

**Senate Bill 79: Human Services  
Chaptered 6/24/15  
Services for Undocumented Persons**

**SEC. 22.**

The heading of Chapter 5.6 (commencing with Section 13300) of Part 3 of Division 9 of the Welfare and Institutions Code is amended to read:

**CHAPTER 5.6. Services for Undocumented Persons**

**SEC. 23.**

Section 13302 of the Welfare and Institutions Code is amended to read:

**13302.**

Notwithstanding any other law:

- (a) Contracts or grants awarded pursuant to this chapter shall be exempt from the personal services contracting requirements of Article 4 (commencing with Section 19130) of Chapter 5 of Part 2 of Division 5 of Title 2 of the Government Code.
- (b) Contracts or grants awarded pursuant to this chapter shall be exempt from the Public Contract Code and the State Contracting Manual, and shall not be subject to the approval of the Department of General Services.
- (c) The client information and records of legal services provided pursuant to this chapter shall be subject to the requirements of Section 10850 and shall be exempt from inspection under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Part 1 of the Government Code).
- (d) The state shall be immune from any liability resulting from the implementation of this chapter.
- (e) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement, interpret, or make specific this chapter without taking any regulatory action.

**SEC. 24.**

Section 13303 is added to the Welfare and Institutions Code, to read:

**13303.**

- (a) Subject to the availability of funding in the act that added this section or the annual Budget Act, the department shall provide grants, as described in subdivision (b), to organizations qualified under Section 13304.
- (b) Grants provided in accordance with subdivision (a) shall be for the purpose of providing one or more of the following services, as determined by the department:

(1) Services to persons living in California, including all of the following:

(A) Services to assist with the application process for initial or renewal requests of deferred action under the DACA policy with the United States Citizenship and Immigration Services.

(B) Services to assist with the application process for initial or renewal requests of deferred action under the DAPA policy with the United States Citizenship and Immigration Services, as federally established.

(C) Services to help obtain other immigration remedies for people receiving DACA or DAPA application assistance.

(D) Services to assist with the application process for naturalization and any appeals arising from the process.

(2) Services to provide legal training and technical assistance to other organizations qualified under Section 13304.

(c) For purposes of this chapter, the following terms shall have the following meanings:

(1) "DACA" refers to Deferred Action for Childhood Arrivals status as described in guidelines issued by the United States Department of Homeland Security.

(2) "DAPA" refers to Deferred Action for Parents of Americans and Lawful Permanent Residents or Deferred Action for Parental Accountability status as described in guidelines issued by the United States Department of Homeland Security.

(3) "Services to assist" includes, but is not limited to, outreach, workshop presentations, document review, Freedom of Information Act requests, and screening services that seek to assist individuals with DACA, DAPA, naturalization, or other immigration remedies.

(4) "Legal training and technical assistance" includes, but is not limited to, webinars, in-person trainings, and technical assistance in the form of answering questions via email, fax, or phone from organizations qualified under Section 13304 and their staff and volunteers that assist individuals with DACA, DAPA, naturalization, or other immigration remedies.

(d) No more than 40 percent of grant funds awarded to an organization qualified under Section 13304 shall be advanced to that organization.

(e) The department shall update the Legislature on the following information in the course of budget hearings:

(1) The timeline for implementation of this section.

(2) The participating organizations awarded contracts or grants.

(3) The number of applications submitted.

- (4) The number of clients served.
- (5) The types of services provided and in what language or languages.
- (6) The regions served.
- (7) The ethnic communities served.
- (8) The identification of further barriers and challenges to education, outreach, immigration assistance, and legal services related to naturalization and deferred action.
- (f) This section shall become operative on January 1, 2016.

**SEC. 25.**

Section 13304 is added to the Welfare and Institutions Code, to read:

**13304.**

(a) Grants awarded pursuant to Section 13303 shall fulfill all of the following:

(1) Be executed only with nonprofit organizations that meet the requirements set forth in Section 501(c)(3) or 501(c)(5) of the Internal Revenue Code and that meet all of the following requirements:

(A) Except as provided in subparagraph (D), have at least three years of experience handling immigration cases.

(B) Have conducted trainings on immigration issues for persons beyond their staff.

(C) Are accredited by the Board of Immigration Appeals under the United States Department of Justice's Executive Office for Immigration Review or meet the requirements to receive funding from the Trust Fund Program administered by the State Bar of California.

(D) For a legal services organization that provides legal training and technical assistance as defined in subdivision (c) of Section 13303, have at least 10 years of experience conducting immigration legal services and technical assistance and meet the requirements to receive funding from the Trust Fund Program administered by the State Bar of California.

(2) Require reporting, monitoring, or audits of services provided, as determined by the department.

(3) Require grant recipients to maintain adequate legal malpractice insurance and to indemnify and hold the state harmless from any claims that arise from the legal services provided pursuant to this chapter.

(b) This section shall become operative on January 1, 2016.

**SEC. 26.**

Section 13305 is added to the Welfare and Institutions Code, to read:

**13305.**

(a) Subject to the availability of funding in the act that added this section or the annual Budget Act, the department shall provide grants to organizations qualified under Section 13306 to provide free education and outreach information, services, and materials about DACA, DAPA, naturalization, or other immigration remedies.

(b) For purposes of this section, “education and outreach” activities means the dissemination of information or activities that promote the benefits of citizenship or deferred action and explain eligibility to prospective United States citizens or prospective individuals eligible for deferred action.

(1) Education and outreach activities shall include referrals to educational or legal services that support the applicants’ eligibility for citizenship or deferred action and the importance of participating in civic engagement as a naturalized citizen.

(2) Education and outreach activities do not include representation as legal counsel that would assist in the application process for a prospective citizen or prospective individual eligible for deferred action.

(c) No more than 40 percent of grant funds awarded to an organization qualified under Section 13306 shall be advanced to that organization.

(d) The department shall update the Legislature on the following information in the course of budget hearings:

(1) The timeline for implementation of this section.

(2) The participating organizations awarded contracts or grants.

(3) The number of applications submitted.

(4) The number of clients served.

(5) The types of services provided and in what language or languages.

(6) The regions served.

(7) The ethnic communities served.

(8) The identification of further barriers and challenges to education, outreach, immigration assistance, and legal services related to naturalization and deferred action.

(e) This section shall become operative on January 1, 2016.

**SEC. 27.**

Section 13306 is added to the Welfare and Institutions Code, to read:

**13306.**

(a) Grants awarded pursuant to Section 13305 shall be provided only to nonprofit organizations that meet the requirements set forth in Section 501(c)(3) or 501(c)(5) of

the Internal Revenue Code and have at least three years of experience with both of the following:

- (1) Conducting education and outreach with immigrant populations.
  - (2) Conducting outreach for government benefits and programs.
- (b) This section shall become operative on January 1, 2016.