



**Testimony in Support of the Access to Representation Act and
Increased Immigration Legal Services Funding in the New York State Budget
Submitted to the Joint Legislative Budget Hearing on Public Protection
by the New York Immigration Coalition
February 3, 2023**

My name is Kayla Kelechian and I am the Manager of Organizing and Strategy for Central New York at the New York Immigration Coalition (NYIC) and the NYIC's Advocacy lead on the Campaign for Access, Representation, and Equity (CARE) for Immigrant Families. The NYIC is grateful to the New York State Senate and Assembly for convening this important hearing. We have long been vocal advocates of the critical importance of access to legal representation for immigrants in removal proceedings and while applying for immigration benefits. State-funded legal services have provided help to children fleeing persecution in Central America, Afghan refugees newly arrived in the United States, and long-time permanent residents facing deportation. The funding has protected access to justice and literally saved lives. We urge the inclusion of \$100 million in funding for immigration legal services in the FY 2024 New York State Budget.

Never has the need to fund immigration legal services been greater. Because immigration law is civil and overseen by administrative "immigration courts," constitutional protections do not apply, including the right to a lawyer if you cannot afford one. These proceedings occur in an adversarial context, with the government being represented by a trained prosecuting attorney regardless of the immigrant's ability to obtain legal representation. Although the arrival of a new presidential administration in Washington, D.C. held hopeful signs for New York's immigrant communities, the need for legal representation is as urgent as ever. In fact, because of the Trump administration's aggressive enforcement activities and the near-total shutdown of immigration courts during the pandemic, there is a record backlog of cases awaiting adjudication, including nearly 190,000 in New York State. An estimated 40,000 asylum seekers have arrived in New York City since last spring, and the vast majority of these immigrant newcomers will eventually have to make their case to remain in the United States in immigration court. Even with strong existing legal services programs, as of December 2022, more than 60,000 people in New York were fighting for their lives in immigration court on their own. Even young children facing gang violence in their home countries are forced to proceed in a complex asylum hearing without the help of a government-appointed attorney.

We know from extensive research that having an attorney on a case significantly affects the outcome. A study published in 2018 on the impact of the New York Immigrant Family Unity Project (NYIFUP) in New York City, a statewide version of which was fully funded for the first time in FY 2018, shows that having an attorney increased chances of winning and gaining the ability to legally remain in the United States by 1,100 percent.

For these reasons, the 2024 New York State Budget must allocate \$100 million to meet urgent and long-term legal and social service needs of immigrant families in New York. This includes a \$55 million investment to support the year-one implementation of the Access to Representation Act (S999/A170), which, if passed, would create a statutory right to counsel for immigrants facing deportation in New York and would create stable and sustainable funding streams for providers trying to meet the crushing need. This bill would guarantee that no one must defend themselves against a trained government lawyer alone to protect themselves and their families from deportation. Moreover, the 2024 New York State Budget must increase existing immigration legal services funding, including the budget line known as the Liberty Defense Project, to \$35 million from its current \$12 million. This additional funding will ensure that existing programs, including NYIFUP, have the resources they need for training, recruitment, and ongoing representation. The governor and state legislature must also allocate \$10 million to meet urgent needs of asylum seekers and other immigrants. This allocation would enhance emergency legal and social service support to meet the pressing needs of the newest New Yorkers as they establish stability and safety in this state.

To ensure these investments have a meaningful impact, it is crucial that they be renewed and funding increased for one very specific reason: immigration cases, whether a deportation proceeding or an affirmative application for an immigration benefit like citizenship or Temporary Protected Status, take years to resolve. By not renewing the funding now, the practical effect would be that New Yorkers who were able to gain access to counsel through these programs will effectively lose their lawyers halfway through their cases. By not increasing the funding, legal representatives will not have the capacity to take on new cases in addition to working on the cases they have already opened in previous years. In addition, although Governor Hochul's proposed investment of \$43 million for immigration legal services funding is significant, it remains insufficient to meet the huge need, particularly in areas outside of New York City.

Therefore, the NYIC endorses the continued funding of immigration legal services, the expansion of funding to \$100 million, and the immediate passage of the Access to Representation Act. Thank you for your work on behalf of immigrant communities, for calling this hearing, and for the opportunity to testify today.