



NEW YORK STATE SENATOR

Brad Hoylman-Sigal

## First-In-Nation Legislation Would Create State Right For Legal Representation To Support Newly Arrived Asylum Seekers & Immigrant New Yorkers

BRAD HOYLMAN-SIGAL November 30, 2022

| ISSUE: **ACCESS TO REPRESENTATION ACT, IMMIGRANT**

**NEW YORK** – In response to Texas, Florida, and Arizona officials bussing nonconsenting asylum seekers to New York City and other surrounding regions, a broad coalition of elected officials, advocacy organizations, and impacted families today launched the new Campaign for Access, Representation, and Equity (CARE) for Immigrant Families, to pass the **Access to Representation Act (S81B/A1961A)**. The bill will guarantee access to lawyers for immigrants at risk of deportation in New York. Sponsored by Senator Brad Hoylman and Assemblymember Catalina Cruz, the legislation would be the first in the nation to create a statewide right to a lawyer for people facing deportation who cannot afford representation, whether they have recently arrived in the state or have been New Yorkers for decades.

The campaign is supported by a statewide coalition including the New York Immigration Coalition (NYIC), Immigrant ARC, the Vera Institute of Justice, and over 100 organizations, legal service providers, and elected officials. The bill is part of a coordinated effort to ensure New York State advances universal representation and fully funds legal and social services for people facing deportation in the state. Universal representation has wide support in New York: **more than nine out of ten New Yorkers** support government-funded representation for immigrants facing deportation.

“Having a lawyer in an immigration hearing can be the difference between life and death. Non-detained people in immigration hearings are over three times more likely to achieve a successful outcome if they have representation. Our Access to Representation Act will help immigrants get the legal representation they need. I am grateful to Assemblymember Catalina Cruz, the Vera Institute of Justice, the New York Immigration Coalition, Immigrant-ARC, and Make the Road for their advocacy in support of this critical bill,” said **State Senator Brad Hoylman**.

“I know firsthand how difficult the legal system is to navigate for immigrants, especially those who cannot afford legal representation. There’s never been a greater need for immigrant legal services in New York. As new Americans arrive in our great state from all over the world, New York continues to be a beacon of hope and humanity. I am honored to carry this bill, which will address the already existing backlog of immigration cases as well as assist newly-arrived immigrants in securing legal services so that they can continue to call New York home. I want to thank Senator Hoylman and the advocates for their diligent and longstanding partnership and support, and I look forward to passing this legislation next session,” said **Assembly Member Catalina Cruz**.

“When my family arrived in the United States through Humanitarian Parole, we had very little savings and had to focus on finding a place to live and paying bills,” said **Dina Yesenia Huayllani Ochoa, client of Neighbors Link Community Law Practice**. “The immigration lawyers we initially spoke to charged fees that we could not afford. We were anxious and concerned about what would happen to us. Finally, we were able to receive free legal assistance through Neighbors Link Community Law Practice. In less than a year, the lawyers helped my family receive our long-awaited political asylum. The Access to Representation Act would be so beneficial in helping other families like mine get this important legal assistance.”

“In 2016 I paid a private attorney \$450 for an initial consultation,” said **Yimy Benitez, member of Make the Road New York**. “The answer they gave me was that they had no solution and they suggested that I should leave the country voluntarily so that I will not have any problems with the immigration laws of this country. I know people close to me such as family and friends who have paid a lot of money to attorneys too just to consult or request advice on their cases and they have obtained the same response. The level of frustration and disappointment by the end of these consultations is enormous and we resign ourselves to living in fear that at any moment we are going to be detained and deported. The fact of not having legal representation for so long affected me a lot mentally and emotionally. The fear of being deported is real and increases as the days go by and not having money to pay an attorney complicates our situation much more. No person should go through this type of experience, but reality shows that this is what thousands and thousands of undocumented immigrant neoyorkers have to live on a daily basis and it is a lot worse for TGNC immigrants like me.”

“As other states turn immigrants away and treat people seeking refuge as pawns in a political fight, New York must lead the way and pass the Access to Representation Act in 2023,” said **Annie Chen, director of the Advancing Universal Representation initiative at the Vera Institute of Justice**. “We thank Senator Hoylman and Assemblymember Cruz for championing this legislation while also calling on federal lawmakers to establish a universal right to legal representation.”

"Every New Yorker deserves access to due process whether they are in the criminal legal system or in immigration court," said **Murad Awawdeh, executive director of the New York Immigration Coalition**. "Now, New York has the chance to lead the nation by ensuring access to representation for all those who are fighting in our immigration courts to stay with their families and in their communities. Navigating courts alone can be an almost impossible task for anyone, let alone newly arrived immigrants and those who do not speak English and have no prior knowledge of the U.S. legal system. Without access to legal representation, immigrants are far more likely to lose their legal cases, be ripped from their loved ones, and be deported back to countries where their lives and livelihoods may remain in jeopardy. While some elected leaders have chosen to play politics with the lives of vulnerable people for simply asserting their legal right to claim asylum, New York has risen to the challenge and confirmed its place as a beacon of hope and opportunity in the nation. We thank Senator Hoylman and Assemblymember Cruz for their leadership in introducing the Access to Representation Act and giving immigrant New Yorkers a fighting chance to actually achieve the safety they and their families deserve. We look forward to our continued partnership to ensure the passage of this law and the protection of our immigrant neighbors."

"Providing access to legal help is one of the single most impactful investments a State can make to protect its immigrant communities from a broken system designed to make anyone who interacts with it fail," said **Camille Mackler, executive director of Immigrant ARC**. "Without it, individuals are expected to play by rules that are never explained to them and, while we continue to push for a legal framework that does not require a lawyer to obtain safety and protection, reunite with family, or pursue one's dreams, States must do all they can in the present moment to mitigate the harm our current reality perpetuates every day. We are grateful to Assembly Member Catalina Cruz and Senator Brad Hoylman for their unwavering leadership and look forward to rolling up our sleeves together to get the Access to Representation Act passed in 2023."

### **Background:**

Currently, people facing deportation are not guaranteed a right to counsel. Instead, many who cannot afford to hire legal representation are forced to fend for themselves against a trained government lawyer. Having a lawyer makes a significant difference: immigrants in detention with representation are over ten times more likely to prove their right to remain in the United States. For non-detained people, one study found that 60 percent achieved a successful outcome on their case with representation, versus just 17 percent without it. Investing in legal defense will promote fairness in a system that sets immigrants up to fail, keeping more families together, more communities united, and stabilizing our economy.

The Access to Representation Act will create a right to an attorney for any New Yorker facing deportation who cannot afford to hire one on their own. By creating a right to counsel, this legislation eliminates the uncertainty surrounding the State budget's annual funding for immigrant legal services, securing New

York's ability to protect immigrants who have been New Yorkers for decades, as well as new New Yorkers who are welcomed each and every year. It will also protect all immigrants who are vulnerable to fraudulent schemes, as non-authorized scammers often seek to fill that gap in the market. Further, it will promote community safety and economic stability across New York by ensuring that more parents remain home with their children, more essential workers remain on the job, and more business owners continue to invest in and support our communities.

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**About Vera Institute of Justice:** The Vera Institute of Justice is powered by hundreds of advocates, researchers, and policy experts working to transform the criminal legal and immigration systems until they're fair for all. Founded in 1961 to advocate for alternatives to money bail in New York City, Vera is now a national organization that partners with impacted communities and government leaders for change. We develop just, antiracist solutions so that money doesn't determine freedom; fewer people are in jails, prisons, and immigration detention; and everyone is treated with dignity. Vera's headquarters is in Brooklyn, New York, with offices in Washington, DC, New Orleans, and Los Angeles. For more information, visit [vera.org](https://vera.org).

**Immigrant ARC** is a collaborative of over 80 organizations and professional associations providing legal services to New York's immigrant communities throughout the State. Born out of the legal effort at JFK Airport during the Muslim Travel Ban in 2017, our mission is clear: to mobilize New York State's legal service providers by facilitating communication and information sharing to better support our immigrant communities; to organize and respond to issues as they arise by coordinating resources and fostering best practices among providers; and to resist and challenge anti-immigrant policies by shining a light on injustices and confronting inequalities faced by our communities in the legal system. For more information, visit [www.immigrantarc.org](https://www.immigrantarc.org).

The **New York Immigration Coalition** (NYIC) is an umbrella policy & advocacy organization that represents over 200 immigrant and refugee rights groups throughout New York. The NYIC serves one of the largest and most diverse newcomer populations in the United States. The multi-racial and multi-sector NYIC membership base includes grassroots and nonprofit community organizations, religious and academic institutions, labor unions, as well as legal and socioeconomic justice organizations. The NYIC not only establishes a forum for immigrant groups to voice their concerns, but also provides a platform for collective action to drive positive social change. Since its founding in 1987, the NYIC has evolved into a powerful voice of advocacy by spearheading innovative policies, promoting and protecting the rights of immigrant communities, improving newcomer access to services, developing leadership and capacity, expanding civic participation, and mobilizing member groups to respond to the fluctuating needs of immigrant communities.