
OLR Bill Analysis

sSB 991

AN ACT CONCERNING ACCESS TO LEGAL COUNSEL FOR CHILDREN IN IMMIGRATION REMOVAL PROCEEDINGS.

SUMMARY

This bill requires the Judicial Branch to establish and administer, within available appropriations, a legal aid program to provide grants to federally tax-exempt charitable organizations. The grant recipients must in turn provide legal counsel to certain eligible immigrant children in removal proceedings in federal immigration court.

To be eligible for legal counsel under the bill, a child must, at the start of the removal proceedings, have been (1) an unaccompanied minor or (2) under age 18 with no lawful status in the United States and in the federal Department of Health and Human Services' (HHS) custody. (An immigrant child may be in HHS custody if he or she entered the country unaccompanied or has been separated from his or her parents.)

Under the bill, the program is funded by money the Office of the Attorney General remits to the Judicial Branch. Starting by December 31, 2020, the branch must annually report to the Judiciary Committee on the grants it made under the program in the previous fiscal year.

For the bill's purposes, an "unaccompanied minor" is a child under age 18 who has no lawful immigration status and who either (1) does not have a parent or legal guardian in the United States, or (2) has no parent or legal guardian in the country who is able to provide care and physical custody.

The bill also establishes a six-member task force to study (1) the unmet legal needs of indigent state residents who are subject to removal proceedings in immigration court and (2) the mechanisms available in the state to deliver and pay for legal representation for

them. The task force must report its findings and recommendations to the Judiciary Committee by December 31, 2020. It terminates on that date or when it submits its report, whichever is later.

EFFECTIVE DATE: July 1, 2019, except the task force provision is effective upon passage.

GRANT FUNDING AND USE

The bill requires the Office of the Attorney General, starting in FY 20, to annually use transfer invoices to remit \$800,000 to the Judicial Branch from funds it receives in connection with any settlements from lawsuits to which the state is a party. The Judicial Branch must use the funds for the grants it provides for the legal aid program under the bill.

The grants must be used to provide eligible children with legal counsel for: (1) representation in removal proceedings in the Connecticut immigration court; (2) family reunification or placement with a sponsor, if the eligible child is detained by federal officials; or (3) applying for temporary or permanent status.

JUDICIAL BRANCH REPORT

The Judicial Branch annual report to the Judiciary Committee must include, for each grant recipient, the amount of money it received under the program, and the number of:

1. eligible respondents to whom it provided legal counsel,
2. cases that were opened and disposed of,
3. family reunifications or sponsor placements assisted by the program, and
4. eligible respondents who achieved temporary or permanent status with program assistance.

TASK FORCE

Under the bill, the task force must include the following individuals or their designees:

1. the Judiciary Committee chairpersons;
2. the chief public defender; and
3. the executive directors of Connecticut Legal Services, Greater Hartford Legal Aid, and New Haven Legal Assistance.

Any task force member may be a legislator. All appointments must be made within 30 days of the bill's passage and the appointing authorities must fill any vacancies.

The Judiciary Committee chairpersons or their designees must select the task force's chairpersons, who must schedule and hold the first meeting within 60 days of the bill's passage. The Judiciary Committee administrative staff must serve as the task force's administrative staff.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 29 Nay 9 (03/20/2019)