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# Denver Immigrant Legal Services Fund Overview & Update

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# Background

On August 31, 2017, Mayor Hancock signed Executive Order 142 that established a legal defense fund to provide access to legal representation for indigent individuals in Denver threatened with or in removal proceedings. In March 2018, The Denver Foundation and City of Denver entered into a partnership to create the Denver Immigrant Legal Services Fund (DILSF).

# Purpose of the Legal Fund

1. Direct Legal Representation - Removal defense for persons in Aurora detention facility and/or subject to removal in Aurora or Denver Immigration Courts. Denver was one of 18 cities across the country to join the Vera Institute's SAFE Cities Network and received a \$100,000 matching grant to start the Legal Services Fund
2. Affirmative Relief applications- Legal screening, consultation and representation (ex. DACA and naturalization) before United States Citizenship and Immigration Services (USCIS)
3. Building Capacity for Direct Legal Representation - Expanding pool of pro bono immigration attorneys, law school clinics and students

# Why do we need the fund?

- There is **no public defender system** in federal immigration proceedings, even if the respondent is detained, is an asylum seeker, or is a child. We have a responsibility to protect the due process rights of our neighbors and community members.
- As a result, the vast majority of Denver residents facing deportation and detention **go unrepresented**. 71 % of immigrants detained at the Aurora Detention Center face deportation alone.
- Immigrants are ten times more likely to succeed on their cases when they have representation.
- For detained and non-detained removal cases: "According to the Department of Justice, in Fiscal Year (FY) 2018, Colorado received more than 4,800 immigration court matters. Nearly two-thirds of immigrants in these cases lacked legal representation".

# The Basics of the Fund

**Eligibility** 1) Proof of residence in the City and County of Denver in the previous six months, and, 2) meet a threshold of 200% of the Federal Poverty Level.

**Oversight** - The DILSF is overseen by a 7 member Advisory Board. Members are appointed by the Mayor, Denver City Council, the Immigration Roundtable, Colorado Lawyers Committee, and The Denver Foundation pursuant to XO 142

# Funding

2018

**Initial \$385,000**

\$200,000 City & County of Denver  
General Fund

\$50,000 City of Denver Support Fund

\$5,000 The Denver Foundation

\$30,000 Rose Community  
Foundation

\$100,000 Vera Institute [Safety &  
Fairness for Everyone  
\(SAFE\) Cities Network](#)  
Catalyst Grant

2019

**Total \$383,500**

\$250,000 City & County of Denver  
General Fund

\$183,500 Denver Foundation &  
private donors

2020

**\$250,000 (to date)**

\$200,000 City & County of Denver  
General Fund

\$50,000 Private Donations  
(approx.)

\*Award cycle is from November to October

# DILSF Grantees

**Rocky Mountain Immigrant Advocacy Network (RMIAN)** represents Denver residents detained in the ICE Contract Detention Facility in Aurora

**University of Denver's Sturm College of Law Immigration Law & Policy Clinic (SCOL)** law students provide direct legal services under attorney supervision to vulnerable immigrants, with an emphasis on detained indigent noncitizens who would otherwise likely go unrepresented, due to the complexity of their cases.

**The Justice and Mercy Legal Aid Clinic (JAMLAC)** provides full legal representation services at all stages of the immigration process. JAMLAC typically specializes in legal representation for victims of crime.

**Lutheran Family Services Rocky Mountains (LFSRM)** provides affirmative relief legal support.

# Current Unmet Need for Eligible Denver Residents

Denver Individuals Detained in Aurora Detention w/o Representation – 2019

**429**  
WITH  
Representation

or 34.6% of the 1,240 people detained w/cases initiated in FY2019 in the Aurora Immigration Court

**811**  
WITHOUT  
Representation

65.4% left without access to legal representation.

**80**  
UNREPRESENTED DENVER  
RESIDENTS ELIGIBLE FOR  
THE FUND

RMIAN estimates that in 2019, at minimum, 80 Denver residents eligible for the fund were not represented. For every person served, there are two residents not served.



# Current Unmet Need for Eligible Denver Residents

Non-Detained Docket Initiated in FY2019 – Denver

1,238

Denver Residents

Of the 7,169 people with cases initiated in FY19 on the non-detained docket in the Denver Immigration Court, 1,238 people had Denver, Colorado marked as their residency status

429

Of these 1,238 people, 429 are Denver residents and have/had legal representation (34.7 percent)

809

While 809 Denver residents do not or never had representation (either are still pending and do not have or completed without) (65.3 percent)

# Current Unmet Need for Eligible Denver Residents

## Affirmative Application Relief

- Approx. 39,000 Denver residents are without immigration status\*
- 5568 DACA eligible Denver residents\*
- Approx. 24,000 Denver LPR residents eligible to naturalize\*\*
- On avg JAMLAC turns down at least one person a day for some form of affirmative relief



## The Denver Immigrant Legal Services Fund (DILSF) at the Rocky Mountain Immigrant Advocacy Network (RMIAN)

*Sarah Plastino, Esq., Senior Staff Attorney, Detention Program, RMIAN*  
splastino@rmian.org, (720) 722-0908 (work cell), [www.rmian.org](http://www.rmian.org)

RMIAN provides free immigration legal services to individuals in immigration detention, and children & families throughout Colorado.

# Detained Representation

- Detention is civil, but the facility is built as a **jail**
- Detention is **indefinite** and lasts until proceedings conclude or client obtains release
- Proceedings are **fast-tracked** bench trials, and are **adversarial** against a government lawyer
- Attorney represents client on defenses against deportation + release + advocacy for medical and mental health needs
- Generally present **multiple defenses**, each requiring evidence and witnesses
- The legal **burden is on the client**, thus representation requires voluminous filings
- Attorneys must coordinate with family, social workers, and healthcare providers
- Even if an immigrant wins, there is the possibility of appeal

# The DILSF in Immigration Detention

- Through the DILSF, RMIAN provides free legal services to Denver residents who are in ICE custody at the GEO/ICE federal immigration detention center in Aurora, Colorado.
- If clients are released, RMIAN continues to provide representation while clients live in the community.

GEO/ICE Contract Facility -  
Aurora, Colorado  
(space for 1,532 people)



# RMIAN DILSF Services to Detained Clients

- For 2019, RMIAN represented **42 detained Denver residents** through the fund.
- RMIAN DILSF clients have **lived in the U.S. for 16 years** on average; one in three have lived in the U.S. for over 20 years.
- **41%** of RMIAN DILSF clients **arrived to the U.S. as children**.
- RMIAN DILSF clients are parents to **46 minor children** living in the U.S., **96%** of whom are U.S. citizens.
- **80%** of RMIAN DILSF clients with families are **breadwinners**.

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*“I didn’t have a date that I would get out, or a bond, or a date when I was going to see a judge or a lawyer. I felt lost and uninformed. But I kept thinking about my kids, and I knew I had to fight to stay here for them. I felt blessed when I received my lawyer. I am grateful that the City of Denver really cares about the people who need their help.”*

- RMIAN client who was detained for four months



**JUSTICE AND MERCY**  
LEGAL AID CENTER

## Denver Immigrant Legal Services Fund (DILSF) at the Justice and Mercy Legal Aid Center (JAMLAC)

*Sulma Mendoza, Esq., Immigration Director, JAMLAC*

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JAMLAC seeks justice for those struggling with poverty, oppression and abuse.



# JAMLAC DILSF Services to Non-Detained Clients

During the first year of the DILSF funding (Sept 2018 to Oct 2019), **141 Denver residents** eligible for affirmative immigration relief and/or non-detailed removal defense, **received representation during all stages of the immigration process.**

## Immigration cases include:

- Permanent residence
- Naturalization
- DACA
- Special Immigrant Juvenile Status
- Special Immigrant Juvenile Status
- Asylum
- U visa applications
- VAWA self-petitions

# JAMLAC's Impact from Affirmative Relief Services

Without renewing her permanent resident card, Mary (70 years old) would lose her Medicare and Medicaid coverage which paid for all of the nursing home expenses. **She would have ended up homeless and placed at risk for negative immigration consequences.**

# Consequence to grantees if funding is not available

Current needs for funding is approx. \$150,000 to continue fund grants as awarded in 2018 and 2019.

**All four legal service providers report having to make staff reductions if funding is not supported at their current levels.**

**All but University of Denver will have to reduce legal representation by half for Denver residents through the Fund.**

# Consequence to Denver residents if funding is not available

## JAMLAC

Currently turns away 50% of cases.

When funding cut to \$200,000 from \$380,000, turn away about 75% of cases eligible for the fund.

Go down to 80 cases total to from 160.

## LFS

Affirmative case load goes from 120 cases to 60.

# Consequence to Denver residents if funding is not available

## RMIAN


Need at least \$100,000 to keep a full-time attorney to avg approx. 30 cases throughout the course of a year.

## University of Denver

Fellow and student clinic opportunities will be impacted in addition to community members due to lack of capacity to represent.

*Community member served by RMIAN through  
the Fund - Catalino Alvarado Alvarado a Denver  
resident for over 20 years*





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# Thank you

# Questions and Answers