

# Senate Bill 389

Sponsored by Senator DEMBROW (Pre-session filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs Oregon Department of Administrative Services to award grants to eligible agencies to provide immigration-related services and supports, and education and outreach, to immigrant communities. Requires agencies that receive grants to report to department. Requires department to annually report to interim committee of the Legislative Assembly related to immigration.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1 Relating to immigration; and prescribing an effective date.

2  
3 Whereas Oregonians are in need of high-quality legal services, including Oregonians who are  
4 frontline workers, DACAistas/Dreamers, asylum seekers, individuals who are in United States Im-  
5 migration and Customs Enforcement detention and would-be citizens; and

6 Whereas in Oregon, one in seven essential workers is an immigrant, and Oregon's immigrants  
7 are 54 percent more likely to be essential workers than other Oregonians; and

8 Whereas as many as one in three DACAistas are eligible for other immigration protections,  
9 meaning they could be spared deportation should the federal government end DACA; and

10 Whereas asylum seekers typically must file an asylum application within one year of their ar-  
11 rival to the United States, and, for many, missing this deadline means their asylum applications will  
12 be denied; and

13 Whereas an individual who is detained as a result of a United States Immigration and Customs  
14 Enforcement raid, traffic stop or other action but who has a pending immigration application is  
15 typically not deported before their application has been adjudicated; and

16 Whereas in Oregon today, over 84,000 lawful permanent residents are eligible to apply for  
17 naturalization; and

18 Whereas naturalizations help counter a community's fear and panic responses to the threat of  
19 federal immigration actions, and those able to naturalize earn higher average wages than lawful  
20 permanent residents, actively engage in their communities, vote and are more secure from  
21 deportation; and

22 Whereas immigrant workers are 58 percent more likely to have lost jobs during the COVID-19  
23 pandemic than the general adult population in the United States; and

24 Whereas the financial strains caused by the COVID-19 pandemic are preventing Oregon immi-  
25 grants from accessing the immigration legal services they need to secure and maintain employment  
26 and avoid deportation, destabilizing the state's workforce and slowing Oregon's economic recovery;  
27 and

28 Whereas in the United States, naturalized immigrant households have an income that is 37  
29 percent higher than noncitizen households; now, therefore,

30 **Be It Enacted by the People of the State of Oregon:**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

**SECTION 1. As used in sections 1 to 6 of this 2021 Act:**

(1) “DACA” means the Deferred Action for Childhood Arrivals policy of the United States Department of Homeland Security.

(2) “Immigration remedies” includes:

- (a) U nonimmigrant status, or U visa;
- (b) T nonimmigrant status, or T visa;
- (c) Special Immigrant Juvenile classification;
- (d) Cancellation of removal;
- (e) Violence Against Women Act self-petition;
- (f) Asylum; and
- (g) Other remedies through the United States Immigration and Customs Enforcement.

**SECTION 2. (1) The Oregon Department of Administrative Services shall, subject to the availability of funding and the limitations described in section 3 of this 2021 Act, award grants to eligible agencies to provide the immigration services and supports described in subsection (3) of this section to individuals who reside, or used to reside, in Oregon.**

(2) To be eligible for a grant under subsection (1) of this section, an agency must:

(a) Apply to the department in the manner prescribed by the department by rule;

(b) Be a nonprofit organization that is tax exempt under section 501(c)(3) or (5) of the Internal Revenue Code;

(c) Demonstrate to the satisfaction of the department that the agency upholds high ethical standards;

(d) Have expertise in the complexity of immigration law and deep ties to the immigrant community as demonstrated by:

(A) Recognition and accreditation by the United States Department of Justice Office of Legal Access Programs, or its successor organization, as approved by the Oregon Department of Administrative Services by rule;

(B) The employment of an American Immigration Lawyers Association, or its successor organization, member attorney for at least three continuous years; or

(C) The managing attorney having at least five years of immigration law experience;

(e) Have access to technical assistance through the Catholic Legal Immigration Network, Incorporated, or its successor organization, or the Immigrant Legal Resource Center, or its successor organization; and

(f) Demonstrate that the agency collaborates with other immigration services providers and leverages partnerships to expand services to assist immigrant communities.

(3) An agency that is awarded a grant under subsection (1) of this section shall provide services and supports to immigrant communities, including but not limited to:

(a) Immigration law trainings that teach individuals about their immigration rights and immigration remedies;

(b) Immigration legal consultations that screen individuals for eligibility for permanent immigration relief;

(c) Assistance with the following for individuals whose household income is less than or equal to 200 percent of the federal poverty guidelines:

(A) The application process for initial or renewal requests of deferred immigration action under DACA;

(B) Services to obtain other immigration remedies;

1 (C) The naturalization process and any appeals; and

2 (D) Financial support for individuals in need of scholarships for legal representation and  
 3 filing fees, including legal and application filing fees; and

4 (d) Other services and supports such as community outreach, workshop presentations,  
 5 document review and assistance with requests made under the federal Freedom of Informa-  
 6 tion Act, 5 U.S.C. 552.

7 **SECTION 3.** (1) The Oregon Department of Administrative Services may award the  
 8 grants under section 2 of this 2021 Act subject to the following limitations:

9 (a) A grant may not be less than \$400,000.

10 (b) A grant in an amount greater than \$400,000 must be awarded in multiples of \$200,000.

11 (2) An agency that receives a grant under section 2 of this 2021 Act shall enter into a  
 12 lawyer-client representation contract with each client engaged in removal proceedings.

13 **SECTION 4.** (1) The Oregon Department of Administrative Services shall, subject to the  
 14 availability of funding, award grants to agencies that apply to the department in the manner  
 15 prescribed by the department by rule and meet the requirements of section 2 of this 2021  
 16 Act and subsection (2) of this section. A grant awarded under this section must be used to  
 17 provide to individuals residing in Oregon the following free education and outreach:

18 (a) Information about the benefits of citizenship and immigration remedies, including  
 19 information about the importance of civic engagement as a naturalized citizen;

20 (b) Explanations of eligibility for DACA or other deferred immigration action;

21 (c) Information about immigration-related rights; and

22 (d) Referrals to other educational or legal services that support an individual's eligibility  
 23 for citizenship, DACA or other deferred immigration action and other immigration remedies.

24 (2) In addition to meeting the requirements of section 2 of this 2021 Act, to receive a  
 25 grant under this section, an agency must demonstrate to the satisfaction of the department  
 26 at least three years of experience with:

27 (a) Conducting education and outreach with immigrant populations; and

28 (b) Conducting outreach for state and federal government benefits and programs.

29 **SECTION 5.** (1) An agency that receives a grant under section 2 or 4 of this 2021 Act shall  
 30 report to the Oregon Department of Administrative Services on the information required by  
 31 the department by rule and at the intervals and in the manner prescribed by the department  
 32 by rule.

33 (2) An agency that receives a grant under section 2 or 4 of this 2021 Act is subject to  
 34 monitoring, outcome-based evaluations and financial reporting as required by the department  
 35 by rule.

36 (3) The department shall report annually, on a date established by the department by  
 37 rule, in the manner prescribed in ORS 192.245, to an interim committee of the Legislative  
 38 Assembly related to immigration, on the following:

39 (a) The number of applications for grants under section 2 or 4 of this 2021 Act;

40 (b) The names of and other information regarding the agencies that receive grants under  
 41 section 2 or 4 of this 2021 Act;

42 (c) The amount awarded to each agency under section 2 or 4 of this 2021 Act;

43 (d) The total number of individuals served by all agencies that receive grants under sec-  
 44 tion 2 or 4 of this 2021 Act;

45 (e) The types of services provided and the languages in which those services are provided;

1 (f) The regions of this state served;

2 (g) The ethnic communities served; and

3 (h) Any barriers and challenges to providing services described in sections 2 and 4 of this  
4 2021 Act.

5 **SECTION 6.** The Oregon Department of Administrative Services may adopt rules to carry  
6 out sections 1 to 6 of this 2021 Act.

7 **SECTION 7.** There is appropriated to the Oregon Department of Administrative Services,  
8 for the biennium beginning July 1, 2021, out of the General Fund, the amount of \$\_\_\_\_\_ for  
9 the purpose of carrying out the provisions of sections 1 to 6 of this 2021 Act.

10 **SECTION 8.** (1) Sections 1 to 6 of this 2021 Act become operative on January 1, 2022.

11 (2) The Oregon Department of Administrative Services may take any action before the  
12 operative date specified in subsection (1) of this section that is necessary to enable the de-  
13 partment to exercise, on and after the operative date specified in subsection (1) of this sec-  
14 tion, all of the duties, functions and powers conferred on the department by sections 1 to 6  
15 of this 2021 Act.

16 **SECTION 9.** This 2021 Act takes effect on the 91st day after the date on which the 2021  
17 regular session of the Eighty-first Legislative Assembly adjourns sine die.

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