

February 6, 2026

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

The Honorable J. Gary Pretlow  
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,  
the Access to Representation Act, and the BUILD Act**

**Submitted to the Joint Legislative Budget Hearing on Public Protection**

Dear Chairperson Krueger and Chairperson Pretlow,

On behalf of the Vera Institute of Justice (Vera), I write to urge you to invest \$175 million in immigration legal services and work towards passage of the Access to Representation and Building Up Immigrant Legal Defense (ARA, A270/S141, BUILD, A2689/S4538) Acts. The state must invest in these policy solutions to defend the rights of immigrant New Yorkers against the Trump administration's vastly expanded deportation agenda and attacks on due process rights. With a massive backlog in immigration court and an administration consistently depriving immigrants of due process and access to counsel, full funding for immigration legal services must be an essential component of the state's efforts this year to strengthen justice, safety, and economic <sup>1,2</sup>

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.

Governor Hochul's Fiscal Year (FY) 2027 Executive Budget includes \$72.4 million for immigration legal and social services, administered by the Office for New Americans.<sup>3</sup> However, this falls short of what is required to protect immigrant New Yorkers against an extreme immigration enforcement agenda. To address this urgent need and ensure long-term stability in New York's immigration legal services infrastructure, we specifically urge a total investment of \$175 million in immigration legal services, as well as the passage of the Access to Representation (ARA, A270/S141) Act and Building Up Immigrant Legal Defense (BUILD,

A2689/S4538) Act. These measures will provide emergency immigration legal assistance, while building long-term strategies to defend all immigrant New Yorkers against the threat of detention and deportation in coming years.

The federal government's unprecedented investment in a \$170 billion spending package for immigration enforcement and detention has devastated families, businesses, and communities across the state.<sup>4</sup> Now more than ever, New York must significantly increase and expand funding for immigration legal services in the FY2027 budget to ensure stable communities across New York and a bright, secure economic future for the state. Sixty-five percent of the state's immigrants participate in the labor force, greater than the share among the state's U.S.-born population.<sup>5</sup> Immigrant New Yorkers have an estimated \$160 billion in annual spending power, more than \$31 billion in combined state and local taxes in 2023.<sup>6</sup> New York's ability to remain economically competitive depends on immigrants entering and remaining in the workforce and on immigrants revitalizing regions across the state suffering from declining populations and stagnating economies.<sup>7</sup>

Investments in immigration legal representation are investments in making our state economically strong for everyone.<sup>8</sup> A recent study by the New York City comptroller showed that providing immigration legal representation for all New Yorkers facing deportation would yield a net economic benefit of \$8.4 billion for the federal, state, and local governments.<sup>9</sup> Meanwhile, restrictive immigration policies have resulted in losses to the American economy of more than \$9.1 billion per year and a loss to net tax revenue of \$2 billion per year from 2017–2021.<sup>10</sup>

Legal representation makes a huge difference. Detained immigrants with lawyers win their cases at up to 10.5 times the rate of those who don't have legal help.<sup>11</sup> For non-detained people, nearly two-thirds with lawyers win their cases compared to 17 percent of those without a lawyer.<sup>12</sup> In addition, nearly 100% of people with legal representation attend their immigration court hearings, with data showing that between 96 and 98 percent of people not in detention who have representation on their cases show up for court.<sup>13</sup> However, with recent news of ICE detaining people who are attending their immigration court hearings, having an attorney also helps ensure safety and due process through requests to appear remotely for these hearings, lessening the risk that immigrants are targeted while participating in the court system.<sup>14</sup>

Between January and mid-October 2025, ICE arrested nearly 7,500 New Yorkers, more than the total number of people arrested by the agency in 2024. As of December 2025, there were more than 323,000 cases currently pending before New York State immigration courts.<sup>15</sup> Of these pending cases, nearly 30 percent (91,026) lacked legal representation—and that figure increases to 38 percent for those in detention.<sup>16</sup> These figures do not capture the full scope of federal enforcement, as many New Yorkers are now having their cases unfairly dismissed before trial so that they can be placed into expedited removal, and many are being transferred out of the state by ICE.<sup>17</sup>

To fill these urgent gaps in life-saving legal services across New York and to ensure that no one in New York faces the terrifying risk of immigration detention or deportation without legal representation going forward, we urge the assembly and senate to increase immigration

services funding through the Office for New Americans to \$175 million. This investment should include:

- **\$85 million** to sustain existing legal and social services programs, recruit and retain expert legal staff, and ensure equitable compensation.
- **\$50 million** to deploy new emergency deportation defense and social service programs.
- **\$40 million** for capacity building and infrastructure investments to grow the immigration legal services workforce and support scaling up services.

Even as these funds will help prepare New York regardless of who is in power, they are insufficient to meet the state's need. We also urge passage of the Access to Representation Act (A270/S141) and the BUILD Act (A2689/S4538) to ensure that New York is equipped to respond to the needs of a changing immigration legal landscape in years to come.

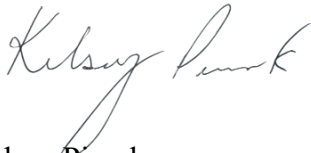
As President Trump implemented the cruel deportation policies in his first term, New York became the first state in the country to establish a publicly funded deportation defense program in 2017.<sup>18</sup> Since then, more than 70 jurisdictions nationwide, including 13 other states, have followed New York's lead by funding deportation defense.<sup>19</sup> New York now has the opportunity to lead the way once again. To do so, we must pass the Access to Representation Act to create a right to counsel in New York State immigration courts, ensuring that no New Yorker ever has to face their day in court without a lawyer. We must also pass the BUILD Act, which will fund legal services providers to scale up programs and staffing so that they can serve more New Yorkers, including underserved communities and those in rural regions. Passing BUILD (in addition to the \$175 million investment this year) would both help meet the urgent current need and equip providers to respond to changes in the immigration legal landscape for years to come. The BUILD Act will do so by creating a dedicated, multi-year investment in training, recruitment, retention, social services, and other measures that will allow legal services providers to increase their capacity to represent immigrant New Yorkers.

In addition to this urgently needed investment in New York's budget, the state must also enact critical policies to counter the Trump administration's mass deportation agenda. New York should also pass the Dignity not Detention Act (S316/A4181) and the New York for All Act (S2235/A3506) to mitigate the harm of the immigration system and limit the number of people subjected to the prospect of detention and deportation in the first place. 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 comprehensively and permanently prohibit the use of New York's resources for immigration enforcement, whether through 287(g) agreements or informal forms of collusion.

Now more than ever, New York must stand up for the immigrants who power our economy and enrich our communities. We urge an investment of \$175 million in immigration legal services in the FY2027 budget and passage of the Access to Representation Act and the BUILD Act to ensure that every New Yorker facing deportation has the legal representation they deserve.

For additional information, please contact Kelsey Pirnak at [kpirnak@vera.org](mailto:kpirnak@vera.org).

Sincerely,



Kelsey Pirnak  
Advocacy Manager  
Vera Institute of Justice

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<sup>2</sup> Vera Institute of Justice, “Weaponizing the System: One Year of Trump’s Attacks on Due Process,” January 20, 2026, <https://www.vera.org/explainers/weaponizing-the-system-one-year-of-trumps-attacks-on-due-process>; and American Civil Liberties Union (ACLU), “Groups Sue Trump Administration Over Lack of Access to Counsel and Inhumane Conditions for People Held at Federal Building in New York,” Press release, August 9, 2025, <https://www.aclu.org/press-releases/groups-sue-trump-administration-over-lack-of-access-to-counsel-and-inhumane-conditions-for-people-held-at-federal-building-in-new-york>.

<sup>3</sup> New York State Legislature, S3003/A3003, “Aid to Localities Budget,” January 21, 2026, 972, <https://www.budget.ny.gov/pubs/archive/fy26/ex/approps/local.pdf>

<sup>4</sup> Kim, J. (2025, July 3). How Trump’s tax cut and policy bill aims to “supercharge” immigration enforcement. NPR. <https://www.npr.org/2025/07/03/g-s1-75609/big-beautiful-bill-ice-funding-immigration>

<sup>5</sup> Census Bureau: “Age and Nativity of Own Children under 18 Years in Families and Subfamilies by Nativity of Parents,” 2023 American Community Survey (ACS) 1-Year Estimates, available through <https://data.census.gov>. The Integrated Public Use Microdata Series (IPUMS-USA): Steven Ruggles, Sarah Flood, Matthew Sobek, Daniel Backman, Annie Chen, Grace Cooper, Stephanie Richards, Renae Rodgers, and Megan Schouweiler. IPUMS USA: Version 15.0 [dataset]. Minneapolis, MN: IPUMS, 2024. <https://doi.org/10.18128/D010.V15.0>

<sup>6</sup> Vera Institute of Justice, “Profile of Immigrants in New York,” March 2025, [https://vera-institute.files.svcdcdn.com/production/downloads/publications/NY\\_Immigrant\\_Population\\_Profile.pdf?dm=1748637289](https://vera-institute.files.svcdcdn.com/production/downloads/publications/NY_Immigrant_Population_Profile.pdf?dm=1748637289).

<sup>7</sup> 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>. For examples of how immigrants have driven economic growth in New York, see Susan Hartman, “How Refugees Transformed a Dying Rust Belt Town,” *New York Times*, June 3, 2022, <https://www.nytimes.com/interactive/2022/06/03/realestate/utica-burma-refugees.html>; Douglas Sitler, “In Buffalo, Immigrants And Refugees Drive Population Growth, Improve Quality Of Life, UB Expert Says,” University of Buffalo News Center, September 22, 2021, <https://www.buffalo.edu/news/tipsheets/2021/020.html>; and Sammy Gibbons, “Refugees ‘Give Back’ To Syracuse By Recharging Economy, Diversity Of City That Welcomed Them,” *Democrat and Chronicle (USA Today)*, January 10, 2022, <https://www.democratandchronicle.com/in-depth/news/2022/01/10/syracuse-ny-refugees-economic-needs/8767802002>.

<sup>8</sup> 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>.

<sup>9</sup> New York City Comptroller Brad Lander, *Economic Benefits of Immigration Legal Services* (New York: Office of the New York City Comptroller, 2024), <https://perma.cc/WH2Z-QHUYf>.

<sup>10</sup> 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,

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<https://www.cgdev.org/sites/default/files/economic-and-fiscal-effects-united-states-reduced-numbers-refugees-and-asylum-seekers.pdf>.

<sup>11</sup> 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](https://perma.cc/7J65-CZCM).

<sup>12</sup> Ibid.

<sup>13</sup> Nina Siulc and Noelle Smart, *Evidence Shows That Most Immigrants Appear for Immigration Court Hearings* (New York: Vera, 2020), <https://www.vera.org/downloads/publications/immigrant-court-appearance-fact-sheet.pdf>.

<sup>14</sup> Laila Khan and Chris Opila, “ICE Attorneys Increasingly Request Case Dismissals at Immigration Court Hearings—and Immigration Judges Grant Them on the Spot,” October 7, 2025, <https://www.americanimmigrationcouncil.org/blog/ice-attorneys-case-dismissals-immigration-court-hearings-judges-grant/>.

<sup>15</sup> Times Union. (2025, December 3). *ICE arrests in New York dropped in recent months compared to summer highs*. <https://www.timesunion.com/news/article/ice-arrests-new-york-dropped-summer-highs-21219121.php>

<sup>16</sup> Vera Institute of Justice, “Immigration Court Legal Representation Dashboard,” accessed January 29, 2026, <https://www.vera.org/immigration-court-representation>. Out of 373,171 total proceedings at New York State immigration courts, 161,972 did not have legal representation.

<sup>17</sup> Laila Khan and Chris Opila, “ICE Attorneys Increasingly Request Case Dismissals at Immigration Court Hearings—and Immigration Judges Grant Them on the Spot,” October 7, 2025, <https://www.americanimmigrationcouncil.org/blog/ice-attorneys-case-dismissals-immigration-court-hearings-judges-grant/>; and American Immigration Council, “Expedited Removal Explainer,” February 20, 2025, <https://www.americanimmigrationcouncil.org/fact-sheet/expedited-removal>.

<sup>18</sup> Vera Institute of Justice, “The New York Immigrant Family Unity Project,” accessed January 29, 2025, [www.vera.org/ending-mass-incarceration/reducing-incarceration/detention-of-immigrants/new-york-immigrant-family-unity-project](https://www.vera.org/ending-mass-incarceration/reducing-incarceration/detention-of-immigrants/new-york-immigrant-family-unity-project).

<sup>19</sup> Vera Institute of Justice, “Publicly Funded Deportation Defense Programs,” interactive map, accessed January 29, 2025, <https://www.vera.org/ending-mass-incarceration/reducing-incarceration/detention-of-immigrants/advancing-universal-representation-initiative>.