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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

Case No. 3:19-cv-07151-MMC

THE CITY OF SEATTLE, IMMIGRANT
LEGAL RESOURCE CENTER,
CATHOLIC LEGAL IMMIGRATION
NETWORK, INC., SELF-HELP FOR THE
ELDERLY, ONEAMERICA, AND
CENTRAL AMERICAN RESOURCE
CENTER OF CALIFORNIA,

Plaintiffs,

vs.

DEPARTMENT OF HOMELAND
SECURITY, KEVIN MCALEENAN,
KENNETH T. CUCCINELLI, AND
UNITED STATES CITIZENSHIP AND
IMMIGRATION SERVICES,

Defendants.

**DECLARATION OF KENNY CHU
IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

I, Kenny Chu, declare as follows:

1. I have personal knowledge of the matters set forth herein.
2. I am the Naturalization Program Supervisor for Self-Help for the Elderly (“Self-Help”), a 501(c)(3) non-profit organization headquartered in San Francisco, California.

Self-Help’s Mission

3. Originally founded to serve the elderly in San Francisco’s Chinatown, Self-Help’s mission is to provide assistance and support for seniors throughout the San Francisco area (San Francisco, San Mateo, Santa Clara and Alameda counties), including integrating

1 them into the civic and political community. Over 90 percent of our clients are low-income
2 and from minority communities. We are dedicated to improving the quality of life for older
3 adults by empowering seniors to help themselves and by providing comprehensive range of
4 multicultural and multilingual services.

5 4. As a part of this mission, Self-Help serves as the lead agency for San Francisco
6 Pathways to Citizenship (“Pathways to Citizenship”), a partnership between the City of San
7 Francisco (“the City”) and six legal and social service providers aimed at increasing the
8 number of new citizens in San Francisco by providing free, high quality citizenship services.

9 5. There are currently about 50,000 legal permanent residents (“LPRs”) in San
10 Francisco that may be eligible to naturalize.

11 6. Over the last six years, Pathways to Citizenship, led by Self-Help, has been
12 responsible for over 8,000 naturalization applications, over 60 percent of which were filed
13 with fee waivers.

14 **Naturalization Funding**

15 7. As the lead agency for Pathways to Citizenship, Self-Help receives funding
16 from the City earmarked for naturalization services. Almost all of Self-Help’s current funding
17 for naturalization workshops (explained in more detail below) comes from the City through
18 the Pathways to Citizenship partnership. For the past few years, Self-Help has also received
19 some funding from the Immigrant Legal Resource Center (“ILRC”) through the New
20 Americans Campaign (“NAC”). As of the July 2019 fiscal year, however, Self-Help’s
21 naturalization workshop program is funded entirely by the City.

22 8. Self-Help is contractually obligated to complete, through the Pathways to
23 Citizenship program, 1,400 naturalization applications every year, including at least 500
24 applications that are submitted with fee waivers. In addition, Self-Help’s contract with the
25 City requires it to hold at least five large naturalization workshops every year, which it does
26 with the support of staff from the five other Pathways to Citizenship organizations.

1 ups a process requires, the less likely it is that a client completes that process. The same is
2 certainly true of naturalization applications—particularly where cost can seem an
3 insurmountable barrier.

4 25. As it stands, Self-Help’s clients routinely are denied fee waivers when they use
5 the income-based approach. Sometimes this is because the client has not submitted enough
6 information, and sometimes it is because the client is simply not able to prove to the
7 government’s satisfaction that they have a low enough income. Many of our low-income
8 clients do not file taxes because they do not meet an income level that requires them to do so.
9 These LPRs do not have a convenient way to prove their income level. Instead, they have to
10 gather a collection of paperwork such as rental receipts, utility bills, bank statements, and
11 other financial records. LPRs without the above paperwork—such as the transient, very
12 elderly, or those with no or very irregular income—have a hard time gathering these
13 materials. Whatever the case, it is very difficult to encourage clients with these barriers to
14 continue to attempt to apply for citizenship. And in cases where there is simply no other
15 information or documentation to muster, it is especially hard to convince clients that it is
16 worthwhile to go forward.

17 26. For this reason, Self-Help does not help clients with partial fee waivers, which
18 have always required applicants to provide documentation to prove their incomes. The
19 process is too complicated and takes too much staff time.

20 27. Self-Help has rarely, if ever, helped a client apply for a fee waiver using tax
21 records. There are many reasons for this—including that many of Self-Help’s elderly clients
22 are not or have never been employed in the U.S.—but the primary reason is that many of Self-
23 Help’s clients speak little to no English, making complex administrative tasks difficult. Self-
24 Help’s clients are often not able to complete any significant online work, and require
25 translation assistance when interacting with entities like banks and government agencies.

1 outreach is the main way Self-Help finds workshop attendees. No City outreach means far
2 less awareness of workshops, which leads to much lower attendance. If the change to the fee
3 waiver process goes into effect, Self-Help would have to spend significantly more money on
4 outreach and advertising in an attempt to fill the gap—something it does not currently have
5 the budget to do.

6 32. Moreover, for reasons explained above, the partnership with the City will be
7 rendered moot, because a key resource offered by the City (verification letters) will no longer
8 be relevant.

9 33. San Francisco is a city of immigrants. It would be a great loss for the
10 community to no longer have free naturalization workshops sponsored by the City. Over the
11 last six years, we have hosted over 40 workshops in locations spread throughout San
12 Francisco. Some of our volunteers have been volunteering since 2013. It is important to
13 continue to host these workshops that provide a space that all immigrants feel welcomed.

14 **b. Immediate Diversion of Resources**

15 34. Self-Help will immediately have to expend significant time, resources, and
16 money on educating the community, volunteers, and the local immigration legal services
17 community on the change.

18 35. Self-Help will have to immediately re-train its pool of approximately 2,000
19 volunteers, all of whom are only trained to provide assistance with fee waivers based on MTB
20 verification letters.

21 36. Self-Help will have to immediately re-train its attorneys and naturalization
22 specialists to assist clients in applying for fee waivers under the new rules, including creating
23 (and re-creating) materials to assist staff in providing this service. For example, Self-Help
24 staff do not currently assist clients with things like obtaining IRS records, bank records, credit
25 records, email addresses, or cell phone plans. Moreover, Self-Help staff do not currently
26 provide or facilitate translation services for these activities. In addition, given that various

1 records are available at certain times (i.e. after tax filings) and take time to receive, Self-Help
2 will have to develop, and train our staff on, completely revised timelines for fee waiver
3 applications.

4 37. Self-Help staff will also have to conduct workshops to educate our client base
5 on the new requirements for the fee waiver—which, because of the clients’ inability to pay,
6 amounts to new requirements for applying to naturalize. To the extent community education
7 materials exist on this subject, they will have to be edited and updated.

8 38. And finally, Self-Help will have to devote significant, additional staff time and
9 resources to assisting the clients it *can* serve with a more complex fee waiver application.

10 39. We will incur these costs as soon as the new form goes into effect. If the rule
11 were later enjoined, we would not be able to recoup those costs.

12 **c. Loss of Funding**

13 40. The shuttering of Self-Help’s workshops jeopardizes, and likely eliminates,
14 Self-Help’s current funding streams. As noted above, both NAC and City funding (which for
15 fiscal year 2019-2020 is \$525,000) are tied to quantitative application-completion
16 requirements. These numbers are impossible for Self-Help staff to meet without the support of
17 the 150+ volunteers and the use of large-scale events. Even if Self-Help were to find a way to
18 reassign or increase staffing, it could never match the capacity of so many volunteers. As
19 mentioned above, we would expect to serve between 70 to 80 percent fewer clients in a given
20 year—a devastating drop in outcomes, and thus in funding opportunities, for a non-profit
21 organization like ours.

22 41. Furthermore, shuttering Self-Help’s workshops dramatically reduces the
23 number of clients Self-Help can provide with naturalization application services at all.
24 Workshops are by far the biggest driver of completed applications: of the 8,000 applications
25 Pathways to Citizenship, led by Self-Help, has submitted, 75 percent are completed through
26 workshops. A reduction in clients served is not only a harm to the community, which depends

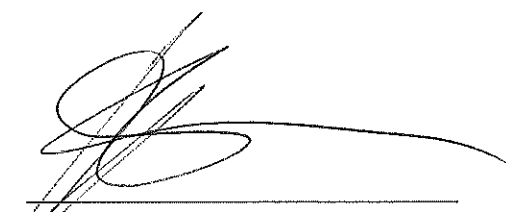
1 on the free naturalization services that Self-Help provides in its own right and as the Pathways
2 to Citizenship lead agency. It is also a significant harm to Self-Help’s mission, which is to
3 improve the quality of life for low-income immigrant and minority communities by
4 promoting their independence, dignity, and self-worth.

5 **d. Changes to the Fee Waiver Process Will Frustrate Self-Help’s Mission**

6 42. As a result of the changes to the I-912 fee waiver form, Self-Help likely will
7 no longer be able to provide naturalization assistance through the workshop model, which
8 impacts our mission of improving the quality of life for older adults from low-income
9 immigrant and minority communities. Without outreach by the City of San Francisco, which
10 Self-Help is not in a position to replace, we anticipate a deep drop in participation at our
11 workshops. Failure to meet our contractual obligations would result in the loss of our sole
12 source of funding for our citizenship work, our grant from the City of San Francisco. Self-
13 Help would likely have significantly down-size its citizenship program and re-allocate greater
14 resources to help fewer individuals with the more complex fee waiver application process,
15 and may even be forced to terminate the program entirely. This would be a huge loss for San
16 Francisco and undermine Self-Help’s mission of supporting older adults by promoting their
17 independence, well-being, and dignity.

1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct to the best of my knowledge.

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4 Executed on November 6, 2019.



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9 Kenny Chu, Naturalization Program Supervisor
Self-Help for the Elderly

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