

Testimony in Support of Immigration Legal Services
Journey's End Refugee Services
February 18, 2020

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 2021. Journey's End Refugee Services recommends the allocation of \$25 million for immigration legal services, funding which would both ensure that New York State keep its commitment to the immigrant families it has already promised to serve, and expand capacity to meet the crucial immigration legal needs of even more immigrant New Yorkers.

Journey's End is a §501(c)(3) not-for-profit refugee resettlement agency in Buffalo, 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 the Western New York community. The Immigration Legal Services Program at Journey's End Refugee Services provides immigration legal services including 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.

Immigrants in Western 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.

Western New York is home to immigrants of many different immigration legal statuses, including refugees, asylees, asylum seekers, parolees, lawful permanent residents (green card holders), undocumented immigrants, temporary non-immigrants, and naturalized U.S. Citizens. Erie

County's population alone has grown as a direct result of immigration and refugee resettlement into the area – including over 12,000 new immigrants between 2000 and 2014. As a result, over 80 languages are currently spoken in Buffalo Public Schools. While recent federal immigration policy has decreased the annual cap on new refugee admissions into the country, Buffalo continues to welcome the largest number of refugees in New York State, including families primarily arriving from Burma, Eritrea, Iraq, Afghanistan, and the Democratic Republic of Congo. In addition to the refugee communities in our region, Western 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 Western 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, immigration legal services currently available 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 and Western New York, often resulting in dire consequences.

Journey's End Refugee Services observes a rising demand from our community for immigration attorneys to assist on a wide range of these legal cases. Specifically, immigration attorneys are needed to fight civil detention and removal (deportation) proceedings for asylum seekers and undocumented families. Assistance in removal defense, asylum, adjustment of status, and naturalization applications secures and advances valid immigration status, providing safe and lawful presence and expanded rights. Immigration attorneys 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. Immigration attorneys 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. They 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 in New York State. 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 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 Western New York 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

In today's political climate, retaining legal counsel is crucial to understanding and effectively advocating for immigrants' rights under our current laws. However, many immigrants in New York State lack access to the legal assistance they require to effectively fight their cases. In particular, the weight of extensive new anti-immigrant policies falls heaviest on low-income immigrants who often cannot afford legal counsel. As new federal immigration policies emerge, consequences of denied immigration cases become increasingly severe and include civil detention, prolonged family separation, and deportation to dangerous countries.

New federal immigration policies impacting immigrant families in New York State include but are not limited to: sweeping anti-immigrant border and asylum application procedure changes; multiple immigration-related Executive Orders issuing extensive travel bans; stricter adjudication policies resulting in increased application denials; increased arrests by Immigration and Customs Enforcement (ICE) for removal proceedings (deportation); shifting of enforcement priorities towards increased detention and family separation; threatened and actual termination of immigration programs including Deferred Action for Childhood Arrivals (DACA) and Temporary

Protected Status; failure to address over 311,000 backlogged asylum cases; the termination of eligibility for public benefits for immigrant families; and many more.

As a direct result of these and additional changes to immigration policies, immigrant families can no longer afford to proceed in their cases without the assistance of qualified legal counsel. Once basic applications now require significant time to research, provide careful disclosures, review prior immigration records, prepare extensively for interviews, draft and submit admission waivers, confront extended processing times, and challenge unlawful decisions. Denied cases for even straightforward applications now have significantly more severe consequences – including arrest, detention, and the termination of any existing immigration benefits.

The New York Immigration Coalition and Immigrant Advocate Response Collaborative states that, “Now, more than ever the immigration system is operating as a de-facto criminal system with the possibility of arrest and detention, adversarial proceedings, and punitive consequences. These consequences attach even when an individual simply misunderstood requirements (or could not understand them due to language barriers), made a mistake, or was misled by an unscrupulous service provider.” Even U.S. Citizenship and Immigration Services (USCIS) has removed the reference to America as a “nation of immigrants” from its mission statement, as it shifts from a benefits adjudication agency to a law enforcement operation. Every day our immigration system more closely resembles a criminal justice system – without any of the associated protections like appointed legal counsel or a fair and judicious legal proceeding.

New York State has a responsibility to respond to these harmful federal policy changes 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 with an obligation to protect its residents.

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 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 limit their services to a fraction of immigrant

families in need. Too often, immigrants seeking legal counsel in immigration cases are manipulated into seeking assistance from agencies or individuals that are unqualified and unauthorized to practice immigration law, often complicating cases further. 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.

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 and Western 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 describes 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 goes on to describe 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 needed to be successful in their cases.

New York State’s Response: ONA & LDP funding in Fiscal Years 2019 & 2020

In response to these significant challenges, New York State made a substantial and meaningful investment into this important work in Fiscal Years 2019 and 2020, providing over \$65 million in support of immigration legal services. Through this initiative, New York State’s Office for New Americans (ONA) administered a portion of this funding, including both ONA Legal Counsel and Liberty Defense Project (LDP) funding – separate projects that both supported and expanded immigration legal services across New York State. Specifically, New York State allocated \$6.4 million to ONA Legal Counsel programming, and an additional \$10 million to the Liberty Defense Project. Both ONA Legal Counsel and LDP projects provided funding for non-profit immigration legal service providers to expand their capacity to provide direct representation and Know Your Rights-based educational programming to immigrant New Yorkers.

Since 2012 and 2018, the ONA Legal Counsel and LDP projects (respectively) have supported this crucial work across the state. This most recent 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 Refugee Services 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 2021

This investment made by both New York State and the organizations that it funds must be maintained in Fiscal Year 2021 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 family units, 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 case is resolved – statistically and significantly decreasing the likelihood of success in these critical cases.

Additionally, while the investments made in Fiscal Year 2019 and 2020 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 100 families waiting for services in Journey's End's Buffalo office.

As a result, Journey's End Refugee Services makes the following recommendations for Fiscal Year 2021:

- 1) Increase the funding for immigration legal services to \$15.3 million, from its current \$10 million, to enable legal representatives within the Liberty Defense Project to continue work on existing cases and to allow new 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 from its current \$6.4 million to allow them 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 communities.

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

Respectfully submitted,

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