Santa Clara County Board of Supervisors directed the Office of Immigrant Relations (OIR) to do a review of all funded immigrant programs and see how community-based organizations are currently using it in order to identify ways in which these funds could be directed most effectively to follow “the whole-person model.” This is a summary of research conducted in 2018.
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Overview

In response to the rapidly changing and increasingly hostile National Immigration context, over the past 2.5 years, the Santa Clara County Board of Supervisors (the Board) has allocated $5.5M to provide legal aid to immigrants and refugees in SCC. These funds have been allocated at different times and for different purposes. The four funding streams include:

- Legal Services for Unaccompanied Minors
- Unmet Civil Legal Needs
- Immigration Legal Representation and Education Services
- Programs for Immigrant Integration

The Board recognizes this funding is not as well integrated as it could be to create maximum possible impact. As a result, the Board asked the Office of Immigrant Relations (OIR) to do a review of the funding and how community-based organizations are currently using it, to identify ways in which these funds could be directed most effectively.

Particularly, the Board was interested in understanding the way in which the “whole person” needs (needs outside purely legal) are factoring into the ability of County residents to access the legal supports available and the immigration relief they seek.

Process

In response to this information request from the Board, the OIR held a series of convenings with grantees to better understand the landscape in which they are working and using the funds. The convenings were organized by funding stream. Table 1 below outlines the dates and invitees for each convening.

All OIR staff attended each meeting to listen and learn from the conversations. The series of meetings was led by an outside facilitator led. The meetings were designed to answer three questions:

- What ways are grantee partners currently serving the “whole person” needs of their clients outside of county finding?
- What capacity do grantee partners have to increase service in this area?
- What needs/opportunities do grantee partners see for further meeting the “whole person” needs of their clients?
Table 1: Grantee Convening Schedule & Participation

<table>
<thead>
<tr>
<th>Date</th>
<th>Funding Stream</th>
<th>Grantees Invited</th>
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<tr>
<td>11/19/18</td>
<td>Legal Services for Unaccompanied Minors</td>
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<td>• Justice &amp; Diversity BA</td>
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<td>12/3/18</td>
<td>Unmet Civil Legal Needs</td>
<td>• Bay Area Legal Aid</td>
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<td>• Catholic Charities</td>
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<td>• Asian Law Alliance</td>
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<td>• Seniors Adults Legal Assistance</td>
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<td>• ProBono Project</td>
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<td>12/12/18</td>
<td>Immigration Legal Representation and Education Services</td>
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Findings

Early on in the series of meetings, two important things became clear:

1. Partners face increasing challenges to provide legal relief; these challenges currently supersede challenges to address whole-person needs.
2. The County model for organizing “whole person needs” differs from the way grantees think about them.

Over the course of the meetings it became abundantly clear that although grantees are spending time responding however they can to the “whole person” needs of clients as part of their efforts to provide legal services, the most pressing issues they currently face are the increasing challenges inherent in providing the immigration relief itself.

These challenges are summarized below.

Increased Challenge of Providing Legal Immigration Relief

Partners are facing increasingly complex challenges to provide legal relief to residents of Santa Clara County. Though partners are concerned with and tending to the “whole-person” needs of their clients, which was the initial focus of the inquiry, navigating the emerging and shifting challenges involved in providing immigration relief itself is the highest priority needs they face.
These new immigration relief related challenges fall into three broad categories: administrative, human, and contextual. The challenges in each of these areas are outlined below. Each challenge is detailed more fully in Appendix 1, including examples and description of the impact of these challenges on partners and the community in turn.

**Administrative challenges**

The administrative challenges of seeking and providing immigration relief have been steadily growing over the past 2.5 years. These administrative challenges have completely changed the landscape in which partners are doing their work, making it unpredictable, more difficult to be successful, and less sustainable.

Processes, outcomes, and practices partners could previously rely on have all become in flux. Consequently, partners find it much more difficult than before to initiate work with a client and guide them toward the successful immigration resolution for they are eligible.

Specific administrative challenges include:

- Timelines for processes have more than doubled.
- Levels of scrutiny have increased and zero tolerance for error is now the norm.
- Submission requirements regularly changing; including mid-process.
- Fees increasing, waivers being eliminated.
- Fundamentally altered policies and regulations reshape the entire legal process.

**Contextual challenges**

Due to a variety of economic and social factors, grantee partners’ clients frequently struggle to meet their basic needs of housing, food, and financial stability, and safety. It is difficult to provide many eligible people immigration relief in the context of the increasing instability and insecurity they face.

Additionally, many clients have intersectional elements of their identity that add legal nuance and complexity to their cases. To be effective, these cases require attorneys particularly skilled in diverse and distinct areas of law, necessitating a breadth of expertise that is outside the norm of most attorneys.

On top of this there is an increasingly limited supply of attorneys. This results from a combination of the high cost of competitive attorney salaries in the context of the Santa Clara County cost of living and the unique legal skillsets required, pertaining to immigration as well as separate areas of expertise that can be required by clients with intersecting personal identities and legal issues.

In a nutshell, contextual challenges partners face include:

- Client instability creates challenges for legal services to reach conclusion.
- Intersectionality.
- Limited supply of qualified immigration attorneys.
- Attorneys need expanded network of referral services.
Human challenges

Increasingly, it is clear that there is an incredible toll on the human beings involved in the immigration process – both those seeking relief as well as those supporting them along the way, such as attorneys and support staff.

Over the past 2.5 years the people seeking immigration relief themselves are increasingly impacted by a culture of fear which makes them more hesitant to start and stay engaged for the duration of the immigration process. Mis-information and fear, exacerbated for example, by increased ICE raids, the change in Public Charge policies, and media at the local and national level, are discouraging people from even seeking relief they may be eligible for. Concretely, partners are even seeing unprecedented drops in attendance for events. See Appendix 2 for some concrete examples offered by community partners.

Additionally, legal providers themselves are being personally and significantly impacted due to increasing difficulty of the work, as well as regular exposure to the increased fear and challenging circumstances immigrants seeking relief face. Concretely, this means partner organizations are dealing with dramatically increasing attrition rates and their capacity to provide services is being compromised.

A summary of these human challenges includes:

- Pervasive culture of fear for those seeking immigration relief
- Primary and Secondary Trauma
- Staff Burnout

Grantee response to “whole-person” needs

As mentioned above, the bulk of the findings that emerged from grantee convenings during November and December 2018 pertained to increasing OIR staff’s understanding of the extent of the challenges faced over the past 2 years as a result of the increasingly unclear, complex, and taxing immigration landscape.

On top of these increasingly complex legal realities, providers do find their clients struggle to meet their basic needs. Challenges clients face pertain to housing, food, and financial security, physical and mental health, safety, education, childcare, and emotional/social well being. These struggles complicate their ability to fully access immigration relief.

Data about partner perspectives and current activities pertaining to clients’ “whole person” needs were also gathered through the convenings. That information is presented below in relation to the 3 questions the meetings were designed to explore.
Current Efforts to address “whole person” needs

Framing question: What ways are grantee partners currently serving the “whole person” needs of their clients outside County funding?

Partners frequently find it difficult to ignore the challenging circumstances clients face to keep themselves and their families safe, stable, and cared for through the process. As such, partners, many of whom are lawyers with no counseling or social work background, find themselves wanting to offer support to clients outside of the legal realm, on a personal level and because it increased the likelihood of completing a legal process, for which grantee partners are being held accountable.

Consequently, partners provide a patchwork of supports to clients based on whatever knowledge and capacity they have. The supports often include referrals and connections to other resources. For most partners, this support is ad hoc, though some of the grantee partners have social workers in their organizations provided by other funding streams.

Partners commonly experience situations with clients in which individuals are hesitant (and fearful) to share the full details of their situation and/or experiences. This impacts the ability of grantee partners to provide the most effective legal relief. As such, partners do everything they can to create the safety necessary for individuals to tell their stories.

However, often, in the telling of these stories clients may become re-traumatized as well as potentially causing secondary trauma for the staff of the grantee partner who is listening.

A few grantee partners have social workers that are part of their organizations or pre-existing partnerships and referral networks. Even when this is true, often the hand-off from the person doing the intake to someone more equipped for case management-type services is difficult due to the bonding that has occurred and client reticence to tell their story again to someone new.

As such, lawyers with increasing frequency are finding themselves spending their time doing things other than legal counsel in their efforts to maximize the sense of safety through the process for clients and likelihood of accessing resources that may be identified.

To have to regularly absorb these stories and evaluate how to proceed on both a legal and human front is taking an incredible emotional toll on partners, who typically come to this work out of a desire to be of service.
Capacity to address “whole person” needs

Guiding question: What capacity do grantee partners have to increase service in this area?

Due to the factors outlined previously, most providers are currently at capacity or challenged to meet the legal and related “whole person” needs of their clients. Outside of the legal needs, grantee partners are struggling to respond in an efficient and meaningful way to the wide scope of challenges clients face that impact their well-being, stability, and ultimately ability to achieve immigration relief.

Most grantee partners are at capacity and not do currently have excess capacity in this area. Nor do they have existing capacity to develop case-management or robust referral networks in house that would allow them to be more effective in responding to these needs and supporting the stability of their clients.

For those grantee partners that already have established partnerships and referral networks, on a day-by-day basis, they may have additional capacity, but there are no overall trends indicating capacity exceeds need. Nor are there any formally established systems or netowrks to share information about existing capacity with other providers.

The types of personal supports clients need and partners are trying to connect them to include:

- Housing
- Transportation*
- Childcare*
- Education/job placement*
- Fees for legal services*
- Food assistance*
- Medical assistance*

*all adversely affected by high housing costs in the County

Opportunities to address “whole person” needs

What needs/opportunities do grantee partners see for further meeting the “whole person” needs of their clients?

When it comes to providing supports to clients beyond legal services, one of the largest needs across partners is the need for information and coordination. However due to the intense fear many clients have, grantee partners are not able to engage in typical referral processes, but have to go to much greater lengths.

Partners would love to develop robust networks and systems that could be used to effectively respond to the basic needs of clients. In doing so they would increase the stability of their clients and in turn, the capacity of their clients to be able to sustain through increasingly lengthy and taxing immigration relief processes as well as increase the likelihood of successful outcomes.
The needs grantee partners see generally across the population they work with include:

- Housing
- Food
- Physical health
- Mental health
- Childcare
- Transportation
- Safety-net services info
- Education/vocational development (including getting foreign credentials recognized)
- English Language Development
- Societal integration
- Information about the American educational system (for those with children in it)
- Civic Education
- Safety-net services info

For the unaccompanied minors program there is an entire subset of needs that are particularly urgent and unique for this population – both the minors themselves as well as the families they are with, be they connected by birth or foster care. In addition to the needs listed above these additional needs include:

- Guardianship Integration
- Individual and family healing and support
- Independent Skills Living
- Healthcare and Access to Benefits
- Coordination

**Partners and County conceptualize “whole person” needs differently**

During the meetings the County’s “whole person” model was shared. Depicted in Figure 1 below. This model seeks to integrate pre-existing and distinct funding streams in an effort to create greater efficiency. The six components of the model include:

- Emergency Assistance Programs
- Affirmative Legal Services
- LGBTQ Resources
- Intimate partner violence & domestic violence
- Social services
- Housing assistance

The majority of the existing services funded as part of the County’s $5.5M over the past 2.5 years, fall under the Emergency Assistance Programs portion of this model.

Through the meetings it became clear that County “whole person” model was somewhat confusing for grantee partners who experience and conceptualize those needs differently. Grantee partners ultimately were oriented around two types of needs, legal needs and personal needs. The funding they receive is directed toward meeting legal needs. However all grantee partners recognize that the “personal needs” of their clients significantly intersect with their ability to address their legal needs.

In reviewing this model with grantee partners, it became clear that there was a merging of Identity-Based resources and Safety-Net resources. The combination of these was the main source of confusion and was different from how the grantee-partners think about things.

When conceptualizing a model, partners resonated more with one that recognizes the physical, emotional, and spiritual well-being of an individual along with their legal needs, and that recognizes a continuum of need depending on if someone in crisis or not. A 3-part, crisis-based
framework was offered of: emergency, transitional, and integration. The idea is: different supports are needed at different points along this continuum, but all are important to ensure clients can access the legal relief available.

Partners recognize that client identities, such as being survivors of intimate partner violence, being LGBTQ, having disability, etc., influences how their needs get met. However, partners generally did not use identity as an organizing principle for understanding or responding to client needs.

Partners also expressed that identity has significant bearing on legal needs and potential avenues of relief, as discussed previously under the “contextual challenges” section.

Educational supports and immigrant integration services were the two main areas they didn’t see represented in the model that they also identified as significant needs for their clients.
Recommendations
The following set of recommendations was developed based on a synthesis of all the conversations with partners. They are constructed to respond to the greatest needs identified by partners in line with the spirit of the County’s commitment to providing immigration relief to eligible residents of the County.

1. Re-work grant outcomes & expectations to align with current immigration landscape and realities.
2. Work with CBOs to strengthen & formalize a referral system for providers to connect individuals seeking relief to the full range of available services and supports so they are able to stay engaged throughout the process of seeking relief.
   - In doing so, organize this system around a phased model along the lines of: triage, stabilize, integrate, which all require distinct yet critical, supports.
3. Provide support/training to CBOs about managing secondary trauma.
4. Develop partnerships with local media to ensure they are providing accurate information for SCC residents and discourage reporting that increases fear.
5. Increase the # of immigration attorneys in the Public Defenders office.
6. Provide a pot of flexible funds that agencies can use to support the “whole-person needs” of their clients & their staff.
7. Re-conceptualize the County’s Whole Person Model to create a shared framework that represents both the way the partners conceptualize the needs of their clients and the County funding streams that are available to support that work.
8. Integrate awareness of educational needs into a “whole person” model; leveraging pre-existing networks in this process such as the South Bay Consortium for Adult Education and the Education Colaborative.
Appendices

Appendix 1: Immigration Legal Services Challenges Chart
This chart illustrates the ways in which immigration relief using the funds allocated by SCC has become exponentially more complex and challenging over the past 2.5 years.

<table>
<thead>
<tr>
<th>Factor</th>
<th>Example</th>
<th>Grantee Impact</th>
<th>Community Impact</th>
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<tbody>
<tr>
<td>Administrative Challenges</td>
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<tr>
<td>Timelines for processes have more than doubled</td>
<td>Certain processes used to take 6 months, start to finish. Cases for the same things are now in the cue for over 2 years.</td>
<td>Hard to achieve grant outcomes as timeframe for achieving results is longer than grant duration. Increased human-power required to keep clients moving toward relief. Staff capacity maxed.</td>
<td>Demand for services exceeding supply. More clients falling out of pipeline. Clients often need additional support to complete process.</td>
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<td>Levels of scrutiny have increased and zero tolerance for error is now the norm</td>
<td>Previously if errors were found in paperwork, opportunity was given for correction. Now, cases are permanently closed if there are any errors.</td>
<td>Straightforward cases have become highly-involved cases. Workload for attorneys has increased: Must now be involved in applications that used to be completed by clients. Time invested in each case is greater. Representation is now taking place in ALL communications Attorneys now accompanying clients to EVERY immigration interview.</td>
<td>Residents must now use attorney services for the most simple applications clients used to manage independently.</td>
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<td>Factor</td>
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| Submission requirements regularly changing; including mid-process      | Attorneys want to be 99% sure ahead of taking clients as they are concerned with hurting the client if their relief is not granted. | Increased attorney time investment in each client or potential client:  
  • More paperwork has to be provided  
  • More research by attorneys required initially to determine viability of application and/or which type of relief to pursue. | Clients can be economically prohibited from pursuing immigration relief.                                |
| Increasing fees, waivers going away                                     | Applicants are being penalized in the process if they apply for fee-waivers.       | Attorneys have to counsel clients about this reality and related decisions.                                                                                                                                   | Clients are not applying for relief and/or experiencing increased financial insecurity as a result. |
| Fundamentally altered policies and regulations reshape the entire legal process. | Expanded definition of Public Charge is making it harder for people to convert their status.  
  Shifts in DACA policies have far-reaching implications for many. | Attorneys have to spend more time on each case.  
  Attorneys have to turn away people they used to accept as clients.  
  High-volume programs that used to screen individuals for a particular type of relief with non-attorneys screeners, now have to use attorneys and spend much more time with each potential client to investigate the optimal type of relief. | Immigrant families are not accessing available services for basic needs; often perpetuating their instability and poverty. |
| **Contextual Challenges**                                              | **Challenges with basic needs are typical through an immigrant integration process. These challenges are exacerbated in SCC by the incredibly high cost of living.**  
  Clients frequently move, some times out of the area. | **Housing instability causes a particular challenge as frequent moves compromise providers’ abilities to stay in contact with and follow up with clients; particularly as timelines are now so extended.** | |
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<th>Community Impact</th>
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<tr>
<td>Intersectionality</td>
<td>Due to discreet bodies of law, many of the need services are more complex and potentially more urgent for people with multiple marginalized identity pieces.</td>
<td>Many partners are impacted by clients moving out of SCC, which raises questions about continuing service and potentially negatively impacts partner outcomes</td>
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<td>With anyone with a minor criminal record, lawyers now must take additional legal steps to change previous convictions that were previously allowed but are no longer as well as to navigate significantly different state/federal legal standards (i.e. marijuana possession is deportable defense federally, but legal in CA).</td>
<td>Providers have to seek attorneys with expertise in unique bodies of law outside immigration (or existing attorneys have to develop) including: • LGBTQ • Intimate partner violence (IPV) • Disability • Criminal • Employment • Seniors • DACA • Unaccompanied minors</td>
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<td>Limited supply of qualified immigration attorneys</td>
<td>There is a shortage of attorneys with the needed immigration law skillsets.</td>
<td>Grantees have a difficult time replacing staff that leave or expanding to meet existing capacity demands.</td>
<td>Recruitment is complicated due to high attorney salary ranges, related to local cost-of-living.</td>
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<td>Attorneys need expanded network of referral services</td>
<td>Often due to intense nature of immigrant stories, there is a “bonding” that happens between the attorney and the potential client as a story is shared. When Attorneys do not see clear legal avenues, they don’t want to give upon the individual and often spend time looking for ways to support them in other avenues, such as safety-</td>
<td>Attorneys are spending time seeking resources and connections to support their clients for things outside their purview as well as those who do not become clients but need assistance.</td>
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<tr>
<td>Factor</td>
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<td>net referrals or to individual advocacy organizations.</td>
<td>Conducting &amp; resolving interview process requires substantially more time --&gt; each attorney has less capacity. Attorneys are spending significant serving &amp; supporting individuals that are not becoming clients.</td>
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<td><strong>Human Challenges</strong></td>
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<td>Pervasive culture of fear for those seeking immigration relief</td>
<td>City of SJ had baseline data for several years illustrating how many people would turn out to Citizenship Events, given a particular level of outreach investment. In the past two years, despite significantly increased outreach investment, attendance rates sharply dropped.</td>
<td>When grant outcomes are tied to outputs like event attendance, grantee partners are not able to meet their targets. Trusted providers are being challenged to sustain or establish trust with existing/new clients/communities.</td>
<td>Fear is propagated through local media, which leads to individuals shying away from available opportunities for legal support. There is a lack of understanding about how SCC is different than national norms.</td>
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<td>Primary and Secondary Trauma</td>
<td>Clients can get re-traumatized &amp; providers can experience secondary trauma as stories of rape, detention camps, gang violence, border treatment, etc., are relayed through the immigration process.</td>
<td>Demands on providers’ time increase as many cases involve traumatic events related to immigration relief require particular sensitivity. Providers have to minimize the number of times an individual has to tell their story. There are not enough trauma-informed providers in the immigration field to support both attorneys &amp; clients to prevent re-traumatization and/or to deal with it when it occurs.</td>
<td>Clients get re-traumatized.</td>
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<td>Staff Burnout</td>
<td>One local agency has lost 50% of its staff attorneys in the past 6 months.</td>
<td>Attorneys have to spend time identifying and accessing supports when clients are re-traumatized.</td>
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<td>Staff at CBOs are facing prolonged overwork and frequent exposure to secondary trauma.</td>
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<td>Caring for staff well being and sustaining their productivity is a challenge for grantees.</td>
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<td>Many staff are burning out and/or leaving.</td>
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<td>Quality &amp; capacity for serving clients is impaired.</td>
<td>Clients have longer wait-times to get legal services.</td>
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Appendix 2: Emails quantifying the impact of fear

Sent: Tuesday, November 06, 2018 4:32 PM
To: OIR
Subject: FW: Comments from today's resource table in Gilroy - Community is Scared

Hello,

I wanted to make you aware that due to recent policy announcements… we think it's the “Public Charge”… we've noticed some major shifts happening. We recently implemented two citizenship workshops with dismal results. For the San Mateo workshop (Oct. 13th – two days after Public Charge announcement), we anticipated a participation rate between 200-300 people since SM SSA sent out 1,600 notices from their database. Approximately 60 people attended the event and we ended the day with 30 completed applications. We did an event at this same location, 3 yrs. ago with the assistance of SSA and it resulted in 116 completed applications.

On Saturday, Nov. 3rd we did a Citizenship Workshop at Southside Community Center (new location) and we expected at least 150 – 200 people to attend, since OIA made a significant media buy. We registered a total of 88 and only 49 showed up. We ended the day with only 23 completed applications. Both CET and ALA did extensive outreach in District 2 and 5 hoping to get people to the event. Dorothy from ALA made the following comment, “We definitely got questions from community members today who said they were told they were not allowed to apply for citizenship because they would get their green card sponsors in trouble. There is an insane amount of BAD information out there and people aren't simply afraid to apply. They believe that they are actually and legally ineligible. We need to think about it but more importantly, we need to act.”

Our outreach specialist recently did some work in Gilroy and had a similar experience. See email below.

I think we need to formulate a plan of action to correct all the misinformation that is out there. People are going back into the shadows and we can't let that happen. Let me know if there is anything I can do to assist.

Sincerely,

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Subject: Comments from today's resource table in Gilroy

Hello,

So while I think we should definitely try to have more of a presence in Gilroy, there is definitely a sense of fear that is emanating from many of the people that I spoke with today. A few examples:

- For the first time ever I was asked, if someone was ready to become a citizen, how could we guarantee that the government would not deport them, even if they didn't have any sort of police record, etc.?
• When I introduced our organization to someone and asked if I could give them some information about our services, I was met with a very defiant statement, "There’s no way you can prove I’m not a citizen. I don’t need your help and everybody in my family is legal."
• I was asked, “Don’t you think it’s dangerous to apply to be a citizen right now?”
• Someone commented, “Being a citizen doesn’t mean you would be safe from hate.”

By and large, I think once I explained that we were a non-profit, that seemed to help but there were definitely a lot more people that were cautious this time around.

Thanks,

Outreach Specialist