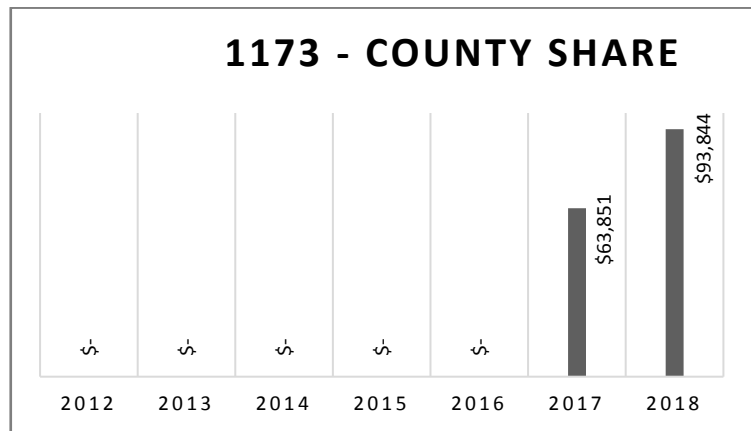


OFFICE OF  
IMMIGRATION  
SERVICES  
1173



### MISSION

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 client in making informed choices regarding any adverse immigration consequences that 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 of the potential immigration consequences.

Additionally, this Office will also provide support and assistance to assigned counsel representing a noncitizen parent or other adult in family court proceedings who requires 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-related legal assistance in criminal 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 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 as well as post-conviction and appellate matters, designed to ensure quality representation, and
- Partner with other legal service providers and government agencies to assist noncitizens living 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 2017, the Supreme Court further emphasized the importance of this requirement in Lee v. United States by requiring the attorney to provide accurate advice regarding the immigration consequences when the potential for deportation was the determinative issue in deciding whether to plead guilty or go to trial.

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 in grants over a three-year period 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 Assistance 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.

# OFFICE OF IMMIGRATION SERVICES - 1173

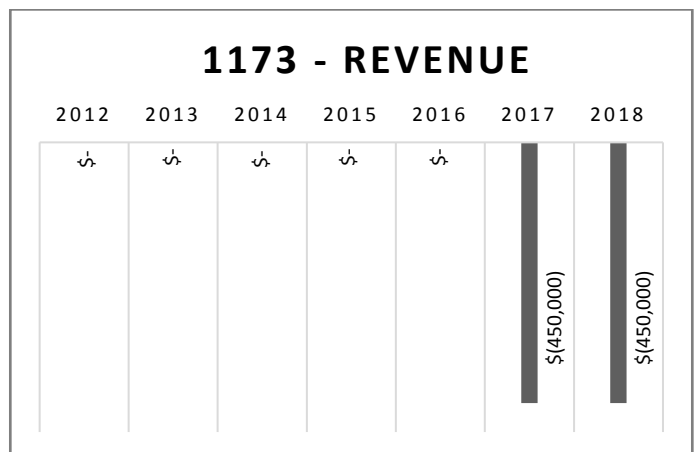
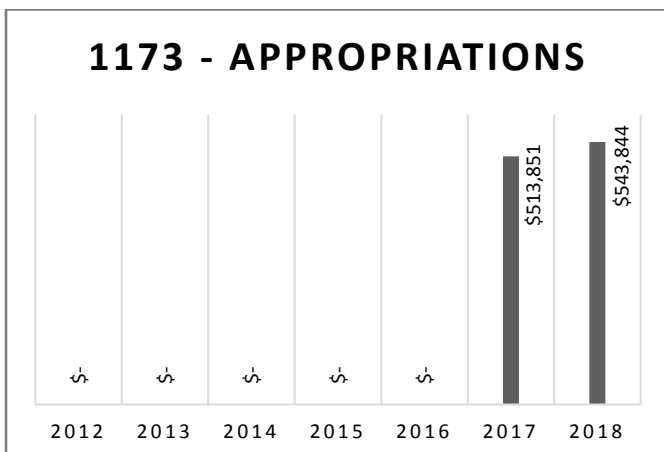
The Office of Immigration Assistance will also act as a network to assist noncitizens in receiving services for which they may be entitled. For example, we have been asked to be a member on a Human Trafficking Task Force as well as the Capital Region Immigration Collaborative. When the dramatic and sweeping changes in immigration enforcement procedures were enacted, our office was invited to appear at community forums, college campuses, and local immigration organizations to advise communities regarding the changes in the new procedures and who would be affected. After the Deferred Action for Childhood Arrival (DACA) program was rescinded by the President of the United States, the County Executive created a hotline that will be used to assist DACA recipients and their families so they are able to obtain guidance and identify individuals who may still be eligible for renewal. The Office of Immigration Assistance will continue to partner with Albany Law School, The Legal Project, the US Committee for Refugees and Immigrants, and other community organizations to identify and provide assistance needed by DACA recipients.

## 2017 ACCOMPLISHMENTS AND CHALLENGES

This Office will assist indigent legal service providers within Region 3 to develop best practices and effective attorney protocol (i.e., screening and intake procedures, etc.) in order to ensure that each provider has an immigration service plan that provides a systematic approach to representing noncitizen clients and remains compliant with Padilla. The immigration service plan will provide, at a 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, the Legal Project, the US Committee for Refugees and Immigrants, Refugee and Immigrant Support Services of Emmanuel, Catholic Charities, New York State Defenders Association, the Office of Indigent Legal Services and other organizations to provide the specialized education and assistance that is required. Since the creation of this Office, we have assisted more than 225 individuals from 78 different countries. We have conducted more than 65 trainings and appearances at community and legal forums within our designated fourteen-county region. We have also assisted in the representation of several individuals who had claims to vacate prior criminal convictions which would have otherwise led to their removal from the United States.

We have also been in the forefront of identifying and representing victims of human trafficking and connecting them to services which will assist them in providing housing and vocational skills while also helping them navigate the pathway to lawful status. We will also implement assistance to DACA recipients who are seeking guidance with regard to the recent announcement regarding its rescission. More specifically, we will attempt to identify individuals who may be eligible for renewal and explore other legal rights that the individuals may be entitled to receive.



# OFFICE OF IMMIGRATION SERVICES - 1173

## **2018 GOALS AND PERFORMANCE TARGETS**

This Office will work closely with indigent legal service providers, bar associations and nonprofit organizations to develop and coordinate regional trainings and 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 to analyze regional trends, collect data, and identify promising practices and strategies that should be considered for possible replication throughout the State.

We will also develop a community outreach plan to inform attorneys and noncitizens of the services that our Office is able to provide to them.