Senate Bill 389

Sponsored by Senator DEMBROW (Presession 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

Relating to immigration; and prescribing an effective date.

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

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

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

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

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

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

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

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

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

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

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:


(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;
(C) The naturalization process and any appeals; and
(D) Financial support for individuals in need of scholarships for legal representation and
filing fees, including legal and application filing fees; and
(d) Other services and supports such as community outreach, workshop presentations,
document review and assistance with requests made under the federal Freedom of Informa-
tion Act, 5 U.S.C. 552.

SECTION 3. (1) The Oregon Department of Administrative Services may award the
grants under section 2 of this 2021 Act subject to the following limitations:
(a) A grant may not be less than $400,000.
(b) A grant in an amount greater than $400,000 must be awarded in multiples of $200,000.
(2) An agency that receives a grant under section 2 of this 2021 Act shall enter into a
lawyer-client representation contract with each client engaged in removal proceedings.

SECTION 4. (1) The Oregon Department of Administrative Services shall, subject to the
availability of funding, award grants to agencies that apply to the department in the manner
prescribed by the department by rule and meet the requirements of section 2 of this 2021
Act and subsection (2) of this section. A grant awarded under this section must be used to
provide to individuals residing in Oregon the following free education and outreach:
(a) Information about the benefits of citizenship and immigration remedies, including
information about the importance of civic engagement as a naturalized citizen;
(b) Explanations of eligibility for DACA or other deferred immigration action;
(c) Information about immigration-related rights; and
(d) Referrals to other educational or legal services that support an individual's eligibility
for citizenship, DACA or other deferred immigration action and other immigration remedies.
(2) In addition to meeting the requirements of section 2 of this 2021 Act, to receive a
grant under this section, an agency must demonstrate to the satisfaction of the department
at least three years of experience with:
(a) Conducting education and outreach with immigrant populations; and
(b) Conducting outreach for state and federal government benefits and programs.

SECTION 5. (1) An agency that receives a grant under section 2 or 4 of this 2021 Act shall
report to the Oregon Department of Administrative Services on the information required by
the department by rule and at the intervals and in the manner prescribed by the department
by rule.
(2) An agency that receives a grant under section 2 or 4 of this 2021 Act is subject to
monitoring, outcome-based evaluations and financial reporting as required by the department
by rule.
(3) The department shall report annually, on a date established by the department by
rule, in the manner prescribed in ORS 192.245, to an interim committee of the Legislative
Assembly related to immigration, on the following:
(a) The number of applications for grants under section 2 or 4 of this 2021 Act;
(b) The names of and other information regarding the agencies that receive grants under
section 2 or 4 of this 2021 Act;
(c) The amount awarded to each agency under section 2 or 4 of this 2021 Act;
(d) The total number of individuals served by all agencies that receive grants under sec-
tion 2 or 4 of this 2021 Act;
(e) The types of services provided and the languages in which those services are provided;
(f) The regions of this state served;
(g) The ethnic communities served; and
(h) Any barriers and challenges to providing services described in sections 2 and 4 of this 2021 Act.

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

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

SECTION 8. (1) Sections 1 to 6 of this 2021 Act become operative on January 1, 2022.
   (2) The Oregon Department of Administrative Services may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the department to exercise, on and after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the department by sections 1 to 6 of this 2021 Act.

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