



Senate

General Assembly

File No. 534

January Session, 2019

Substitute Senate Bill No. 991

Senate, April 8, 2019

The Committee on Judiciary reported through SEN. WINFIELD of the 10th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

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

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective July 1, 2019*) (a) As used in this section:
- 2 (1) "Eligible respondent" means an individual who (A) is the subject
3 of a removal proceeding at the Connecticut Executive Office for
4 Immigration Review, and (B) at the time such proceeding commenced
5 was (i) an unaccompanied minor, or (ii) under the age of eighteen with
6 no lawful immigration status in the United States and in the custody of
7 the federal Department of Health and Human Services; and
- 8 (2) "Unaccompanied minor" has the same meaning as
9 "unaccompanied alien child", as defined in 6 USC 279(g).
- 10 (b) The Judicial Branch shall establish and administer, within
11 available appropriations, a legal aid program that shall provide grants
12 to federally tax-exempt charitable organizations to provide legal

13 counsel to an eligible respondent. Such grants shall be used to provide
14 legal counsel to an eligible respondent for the following purposes: (1)
15 Representation in proceedings related to a removal proceeding taking
16 place at the Connecticut Executive Office for Immigration Review; (2)
17 family reunification or placement with a sponsor, if the eligible
18 respondent is detained by federal officials; or (3) applying for
19 temporary or permanent status.

20 (c) For the fiscal year commencing on July 1, 2019, and each
21 succeeding fiscal year thereafter, the Office of the Attorney General,
22 utilizing transfer invoices, shall remit eight hundred thousand dollars
23 to the Judicial Branch from moneys received by the Office of the
24 Attorney General in connection with the settlement of any lawsuit to
25 which the state is a party. Moneys remitted to the Judicial Branch shall
26 be used for the provision of legal counsel to eligible respondents, as
27 provided in subsection (b) of this section.

28 (d) Not later than December 31, 2020, and annually thereafter, the
29 Judicial Branch shall submit, in accordance with section 11-4a of the
30 general statutes, a report concerning the grants made in the previous
31 fiscal year under the program established pursuant to subsection (b) of
32 this section to the joint standing committee of the General Assembly
33 having cognizance of matters relating to the judiciary. The report shall
34 include, for each recipient of a grant: (1) The amount of money
35 received under the program, (2) the number of eligible respondents for
36 whom the recipient provided legal counsel, (3) the number of cases
37 opened, (4) the number of cases disposed of, (5) the number of family
38 reunifications or placements with a sponsor that were assisted by the
39 program, and (6) the number of eligible respondents who achieved
40 temporary and permanent status with assistance from the program.

41 Sec. 2. (*Effective from passage*) (a) There is established a task force to
42 study (1) the unmet legal needs of indigent state residents subject to a
43 removal proceeding at the Connecticut Executive Office for
44 Immigration Review, and (2) the mechanisms available in the state to
45 deliver and pay for legal representation for such indigent state

46 residents.

47 (b) The task force shall consist of the following members:

48 (1) The chairpersons of the joint standing committee of the General
49 Assembly having cognizance of matters relating to the judiciary, or
50 their designees;

51 (2) The Chief Public Defender, or the Chief Public Defender's
52 designee;

53 (3) The executive director of Connecticut Legal Services, or the
54 executive director's designee;

55 (4) The executive director of Greater Hartford Legal Aid, or the
56 executive director's designee; and

57 (5) The executive director of the New Haven Legal Assistance
58 Association, or the executive director's designee.

59 (c) Any member of the task force appointed under subdivision (1) of
60 subsection (b) of this section may be a member of the General
61 Assembly.

62 (d) All appointments to the task force shall be made not later than
63 thirty days after the effective date of this section. Any vacancy shall be
64 filled by the appointing authority.

65 (e) The chairpersons of the joint standing committee of the General
66 Assembly having cognizance of matters relating to the judiciary, or
67 their designees, shall select the chairpersons of the task force from
68 among the members of the task force. Such chairpersons shall schedule
69 the first meeting of the task force, which shall be held not later than
70 sixty days after the effective date of this section.

71 (f) The administrative staff of the joint standing committee of the
72 General Assembly having cognizance of matters relating to the
73 judiciary shall serve as administrative staff of the task force.

74 (g) Not later than December 31, 2020, the task force shall submit a
 75 report on its findings and recommendations to the joint standing
 76 committee of the General Assembly having cognizance of matters
 77 relating to the judiciary, in accordance with the provisions of section
 78 11-4a of the general statutes. The task force shall terminate on the date
 79 that it submits such report or December 31, 2020, whichever is later.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2019</i>	New section
Sec. 2	<i>from passage</i>	New section

Statement of Legislative Commissioners:

In Section 1(a)(1)(B), "is or was" was changed to "was" for accuracy and in Section 1(a)(1)(B)(i), "accompanied minor" was changed to "unaccompanied minor" for consistency with the defined term.

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 20 \$	FY 21 \$
Resources of the General Fund	GF - Revenue Loss	800,000	800,000
Judicial Dept.	GF - Cost	800,000	800,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill results in a cost of \$800,000 to the Judicial Department (JUD) to establish and administer a legal aid program for certain eligible immigrant children in removal proceedings in federal court.

The bill specifies that funding of \$800,000 will be provided to JUD from settlements received by the Attorney General and results in a revenue loss of \$800,000 to the General Fund.

In addition, the bill establishes a task force to study specified legal concerns for indigent state residents subject to a removal proceeding at the Connecticut Executive Office for Immigration Review. The task force has no fiscal impact as PA 17-236 prohibits transportation allowances for task force members.

The Out Years

The bill specifies an ongoing cost of \$800,000 to be used for the program annually.

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)