

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/a-historic-step-in-access-to-justice-for-immigrants-facing-deportation>

Public Facing Advocacy Writing

In New York City, where more than one-third of residents are foreign-born, approximately 1,800 people per year are detained and sent to county jails without the ability to pay for an attorney as they face deportation in immigration courts in New York and New Jersey. This includes asylum-seekers, lawful permanent residents, and those with American children. The impact of legal representation on their success in court is profound: detained people facing deportation in New York with a lawyer are 500 percent more likely to win their cases than those without representation. Yet, of those who are detained, sixty percent do not receive legal counsel during their court proceedings.

In an effort to improve access to legal representation for New Yorks immigrants, Vera will soon begin to administer the [New York Immigrant Family Unity Project \(NYIFUP\)](#), a one-year pilot that will provide free, high-quality legal representation to indigent immigrants facing deportation at New York Citys Varick Street Immigration Court, where approximately 1,050 detainees annually are in removal proceedings without representation. Funding for the initiative, which has been awarded by the New York City Council, was obtained by a collaborative of the Northern Manhattan Coalition for Immigrant Rights, the Center for Popular Democracy, the Immigration Justice Clinic of Cardozo Law School, and Vera.

At a public briefing last month, Speaker Christine Quinn, herself the child of immigrant parents, announced the City Councils decision to fund the project and her hopes that it would help keep New York an immigrant city. Speaker Quinn shared the podium with others who pointed out the direct impact that access to free, quality legal counsel would have in supporting immigrant families. Angela Fernandez, of the Northern Manhattan Coalition for Immigrant Rights, spoke about the devastation that follows when a parent is deported; between 2005 and 2010, more than 7,000 U.S. citizen children in New York City lost a parent to deportation. Community member Perla Rodriguez Vasquez, speaking in Spanish, shared the story of her brother who is currently detained in New Jersey and cut-off from his infant daughter to highlight that NYIFUP could have saved the family from tremendous hardship by helping him remain at home while awaiting the resolution of his case.

NYIFUPs approach to meeting the needs of indigent immigrants is informed by the findings of the New York Immigration Representation Study, an outgrowth of the Study Group on Immigrant Representation organized by Judge Robert A. Katzmann of the U.S. Court of Appeals for the Second Circuit because of his deep concern over the crisis in quantity and quality of legal counsel available to New Yorks immigrants. Contributors to the study, including Oren Root, director of Veras Center on Immigration and Justice, conducted a rigorous analysis of immigration enforcement and court data related to New Yorkers placed into deportation proceedings. The resulting studies, [Accessing Justice](#) and [Accessing Justice II](#), are the first to quantify the representation crisis for New Yorkers facing deportation and the adverse consequences when they cannot obtain counsel.

In the coming months, Vera will begin implementing the NYIFUP pilot program by issuing a competitive request for proposals to select a legal service provider with demonstrated expertise in deportation defense. At least 135 indigent immigrants making their first appearances at the Varick Street Immigration Court in Lower Manhattan will be selected to receive free legal representation from the designated provider. With the only limitation being that defendants must demonstrate financial need, NYIFUP is the first U.S. deportation defense project to use a universal representation model. At a projected per-case cost between \$3,000 and \$4,000, NYIFUP represents a cost-effective alternative that makes court proceedings more effective, keeps families together, and counteracts strains to public benefits and foster care driven by unjust detention and deportation.

By introducing the nations first government-funded counsel system for indigent immigrants, NYIFUP provides a model for other jurisdictions to adapt as they seek to improve justice for immigrants living in their communities. Already, responses to the program have shown what Brittny Saunders of the Center for Popular Democracy believes is a real hunger for policies that recognize the importance of keeping newly-arrived residents grounded in the communities they call home. Even before the official press release was issued, Veras Oren Root received a call from California asking if the model for the pilot could be replicated in Los Angeles or San Francisco. Subsequently, he received a similar inquiry from Chicago. As the nation wrestles with comprehensive immigration reform, NYIFUP is a critical step toward ensuring fairness for New Yorks immigrants and addressing the harm caused when foreign-born residents face deportation without representation. In all too many cases, says Judge Katzmann, it dooms the immigrants chances to realize the American dream.

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