

HARVARD LAW SCHOOL

CAMBRIDGE · MASSACHUSETTS · 02138

HARVARD IMMIGRATION AND
REFUGEE CLINICAL PROGRAM
Harvard Law School

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Cambridge City Council
Louis DePasquale, Cambridge City Manager
795 Massachusetts Avenue
Cambridge, MA 02139

Dear Cambridge City Council and Mr. DePasquale:

The Harvard Immigration and Refugee Clinical Program (HIRC) would like to applaud your efforts to set up a legal defense fund for immigrants. Immigrants are an essential part of the Cambridge community and this fund would go a long way towards protecting their basic rights. HIRC witnesses on a daily basis the difference attorneys make to our clients' chances of success in their cases. Unfortunately, we cannot serve nearly as many as we would like. This fund would be an invaluable step towards ensuring no person facing the trauma of deportation goes unrepresented.

Immigrants are vital to Cambridge's economy and public service sector. They not only fill existing gaps, but create jobs: in Massachusetts as a whole, immigrants—who make up only 14% of the state's population—founded 61% of its new businesses in 2008.¹ Given Massachusetts's ageing population, young immigrant workers comprise a disproportionate share of the 25-44 year-old age group.² As such, they fill jobs left in the wake of retiring Massachusetts baby boomers and help fund public services for those retirees with the taxes they pay. The growing number of retirees is also increasing the demand for health care, and immigrant health care workers “are filling critical vacancies, with concentrations at both the high-skilled and low-skilled ends of the spectrum.”³ In Massachusetts, immigrants made up half of all medical scientists, 40% of pharmacists, 28% of physicians/surgeons, and one-third of nursing, psychiatric and home health aides in 2005.⁴

¹ See THE IMMIGRANT LEARNING CTR., IMMIGRANT ENTREPRENEURS: CREATING JOBS AND STRENGTHENING THE ECONOMY 3 (2012).

² See THE IMMIGRANT LEARNING CTR., MASSACHUSETTS IMMIGRANTS BY THE NUMBERS, SECOND EDITION: DEMOGRAPHIC CHARACTERISTICS AND ECONOMIC FOOTPRINT 3 (2012).

³ THE IMMIGRANT LEARNING CTR., IMMIGRANT WORKERS IN THE MASSACHUSETTS HEALTH CARE INDUSTRY: A REPORT ON STATUS AND FUTURE PROSPECTS, Summary (2009).

⁴ See *Immigrant Workers in the Massachusetts Health Care Industry*, THE IMMIGRANT LEARNING CTR., <http://www.ilctr.org/promoting-immigrants/immigration-research/immigrant-workers-in-the-massachusetts-health-care-industry/> (last visited Mar. 28, 2017).

Understanding the value of its immigrant community, and the financial and personal cost of deportation, Cambridge has long shown its support for protecting members of its community. The city has committed not to hold immigrants in detention for the sole purpose of deportation,⁵ and its police department has stated that it does not arrest individuals for violations of federal immigration laws.⁶ These measures are invaluable, and the creation of the legal defense fund is the clear next step towards ensuring that immigrants receive a fair hearing if federal Immigration and Customs Enforcement agents arrest them.

In 2016, the first national study of access to counsel in U.S. immigration courts found that detained immigrants with attorneys were 11 times more likely to seek relief and twice as likely to obtain such relief.⁷ Among those who were not detained, those with attorneys were five times more likely to both seek and obtain relief.⁸ A 2011 study launched by Judge Robert Katzman in New York found that the two most important determinants of a successful case outcome were having a lawyer and not being detained.⁹ Both studies noted that legal service providers lacked the funding and resources necessary to increase their capacity.

Cambridge has the opportunity to unite in support of its indispensable immigrant community by ensuring that no Cambridge resident will have to navigate the complexities of the U.S. immigration system alone. We very much hope that it will seize this opportunity.

Sincerely,

Harvard Immigration and Refugee Clinical Program
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Cambridge, Massachusetts 02138

⁵ See Chloe Reichel, *Trump signs order against sanctuary cities, but meets resistance as well as legal doubts*, CAMBRIDGE DAY, Jan. 25, 2017, <http://www.cambridgeday.com/2017/01/25/trump-signs-order-against-sanctuary-cities-but-meets-resistance-as-well-as-legal-doubts/>.

⁶ See Chloe Reichel, *After weekend immigration raid rumors, officials reach out but can't dismiss fears*, CAMBRIDGE DAY, Feb. 24, 2017, <http://www.cambridgeday.com/2017/02/14/after-weekend-immigration-raid-rumors-officials-reach-out-but-cant-dismiss-fears/>.

⁷ See AM. IMMIGR. COUNCIL, ACCESS TO COUNSEL IN IMMIGRATION COURT 2-3 (2016).

⁸ See *id.*

⁹ See N.Y. IMMIGRANT REPRESENTATION STUDY, ACCESSING JUSTICE: THE AVAILABILITY AND ADEQUACY OF COUNSEL IN IMMIGRATION PROCEEDINGS 3 (2011).