

February 3, 2023

The Honorable Helene E. Weinstein
Chair, Standing Committee on Ways and Means
LOB923, Capitol Building
Albany, NY 12248
wamchair@nyassembly.gov

The Honorable Liz Krueger
Chair, Standing Finance Committee
Room 416, CAP, Capitol Building
Albany, NY 12247
financechair@nysenate.gov

**Testimony of the Vera Institute of Justice in Support of The Access to Representation Act
and Immigration Legal Services Funding in the New York State Budget**

**Submitted to the Joint Legislative Budget Hearings on Public Protection,
Human Services, and Local Government**

Dear Chairperson Weinstein and Chairperson Krueger,

On behalf of the Vera Institute of Justice (Vera), I write to urge you to support passage of the Access to Representation Act (ARA, S999/A170), accompanied by strong and increased investments in immigration legal services in the Fiscal Year 2024 Budget. **Governor Hochul included \$43 million in her proposed budget for immigration services administered by the Office for New Americans (ONA), but to meet urgent needs and ensure long-term stability in New York's immigration legal services infrastructure, we specifically urge you to allocate a total of \$100 million to immigration legal services, comprising \$55 million to begin implementing the ARA, \$35 million for the Liberty Defense Project (LDP), and \$10 million to support rapid response services.**

Vera's mission is to end the overcriminalization and mass incarceration of people of color, immigrants, and people experiencing poverty. We work to transform the criminal legal and immigration systems until they are fair for all. One of our core priorities is to advance universal representation to ensure that no immigrant is forced to face the prospect of detention and deportation without a trained legal advocate at their side.

As cynical politicians treat immigrants seeking refuge as political pawns, and the federal government continues to threaten families with detention and deportation, New York can lead the way with humanitarian policies that center human dignity by passing the ARA. Immigrants facing deportation risk permanent separation from their families and forced return to dangerous or deadly conditions in another country, yet they are not guaranteed a lawyer if they cannot afford one. Having a legal representation makes a huge difference: detained immigrants with representation win their cases at over 10 times the rate of those who don't have legal help.¹ For non-detained people, two thirds with lawyers win their cases compared to 17 percent of those without a lawyer.²

At home, this investment is overwhelmingly popular: 93 percent of New Yorkers support government-funded lawyers for people in immigration court.³ On a national level, passing the ARA will advance federal momentum for the campaign to enact a national right to representation for people at risk of deportation, continuing New York's long record of leadership on this issue.

New York's existing investment in immigration legal services promotes safety and family unity for immigrant New Yorkers. For example, the New York Immigrant Family Unity Project (NYIFUP), funded by New York City and New York State's Liberty Defense Project, is a pioneering legal services program that has provided representation to immigrants in detention across all of New York State since 2017.⁴ This program reunites families, secures safety for people in unsafe detention conditions, and promotes stability in communities harmed by federal immigration enforcement. Despite powerful programs like NYIFUP, current state funding is insufficient: more than 60,000 people in New York State are currently fighting for their lives in immigration court alone.⁵

To fill these gaps in life-saving legal services across New York and to build the long-term infrastructure to ensure that no one in New York faces the terrifying risk of immigration detention or deportation without legal representation, we urge the following:

Pass the Access to Representation Act, with a \$55 million investment for its first year. This will enable New York to build the statewide legal services infrastructure to ensure that teams of immigration legal service providers have the training, staffing, and resources needed to support immigrant communities in the long-term. This FY24 investment will begin a responsible, six-year process of expanding legal services to ensure that no New Yorker has to navigate complex immigration proceedings without legal representation. It will also ensure that this state is prepared to welcome newly arriving immigrants with the support they need, and it will promote safety and stability for immigrant New Yorkers who have called this state home for many years.

Increase legal services funding under the Liberty Defense Project to \$35 million. The governor's FY24 executive budget proposed a total \$43 million investment in the legal and social services provided by the Office for New Americans, including the LDP. But legal services alone should be funded at \$35 million without diminishing the critically important social services provided by ONA. This will ensure ongoing representation for current clients served under the program, increased access to social workers for people facing trauma related to their immigration cases, and expanded legal services to fill existing gaps

for things like applications for Deferred Action for Childhood Arrivals, Temporary Protective Status, and family reunification.

Invest \$10 million in rapid response services to help meet the needs of communities in crisis. These funds will support legal screenings, referrals, volunteer trainings, and know-your-rights presentations to welcome New York's newest arrivals and support their urgent legal services needs.

Advance critical legislative opportunities to address the harm of the current immigration system and limit the number of people subjected to the prospect of detention and deportation. Currently, there are nearly 200,000 cases in immigration court in New York, meaning far too many people, families, and communities destabilized by federal immigration enforcement.⁶ New York should end contracts between county jails and federal authorities for immigration detention by passing the Dignity not Detention Act (S306, Assembly number pending). New York should also prohibit the use of state resources for immigration enforcement by passing the New York for All Act (S987, Assembly number pending).

New York's investment in immigration legal and social services has brought critical benefits to the state. More than one in three New York children have an immigrant parent, and more than one quarter of the State's workforce is foreign-born.⁷ New York immigrants own more than 280,000 businesses and have an estimated \$130 billion in annual spending power.⁸ Today, the programs that have enabled this prosperity are stretched to the limit, unable to meet needs across the state. Investing in immigration policies that enable more community members to remain at home, on the job, and with their families benefits our economy and makes our state safer—not just for immigrants but for everyone.⁹

Harmful immigration policies nationwide continue to destabilize New York families and communities. As we see other states treat immigrants with cruelty and the federal government's continued failure to enact immigration reform, immigrant New Yorkers remain at risk of immigration detention and deportation. New York must meet this moment by centering human dignity and recognizing that immigrants are essential to the fabric of our state.

By passing the Access to Representation Act and increasing funding for immigration legal services, New York can advance a new vision of justice for immigrant communities. This work will continue to serve immigrants and all New Yorkers, while leading the nation with a powerful example of promising immigration policy that promotes public health, family unity, and economic stability. We urge passage of the ARA with a \$55 million first year investment, \$35 million for the Liberty Defense Project, and \$10 million for emergency rapid response services.

For additional information, please contact Shayna Kessler at skessler@vera.org or (917) 828-1753.

Sincerely,



Shayna Kessler
State Advocacy Manager
Vera Institute of Justice

¹ Ingrid V. Eagly and Steven Shafer, “A National Study of Access to Counsel in Immigration Court,” *University of Pennsylvania Law Review* 164, no. 1 (December 2015), 9, perma.cc/7J65-CZCM.

² Ingrid V. Eagly and Steven Shafer, *Access to Council in Immigration Court*, (Washington, DC: American Immigration Council, 2016), perma.cc/A5Q7-9GNQ.

³ Vera Institute of Justice, “Taking the Pulse,” accessed November 29, 2022, vera.org/publications/taking-the-pulse.

⁴ Vera Institute of Justice, “New York Immigrant Family Unity Project,” vera.org/ending-mass-incarceration/reducing-incarceration/detention-of-immigrants/new-york-immigrant-family-unity-project.

⁵ See TRAC, “New Deportation Proceedings Filed in Immigration Court,” database, accessed February 2, 2022, trac.syr.edu/phptools/immigration/ntanew. This information is refreshed monthly and may change as new data is added.

⁶ Ibid.

⁷ Vera Institute of Justice, *Profile of the Foreign Born Population in the State of New York* (New York: Vera Institute of Justice, 2022), perma.cc/URJ5-MCG3.

⁸ Ibid.

⁹ Tom K. Wong, “The Effects of Sanctuary Policies on Crime and the Economy,” Center for American Progress, January 16, 2017, <https://perma.cc/FEL7-R87K>; and Randy Capps, Heather Koball, Andrea Campetella, et al., *Implications of Immigration Enforcement Activities for the Well-Being of Children in Immigrant Families: A Review of the Literature* (Washington, DC: Urban Institute and Migration Policy Institute, 2015), <https://perma.cc/Z8V9-H6MK>.