

Los Angeles legal defense fund provides meager aid to immigrants

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In a joint measure announced by the City and County of Los Angeles in late December, a \$10 million fund has been proposed to provide legal assistance to residents facing deportation proceedings. The fund, which is to be publicly and privately funded, follows similar measures in large cities around the country, including Chicago and San Francisco, in the wake of the election of Donald Trump. Similar proposals have also been made in California and New York on a statewide level, but it is not yet clear what funding is proposed and how it will be allocated.

The two-year fund for the Los Angeles measure would be made up of \$3 million from LA County, \$2 million from the city, and an additional \$5 million from private donors, including the California Community Foundation, the Weingart Foundation and the California Endowment, California's largest private health care foundation. While it is still unclear exactly how the funds will be allocated, officials have stated that the support will focus on immigrants in the county that already have temporary legal status under the Deferred Access for Childhood Arrivals (DACA), military families, unaccompanied minors and refugees.

Los Angeles alone is home to approximately 1 million of more than 11 million undocumented immigrants across the nation. Undocumented immigrants make up approximately 10 percent of the population in Los Angeles and perform the most onerous work at the lowest rates of pay. The vast majority of these workers have no access to health benefits, Social Security, pensions, or other forms of social assistance and fear constant reprisal from employers and the government as a result of their immigration status. The *World Socialist Web Site* previously interviewed two immigrant workers in Los Angeles about their conditions.

According to a 2011 report by the National Immigration Law Center, the US government used a policy known as "stipulated removal" to deport more than 160,000 noncitizens without hearings before immigration judges in the decade preceding the report. It goes on to state that "the federal government has used stipulated removal *primarily on non citizens in immigration detention who lack lawyers and are facing deportation due to minor immigration violations*. These noncitizens were given a Hobson's choice: Accept a stipulated removal order and agree to your deportation, or stay in immigration detention to fight your case" (emphasis in original). In 2014, following the massive surge in children fleeing Central America, Politico reported that 94 percent of child migrants that were deported between July and October of that year were not represented by attorneys at

deportation hearings.

Numerous reports have been published of the abuse inflicted on immigrants in detention centers—many of which are private entities subsidized by the federal government with little or no oversight—while individuals await deportation proceedings. In many cases, the victims are children or individuals who do not know English, and immigrants are frequently given inaccurate or misleading information about their rights, the laws, and the deportation process.

Various statistics from immigrant rights advocates and attorneys show that defendants with legal representation are three to five times more likely to win deportation cases than those without attorneys. Attorney fees for individual removal proceedings cost between \$100 and \$350 per hour and can range from \$1,500 to more than \$7,500. In most cases, the immigrants themselves are penniless and cannot afford representation.

Detractors of the recent measures have accused the proponents of the fund of using public money that should be allocated to services that would benefit US citizens. Furthermore, they have rebuffed the proposal as a challenge to the federal government and have warned of possible vituperative reprisals from the incoming Trump administration in the form of federal funding cuts to social services.

The director of policy studies at the Center for Immigration Studies, a right-wing Washington, D.C., think tank, reported to the *Los Angeles Times*, "Immigration proceedings are a civil matter, not criminal, and no Americans who are defending themselves in civil proceedings are entitled to taxpayer-funded representation."

In an opinion comment, Robin Hvidston, executive director of We the People Rising, similarly told the *Times*, "The federal government should withhold federal funding for Los Angeles since it continues to flout federal immigration law."

In San Francisco in 2014, a small sum of \$2.1 million was allocated to fund legal services for immigrants facing deportation, an amount that was renewed in 2016 for another two years. Following the surge in immigration in 2014 and the ensuing expedited "rocket dockets" for unaccompanied children and family deportation cases, hundreds were unrepresented by attorneys in San Francisco courts. An estimated 44,000 undocumented immigrants reside in the Bay Area.

In Chicago, Democratic Mayor Rahm Emanuel diverted a paltry \$1 million from a property tax rebate fund to create a "Legal Protection Fund" for immigrants in the city. The funds were part

of \$20 million that had been set aside by the city for rebates to allay residents' anger after property taxes were increased by \$588 million. The derisory \$1 million sum now diverted to the new defense fund would potentially cover the legal fees for around 3,000 people. This in a city that is home to approximately 150,000 residents without legal status. All the richer is Emanuel's record at the White House, where he fought against immigration reform first as an adviser to President Bill Clinton and most recently as Obama's chief of staff in 2009-2010.

In 1996, Emanuel advised President Clinton "to claim and achieve record deportations of criminal aliens" and for the National Guard to "coordinate with their Mexican counterparts" to avoid "the charge of militarizing the border." The latter claim has truly come to fruition in the past two years under the Obama administration's joint venture with the Mexican government titled *Programa Frontera Sur*, under which nearly 1 million refugees have been apprehended while fleeing gang and military violence in El Salvador, Honduras and Guatemala.

As immigration laws are federal, the objectives of measures implemented by city and state governments to assist immigrants remain nebulous and, in many cases, ineffective. Furthermore, the buildup of repressive measures by Immigrations and Customs Enforcement (ICE) has been vastly accelerated in recent years with the assistance of state and city authorities.

Although federal officials have claimed that deportation proceedings prioritize "convicted criminals and threats to public safety, border security and national security," hundreds of thousands have been deported without trial and have committed no crime whatsoever. According to the United States Citizenship and Immigration Services (USCIS) Immigration and Nationality Act 237, one may be deported at any time if one is "Inadmissible at time of entry or of adjustment of status or violates status." The legislation further details that this includes immigrants in violation of any US law or in violation of nonimmigrant status, those whose conditional permanent residence has been terminated, anyone guilty of marriage fraud, drug abuse or possession for one's own use of 30 grams or less of marijuana, failing to report a change of address to USCIS within 10 days of moving, and document fraud.

The recent efforts at setting up defense funds have been spearheaded by Democratic officials seeking to distance themselves from the incoming Trump administration, largely in a self-serving attempt to save face with Latino voters and to cover up the bipartisan anti-immigration policies that have taken place over the eight years of the Obama administration and whose origins date back to the Clinton presidency.

A year-end report released December 30 by the Department of Homeland Security documented removing or returning a total of 450,954 individuals during fiscal year 2016. Of these, 415,816 were apprehensions by the US Border Patrol (USBP), up from 337,117 in 2015, and 114,434 individuals arrested by ICE compared with 125,211 in 2015. This brings the total deportations under the Obama administration to more than 2.7 million, more than any other administration in history.

The report boasts: "Although apprehensions by the USBP in FY 2016 increased from FY 2015, they remain a fraction of the number of apprehensions routinely observed from the 1980s

through 2008." The report goes on to state that a greater percentage of removals and returns were from apprehensions at ports of entry, as opposed to those within the US, and "priorities have heightened ICE's focus on the greatest threats to national security, public safety, and border security." Included in ICE's "top priority" category, however, are individuals convicted of offenses of illegal entry or reentry, and there is no breakdown on the criminal offenses of which immigrants have been convicted.

While there is justifiable fear of the incoming Trump administration—with the stated goal of deporting as many as 3 million more immigrants and cutting off funding from so-called sanctuary cities—the Obama administration has been busy duplicitously pursuing reactionary immigration policies all down the line during the president's entire tenure. Obama's policies toward "sanctuaries"—cities that claim to be more welcoming to immigrants by loosely granting various protections or services to immigrants—have been virtually the opposite of how they have been presented in the media. Cities have decided not to turn over immigrants convicted of minor crimes to federal authorities *in response to* Obama's harsh policies on immigration.

The Obama administration is well aware of the unpopularity of its deportation policies within US communities over the past eight years under programs such as "Secure Communities," which focused on uniting federal, state and local law enforcement agencies to assist with deportations of individuals already living and working in the country, as opposed to those apprehended at points of entry. Although this program was initiated under George W. Bush, it will go down in history as part of Obama's legacy and helped him to earn the moniker "Deporter in Chief."

Despite some pushback from local communities, many of the largest jurisdictions known as "sanctuary cities" have already capitulated to DHS efforts to beef up interior deportations. As an article in the *Washington Times* put it, "The Obama administration has made significant headway in cutting down the number of sanctuary cities. ... Of the 25 largest jurisdictions that offered sanctuary a few years ago, 21 have started to work with ICE in some capacity since Homeland Security Secretary Jeh Johnson made a major push to establish better cooperation."

As to Trump's demand to "build a wall and make Mexico pay for it," the Obama administration and official media plead amnesia for the last quarter century of bipartisan efforts to successfully erect the most massive barrier and border patrol agency the world has ever seen. Hillary Clinton and Barack Obama previously voted in favor of the 2006 Secure Fence Act, which enacted the vast buildup and militarization of the US southern border, a process that has now been completed.



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