

New York Must Invest in Legal Services to Defend Immigrant Communities

New York's immigrant communities face unprecedented threats from a returning Trump administration, which has promised mass detention and deportation. Immigrants at risk of deportation do not have the right to a lawyer if they cannot afford one. New York State has long been the national leader in supporting legal services for immigrants.ⁱ Yet, even with existing programs, as of October 2024, more than 170,000 people in New York were fighting for their lives in immigration court without a lawyer, facing detention in dangerous facilities, permanent family separation, and deportation to potentially life-threatening conditions.ⁱⁱ Our immigration system is nearly impossible to navigate without counsel, and legal assistance should not depend upon the ability to afford it. New York must continue to be a model of sensible policies that defend family unity, economic prosperity, and community stability in the face of federal anti-immigrant attacks.

Invest \$165 million in immigration legal services and infrastructure in the FY26 budget.

With these threats looming, New York must urgently increase funding for existing and new immigration legal services to defend the rights of our immigrant neighbors. It is both the right thing to do *and* a sound investment: providing access to attorneys for all immigrants in New York State facing deportation would result in an estimated net benefit of \$8.4 billion for the federal, state, and local governments.ⁱⁱⁱ

The FY26 funding should include:

\$100M for the Office of New Americans (ONA)

- \$80 million to sustain and supplement existing grants to ensure that legal services providers can recruit and retain staff to keep pace with growing needs;
- \$10 million to fund and connect immigrants with programs that help them preserve their rights, gain citizenship and other immigration benefits, participate in the workforce, and learn English; and
- \$10 million for capacity building for legal service providers so that these organizations have the resources to strengthen their programs and continue to offer high-quality, life-saving assistance.

\$65M for the Department of Education

- \$25 million to expand immigration law clinics and fellowships at accredited New York law schools;
- \$20 million for a Student Loan Contribution Plan for attorneys committing to pro bono immigration work; and
- \$20 million to create a five-year program to support individuals seeking Department of Justice accreditation to represent immigrants at risk of deportation.

Pass the Access to Representation Act (A270/S141, ARA) and the Building Unrepresented Immigrant Legal Defense Act (A2689/S4538, BUILD).

New York must ensure long-term stability in our immigration legal services and ensure immigrant neighbors remain at home, on the job, and in their communities, no matter what federal attacks may come. The ARA establishes a right to universal representation, meaning anyone at risk of deportation who cannot afford a lawyer will be provided with one. The BUILD Act lays the groundwork for the ARA by funding the infrastructure necessary for legal services providers to create, maintain, and expand robust programs to protect immigrant communities under attack over the next four years.

Why should NYS invest in immigration legal services and advance universal representation?

- **Long-term stability and preparation:** Fully funded universal representation will ensure that the state is prepared to defend the rights of immigrant New Yorkers during the Trump presidency and beyond.
- **Dignity and fairness:** Everyone deserves a fair day in court even if they cannot afford a lawyer.
- **Racial equity:** Access to legal representation disrupts systems that disproportionately subject Black immigrants and other immigrants of color to detention and deportation.^{iv}
- **Representation works:** People with lawyers win their immigration cases at up to 10.5 times the rate of those without legal help.^v
- **A strong economy, safe families, and stable communities:** Immigrants comprise more than a quarter of the state's workforce—including 281,000 of its entrepreneurs—and more than a third of New York children have an immigrant parent.^{vi} Countless studies demonstrate the economic benefits of immigration, including increasing per capita income overall and of U.S.-born workers specifically.^{vii}

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- ⁱ Jennifer Stave, Peter Markowitz, and Karen Berberich, et al., *Evaluation of the New York Immigrant Family Unity Project: Assessing the Impact of Legal Representation on Family and Community Unity* (New York: Vera Institute of Justice, 2017), <https://www.vera.org/publications/new-york-immigrant-family-unity-project-evaluation>.
- ⁱⁱ Vera Institute of Justice, “Immigration Court Legal Representation Dashboard,” accessed December 12, 2024, <https://www.vera.org/ending-mass-incarceration/reducing-incarceration/detention-of-immigrants/advancing-universal-representation-initiative/immigration-court-legal-representation-dashboard>. Out of 377,607 total proceedings at New York State immigration courts, 172,087 did not have legal representation.
- ⁱⁱⁱ 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>.
- ^{iv} Juliana Morgan-Trostle, Kexin Zheng, and Carl Lipscombe, *The State of Black Immigrants: Part I: A Statistical Portrait of Black Immigrants in the United States and Part II: Black Immigrants in the Mass Criminalization System* (New York: NYU Law Immigrant Rights Clinic and Black Alliance for Just Immigrants, 2022), perma.cc/WM8H-HBTZ.
- ^v Ingrid V. Eagly and Steven Shafer, “A National Study of Access to Counsel in Immigration Court,” *University of Pennsylvania Law Review* 164, no. 1 (2015), 9, perma.cc/82F5-WE2D.
- ^{vi} Vera Institute of Justice, “Profile of the Foreign-Born Population in the State of New York,” 2022, <https://perma.cc/URJ5-MCG3>.
- ^{vii} See for example Michael A. Clemens, *The Economic and Fiscal Effects on the United States from Reduced Numbers of Refugees and Asylum Seekers* (Washington, DC: Center for Global Development, 2022), <https://perma.cc/D2ME-XSRE>; and Alessandro Caiumi and Giovanni Peri, *Immigration’s Effect on US Wages and Employment Redux* (Washington, DC: National Bureau of Economic Research, 2024), <https://www.nber.org/papers/w32389>.