


REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: June 12, 2024

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations Committee

FROM: Sharon M. Tso 
Chief Legislative Analyst

Council File No. 23-0002-S103
Assignment No. 24-03-0198

SUBJECT: Resolution (Hernandez – Padilla) to SUPPORT Assembly Bill (AB) 2031 (Jones-Sawyer).

CLA RECOMMENDATION: Adopt Resolution (Hernandez – Padilla) to include in the City’s 2023-2024 State Legislative Program, SUPPORT for AB 2031 (Jones-Sawyer) to enhance the One California Immigration Services Funding program by removing certain exclusions to legal representation, expanding the scope of services covered, and creating an advisory committee to support indigent immigrants in California.

SUMMARY

Resolution (Hernandez – Padilla), introduced on March 8, 2024, states that the One California Immigration Services Funding program (One CA), established in 2015, was the first state-based program in the U.S. to award grants to qualified non-profit organizations to provide education, outreach, and legal services to indigent immigrants. The Resolution further states that in Fiscal Year 2021-2022, One CA provided legal representation to more than 1,000 individuals facing deportation and tens of thousands of immigrants applying for Deferred Action for Childhood Arrivals and Temporary Protected Status. Currently pending before the State Assembly is AB 2031 (Jones-Sawyer), which would extend One CA funding to individuals with criminal histories, cover immigration-related services such as translation and interpretation, and create an advisory committee to ensure that indigent immigrants can access the program. The bill would expand access to immigration services and strengthen the safety net for indigent immigrants in California. The Resolution therefore requests that the City support AB 2031.

BACKGROUND

AB 2031 seeks to make four main changes to the One CA program by amending sections of the Welfare and Institutions Code relating to immigration services. First, it would repeal funding restrictions to provide legal services to individuals who have been convicted of or are appealing a violent or serious felony. Currently, the One CA program does not assist immigrants who have convictions for aggravated felonies. Non-citizen immigrants are subject to different definitions of convictions and criminalization in the U.S. Initially enacted in 1988, the term “aggravated felony” referred to murder, drug trafficking, and the illicit trafficking of firearms and destructive devices in the context of U.S. immigration policy. In 1996, Congress expanded the definition to include more than thirty types of offenses, including non-violent, minor offenses such as failing to appear in court and filing a false tax return. Expansion of the One CA to immigrants with criminal histories would provide critical support and services to a population that is precluded from receiving most forms of immigration relief, including asylum and the ability to travel and re-enter the U.S., and with few other options for assistance. Further, this bill would also expand funding to unaccompanied minors who do not live with a family member or sponsor, or are outside of the custody of the Office of

Refugee Resettlement, and extend funding to immigrants outside of California who intend to reside in California. Current law only authorizes funding to “persons residing in, or formerly residing in, California.”

Second, AB 2031 would create additional avenues for nonprofit organizations to qualify for One CA grant funding. Current law requires immigrant legal service organizations to have at least three years of immigration court experience with asylum petitions or cases involving unaccompanied minors and/or victims of human trafficking and crime to be eligible for One CA funding. AB 2031 would allow organizations who may not have the required experience with immigration courts, but have at least three years of experience providing legal immigration representation to clients with the U.S. Department of Homeland Security to receive One CA funding. This expansion would fund more organizations and increase access to legal services for immigrants.

Third, this bill would expand the scope of services that are covered by One CA funding to include “related services,” such as translation and interpretation, medical examinations, expert witness testimonies, and other litigation costs that are often required for immigration cases, but were not previously funded.

Finally, AB 2031 would modify reporting requirements and establish an advisory committee to develop guidance, recommendations, policies, and procedures to help immigrants receive services through the One CA program. This bill would expand the scope of reportable information and require the Department of Social Services to report annually to the Legislature and post their reports publicly.

According to Syracuse University's Transactional Records Access Clearinghouse's immigration tracking data, California has 169,336 pending asylum cases, the second highest number of cases in the nation after Florida. The expansion of eligibility and scope of services proposed by AB 2031 could help alleviate this backlog and expand services for immigrants in need. Support for AB 2031 aligns with the City's efforts to provide pro bono legal services to undocumented immigrants (C.F. 17-0046) and carve out protections for immigrants at local levels (C.F.s 23-0243, 17-1040, 17-0002-S12).

DEPARTMENTS NOTIFIED

Community Investment for Families Department

BILL STATUS

3/12/24	Hearing canceled at the request of author
3/11/24	Re-referred to Committee on Judiciary
3/7/24	Amended, re-referred to Committee on Judiciary
2/12/24	Referred to Committees on Judiciary and Human Services
2/1/24	Introduced



Susan Oh
Analyst

Attachment: Resolution (Hernandez – Padilla)

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations, or policies proposed to or pending before a local, state, or federal government body or agency must have first been adopted in the form of a Resolution by the City Council; and

WHEREAS, established in 2015, the One California (One CA) Immigration Services Funding program became the first state-based program in the nation to provide annual grants to qualified nonprofit organizations to offer education, outreach, and legal services to indigent immigrants; and

WHEREAS, organizations that receive One CA funding provide critical legal services, including representation for individuals facing deportation, and assistance with applications for Deferred Action for Childhood Arrivals, Temporary Protected Status, naturalization, and other immigration remedies; and

WHEREAS, the One CA program provided legal representation to over one thousand individuals facing deportation and legal assistance to tens of thousands of DACA and TPS applicants in FY 2021-22; and

WHEREAS, One CA funding is currently not available to individuals with criminal histories, nor for related services such as interpretation and translation, medical examinations, expert witness testimonies, or other litigation costs; and

WHEREAS, currently pending before the State Assembly is Assembly Bill (AB) 2031 (Jones-Sawyer), the 'Representation, Equity, and Protections (REP) for All Immigrants Act', which would enhance One CA funding by removing certain exclusions to legal representation, expanding the scope of funded immigration services, and creating an advisory committee to ensure that immigrants and their families are able to access needed legal assistance; and


WHEREAS, AB 2031 will expand access to immigration and support services for immigrants, regardless of their ability to pay, language, or past interactions with the criminal legal system, and will strengthen the safety net for immigrants in California; and

NOW, THEREFORE, BE IT RESOLVED, that by adoption of this Resolution, the City of Los Angeles hereby includes in its 2023-24 State Legislative Program SUPPORT for AB 2031 to expand the One California Immigration Services funding to individuals with criminal histories, and cover related services such as interpretation and translation, medical examinations, expert witness testimonies, and other litigation costs.

PRESENTED BY: 
EUNISSES HERNANDEZ
Councilmember, 1st District

SECONDED BY: 

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