

Testimony in Support of Immigration Legal Services
Journey's End Refugee Services
February 8, 2021

Dear Members of the Senate and the Assembly:

On behalf of Journey's End Refugee Services, we write to urge the renewal and expansion of funding for immigration legal services in the New York State budget for Fiscal Year 2022. Journey's End recommends the allocation of \$25 million for immigration legal services, funding which would ensure that New York State maintains its commitment to the immigrant families it has already promised to serve while expanding capacity to meet the critical immigration legal needs of even more immigrant New Yorkers.

Journey's End is a §501(c)(3) not-for-profit refugee resettlement agency with offices in Buffalo, Rochester, and Binghamton, New York. We are a community-based organization with the mission of providing refugees with the resources and support they need to become successful, active and contributing members of our shared community. The Immigration Legal Services Program at Journey's End provides direct representation, advice and counsel, pro-se assistance, and community legal education on immigration matters including adjustment of status (green cards), naturalization, employment authorization, family reunification, asylum, and removal defense to refugees, asylees, and other immigrants.

Immigrants in Upstate New York

The American Immigration Council reports that over 4.5 million immigrants live in New York State, comprising over 22% of the state's population. Immigrant New Yorkers represent a long and rich history of immigration into our state and country, and immigrant communities contribute significantly to New York State's tax base, workforce, economy, and cultural enrichment. A wide range of countries of origin, native languages, and immigration statuses make up New York's diverse immigrant populations.

Upstate New York is home to immigrants of many different legal statuses, including refugees, asylees, asylum seekers, parolees, lawful permanent residents (green card holders), undocumented immigrants, temporary non-immigrants, and naturalized U.S. Citizens. In Western New York, Erie County's population has grown as a direct result of immigration and refugee resettlement into the area. This growth is expected to continue with the anticipation of an increased annual cap on new refugee admissions into the country. Buffalo welcomes the largest number of refugees in New York State, including families arriving from Burma, Eritrea, Iraq, Afghanistan, and the Democratic Republic of Congo. Over 80 languages are currently spoken in Buffalo Public Schools. In addition to the refugee communities in our region, Upstate New York is home to immigrant populations from countries across the Middle East, Eastern Europe, Asia, Africa, and South and Central America.

Immigration Legal Needs in Upstate New York

Most immigrants arrive to the U.S. with significant immigration legal needs. Both the continuation of incoming immigrant populations to New York State and the changing landscape of federal immigration law contribute to a rising demand for immigration legal services. However, due to a lack of resources, immigration legal services providers across the state have been unable to fully meet this need. As a result, the immigration legal needs of many immigrant families go unmet, particularly in underserved areas like Upstate New York, often resulting in dire consequences.

Journey's End has experienced a rising demand within the communities we serve for immigration attorneys to assist on a wide range of these legal cases. Most urgently, immigration attorneys are needed to fight civil detention and removal (deportation) proceedings for asylum seekers and undocumented families. Immigration attorneys are needed to help apply for adjustment of status and naturalization in order to secure and advance valid immigration status, providing safe and lawful presence and expanded rights. They are needed to obtain work authorization to seek valid and meaningful employment, make a living, support immigrant families, and contribute to the U.S. tax base. They are needed to petition for spouses, children, and parents of immigrants to reunite family units that have been separated by violence, conflict, and war. Lastly, they are needed to provide an understanding of changing laws and policies and to promote knowledge of the rights and responsibilities of new Americans and New York residents.

Cases and clients accepted for representation at Journey's End span a wide range of situations and needs. Our clients are childhood arrivals seeking deferred action and an opportunity to lawfully make a living in the U.S. They are families separated at the Southern Border arriving to our region trying to locate their missing children. They are Burmese political activists that fought for democracy against an oppressive military regime who seek an opportunity to vote as U.S. Citizens in federal, state and local elections. They are Afghan interpreters applying for asylum after helping the U.S. military during a war with their country. They are Ugandan LGBTQ activists that have been tortured for their sexual orientation seeking supportive evidence while awaiting their Immigration Court date. They are Syrian families seeking Temporary Protected Status from a complex and brutal civil war. They are Congolese parents applying to reunite with their separated children after an invasion of their village by rebel groups. They are Yazidi women that escaped imprisonment, torture, and rape by ISIS and now seek help adjusting to a life of safety and stability. All examples of actual immigrants in our community, each reflects the wide range of needs for immigration legal services. These cases are not reported in the news, and they are not being protested in the streets. They are the quiet and daily sufferings of human beings in our community that immigration attorneys work tirelessly to alleviate through access to justice and the protection of rights.

The Importance of Immigration Legal Services

Given the complex structure of federal immigration law and an imposing array of recent changes to the rules and policies administering it, retaining legal counsel is often crucial to immigrants in presenting their cases effectively before the government. Under more stringent federal immigration policies, consequences of denied cases have become increasingly severe and include civil detention, prolonged family separation, and deportation to dangerous countries. New York State has a responsibility to respond to these harmful federal policies on behalf of immigrant New Yorkers and their families. That responsibility includes an approach that considers and upholds the rights of immigrants not as politicized tools, but as residents the state is obligated to protect.

While immigrants, their families, and their advocates are hopeful that the new federal administration will reverse these harmful policies, such changes will take time. The damage inflicted is severe and widespread, and took the entirety of the previous administration to establish. Significant efforts towards reversal are necessary and include the restoration of overseas refugee processing systems, the restaffing of USCIS (U.S. Citizenship and Immigration

Services) domestically and U.S. Embassies abroad, the overhaul of dozens of Executive Orders, and the redress of Immigration Courts across the country. The additional obstacle of undertaking such sweeping action during a global pandemic will undoubtedly frustrate and delay this process.

While there is hope that the current administration will bring both repair and new opportunities, the American immigration system has been overburdened, inefficient, and challenging to access for decades. These challenges are compounded by the reality that most immigrant New Yorkers are unrepresented in their cases due to significant barriers in obtaining access to immigration legal services across our state. As civil law that is overseen by administrative courts, many constitutional protections do not apply in immigration law proceedings – including the right to an appointed attorney, the right to a speedy trial, and the right from protection from cruel and unusual punishment. High private attorney costs in Upstate New York leave countless immigrants unrepresented in these critical legal matters. Non-profit immigration legal service programs, limited in funding and capacity, are forced to restrict their services to a fraction of immigrant families in need. Too often, immigrants seeking legal counsel in immigration cases are left to navigate a foreign and confusing system on their own, frequently resulting in their pursuit of assistance from agencies or individuals that are unqualified and unauthorized to practice immigration law, and thereby further complicating their cases. As demand grows, fewer immigrants in need have access to qualified and knowledgeable legal counsel that would drastically improve the likelihood of successful case outcomes. This also places non-profit immigration service providers in the exceedingly difficult position of prioritizing those in need of assistance and determining which ones must be referred to alternative providers due to capacity limitations.

The already substantial lack of accessible and affordable immigration legal services in New York State is intensified by the isolation that immigrants face in the rural communities of Upstate New York, particularly in the counties of the Finger Lakes and Southern Tier regions. In its 2018 “No Safe Harbor” report, the New York Immigration Coalition addresses the discrepancy between immigration legal services available in New York City compared to the remainder of New York State, stating that “Organizations that provide immigration legal services are highly concentrated in New York City. Of the 158 organizations in New York State, 121, or 77%, operate within the five boroughs. By contrast, the remaining 37 organizations were spread out throughout the rest of the state, with rural areas being the most underserved.” The report described how as a result, many immigrant New Yorkers are forced to seek immigration assistance from prohibitively

expensive private attorneys in urban areas or fraudulent providers who seek to exploit this large gap created in the market for immigration legal services. Combined with the isolation of many rural communities, lack of access to transportation and other important resources, and the limited capacity of the few existing providers, immigrant New Yorkers residing in these regions outside of New York City are significantly less likely to obtain the access to immigration legal services that is required to be successful in their cases.

New York State's Response: ONA & LDP funding

In response to these significant challenges, New York State made a substantial investment in immigration legal services in 2012 with the creation of the Office for New Americans (ONA), and in 2018 with the launch of the Liberty Defense Project (LDP). Both administered through the New York State Office for New Americans, ONA and LDP provide funding for non-profit immigration legal service providers to expand their capacity for direct representation and Know Your Rights-based programming to immigrant New Yorkers.

In Fiscal Years 2019-2021, New York State allocated \$16.4 million to immigration legal services through these projects to support this critical work across the state. This significant expansion substantially increased organizational capacity of service providers to grow their programs, hire additional immigration attorneys, and ultimately help more immigrant New Yorkers. Through a Request for Applications process, Journey's End was awarded three ONA Legal Counsel and two Liberty Defense Project contracts across the regions of Western New York, the Finger Lakes, and the Southern Tier. Under these contracts, Journey's End serves immigrant New Yorkers in 22 counties, including Erie, Niagara, Chautauqua, Cattaraugus, Allegany, Steuben, Schuyler, Tompkins, Tioga, Broome, Chenango, Delaware, Chemung, Orleans, Genesee, Wyoming, Livingston, Monroe, Ontario, Seneca, Yates, and Wayne Counties. This extraordinary expansion allowed Journey's End to open two Satellite Offices in the cities of Rochester and Binghamton, support 12 additional staff attorneys and legal assistants, serve an increased number of immigrant New Yorkers in need of immigration legal services, and expand educational programming (including Know Your Rights presentations) across underserved rural areas.

Renewal and Expansion of Funding in Fiscal Year 2022

This investment made by both New York State and the organizations that it funds must be maintained in Fiscal Year 2022 in order to have a meaningful impact, as immigration cases of all kinds take multiple years to resolve. Through this investment, we have made a commitment to immigrant New Yorkers that we will fight for their cases in order to secure their immigration statuses, preserve the unity of their families, and prevent deportation to dangerous war-torn countries. If this investment is not renewed and this funding is not maintained, immigrant New Yorkers who were able to gain access to an attorney through these projects will effectively lose their legal representation before their legal matter is resolved – statistically and practically decreasing the likelihood of success in these critical cases. Several pending cases for family reunification and asylum at Journey's End date back to 2015, adjudication of which has been recently further extended due to both understaffing at USCIS and the U.S. Department of State, as well as COVID-related scheduling delays.

Additionally, while recent investments made in this work are significant, they remain insufficient to meet the growing need for immigration legal services in our region of the state. While this expanded capacity has allowed our offices and immigration attorneys to accept an increased number of cases, we have been unable to assist every case in need. Offices maintain waitlists for every type of immigration matter, including a waitlist of nearly 150 families at Journey's End's Buffalo office.

Journey's End Refugee Services therefore makes the following recommendations for Fiscal Year 2022:

- 1) Increase funding for the Liberty Defense Project to \$15.3 million, from its current \$10 million, to enable legal representatives within the project to continue work on existing cases and to allow providers to serve even more New Yorkers in need of immigration legal assistance; and
- 2) Increase the budget of the Office for New Americans to \$9.1 million from its current \$6.4 million to allow this office to help more New Yorkers who are eligible for crucial immigration relief.

Totaling \$25 million, this renewal and expansion of funding will ensure that New York State both keeps its commitment to the immigrant families it has already promised to serve, and further expand capacity to meet the needs of even more impacted immigrant New Yorkers.

We thank you for your time and attention to this testimony. For any questions or comments, please do not hesitate to contact Sarah Bertozzi, Managing Attorney and Director of Immigration Legal Services, at sbertozzi@jersbuffalo.org.

Respectfully submitted,

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