



NEW YORK STATE SENATOR

Brad Hoylman-Sigal

## Senator Brad Hoylman And Assembly Member Catalina Cruz Introduce “Access To Representation Act” To Provide Attorneys To Immigrants Facing Deportation

BRAD HOYLMAN-SIGAL January 15, 2020

| ISSUE: **SD 27, ACCESS TO REPRESENTATION ACT, IMMIGRATION, DUE PROCESS**

*New Legislation Crafted With New York State Bar Association (NYSBA) And New York Immigration Coalition (NYIC) Will Create A Statutory Right To A Lawyer For New Yorkers Who Cannot Afford Representation In An Immigration Case*

*The Trump Administration’s Deportation Policy Continues To Expand, With 80% More Deportation Orders Entered In 2019 Compared To The Previous Year In New York*

NEW YORK CITY—Today, Senator Brad Hoylman (D/WF-Manhattan) and Assembly Member Catalina Cruz (D-Queens) introduced the Access to Representation Act, which would create a statutory right to a lawyer for any New Yorker facing deportation who cannot afford an attorney on their own. The legislation was crafted in partnership with the New York State Bar Association (NYSBA) and the New York Immigration Coalition (NYIC).

**Senator Hoylman said:** “For an immigrant facing deportation, having an attorney on their case can be the difference between staying in New York or being separated from their family: 78% of immigrants with attorneys win their cases, while only 15% of immigrants without attorneys are successful. I’m proud to introduce the Access to Representation Act, which will provide due process to all New Yorkers and add some fairness to our unjust immigration

system. I'm glad to be working with my colleague and co-sponsor, Assembly Member Catalina Cruz, and grateful to the support of NYSBA and NYIC as we fight together for this important legislation."

**Assembly Member Cruz said:** "Every day thousands of immigrants statewide face the possibility of deportation without due process of law and a meaningful opportunity to be heard. They are our friends, our neighbors, our loved ones. Our nation was and is built on their backs, and they have built their lives on the promises of our nation. However, if they cannot afford a lawyer, they are left to fight a complex immigration system on their own. While immigration law is civil in nature, the consequences of violating the law are the same as those faced by criminal defendants- loss of liberty, forced separation from family, or worse- death when forced to return to a country that persecutes their very existence. Our bill seeks to right this wrong by ensuring that the promises made by our Constitution are provided to everyone, not simply those who are able to afford it."

**New York State Bar Association President Hank Greenberg said:** "NYSBA has a long tradition of advocating for fair treatment and equal access to justice for all. Last June, our House of Delegates approved a resolution calling for legislation to establish a statutory requirement of right to counsel in immigration proceedings. We applaud Senator Hoylman and Assembly Member Cruz for taking up this vitally important issue and introducing the Access to Representation Act. We look forward to working with them to help this legislation be enacted into New York State law, and to continuing to help ensure that immigrants have access to the legal services they need."

**Steven Choi, Executive Director of the New York State Immigration Coalition, said:** "Today, more New Yorkers are at heightened risk of deportation from the Trump administration's voracious targeting of immigrants. We need bold action from New York State to protect our immigrant communities. Just as the Constitution guarantees that everyone in criminal

justice proceedings is given a lawyer if they cannot afford one, New York's immigrants should also be guaranteed access to high-quality, low-cost lawyers to help them fight for their right to remain New Yorkers in an unfamiliar and punitive court system. Senator Hoylman and Assemblymember Cruz's Access to Representation Act is the bold action we need to protect New York's immigrants from the ravages of Trump's deportation machine, and get them access to the legal representation they need as a vital last line of defense to keep our families and communities together."

Currently, low-income New Yorkers facing deportation must rely on non-profit attorneys or navigate the judicial system alone, while facing government attorneys who are experts in the process. The Access to Representation Act will create a statutory right to an attorney, rooted in the New York State constitution, for any New Yorker facing deportation who cannot afford an attorney on their own. By creating a constitutional Right to Counsel, this legislation eliminates uncertainty surrounding the State budget's annual funding for immigrant legal services, giving both attorneys and immigrant New Yorkers confidence that each case will have legal representation through the long legal process.

Under the Trump Administration, more New Yorkers are at risk of deportation than ever before. In 2019 there were 80% more deportation orders compared to the previous year, and ICE and Border Patrol arrests jumped by 25% between 2017 and 2018. Access to an attorney means individuals are fully informed about their case, and makes it more likely that New Yorkers who qualify for legal status will be able obtain that status.