



SENATOR BEN HUESO, 40TH DISTRICT

Due Process For All Act -SB 6 (Hueso)

Proposal: California has a responsibility to protect the due process rights of *all* people within its borders. Immigrants in removal proceedings can face months or years of detention, permanent separation from their families and communities, and return to countries where their lives are at risk, or which they have never known. And yet, there is no recognized right to government-funded counsel for immigrants facing deportation, even though the presence of an attorney dramatically increases a noncitizen's likelihood of success. Legal counsel remains the most effective tool at our disposal to protect individuals placed in complex immigration removal proceedings. However, legal counsel for most immigrants remains out of reach due, in part, to lack of access to quality, culturally competent and affordable legal representation. This bill would create a program supported by state funds to provide access to qualified legal counsel to immigrants in deportation or removal proceedings.

Current Law: In immigration proceedings, there is no recognized government funded right to legal counsel for most immigrants and as a result, the majority of immigrants go unrepresented. As a result, thousands of California residents are torn from their homes every year. Families lose breadwinners; children are placed in foster care; and the economy is disrupted.

Previous Legislation: In 2014, CA established the Unaccompanied Undocumented Minor (UUM) program, which provided state-funded legal services for minor refugee children fleeing violence in Central America.

In 2015-16 FY, CA established the "One California" Immigration Services Funding, which provides state-funds to support low-income state residents eligible for naturalization or affirmative immigration relief including through the Deferred Action for Childhood Arrivals (DACA) program.

Background: In California, 68% of detained immigrants are not represented by legal counsel, even though detained immigrants who have lawyers succeed *more than five times as often* in challenging their deportation; if released, those same immigrants succeed 71% of the time, a greater than *tenfold increase* over their counterparts who remain detained and without counsel.

As the most immigrant-rich state in the nation, California would be particularly hard hit by large scale enforcement actions. Hundreds of thousands of people in our state would face home raids, workplace raids, and, ultimately, being placed in detention and deportation proceedings. The fear in our communities has reached an all-time high in the aftermath of the November 2016 election, and California must protect our residents' due process rights in these life and death proceedings.

The devastating effects of this unjust system extend far beyond the immigrant facing deportation. By providing counsel in deportation proceedings, California will help keep families together and secure, employees working, and communities whole.

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