

CENTER FOR HUMAN RIGHTS AND CONSTITUTIONAL LAW

256 South Occidental Boulevard

Los Angeles, California 90057

Telephone: (213) 388-8693 Facsimile: (213) 386-9484

www.centerforhumanrights.org

www.vocesunidas.org

www.casa-libre.org

www.immigrantchildren.org

www.legalizationusa.org

To: Immigration Attorneys and Advocates

From: Peter A. Schey, President CHRCL Foundation

Re: Announcement of Immigrant Litigation Fund (ILF)
Description of the Fund and Application Process

Date: March 5, 2005

Please post and circulate as appropriate

The Center for Human Rights and Constitutional Law has for over 20 years engaged in major impact litigation, including numerous class action cases, on behalf of immigrants and refugees. As a result of this work, the Center has won significant court victories and nationwide settlements requiring that all apprehended immigrants be informed of their right to counsel and to contact their consular officers, all immigrants appearing before Immigration Judges must be advised of available local free legal services, all detained immigrant minors are eligible for release to licensed shelters and responsible third parties other than their parents, and all undocumented children are permitted to attend public schools. To learn more about the Center's work, please visit any of the web sites listed above.

Because of the successful outcome of these cases, the Center has won the largest attorney's fees awards ever issued by the federal government. We plan to use a portion of these fees to establish the Immigrant Litigation Fund.

By creating the Immigrant Litigation Fund, we hope to encourage immigration attorneys in private practice or working with non-profit organizations to pursue remedies in the courts on behalf of low-income immigrants and refugees whose rights are being violated under federal and/or state laws.

At least in some cases, the cost of litigation is a barrier to low income immigrants and refugees actively pursuing available judicial remedies or appeals of adverse administrative decisions. The Immigrant Litigation Fund will provide financial

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support for the costs and expenses associated with challenges and appeals on behalf of immigrants and refugees.

Structure of the Immigrant Litigation Fund

- The ILF grants are made in the form of no-interest loans to be used to pay costs and expenses in court cases brought on behalf of low-income immigrants and refugees.
- ILF grants are only paid back if the legal case is successful and the plaintiff or petitioner recovers his or her legal costs. If the legal case or appeal fails, the loan is forgiven. Grants will only be made in cases in which the prevailing party is entitled to recover his or her out of pocket costs.
- ILF grants may not exceed ten thousand dollars (\$10,000) per case.
- The Center for Human Rights and Constitutional Law will evaluate grant applications to determine the importance of the issue being litigated, the likelihood of success, and the ability of the plaintiff or petitioner to pay the costs and related expenses of the litigation or appeal.
- ILF grants may be used for all litigation costs including, for example, filing fees, transcripts, attorney travel, deposition costs, expert fees, etc. ILF grants may not be used to pay for attorney's fees.
- In some cases in which the expertise of its attorneys would increase the likelihood of success in a case, The Center for Human Rights and Constitutional Law may require that its attorney become co-counsel in a case or appeal for which an ILF grant is made. This may be done in cases in which the experience of the Center's

attorneys and the resources of the Center would enhance the likelihood of success of the case on appeal.

How to apply for an ILF grant

Lawyers in private practice or non-profit legal service providers may apply for ILF grants. There are no application deadlines. Decisions will normally be made within thirty (30) days of receipt of an application. Applicants will be advised in writing of the decision made in response to an application. Materials sent in

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support of applications will not be returned to the applicant. To apply for an ILF grant, please provide a cover letter including the following information:

- (1) The issue(s) to be litigated in the case;
- (2) The procedural history of the cases;
- (3) The facts pertinent to the case;
- (4) A summary of the legal argument that will be made in the case;
- (5) Identify the lawyers who will work or are working on the case;
- (6) Briefly explain why the client(s) would have difficulty paying for the costs of the case;
- (7) Explain what costs (e.g. filing fees, transcripts, attorney transportation, depositions, expert fees, etc.) will be incurred in the case, and your estimate of the amount involved for each cost you identify;
- (8) Attach to your letter copies of any prior administrative and/or judicial decisions in the case;
- (9) If briefs have previously been filed in the case, attach copies of the most comprehensive brief written for the immigrant and the most comprehensive brief written by the government.

Forward letter applications and attachments via email to pschey@centerforhumanrights.org or via regular mail to Peter Schey, President, Center for Human Rights and Constitutional Law, 256 South Occidental Blvd, Los Angeles, CA 90057.

If you have any questions regarding the Immigrant Litigation Fund, please email Peter Schey at the e-mail address above.

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