

February 13, 2025

Joint Hearing on 2025 Executive Budget: Public Protection
Legislative Office Building
181 State Street, Hearing Room B,
Albany, NY, 12247

**TESTIMONY IN SUPPORT OF INCREASED IMMIGRATION LEGAL SERVICES FUNDING
SUBMITTED BY IMMIGRANT ARC**

My name is Gillian Rowland-Kain and I am the Senior Manager of Legal Access Programs at Immigrant ARC (“I-ARC”).

Immigrant ARC is a coalition of over 80 legal service providers who deliver services across the state of New York. Our mission is to increase access to justice and access to legal counsel for immigrant New Yorkers by mobilizing New York’s legal service providers and addressing the systemic barriers to justice that immigrants face.

Immigrant ARC is grateful to the New York State Assembly and Senate for convening this important hearing. Since our founding, I-ARC has consistently emphasized the crucial need for the funding of long-term immigration legal services, so that immigrants can have access to free legal representation during removal proceedings and when seeking immigration benefits.

As of December 2024, more than 180,000 immigrants in New York are fighting for their rights and their lives in immigration court without access to legal representation. In a report published in January 2023, TRAC found that five years ago, noncitizens found attorneys in 65 percent of all pending cases in the Court’s backlog. Today, this proportion has dropped to just 30 percent. New York has the third highest representation rate in the country at just 44 percent. This lack of access to legal help has dramatic consequences. The data demonstrates the critical importance of representation: detained immigrants with legal representation are up to 10.5 times more likely to win their case compared to those left without the lifeline that representation offers. For non-detained individuals, 60% of people with legal representation succeed in their cases, compared to a mere 17% of those unrepresented. It is clear when New Yorkers do not have access to representation during their immigration proceedings they are putting their lives, families, and economic stability at risk.

Today we are facing unprecedented attacks on our immigrant communities - attacks that weaken our State and economy. We’ve seen indiscriminate enforcement, with arbitrary quotas that call for U.S. Immigration and Customs Enforcement field houses to make 75 enforcement arrests a day. The President has mandated immigration authorities detain people “to the fullest extent possible.” This will drastically increase the number of people in ICE and Customs and Border Protection (CBP) facilities, which in the past were found “barbaric” and unconstitutional by government experts and a federal court. The increase in detention poses additional, nearly insurmountable, barriers to accessing attorneys, all but dooming asylum seekers’ chances to fight their cases. Daily we’ve seen attempts to strip protections and status from those who obtained it over the last four years. In these circumstances, as we were under the first Trump administration, legal representatives are not just

legal help, they are lifelines for immigrant communities.

This is a call to action. These numbers represent a need for immediate intervention and support for those in dire need. During these tumultuous times, New York State must step up to demonstrate its support for our immigrant communities. Now is not the time to walk away from New York's historic investments. New York has the opportunity to stand on the National stage as a leader, united in the support of our immigrant community members.

New York State must protect the legacy it began with the groundbreaking New York Immigrant Family Unity Project (NYIFUP), which during the first Trump administration, was the first publicly funded deportation defense program in the country. Since then over 50 jurisdictions have followed suit and established and funded their own programs because of New York's success. Now, Governor Hochul is allocating \$44.2 million in the Executive Budget to fund immigration services, which is a drastic \$20 million cut from last year's \$64.2 million investment. Considering the rise in inflation, the shrinking labor market, and the increasing need for services, this cut is a huge divestment in critical services when immigrant New Yorkers need it most, and is net decrease in available funding for these services. For these reasons, the Fiscal Year 2026 State Enacted Budget must allocate \$165 million to meet urgent and long-term legal and social service needs of immigrant families in New York. This investment should comprise:

- \$100 million for the Office of New Americans
 - \$80 million to sustain and supplement existing grants to ensure that legal services providers can recruit and retain staff to keep pace with growing needs;
 - \$10 million to fund and connect immigrants with programs that help them preserve their rights, gain citizenship and other immigration benefits, participate in the workforce, and learn English; and
 - \$10 million for capacity building for legal service providers so that these organizations have the resources to strengthen and expand their programs and continue to offer high-quality, life-saving assistance.
- \$65 million for the Department of Education
 - \$25 million to expand immigration law clinics and fellowships at accredited New York law schools;
 - \$20 million for a Student Loan Contribution Plan for attorneys committing to pro bono immigration work; and
 - \$20 million to create a five-year program to support individuals seeking Department of Justice accreditation to represent immigrants at risk of deportation.

Our State must equip all immigrants facing deportation with the basic tools and support they need to protect their rights, secure economic stability, and remain united with their families.

To address these structural issues, and to ensure New York State remains a leader around the country in supporting immigrant communities, we call for the passage of the Access to Representation Act (ARA) which, if passed, would establish a statutory right to representation for immigrants facing deportation in New York and would create stable and sustainable funding streams for providers trying to meet the urgent need. This would secure the essential funding required by

providers trying to meet the urgent demand for immigration legal assistance and provide the necessary infrastructure support to ensure the funds are used in a sustainable and impactful way. This legislation would ensure that individuals, who lack the means to afford representation, are not left to face a trained government lawyer alone. Instead, it would guarantee the right to legal counsel, enabling them to safeguard themselves and their families from deportation.

It is imperative that we lead the way again and stand up for immigrant New Yorkers. We must sustainably expand our acclaimed immigration legal services programs to meet the needs of the moment. The importance of New York's leadership in upholding freedom, fairness, and family unity cannot be overstated—it is a lifeline for the well-being of not only immigrant New Yorkers, but all communities across the state. The current landscape demands swift action. Let us fortify our commitment to a state where everyone, immigrant or not, can thrive—safely at home, in their jobs, and with their families.

New York has always been a national leader in the push for universal access to representation and a home to immigrants—it is our State's greatest strength and resource. Investing in our immigrant communities is not only the morally right move to make, it is also an investment in every New Yorker's economic prosperity. Immigrant New Yorkers are more likely to create jobs, start small businesses, and revitalize our workforce. Providing access to legal help is the best way to ensure that immigrants can obtain long-term status, work authorization, and access to resources that will include them in our cultural, civic, and economic life. If we ensure that our immigrant communities get the long-term services they need to flourish, our State will grow and flourish with them.

This is why Immigrant ARC endorses the continued funding of immigration legal services, the expansion of funding to \$165 million, and the immediate passage of the Access to Representation Act. Thank you for your work on behalf of immigrant communities and for the opportunity to testify today.