

IMMIGRATION ASSISTANCE - 1173

MISSION STATEMENT

This Office is charged with ensuring that attorneys in the fourteen (14) counties within its designated region who are assigned to represent a noncitizen client in a criminal court proceeding will have access to the training, advice and support needed to assist their noncitizen clients make informed choices regarding any adverse immigration consequences which may arise in their criminal matter in compliance with the requirements established in Padilla. In addition, our office will provide assistance to Judges, prosecutors and other law enforcement agencies so that all parties can be aware

Additionally, this Office will also provide support and assistance to assigned counsel representing a noncitizen parent or other adult in family court proceedings that require competent advice on immigration issues that may impact their parental rights.

Since effective mandated representation of a client may depend upon the attorney's ability to identify a client's immigration status and to understand how that status may impact each stage of the client's court proceeding, this Office will:

- Provide real-time immigration legal assistance in criminal court and family court proceedings to reduce or alleviate the threat of removal of a noncitizen client from the United States, and
- Provide technical legal assistance and advice, as well as trainings and guidance on the development of immigration service plans and attorney best practices/protocols/procedures to be used in criminal and family court proceedings, post-conviction and appellate matters, designed to ensure quality representation.
- Partner with organizations and government agencies to assist noncitizens who live in Albany County.

OVERVIEW

Changes to immigration laws have dramatically raised the stakes for noncitizens to be subjected to removal from the United States for a wide array of crimes, including many minor offences and violations. Consequently, criminal defense attorneys are now required to advise noncitizen clients as to the potential immigration consequences of a criminal conviction pursuant to the Supreme Court ruling in *Padilla v. Kentucky*, 559 U.S. 356 (2010). This advice is required to be affirmative, individualized and accurate.

In addition, noncitizen clients whose immigration status may directly impact such life-altering decisions as child custody, visitation, adoption and termination of parental rights should be properly advised in family court proceedings.

In furtherance of this mandate, the New York State Office of Indigent Legal Services (ILS) and the ILS Board authorized the expenditure of \$8.3 million over a three-year period in grants to establish regional Immigration Assistance Centers in strategic locations throughout New York State. The County of Albany submitted an application for this grant in 2015 and was selected to be one of the six regional centers. As a result of the receipt of this grant, the Office of Immigration Services was created to not only serve as the Regional Immigration Assistance Center - Region 3, but to also develop new methods to assist noncitizens in Albany County. The Center which is funded by this innovative ILS Grant is responsible for providing services to the following fourteen counties: Albany, Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, Rensselaer, Saint Lawrence, Saratoga, Schenectady, Schoharie, Warren and Washington.

The Office of Immigration Services will also act as a network to assist noncitizens receive services that they may be entitled. Our office has been invited to participate in programs with other agencies and organizations that assist immigrants and has been asked to be a member in a Human Trafficking Task Force, as well as becoming a member of the Capital Region Immigration Collaborative.

PROGRAM IMPLEMENTATION

This Office will assist indigent legal providers within Region 3 develop best practices and effective attorney protocol (i.e., screening and intake procedures, etc.) to ensure that each provider has an immigration service plan that provides a systematic approach to representing noncitizen clients that will ensure Padilla-compliant representation. The immigration service plan will provide, at minimum, for the timely delivery of accurate advice regarding the immigration consequences of contemplated dispositions in ongoing cases.

In order to determine each county's ability to provide competent legal advice regarding the immigration consequences of criminal convictions or family court dispositions, the Center will facilitate periodic needs assessments of providers, including, but not limited

to the need for increased access to immigration expertise and services, specialized immigration trainings, access to language and cultural support services, and the legal support necessary to address immigration issues that may arise in court proceedings. The Office will also organize and develop continuing legal education programs with Albany Law School, the Albany County Bar Association and other organizations to provide the specialized education that is required.

OTHER GOALS

This Office will work closely with indigent legal service providers, bar associations and nonprofit organizations to develop and coordinate regional trainings and develop resource materials that address the intersections among criminal, family and immigration law.

This Office will also collaborate with ILS and the other five (5) Centers in the analysis of regional trends, collection of data and identification of promising practices and strategies that should be considered for possible replication throughout the State.

We will develop a plan for community outreach to advise attorneys and noncitizens of the services that our Office can provide to them.

A1173 Office Immigration Assistance				2016	2017	2015	2016	2017	2017	2017	
				Count	Count	Expended	Adjusted	Requested	Proposed	Adopted	
Personnel Services Individual											
A1173	12019	001	145001	Assistant Public Defender	1	1	\$0	\$114,836	\$114,836	\$114,836	-
A1173	12020	001	145002	Assistant Public Defender	1	1	\$0	\$90,536	\$92,347	\$92,347	-
A1173	16401	001	145003	Confidential Secretary	1	1	\$0	\$50,000	\$51,000	\$51,000	-
<i>Personnel Services Individual Subtotal</i>					3	3	\$0	\$255,372	\$258,183	\$258,183	\$0
Personnel Non-Individual											
A 1173	19935			Law Intern Program			\$0	\$6,000	\$6,000	\$6,000	\$0
A 1173	19950			Longevity Raise			\$0	\$0	\$2,750	\$2,750	\$0
Subtotal for: Personnel Non-Individual							\$0	\$6,000	\$8,750	\$8,750	\$0
Equipment											
A 1173	22001			Office Equipment			\$0	\$7,500	\$7,500	\$7,500	\$0
Subtotal for: Equipment							\$0	\$7,500	\$7,500	\$7,500	\$0
Contractual Expenses											
A 1173	44020			Office Supplies			\$0	\$5,000	\$5,000	\$5,000	\$0
A 1173	44035			Postage			\$0	\$1,000	\$1,000	\$1,000	\$0
A 1173	44036			Telephone			\$0	\$1,000	\$1,000	\$1,000	\$0
A 1173	44037			Insurance			\$0	\$2,600	\$2,600	\$2,600	\$0
A 1173	44038			Travel Mileage Freight			\$0	\$5,000	\$5,000	\$5,000	\$0
A 1173	44039			Conferences Training Tuitio			\$0	\$30,000	\$30,000	\$30,000	\$0
A 1173	44040			Books Transcripts Subscript			\$0	\$5,300	\$5,300	\$5,300	\$0
A 1173	44041			Computer Fees			\$0	\$2,500	\$2,500	\$2,500	\$0
A 1173	44046			Fees For Services			\$0	\$72,200	\$75,500	\$75,500	\$0
Subtotal for: Contractual Expenses							\$0	\$124,600	\$127,900	\$127,900	\$0
Fringe Benefits											
A 1173	89010			State Retirement			\$0	\$33,886	\$32,525	\$32,525	\$0
A 1173	89030			Social Security			\$0	\$17,741	\$22,516	\$22,516	\$0
A 1173	89060			Hospital and Medical Insurance			\$0	\$56,477	\$56,477	\$56,477	\$0
Subtotal for: Fringe Benefits							\$0	\$108,104	\$111,518	\$111,518	\$0
Total Appropriations							\$0	\$501,576	\$513,851	\$513,851	\$0
Revenue											
A1173	03025			Indigent Funds			\$0	(\$450,000)	(\$450,000)	(\$450,000)	\$0
Total Revenue							\$0	(\$450,000)	(\$450,000)	(\$450,000)	\$0
County Share							\$0	\$51,576	\$63,851	\$63,851	\$0