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## Building Community Among Diversity: Legal Services for Impoverished Immigrants

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# **BUILDING COMMUNITY AMONG DIVERSITY: LEGAL SERVICES FOR IMPOVERISHED IMMIGRANTS**

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Robert L. Bach\*

Throughout America's cities, the search continues for community development strategies that identify shared interests and common goals among increasingly diverse residents. The search is not new. The history of immigration to the United States is a living exchange between the need to accommodate newcomers' diversity and the need to recognize common ground with established residents.

During the last decade, immigration has helped make the search for community a crucial enterprise in many cities. Almost forty-five percent of foreign-born persons in urban areas entered the United States between 1980 and 1990.<sup>1</sup> Currently, in some urban communities, one of every three or four residents is foreign-born.<sup>2</sup> For many urban citizens, the socially homogeneous communities of their youth rapidly have become unfamiliar neighborhoods full of various languages, religions, and peoples.

This internationalization of urban communities has given a new social and cultural expression to long-term systemic problems. Rapid demographic change, for instance, means that inter-ethnic conflict is now as likely to involve Latino and Black Americans as it once was to engage Whites and Blacks. The challenge for urban communities is to prevent this new social and cultural mosaic from sidetracking efforts to solve

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1. BUREAU OF THE CENSUS, U.S. DEPT OF COMMERCE, SOCIAL AND ECONOMIC CHARACTERISTICS: UNITED STATES 1 tbl.1 (1990).

2. In Los Angeles County, for example, 32.7% of residents were foreign-born in 1990. BUREAU OF THE CENSUS, U.S. DEPT OF COMMERCE, SOCIAL AND ECONOMIC CHARACTERISTICS: CALIFORNIA 856 tbl.167 (1990) [hereinafter CALIFORNIA CENSUS].

shared problems such as job loss, poverty, poor education, crime, housing decay, and drugs. Community efforts are needed to expand the resources and energy to attack these problems. These efforts should be aimed at increasing public participation among both newly-arrived and well-established groups in formulating strategies for solving common problems.

Yet, many neighborhoods have lost the institutions that historically created opportunities for diverse newcomers to find common ground with established urban residents. Economic restructuring has reduced opportunities for common experiences. Immigrants once worked beside local residents and shared the daily triumphs and troubles of laboring in large steel mills, coal mines, and rail yards. Today's workplaces, however, are small-scale service shops that offer few opportunities for group interaction. Decline in union membership also has eliminated occasions for diverse newcomers to forge common interests with long-term resident workers.

Legal services for the poor offer the potential for building community by identifying and responding to the shared needs and interests of all urban residents. These services can mobilize local citizens in ways that bring members of diverse groups together to solve common problems. The strategic value of legal services stems from a simple premise—the promise of social justice in America requires access to the legal system for both newly-arrived and well-established residents.

Part I of this Essay introduces the Immigrants' Legal Needs Study (ILNS), which provides most of the data for this Essay. Part II focuses on immigrants' access to legal assistance. It analyzes the problems and needs of recently arrived poor immigrants—both immigrants share with longer established poor residents as well as special needs related to immigrants' residency status. Part III addresses the present day demography of our urban communities, including the levels of new immigration. Parts IV and V detail the legal difficulties faced by poor immigrants, the ways they deal with these problems, and community responses to these needs. Parts VI and VII explain the legal status differences between immigrants and the ways these differences impact their access to legal assistance. Finally, Part VIII suggests a vision for community renewal.

## I. IMMIGRANTS' LEGAL NEEDS STUDY

To begin to answer these questions, I analyzed data drawn from the Immigrants' Legal Needs Study (ILNS), a nationwide assessment of the civil legal problems among low-income, foreign-born households.<sup>3</sup> While focusing on a foreign-born population, the ILNS telephone survey replicates techniques used in most legal needs studies of the general population. The selected households had a total income of less than or equal to 125% of the federal poverty level, the eligibility cutoff for Legal Services Corporation (LSC) funded programs.<sup>4</sup> Households included all persons living together in a residential unit, whether or not they were related. Qualifying income included money generated from all household members. The person selected within each household to respond to the survey was the one most knowledgeable to answer questions who also was foreign-born and at least eighteen years of age. The study's sampling strategy produced respondents evenly distributed between men and women.

A primary goal of the study was to produce an understanding of the extent to which an immigrant's legal status affected his or her household's social problems and access to legal assistance. Within the five cities, the sample targeted nationality groups that comprised a large portion of the total immigrant population and represented significant legal status variations. The legal status of interviewees ranged from undocumented immigrant, to immigrant who held a green card, to bona fide refugee. An innovative feature of the survey was its extensive, multilingual approach. Native-language speakers interviewed in one of six languages: English, Spanish, Vietnamese, Chinese, Polish, and Haitian Creole.

## II. ACCESS TO THE LEGAL SYSTEM

Many people believe that legal services have never been available to immigrants in the United States. They associate

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3. Most of the data discussed in this Essay comes from the study's first phase, a telephone survey of 2516 immigrant households in Los Angeles, Chicago, New York, Miami, and Houston. Telephone interviews were conducted in March and June of 1993.

4. 45 C.F.R. § 1611.3 (1993).

legal services primarily with President Johnson's War on Poverty in the 1960s, which led to the creation of the LSC. Severe cutbacks in LSC funding in the 1980s<sup>5</sup> furthered the impression that legal services have played a minor role in providing community aid.

Yet, the movement in the nineteenth century for organized legal assistance programs for the urban poor included services for immigrants. The first legal services office was opened in 1876 in New York City to provide help for impoverished German immigrants.<sup>6</sup> The movement expanded through the early 1900s, and by 1917 private charities and other community organizations had started forty-one legal aid offices serving a wide array of impoverished groups.<sup>7</sup>

Legal assistance to impoverished immigrants, and the poor in general, became an integral part of the institutional mosaic of social policy in the 1960s and 1970s. One example of the growth of legal assistance for the poor was the creation in 1974 of the LSC, a private non-profit corporation that allocates federal funds to local legal service providers to be used for representing clients in certain civil matters.<sup>8</sup> By 1977, the LSC had 289 local offices in all fifty states, as well as the District of Columbia, the Virgin Islands, Puerto Rico, and the Trust Territories of Micronesia.<sup>9</sup> In the Reagan Administration's first year, however, expansion ended as budgetary cutbacks reduced the availability of services.<sup>10</sup> During the course of his administration, President Reagan sought to eliminate LSC funding in seven of eight budgets.<sup>11</sup> At the same time, the LSC board

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5. In 1981, LSC's federal funds were decreased from \$321 million to \$241 million. Douglas J. Beshirov, *Introduction to LEGAL SERVICES FOR THE POOR* at xiii, xiii (Douglas J. Beshirov ed., 1990); see also Anita P. Arriola & Sidney M. Wolinsky, *Public Interest Practice in Practice: The Law and Reality*, 34 HASTINGS L.J. 1207, 1207-08 n.6 (1983) (noting that one Reagan administration proposal sought to terminate LSC funding altogether).

6. Andrea J. Saltzman, *Private Bar Delivery of Civil Legal Services to the Poor: A Design for a Combined Private Attorney and Staffed Office Delivery System*, 34 HASTINGS L.J. 1165, 1165 (1983) (citing EMERY A. BROWNELL, *LEGAL AID IN THE UNITED STATES* 7 (1951)).

7. *Id.* at 1166 (citing EARL JOHNSON, JR., *JUSTICE AND REFORM, THE FORMATIVE YEARS OF THE OEO LEGAL SERVICES PROGRAM* 6 (1974)).

8. Legal Services Corporation Act, Pub. L. No. 93-355, § 2, 88 Stat. 378 (1974) (codified as amended at 42 U.S.C. § 2996 (1988 & Supp. V 1993)).

9. LEGAL SERVICES CORPORATION, *THE DELIVERY SYSTEMS STUDY* 9 (1977).

10. See *supra* note 5.

11. Ruth Marcus, *Future of Legal Services Corp. Will Hinge on Bush Nominees*, WASH. POST, Aug. 22, 1989, at A1, A8.

placed restrictions on the use of its funds.<sup>12</sup> As the nation's level of poverty increased, the availability of legal services to poor communities deteriorated dramatically. Supreme Court Justice Sandra Day O'Connor noted this deterioration in an address to the American Bar Association. She observed: "Never has there been a wider gulf between the need for legal services and the provision of legal services. All over the country, people are being forced into the street for lack of a lawyer."<sup>13</sup>

Immigrants were a target of this state-organized counterattack on efforts to assist the poor. In 1983, the national LSC issued regulations limiting eligibility for LSC funding to United States citizens, lawful permanent residents, aliens granted refugee, asylee, or conditional entrant status, and a few other groups.<sup>14</sup> Undocumented immigrants became ineligible for LSC-funded assistance.<sup>15</sup> Facing a series of audits, local LSCs self-censored their activities for fear their federal funding would be reduced. Thus, although these local LSCs had private funds available to serve undocumented immigrants, they chose not to utilize them for this purpose. To avoid restrictions, local organizations turned to private funding from non-profit foundations and the Interest on Lawyers' Trust Accounts (IOLTA). In the early 1990s, however, when interest rates dropped dramatically, these private resources also decreased, especially the funding obtained through IOLTA accounts.<sup>16</sup>

The dramatic depletion of funds available for legal assistance to the poor had specific impacts on impoverished immigrants whose access to social programs had been restricted in the 1980s. The 1980s was an active decade, generally, for United States immigration law. Numerous major legislative reforms passed, each impacting either the status, rights or access to the United States of immigrant groups. First, the Refugee Act of 1980<sup>17</sup> changed the definition of "refugee" and initiated a resettlement program that provided special domestic social

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12. *Id.*

13. *Restore Funding for Legal Services*, LEGAL INTELLIGENCER, Sept. 22, 1994, at 12 (quoting from an August 1991 speech).

14. 45 C.F.R. § 1626.4 (1993).

15. *Id.* § 1626.6.

16. Barbara C. Clark, *Interest Rate Decline Jeopardizes Stable IOLTA Funding*, 14 NAT'L LEGAL AID & DEFENDER ASS'N CORNERSTONE, Fall 1992, at 2 (noting that declining interest rates would cause decreases in many IOLTA funds, resulting in cuts of up to 42% in funding for legal services).

17. Pub. L. No. 96-212, 94 Stat. 102 (1980) (codified as amended in scattered sections of 8 U.S.C.).

assistance.<sup>18</sup> Second, federal policy denied Cuban and Haitian entrants full refugee status and gave them only partial access to similar social programs.<sup>19</sup> Finally, the Immigration Reform and Control Act of 1986 (IRCA)<sup>20</sup> improved the legal status of many undocumented immigrants who entered the United States illegally before January 1, 1982, by adjusting their status to allow them to remain in the country legally.<sup>21</sup> At the same time, however, IRCA restricted their access to certain public welfare assistance programs.<sup>22</sup> Current debates add to this increasing effort to make finer legal and social distinctions among immigrant groups. Further proposed reforms in the asylum determination system would restrict an applicant's access to work authorization and place special demands on local communities.

The 1980s also witnessed a change in political support for broad-based community legal and social protections. Historically, efforts to expand legal services and other social benefits for immigrants were based on a broad approach to reform. Even in the nineteenth century, the progressive settlement movement, out of which the legal services movement emerged, sought both to integrate immigrants within their new urban communities and to transform the character of impoverished communities overall.<sup>23</sup> The broad social reform movement pursued and achieved changes in schooling, workplace standards, health reforms, and housing codes, which in turn benefitted immigrants.

In the 1960s, legal services for the poor became an invaluable instrument once again in the federal government's attack on poverty. Great Society reforms launched new efforts to provide legal services directly to poor families and to push for broad legal reform. Legal services were viewed not only as a social service outreach effort but also as a mobilizing force for social change.

18. § 201(a), 94 Stat. at 102 (codified at 8 U.S.C. § 1101(a)(42) (1988)).

19. Robert Pear, *U.S. To Let Refugees from Cuba and Haiti Remain for 6 Months*, N.Y. TIMES, June 21, 1980, at 1, 8.

20. Pub. L. No. 99-603, 100 Stat. 3359 (codified as amended primarily in scattered sections of 8 U.S.C. and 42 U.S.C.).

21. § 201(a), 100 Stat. at 3394 (codified as amended at 8 U.S.C. § 1255(a) (1988 & Supp. V 1993)).

22. § 201(a), 100 Stat. at 3394, 3401 (codified as amended at 8 U.S.C. § 1255a(h) (1988 & Supp. V 1993)).

23. ALLEN F. DAVIS, *SPEARHEADS FOR REFORM: THE SOCIAL SETTLEMENTS OF THE PROGRESSIVE MOVEMENT 1890-1914*, at 84-94 (1967).

Immigration politics in the 1980s, however, separated advocacy for increased admissions into the United States from efforts to prevent restriction of social benefits and legal protections for the poor in general. Immigration and ethnic lobby groups placed liberalized admissions at the top of their political agenda. They achieved some success because their goal of increasing the volume of immigration coincided with conservative business interests eager to expand access to low-wage, non-unionized labor. The result, however, was that by 1990 the general decline in local advocacy resulted in insufficient legal assistance for immigrants. The pro-business politics of the 1980s undercut labor and health standards and weakened the community groups that had made many of the civil rights and immigration gains. The remaining protections were unevenly divided among different immigrant groups, depending on their recency of immigration and the new federal policies with respect to different groups of immigrants.

### III. DEMOGRAPHY OF NEW URBAN COMMUNITIES

Poverty among the foreign-born population in the United States is widespread. Census figures show that approximately 3.5 million immigrants lived below the poverty line in 1990.<sup>24</sup> They comprised 18.2% of the foreign-born population.<sup>25</sup> Another 1.2 million immigrants had incomes which were below 125% of the poverty standard,<sup>26</sup> the eligibility cutoff for most federal programs, including legal aid.<sup>27</sup> In all, almost eight million immigrants were strapped financially, as their income fell below 200% of the federal poverty guidelines.<sup>28</sup>

This impoverishment has generated considerable concern about immediate costs and long-term impacts on local communities. Yet, most of these nearly 3.5 million low-income immigrants arrived very recently in the United States. Among all immigrants who arrived before 1980, only twelve percent

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24. BUREAU OF THE CENSUS, U.S. DEPT OF COMMERCE, *THE FOREIGN-BORN POPULATION IN THE UNITED STATES* 257 tbl.5 (1990) [hereinafter *CENSUS OF FOREIGN-BORN*].

25. *Id.*

26. *Id.*

27. 45 C.F.R. § 1611.3(b) (1993).

28. *CENSUS OF FOREIGN-BORN*, *supra* note 24, at 257 tbl.5.



were below the poverty level in 1990.<sup>29</sup> Recent arrivals had much higher poverty rates: 34.3% of newcomers who entered the United States in the three years before the 1990 Census were impoverished.<sup>30</sup>

The correlation between poverty and recency of arrival explains some of the differences frequently observed among various nationality groups. Poverty rates in some national origin communities are very high, running to more than one-third of those populations.<sup>31</sup> A primary indicator is the percentage of new arrivals within that community. Within the Mexican-origin population, for instance, 29.7% of persons were living below the poverty line in 1990.<sup>32</sup> Yet nearly one in two (43.2%) Mexican immigrants who arrived in the three years preceding the 1990 Census were impoverished.<sup>33</sup> In contrast, the Cuban-born population, which on average is older and longer settled in the United States, has significantly lower poverty rates (14.7%).<sup>34</sup>

The urban context of settlement provides another critical source of variation within the immigrant poor. The geographical concentration of immigrants in only a few major cities has increased dramatically the number and diversity of clients seeking urban services. For example, demographic change in Los Angeles is one of the primary features of the recent inflamed debate about the burgeoning costs of immigration to local and state governments.<sup>35</sup> Foreign-born persons now comprise approximately one-third of all persons residing in Los Angeles.<sup>36</sup> More importantly, approximately one-half of these immigrants arrived in the 1980s.<sup>37</sup> This recent influx has made immigration socially and politically visible and turned it into an identifiable and exposed area of budgetary calculations.

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29. *Id.*

30. *Id.*

31. *E.g., id.* at 275 tbl.5 (38% of Cambodian immigrants below poverty line), 285 tbl.5 (40.3% of Laotian immigrants below poverty line).

32. *Id.* at 294 tbl.5.

33. *Id.*

34. *Id.* at 297 tbl.5.

35. See Ronald Brownstein & Richard Simon, *California is Pulling in the Welcome Mat*, L.A. TIMES, Nov. 14, 1993, at A1.

36. CALIFORNIA CENSUS, *supra* note 2, at 856 tbl.167.

37. *Id.*

#### IV. WHAT DO IMMIGRANTS SAY THEIR PROBLEMS ARE?

Immigrants encounter numerous problems when they first enter a new community and search for new housing, jobs, and access to other support systems. To solve these problems, most rely on family-based support systems and turn to public services at a lower rate than native-born persons. Still, they are often as likely, if not more so, to experience legal and social problems as their resident counterparts.

High levels of poverty among immigrants give rise to frequent reports of social and legal problems. The ILNS survey shows that low-income immigrants face more legally related problems than the general low-income population. Roughly sixty-percent of immigrant households reported having at least one civil problem in the twelve months preceding the interview. In a comparable recent survey of all low-income households, the American Bar Association reported that almost forty-three percent of low-income households experienced at least one civil legal problem in the preceding year.<sup>38</sup>

Figures in Table I, on the following page, show the distribution of problems among foreign-born households.<sup>39</sup> Although legal needs studies often record different priority rankings, housing problems usually represent the most frequently reported area of difficulty. In this study, within a twelve-month period nearly 32.4% of all foreign-born households reported having unsafe or unhealthy housing conditions or disputes with their landlord.

Employment and job discrimination are the next most frequent problem areas. At least one in every five low-income immigrant households reported employment problems. The most frequently reported difficulties involved dismissal or non-payment of wages. Both experiences characterize the weak workplace power of many immigrant workers. Newcomers also frequently identified unfair hiring, firing, or wage practices as significant discriminatory problems at work.

Immigrants reported two additional problems that typically are experienced by all poor people: (1) limited access to health

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38. CONSORTIUM ON LEGAL SERVICES AND THE PUBLIC, AMERICAN BAR ASS'N, TWO NATIONWIDE SURVEYS: 1989 PILOT ASSESSMENTS OF THE UNMET LEGAL NEEDS OF THE POOR AND THE PUBLIC GENERALLY 17 (1989).

39. All tables referred to in this Essay summarize data from the ILNS survey.

**TABLE I**  
**MAJOR PROBLEM CATEGORIES**

Problem Area	Proportion of Immigrant Households Reporting Problem in Preceding Year* (%)
Civil	4.5
Consumer	26.2
Discrimination	20.5
Domestic	11.1
Health Care	18.2
Housing	32.4
Public Benefits	11.4
Education	10.3
Employment	20.0

Source: Immigrants' Legal Needs Study, 1993.  
\*Weighted figures (N=2516).

care services (18.2%) and (2) limited access to public benefits (11.4%). The poor, including the immigrants surveyed, often rely on emergency rooms for their medical treatment. Immigrants reported inattentive and dismissive treatment received within these high stress environments. As a result, many immigrant poor, as well as native-born poor, do not seek medical help until an illness or injury has become serious.

Many households reported difficult interpersonal encounters with social welfare personnel in public assistance offices. Their problems often involved clerks who were members of other minority groups. These clashes inhibited further efforts to seek public aid and added to immigrants' general perception of strained relations with established minority members of local urban communities.

Immigrants also share consumer problems and domestic difficulties that affect both low- and middle-income native-born groups. For instance, immigrants' domestic problems typically include divorce and separation, which create legal needs

related to property or child custody. Low-income immigrants seldom own a home or have the problems with loans or property transactions that are more common among middle-income residents. Yet, their most important property purchase, an automobile, often creates numerous problems such as obtaining car insurance.

## V. COMMUNITY RESPONSES

Immigrants face many of the problems described above because of their demographic characteristics, the social composition of their households, and the migration experience itself. Language difficulties and a lack of information and familiarity with United States social service systems represent further problems immigrants encounter. Most of their difficulties, though, are similar to those encountered by established residents. They include conflicts with landlords, troubles in workplaces and schools, and barriers to gaining access to public benefits.

The primary question, then, is whether and to what extent new immigrants have access to the legal resources available to established residents. Most native-born low-income families obtain legal assistance within their local communities. The source of assistance to newcomers is a sensitive indicator of the capacity of community resources to reach out and serve immigrants.

Despite years of cutbacks, local communities have continued to strive to provide legal assistance to immigrants. Even today, legal assistance to immigrants occurs at a surprisingly substantial level. Roughly twenty-five percent of immigrants in the ILNS survey who reported a problem received legal help for their difficulty.

According to the surveyed immigrants, community legal assistance consists of a wide array of organizations and service providers. Figures in Table II and Table III, on the following page, show the types of legal assistance received. Sources of legal help are embedded deeply in the established community structure. Understanding them requires attention to details of group history and composition, and to specific cities and programs. For clarity of discussion, I have limited these figures and the following discussion to Latin American immigrants.

**TABLE II**  
**TYPE OF LEGAL ASSISTANCE**  
**BY COUNTRY OF ORIGIN**

Type of Assistance	Country of Origin								
	Columbia	Cuba	Dominican Republic	El Salvador	Guatemala	Honduras	Mexico	Nicaragua	
Private Attorney	77.3	46.8	40.8	32.5	55.7	72.6	48.0	37.3	
Notario	1.0	4.7	6.3	19.3	17.4	14.4	28.9	8.6	
Law Firm	0.0	5.6	6.6	2.3	1.4	0.0	0.0	4.1	
Legal Aid Agency	1.9	6.1	11.5	14.3	15.8	7.3	5.8	6.1	
Community Agency	12.1	15.4	0.0	12.6	9.7	5.7	8.1	31.6	
Consulate/Police	4.1	4.5	16.7	5.7	0.0	0.0	2.2	7.7	
Other	3.7	16.9	18.6	13.2	0.0	0.0	6.9	2.7	

Source: ILNS Telephone Survey, 1994.

**TABLE III  
TYPE OF LEGAL ASSISTANCE  
BY IMMIGRATION STATUS**

Type of Assistance	Immigration Status						
	Total	Citizen	LPR*	Asylum	Refugee	Undoc.	
Private Attorney	46.2	51.3	45.6	37.5	81.3	41.1	
Notario	19.8	12.4	18.3	49.2	0.0	46.7	
Law Firm	1.9	0.0	2.6	0.0	0.0	1.6	
Legal Aid Agency	8.9	14.0	9.3	1.5	0.0	0.9	
Community Agency	9.3	3.4	10.5	2.3	18.8	5.3	
Consulate/Police	4.2	3.5	5.6	8.5	0.0	0.0	
Other	9.3	15.6	8.1	1.0	0.0	4.5	

Source: ILNS Telephone Survey, 1994.  
\* LPR= Legal Permanent Resident

Private attorneys offer the largest single source of legal assistance to Latin American immigrant poor. Overall, 46.2% of immigrants who reported that they received legal assistance obtained it from a private attorney. Almost twenty percent received help from a community agency (9.3%) or a local legal aid office (8.9%). Many immigrants who received help, however, could not describe who it was that helped them. In most cases, these immigrants received help from a community agency and did not know whether or not the person who advised them was an attorney.

Of those who knew the provider's qualifications, nearly one in five immigrants reported receiving help from a notario<sup>40</sup> or an immigration consultant. Immigrants typically view their assistance as extensions of their friendship network. Yet, help from notarios or immigration consultants, and their proliferation in immigrant communities, has sparked intense debate and opposition from the legal profession.<sup>41</sup>

Notarios often lack formal legal training and access to information about recent legal developments. Because notarios can perform legal services in other countries, such as Mexico, notarios in the United States may exploit immigrants by charging them fees for legal services that they are not authorized to perform. Still, efforts to put notarios out of business have generated considerable opposition from immigrants and community associations who work closely with them.

Part of the emotion and conflicting views within this debate results from the concentrated use of notarios and immigration consultants among particular nationality groups. Figures in Table II highlight a disproportionate concentration of notario use by Mexican, Salvadoran, and Guatemalan nationalities. For instance, 28.9% of low-income, Mexican immigrant households that obtained legal help used a notario for assistance. Many notarios may have learned their skills during the 1986

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40. Notarios are small businesses whose owners often are respected members of local communities. Although the Spanish word "notario" translates into the English "notary," the Spanish spelling is used because the services offered by notarios in immigrant communities far exceeds that of a notary public. See *The Florida Bar v. Rodriguez*, 509 So. 2d 1111 (Fla. 1987) (describing services offered by defendant's notario business).

41. Lee May, *ABA Sees Risk of Fraud by People Aiding Illegal Aliens*, L.A. TIMES, Nov. 4, 1986, at 6; see also *The Florida Bar v. Rodriguez*, 509 So. 2d 1111 (Fla. 1987) (enjoining a notario from representing herself as an attorney and aiding immigrants with legal problems).

legalization program.<sup>42</sup> During that program, members of community-based organizations, so-called Qualified Designated Entities, picked up rudimentary knowledge of immigration law, acquired familiarity with required application forms, and established the community contacts to open a local business.<sup>43</sup> When the program ended, some of these staff members opened their own for-profit services to other immigrants.

Differential use of legal service providers, however, is not restricted to notarios. For example, private attorneys are the primary service providers for Colombian and Honduran immigrants, servicing approximately three of every four households that received legal help. In contrast, Nicaraguans and el Salvadorans seldom turn to private providers. They seek help from community organizations, either a legal aid agency or a local ethnic association. Approximately sixteen percent of Dominicans turn to their consulate for legal help, a form of assistance generally not utilized by other groups. Dominicans and Cubans frequently use government agencies for help. Located within the "Other" category in Table II, government agencies include local welfare and employment offices.

## VI. LEGAL STATUS DIFFERENCES

As discussed in Part II, throughout the 1980s, federal policy drew increasingly finer legal status differences among various immigrant groups.<sup>44</sup> Each legal status contained different eligibility rules for public programs and community services,<sup>45</sup> and affected how the local community could respond to immigrants' problems. The results of the ILNS study show that the problems reported by immigrants and their source of assistance varied according to the immigrant's legal status.

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42. See *supra* notes 20–21 and accompanying text.

43. Qualified Designated Entities sent legalization applications to the INS on behalf of immigrants, for which the INS paid them \$15 per application. SUSAN G. BAKER, *THE CAUTIOUS WELCOME: THE LEGALIZATION PROGRAMS OF THE IMMIGRATION REFORM AND CONTROL ACT 4* (1990).

44. See *supra* notes 17–22 and accompanying text.

45. For a discussion of the limitations on public benefits available to immigrants based on their legal status, see John W. Guendelsberger, *Equal Protection and Resident Alien Access to Public Benefits in France and the United States*, 67 *TUL. L. REV.* 669, 720 n.189 (1993).



Some problems encountered in local communities are more sensitive to legal status differences than others. For example, according to the ILNS sample, an immigrant's legal status does not affect whether a household encounters problems with local schools. Low-income immigrants, regardless of legal status, also share similar incidences of domestic problems and experiences of discrimination. On the other hand, a newcomer's legal status seriously affects access to public benefits. Refugees in the sample were three times more likely to report problems with access to public benefits than other immigrant groups. The higher rate of reported problems indicates that refugees are more likely to seek out public benefits. In contrast, those with very weak legal foundations for residency in the United States are less likely to use public assistance programs. Thus, newly legalized aliens, undocumented immigrants, and asylum-seekers report very few problems.

The source of legal assistance to immigrants also varies based on legal residency status. Figures in Table III show the connection between legal status and differential legal assistance. Immigrants whose legal statuses are most in question—undocumented immigrants and asylum-seekers—rely on the weakest forms of legal help, the notarios (46.7 and 49.2% respectively). When they receive legal assistance, these immigrants also are less certain about the qualifications of the person assisting them. ILNS interviews reveal that the use of notarios or small, local community agencies heighten uncertainty, since the person providing help is unlikely to be an attorney.

In contrast, an immigrant granted refugee status by the INS has no need to utilize unlicensed small businesses that cannot offer fully recognized legal help. Refugees are eligible for federally-funded legal services<sup>46</sup> and may become legal permanent residents at the Attorney General's discretion.<sup>47</sup> Refugees generally turn to private attorneys for their legal assistance or to community agencies that participate in the federal resettlement program. Legal aid agencies also are relatively successful in providing assistance to eligible immigrants. Citizens, permanent residents, and newly legalized

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46. 45 C.F.R. § 1626.4 (1993).

47. 8 U.S.C. § 1159 (1988 & Supp. V 1993).

aliens all draw on local legal aid offices, while undocumented immigrants simply are ineligible.<sup>48</sup>

VII. GETTING HELP

Like all local residents, immigrants rely on close social connections to obtain information about the availability of legal services. The use of social networks mirrors how people generate information about a broad array of situations, including job searches, choice of medical personnel, and decisions about schools. Figures in Table IV, below, show that 44.6% of the surveyed Latin American-origin immigrants located legal services through the assistance of friends or relatives. Another 19.3% knew the attorney or community agency provider personally. Only about one in four impoverished immigrants used anonymous advertisements or phone books or simply walked into a local office.

**TABLE IV  
METHOD OF LOCATING LEGAL ASSISTANCE  
AMONG LATIN AMERICAN-ORIGIN  
IMMIGRANT HOUSEHOLDS**

Source of Assistance	Total
Used this Legal Help Before	2.1
Knew Legal Provider	19.3
Friend or Relative	44.6
Advertisement	12.5
Telephone Book	5.7
Walked into Office	7.7
Referred	5.9
Work or School	0.3
Church	1.1
Other	1.0

Source: ILNS Telephone Survey, 1994.

48. See *supra* notes 14–15 and accompanying text.

Not all social networks and sources of information, however, are equal. Access to legal help through friends and relatives varies by purpose and, especially, legal status. Immigrants with a precarious legal status rely much more frequently on close friends or relatives for their legal assistance information than immigrants who have a more secure legal footing in the local community.

For example, impoverished immigrants who have become citizens rely least on friends or relatives. They also enjoy access to the fullest range of legal services. Their utilization pattern is well distributed among all the primary sources of information listed in Table IV. Refugees learn of the private attorney or community agency through two sources. Most rely on friends and families. Nearly one-third, however, are able to simply walk into an office to receive help. These offices exist because of federal, state, and local governmental efforts to provide refugees with a full array of support services during their early years of resettlement.

Finally, although undocumented immigrants have the weakest legal position in the community, their close connections with legal resident family members and friends provide some protections. For instance, undocumented immigrants rely on sources of information that match fairly well the way permanent residents locate help. In most of these communities, undocumented immigrants are well-entrenched members of local support systems. Their social connections are similar to all others in the community. Thus, their uniqueness results not from their relationship to the community, but from their relationship to the state and the restrictions placed on them because of their legal status.

### VIII. TOWARDS A COMMUNITY RENEWAL POLICY

Impoverished immigrants clearly face an array of difficulties in local urban communities that reflect the hardships of long-established resident poor. They share poverty and the dramatic limits it places on solving problems. Despite decades of public attention to poverty, few people appreciate the extent to which poverty complicates traditionally routine daily activities. Getting to work, arranging child care, handling health problems, and standing up to landlords or employers are tasks

made far more difficult without a minimal level of household resources. For a newcomer with only a few months or even years in the United States, poverty complicates routine adjustments even more. Those who arrive with less than a secure legal status and lack family or friend connections frequently are unable to draw upon even minimal community resources.

An effort to assure effective legal services for impoverished immigrants should recognize their shared problems with established residents, the range of resources and groups currently involved in providing help, and the potential for building a broad-based community revitalization reform movement. As Table I shows, a valuable starting point for legal service reform is housing, the single most frequent problem mentioned by impoverished immigrants across the nation. Immigrants of all groups and statuses—and citizens too—cite housing problems as their highest concern.

Revitalizing communities through linking the production of new housing to investments in the general economy is a potentially valuable strategy for reintegrating the needs of the poor into a national agenda. The Department of Housing and Urban Development's Community Reinvestment policy<sup>49</sup> offers a useful model. Its purpose is to encourage financial institutions to make loans within their local communities, including low- and moderate-income neighborhoods.<sup>50</sup> By investing in the entire community, the growth strategy encourages linking common problems to shared problem-solving.

Jobs are a second and more difficult area to direct community legal services resources. Survey responses show the need for legal service protections not only to protect immigrants from abusive employers, but to shield all workers from discrimination. Immigrants are part of local workforces, sharing social characteristics such as ethnicity and race. Challenging discrimination and poor labor practices aimed at newcomers is a sound and necessary step toward equalizing immigrant protections with those of long-term residents. Even in workplaces that hire undocumented immigrants, legal assistance should concentrate on aggressive pursuit of enforcement of wage and hours standards and anti-discrimination measures.

Clearly, the toughest policy concern is whether or not legal services for the poor should be extended to persons without

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49. 12 U.S.C. §§ 2901–2907 (1988 & Supp. V 1993).

50. *Id.* §§ 2901, 2903.

proper legal documentation to reside in the United States. Federal immigration policy under the Clinton Administration is beginning to attract widespread support for its clear commitment to legal immigration and its efforts to reduce illegal immigration. Legal service protections for undocumented immigrants, beyond the defense of fundamental human rights, may reward persons for breaking immigration laws, and in turn jeopardize national support for refugees and other legal immigrants.

A community renewal strategy, however, does not contradict the urgency of enforcing federal immigration policy. The first rule of any social policy should be to do no harm. Providing access to local legal assistance, regardless of legal status, has the capacity for protecting immigrants and producing a stronger community-at-large. Legal assistance and advocacy which insists that landlords provide safe housing and that employers provide secure jobs benefit everyone, even if the individual client is undocumented. The legalization efforts in the mid-1980s demonstrated the potential benefits of addressing immigrant problems.<sup>51</sup> The federal government's plans for a major new naturalization campaign in 1995<sup>52</sup> is an opportunity for local organizations to rally support, again, for an immigration-related service that has a direct impact on the well-being of the community.

A final goal of a community renewal strategy is to improve relations among different groups within local communities. A simple lack of financial resources is not the sole source of difficulties in urban communities. To a large extent, communities are structured in ways that divide newcomers from established residents. Government programs, including funding strategies, are often part of the problem. In the public policy realm, a commitment to shared enterprise and participation seems to have been lost. Rather than efforts to rejuvenate and renew a broad base of community support, programs increasingly target a particular group that identifies and separates their interests, problems, and potential remedies from the rest of the community. Yet, when immigrants and established residents have opportunities to interact to solve meaningful and shared problems, they may respond collectively. We are

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51. See *supra* notes 20–21 and accompanying text.

52. The federal government will allocate \$30 million to the INS in fiscal year 1995 for this legalization campaign. See Stewart Kwoh & Michael Eng, *Dream of Becoming Citizen Must Be Protected by All*, L.A. TIMES, May 23, 1994, at B5.

failing today to create these collective opportunities to build institutions and strategies.

For the legal services community, the challenge is to organize the broad network of established organizational resources to meet the toughest problems that newcomers and established residents share in urban communities. This effort will require, and already has initiated, extremely difficult debates about priority-setting and organizational restructuring. The long-standing debate between targeted group-specific programs and broader-based geographically oriented efforts will take on special meaning in urban communities where the category of "immigrant" is far more diverse than people believe or are willing to accept. Few people appreciate the true extent of diversity within urban communities where immigrants have settled. Efforts to organize legal services or other programs around group identities rather than needs and problems underestimate the array of languages, religions, class backgrounds, and goals contained within these neighborhoods.

Legal services can be a primary resource of community revitalization because it allows members of a community to strive toward a common goal. As these survey figures indicate, immigrants and low-income citizens have extensive overlapping problems and needs. They rely on a similar array of community resources for help with their high level of social problems. They depend on each other for information about these resources. Broad-based law reform and legal advocacy provide a strategy to respond to diverse newcomers' social and legal problems, and to mobilize both immigrants and citizens in efforts to rebuild the foundations for a secure and prosperous community.

