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.

Establishes universal representation program in Oregon Department of Administrative Services. Directs department to contract with nonprofit organization to serve as fiscal agent to award grants to organizations providing services related to universal representation of persons in immigration matters.

Appropriates moneys to department to implement program.

Provides for nonprofit organization that addresses and executes worker relief to serve as fiscal agent to award grants to organizations to provide services related to immigration matters through universal representation program. Requires fiscal agent to report annually to appropriate committee or interim committee of Legislative Assembly, Oregon Department of Administrative Services and Legislative Fiscal Office.

Directs Chief Justice of Supreme Court to transfer funds to Oregon State Bar for use by Legal Services Program to provide legal services to individuals on immigration matters and related matters.

Establishes Universal Representation Fund in State Treasury. Appropriates moneys to department for purposes of deposit in fund.

Appropriates moneys to Judicial Department for purposes of transfer to Oregon State Bar.

Declares emergency, effective on passage.

A BILL FOR AN ACT
Relating to universal representation; and declaring an emergency.

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

SECTION 1. (1) The Universal Representation Fund is established in the State Treasury, separate and distinct from the General Fund.

(2) Interest earned by the Universal Representation Fund shall be credited to the fund.

(3) Moneys in the Universal Representation Fund are continuously appropriated to the Oregon Department of Administrative Services for the purpose of disbursement to the fiscal agent described in section 2 (1) of this 2021 Act for providing a statewide integrated, universal navigation and representation system for immigration matters.

SECTION 2. (1)(a) A nonprofit organization registered in this state for at least the preceding six months that addresses and executes worker relief as the organization’s primary purpose shall serve as the fiscal agent to award grants to organizations to provide services related to immigration matters through a universal representation program. Funds must be allocated for, but are not limited to, the following purposes:

(A) Attorneys working at community-based organizations to provide culturally responsive services to members of the immigrant and refugee community;
(B) Navigators working at community-based organizations to guide persons who are at risk of deportation or need assistance with immigration matters into the universal representation program;

(C) Development of capacity and training to support navigation efforts through community-based organizations into the universal representation program and culturally responsive services carried out by community-based organizations;

(D) A client service fund to assist with fees associated with filings, interpretation and related costs in immigration matters;

(E) A statewide universal navigation and support system, including a call center, to provide direct contacts and streamlined access for those seeking assistance with immigration matters; and

(F) A clearinghouse to provide logistical support, income and program eligibility screening, navigation review, case placement and technical assistance, and referral coordination, mentoring and supervision of attorneys working for community-based organizations.

(b) All individuals seeking services through the universal representation program must be enrolled and are subject to an income and program eligibility screening and a priority recommendation through the clearinghouse described in paragraph (a) of this subsection.

(c) Information provided to the clearinghouse created under paragraph (a) of this subsection is subject to the lawyer-client privilege under ORS 40.225.

(2) For all grants awarded under this section by the fiscal agent described in subsection (1) of this section, the fiscal agent shall:

(a) Create a uniform method of reporting grant outcomes to facilitate comparison of results between grant recipients;

(b) Require that grant recipients provide services free of charge;

(c) Require grant recipients to prioritize legal services to detained individuals and individuals at imminent risk of deportation before other immigration matters when applicable;

(d) Require all individuals seeking services to be enrolled and subject to a uniform income and program eligibility screening and a priority recommendation through the clearinghouse described in subsection (1) of this section;

(e) Provide services to all income and program eligible individuals subject to reasonably measured capacity;

(f) Encourage the use of best practices to design the delivery of legal services to the immigrant and refugee population; and

(g) Ensure that a person denied services receives notice of the reasons for denial and that the notice is provided to the fiscal agent.

(3) The fiscal agent described in subsection (1) of this section shall:

(a) Issue grants through a request for proposal process;

(b) Conduct a performance audit at the conclusion of the second year after the Universal Representation Fund established under section 1 of this 2021 Act is operative and every two years thereafter; and

(c) Conduct a financial audit at the conclusion of the second year after the fund is operative and every two years thereafter.

(4)(a) The Chief Justice of the Supreme Court shall transfer funds appropriated for this purpose to the Oregon State Bar for use by the Legal Services Program established in ORS 9.572 to provide legal services to individuals on immigration matters and related matters,
including but not limited to the provision of general legal information and legal referral
services designed to increase access to the justice system.

(b) The Legal Services Program shall adopt standards and guidelines for the provision
of services under this subsection that are consistent with the requirements set forth in
subsection (2) of this section.

(5) The fiscal agent described in subsection (1) of this section shall convene an advisory
committee for the universal representation program. The advisory committee shall meet
periodically and make recommendations relating to the coordination of services, standards
and guidelines, the development of best practices and other matters related to universal
representation. The committee shall be chaired by:

(a) The administrative head or the designee of the administrative head of the fiscal agent
described in subsection (1) of this section;

(b) The administrative head or the designee of the administrative head of a grantee under
subsection (1) of this section; and

(c) The administrative head or the designee of the administrative head of a legal services
provider providing services under subsection (4) of this section.

(6) No later than August 31 of each year, the fiscal agent described in subsection (1) of
this section shall submit a report to a committee or interim committee of the Legislative
Assembly dealing with legal services, the Oregon Department of Administrative Services and
the Legislative Fiscal Office on the grants awarded under this section by the fiscal agent
under this section. The report must specify, but is not limited to:

(a) How many people have entered the universal representation program;

(b) How many people have accepted wraparound assistance from community-based or-
ganizations;

(c) The number and types of cases and matters in which legal services were delivered,
disaggregated by grantee;

(d) Which counties community-based organizations provided services in;

(e) A comparison of programs offering services and recommendations to improve service
delivery for community-based organizations receiving funds from the fiscal agent;

(f) The findings of audits described in subsection (3)(b) and (c) of this section; and

(g) Other matters as recommended by the advisory committee.

(7) In appropriating moneys for programs under this section, the Legislative Assembly
shall endeavor to allocate funding as follows:

(a) Seventy percent of available funds to the Universal Representation Fund established
in section 1 of this 2021 Act; and

(b) Thirty percent to the Judicial Department for purposes of transfer to the Oregon
State Bar under subsection (4) of this section.

(8) As used in this section:

(a) “Community-based organization” means a nonprofit organization registered in this
state for at least six months prior to any grant award that provides culturally responsive
services to immigrant and refugee communities in Oregon.

(b) “Culturally responsive service” means a service that is respectful of, and relevant to,
the beliefs, practices, cultures and linguistic needs of diverse consumer or client populations
and communities whose members identify as having particular cultural or linguistic affili-
ations by virtue of their place of birth, ancestry or ethnic origin, religion, preferred lan-
guage or language spoken at home, and that has the capacity to respond to the issues of
diverse communities and require knowledge and capacity at systemic, organizational, pro-
fessional and individual levels of intervention.

(c) “Immigration matter” has the meaning given that term in ORS 9.280.

SECTION 3. The fiscal agent described in section 2 (1) of this 2021 Act shall make the
first report described in section 2 (6) of this 2021 Act no later than August 31, 2023.

SECTION 4. (1) In addition to and not in lieu of any other appropriation, there is appro-
priated to the Oregon Department of Administrative Services, for the biennium beginning
July 1, 2021, out of the General Fund, the amount of $10,500,000, for deposit in the Universal
Representation Fund created under section 1 of this 2021 Act.

(2) In addition to and not in lieu of any other appropriation, there is appropriated to the
Judicial Department, for the biennium beginning July 1, 2021, out of the General Fund, the
amount of $4,500,000, for the purposes of implementing section 2 (4) of this 2021 Act.

SECTION 5. This 2021 Act being necessary for the immediate preservation of the public
peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect
on its passage.