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**Testimony of the Association of Pro Bono Counsel  
in Support of Immigration Legal Services (February 14, 2020)**

Dear Members of the New York State Senate and Assembly,

On behalf of the Association of Pro Bono Counsel (“APBCo”), we write to urge the inclusion of renewed and increased funding for immigration legal services in the FY 2021 New York State Budget. We support the Access to Representation Act (S7261/A9125) and believe that New York State should create a statutory right to counsel for New Yorkers facing deportation. However, until such a law is enacted, we request that the budget include at least \$25 million for immigration legal services. This increased funding for legal services organizations experienced in immigration law will allow APBCo members’ firms to undertake additional pro bono immigration representation in New York State – work that is desperately needed.

APBCo is a membership organization of more than 250 attorneys and practice group managers who run pro bono practices in more than 100 of the world’s largest law firms, many of which have offices in New York State. Local legal services organizations regularly refer indigent New Yorkers to APBCo members’ firms for pro bono immigration representation when the referring organizations do not have the capacity or resources to undertake the representation themselves. In this manner, APBCo members’ firms satisfy unmet legal needs in New York State by representing indigent immigrant residents who would not otherwise have access to legal counsel. These firms have dedicated millions of hours to pro bono immigration representation and have represented indigent New Yorkers in virtually all types of immigration matters, from seeking their release from immigration detention, to representing them in their Immigration Court removal proceedings, to pursuing humanitarian immigration relief on their behalf.

This work is critically important. As a recent study by the New York Immigration Coalition (“NYIC”) confirms,<sup>1</sup> legal representation is outcome-determinative in immigration matters and is often the difference between detention and deportation, on one hand, and legalization, family reunification, and community enrichment, on the other. The statistics are sobering. Detained immigrants with legal counsel are 4 times more likely than unrepresented individuals to be released from immigration detention.

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<sup>1</sup> See NYIC, No Safe Harbor: The Landscape of Immigration Legal Services in New York (2020).

In addition, detained immigrants with legal counsel are 10 times more likely to succeed on the merits of their Immigration Court cases and halt their deportation, while non-detained immigrants with counsel are 5 times more likely to obtain relief.

Despite the obvious importance of immigration representation, New York State's legal services organizations do not have the resources to represent all indigent immigrants who walk through their doors; indeed, the capacity of these organizations has dwindled over the past two years. According to the NYIC study, the number of organizations providing immigration representation in New York State fell by 11% between 2017 and 2019, with the biggest drop (26%) in New York City. As a result of these reductions, nearly half of New York State's legal services organizations cannot provide initial consultations within 2 to 6 weeks of first contact. Moreover, the number of organizations that offer waitlists for future representation has fallen from 35% in 2017 to 25% in 2019. Thus, while the need for immigration representation has steadily increased, the availability of legal services has become scarcer.

APBCo members strive to fill this vacuum but can only do so with the expertise of the legal services organizations that screen our potential clients, train our lawyers, and mentor us throughout our pro bono representation. While immigration law is inherently complex, it has become increasingly so in the past three years. Legal standards are constantly shifting, and immigration agencies are issuing more requests for additional evidence than ever before. In this environment, APBCo members have become increasingly more reliant on the technical expertise of the legal services organizations that refer us our cases. However, nearly 70% of those organizations now require their supervising attorneys to carry their own heavy caseloads to help satisfy increased demands, leaving those attorneys with significantly less time to mentor and support pro bono attorneys engaged or interested in pro bono immigration representation. With increased funding, we are confident that APBCo members will continue working with legal services organizations to ensure that more of New York State's indigent immigrants receive the legal representation they so desperately need and deserve.

We appreciate your consideration of these comments. Should you have any questions, please do not hesitate to contact Kyle Dandeleit of Cleary Gottlieb Steen & Hamilton LLP (kdandeleit@cgsh.com) or Laura Atkinson-Hope of Latham & Watkins LLP (Laura.Atkinson-Hope@lw.com).