



Legislation Details (With Text)

File #: 22-0219 **Version:** 1

Type: Resolution **Status:** Adopted

File created: 2/10/2022 **In control:** Safety, Housing, Education & Homelessness Committee

On agenda: 3/7/2022 **Final action:** 3/7/2022

Title: A resolution approving a proposed Third Amendatory Agreement between the City and County of Denver and The Denver Foundation to provide grant funding to 501(c)(3) nonprofit organizations who provide immigration legal services to eligible Denver residents in the areas of direct representation, in removal defense or affirmative relief, and capacity building for direct representation. Amends a contract with the Denver Foundation to add \$750,000 for a new contract total of \$1,450,000 and 1 year for a new end date of 12-31-2022 for the Denver Immigrant Legal Services Fund, which provides grant funding to 501(c)(3) nonprofit organizations who provide immigration legal services to eligible Denver residents in the areas of direct representation, in removal defense or affirmative relief, and capacity building for direct representation (ATTNY-202261680). The last regularly scheduled Council meeting within the 30-day review period is on 3-29-22. The Committee approved filing this item at its meeting on 2-23-22.

Sponsors:

Indexes: Emily Lapel

Code sections:

Attachments: 1. RR22 0219 HRCP_DOIRA_DILSF_2022 amendment_atim edits updated 2.10.pdf, 2. RR22 0219 HRCP Exh_A_3_The_Denver_Foundation_SOW_V2, 3. 22-0219 Filed Resolution_TheDenverFoundation_202261680-03, 4. 22-0219 3rdAmendAgr_TheDenverFoundation_202261680-03, 5. 22-0219 Filed Resolution_TheDenverFoundation, 6. 22-0219 - signed

Date	Ver.	Action By	Action	Result
3/7/2022	1	Council President	signed	
3/7/2022	1	City Council	adopted	Pass
2/23/2022	1	Safety, Housing, Education & Homelessness Committee	approved by consent	

Contract Request Template (Contracts; IGAs; Leases)

Date Submitted: 2/14/22

Requesting Agency: HRCP
Division:

Subject Matter Expert Name: Atim Otii
Email Address: atim.otii@denvergov.org
Phone Number:

Item Title & Description:

(Do not delete the following instructions)

These appear on the Council meeting agenda. Initially, the requesting agency will enter a 2-3 sentence description. Upon bill filling, the City Attorney’s Office should enter the title above the description (the title

should be in **bold** font).

Both the title and description must be entered between the red "title" and "body" below. Do **not** at any time delete the red "title" or "body" markers from this template.

A resolution approving a proposed Third Amendatory Agreement between the City and County of Denver and The Denver Foundation to provide grant funding to 501(c)(3) nonprofit organizations who provide immigration legal services to eligible Denver residents in the areas of direct representation, in removal defense or affirmative relief, and capacity building for direct representation.

Amends a contract with the Denver Foundation to add \$750,000 for a new contract total of \$1,450,000 and 1 year for a new end date of 12-31-2022 for the Denver Immigrant Legal Services Fund, which provides grant funding to 501(c)(3) nonprofit organizations who provide immigration legal services to eligible Denver residents in the areas of direct representation, in removal defense or affirmative relief, and capacity building for direct representation (ATTNY-202261680). The last regularly scheduled Council meeting within the 30-day review period is on 3-29-22. The Committee approved filing this item at its meeting on 2-23-22.

Affected Council District(s) or citywide? Citywide

Contract Control Number: ATTNY-202261680

Vendor/Contractor Name (including any "DBA"): Denver Foundation

Type and Scope of services to be performed:

SCOPE OF SERVICES

The Denver Immigrant Legal Services Fund (the "Fund") of the Denver Foundation (the "Foundation") will provide grant funding to 501(c)(3) nonprofit organizations. All grants awarded from the Fund must satisfy the criteria described below.

A. Scope of Legal Services: Subject to the requirements set forth in Section B below, the Scope of Legal Services will include the following two primary areas in order of priority:

1. Direct Legal Representation: Direct legal representation included:
 - a. Removal defense for persons in the Aurora detention facility and/or subject to removal proceedings in the Aurora or Denver Immigration Courts, including bond hearings, detained removal, non-detained removal, transfer of venue proceedings for transfer to Denver Immigration Court, collateral proceedings incident to removal

defense, and any costs associated with defense; and

b. Legal screening, consultation, and representation regarding potential forms of affirmative relief, including but not limited to DACA or DREAM Act-related relief, Special Immigrant Juvenile Status (SIJS), asylum, U visas and T visas, Violence Against Women Act (VAWA), naturalization, and individuals eligible or facing the loss of Temporary Protected Status or other discretionary status.

2. Building Capacity for Direct Legal Representation: Resources and strategies to expand: the pool of pro bono immigration attorneys providing direct legal representation under A.2.a and A.1.b, including but not limited to hiring trained immigration lawyers to serve as trainers, mentors, and pro bono coordinators; the pool of “low-bono” immigration attorneys providing direct representation under A.2.a and A.2.b; and the use of law school clinics and law students providing direct legal representation under A.2.a and A.2.b.
3. Limited Legal Fellowship program - In response to current unmet needs in both removal defense and affirmative representation funding is provided for one qualified, community-focused immigration attorney fellow and one dedicated paralegal for this fellow for 2022, and renewable in 2023 only. Funds can be utilized for existing staff or new recruitment that meet this funding eligibility. Funding for this legal fellowship may include a request for funding to assist in the course of their representation, including legal resources and/or scholarships to help with paying filing and other representation related application fees. Funding requested to be utilized for legal resources, scholarships for legal fees or other application fees must be proportionate to the cases proposed to be represented. For example, 10 cases = \$500 per case for interpretation, filing fees, etc. Note: Any current DILSF grantee may also apply for funding to assist clients with legal resources and/or scholarships to help for paying filing and other representation related application fees in the course of their currently funded representation.

B. Eligibility Requirements: Populations to be Served: Grants from the Fund to 501(c)(3) nonprofit organizations may be used by those organizations to provide legal support only to individuals who meet all of the below eligibility requirements:

1. **Immigration Status:** Individuals subject to actual or potential immigration removal proceedings; have been arrested or detained by immigration officials; and/or have a final order of removal. “Subject to potential immigration removal proceedings” is broadly interpreted to include immigrants who are not in active removal proceedings but could be removed based on their immigration status (including but not limited to DACA or DREAM Act-related relief, Special Immigrant Juvenile Status (SIJS), asylum, U visas and T visas, Violence Against Women Act (VAWA), naturalization, and individuals eligible or facing the loss of Temporary Protected Status or other discretionary status).
2. **Residency:** Individuals who are current residents of the City and County of Denver. “Resident” means: an individual living in the State of Colorado not temporarily and is present in the City and County of Denver, as set forth in Section 29-83 of the Denver Revised Municipal Code.
3. **Income Limitation:** Individuals with a maximum household income of 200% of the Federal Poverty Level.
4. **Prioritization of Viable Cases:** All non-profit organizations receiving Fund grants from the Foundation shall:
 - a. Be responsible for screening individual applicants to ensure the applicants meet the eligibility requirements described in this Section B; and
 - b. Only provide services to persons who present with viable claims for affirmative relief or defenses from removal.

C. Reporting: The Foundation shall require that each recipient of a grant from the Fund verify that all individuals receiving legal services funded with the proceeds of a Fund grant satisfy the eligibility requirements in Section B above. The Foundation shall include in the annual report data as agreed to with the Advisory Committee, including:

1. Total eligible Denver residents with a breakdown of how many were assisted, how many were not served due to program capacity, how many were released on bond, how many won their cases, how many residents still have cases pending, how many residents lost their case and were deported.

2. How many residents received the following in removal defense legal services: A legal orientation, representation in a bond hearing, master and/or final hearing (quantify each by detained vs non-detained hearings)
3. How many residents received the following in affirmative relief legal services: number of cases and types submitted; number of cases pending; number of cases approved
4. Describe any success in the following areas of impact for your clients such as economic, public safety, health, education, and civic engagement.

D. Budget:

2020 Services: \$200,000

2021 Services: \$500,000.00 Removal defense for detained individuals/All other legal services described in Section A above

2022 Services: \$500,000.00 Removal defense for detained individuals/All other legal services described in Section A above

2022 Limited Legal Fellowship Program: \$250,000 for legal fellowship, paralegal, legal resources and filing fees for All other legal services described in Section A. 1. above

\$1,450,000.00 Total

Location (if applicable):

WBE/MBE/DBE goals that were applied, if applicable (construction, design, Airport concession contracts): N/A

Are WBE/MBE/DBE goals met (if applicable)?

Is the contract new/a renewal/extension or amendment? Amendment

Was this contractor selected by competitive process or sole source? competitive

For New contracts

Term of initial contract:

Options for Renewal:

How many renewals (i.e. up to 2 renewals)?

Term of any renewals (i.e. 1 year each):

Cost of initial contract term:

Cost of any renewals:

Total contract value council is approving if all renewals exercised:

For Amendments/Renewals Extensions:

Is this a change to cost/pricing; length of term; terms unrelated to time or price (List all that apply)? Adding time and dollars

If length changing

What was the length of the term of the original contract?

What is the length of the extension/renewal?

What is the revised total term of the contract?

<i>Current Contract Term</i>	<i>Added Time</i>	<i>New Ending Date</i>
1/1/2020-12/31/2021	12 months	12/31/2022

If cost changing

What was the original value of the entire contract prior to this proposed change?

What is the value of the proposed change?

What is the new/revised total value including change?

<i>Current Contract Amount (A)</i>	<i>Additional Funds (B)</i>	<i>Total Contract Amount (A+B)</i>
\$700,000	\$750,000	\$1,450,000

If terms changing

Describe the change and the reason for it (i.e. compliance with state law, different way of doing business etc.) Legal fellowship program added as part of the scope