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Leslie Beard  
Mc Lean VA 22102

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Charlotte Lehmann  
Manassas VA 20110

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David P Potocnik  
Haymarket VA 20169

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Pearl Z Raikin  
Woodbridge VA 22192

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Barbara Vanderbilt  
Falls Church VA 22046

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Carole S Angell  
Springfield VA 22153

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George Phillips  
Warrenton VA 20187

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J You Young  
Herndon VA 20171

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Nellie LM. Washburn  
Vienna VA 22180

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Alexandria VA 22309

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Reston VA 20190

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D M Adams  
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Ruka Kato  
Reston VA 20190

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Tess Rottman  
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Laurie S. Alstrom  
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Marilyn Underwood  
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Jemel R Buck  
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Amy E Biggs  
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Myra Price  
Arlington VA 22204

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Melina Vanchieri  
Alexandria VA 22311

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Suzanne K Bomar  
Springfield VA 22153

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Cathy L. Winsor  
Mc Lean VA 22101

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Annapolis MD 21401

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Falls Church VA 22042

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Maria Pilar del Brown  
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Douglas R Shawn  
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Lino de Gregorio  
Ashburn VA 20146

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Klef de Gregorio  
Milano VA 20146

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Barry Greenhill Greenhill  
Reston VA 20191

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Springfield VA 22150

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Robinson  
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John F Cross  
Burke VA 22015

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Beverly Burns  
Vienna VA 22180

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Christine M O'Connor  
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Patrick R DeMent  
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Aurora j sanchez  
Leesburg VA 20175

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Ermanno de Gregorio  
ASHBURN VA 20146

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Ewald de Gregorio  
Ashburn VA 20146

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Richard Johnson  
Arlington VA 22204

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Abbie A Henrickson  
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Roberto F Fernández  
Arlington VA 22209

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Marcie A Weeber  
Ashburn VA 20147

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Elizabeth M Rinehart  
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94105



**APPENDIX E – Fiscal Brief on Economic Impact of Pilot Program in Fairfax County**

## POLICY BRIEF

**DATE:** November 21, 2018  
**TO:** Fairfax County Board of Supervisors; Fairfax County Executive  
**FROM:** Jose Magaña-Salgado, CASA<sup>1</sup>  
**SUBJECT:** Fiscal Impact of Universal Representation Proposal in Fairfax County

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### I. EXECUTIVE SUMMARY

This policy brief estimates the fiscal impacts of implementing a universal representation program in Fairfax County, VA, including county Gross Domestic Product (GDP) and savings for businesses. This analysis is based off of the November 2018 proposal transmitted to the Fairfax Board of Supervisors (Board).<sup>2</sup> The proposal outlines three potential tiers for a universal representation program: (a) Option One, funded at \$1.06 million and representing 175 individuals per year (“Full Representation”); (b) Option Two, funded \$450k and representing 75 individuals (“Enhanced Pilot”); and (c) Option Three, funded at \$200k and representing 22 individuals (“Pilot”).<sup>3</sup> Over two dozen jurisdictions across the country implemented universal representation programs, which employ taxpayer dollars to provide legal counsel to county residents who are immigrants (including legal immigrants); detained; and in deportation proceedings.<sup>4</sup> Fairfax County is home to 161,523 noncitizens, representing 14 percent of the county’s 1.1 million population, making the need for representation particularly acute.<sup>5</sup>

Aside from the quantitative benefits, universal representation would have significant qualitative benefits that cannot be fiscally estimated, particularly in regard to the proposal’s wraparound services. These benefits include preserving the unity of county families; maintaining the fabric of local communities; empowering local communities to report abuses; and enhancing knowledge of rights and responsibilities under our immigration system. This analysis provides estimates regarding the economic impact of the adoption of the proposal for: (a) all three funding tiers; and (b) a single year and over a decade. The policy brief’s findings include:

- **Residents Protected from Deportation.** Eighty percent of residents represented under the proposal would likely win their case and would have been deported without representation. This includes 140 residents under Full Representation; 60 residents under the Enhanced Pilot; and 18 residents under the Pilot.
- **GDP for Single-Year Program.** The GDP gain for Fairfax County for a one-year program would be \$8 million for Full Representation; \$3.4 million for the Enhanced Pilot; and \$1 million for the Pilot.
- **GDP for Ten-Year Program.** The GDP gain for Fairfax County for a ten-year program would be \$87.9 million for Full Representation; \$37.7 million for the Enhanced Pilot; and \$11 million for the Pilot.
- **Employer Savings for Single-Year Program.** For a one-year program, Fairfax employers would save \$766k under Full Representation; \$328k under the Enhanced Pilot; and \$96k under the Pilot in turnover costs.

- **Employer Savings for Ten-Year Program.** For a ten-year program, Fairfax employers would save \$7.6 million under Full Representation; \$3.2 million under the Enhanced Pilot; and \$963k under the Pilot.

## II. METHODOLOGY

This analysis bases its assumptions off of the proposal submitted to the Fairfax County Board of Supervisors by CASA and the Capital Area Immigrants’ Rights (CAIR) Coalition.<sup>6</sup> This analysis projects the fiscal impact of all three tiers by determining the economic benefits of a resident remaining in the county, instead of being deported.<sup>7</sup> The below analysis, for both GDP and employer costs, represents the amount of economic gain that the county would experience if it implemented universal representation. Thus, the below numbers effectively represent the economic losses the county would incur if it were *not* to implement one of the proposal’s options.

This analysis utilizes baseline economic estimates generally associated with undocumented immigrants. The proposal, however, is not limited to undocumented immigrants and would provide representation to immigrants with status and employment authorization, including long-term lawful permanent residents (LPRs).<sup>8</sup> As the earnings potential for immigrants with status and employment authorization is generally higher, this policy brief likely underestimates the positive economic impact of the proposal.<sup>9</sup>

### A. Fairfax Residents Protected from Deportation Under the Proposal

	<i>Need</i>	<i>Rep.</i>	<i>Success</i>	<i>Total</i>
Full Rep.	175	175	80%	<b>140</b>
Enhanced Pilot	175	75	80%	<b>60</b>
Pilot	175	22	80%	<b>18</b>

*Source: CAIR Coalition 2018*

Table A summarizes, at all three tiers of the proposal, the total need for representation in the county (“Need”); number of residents represented at each tier of the proposal (“Rep.”); success rate for represented noncitizens (“Success”); and total number of residents who would ultimately remain in the county. CAIR Coalition estimates its success rate for detained deportation cases is 80%, meaning that 80% of the noncitizens CAIR Coalition would represent would eventually win their case and would have been deported without representation.<sup>10</sup> The remaining 20% represent individuals who either would have won their case without representation or who will likely lose their case regardless of representation.<sup>11</sup> Thus, multiplying the success percentage by the number of noncitizens represented under each tier yields the total number of county resident noncitizens protected under each tier.<sup>12</sup>

### B. Gains in Gross Domestic Product for Fairfax County

GDP represents the monetary value of goods and services produced within a jurisdiction during a set period of time and functions as a measurement of the health and productivity of an economy.<sup>13</sup> Traditionally viewed through a country-level lens, GDP is also used to assess the economic production of a state and its political subdivisions, with the Bureau of Economic Analysis under the U.S. Chamber of Commerce regularly employing state GDP as a metric of state-based economic contributions.<sup>14</sup> Utilizing

the rates of employment for noncitizen residents in the county and residents protected from deportation (and who would therefore continue to contribute to the county’s GDP), we calculate the GDP impact.

The Center for American Progress (CAP) conducted a study examining a variety of industries to estimate the short and long-term impacts of deportation of unauthorized workers on the Virginia’s GDP.<sup>15</sup> Additionally, CAP estimated how these losses would compound over a decade, using budgetary forecasts from the Congressional Budget Office.<sup>16</sup> We use these data, coupled with data from Pew, to assess the GDP impact of the proposal on the county.

1. Number of Employed Fairfax Residents Protected from Deportation

<b>Table B1. Protected and Employed</b>			
	<i>Residents</i>	<i>Emp. Rate</i>	<i>Total</i>
Full Rep.	140	90%	<b>126</b>
Enhanced Pilot	60	90%	<b>54</b>
Pilot	18	90%	<b>16</b>

Source: CAIR Coalition 2018

The above table summarizes the residents successfully protected from deportation (“Residents,” calculated in Table A); the employment rate (“Emp. Rate”); and total number of employed residents protected from deportation (“Total”). CAIR Coalition indicates that approximately 90% of the Fairfax County residents it screens are employed, stating that “[n]early everyone we encounter is working.”<sup>17</sup>

2. Increase in Fairfax County Gross Domestic Product for One-Year Program

<b>Table B2. GDP Gain for One-Year Program</b>			
	<i>Residents</i>	<i>Per Resident</i>	<i>Total</i>
Full Rep.	126	\$63,769	<b>\$8,034,894</b>
Enhanced Pilot	54	\$63,769	<b>\$3,443,526</b>
Pilot	16	\$63,769	<b>\$1,010,101</b>

Source: CAIR Coalition 2018

The above table summarizes the number of employed residents protected from deportation (“Residents”); the GDP gain per resident (“Per Resident”); and the total GDP gain for all residents for a one-year universal representation program (“Total”). Pew Estimates that there are 11.3 million undocumented noncitizens in the United States.<sup>18</sup> Of these, CAP estimates that 7 million or 62% participate in the workforce.<sup>19</sup> Pew also estimates that 300,000 undocumented noncitizens reside in Virginia.<sup>20</sup> Employing the 62% workforce participation rate, we estimate that 186,000 undocumented immigrants in Virginia are employed (e.g. 62% of 300,000). In its state level estimates, CAP projects that the GDP contribution of all undocumented workers in Virginia is \$11,861 million.<sup>21</sup> Thus, the GDP loss for the removal of each undocumented worker in Virginia is \$63,769 per year (\$11.8 billion divided by 186,000). Thus, the total GDP gain for the county resulting from a one-year program would be \$9 million at the Full Representation level; \$3.4 million for the Enhanced Pilot; and \$1 million for the Pilot.

### 3. Increase in Fairfax County Gross Domestic Product for Ten-Year Program

<b>Table B3. GDP Gain for Ten-Year Program</b>			
	<i>Full Rep.</i>	<i>Enhanced Pilot</i>	<i>Pilot</i>
2019	\$8,034,894	\$3,443,526	\$1,010,101
2020	\$8,195,592	\$3,512,397	\$1,030,303
2021	\$8,359,504	\$3,582,644	\$1,050,909
2022	\$8,526,694	\$3,654,297	\$1,071,927
2023	\$8,697,228	\$3,727,383	\$1,093,366
2024	\$8,871,172	\$3,801,931	\$1,115,233
2025	\$9,048,596	\$3,877,970	\$1,137,538
2026	\$9,229,568	\$3,955,529	\$1,160,288
2027	\$9,414,159	\$4,034,640	\$1,183,494
2028	\$9,602,442	\$4,115,332	\$1,207,164
<b>Total</b>	<b>\$87,979,848</b>	<b>\$37,705,649</b>	<b>\$11,060,324</b>

Source: CAP 2013; Pew 2016

The above table summarizes the GDP impact if the county were to continue the program on an annual basis for ten years, the standard budgetary window for long-term economic forecasts. As CAP notes, however, GDP loss is not static, with the impact on GDP being felt over a decade.<sup>22</sup> Thus, we cannot simply multiply the annual GDP gain by ten. Instead, we must, each year, assess how GDP would have grown by if a resident was not deported in the first year of the program; and the additional GDP growth for residents protected in subsequent years on a similarly annualized basis.

In its research, CAP estimates that the annualized GDP adjustment associated with undocumented workers over a ten-year window is approximately 2%.<sup>23</sup> We estimate the GDP gain for each subsequent year under each tier by employing the following formula:

$$(Previous\ Year\ GDP\ Gain * 1.02) + (Single-year\ GDP\ Gain)$$

Thus, “2019” represents the GDP gains from the residents protected from deportation in 2019; “2020” the gains from the residents protected from deportation in 2020 and the GDP compounding effect from 2019; “2021” represents the gains from 2021 and the compounding effect from 2020 and 2019, etc. Thus, the total county GDP gain for the county over ten years would be \$87.9 million for Full Representation; \$37.7 million for the Enhanced Pilot; and \$11 million for the Pilot.

#### C. Economic Gains for Fairfax Employers

The deportation of employed residents in the county also leads to turnover costs for the residents’ employers.<sup>24</sup> Turnover costs can include the outlays to temporarily fulfill an employee’s responsibilities, replacement costs (including searching, interviewing, and hiring replacement candidates), training costs, and more.<sup>25</sup> Under the proposal, employed residents successfully protected from deportation would prevent employers from incurring turnover costs associated with avoiding terminations and resignations. By calculating the turnover costs for employees who would be deported if not for

representation, we can obtain the fiscal benefit (e.g. expenditures that employers will not incur) to county employers.

CAP estimates that the average cost of turnover is approximately 19.7% of an employee’s yearly salary for jobs paying \$50k or less.<sup>26</sup> CAP estimates that the average hourly wage for undocumented immigrants is \$14.79.<sup>27</sup> The U.S. Office of Personnel Management estimates that the average amount of hours worked per year is 2,087.<sup>28</sup> Multiplying these numbers provides the average yearly wage for undocumented workers:

$$\$14.79 * 2,087 = \$30,867$$

With these data in mind, we can calculate the employer turnover costs for undocumented immigrants who would be deported without representation under the proposal:

<b>Table C. Employer Turnover Costs</b>			
	<i>Full Rep.</i>	<i>Enhanced Pilot</i>	<i>Pilot</i>
Emp. Noncitizens	126	54	16
Avg. Yearly Wage	\$30,867	\$30,867	\$30,867
Total Wages	\$3,889,208	\$1,666,803	\$488,929
Turnover %	19.7%	19.7%	19.7%
<b>One Year</b>	<b>\$766,174</b>	<b>\$328,360</b>	<b>\$96,319</b>
<b>Ten Years</b>	<b>\$7,661,740</b>	<b>\$3,283,603</b>	<b>\$963,190</b>

Source: CAIR Coalition 2018; CAP 2012

“Emp. Noncitizens” represents the number of noncitizens in the county employed and who would remain in the county. To obtain the total turnover costs saved, we multiply the number of employed residents by the average yearly wage (“Avg. Yearly Wage”); and multiply the resulting number by the turnover percentage (“Turnover %”). This yields the total turnover cost savings for employers for a one-year program. We obtain the cost to employers over ten years by multiplying the single-year costs by ten. Thus, for a one-year program, economic gains for employers would be \$766k for Full Representation; \$328k for the Enhanced Pilot; and \$96k for the Pilot. If the county were to continue the program for ten years, the economic gains for employers would be \$7.6 million for Full Representation; \$3.2 million for the Enhanced Pilot; and \$963k for the Pilot.

<sup>1</sup> Previous economic and fiscal analysis by this brief’s primary author include [Draining the Trust Funds: Ending DACA and the Consequences to Social Security and Medicare](#) (Oct. 2017); [Economic Contributions by Salvadoran, Honduran, and Haitian TPS Holders](#) (April 2017); and [Money on the Table: The Economic Impact of Ending DACA](#) (Dec. 2016). The author would like to thank Philip E. Wolgin, Managing Director of Immigration Policy, Center for American Progress; and Tom K. Wong, Associate Professor of Political Science, University of California San Diego for reviewing and providing extensive feedback on this report and the underlying methodology.

<sup>2</sup> See Letter from George Escobar, Senior Director, Human Services, CASA, Kathryn M. Doan, Executive Director, CAIR Coalition, et al. to Board of Supervisors, Fairfax County (Nov. 2018) (on file with author) [hereinafter “Proposal”].

<sup>3</sup> Proposal, *supra* note 2, at 2.

<sup>4</sup> A sample of these jurisdictions include: Alameda County, CA; Atlanta, GA; Austin, TX; Baltimore County, MD; Chicago, IL; Columbus, OH; Contra Costa County, CA; Dane County, WI; Denver; Oakland County, CA; New Jersey; New York City County, NY; Prince George’s County, MD; Sacramento, CA; Santa Ana, CA; Santa Clara County, CA; and San Antonio, TX. For more

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information see VERA's Safe Cities initiative. SAFE Cities Network, Vera Institute of Justice, 2018, <https://www.vera.org/projects/safe-cities-network>.

<sup>5</sup> U.S. CENSUS, American Fact Finder, Selected Characteristics of the Native and foreign-Born Populations 2012-2016 American Community Survey 5-Year Estimates (2016) <https://factfinder.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t> (Limiting geographic scope to "Fairfax County, Virginia" and "Foreign born; Not a U.S. citizen" column).

<sup>6</sup> Proposal, *supra* note 2.

<sup>7</sup> Where applicable, decimals are rounded.

<sup>8</sup> Based on statistical analysis of previous intakes conducted by CAIR Coalition, this analysis estimates that 12 percent of the noncitizens represented by this program or 21 individuals, would be LPR holders or immigrants with some other form of immigrant status or employment authorization. Email Interview with Kelly White, Program Director, Detained Adult Program, Capital Area Immigrants' Rights Coalition, Oct. 16, 2019 (on file with author) (indicating that 15 out of 178 individuals in previous years were LPR holders and 11 out of 178 individuals had "other form of visa/work authorization.").

<sup>9</sup> Tom K. Wong et al., *DACA Recipients' Economic and Educational Gains Continue to Grow*, Center for American Progress, Aug. 28, 2017, <https://www.americanprogress.org/issues/immigration/news/2017/08/28/437956/daca-recipients-economic-educational-gains-continue-grow/> (A survey to assess the economic gains of the approximately 800,000 undocumented immigrants who received Deferred Action for Childhood Arrivals and employment authorization found that "69 percent of respondents reported moving to a job with better pay").

<sup>10</sup> Email Interview with Kelly White, Program Director, Detained Adult Program, Capital Area Immigrants' Rights Coalition, Oct. 16, 2019 (on file with author) ("[Q:] [If] CAIR coalition were to serve 175 folks per year, how many of those folks would have otherwise been deported if not for CAIR Coalition's representation? [A:] 80%").

<sup>11</sup> *Id.*

<sup>12</sup> Considering this administration's regulatory and policy changes to the accessibility of immigration relief (e.g. usually narrowing access to that relief), especially humanitarian relief, the 80 percent figure may decrease prospectively, especially if legal challenges to these policies are not successful. See generally Kate Voigt, *Cogs in the Deportation Machine: How Policy Changes by the Trump Administration Have Touched Every Major Area of Enforcement*, April 24, 2018, available at <http://www.aila.org/infonet/aila-report-cogs-in-the-deportation-machine>; See also Joel Rose, *Lawsuit challenges Administration's Crackdown On Asylum-Seekers*, NPR, Aug. 6, 2018, <https://www.npr.org/2018/08/07/636437067/lawsuit-challenges-administrations-crackdown-on-asylum-seekers>.

<sup>13</sup> Tim Callen, *Gross Domestic Product: An Economy's All*, International Monetary Fund, July 29, 2017, <https://www.imf.org/external/pubs/ft/fandd/basics/gdp.htm>.

<sup>14</sup> BUREAU OF ECONOMIC ANALYSIS, U.S. DEPARTMENT OF COMMERCE, GDP by State (Aug. 30, 2018) <https://www.bea.gov/data/gdp/gdp-state>.

<sup>15</sup> Ryan Edwards and Francesc Ortega, *The Economic Impacts of Removing Unauthorized Immigrant Workers*, Center for American Progress, Sept. 2016, available at <https://www.americanprogress.org/issues/immigration/reports/2016/09/21/144363/the-economic-impacts-of-removing-unauthorized-immigrant-workers/> [hereinafter "Edwards"]. CAP estimated the GDP loss associated with the wholesale deportation of the entire undocumented population by focusing on the economic outlays of a subset of that population, e.g. seven million individuals who were part of the workforce and employed. Similarly, this policy brief's methodology calculates the GDP loss associated with the deportation of employed Fairfax County residents who would have been deported if not for the universal representation program.

<sup>16</sup> *Id.* at 16.

<sup>17</sup> Email Interview with Kelly White, Program Director, Detained Adult Program, Capital Area Immigrants' Rights Coalition, Oct. 16, 2019 (on file with author). The 90 percent employment rate provided by CAIR Coalition is likely higher than the 62 percent employment estimate by the CAP because CAP's estimate represents the average employment rate for *all* undocumented immigrants while CAIR Coalition's rate is derived from a self-selected group of clients, e.g. working age adults detained in detention facilities. Edwards, *supra* note 15, at 1.

<sup>18</sup> Anna Brown and Renee Stepler, *Statistical Portrait of the Foreign-Born Population in the United States*, Pew Research Center, April 19, 2016, <http://www.pewhispanic.org/2016/04/19/statistical-portrait-of-the-foreign-born-population-in-the-united-states-key-charts>.

<sup>19</sup> Edwards, *supra* note 15, at 1.

<sup>20</sup> Jeffrey S. Passel, and D'Vera Cohn, *2. State unauthorized immigrant populations*, Pew Research Center, Sept. 20, 2016, <http://www.pewhispanic.org/2016/09/20/2-state-unauthorized-immigrant-populations/>.

<sup>21</sup> CAP Immigration Team and Andrew Lomax, *Removing Unauthorized Workers Harms States and Industries Across the Country*, Center for American Progress, Sept. 21, 2016, <https://www.americanprogress.org/issues/immigration/news/2016/09/21/143408/removing-unauthorized-workers-harms-states-and-industries-across-the-country/> (Click on "Virginia.").

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<sup>22</sup> Edwards, *supra* note 15, at 16 (“Our framework distinguishes between short- and long-run effects, where the latter incorporate the adjustments of the capital stock in each industry. Following a reduction in the workforce, industry capital-labor ratios will adjust downward. This adjustment is likely to be gradual but can take place fairly rapidly if equipment can be reallocated easily to other industries or countries.”).

<sup>23</sup> Edwards, *supra* note 15, at 16.

<sup>24</sup> For this analysis, we assume that employed noncitizens who are residents of the county also work for employers situated within county and that all individuals who are detained and placed in deportations proceedings are eventually replaced by their employers.

<sup>25</sup> Heather Boushey and Sarah Jane Glynn, *There Are Significant Business Costs to Replacing Employees*, Center for American Progress, Nov. 16, 2012, <https://www.americanprogress.org/issues/economy/reports/2012/11/16/44464/there-are-significant-business-costs-to-replacing-employees/>.

<sup>26</sup> *Id.* at 2.

<sup>27</sup> Edwards, *supra* note 15, at 8.

<sup>28</sup> U.S. OFFICE OF PERSONNEL MANAGEMENT, Fact Sheet: Computing Hourly Rates of Pay Using the 2,087-Hour Divisor (last accessed Nov. 21, 2108), <https://www.opm.gov/policy-data-oversight/pay-leave/pay-administration/fact-sheets/computing-hourly-rates-of-pay-using-the-2087-hour-divisor/>.



**APPENDIX F – Background Memorandum on Universal Representation**

## MEMORANDUM

CONFIDENTIAL

**DATE:** November 21, 2018  
**TO:** Fairfax County Board of Supervisors & County Executive's Office  
**FROM:** CASA<sup>1</sup>  
**SUBJECT:** Briefing Memo on Universal Representation Campaign in Fairfax County

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### I. EXECUTIVE SUMMARY

As part of its efforts to ensure access to due process for immigrants in Fairfax County, CASA is proposing a collaboration with the Fairfax County Board of Supervisors and the County Executive to establish a universal representation program for Fairfax County residents who are noncitizens. Under this proposed program, Fairfax County would fund non-profit organizations to provide holistic support to the families of all noncitizens from Fairfax County who are detained and facing deportation in immigration court. This program would include a series of interconnected and interdependent services, including legal representation, community outreach, family support, case management assistance, non-legal case service support and referrals, and training services. This holistic program would serve as a strong commitment by Fairfax County to its immigrant residents and establish the County as the regional and national standard in providing universal representation for detained immigrants. Ultimately, the purpose of this universal representation program is to keep Fairfax families together and ensure that all noncitizens, regardless of their economic background, are able access due process and counsel in our nation's immigration courts.

### II. BACKGROUND

During its first year and a half, the Trump Administration engaged in an unprecedented expansion of our nation's enforcement and deportation apparatus.<sup>2</sup> Fairfax County residents, including legal immigrants; U.S. citizen family members; and undocumented immigrants experienced enforcement and anti-immigrant rhetoric at an alarming rate. Notably, the Administration expanded its deportation priorities to include virtually all undocumented immigrants<sup>3</sup> (rendering 9.6 million additional immigrants subject to deportation),<sup>4</sup> with U.S. Immigration and Customs Enforcement (ICE) increasingly seeking county residents near schools, courthouses, health facilities, and at their homes.<sup>5</sup> In FY 2017, the Administration increased immigration raids by 32%, leading to the collateral, untargeted arrests of over 40,000 immigrants.<sup>6</sup> ICE now arrests people at a rate of almost 400 per day, with arrests of immigrants with no

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<sup>1</sup> For questions or comments on this campaign, please contact Jose Magaña-Salgado at [jose@masdc.com](mailto:jose@masdc.com); Nicholas Katz at [nkatz@wearecasa.org](mailto:nkatz@wearecasa.org); or Michelle LaRue at [mlarue@wearecasa.org](mailto:mlarue@wearecasa.org).

<sup>2</sup> Kate Voigt, *Cogs in the Deportation Machine: How Policy Changes by the Trump Administration Have Touched Every Major Area of Enforcement*, April 24, 2018, available at <http://www.aila.org/infonet/aila-report-cogs-in-the-deportation-machine> [hereinafter "AILA Report"].

<sup>3</sup> Memorandum from John F. Kelly, Secretary, U.S. Department of Homeland Security to Kevin McAleenan, Acting Commissioner, U.S. Customs and Border Protection, et al. on Enforcement of the Immigration Laws to Serve the National Interest (Feb. 20, 2017), available at [https://www.dhs.gov/sites/default/files/publications/17\\_0220\\_S1\\_Enforcement-of-the-Immigration-Laws-to-Serve-the-National-Interest.pdf](https://www.dhs.gov/sites/default/files/publications/17_0220_S1_Enforcement-of-the-Immigration-Laws-to-Serve-the-National-Interest.pdf).

<sup>4</sup> Press Release, Migration Policy Institute, MPI: Revisions to DHS Immigration Enforcement Priorities Could Shield Vast Majority of Unauthorized Immigrants from Deportation (July 23, 2015), available at <https://www.migrationpolicy.org/news/mpi-revisions-dhs-immigration-enforcement-priorities-could-shield-vast-majority-unauthorized>.

<sup>5</sup> AILA Report, *supra* note 2, at 9.

<sup>6</sup> *Id.* at 7.

criminal record increasing by 146% in 2017 compared to the same period in 2016—to nearly 38,000.<sup>7</sup> In FY 2017, the immigration enforcement division responsible for Virginia and Washington, D.C. conducted 4,163 immigration arrests and deported 2,337 individuals.<sup>8</sup>

The Administration's increased enforcement acutely affect Fairfax County residents. Fairfax County is home to 161,523 noncitizens, representing 14 percent of the county's 1.1 million population.<sup>9</sup> There are approximately 8,000 individuals in Fairfax County who hold Temporary Protected Status (TPS) from El Salvador, Honduras, and Haiti; virtually all whom will lose that protection within the next two years.<sup>10</sup> Correspondingly, nearly 7,000 U.S. citizen children in Fairfax County have one or more parents who are TPS holders that, upon deportation, may be shuttled into the county's foster care system.<sup>11</sup> Fairfax County is also home to upwards of 18,000 individuals that currently hold or are eligible for Deferred Action for Childhood Arrivals, all of whom will eventually be subject to deportation.<sup>12</sup>

To deport an immigrant, the government places an immigrant in deportation proceedings, a series of civil and administrative hearings that occur in our nation's immigration courts, under the purview of the Executive Office for Immigration Review. While deportations proceedings are a civil matter, they often resemble the adversarial processes most commonly found in our criminal justice system, including prolonged incarceration of immigrants and serious consequences, including permanent expulsion from the country. Yet, despite the seriousness of these proceedings, under our nation's immigration laws, immigrants in deportation proceedings are not entitled to a lawyer at the cost of the government.<sup>13</sup>

Our nation's immigration laws are incredibly complex and individuals—especially detained individuals—without immigration attorneys are incredibly unlikely to win their cases. Indeed, in the Arlington Immigration Court, the court that administers deportation proceedings for Fairfax County residents, only

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<sup>7</sup> *Id.*; U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. DEPARTMENT OF HOMELAND SECURITY, ICE ERO immigration arrests climb nearly 40%, Nov. 2, 2017, <https://www.ice.gov/features/100-days> (“In total, since the President signed the EOs, ICE’s immigration enforcement activity has resulted in more than 400 arrests per day.”).

<sup>8</sup> U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. DEPARTMENT OF HOMELAND SECURITY, FY2017 ERO Administrative Arrests, 2017, available at <https://www.ice.gov/sites/default/files/documents/Document/2017/localStats2017b.pdf>.

<sup>9</sup> U.S. CENSUS, American Fact Finder, Selected Characteristics of the Native and foreign-Born Populations 2012-2016 American Community Survey 5-Year Estimates (2016) <https://factfinder.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t> (Limiting geographic scope to “Fairfax County, Virginia” and “Foreign born; Not a U.S. citizen” column).

<sup>10</sup> There are 23,500 individuals in Virginia who are TPS holders from El Salvador, Honduras, and Haiti. There are 494,020 foreign born, non-U.S. citizens in Virginia, 161,523 (33%) of who are in Fairfax County. Assuming TPS recipients are evenly distributed throughout the foreign born, non-U.S. citizen population, this means that the share of Fairfax County's noncitizen population who are TPS holders is 7,683 (or 33% of 23,500). Similarly, assuming the 21,200 U.S. born children in Virginia who have parents from one of these three countries are proportionally distributed, 6,931 U.S. born children with at least one TPS parent live in Fairfax County (33% of 7,683). *Id.*; CAP Immigration Team, *TPS Holders in Virginia*, Center for American Progress, Oct. 20, 2017, available at [https://cdn.americanprogress.org/content/uploads/2017/10/19130617/101717\\_TPSFactsheet-VA.pdf](https://cdn.americanprogress.org/content/uploads/2017/10/19130617/101717_TPSFactsheet-VA.pdf); U.S. CENSUS, American Fact Finder, Selected Characteristics of the Native and foreign-Born Populations 2012-2016 American Community Survey 5-Year Estimates (2016) <https://factfinder.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t> (Limiting geographic scope to “Virginia” and “Foreign born; Not a U.S. citizen” column).

<sup>11</sup> See calculations in previous footnote.

<sup>12</sup> Sarah Hooker and Michael Fix, *County-Level View of DACA Population Finds Surprising Amount of Ethnic & Enrollment Diversity*, Migration Policy Institute, Sept. 2014, available at <https://www.migrationpolicy.org/news/county-level-view-daca-population-finds-surprising-amount-ethnic-enrollment-diversity> (Click on “Profiles for 111 Counties + Ranges of Error”).

<sup>13</sup> 8 U.S.C. § 1362 (West 2018) (“In any removal proceedings before an immigration judge and in any appeal proceedings before the Attorney General from any such removal proceedings, the person concerned shall have the privilege of being represented (at no expense to the Government) by such counsel . . .”).

11% of detained, non-represented immigrants won their case.<sup>14</sup> An astounding 71% of detained immigrants had no legal representation at any point in their case.<sup>15</sup> Immigrants with attorneys fare better at every stage of their case, are more likely to be released from detention, identify immigration relief, and apply for and receive that relief.<sup>16</sup> In the Arlington Immigration Court, individuals with representation were twice more likely to win their case.<sup>17</sup> In New York City, which implemented one of the first universal representation programs in the nation, representation made it 1,100% more likely that an individual would succeed in their case.<sup>18</sup>

Importantly, representation does not guarantee a successful outcome for the individual fighting deportation. Those individuals who have serious criminal histories, or previous immigration violations, are often not eligible for any relief in immigration court. Providing immigrant residents of Fairfax with competent immigration counsel will ensure that cases overall are resolved more efficiently, enabling those community members with valid defenses to deportation to rejoin their family and community faster. In addition, the community support component of the model helps to mitigate the damage to families, employers and other stakeholders, while planning for the future of the Fairfax resident in detention.

Nor is universal representation novel. Nationwide, there are approximately twenty jurisdictions—including jurisdictions in conservative areas such as Atlanta, GA; Columbus, OH; Dane County, WI; San Antonio and Austin, TX that established some type of universal representation program.<sup>19</sup> These programs essentially function as a public defender system for immigrants, e.g. programs that provide legal representation for all immigrants, regardless of their circumstances. Universal legal representation moves us closer to the vision that all people, no matter their background, should have a fair day in court and an opportunity—but not a guarantee—to secure immigration relief under our laws.

The Board of Supervisors and County Executive in Fairfax County have a historic opportunity to ensure that Fairfax County serves as a model to other jurisdictions and civic leaders across the nation. By enacting a truly holistic universal representation model, Fairfax can seize the momentum around universal representation and ensure that Fairfax establishes the gold standard for universal representation.

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<sup>14</sup> Maggie Corser, *Access to Justice: Ensuring Counsel for Immigrants Facing Deportation in the D.C. Metropolitan Area* 17, Center for Popular Democracy, April 5, 2017, available at <https://populardemocracy.org/news-and-publications/legal-aid-could-save-thousands-immigrants-dc-area-deportation> [hereinafter “Access to Justice”].

<sup>15</sup> *Id.*

<sup>16</sup> Ingrid Eagly and Steven Shafer, *Access to Counsel in Immigration Court*, American Immigration Council, Sept. 28, 2016, available at <https://www.americanimmigrationcouncil.org/research/access-counsel-immigration-court>.

<sup>17</sup> Access to Justice, *supra* note 14.

<sup>18</sup> Jennifer Stave, et al., *Evaluation of the New York Immigrant Family Unity Project: Assessing the Impact of Legal Representation on Family and Community Unity*, Vera Institute of Justice, Nov. 2017, <https://www.vera.org/publications/new-york-immigrant-family-unity-project-evaluation>.

<sup>19</sup> A sample of these jurisdictions include: Alameda County, CA; Atlanta, GA; Austin, TX; Baltimore County, MD; Chicago, IL; Columbus, OH; Contra Costa County, CA; Dane County, WI; Denver; Oakland County, CA; New Jersey; New York City County, NY; Prince George’s County, MD; Sacramento, CA; Santa Ana, CA; Santa Clara County, CA; and San Antonio, TX. For more information see VERA’s Safe Cities initiative. SAFE Cities Network, Vera Institute of Justice, 2018, <https://www.vera.org/projects/safe-cities-network>.

**APPENDIX G – CASA’s Written Testimony for April 10<sup>th</sup> Budget Hearing**

Testimony of Jose Magaña-Salgado, on behalf of CASA<sup>1</sup>  
Fairfax County Board of Supervisors  
Budget Public Hearing  
April 10, 2019

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Good afternoon and thank you for allowing me to testify at today's Budget Public Hearing. My name is Jose Magaña-Salgado and I am here on behalf of CASA, a community organization that advocates for Latinos and immigrants in Fairfax County. I am here today to respectfully encourage the Board to fund the \$200k universal representation pilot program using FY 2019 carryover funds.

This program would provide legal representation to county residents who are immigrants, detained, and cannot afford legal representation; and wraparound community education to residents and their families. Of these, 28 percent will have U.S. citizen children; and 30 percent will have other U.S. citizen family.

Today you will hear from a handful of speakers on this issue, but to begin, I would like to encourage everyone in the audience to stand up if you are here in support of this program. Thank you.

**Petition.** CREDO in Action collected and transmitted a petition to the Board with close to 500 signatures in support of this program, mostly Fairfax County-area residents.

**Polling.** Last month, the U.S. Immigration Policy Center at the University of California San Diego conducted polling on this issue in all ten districts; and found that 62.9 percent of likely November voters in Fairfax County

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<sup>1</sup> For more information regarding CASA, please visit <https://wearecasa.org/>. For questions regarding this testimony, please contact [jose@masadc.com](mailto:jose@masadc.com).

supported expanding legal representation. Additionally, 75.9 percent of Democratic likely November voters would be more willing to vote for a supervisor if he or she supported this program.

**Fiscal Brief.** Fiscally, implementing universal representation in Fairfax County would generate upwards of \$8 million in GDP; and would save county businesses upwards \$766k.

**Letters.** In support, the Board has received letters from Congressman Gerald Connolly; former USCIS Director Leon Rodriguez; two retired immigration judges; the American Bar Association, constituents; and others.

I provided all of the polling, statistics, signatures, and letters mentioned in my testimony today to the Board and asked the Clerk to share a digital copy of these materials.

Fairfax County has the opportunity to be a regional leader in ensuring that immigrant residents have access to due process in our nation's immigration courts. As a DACA recipient myself, whose status will expire less than a year from today, I am acutely aware of the need for legal representation for vulnerable migrants.

On behalf of CASA, our partners, and other Fairfax County constituents, I respectfully urge the Board to vote in favor of funding this program.

Thank you for your time.

**APPENDIX H – Explanatory and Data Letters Regarding Universal Representation**



**APPENDIX H1 – Office of the Public Defender Letter on Relationship to Immigration Cases**



## COMMONWEALTH of VIRGINIA

*Chief Public Defender*  
Dawn Butorac

*Deputy Public Defender*  
Andrew Elders

*Senior Assistant Public Defenders*  
Kathryn Donoghue  
Robert Frank  
Amy Jordan  
Bryan Kennedy

*Office of the Public Defender*  
*City and County of Fairfax*  
4103 Chain Bridge Road, Suite 500  
Fairfax, Virginia 22030  
Tel: (703) 934-5600 *se habla español*  
Fax: (703) 934-5160

*Assistant Public Defenders*  
Christine Carter  
Michael Cash  
Joseph Collins, III  
Negin Farahmand  
Brian Goodman  
Pierre Greene  
Melissa Hasanbelliu  
Michael McMillin  
Kasey McNamara  
Jessica Newton  
Caitlin Payne  
Gretchen Schumaker  
Katherine Topor  
Monica Tuck  
Natalie Villalon

March 27, 2019

Fairfax County Board of Supervisors  
Fairfax Government Center  
12000 Government Center Parkway  
Fairfax, VA 22035

**RE: January 22, 2019 proposal by Supervisors McKay and Foust for immigrant representation pilot program funding.**

Dear Members of the Board of Supervisors:

I am writing at the request of the applicants for funding for immigration legal services to explain the differences between the work of the Office of the Public Defender and the work that would be done under this proposed program. The Office of the Public Defender works with many immigrant clients; however, we do not provide representation in immigration cases or in immigration court. Our representation terminates with the end of the criminal case.

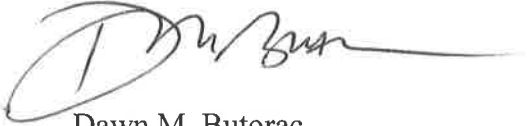
Immigration courts are administrative courts set up by Congress that are part of the federal administrative system. The Virginia Indigent Defense Commission is a Virginia State agency that represents persons charged with offenses in Virginia Courts. Virginia Code §19.2-163.3 states that the Public Defender only represents a person charged with a crime in the District and Circuit Courts of the Commonwealth and the Court of Appeals and Supreme Court of Virginia. Public Defenders do not, and cannot, represent individuals in any federal court, including immigration court.

As part of our legal duties, we do our best to explain the immigration consequences of a particular criminal offense. *Padilla v. Kentucky*, 559 U.S. 356 (2010), *Zemene v. Clarke*, 289 Va. 303 (2015). We do not provide assistance with the actual immigration case, however. We also cannot advise our clients on the finer points of immigration law beyond the consequences of the particular charge for which they are found guilty. Immigration law is a specialized area of the law that is frequently changing. Because of this, we consult with immigration lawyers to help our clients understand the consequences of their convictions.

Some of our clients are taken directly from the Fairfax Adult Detention Center to custody by Immigration and Customs Enforcement. Others are arrested by ICE in the courthouse. Still others end up arrested by ICE long after the case, and our representation, is concluded. All of our clients are indigent, and most do not have their own immigration lawyers when they work with us. Many clients who have means hire both an immigration attorney and a criminal attorney. Accordingly, our former clients are left to go to immigration court to advocate for themselves, as they have no right to an appointed lawyer in immigration court and are therefore not provided one by the court.

I hope that this letter clarifies the role the Office of the Public Defender has in the lives of our immigrant clients. We can only assist them with their criminal case, and we have no interaction with the immigration courts. If you have any questions, please feel free to contact me at 703-934-5600.

Sincerely,

A handwritten signature in black ink, appearing to read "Dawn Butorac", with a long horizontal flourish extending to the right.

Dawn M. Butorac  
Chief Public Defender  
Fairfax County

**APPENDIX H2 – CAIR Coalition Letter on Availability of Legal Services**



# Immigrant D E F E N S E

## Fact Sheet

**TO: FAIRFAX COUNT BOARD OF SUPERVISORS  
FROM: CAPITAL AREA IMMIGRANTS' RIGHTS  
COALITION (CAIR COALITION) & CASA  
RE: LEGAL SERVICES AVAILABLE IN FAIRFAX  
COUNTY**

During the January 22 Board of Supervisors Meeting, Board Members Cook and Hutchinson requested additional information regarding general availability legal services in the region. The following are responses to that request:

### **Court Appointed Attorneys for Family Law in Fairfax County, Virginia**

Virginia law provides for court appointed counsel for parents in child welfare cases. This is pursuant to Sections 16.1-266(D)(2), 16.1-267 and 19.2-159 of the Code of Virginia. The compensation these attorneys receive, in accordance with §19.2-163 and Chart of Allowances, is \$120 per child or appealable case in District Court \$158 per child or appealable case in Circuit Court.

### **Fairfax County Receives Federal Funds to Provide Free Tax Assistance to Its Residents**

Families throughout Northern Virginia received over \$8.3 million in federal refunds last tax season through this free service. The Volunteer Income Tax Assistance (VITA) program offers free tax preparation assistance to individuals and families who earn \$55,000 or less. IRS trained and certified volunteers are available at 15 sites throughout Northern Virginia and work to ensure Fairfax County residents receive the maximum tax refund and help determine if you are eligible for the Earned Income Tax Credit (EITC). There are family friendly and individual sites available to residents at 12 locations from January – April each year.

Kelly White

Program Director

CAIR Coalition



[kelly@caircoalition.org](mailto:kelly@caircoalition.org)



1612 K St. NW

Washington DC, 20006



[www.caircoalition.org](http://www.caircoalition.org)



202-769-5923



# Immigrant

## DEFENSE

# Fact Sheet

Page 2

### **Fairfax County Residents Have Access to Family Law Services through Legal Services of Northern Virginia**

Legal Services of Northern Virginia provides legal assistance in family law matters to low income residents of Northern Virginia. These legal services range from brief counsel and advice to full representation in a variety of family law matters including protective orders, custody/visitation, child support, spousal support, and separation/divorce.

### **Why is a pure pro bono model insufficient?**

The bottom-line answer is that pro bono models have proven to never be sufficient. In the Capital region, we are lucky to work in the midst of one of the largest and most engaged pro bono communities in the country. More than a dozen immigration nonprofits work with law firms, in-house legal departments, solo practitioners, and law school clinics. This accounts for thousands of volunteers. The commitment of these attorneys is laudable and does help in a significant way.

That commitment, however, is not enough and does not come near to closing the access to counsel gap. Even with such a robust pro bono commitment, there are far more people without counsel than with. There are two reasons why this has always been the case: (i) attorneys have commercial practices that limit how much time they can dedicate to pro bono cases and (ii) the attorneys are not trained and need expert guidance from nonprofits to help them provide adequate representation to pro bono clients. These two challenges will always remain, but pro bono should be part of the solution alongside with more local funding to help secure counsel.

**APPENDIX I – Letters in Support of Universal Representation Pilot Program**

**APPENDIX 11 – Lewinsville Faith in Action**



## Lewinsville Faith in Action

PO Box 172, Merrifield, VA 22116

[www.lewinsvillefaithinaction.org](http://www.lewinsvillefaithinaction.org) [info@lewinsvillefaithinaction.org](mailto:info@lewinsvillefaithinaction.org)

January 28, 2019

Fairfax County Board of Supervisors  
Fairfax County Government Center  
12000 Government Center Pkwy  
Fairfax VA, 22035

### **Re: Support of FY2020 Budget Consideration Item – Comprehensive Universal Representation**

Dear Fairfax County Board of Supervisors:

We write on behalf of Lewinsville Faith in Action to urge you to vote for funding the universal representation pilot program during the Board of Supervisors' (Board) third quarter review of the FY 2019 budget. As you know, in late April, the Board will conduct this review, while concurrently approving its FY2020 budget. During this process, the Board will vote on a joint board matter involving universal representation which was introduced by Supervisors McKay and Foust on January 22, 2019 and which ultimately passed. This consideration item asks the Board to consider providing universal representation in Fairfax County through a \$200,000 pilot program. We strongly urge you to vote in support of funding this program.

Lewinsville Faith in Action is a grass-roots organization with members across Fairfax County. Our mission is simple: "Informed by faith and fact, Lewinsville Faith in Action, in partnership with others, works for political, social, economic and environmental policies that are based on justice and compassion." To that end, where we personally love our neighbors as ourselves and promote justice for "the least of these," we must also urge our elected representatives to follow a moral and fair course of action.

The pilot program would fund legal representation for Fairfax County noncitizen residents in removal (commonly known as "deportation") who are incarcerated in immigration detention facilities, and at the same time would give support and training to families of detained residents. The county's adoption of a universal representation fund would guarantee due process for noncitizen residents with deep ties to the county. It would improve the county's fiscal outlook by reducing the collateral costs of deportation, and follow in the footsteps of almost 20 jurisdictions that have adopted similar programs. This program would benefit the estimated two dozen county residents detained and placed in removal proceedings each year.

Please see the attached information sheet. If you have any questions or would like to discuss this request further, please feel free to contact us at [cindy@lewinsvillefaithinaction.org](mailto:cindy@lewinsvillefaithinaction.org) or [jack@lewinsvillefaithinaction.org](mailto:jack@lewinsvillefaithinaction.org).

Thank you for your consideration of this request.

Cindy Speas and Jack Calhoun, co-leaders  
Lewinsville Faith in Action

**APPENDIX 12 – Robert R. Lawrence, Pro Bono Attorney**

Robert R. Lawrence  
19969 Interlachen Circle  
Ashburn, VA 20147

February 19, 2019

Fairfax County Board of Supervisors  
Fairfax County Government Center  
12000 Government Center Pkwy  
Fairfax VA, 22035

RE: SUPPORT OF UNIVERSAL REPRESENTATION PROGRAM FOR FAIRFAX COUNTY RESIDENTS

Dear County Executive Hill:

In 2017, CAIR Coalition reached out to me concerning Angel, a 25-year-old young man from El Salvador who was a detainee at Farmville Detention Center. Angel and his six-year old son Jorge fled El Salvador for a better life in the U.S. and to escape the violence suffered by Angel at the hands of the gangs because he is gay. Because homosexuality is a protected class under the asylum laws, Angel had a legitimate asylum claim and, if he prevailed, his son would be granted asylum as well.

Angel, however, could not afford an attorney. Given the complexities of immigration laws, without an attorney, Angel unlikely would have been able to convince an Immigration Judge to grant his application for asylum. Had he lost, both Angel and Jorge would be deported to El Salvador, where Angel likely would have continued to be harmed by the gangs because he is gay. I agreed to represent Angel pro bono. Following a hearing on the merits, the Immigration Judge granted asylum to both Angel and Jorge. They are now living happily in Northern Virginia.

This is one of several asylum cases that I've handled pro bono. I've also watched detainees representing themselves in Immigration Court. Many have legitimate, sound cases for asylum and other relief from removal. Without attorneys, however, their chances of vindicating their rights are very low. There is a fundamental flaw in a system where the lives of indigent immigrants in removal proceedings are at stake but they are at the mercy of non-profits with limited resources and pro bono attorneys to protect their rights and save their lives.

For these reasons, I support the Universal Representation Program for Fairfax County Residents.

Regards,

Robert Lawrence

**APPENDIX I3 – American Bar Association**

**Holly O'Grady Cook**  
Director  
Governmental Affairs Office

February 27, 2019

Fairfax County Board of Supervisors  
Fairfax County Government Center  
12000 Government Center Pkwy  
Fairfax VA, 22035

Dear Members of the Board of Supervisors:

I write on behalf of the American Bar Association (ABA) and its 400,000 members to express strong support for a proposal that you will soon be asked to vote on to provide funding to help expand legal representation for immigrants in removal proceedings.

As you know, in late April the Board of Supervisors (Board) will conduct its FY 2019 3<sup>rd</sup> quarter review of its budget while concurrently approving its FY 2020 budget. During this process, the Board will vote on a proposal, introduced by Supervisors McKay and Foust on January 22, 2019, to approve \$200,000 for a pilot program to provide universal representation for immigrant residents in removal proceedings in Fairfax County. As noted in the request, this program would provide legal representation for detained residents or residents at risk for detention, as well as provide legal rights education to all county residents.

The ABA, through its Commission on Immigration and other related entities has long emphasized the importance of representation in removal proceedings, where a lawyer's assistance is essential for a noncitizen to fully understand and effectively navigate the complexities of the U.S. immigration system. In 2017, the ABA adopted a policy supporting appointed counsel at federal government expense for indigent persons in removal proceedings. Until such federal funding is provided, the policy encourages state, local, territorial, and tribal governments to provide legal counsel to all indigent persons in their jurisdictions who are in removal proceedings and who lack the financial means to hire private counsel and who lack pro bono counsel. We also urge prioritization of such funding for detained individuals, recognizing the significant barriers detention creates for those seeking counsel.

As you are aware, under our nation's immigration laws, immigrants—including both those with lawful permanent resident status and undocumented immigrants—are not entitled to legal representation at the cost of the government during their deportation

February 27, 2019

Page 2 of 2

proceedings.<sup>1</sup> This lack of legal representation is particularly problematic considering that deportation proceedings, which are civil in nature, often resemble criminal justice proceedings, including long periods of incarceration and severe consequences, such as permanent expulsion from the United States. Numerous academic and policy studies have consistently shown that legal counsel makes a significant difference in immigration court proceedings, with represented noncitizens being more likely to identify, apply for, and secure immigration relief.<sup>2</sup> In the Arlington Immigration Court—where most Fairfax County residents appear for their case—representation doubled the likelihood that a noncitizen would successfully win their case.<sup>3</sup> And yet, despite the critical importance of representation, many noncitizens are unable to secure counsel due to financial barriers and the institutional obstacles of immigration detention. In the Arlington Immigration Court, for example, 71% of all noncitizens had no legal representation.<sup>4</sup>

In our view, the fair and efficient operation of the immigration court system is fundamentally linked to the issue of access to counsel and legal information. We believe that providing funding for legal representation for residents detained for deportation proceedings in Fairfax County will benefit the detained persons and their families, as well as the community, and urge you to support this proposal.

Thank you for your consideration of this request. If you have any questions or would like additional information, please feel free to contact Kristi Gaines, in the ABA Governmental Affairs Office, at [kristi.gaines@americanbar.org](mailto:kristi.gaines@americanbar.org) or 202-662-1763.

Sincerely,



Holly O'Grady Cook

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<sup>1</sup> 8 U.S.C. § 1362 (West 2018) (“In any removal proceedings before an immigration judge and in any appeal proceedings before the Attorney General from any such removal proceedings, the person concerned shall have the privilege of being represented (at no expense to the Government) by such counsel . . .”).

<sup>2</sup> Ingrid Eagly and Steven Shafer, *Access to Counsel in Immigration Court*, American Immigration Council, Sept. 28, 2016, available at <https://www.americanimmigrationcouncil.org/research/access-counsel-immigration-court>.

<sup>3</sup> Maggie Corser, *Access to Justice: Ensuring Counsel for Immigrants Facing Deportation in the D.C. Metropolitan Area 11*, Center for Popular Democracy, April 5, 2017, available at <https://populardemocracy.org/news-and-publications/legal-aid-could-save-thousands-immigrants-dc-area-deportation> [hereinafter “Access to Justice”].

<sup>4</sup> *Id.*

**APPENDIX I4 – AYUDA**



*Saving and rebuilding lives  
since 1973*

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**Washington Office**  
6925B Willow Street, NW  
Washington, DC 20012  
(202) 387-4848

**Virginia Office**  
2701 Prosperity Avenue, Suite 300  
Fairfax, VA 22031  
(703) 444-7009

[www.ayuda.com](http://www.ayuda.com)

March 25, 2019

Fairfax County Board of Supervisors  
Fairfax County Government Center  
12000 Government Center Pkwy  
Fairfax VA, 22035

**RE: SUPPORT OF FY2020 BUDGET CONSIDERATION ITEM – COMPREHENSIVE  
UNIVERSAL REPRESENTATION**

Dear Board of Supervisors:

I write on behalf of Ayuda to urge you to vote in support of funding the universal representation pilot program during the Board of Supervisors' (Board) third quarter review of the FY 2019 budget in April 2019. As you know, in late April the Board will conduct its FY 2019 third quarter review of its budget, while approving its FY2020 budget. During this process, the Board will vote on a joint Board matter involving universal representation, which was initially introduced by Supervisors McKay and Foust on January 22, 2019. This consideration item asks the Board to consider providing universal representation in Fairfax County through a \$200,000 pilot program. We strongly urge you to vote in support of funding this program.

As you know, Ayuda has been a member of the Fairfax County Domestic Violence Prevention, Policy, and Coordinating Council (DVPPCC) since 2013, representing marginalized and underserved populations. Ayuda is a nonprofit organization providing legal, social, and language access services to low-income immigrants in Fairfax County and across the region. In addition to serving on the DVPPCC, Ayuda is also an Advisory Team partner with the Fairfax County Domestic Violence Action Center (DVAC), a comprehensive service center that provides culturally responsive information and support services for victims of intimate partner violence and stalking. Ayuda also currently receives funding through the Fairfax County Consolidated Community Funding Pool for our Children's Program, which provides immigration legal services to children and youth across the county. Through other funding sources, including Ayuda's low bono fee-for-service model, Ayuda serves other residents of Fairfax County as well. In calendar year 2018, as just one example, Ayuda served 297 Fairfax County residents. At our Fairfax office located near the Dunn Loring metro station and its corresponding bus hub, our services are especially accessible to county residents.

The proposed pilot program would fund legal representation for Fairfax County noncitizen residents in removal proceedings (known as "deportation" proceedings) who are held in immigration detention facilities or are at risk of being detained, and would provide support and



training for families of detained residents. A universal representation fund would provide due process for noncitizen residents with deep ties to the county; improve the county's fiscal outlook by reducing the collateral costs of deportation; and join the nearly 20 other jurisdictions that have adopted similar programs. This program would benefit the estimated two dozen or so county residents detained and placed in deportation proceedings each year.

Although the stakes can be just as high in deportation proceedings as they are in a criminal trial, immigration proceedings are civil in nature, and immigrants have no right to a lawyer at government expense.<sup>1</sup> In Ayuda's experience, immigrants in these proceedings include women and men who have survived severe domestic violence and sexual abuse, sex and labor trafficking, and other crimes and abuse. Some are seeking asylum or related remedies because they have been persecuted or tortured in their home countries and fear the same—or even death—if they are forced to return home. Some are at risk of being deported even though they are eligible for remedies under our immigration laws, and even if they have lived in Fairfax County for years as valued members of our community.

Many in our community must navigate complex court proceedings on their own. The lack of a right to government-paid representation is particularly troubling considering the extreme vulnerability of some people in the immigration system, which may include lack of language skills, youth, limited literacy, and being a survivor of trauma, among other factors. Compounding these challenges, immigrants are often picked up and held in immigration detention for months or years while their cases are processed through the system, even if they are applying for immigration relief that they are entitled to under our laws. Under our laws and current policy, they may be detained regardless of whether they have ever been arrested or convicted of a crime, and regardless of their contributions or family ties to our community.

Numerous academic and policy studies have consistently shown that legal counsel makes a significant difference in immigration court proceedings, with represented noncitizens being more likely to identify, apply for, and secure available immigration relief, including the ability to remain and work in the United States.<sup>2</sup> For example, after the implementation of the New York Immigrant Family Unity Project, which is a universal representation program, noncitizens went from winning their cases 4% of the time to 48%.<sup>3</sup> There are meritorious cases for people who have avenues for relief under our laws that are currently slipping through the cracks here in Virginia. In the Arlington Immigration Court, where most Fairfax residents must appear for their cases,

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<sup>1</sup> 8 U.S.C. § 1362 (West 2018) (“In any removal proceedings before an immigration judge and in any appeal proceedings before the Attorney General from any such removal proceedings, the person concerned shall have the privilege of being represented (at no expense to the Government) by such counsel . . .”).

<sup>2</sup> Ingrid Eagly and Steven Shafer, *Access to Counsel in Immigration Court*, American Immigration Council, Sept. 28, 2016, available at <https://www.americanimmigrationcouncil.org/research/access-counsel-immigration-court>.

<sup>3</sup> *Evaluation of the New York Immigrant Family Unity Project: Assessing the Impact of Legal Representation on Family and Community Unit*, Vera Institute of Justice, Nov. 2017, <https://www.vera.org/publications/new-york-immigrant-family-unity-project-evaluation> (“Analyzing the cases already completed and using advanced statistical modeling that indicates the likely outcomes of pending cases, Vera has projected that 48 percent of cases will end successfully for NYIFUP [New York Immigrant Family Unity Project] clients. This is a 1,100 percent increase from the 4 percent success rate for unrepresented cases at Varick Street before NYIFUP.”).

representation doubled the likelihood that a noncitizen would be successful in their case.<sup>4</sup> And yet, despite the critical importance of representation, many noncitizens are unable to secure counsel due to financial barriers and logistical obstacles of immigration detention. Recent data showed that in the Arlington Immigration Court 71% of all noncitizens had no legal representation.<sup>5</sup>

The detention and deportation of county residents already imposes costs on the county and its taxpayers. The proposed universal pilot program would promote \$8 million in GDP growth and save employers \$766K in turnover costs.<sup>6</sup> On a macro level, the deportation of the county's entire undocumented population would lead to a reduction of GDP of upwards of \$11.8 billion and loss of 62,000 jobs.<sup>7</sup> Moreover, deportations place a severe strain on the county's businesses and social safety net. Deportations in Virginia already contributing to \$6 million in avoidable turnover costs to Virginia businesses and nearly \$1 million in additional social services costs associated with the care of the U.S. citizen children who remain in the country after the deportation of a parent.<sup>8</sup>

Thank you for your consideration of this request. If you have any questions or would like to discuss this request further, please feel free to contact me at 571-385-4114 or Ayuda Legal Director Laurie Ball Cooper at 202-349-0656, or [laurie.ballcooper@ayuda.com](mailto:laurie.ballcooper@ayuda.com).

Thank you for your attention.

Sincerely,



Paula Fitzgerald  
Executive Director

Cc: Jose Magaña-Salgado

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<sup>4</sup> Maggie Corser, *Access to Justice: Ensuring Counsel for Immigrants Facing Deportation in the D.C. Metropolitan Area 11*, Center for Popular Democracy, April 5, 2017, available at <https://populardemocracy.org/news-and-publications/legal-aid-could-save-thousands-immigrants-dc-area-deportation> [hereinafter "Access to Justice"].

<sup>5</sup> Id.

<sup>6</sup> Jose Magaña-Salgado, *Fiscal Impact of Universal Representation Proposal in Fairfax County*, CASA, Nov. 21, 2018, available at <https://goo.gl/Xkermq>.

<sup>7</sup> Andrew Lomax, *Removing Unauthorized Workers Harms States and Industries Across the Country*, Center for American Progress, Sept. 21, 2016, <https://www.americanprogress.org/issues/immigration/news/2016/09/21/143408/removing-unauthorized-workers-harms-states-and-industries-across-the-country/> (click on "Virginia."); Access to Justice, *supra* note 4 at 16.

<sup>8</sup> Access to Justice, *supra* note 4 at 4.

**APPENDIX I5 – Former USCIS Director Leon Rodriguez**

March 26, 2019

Fairfax County Board of Supervisors  
Fairfax County Government Center  
12000 Government Center Pkwy  
Fairfax VA, 22035

Dear Fairfax County Board of Supervisors:

My name is Leon Rodriguez and I write as the former Director of the U.S. Citizenship and Immigration Services (USCIS), our nation's federal immigration benefits agency, to encourage the Fairfax Board of Supervisors ("Board") to vote in support of funding the proposed universal representation pilot program at its April 30<sup>th</sup>, 2019 budget meeting. As the former Director of our nation's premiere immigration benefits agency, I witnessed firsthand the need for legal representation in our nation's civil immigration system. A \$200k universal representation pilot program serving approximately two dozen county residents would provide the resources for Fairfax County residents to navigate an increasingly complicated immigration system and ensure equal access to the due process and immigration relief.

Currently, I am a partner at Seyfarth Shaw LLP, an international firm focusing on litigation, employment, corporate, real estate, and employee benefits. In my current role, I am a founding member of the firm's Immigration and Compliance Specialty Team, assisting corporate clients in abiding by and meeting federal compliance in the area of federal immigration.<sup>1</sup> Under the Obama Administration, I served as Director of USCIS from 2014 through 2017, overseeing 19,000 government employees and contractors across 250 offices across the world. On average, USCIS adjudicates more than 26,000 requests for immigration benefits each day. Housed within the U.S. Department of Homeland Security (DHS), USCIS adjudicates and approves immigration applications in the spheres of family, business, and humanitarian relief. During my time at USCIS, I also oversaw the implementation of Deferred Action for Childhood Arrivals (DACA); and collaborated with DHS to support the extension of Temporary Protected Status (TPS) for a variety of countries. In Fairfax County, there are upwards of 18,000 individuals who currently hold or would be eligible for DACA. The county is also home to approximately 8,000 TPS holders and 7,000 of their U.S. citizen children. This administration terminated or rescinded most of these protections and, absent judicial intervention or Congressional action, but these populations will soon be at risk for arrest, detention, and deportation.

A critical part of USCIS' mission is the fair and just implementation of our nation's immigration laws, particularly in regard to granting immigration benefits to eligible noncitizens. To do that—legal representation is absolutely essential. Our nation's immigration system is incredibly complex, existing as an interrelated series of statutes, regulations, policies, and unannounced practices. For most immigration benefits, navigating this system with a competent immigration attorney is challenging; navigating the system without any sort of legal counsel is close to impossible. As USCIS is the benefits

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<sup>1</sup> I write this letter in my individual capacity and not on the behalf of Seyfarth Shaw LLP.

arm of the nation's federal immigration system, a denied application generally did not result in referral for deportation. The stakes for denials in our nation's immigration courts, however, are much higher. This is particularly true under the current administration, where USCIS has now implemented policies which automatically place a far greater number of individuals into deportation proceedings upon the denial of their application for relief.

USCIS exists in tandem with other federal agencies tasked with administering our nation's immigration system, including U.S. Immigration and Customs Enforcement and the Executive Office for Immigration Review (EOIR) within the U.S. Department of Justice. It is within EOIR that the Fairfax County proposed pilot program would play a key role, providing legal counsel to detained Fairfax County residents fighting their case in immigration court. Within EOIR, the denial of immigration relief, is often the first step to deportation of an individual, even long-time residents with deep connections to their communities.

The urgency of this program cannot be understated. Under this administration, USCIS is being transformed from a benefits agency to an enforcement agency, referring more and more applicants to EOIR for deportation proceedings. Even before this administration began its campaign to curtail due process for immigrants in deportation proceedings, immigration courts were the most pressured and confusing judicial environments in the country, as judges struggled to keep up with staggering caseloads and inadequate staffing. This administration has made things far worse, engaging in an unprecedented campaign to further erode due process in our nation's immigration courts, including upending longstanding case law making it more difficult to obtain immigration relief; pressuring immigration judges to deny continuances and issue rushed decisions; and undermining the ability of immigrants to secure and retain counsel. Immigration counsel not only makes the difference between winning or losing a case, but for those fleeing persecution and torture—the difference between life and death.

As an individual with an immigrant background myself, I fully recognize the critical role that immigrants and their families play in our communities, businesses, and the very fabric of our nation. Local jurisdictions, like Fairfax County, act in the best interest of all their residents when they defend their community members in the face of an increasingly harsh climate. For these reasons, I strongly urge the Board to vote in support of the proposed pilot program and ensure that equal access to justice is available to Fairfax residents. If you have any questions about this letter, please do not hesitate to contact me at [leonpitt@comcast.net](mailto:leonpitt@comcast.net).

Thank you.



Leon Rodriguez  
Partner  
Seyfarth Shaw LLP

**APPENDIX I6 – Congressman Gerald Connolly**

GERALD E. CONNOLLY

11TH DISTRICT, VIRGINIA  
2238 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-1492

FAIRFAX OFFICE:

4115 ANNANDALE ROAD  
SUITE 103  
ANNANDALE, VA 22003  
(703) 256-3071

PRINCE WILLIAM OFFICE:

2241-D TACKETT'S MILL DRIVE  
WOODBIDGE, VA 22192  
(571) 408-4407

Congress of the United States  
House of Representatives  
Washington, DC 20515-4611

March 27, 2019

COMMITTEE ON OVERSIGHT AND REFORM

SUBCOMMITTEES:

CHAIRMAN, GOVERNMENT OPERATIONS  
ECONOMIC AND CONSUMER POLICY

COMMITTEE ON FOREIGN AFFAIRS

SUBCOMMITTEES:

MIDDLE EAST, NORTH AFRICA, AND INTERNATIONAL  
TERRORISM  
ASIA, THE PACIFIC, AND NONPROLIFERATION

Fairfax County Board of Supervisors  
Fairfax County Government Center  
12000 Government Center Parkway  
Fairfax, VA 22035

Dear Chairman Bulova and members of the Board of Supervisors,

I write to voice my support for approval of a pilot program that would provide funding to expand legal representation for immigrants who find themselves in removal proceedings. The Comprehensive Universal Representation proposal was introduced by Supervisors McKay and Foust in January, 2019 and would allocate \$200,000 for legal representation for detained immigrants or those who are at risk for detention as well as funding for legal rights education to all county residents. I understand that this matter is scheduled for a vote on April 30, 2019.

As you are aware, removal proceedings are civil matters but potentially have devastating impacts on those involved including incarceration, deportation, and family separation. Unfortunately the vast majority - more than 70% - of those appearing in the Arlington Immigration Court lack legal representation. It is estimated that chances of prevailing in court more than doubles when those appearing before the court have legal representation. Universal representation has the support of many advocacy and business organizations including CASA, CAIR, and the American Bar Association, and has been established in numerous jurisdictions in the country.

Fairfax County is home to nearly 162,000 noncitizens, including approximately 8,000 TPS beneficiaries and 18,000 DACA recipients. Unfamiliarity with court proceedings and the English language combined with the complexity of federal immigration laws and procedures leaves our immigrant neighbors more vulnerable to unfavorable outcomes in their cases. Only competent and qualified legal representation can ensure that noncitizens receive a fair hearing and the benefit of all protection available under applicable law.

There is also a fiscal aspect that supports approval of this program. The Center for American Progress conducted a study to estimate the impacts of deportation on the Fairfax County GDP. This study concluded that the GDP gain to the county for the pilot program would exceed \$1 million in the first year and would also save local employers approximately \$96,000 in turnover costs.

The benefits of this program on the lives of those detained and their families, as well as to our community and businesses are far-reaching. I strongly support the approval of this program and thank you in advance for your consideration.

Sincerely,



Gerald E. Connolly  
Member of Congress  
11<sup>th</sup> District, Virginia

**APPENDIX 17 – UndocuBlack Network**





April 3rd, 2019

Fairfax County Board of Supervisors  
Fairfax County Government Center  
12000 Government Center Pkwy  
Fairfax VA, 22035

**RE: UNDOCUBLACK NETWORK'S SUPPORT OF UNIVERSAL REPRESENTATION PILOT PROGRAM IN FAIRFAX COUNTY**

Dear Fairfax County Board of Supervisors:

I write on behalf of UndocuBlack Network (UBN),<sup>1</sup> a multigenerational network of currently and formerly undocumented Black people, our mission is to foster community, facilitate access to resources and contribute to transforming the realities of Black immigrants. **Our network encourages you to vote in support of funding the \$200k comprehensive universal representation pilot program.** As you know, in January of 2019, Supervisors McKay and Foust introduced a joint board matter item proposing the funding of a universal representation pilot; and a vote on funding the program is currently scheduled for early May. We strongly urge you to vote in support of funding this program, as it would measurably improve the lives of our members in Fairfax County.

Universal representation is particularly critical for Black immigrants, who exist at the intersection of the criminal justice and civil immigration systems. Under this administration, state and local enforcement often serve as a critical part of the deportation pipeline, identifying, detaining, and referring immigrants to U.S. Immigration and Customs Enforcement (ICE) for deportation. Black immigrants, therefore, are more likely to be placed into this pipeline as a result of racial profiling, which makes black immigrants more likely to be detained and arrested by local police; and subsequently referred to ICE for deportation.<sup>2</sup>

Criminalization of Black bodies through our criminal justice system makes it substantially more likely that ICE will priorities Black immigrants for arrest, detention, and deportation—even for old, stale, or rehabilitated convictions. Under our current immigration law, even if an immigrant had an old conviction expunged or rehabilitated at the state and local level, that conviction still exists for the purposes of immigration

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<sup>1</sup> UndocuBlack Network, <http://undocublack.org/>.

<sup>2</sup> Dale Russakoff and Deborah Sontag, *For Cops Who Want to Help ICE Crack Down on Illegal Immigration, Pennsylvania Is a Free-for-All*, PROPUBLICA, April 12, 2018, <https://www.propublica.org/article/pennsylvania-immigration-ice-crackdown-cops-free-for-all>. See, for example, the role of racial profiling in regard to another community of color, Latino individuals; and the intersection between racial profiling by local law enforcement and immigration enforcement. *Id.*

enforcement.<sup>3</sup> Together, these factors drive disproportionate rates of arrests, detention, and deportation of Black immigrants. For example, even though only seven percent of immigrants are Black, they constitute almost 20 percent of all individuals facing deportation stemming from previous criminal justice contacts.<sup>4</sup> Currently we have members in UBN who can't afford an immigration attorney and/ or have had a delay in obtaining quality legal services which has directly led to their prolonged detention or even deportation. This of course, destabilizes entire communities where Black immigrant families work, live, & fellowship.

Universal representation is particularly critical for Temporary Protected Status (TPS) holders from Haiti, including longtime residents who lived in the United States since January of 2011 or earlier. On average, Haitian TPS holders have lived in the United States for 17 years, with nearly a third entering the United States before the age of 18.<sup>5</sup> There are 23,500 individuals with TPS in Virginia (including TPS holders from Haiti, El Salvador, and Honduras) with 21,200 U.S. citizen children; and Virginia would lose \$1.3 billion in state GDP without these TPS holders.<sup>6</sup> Similarly, the administration also scheduled the termination of protections for upwards of 4,000 Deferred Enforced Departure (DED) holders from Liberia, who will similarly be subjected to arrest, detention, and deportation in less than a year.<sup>7</sup>

UndocuBlack's core missions include building power with and for our communities through advocacy, local organizing, and cultivating strategic alliances to advance policies that affect our daily lives; and centering the humanity, dignity, and wellbeing of our communities in all aspects of our work. The ability for Black immigrants to apply for and access immigration relief in our nation's immigration court cuts to the very heart of policies affecting members' day to day lives and the humane implementation of our immigration system. Moreover, our work involves supporting Black immigrants at all socioeconomic levels, and universal representation is a key tool in making sure all of our community has access to representation when facing deportation.

Thank you for your consideration of this request. If you have any questions or would like to discuss this request further, please feel free to contact me at [Deborah@undocublack.org](mailto:Deborah@undocublack.org) or 5124685175.

Thank you.  
Deborah Alemu  
Organizing Director  
UndocuBlack Network

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<sup>3</sup> Kathy Brady, *What Qualifies as a Conviction for Immigration Purposes*, Immigrant Legal Resource Center, Feb. 2018, <https://www.ilrc.org/what-qualifies-conviction-immigration-purposes> ("The immigration statute contains its own definition of when a conviction has occurred in state criminal court – regardless of what state law says").

<sup>4</sup> Jeremy Raff, *The 'Double Punishment' for Black Undocumented Immigrants*, THE ATLANTIC, Dec. 30, 2017, <https://www.theatlantic.com/politics/archive/2017/12/the-double-punishment-for-black-immigrants/549425/>.

<sup>5</sup> Nicole Prchal Svajlenka, *What Do We Know About Immigrants With Temporary Protected Status?*, CENTER FOR AMERICAN PROGRESS, Feb. 11, 2019, <https://www.americanprogress.org/issues/immigration/news/2019/02/11/466081/know-immigrants-temporary-protected-status/>.

<sup>6</sup> CAP Immigration Team, *TPS Holders in Virginia*, CENTER FOR AMERICAN PROGRESS, Oct. 17, 2017, [https://cdn.americanprogress.org/content/uploads/2017/10/19130617/101717\\_TPSFactsheet-VA.pdf](https://cdn.americanprogress.org/content/uploads/2017/10/19130617/101717_TPSFactsheet-VA.pdf).

<sup>7</sup> Orion Donovan-Smith, *Her ancestors were enslaved in the U.S. Now a Trump decision could lead to her deportation to Africa*, THE WASHINGTON POST, March 8, 2019, <https://www.washingtonpost.com/nation/2019/03/08/why-this-descendant-black-american-slave-is-being-deported/>; WHITE HOUSE, Memorandum on Extension of Deferred Enforced Departure for Liberians, (March 28, 2019) <https://www.whitehouse.gov/presidential-actions/memorandum-extension-deferred-enforced-departure-liberians/>.

**APPENDIX 18 – Immigration Judge John F. Gossart (Retired)**

**The Honorable John F. Gossart, Jr. (retired)**  
**32712 Firenzia Court**  
**Ocean View, DE 19970**  
[Judge800@yahoo.com](mailto:Judge800@yahoo.com)  
**240-304-8183**

March 4, 2019

Fairfax County Board of Supervisors  
12000 Government Center Pkwy  
Fairfax, VA 22035

**RE: Support of Comprehensive Universal Representation Pilot Program**

Dear Fairfax County Board of Supervisors:

I write to express my unequivocal support for funding the comprehensive universal representation pilot program scheduled for a vote during the April 30, 2019 Fairfax County budget hearing. Though I have recently moved out of state, I was a proud resident of the DMV area residing in Maryland for 65 years of my life. In 1967, after graduating from the University of Maryland, I enlisted in the United States Army. I am a veteran of the Vietnam war. I am also an alumnus of the University of Baltimore School of Law where I attended under the GI Bill. I served as a United States Immigration judge for thirty-one years, at the Baltimore Immigration Court. During my tenure on the bench, I also presided over cases in many of our jurisdictions throughout the United States and the Virgin Islands. In 2013 I retired from the bench and received the Attorney General Medal. From 1997 to 2016 I was also an adjunct professor of immigration law at the University of Baltimore School of Law and from 2013 to 2016 I was also an adjunct professor at the University of Maryland Carey School of Law.

During my thirty-one years as an immigration judge, the number of people coming through my courtroom steadily increased. Even then, the immigration courts were not able to keep up with the increasing caseloads. The problem was compounded by the lack of counsel to help non-citizens in threat of deportation navigate our complex legal immigration court system. Without attorneys, individual cases languished in immigration court. Judges were forced to provide generic explanations of the immigration law to unrepresented non-citizens. Multiple postponements became a common and necessary practice so that non-citizens could try to find pro bono counsel. Unfortunately, the pro bono system was and remains unable to keep up with the need for counsel. Consequently, most non-citizens were forced to proceed pro se.

The Trump administration has only exacerbated the existing problems of the immigration court system. The Administration has taken an already beleaguered immigration court system and has crippled the immigration bench with an impossible quota requirement for our judges. Simultaneously, the administration substantially increased enforcement efforts, detaining larger numbers of non-citizens and increasing the burden on the court backlogs. These changes form an unprecedented assault on the basic due process rights of those facing deportation.

The immigration court system has badly needed the equivalent of a public defender system for years. That need has never been greater than it is right now. In the Arlington Immigration Court, which handles cases for Fairfax County residents, only 11% of detained immigrants without representation were successful in their case.<sup>i</sup> Attorneys not only ensure due process for their clients, which a judge alone cannot do, but also allow the entire system to run more effectively. Attorneys, not judges, are the only ones able to provide meaningful, accurate legal advice concerning the merits of a specific individual's case. By relieving judges of the role of legal advisor to the non-citizens before them, and transferring that obligation where it rightfully belongs, to counsel, non-citizens will have access to the basic due process rights they are entitled to under current immigration law. Judges can then focus on the merits of the case, rather than the logistics of postponements and delays in the hopes that one can find and secure counsel.

One of the many myths perpetuated by the current administration is that it is easy to obtain legal immigration status in the United States. Nothing could be further from the truth, even for an individual who has been living in the United States for decades, paid taxes, and has United States citizen children; immigration relief is by no means guaranteed or, in some cases, even an option. The principles of due process, the right to be heard, and a fair day in court are central to America's vision of justice—but there is no constitutional guarantee to legal representation in Immigration Court. An astounding 71% of detained immigrants had no legal representation at any point in their case.<sup>ii</sup>

The rigorous enforcement of current immigration law has resulted in thousands of families being separated and has perpetuated a system that keeps millions of people living in the shadows with no legal recourse to remain in the United States with their families. There are 7,000 U.S. citizen children in Fairfax County that have one or more parents who are Temporary Protected Status holders and who could potentially be shuttled into the county's foster care system if their parents were deported. These long-standing community members are now one of the primary, active targets of the Administration.

The most meaningful solution to this problem, absent immigration reform that restores discretion to immigration judges, is to provide attorneys to all low-income non-citizens, regardless of their status or criminal history. In the Arlington Immigration Court, which handles cases for Fairfax County residents, individuals with representation were twice

more likely to win their case.<sup>iii</sup> Every individual who passes through the immigration court system is entitled to due process. That right has never been more imperiled than it is now. I strongly and respectfully urge you to allow immigration judges to assess the merits of the case, rather than passing pre-emptive judgment by limiting access to counsel for certain members of your community.

Having counsel is actually likely to speed up the deportation of those with serious criminal convictions and no eligibility for relief. After having been advised by counsel of the limits of their options in the immigration court system, they will be ordered removed, expeditiously, rather than languishing and causing delays for all of the other cases. By contrast, those with less serious convictions and greater equities—like U.S. citizen family members, or a long period of rehabilitation, or the likelihood of persecution in their country of origin—will have a meaningful opportunity to present their cases to a judge. I am sure that I speak for all of my fellow judges when I say that we take very seriously our responsibility to keep our communities safe. Given their position and commitments, immigration judges are simply in the best position to assess the dangerousness of an individual and to weigh the benefits and costs of their continued presence in our communities. They can do that best when all cases are well and thoroughly presented by counsel. Access to counsel benefits not just the individual, but all participants in the immigration court system.

Thank for your consideration and please consider making counsel available to all of your non-citizen residents in immigration court proceedings.

Sincerely,  
John F. Gossart Jr.

U.S. Immigration Judge (retired)

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<sup>i</sup> Maggie Corser, *Access to Justice: Ensuring Counsel for Immigrants Facing Deportation in the D.C. Metropolitan Area* 4, 17, Center for Popular Democracy, April 5, 2017, available at <https://populardemocracy.org/news-and-publications/legal-aid-could-save-thousands-immigrants-dc-area-deportation>.

<sup>ii</sup> *Id.*

<sup>iii</sup> *Id.*

**APPENDIX 19 – Immigration Judge Paul W. Schmidt (Retired)**

April 8, 2019

Fairfax County Board of Supervisors  
Fairfax County Government Center  
12000 Government Center Pkwy  
Fairfax, VA 22035

**Re: Letter from Retired Immigration Judge Schmidt in Support of Universal Representation**

Dear Board of Supervisors:

I write to urge you to vote in support of funding the \$200k universal representation pilot program, which would provide legal representation for Fairfax County residents who are detained and in deportation proceedings. I write as a retired immigration judge who served for over two decades under the Executive Office for Immigration Review (EOIR) and who has a keen understanding of the role and necessity of due process in deportation proceedings. By implementing a universal representation program in Fairfax County, the Board would follow in the footsteps of over two dozen jurisdictions and make measurable progress in ensuring that Fairfax residents avail themselves to the immigration relief established by Congress. I commend the Board for taking initial steps in recognizing the need to ensure due process for its immigrant residents facing deportation by voting to consider funding of universal representation. I urge you to vote in support of this program during your May 7, 2019 budget meeting.

For 21 years, I served as an Appellate Judge on the Board of Immigration Appeals, and a U.S. Immigration Judge at the Arlington Immigration Court.<sup>1</sup> The Arlington Immigration Court is also the court where detained Fairfax residents appear for their immigration cases. I was the Chair of the Appeals Board for six years. Though I am since retired, I follow with great interest and concern the immigration court's troubling trajectory.

There is a real crisis in the immigration system today: the attack on due process in the U.S. Immigration Court. This crisis has been many administrations in the making. However, the current administration has done more damage to due process more quickly than any prior administration. The administration's insistence on quotas for immigration judges, the attempted dissolution of the Legal Orientation Program which provides for group "know your rights" presentations and pro se assistance services to detained immigrants, combined with increased

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<sup>1</sup> For more information regarding my history as an Immigration Judge, including an overview of my decisions, please see *Judge Paul W. Schmidt*, TRAC Immigration (2018), <https://trac.syr.edu/immigration/reports/judgereports/00220WAS/index.html>.



immigration enforcement, and inhumane detention policies, has eradicated any semblance of due process for immigrants facing deportation.


Under the U.S. Constitution and our nation's immigration laws, all immigrants facing removal are entitled to due process. No person, regardless of their background, history, or immigration status should be denied access to justice. The only way to ensure that a Fairfax County resident in deportation proceedings has due process in the current immigration system is to provide competent legal representation. Without an attorney, there is simply no other way an immigrant can navigate the extremely complex legal immigration system—a dynamic I witnessed countless times in my own court room.

When an immigrant appears without an attorney, the Immigration Judge must paradoxically rely on the attorney for the government; the person who is fighting to deport the immigrant from this country, to present the immigrant's case. Despite a judge's best efforts, it is simply not possible to ensure that the immigrant had all of the relevant facts about his or her case presented and that all legal defenses to removal have been explored, explained, and understood. While some immigration judges might like to believe that they are capable of ensuring that those appearing before them without counsel have the same chance of relief as those appearing with counsel, I know from my experience that this is simply *not* possible. I also know that my courtroom ran more efficiently when all parties were represented; with frivolous arguments, continuances, and appeals universally decreasing. Simply put, a good judge knows that having competent counsel representing both parties before it yields a more efficient and just outcome.

Importantly, representation by an attorney dramatically enhances any immigrant's chance of success in immigration court, but it no means guarantees success. Our nation's immigration laws are rigid, often by design. Relief is only available in those cases where the law explicitly permits it—representation does not guarantee protection from deportation, but it does significantly enhance due process and fairness in an individual's case. The erstwhile vision of the Immigration Court, the vision which I helped develop in the late 1990s, was for the court to “be the world's best administrative tribunal[s] guaranteeing fairness and due process for all.” Instead, the U.S. Department of Justice's ever-changing priorities and morbid fascination with increased detention as a means of deterrence have turned the Immigration Court system into a tool of enforcement. Local communities and counties, such as Fairfax, must take steps in response to protect community members and their families and ensure that due process is not simply an aspiration, but a guarantee.

I urge the Board to vote in favor of funding the universal representation pilot program. If you have any questions, please do not hesitate to contact me at (571) 225-3783 or at my email paulschmidt293@gmail.com.

Sincerely,



Paul Wickham Schmidt  
United States Immigration Judge (Retired)

**APPENDIX 110** – Center for Popular Democracy



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4/5/2019

Fairfax County Board of Supervisors  
12000 Government Center Pkwy  
Fairfax, VA 22035

**RE: SUPPORT OF COMPREHENSIVE UNIVERSAL REPRESENTATION PILOT PROGRAM**

Dear Fairfax County Board of Supervisors:

The Center for Popular Democracy (CPD) strongly urges you to vote in favor of funding the comprehensive universal representation pilot program scheduled for a vote during the April 30, 2019 Fairfax County budget hearing. As you know, this pilot program would provide \$200k in funding to qualified legal services providers for the legal representation of county residents who are immigrants, detained, and in deportation proceedings. This program would also provide know your rights training and wraparound support for the families of these detained residents and other immigrant families.

The Center For Popular Democracy is a national network of grassroots organizations fighting for progressive policy change, led by Black and Latinx people, immigrants and women. Our network encompasses several community based organizations whose membership extends to Fairfax county, where we work together on a range of initiatives to protect and empower immigrant communities. We have significant experience working to mitigate the due process crisis for people in removal proceedings in the United States. We were a founding member of the coalition that conceived, advocated for and implemented the New York Immigrant Family Unity Program (NYIFUP), the nation's first publicly funded universal representation program for people facing deportation. Since seeing the incredible impact that NYIFUP has had on the ability of immigrant families to receive basic due process in immigration court, we have committed to working with partners all across the country to replicate the program.

Based on our prior experience working on access to counsel initiatives in cities and counties around the country, we believe that the pilot proposed for Fairfax County will result in a radical increase in the rates at which Fairfax residents obtain relief in immigration court. In our report, [Access to Counsel](#) we found that in Arlington immigration court (where Fairfax residents regularly appear), legal representation more than doubled a person's chances of winning their immigration case. And yet, an astounding 71% of detained immigrants had no legal representation at any point in their case. This suggests that, because of the lack of any right to

appointed counsel in immigration court, Fairfax residents are being unjustly deported as a matter of course because they do not have the resources to show a judge that they have a legal right to remain in the country. In order for the core principles of dignity, fairness, and justice for all to have meaning in the immigration court system, every person in removal proceedings should have an attorney.

In addition to the importance of protecting individuals from unjust detention and deportation, keeping families together, workers working and communities whole, funding this program will send a message of solidarity to those who are being vilified and targeted by the current administration's increasingly aggressive immigration enforcement policies.

Thank you for your consideration of this request. If you have any questions or would like additional information, please feel free to contact me at [etucker@populardemocracy.org](mailto:etucker@populardemocracy.org) or (917) 991-9425.

Sincerely,

Emily Tucker  
Senior Staff Attorney  
Center for Popular Democracy