

Pass the Access to Representation Act (S.81A/A.1961) and secure a right to counsel for immigrants facing deportation

Immigrants targeted by federal enforcement for deportation do not have the right to a lawyer if they cannot afford one. New York State has been the national leader in supporting legal services for immigrants, but thousands are still forced to fight for their lives in immigration court on their own. The Access to Representation Act would support strong and stable communities and promote fairness and dignity by establishing a right to a government-funded lawyer for people at risk of deportation.

The stakes could not be higher for people facing deportation—permanent separation from families and communities and possible return to dangerous conditions in another country—yet legal assistance is only guaranteed to those who can afford it. Having a lawyer makes a huge difference: detained immigrants with lawyers win their cases at 10 times the rate of those who don't have legal help. For non-detained people, 60 percent with lawyers win their cases compared to 17 percent of those without a lawyer.

The Access to Representation Act will advance safety, stability, and family unity.

The time has come for New York to take the next step in demonstrating the promise of supporting freedom, fairness, and family unity. Strong immigrant communities are essential to the state's livelihood and an equitable recovery from the COVID-19 pandemic. We should stand firmly against federal enforcement that targets for deportation people who are part of the fabric of our state. We can ensure that in New York, no immigrant faces immigration court without an attorney, no immigrant facing deportation is placed in detention, and all New Yorkers have the confidence that their government will stand with them.

Why should New York advance universal representation?

Investing in universal representation is an investment in strong and stable communities where families remain united, business owners and employees remain on the job, and communities can recover from the pandemic and thrive.

- **Dignity and fairness:** Everyone facing deportation deserves a fair day in court even if they cannot afford a lawyer.
- **Racial equity:** Legal representation disrupts the pipeline that unfairly subjects Black immigrants and other immigrants of color to immigration enforcement.
- **Release from dangerous detention:** Forty-three percent of detained clients represented nationwide through programs modeled after the pioneering New York Immigrant Family Unity Project (NYIFUP) achieve release on bond or parole.
- **Stable families, communities, and economy:** Tearing immigrants—predominantly people of color—from their homes causes harm that radiates through communities. An evaluation revealed that the cohort of clients represented through the original NYIFUP pilot had lived an average of 16 years in the United States and were projected to contribute \$2.7 million in tax revenue each year. Nearly half the clients were parents, with thousands of U.S. citizen children.

How should New York advance universal representation?

- Pass the Access to Representation Act, and then increase funding in stages, taking time to recruit and train legal teams, building capacity and expanding coverage responsibly to ensure effective growth that meets the need across the state.