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State Budget Cuts Cause Disproportional Impact on Minorities, Women, and Immigrants

Ji Hwang

The United States Supreme Court and Illinois state courts have ruled that there is no right to counsel in civil matters under the U.S. and Illinois Constitutions.¹ For low-income, disadvantaged Illinoisans with civil legal problems such as evictions, denial of public benefits, and filing order of protection against an abusive partner, nonprofit legal aid is usually the only source of free legal services.²

This lack of access to civil counsel disparately impacts racial minorities and women.³ Due to discrimination and other barriers to wealth and income equality, minorities and women experience higher rates of poverty in the United States.⁴ Therefore, these groups are more likely to be involved in poverty-related legal proceedings where basic needs are at stake.⁵ In 2014, across the nation, 54.4% of legal aid clients were minorities and 68.2% were female. These demographics were comparable to those of legal aid organizations in Illinois.^{6, 7}

¹ *Lassiter v. Dep't of Soc. Servs. of Durham Cnty., N.C.*, 452 U.S. 18, 25 (1981); *Ratcliffe v. Apantaku*, 318 Ill. App. 3d 621, 627 (2000); *In re Marriage of Schmidt*, 241 Ill. App. 3d 47, 48(1993).

² Joshua Kushner, *Legal Aid in Illinois: Selected Social and Economic Benefits*, CHICAGO BAR FOUNDATION, July 16, 2012,

³ <http://chicagobarfoundation.org/wpcbf/wp-content/uploads/2014/01/legal-aid-illinois-economic-benefits.pdf>

Columbia Law Sch. Human Rights Inst. et al., *Equal Access To Justice: Ensuring Meaningful Access to Counsel in Civil Cases, Including Immigration Proceedings*, COLUMBIA LAW SCHOOL, July 2, 2014, http://web.law.columbia.edu/sites/default/files/microsites/human-rights-institute/files/equal_access_to_justice_-_cerd_shadow_report.pdf

⁴ *Id.*

⁵ *Id.*

⁶ *2014 Legal Services Corporation by the Numbers: The Data Underlying Legal Aid Programs 23-24*, LEGAL SERVICE CORPORATION, August 2015, <http://www.lsc.gov/sites/default/files/attach/2015/08/LSC2014FactBook.pdf>; see also, Annual Report 2014 3, LEGAL AID FOUNDATION-CHICAGO, 2015, <http://www.lafchicago.org/images/pdfs/2014AnnualReport-electronic.pdf>

⁷ Telephone Interview with Mike O'Connor, Executive Director, Prairie State Legal Services (Oct. 9, 2015).

THE VISION OF EQUAL JUSTICE IN ILLINOIS

Under the Illinois Equal Justice Act passed in 1999, “[e]qual justice is a basic right that is fundamental to democracy in this State, and the integrity of this State and this State’s justice system depends on protecting and enforcing the rights of all people.”⁸ However, in a 2014 study, Illinois ranked 49th in the Justice Index when it comes to access to the court system for the poor and other disadvantaged people.⁹

Two of the major funding sources of legal services threatened by the current budget cuts are \$6.7 million for Immigration Services and \$1.4 million to the Illinois Equal Justice Foundation (“IEJF”).^{10, 11}

THE DIRE EFFECTS OF STATE BUDGET CUTS ON IMMIGRATION SERVICES

In 2015, Illinois budgeted \$6.7 million for the Immigration Services Line Item (“ISLI”) funded citizenship and immigration services, including the New Americans Initiative (“NAI”), which supported 48 organizations in the state and assisted 96,445 immigrants with citizenship application since 2005.^{12, 13} NAI assisted immigrants with their citizenship application for free or a minimal fees.¹⁴ Many immigrants do not have thousands of dollar to hire an attorney to assist them in the naturalization process.¹⁵

More importantly, the Census data shows that naturalized citizens earn more than non-citizens by as much as \$20,000 per year in Illinois.¹⁶ Citizen-

⁸ 30 Ill. Comp. Stat. 765/5 (2015).

⁹ Nick Mariano, *Justice for all? Illinois’ poor, disadvantaged struggle to find legal help*, THE SOUTHERN ILLINOISIAN, Dec 15, 2014, <https://thesouthern-dot-com.bloxcms.com/users/profile/Nmariano>.

¹⁰ In-person interview with Fred Tsao, Senior Policy Counsel, Illinois Coalition for Immigrant and Refugee Rights (Oct. 7, 2015).

¹¹ Telephone Interview with Leslie Corbett, Executive Director, Illinois Equal Justice Foundation (Oct 9, 2015).

¹² Victoria Bekiempis, *Illinois Gov Cuts Funds to Immigrants, Funerals for the Poor*, NEWSWEEK, Apr. 9, 2015, <http://www.newsweek.com/why-illinois-slashing-funding-immigrant-aid-320422>.

¹³ *The Devastating Impact of Defunding Immigrant Services 4*, ILLINOIS COALITION FOR IMMIGRANT AND REFUGEE RIGHTS, Mar. 2015, <http://icirf.org/sites/default/files/SurveyReportFINAL.pdf>

¹⁴ Telephone Interview with Ambrosio Martinez, Immigration Program Coordinator, Instituto del Progreso Latino (Oct. 20, 2015).

¹⁵ *Id.*

¹⁶ ILLINOIS COALITION FOR IMMIGRANT AND REFUGEE RIGHTS, *supra* note 13.

ship enable immigrants to fully participate in the community and improve their economic prospects, increasing their contributions to the state's economy and tax revenues.¹⁷

However, on April 2, 2015, Governor Bruce Rauner froze \$3.7 million of the \$6.7 million budgeted for ISLI which funded citizenship and immigration services.¹⁸ The State restored funding after a lobbying campaign by immigrant organizations, but the Governor's proposed 2016 budget has completed removed line item.¹⁹

Due to the temporary loss of funding this year and likely defunding of ISLI in 2016, many organizations that provide immigration services have had to cut staff, shorten their hours, and start charging for services that they had previously been able to offer for free.²⁰ Instituto del Progreso Latino, one of the biggest non-profit immigration services in the state, had to eliminate two positions and started charging \$200 fee for their service, which has led to a 40% percent decrease in service request.²¹

Citizenship "is the final step to integration and expanding [immigrants'] horizon" to seek better education and jobs.²² Importantly, becoming a citizen allows immigrants to run for local offices, especially, in some suburbs, where elected officials are not representative of the community.²³

THE LONG TERM FUTURE OF ILLINOIS EQUAL JUSTICE FOUNDATION UNDER ATTACK

Furthermore, Governor Rauner's 2016 proposed budget will completely defund the IEJF.²⁴ In 2015, Illinois only provided \$1.4 million to IEJF to provide grants to legal aid organizations under the Illinois Equal Justice Act and ranked ninth among the ten most populous states.²⁵ Consequently, legal aid organizations in Illinois accepts less than 20% of applicants because of inadequate funding.²⁶

¹⁷ *Id.*

¹⁸ Bekiempis, *supra* 12.

¹⁹ Tsao, *supra* note 10.

²⁰ *Id.*

²¹ Martinez, *supra* note 14.

²² *Id.*

²³ Telephone Interview with Megan McKenna Mejia, Executive Director, Mano a Mano Family Resource Center (Oct. 16, 2015).

²⁴ Corbett, *supra* note 11.

²⁵ *Id.*

²⁶ Mariano, *supra* note 9.

It is crucial that civil legal services are continued to be supported because it is a dynamic force that could directly “lift [minorities and women] out of poverty,” and for every \$1 dollar spent on legal services, it generates \$1.80 in economic benefits for the state.²⁷

IEJF provided only 16 grants to legal aid organization in 2015.²⁸ For example, Prairie State Legal Services (PSLS), which provides free legal services to people below 120% of the poverty line in 36 Northern and Central Illinois counties, received nearly \$300,000.²⁹ However, with an \$11 million annual budget, the threat of losing \$300,000 in the current 2016 proposed budget will not have a “significant effect on the service we provide.”³⁰ The bigger problem for PSLS is the influx of new clients who are losing their benefits or being denied benefits because the state’s budget problems has created a bigger drain on their resources than the potential loss of state funding.³¹

On the other hand, the Dispute Resolution Institute may have to terminate their mediation services, which help low-income families and children resolve custody and visitation issues, if the state budget is no longer available.³² Additionally, if the state budget cut becomes permanent, bigger organizations like PSLS and Legal Assistance Foundation will have to cut staff and services or find other sources of funding.³³

CONCLUSION

Fortunately, in July 2015, Illinois received \$7.2 million a settlement from Chase for illegal debt collection practices.³⁴ Illinois Attorney Lisa Madigan has allocated this money to be used by IEJF for the next three years.³⁵ Therefore, no matter what happens with the state budget, IEFJ will be funded for at least the next three years.³⁶

The real fight is to keep these services funded even if it is at a smaller amount because “once the line item is permanently removed from the budget,

²⁷ Corbett, *supra* note 11; Kushner, *supra* note 2.

²⁸ Corbett, *supra* note 11.

²⁹ O’Connor, *supra* note 7.

³⁰ *Id.*

³¹ *Id.*

³² Corbett, *supra* note 9.

³³ *Id.*

³⁴ Becky Yerak, *Chase Fined \$136 Million for Illegal Debt Collection Practices*, CHICAGO TRIBUNE, July 8, 2015, <http://www.chicagotribune.com/business/ct-chase-settlement-0709-biz-20150708-story.html>

³⁵ Corbett, *supra* note 11.

³⁶ *Id.*

it will be very difficult to resurrect the funding.”³⁷ It is possible that IEFJ will be permanently defunded after 2018.³⁸

Given the state’s dire financial situation, cuts to services, including legal services, are inevitable. The State’s political leaders will need to ponder the effects these cuts will have on minorities, women, and immigrants, and hopefully rise above political rhetoric to live up to the spirit of the Illinois Equal Justice Act.

³⁷ *Id.*

³⁸ *Id.*