

## SUMMARY and FISCAL NOTE\*

<b>Department:</b>	<b>Dept. Contact/Phone:</b>	<b>Executive Contact/Phone:</b>
Legislative	Patricia Lee: 386-0078 Genevieve Jones: 684-5330	

\* Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.

### **1. BILL SUMMARY**

- a. Legislation Title:** AN ORDINANCE relating to the Office of Immigrant and Refugee Affairs; amending Ordinance 125207, which adopted the 2017 Budget, changing appropriations for the Office of Immigrant and Refugee Affairs to provide \$1,000,000 from the General Subfund in 2017 with an automatic carry-forward to 2018, solely to provide legal representation, or to provide guidance and referral services for legal representation, to indigent Seattle residents and workers in immigration proceedings; and establishing standards for the provision of legal representation and guidance and referral services for legal representation; all by a 3/4 vote of the City Council.
- b. Summary and background of the Legislation:** This ordinance, funds civil legal representation and guidance and referral services for legal representation, for indigent individuals living or working in Seattle, for issues related to their immigration status.

The Office of Immigrant and Refugee Affairs (OIRA), is requested to conduct a competitive bid process and contract with non-profit organization(s) to provide these services. OIRA will provide an interim report in 2018 and a final report in 2019 on the use of these funds including the number of individuals, number of cases, types of cases and case outcomes this funding provided for legal representation and/or guidance and referral to legal representation.

There is no right to civil legal representation in immigration proceedings, which results in most individuals going through immigration proceedings without the advice and assistance of legal counsel.

In *Access to Counsel in Immigration Court*, the first national study of access to counsel in U.S. immigration courts, published September 2016, the American Immigration Council found that between 2007 and 2012 only 65 percent of non-detained individuals at the immigration court in downtown Seattle were represented in court, and at the immigration court in Tacoma eight percent of detained individuals were represented in court.

The effects of legal representation are dramatic. The *Access to Counsel in Immigration Court* study also found that “detained immigrants with counsel, when compared to detained immigrants without counsel, were ten-and-a-half times more likely to succeed; released immigrants with counsel were five-and-a-half times more likely to succeed; and never detained immigrants with counsel were three-and-a-half times more likely to succeed.”

The City finds that persons living in Seattle who are accused of immigration law violations who are unable to afford legal counsel are unable to meaningfully exercise their rights to due process and equal protection. The City further finds that in order to ensure that indigent persons charged with violations of immigration laws are fully afforded their rights to due process and equal protection, under the Fifth and Fourteenth Amendments, it is necessary to provide them with access to legal counsel. The City further finds that providing funds to enable indigent persons to obtain legal counsel for immigration related matters is a public function, providing necessary support of the poor and infirm.

**2. CAPITAL IMPROVEMENT PROGRAM**

**a. Does this legislation create, fund, or amend a CIP Project? \_\_\_ Yes \_\_\_X\_\_\_ No**

If yes, please fill out the table below and attach a new (if creating a project) or marked-up (if amending) CIP Page to the Council Bill. Please include the spending plan as part of the attached CIP Page. If no, please delete the table.

**3. SUMMARY OF FINANCIAL IMPLICATIONS**

**a. Does this legislation amend the Adopted Budget? \_X\_ Yes \_\_\_ No**

If there are no changes to appropriations, revenues, or positions, please delete the table below.

Budget program(s) affected:	General Fund \$		Other \$	
	2017	2018	2017	2018
<b>Appropriation change (\$):</b>	<b>\$1,000,000</b>	2017 funds that are unexpended or unencumbered in 2017 shall not lapse until December 31, 2018.		
<b>Estimated Revenue change (\$):</b>	Revenue to General Fund		Revenue to Other Funds	
	2017	2018	2017	2018
	N/A	N/A	N/A	N/A
<b>Positions affected:</b>	No. of Positions		Total FTE Change	
	2017	2018	2017	2018
	N/A	N/A	N/A	N/A

**b. Is there financial cost or other impacts of *not* implementing the legislation?**

**3.d. Appropriations**

**X This legislation adds, changes, or deletes appropriations.**

If this box is checked, please complete this section. If this box is not checked, please proceed to Revenues/Reimbursements.

Fund Name and number	Dept	Budget Control Level Name/#*	2017 Appropriation Change	2018 Estimated Appropriation Change
General Subfund (00100)	Executive	Office of Immigrant and Refugee Affairs (OIRA) (00100-X1N00)	\$1,000,000	2017 funds that are unexpended or unencumbered in 2017 shall not lapse until December 31, 2018.
<b>TOTAL</b>			\$1,000,000	

Is this change one-time or ongoing?

2017 funds that are unexpended or unencumbered in 2017 shall not lapse until December 31, 2018.

Appropriations Notes:

**4. OTHER IMPLICATIONS**

a. Does this legislation affect any departments besides the originating department?  
 No.

b. Is a public hearing required for this legislation? No.

c. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant? No

d. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation? No

e. Does this legislation affect a piece of property? No

f. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities?

Yes. Seattle is a diverse city of indigenous and immigrant individuals. Nearly one in five Seattle residents is foreign born and 129 languages are spoken in the City’s public schools. The Seattle Metro area is among the 20 U.S. metropolitan areas with the largest populations of undocumented/unauthorized immigrants and more than 28,000 undocumented youth in Washington are recipients of the Deferred Action for Childhood Arrivals (DACA) program.

Through Executive Orders and memos, the Trump administration has declared it the policy of their administration to expand both the scope and speed of enforcement of

immigration laws by expanding enforcement priorities and possibly expanding expedited removal.

In 2016 The Seattle Immigration court completed 2,979 cases and the Tacoma Immigration Court completed 1,883 cases. In fiscal year 2016, the Seattle Immigration Court had 7,229 pending cases and an average wait of 548 days, and the Tacoma Immigration Court had 1,208 pending cases and an average wait of 102 days.

There is no right to civil legal representation in immigration proceedings, which results in most individuals going through immigration proceedings without the advice and assistance of legal counsel. The high cost of legal representation by private attorneys is compounded by the high U.S. Citizenship and Immigration Services form fees, and the availability of representation by non-profit organizations or pro-bono attorneys is far exceeded by the number of individuals needing assistance.

In *Access to Counsel in Immigration Court*, the first national study of access to counsel in U.S. immigration courts, published September 2016, the American Immigration Council found that between 2007 and 2012 only 65 percent of non-detained individuals at the immigration court in downtown Seattle were represented in court, and at the immigration court in Tacoma eight percent of detained individuals were represented in court.

The effects of legal representation are dramatic. The *Access to Counsel in Immigration Court* study also found that “detained immigrants with counsel, when compared to detained immigrants without counsel, were ten-and-a-half times more likely to succeed; released immigrants with counsel were five-and-a-half times more likely to succeed; and never detained immigrants with counsel were three-and-a-half times more likely to succeed”.

The cities of Los Angeles, San Francisco, New York and Chicago have recognized the urgent need to provide legal assistance and have provided funding ranging from \$1.3 million to \$6.3 million to address this need.

On January 30, 2017, the City passed Resolution 31730, reaffirming Seattle as a Welcoming City that promotes policies and programs to foster inclusion for all and reaffirming the City’s commitment to welcoming and supporting immigrants and refugees from all nationalities, religions, and backgrounds. This ordinance, which funds civil legal representation for indigent individuals, for issues related to their immigration status carries forth the Cities intent expressed in the Welcoming Cities Resolution.

**g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program’s desired goal(s).**

OIRA is requested to conduct a competitive bid process and contract with non-profit organization(s) to provide these legal services. OIRA will provide an interim report in 2018 and a final report in 2019 on the use of these funds including the number of

individuals, number of cases, types of cases and case outcomes this funding was able to provide legal representation for.

**h. Other Issues: N/A**

**List attachments/exhibits below:**