

January 25, 2024
Joint Hearing on 2024 Executive Budget: Public Protection
Legislative Office Building
181 State Street, Hearing Room B,
Albany, NY, 12247

**TESTIMONY IN SUPPORT OF INCREASED IMMIGRATION LEGAL SERVICES FUNDING
SUBMITTED BY IMMIGRANT ARC**

My name is Oriana Shulevitz Rosado and I am the Policy and Advocacy Strategist at Immigrant ARC (“I-ARC”).

Immigrant ARC is a coalition of over 80 member organizations that provide legal services across the state of New York. Our mission is to increase access to justice and access to legal counsel for immigrant New Yorkers by mobilizing New York’s legal service providers and addressing the systemic barriers to justice that immigrants face.

Thank you for the opportunity to testify at this hearing on an issue that has been front and center in our State for nearly two years. Since our founding, I-ARC has consistently emphasized the crucial need for the funding of long-term immigration legal services, so that immigrants can have access to free legal representation during removal proceedings and when seeking immigration benefits.

As of November 2023, more than 174,000 immigrants in New York are fighting for their rights and their lives in immigration court without access to legal representation. These numbers are only likely to grow as newly arrived immigrants continue to travel from the US-Mexico border in higher numbers than ever before. Last December, more proceedings were initiated in immigration courts around the country than in the entire last fiscal year. Those facing deportation will, by and large, go through this process alone with no one to explain their rights, their responsibilities, what is expected of them, or to help them advocate for themselves and apply for whatever status they may be eligible for.

This lack of access to legal help has dramatic consequences. The data shows that detained immigrants are at least ten times more likely to win their cases if they have a lawyer compared to those without legal help. For non-detained individuals, 60% of people with legal representation succeed in their cases, while a mere 17% of those who are not able to afford representation succeed. It is clear when New Yorkers do not have access to representation during their immigration proceedings they are putting their lives, families, and economic stability at risk. Moreover, as the number of recent arrivals continues to dominate headlines and the attention of government leaders across the state, the lack of meaningful investments have turned this moment of opportunity into more of a challenge, delaying individuals’ ability to access work authorization and long-term legal status.

In 2013, New York State became a leader in the movement towards universal representation when it established the first-in-the-nation program, New York Immigrant Family Unity Project (NYIFUP), which provides deportation defense representation for detained New Yorkers. Now, Governor Hochul is allocating \$44.2 million in the Executive Budget to fund immigration services, which is a drastic \$20

million cut from last year's \$63 million investment. Considering the rise in inflation, the shrinking labor market, and the increasing need for services, this cut is a huge divestment in critical services when immigrant New Yorkers need it most, and is net decrease in available funding for these services. Instead, New York should continue to set an example for the nation, by allocating \$150 million in the 2025 New York State Budget to meet the immediate and long-term legal needs of immigrant New Yorkers. This investment would include:

- \$62 million for deportation defense;
- \$65 million for infrastructure including training, recruitment, retention, & rapid response and;
- \$23 million for education and integration.

The year-over-year battle and possible reductions - such as we are facing this year in the proposed Executive Budget - as well as structural deficiencies in State-funded civil legal services harms the ability to get these critical services to the most vulnerable communities. Immigration cases take years to resolve, but without the assurance of steady funding, providers are reluctant to hire or implement long-term programs. The inability to provide assurances to prospective hires, the net decrease in available funding that forces providers to offer wages below market rates, and the lengthy contracting delays with State agencies that often put organizations in precarious financial positions making them reluctant to hire. As a result, more and more experienced lawyers are leaving the field and it is becoming harder to attract new talent.

To address these structural issues, and to ensure New York State remains a leader around the country in supporting immigrant communities, we call for the passage of the Access to Representation Act (ARA) which, if passed, would establish a statutory right to representation for immigrants facing deportation in New York. This would secure the essential funding required by providers trying to meet the urgent demand for immigration legal assistance and provide the necessary infrastructure support to ensure the funds are used in a sustainable and impactful way. This legislation would ensure that individuals, who lack the means to afford representation, are not left to face a trained government lawyer alone. Instead, it would guarantee the right to legal counsel, enabling them to safeguard themselves and their families from deportation.

New York has always been a national leader in the push for universal access to representation and a home to immigrants—it is our State's greatest strength and resource. Investing in our immigrant communities is not only the morally right move to make, it is also an investment in every New Yorker's economic prosperity. Immigrant New Yorkers are more likely to create jobs, start small businesses, and revitalize our workforce. Providing access to legal help is the best way to ensure that immigrants can obtain long-term status, work authorization, and access to resources that will include them in our cultural, civic, and economic life. If we ensure that our immigrant communities get the long-term services they need to flourish, our State will grow and flourish with them.

This is why Immigrant ARC endorses the continued funding of immigration legal services, the expansion of funding to \$150 million, and the immediate passage of the Access to Representation Act. Thank you for your work on behalf of immigrant communities and for the opportunity to testify today.