1	UNITED STATES DISTRICT COURT		
2	NORTHERN DISTRICT OF CALIFORNIA		
3	3		
4	THE CITY OF SEATTLE, IMMIGRANT LEGAL RESOURCE CENTER,	v-07151-MMC	
5	5 CATHOLIC LEGAL IMMIGRATION NETWORK, INC., SELF-HELP FOR THE		
6 7	CENTRAL AMERICAN RESOURCE		
8	8 Plaintiffs,		
9	VS.		
10	DEPARTMENT OF HOMELAND		
12	KENNETH T. CUCCINELLI, AND		
13	IMMIGRATION SERVICES		
14	14 Defendants.		
15	15		
16			
17	IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION		
18	I. V		
20	1. I have personal knowledge of the matters set forth herein.		
21	2. I am the Naturalization Program Supervisor for Self-Help for the Elderly		
22	("G-16 II-1-2") - 501(-)(2) 1 1 1 1	San Francisco, California.	
23	Calculated Mindon		
24	3. Originally founded to serve the elderly in San Franci	isco's Chinatown, Self-	
25	Help's mission is to provide assistance and support for seniors through	aghout the San Francisco	
26	area (San Francisco, San Mateo, Santa Clara and Alameda counties), including integrating		
27	-1-		

DECLARATION OF KENNY CHU IN SUPPORT OF PLAINTIFFS MOTION FOR PRELIMINARY INJUNCTION, CASE NO 3:19-CV-07151-MMC them into the civic and political community. Over 90 percent of our clients are low-income and from minority communities. We are dedicated to improving the quality of life for older adults by empowering seniors to help themselves and by providing comprehensive range of multicultural and multilingual services.

- 4. As a part of this mission, Self-Help serves as the lead agency for San Francisco Pathways to Citizenship ("Pathways to Citizenship"), a partnership between the City of San Francisco ("the City") and six legal and social service providers aimed at increasing the number of new citizens in San Francisco by providing free, high quality citizenship services.
- 5. There are currently about 50,000 legal permanent residents ("LPRs") in San Francisco that may be eligible to naturalize.
- 6. Over the last six years, Pathways to Citizenship, led by Self-Help, has been responsible for over 8,000 naturalization applications, over 60 percent of which were filed with fee waivers.

# **Naturalization Funding**

- 7. As the lead agency for Pathways to Citizenship, Self-Help receives funding from the City earmarked for naturalization services. Almost all of Self-Help's current funding for naturalization workshops (explained in more detail below) comes from the City through the Pathways to Citizenship partnership. For the past few years, Self-Help has also received some funding from the Immigrant Legal Resource Center ("ILRC") through the New Americans Campaign ("NAC"). As of the July 2019 fiscal year, however, Self-Help's naturalization workshop program is funded entirely by the City.
- 8. Self-Help is contractually obligated to complete, through the Pathways to Citizenship program, 1,400 naturalization applications every year, including at least 500 applications that are submitted with fee waivers. In addition, Self-Help's contract with the City requires it to hold at least five large naturalization workshops every year, which it does with the support of staff from the five other Pathways to Citizenship organizations.

9. If Self-Help fails to meet its contractual obligations to the City, there is very little chance that the grant will be renewed. Because, as of July 2019, 100 percent of Self-Help's funding for naturalization application services will come from the City, losing the City's funding would eliminate Self-Help's ability to provide these services at all.

## Self-Help's Workshop Model

- 10. Self-Help organizes a one-day naturalization workshop every other month, and each workshop attracts between 100 and 200 clients. The clients are generally low-income and about 40 percent are elderly. Many are retirees or grandparents who have not worked in many years, if ever. Many clients depend on their adult children for support. Many do not speak English.
- 11. In addition to Self-Help staff, each workshop is staffed by about 120 volunteers, including approximately 20 attorney volunteers.
- 12. One-day workshops proceed in a highly-organized fashion, with attendees moving through volunteer-staffed stations to (1) be screened for eligibility, (2) complete a checklist of required documents, (3) fill out a fee waiver application with supporting materials, and (4) create a finalized application packet that is ready to be dropped in the mail.
- able to prove their eligibility for a fee waiver using proof that they receive a means-tested benefit ("MTB"). If a low-income client cannot or does not want to use the MTB method, Self-Help cannot complete that client's application at a workshop. Our volunteers are not trained to complete complex fee waivers during our workshops. Complex fee waivers require extensive proof of income (such as rental receipts, utility bills, bank statements, tax returns, etc.) and are better completed in a one-on-one setting, and sometimes over multiple appointments. Thus, Self-Help has to refer that client to one-on-one services, which uses a significant amount of Self-Help staff time and resources.

- 14. Because of the simplicity and higher approval rate of MTB verification letter-based fee waiver applications, only between 5 to 10 percent of Self-Help clients apply for a fee waiver using another method. Although we do not keep statistical data on this point, in my extensive experience almost no Self-Help client that has used a MTB verification letter has been rejected.
- 15. Because of the importance of the MTB verification letter to the effective working of the workshop, a City employee is usually also in attendance to print verification letters for fee waivers on demand.
- 16. At the end of any given workshop, about 60 percent of attendees have a complete, ready-to-mail naturalization application. With minimal follow-up, an additional 15 percent have a complete application. Over a six year period that ended June 30, 2019, Self-Help has helped file 8,944 naturalization applications, of which almost 62 percent (or 5,537) were filed with a fee waiver. Almost all of the fee waivers were based on a MTB.

#### a. Client Outreach

- 17. Outreach for Self-Help's naturalization workshops is mostly done through the City's Human Services Agency ("HSA"). When City residents register for MTBs—for example, CalFresh (food stamps), MediCal (Medicaid), or CalWORKS (cash aid for families)—the City records whether those residents are green card holders. Ahead of every workshop, HSA searches its records for all LPRs who receive MTBs. The City then mails an announcement to each of those individuals.
- 18. The mailer informs LPRs of the workshop time and location and tells them exactly what to bring to complete the naturalization application. Most importantly, because the announcement is sent by the City, it includes a copy of a verification letter showing that the recipient receives MTB, which for nine years was all that was necessary to complete a fee waiver.

- 19. In addition, Self-Help pays to place short advertisements in local foreign-language newspapers.
- 20. These methods of outreach are designed to reach Self-Help's mission and core client base for this service: low-income, elderly members of the larger San Francisco community.

# Harm to Self-Help from Changes to the Fee Waiver Process

21. The changes to the fee waiver process will be devastating for Self-Help's naturalization application services.

### a. Decimation of the Workshop Model

- 22. As described above, the function and purpose of the workshop is to be a one-stop-shop for completing a ready-to-mail naturalization application. This means that clients applying for a fee waiver using something other than a MTB verification letter cannot be served at workshops.
- 23. The majority of Self-Help's clients apply using a fee waiver, and thus would not be able to be served at a workshop. This would make planning and organizing bi-monthly, 100+ volunteer workshops virtually futile. At best, clients could come to a workshop to complete a partial application, with no fee waiver. But each of those clients would have to receive extensive follow-up services as they compile documentation to complete a fee waiver under the new rules. Self-Help does not have the capacity to provide these services to that volume of clients. At our current staff level, Self-Help would only be able to serve 200 to 300 naturalization clients per fiscal year—only 20 to 30 percent of the number we serve now through workshops.
- 24. Worse, some portion of the clients with otherwise completed applications would never submit the application. Self-Help has decades of experience serving the low-income immigrant community. It is a truism in the legal services field that the more follow-

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

- 25. As it stands, Self-Help's clients routinely are denied fee waivers when they use the income-based approach. Sometimes this is because the client has not submitted enough information, and sometimes it is because the client is simply not able to prove to the government's satisfaction that they have a low enough income. Many of our low-income clients do not file taxes because they do not meet an income level that requires them to do so. These LPRs do not have a convenient way to prove their income level. Instead, they have to gather a collection of paperwork such as rental receipts, utility bills, bank statements, and other financial records. LPRs without the above paperwork—such as the transient, very elderly, or those with no or very irregular income—have a hard time gathering these materials. Whatever the case, it is very difficult to encourage clients with these barriers to continue to attempt to apply for citizenship. And in cases where there is simply no other information or documentation to muster, it is especially hard to convince clients that it is worthwhile to go forward.
- 26. For this reason, Self-Help does not help clients with partial fee waivers, which have always required applicants to provide documentation to prove their incomes. The process is too complicated and takes too much staff time.
- 27. Self-Help has rarely, if ever, helped a client apply for a fee waiver using tax records. There are many reasons for this—including that many of Self-Help's elderly clients are not or have never been employed in the U.S.—but the primary reason is that many of Self-Help's clients speak little to no English, making complex administrative tasks difficult. Self-Help's clients are often not able to complete any significant online work, and require translation assistance when interacting with entities like banks and government agencies.

- 28. On occasion, however, Self-Help has helped clients with partial fee waivers that require providing proof of income. We do so in our office on a one-on-one basis, and depending on the difficulties in obtaining all the required documents, it takes up to two additional appointments to complete a fee waiver application with proof of income.
- transcripts. In order to request a tax transcript online, a client needs (1) information from past tax records, (2) an email address, (3) a personal account number for a credit card, mortgage, home equity loan, home equity line of credit, or car loan, and (4) a mobile phone with the taxpayer's name on the account. If these requirements are not met, clients must apply by mail. Gathering the documentation for a tax transcript request would be quite difficult, if not impossible, for Self-Help's clients. For example, one-third of the clients Self-Help assisted from June to December 2018 did not have an email address at all, and many who did appear to have listed a child's email address. Most of Self-Help's clients are renters who do not own a home. Many do not have credit lines or credit cards. And, although most do have cell phones, many receive them through a free City program that provides limited phone services for the elderly. These individuals do not receive phone bill or have their own plan. These factors prevent them from using the IRS's online tax transcript tool.
- 30. The burden of completing the existing tax transcript request process is simply too high for these clients, and Self-Help does not have the resources to provide intensive hands-on assistance in this way. Moreover, these requirements are not such that they can be met in a one-day workshop where participants quickly move through volunteer-staffed stations.
- 31. Above and beyond these reasons, the proposed changes will render Self-Help's workshop model infeasible because Self-Help is hugely reliant on the City's outreach, through HSA, to potential clients. The City's outreach is based on a list of residents who receive MTBs—something that is irrelevant under the new process. More critically, the City's

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

- 32. Moreover, for reasons explained above, the partnership with the City will be rendered moot, because a key resource offered by the City (verification letters) will no longer be relevant.
- 33. San Francisco is a city of immigrants. It would be a great loss for the community to no longer have free naturalization workshops sponsored by the City. Over the last six years, we have hosted over 40 workshops in locations spread throughout San Francisco. Some of our volunteers have been volunteering since 2013. It is important to continue to host these workshops that provide a space that all immigrants feel welcomed.

#### b. Immediate Diversion of Resources

- 34. Self-Help will immediately have to expend significant time, resources, and money on educating the community, volunteers, and the local immigration legal services community on the change.
- 35. Self-Help will have to immediately re-train its pool of approximately 2,000 volunteers, all of whom are only trained to provide assistance with fee waivers based on MTB verification letters.
- 36. Self-Help will have to immediately re-train its attorneys and naturalization specialists to assist clients in applying for fee waivers under the new rules, including creating (and re-creating) materials to assist staff in providing this service. For example, Self-Help staff do not currently assist clients with things like obtaining IRS records, bank records, credit records, email addresses, or cell phone plans. Moreover, Self-Help staff do not currently provide or facilitate translation services for these activities. In addition, given that various

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

- 37. Self-Help staff will also have to conduct workshops to educate our client base on the new requirements for the fee waiver—which, because of the clients' inability to pay, amounts to new requirements for applying to naturalize. To the extent community education materials exist on this subject, they will have to be edited and updated.
- 38. And finally, Self-Help will have to devote significant, additional staff time and resources to assisting the clients it *can* serve with a more complex fee waiver application.
- 39. We will incur these costs as soon as the new form goes into effect. If the rule were later enjoined, we would not be able to recoup those costs.

### c. Loss of Funding

- 40. The shuttering of Self-Help's workshops jeopardizes, and likely eliminates, Self-Help's current funding streams. As noted above, both NAC and City funding (which for fiscal year 2019-2020 is \$525,000) are tied to quantitative application-completion requirements. These numbers are impossible for Self-Help staff to meet without the support of the 150+ volunteers and the use of large-scale events. Even if Self-Help were to find a way to reassign or increase staffing, it could never match the capacity of so many volunteers. As mentioned above, we would expect to serve between 70 to 80 percent fewer clients in a given year—a devastating drop in outcomes, and thus in funding opportunities, for a non-profit organization like ours.
- 41. Furthermore, shuttering Self-Help's workshops dramatically reduces the number of clients Self-Help can provide with naturalization application services at all. Workshops are by far the biggest driver of completed applications: of the 8,000 applications Pathways to Citizenship, led by Self-Help, has submitted, 75 percent are completed through workshops. A reduction in clients served is not only a harm to the community, which depends

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

## d. Changes to the Fee Waiver Process Will Frustrate Self-Help's Mission

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

23

24

25

26

27

- 10 -

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.	
3		
4	Executed on November 6, 2019.	
5		
6		
7		
8	Kenny Chu, Naturalization Program Supervisor	
9	Kenny Chu, Naturalization Program Supervisor Self-Help for the Elderly	
10		
11	·	
12		
13		
14		
15		
16	·	
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27	- 11 - DECLARATION OF	