



ILRC 2009 ANNUAL REPORT



TEACHING, INTERPRETING AND CHANGING LAW SINCE 1979

The ILRC's work focuses on the following three program areas:

- ◆ **Capacity building** for immigration law practitioners and community-based organizations, which includes providing technical assistance, trainings and publications;
- ◆ **Policy and advocacy** focused on immigration law reform and Department of Homeland Security policies; and
- ◆ **Civic engagement** with immigrants to help them mobilize and raise their voices on issues of concern to their communities.

We are pleased to share some of our accomplishments in 2009 below.

CAPACITY BUILDING

Attorney of the Day

In 2009 our on-call Attorney of the Day provided expert analysis and responses to 4,496 questions from hundreds of different attorneys, pro bono counsel, paralegals, staff of non-profit agencies, community organizers, policymakers, social service workers, teachers and other service providers working across the United States.

Publications

ILRC publications are written for attorneys, immigration professionals, service providers and other advocates practicing throughout the United States. Our catalogue of publications includes comprehensive volumes on a full range of issues, remedies and relief within immigration practice. Written by ILRC staff attorneys and prominent guest authors, our library provides expert references, tips, curricula and guides for winning cases and navigating an increasingly complex legal environment. We updated and expanded several versions of our hallmark publications and released three new books in 2009. By year-end, we distributed 2,309 manuals nationwide. The earned revenue generated by publication sales is an important source of support that is immediately reinvested into the ILRC's mission and programs.

Seminars

Our seminar offerings continue to educate legal and lay advocates on critical topics such as citizenship, immigration options for victims of

domestic violence, "Know Your Rights," the visa process, and immigration law reform. In 2009 we held 223 seminars, trainings and community meetings in many different locations throughout the United States. Over 8,400 attorneys, paralegals, community organizers, social workers, English as a second language and citizenship teachers, immigrant leaders and immigrant community members attended our meetings and trainings.

Community Leadership Project

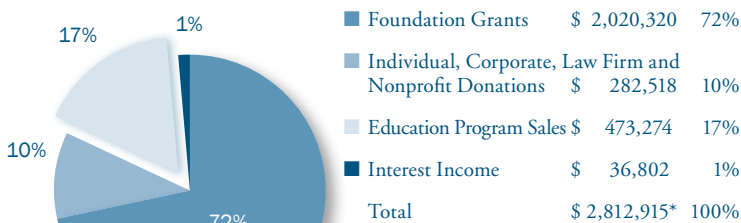
In 2009 we began our Community Leadership Project, a new three-year program to help minority-led immigrant and grassroots organizations in the San Joaquin Valley build their capacity and thereby deliver higher quality services to the region's immigrant populations. The program promotes the growth and sustainability of minority-led organizations in Fresno, Kern, Kings, Madera, San Joaquin, Stanislaus and Tulare counties resulting in stronger and more robust organizations with more strategic leadership and adaptive capacity. Over the next three years, we will work closely with a small number of organizations providing capacity building technical assistance, training, resources and coaching. Each organization will receive a menu of options including a list of experienced and culturally competent consultants, services offered by the ILRC, and recommended trainings. Additionally, we will facilitate cross-training, mutual learning and resource sharing among the participating organizations; coordinate group sessions between consultants and participating organizations; introduce organization leaders to foundation program officers; and create opportunities for organizations to share experiences, resources and program information with each other. In 2009 we created an advisory committee to help implement the program, invited 27 organizations to apply, received 17 proposals and selected 7 organizations to participate in the project.

Defending Immigrants Partnership

As part of this national initiative, we provide assistance and support to defense attorneys representing indigent defendants on the immigration consequences of criminal charges and pleas. In 2009 the ILRC:

REVENUE & EXPENSE REPORT

REVENUE



*\$679,008 is income received in 2009. A substantial amount of this sum has been allocated to the 2010 budget for restricted program activity.

EXPENSES



- ◆ Piloted model protocol for the development of a public defender immigration service plan in a select group of California Public Defender offices. This protocol identifies the components and best practices that a defender's office should include in developing their approach to advising immigrant clients.
- ◆ Updated two of our most frequently downloaded immigration resources, both the California and Arizona versions of the Quick Reference Charts on the Immigration Consequences of Offenses.
- ◆ Responded to over 450 requests for technical assistance from California public defenders, educated more than 400 California public defenders in 7 large scale trainings, and continued to identify, mentor and support defenders throughout the state to become in-house experts on the immigration consequences of offenses at their offices.
- ◆ Submitted an amicus brief in the United States Supreme Court case of *Padilla v. Commonwealth of Kentucky*, challenging the state court's failure to find ineffective assistance of counsel where a criminal defense lawyer incorrectly advised his client that a guilty plea would not result in deportation.
- ◆ Updated the partnership's centralized national website: defendingimmigrants.org, which includes a comprehensive resource library containing the partnership's extensive immigration criminal law materials. The library includes quick reference guides, checklists, charts, practice advisories, know your rights information and training materials for attorneys representing indigent defendants.

Violence Against Women

Immigrant victims of domestic violence and other crimes are uniquely impacted and particularly vulnerable because immigration status is easily used by perpetrators to keep these victims from reporting and escaping the abuse. As a national expert on the immigration options available to victims of abuse under the federal Violence Against Women Act (VAWA), in 2009 the ILRC:

- ◆ Held more than 35 trainings for pro bono attorneys, legal service agencies, judges, community leaders and domestic violence service providers throughout California and nationally via webinars.
- ◆ Wrote and published a comprehensive new manual on assisting immigrant victims of crime, one of the first books to fully address the U visa.
- ◆ Provided ongoing support and services to the Bay Area VAWA Task Force – a group of legal services providers and advocates against domestic violence that meets regularly to share resources, provide mutual support and coordinate strategy and services. Additionally, we helped to establish a wiki online community for the Bay Area VAWA Task Force to collaborate, communicate and coordinate on U visa cases.
- ◆ Supplied ongoing technical assistance and advocacy support to attorneys and advocates representing immigrant victims of crime across the country.
- ◆ Organized national efforts to submit comments to proposed U adjustment regulations.

Immigrant Youth

The ILRC provides support for and advocacy on behalf of the most vulnerable members of the immigrant population – children and youth. We seek to address the needs of these children and youth who risk entering dependency foster care, the juvenile justice or deportation

systems, or being denied access to higher education. In 2009, our wide-ranging efforts included:

- ◆ Providing technical support, trainings, consultations and materials to child welfare agencies addressing the special needs of immigrant children and families entering the system.
- ◆ Collaborating with the Migration and Child Welfare National Network, a coalition focused on national policy initiatives, trainings, technical assistance, creation of policy papers and other publications on the intersection of child welfare and migration and improving the child welfare system's services to immigrant families.
- ◆ Educating and providing technical assistance on the Trafficking Victims Protection and Reauthorization Act (TVPPRA) a federal law passed in 2008 that expanded critical protections for unaccompanied immigrant minor children. Particular attention was given to the expansion of the Special Immigrant Juvenile Status – a form of immigration relief benefiting children who enter the child welfare system due to abuse, neglect or abandonment. We also provided trainings and technical assistance on changes in asylum law for unaccompanied minors as a result of the TVPPRA.
- ◆ Responding to increased immigration enforcement trends in the juvenile justice system in states with the highest referrals of immigrant youth. We provided technical assistance, materials and training to juvenile public defenders in more than 10 California counties; trained over 100 California juvenile court judges; participated in "Beyond the Bench," an annual Bay Area training conference for probation officers and judges; and worked with federal officials and social workers conducting outreach and education to probation officers about immigration law.
- ◆ Supporting and educating immigration advocacy organizations throughout the country on the immigration consequences of juvenile delinquency.

Raids Rapid Response Network

The Immigration and Customs Enforcement (ICE) Agency continued its enforcement efforts in 2009 terrorizing immigrant communities across the country. Formed in 2008, our Rapid Response Network of the San Francisco Bay Area collaborates with other organizations and private attorney volunteers forging a coordinated response to provide legal services to immigrants when an ICE raid hits. Throughout 2009 we assisted advocates in Santa Clara, Alameda, San Mateo, Contra Costa, Tulare, Kern, Humboldt, Sacramento and Yolo counties in preparing their own response networks in case an ICE raid occurs in their area. To date we have distributed over 250,000 "red cards" to inform people throughout the United States about their constitutional rights, conducted over 100 community education meetings and trainings for community members and service providers, activated the raids response network to respond to several raids and helped dozens of immigrants fight their illegal and unconstitutional arrests. Through the Rapid Response Network, we continue to assist immigrants across the country whose rights were violated by raids.

Combating Immigration Provider Fraud

Since the early 1980's we have remained committed to exposing fraudulent operators who take advantage of the hopes and dreams of undocumented immigrants promising them legal options that do not exist. 2009 program activities included:

- ◆ Revising our English, Spanish and Chinese language comic books, which educate and warn people about immigration provider fraud.

In addition to the versions distributed in the greater Bay Area, we created editions for broader use in California and nation-wide.

- ◆ Conducting “Know Your Rights” anti-fraud trainings for immigrant communities.
- ◆ Training staff and volunteers from various organizations about combating immigration provider fraud.
- ◆ Providing technical assistance to community-based organizations, District Attorneys, the California State Attorney General’s Office and other interested parties on remedies for and prevention of provider fraud.
- ◆ Participating in national efforts to combat fraud, including commenting on draft legislation from the American Immigration Lawyers’ Association (AILA) to provide remedies to victims and strengthen sanctions against fraudulent non-attorneys.
- ◆ Acting as a clearinghouse and referral service for fraud victims who were brought to our attention.

POLICY and ADVOCACY

Legislative Analysis and Advocacy

We advocate for immigration policy reform to strengthen immigrant families, respect the due process and civil rights of newcomers and foster healthy communities for all citizens. With our expertise in immigration law and strong partnerships with immigrant leaders and grassroots service providers, we assert an informed and powerful voice to educate the media as well as local and federal policymakers. Our 2009 advocacy platform focused primarily on comprehensive immigration reform, the DREAM Act, due process issues and the intersection of immigration and criminal justice law. At the request of two key Congress members, we drafted sections of the legalization component to be used in one of the comprehensive immigration reform proposals. Our experience during the drafting and implementation of the 1986 legalization program has deeply informed our work with advocacy partners and policymakers.

CIS Liaison Project

We have been running our CBO-CIS Liaison Project in San Francisco for 17 years. The aim of the project is to improve immigration practice and policy on the local and administrative levels by facilitating communication between Bay Area community-based organizations (CBOs) who represent immigrants and the Citizenship and Immigration Service (CIS) – the administrative body that adjudicates applications for immigration relief such as green cards, naturalization and citizenship. There are representatives from dozens of CBOs who participate in this project. In 2009, we worked on the following issues:

- ◆ Convincing the CIS to re-open cases, without further administrative fees, when applicants can show that the agency erred in rejecting qualified green card applications. We learned that even in cases where an applicant could prove that he or she had provided all required documentation, the agency rarely re-opened the case and never for free. Over the course of several meetings we successfully showed that applicants were being unfairly penalized for an administrative error. As a result, the local CIS office is now willing to re-open a case for free when it can be proven that the agency erred in closing the case.
- ◆ Changing the language on the Notice of Naturalization Oath Ceremony to make clear that one must wait until after being

sworn in as a U.S. citizen to apply for a passport. It came to our attention that the local CIS and the Passport Agency were sending passport applications with the naturalization oath ceremony notice causing some people who had been approved for naturalization to think they could apply for a passport even prior to being sworn in as U.S. citizen. The possible penalties for applying for a passport before taking the oath include deportation and criminal charges for making a false claim to U.S. citizenship. To avoid any misunderstandings, CIS accepted language drafted by CBOs to be included in the naturalization oath ceremony notice clearly warning that a passport application must follow the swearing in ceremony.

- ◆ Improving communication between CBOs and the CIS. We have spent years working with the CIS to establish an intricate case inquiry system that has proven quite efficient and effective. This system is constantly being updated and improved as part of each liaison meeting agenda.

CIVIC ENGAGEMENT

Immigrant Action Project

2009 marked the ninth year of our Immigrant Action Project. Designed to engage directly with immigrants through public forums, we co-hosted 46 events with community organizing and immigrant-based grassroots groups. Thousands of immigrants attended these meetings where community leaders discussed how direct involvement is necessary to shape immigration reform. Additionally, volunteer attorneys from the private sector were recruited and trained by our staff attorneys to provide legal consultations to interested attendees. We facilitated the meetings, developed and distributed policy analysis and information and generated media coverage. We continue to provide technical assistance to these grassroots organizations on immigration reform.

Community Dialoguing

In 2009 we spent a considerable amount of effort on our community dialoguing project. This project focuses on building skills and resources among immigrants and their families to dialogue directly with their elected and appointed leaders for positive change in their communities. Our Central Valley partner organizations included: the Female Leadership Academy in Tulare County, Union de Ex-braceros e Inmigrantes in both Fresno and Stockton, the Youth Action Commission of Stanislaus County (in partnership with the Central Valley Partnership and the Responsible Civic Action Project of Stanislaus County in Modesto) and the Delhi Parents Committee in Delhi. As part of our work with these groups and their constituents, we conducted 55 capacity building trainings and strategy sessions with a total of 732 participants. As a result, these groups successfully engaged in 13 dialoguing events with elected and/or appointed officials. Partner organization campaigns strengthened by our capacity building efforts included: immigrants and their families dialoguing with school officials about teen pregnancy prevention and comprehensive sex education and issues of school responsiveness and school safety; dialoguing with the police department and sheriff’s office about safety issues and legal regulations for car impoundments; and dialoguing about public safety and youth issues with candidates for elected city positions.