

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/universal-representation-advances-racial-equity-for-immigrants-facing-deportation>

Public Facing Advocacy Writing

As communities across the country continue to rise up to defend Black lives, the need to dismantle systemic racism intrinsic to both the U.S. immigration and criminal legal systems has become clear. The same prejudices that pervade the criminal legal system extend to the immigration system. Just as Black people are more likely than white people to be [targeted by police](#), research suggests that Black immigrants are also [disproportionately vulnerable](#) to immigration enforcement.

Adom's story is a case in point. A Black man from West Africa, Adom found himself subject to a traffic stop, in which the officer reportedly stopped him for a burned-out taillight and subsequently cited him for driving with a suspended license. As Adom was never notified his license had been suspended, he went to traffic court to challenge the ticket. When his case was delayed several hours at the courthouse, the police officer who initiated the traffic stop [coordinated with local ICE officials](#) to apprehend Adom in the court building. Adom was immediately taken to an immigration detention center.

The stakes are high in cases like Adom's: Black and brown immigrants who are racially profiled and criminalized are then funneled into the detention and deportation system, where they face a higher risk of deportation than other groups. Even limited contact with the criminal legal system—an arrest, a dismissal, even participation in diversion programs meant to reduce incarceration—can channel people into the immigration system, where they face the potentially life-or-death consequences of deportation. Immigrants of color therefore experience the dual oppression that comes from both law enforcement and immigration enforcement.

To compound these systemic injustices, there is no right to counsel for immigrants facing the devastating consequences of detention and deportation in immigration court. This means that most immigrants are [left to fight for their lives alone](#), going up against trained government attorneys.

Universal representation, or publicly funded deportation defense for all immigrants, including those criminalized by the system, must be considered as a strategy to counter the systems that perpetuate racial inequities once immigrants are pulled into the deportation machinery. At its core, universal representation is a public defender system modeled on the premise that every person facing deportation is entitled to legal representation regardless of income, race, national origin, or history with the criminal legal system. The same rights [Gideon v. Wainwright](#) guarantees for all people charged with misdemeanors or felonies in criminal courts.

Universal representation also ensures that access to counsel in the immigration system operates in a racially equitable way. By ensuring that everyone is afforded due process without regard to merit, universal representation mitigates bias from the distribution of legal services, helps to dismantle the prison-to-deportation pipeline, and advances racial justice. Programs like Vera's Safety and Fairness for Everyone (SAFE) Initiative, which involves unique collaboration among government leaders, immigration legal service providers, and advocates, help dismantle structural barriers to racial equity by advancing a model of universal representation in which *all* people facing detention and deportation have access to counsel and are given a fair opportunity to exercise their rights regardless of prior contact with the criminal legal system.

Adom met his SAFE attorney through a presentation her organization gave at the detention center. With the assistance of a lawyer, he was able to secure release on bond and return home to help care for his son, who had developed an infection on his head while Adom was detained, forcing his wife to miss work, which resulted in the family falling behind on rent. Adom's attorney also helped him navigate the process of restoring his expired work authorization so he could begin to support his family again.

As cities, counties, and states continue to respond to calls to downsize the role of policing in city budgets and to instead reinvest funds in services that help communities thrive, they should consider and prioritize funding for deportation defense programs and [join the movement](#). Only by investing in our immigrant communities and communities of color can we begin to counter the racial disparities in both the criminal legal and immigration systems that harm immigrants of color, and only by investing in local and state deportation defense programs can we work toward systemic change legally mandated, federally funded zealous representation for all immigrants facing deportation.

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