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For Immigrants, Legal Services Are Critical. Here's How Philanthropy Can Expand Access

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DESPITE THE PROMISE OF A NEW ADMINISTRATION

Despite the promise of a new administration, immigrants, refugees and asylum seekers still face the threat of detention, deportation and hostile local and state policies. One way undocumented immigrants can feel safe is by obtaining legal status—an undertaking that is not easily accomplished, especially without access to legal representation. At the same time, the pandemic's disproportionate impact on low-income, Black, Indigenous and people of color (BIPOC) communities, of which many people are essential workers, made clear the need for philanthropy to deploy resources swiftly and with maximum flexibility to support critical community services—including immigration legal services.



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As we emerge from the pandemic and face possible new opportunities with the Biden administration, funders should resource the immigrant justice movement, particularly the legal services ecosystem, and capitalize on efforts to create pathways to legalization for millions of immigrants in this country. This includes investments in targeted strategies that not only increase access to legal counsel for immigrants, but also strengthen the legal services infrastructure.

Immigration law is complex and not easily navigable without legal expertise. According to an [American Immigration Council](#) study of government data covering more than 1 million deportation cases, immigrants with legal representation were four times more likely to be released from detention and twice as likely to win immigration relief compared to those lacking counsel. Despite these findings, merely 37% of individuals facing deportation had legal counsel. Compounding this challenge are the profoundly disproportionate outcomes for Black immigrants. According to research conducted by the [Black Alliance for Just Immigration](#) and the NYU Law Immigrant Rights Clinic, Black immigrants are significantly more likely to be targeted for deportation than immigrants from any other racial group. These disparate outcomes highlight the urgency of acting to improve access to legal counsel as both an immigrant justice and a racial justice imperative.

In a [2020 report](#), Grantmakers Concerned with Immigrants and Refugees analyzed the immigration legal services infrastructure in California, [home to 24%](#) of the nation's immigrants, and found significant unmet need, insufficient funding for complex cases, and a shortage of qualified immigration attorneys, among other challenges. These challenges are undoubtedly greater in other regions of the country with more limited services infrastructure.

While the needs are daunting, the study provides concrete recommendations for philanthropy to reinforce and expand the legal services infrastructure, including investing in training and coaching for current leaders and developing a pipeline to recruit and train new immigration attorneys; resourcing efforts to coordinate information and services, such as centralized intakes and referrals; and funding technology upgrades and projects that allow service providers to better share information and tools among multiple organizations rather than individual programs.

Such philanthropic investments are needed to ensure the ecosystem is robust enough to absorb the increased demand that would accompany any significant policy changes. As we write, organizers and advocates are advancing legislation to establish new pathways to secure legal status, a development that would represent an important step toward making the United States a more welcoming and inclusive nation. If passed, the proposed bills would make citizenship a possibility for up to [5 million essential workers](#); [more than 4 million Dreamers](#), [Temporary Protected Status \(TPS\) holders](#), and [Deferred Enforcement Departure \(DED\)](#)

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holders; and more than 1 million farmworkers, all of whom would require qualified legal counsel to pursue this pathway.

Beyond offering a sense of security and belonging, legal services that help immigrants obtain more secure legal statuses are an essential component of building the power and well-being of immigrant communities. With legal status comes the ability to pursue higher-paying employment opportunities and education, and it brings a measure of protection against wage theft and exploitation from employers that would take advantage of undocumented workers. In addition, legalization would be a boon to the communities where immigrants live and to the United States as a whole.

A recent study by the Global Migration Center at the University of California, Davis determined that if current legalization proposals were to pass, they would increase production and wages, not just for those eligible for legalization, but for the entire nation. According to the study, providing a pathway for undocumented immigrants who are essential workers would boost the gross domestic product by a cumulative total of \$989 billion over 10 years and create 203,200 jobs. For so many reasons, now is the time for philanthropy to support legalization efforts and the legal services ecosystem that would be necessary for their implementation.

Fortunately, philanthropy has been investing in the legal services system for decades. By supporting naturalization efforts like the New Americans Campaign, driving local collaboration through Delivering on the Dream, and organizing national funder collaboratives like the Four Freedoms Fund, funders have bolstered the capacity of nonprofits to provide both affirmative and defensive immigration relief. Funders can build on these successes to confront the work before us now: to move beyond the crisis response of the last several years and toward a durable and agile legal services system at scale. Without access to legal services, there can be no safety for immigrants who walk a precarious line and are beholden to political will.

Our institutions—The Grove Foundation, the Zellerbach Family Foundation, and Grantmakers Concerned with Immigrants and Refugees—are committed to meeting this challenge. We call on all foundations concerned with equity and inclusion to join us in investing deeply and strategically in immigration legal services.

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