

January 22, 2024

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

The Honorable Helene E. Weinstein
Chair, Standing Committee on Ways and Means
LOB 923, Capitol Building
Albany, NY 12248
wamchair@nyassembly.gov

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

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

Dear Chairperson Krueger and Chairperson Weinstein,

On behalf of the Vera Institute of Justice (Vera), I write to urge you to support critical opportunities to advance justice, safety, and prosperity for all New Yorkers by funding immigration legal services.

Governor Hochul included \$44.2 million in her Fiscal Year 2025 Executive Budget for immigration legal and social services administered by the Office for New Americans. This falls far short of what is required and amounts to a cut of \$20 million from the \$63 million invested the previous year, at a time when this support is more critical than ever. To meet urgent needs and ensure long-term stability in New York's immigration legal services infrastructure, **we specifically urge passage of the Access to Representation Act (S999A/A170A) and a total investment of \$150 million** to meet the needs of the moment and equip the state to welcome newcomers, support longtime residents, and promote prosperity and security across New York for years to come.

Vera works to end mass incarceration, protect immigrants' rights, ensure dignity for people behind bars, and build safe, thriving communities. One of our core priorities is advancing 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.

An investment of \$150 million in immigration legal and social services is critical to New York’s wellbeing.

Supporting immigrants helps ensure stable communities across New York and a bright, secure economic future for the state. More than one in three New York children have an immigrant parent, and more than a quarter of the state’s workforce is foreign-born.¹ There are more than 280,000 immigrant entrepreneurs in the state, and immigrant New Yorkers have an estimated \$130 billion in annual spending power.² Meanwhile, the state currently faces a labor shortage, with nearly half a million vacant jobs and not enough workers available to fill them.³ New York’s ability to remain economically competitive depends on immigrants continuing to enter the workforce and revitalize regions across the state suffering from declining populations and stagnating economies.⁴

Immigration legal services enable more community members to remain at home, on the job, and with their families. Investments in this type of representation are also investments in making our state safer and economically strong—not just for immigrants but for everyone.⁵ Studies have shown that welcoming more immigrants increases per capita wages across the country.⁶ Meanwhile, policies that restrict refugee admissions into the United States have resulted in losses to the American economy of over \$9.1 billion per year and a loss to net tax revenue of \$2 billion per year since 2017.⁷

Having representation makes a huge difference. Detained immigrants with lawyers win their cases up to 10.5 times the rate of those who don’t have legal help.⁸ For non-detained people, two thirds with lawyers win their cases compared to 17 percent of those without a lawyer.⁹ Legal representation also ensures appearance in immigration court, with data showing that between 96 and 98 percent of people not in detention who have representation on their cases show up for court.¹⁰

The \$63 million New York invested in immigration legal services in Fiscal Year 2024 has helped promote safety and family unity for immigrant New Yorkers. This funding is ensuring more immigrants can access work authorization, meet filing deadlines, and defend their rights in immigration court. It is supporting new social work staff at state-funded legal service providers to help clients address trauma related to their legal cases. It is enabling the expansion of immigration services in additional regions of the state and working towards ensuring all communities in New York State are reached and served. It is also supporting increased technical assistance to train up new lawyers and legal teams to defend people from deportation.

However, significantly increased funding is required to meet both urgent and long term needs as high numbers of newly arriving asylum seekers continue to arrive and immigrant neighbors continue to fend for their lives in a highly complex immigration court system. We can set our state up to welcome newcomers, protect longtime residents, and promote prosperity and stability for all New Yorkers for years to come. As of December 2023, there were more than 190,000 cases in New York State immigration courts in which people were defending their rights without representation—comprising over half of all pending cases.¹¹ With a backlog of more than 340,000 immigration cases in New York, legal services help ensure that people understand their rights and legal options, which in turn can reduce delays in court proceedings.¹²

To fill these gaps in life-saving legal services across New York and 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 an increase in immigration services funding to \$150 million. This funding should be administered in a manner that aligns with the needs of legal service providers and immigrants, enabling flexibility and programmatic structures that will meet urgent needs of newly arriving immigrants and immigrant New Yorkers who have called this state home for many years:

- **\$62 million for deportation defense** will help to provide full representation for newly arrived immigrants and longtime residents, including those in immigration detention who are transferred to detention in other states and those who are released from detention. This must include trauma-informed social services, federal appellate representation, representation on cases challenging unconstitutional detention, and representation to challenge inhumane or unconstitutional detention conditions.
- **\$23 million for education and integration** will support existing Opportunity Centers that provide assistance with naturalization, community workshops, and English for Speakers of Other Languages (ESOL) programs. This funding would also cover immigrant parent-support programs, the New Americans hotline, services to immigrants with intellectual and developmental disabilities, and workforce development, including skills training and job placement assistance. Additionally, it would ensure that community organizations can reach people in need of representation by conducting know your rights legal trainings and connecting them with newly available deportation defense services.
- **\$65 million for rapid response and training, recruitment, and retention** will support rapid response services for newly arriving immigrants in New York, including assistance applying for Temporary Protected Status (TPS), employment authorization, asylum, and other urgently needed services. This funding will also help create long-term legal services infrastructure by establishing law school clinics, fellowships, and training programs. These programs will build and expand teams of lawyers, Department of Justice accredited representatives, social workers, and support staff ready to assist immigrants. A solid and sustainable framework for providing legal services includes competitive salaries for recruitment and retention of skilled staff, reasonable caseloads to ensure high-quality services, and flexible program structures wherein managers can ensure their teams are equipped to meet the needs of the communities they serve.

We also urge passage of the Access to Representation Act (S999A/A170A) to create a permanent right to counsel for anyone in New York facing deportation who cannot afford legal representation on their own.

New York was the first state in the country to establish a publicly funded deportation defense program.¹³ More than 55 jurisdictions nationwide, including ten other states, have followed our lead by funding deportation defense.¹⁴ New York now has the opportunity to lead the way once again with the passage of the Access to Representation Act, which will also build momentum for the Fairness to Freedom Act, federal legislation that would enact a national right to representation for people at risk of deportation.¹⁵

New York should also advance the Dignity not Detention Act (A4354/S306) and the New York for All Act (S987/A5686) to address the harm of the current immigration system and limit the number of people subjected to the prospect of detention and deportation. The Dignity Not Detention Act would end contracts with county jails for immigration detention in New York, and the New York for All Act would prohibit the use of New York’s resources for immigration enforcement.

We have the tools to ensure safety and prosperity for everyone in New York. To make this happen, we urge an investment of \$150 million in immigration legal services in the Fiscal Year 2025 budget and passage of the Access to Representation Act.

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

Sincerely,



Shayna Kessler
Associate Director of Advocacy
Vera Institute of Justice

¹ Vera Institute of Justice, “Profile of the Foreign-Born Population in the State of New York” (New York: Vera Institute of Justice, 2022), 1-2, <https://perma.cc/URJ5-MCG3>.

² *Ibid.*, 2.

³ U.S. Bureau of Labor Statistics, Northeast Information Office, “New York Job Openings and Labor Turnover—June 2023,” News release, August 22, 2023, https://www.bls.gov/regions/northeast/news-release/jobopeningslaborturnover_newyork.htm.

⁴ FWD.us, “New York Needs Pro-Immigrant Policies to Bolster its Population and Economy,” February 17, 2023, <https://www.fwd.us/news/new-york-economy>.

⁵ 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>.

⁶ Michael Greenstone and Adam Looney, “What Immigration Means for U.S. Employment and Wages,” The Brookings Institution, May 4, 2012, <https://www.brookings.edu/articles/what-immigration-means-for-u-s-employment-and-wages>.

⁷ Michael A. Clemens, *The Economic and Fiscal Effects on the United States from Reduced Numbers of Refugees and Asylum Seekers* (Washington, D.C.: Center for Global Development, 2022), <https://www.cgdev.org/sites/default/files/economic-and-fiscal-effects-united-states-reduced-numbers-refugees-and-asylum-seekers.pdf>.

⁸ 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.

⁹ *Ibid.*

¹⁰ Vera Institute of Justice, “Evidence Shows That Most Immigrants Appear for Immigration Court Hearings,” October 2020, <https://www.vera.org/downloads/publications/immigrant-court-appearance-fact-sheet.pdf>.

¹¹ See Transactional Records Access Clearinghouse (TRAC), “New Deportation Proceedings Filed in Immigration Court,” database, accessed January 21, 2024, trac.syr.edu/phptools/immigration/ntanew/. Out of 342,354 total pending removal proceedings at New York State immigration courts, 191,835 do not have legal representation. To find this statistic, set the first column to “Immigration Court State” and select “New York,” set the second column to “Outcome” and select “Pending”, and set the third column as “Represented.” This information is typically refreshed monthly and may change as new data is added.

¹² See Transactional Records Access Clearinghouse (TRAC), “New Deportation Proceedings Filed in Immigration Court,” database, accessed January 21, 2024, trac.syr.edu/phptools/immigration/ntanew/. There are 342,354 total pending removal proceedings at New York State immigration courts. To find this statistic, set the first column to “Immigration Court State” and select “New York,” set the second to “Outcome” and select “Pending”. This information is typically refreshed monthly and may change as new data is added.

¹³ Vera Institute of Justice, “The New York Immigrant Family Unity Project,” accessed January 18, 2024, www.vera.org/ending-mass-incarceration/reducing-incarceration/detention-of-immigrants/new-york-immigrant-family-unity-project.

¹⁴ Vera Institute of Justice, “Publicly Funded Deportation Defense Programs,” interactive map, accessed January 18, 2024, <https://www.vera.org/ending-mass-incarceration/reducing-incarceration/detention-of-immigrants/advancing-universal-representation-initiative>.

¹⁵ Vera Institute of Justice, “Fairness to Freedom: The Campaign for Universal Representation,” accessed January 18, 2024, <https://www.vera.org/fairness-to-freedom>.