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New York State Becomes First in the Nation to Provide Lawyers for All Immigrants Detained and Facing Deportation

New York, NY – The Vera Institute of Justice and partner organizations today announced that detained New Yorkers in all upstate immigration courts will now be eligible to receive legal counsel during deportation proceedings. The 2018 New York State budget included a grant of \$4 million to significantly expand the [New York Immigrant Family Unity Project](#) (NYIFUP), a groundbreaking public defense program for immigrants facing deportation that was launched in New York City in 2013..

New York has become the first state to ensure that no immigrant will be detained and permanently separated from his or her family solely because of the inability to afford a lawyer. Without counsel, a study shows, only 3% of detained, unrepresented immigrants avoid deportation, but providing public defenders can improve an immigrant's chance of winning and remaining in the United States by as much as 1000%.

“All New Yorkers deserve to have a fair shot in court, and this funding will help thousands of immigrant families receive due process and the chance to remain together,” said Oren Root, director of Vera’s Center on Immigration and Justice. “This expansion would not be possible without the critical support and leadership of the Independent Democratic Conference (IDC), which delivered on its promise to protect New York immigrant families. Vera especially thanks

Senator Jeffrey Klein, the IDC leader, and all members of their conference, particularly Senators Marisol Alcantara, Jose Peralta, and Jesse Hamilton. We look forward to working with Governor Andrew Cuomo in protecting all immigrant families in New York State.”

“The New York Immigrant Family Unity Project provides a valuable service for immigrants who face deportation without fair representation,” said IDC Leader Jeff Klein (D-Bronx/Westchester). “The work done by NYIFUP is so critical that the Independent Democratic Conference is proud to award \$4 million of a historic \$10 million legal aid fund to its work ensuring that immigrants have legal counsel. No person should face a legal proceeding without an attorney, and no family should be ripped apart because they couldn't afford counsel. The Independent Democratic Conference is proud to knock down that financial wall so that NYIFUP can protect our immigrant communities.”

NYIFUP has been operating in two of the four affected upstate immigration courts on a limited basis since 2014 with funding from the New York State Assembly and the IDC. In the just-ended fiscal year, the funding was sufficient to meet less than 20% of the need upstate. In New York City, NYIFUP has been representing all financially eligible, otherwise unrepresented detained immigrants since 2014 with funding from the City Council.

Research has shown that keeping immigrant families together saves money for the state’s taxpayers in increased tax revenues and less need for families left behind to draw on the social safety net. New York State employers also receive significant economic benefits from avoiding the loss of productivity when their employees are detained and deported, and the consequent need to identify and train replacement workers.

The first public defender program in the country for immigrants facing deportation, the NYIFUP Coalition includes Vera, the Immigration Justice Clinic of Cardozo Law School, the Northern Manhattan Coalition for Immigrant Rights, Make the Road New York, and The Center for Popular Democracy. The Erie County Bar Association Volunteer Lawyers Project is a NYIFUP Coalition partner upstate. Brooklyn Defender Services, the Legal Aid Society, and The Bronx Defenders are Coalition partners in New York City.

Several cities and states, including Los Angeles, San Francisco, Chicago, Washington, D.C., and

California have recently begun efforts to design similar programs.

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Statements from NYIFUP Coalition Partners:

"Unprecedented times call for visionary measures like the NYIFUP program. And as mothers, fathers, sisters, and brothers from our communities are increasingly pulled into a growing detention and deportation system, our New York elected officials are doing what is right and just by providing free court-appointed counsel for detained immigrants through this groundbreaking program." – Angela Fernandez, Esq., Executive Director, Northern Manhattan Coalition for Immigrant Rights

"For decades, there has been a huge need for public defenders for detained immigrants in upstate New York. We thank our New York State elected officials helping us to provide this crucial service that will fill that gap and keep many families together." – Sophie Feal, Director, Immigration Program, Erie County Bar Association Volunteer Lawyers Project

"We applaud New York for becoming the first state in the nation with a fully funded public defender system for all detained immigrants statewide. As a result of this investment in due process, no New York family can have a loved one locked and deported simply because they cannot afford a lawyer." – Professor Peter L. Markowitz, Director, Immigration Justice Clinic, Cardozo School of Law

"At a time when immigrant families are increasingly endangered, all immigrant New Yorkers ensnared in the deportation machine must have access to legal representation. The New York Immigrant Family Unity Project has been an enormous success in New York City—dramatically increasing the odds of families being able to remain together and bringing them peace of mind—and our members have demanded it statewide as part of our [Immigrant Opportunity Agenda](#). NYIFUP's statewide extension is an important victory for immigrant New Yorkers that will make a big difference for our communities." – Javier H. Valdés, Co-Executive Director, Make the Road New York

"The statewide expansion of NYIFUP will stop thousands of unjust deportations and ensure due process for immigrants targeted by harsh immigration enforcement policies. New York is setting a powerful example that we hope other state and local governments will follow." – Ana Maria Archila, Co-executive Director, Center for Popular Democracy

"With this funding, New York has sent a powerful message and set the standard for the rest of the nation. No person should face detention and deportation alone, without legal advice or counsel through a frightening process in which a person's family or even her life may be at stake. We congratulate the New York State leaders who have provided a basic level of due process that will keep more New York families together." – Andrea Saenz, Supervising Immigration Attorney, Brooklyn Defender Services

"In the wake of increased ICE enforcement statewide, immigrant communities need access to legal advice and representation—especially because a right to counsel in deportation proceedings is not one guaranteed by law. We applaud the Governor and Legislature for allotting funds for this exact purpose and hope New York continues to make strong investments for initiatives that help keep families together." – Adriene Holder, Attorney-in-Charge, Civil Practice, The Legal Aid Society





The Vera Institute of Justice is a justice reform change agent. Vera produces ideas, analysis and research that inspire change in the systems people rely upon for safety and justice, and works in close partnership with government and civic leaders to implement it.

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