

February 7, 2025

The Honorable Liz Krueger
Chair, Standing Finance Committee
Room 416 CAP, Capitol Building
Albany, NY 12247
financechair@nysenate.gov

The Honorable J. Gary Pretlow
Chair, Standing Committee on Ways and Means
LOB 923, Capitol Building
Albany, NY 12248
wamchair@nyassembly.gov

**Testimony of the Vera Institute of Justice in Support of
Immigration Legal Services Funding in the New York State Budget,
the Access to Representation Act, and the BUILD Act**

**Submitted to the Joint Legislative Budget Hearings on Public Protection
and Human Services**

Dear Chairperson Krueger and Chairperson Pretlow,

On behalf of the Vera Institute of Justice (Vera), I write to urge you to take action to defend the rights of immigrant New Yorkers as they come under unprecedented federal attacks. Fully funding immigration legal services will strengthen justice, safety, and economic prosperity for all New Yorkers.

Vera works to end mass incarceration, protect immigrants' rights, ensure dignity for people behind bars, and build safe, thriving communities. One of our core priorities is advancing universal representation to ensure that no immigrant is forced to face the prospect of detention and deportation without a trained legal advocate at their side.

Governor Hochul's Fiscal Year (FY) 2026 Executive Budget includes \$44.2 million for immigration legal and social services, administered by the Office for New Americans.¹ However, this falls short of what is required as an extreme immigration enforcement agenda threatens to devastate New York's families, communities, and economy. Without further support from the legislature, the funding in the Executive Budget amounts to a significant cut of \$20 million from the \$64.2 million invested last year.² To address this urgent need and ensure long-term stability in New York's immigration legal services infrastructure, **we specifically urge a total investment of \$165 million in immigration legal services, as well as the passage of the Access to Representation (ARA, A270/S141) Act and Bolstering Unrepresented Immigrant Legal Defense (BUILD, A2689) Act.** These measures will provide emergency immigration legal assistance, while building long-term capacity to defend all immigrant New Yorkers against federal attacks in coming years.

An investment of \$165 million in immigration legal and social services is critical to New York's well-being.

Supporting life-saving representation for immigrants is necessary in the face of President Trump's mass deportation plans, which are poised to separate families, subject people to inhumane detention, and uproot longtime residents from their homes. Investments in legal services benefit all New Yorkers by helping ensure stable communities across New York and a bright, secure economic future for the state. More than one in three New York children have an immigrant parent, and over a quarter of the state's workforce is foreign-born. There are more than 200,000 immigrant entrepreneurs in the state, and immigrant New Yorkers have an estimated \$153 billion in annual spending power.⁴ New York's ability to remain economically competitive depends on immigrants continuing to enter and remaining in the workforce and revitalizing regions across the state suffering from declining populations and stagnating economies.⁵

Immigration legal services enable community members to remain at home, on the job, and with their families. Investments in this type of representation are also investments in making our state safer and economically strong—not just for immigrants but also for everyone.⁶ Studies show that welcoming more immigrants increases per capita wages across the country.⁷ A recent study by the New York City comptroller showed that providing immigration legal representation for all New Yorkers facing deportation would yield a net economic benefit of \$8.4 billion for the federal, state, and local governments.⁸ Meanwhile, restrictive immigration policies have resulted in losses to the American economy of more than \$9.1 billion per year and a loss to net tax revenue of \$2 billion annually since 2017.⁹

Representation makes a huge difference. Detained immigrants with lawyers win their cases up to 10.5 times the rate of those who don't have legal help.¹⁰ For non-detained people, nearly two-thirds with lawyers win their cases compared to 17 percent of those without a lawyer.¹¹ Legal representation also ensures appearance in immigration court, with data showing that between 96 and 98 percent of people not in detention who have representation on their cases show up for court.¹²

As of December 2024, there were more than 160,000 cases in New York State immigration courts in which people were defending their rights without representation.¹³ As New York has an overall backlog of more than 370,000 immigration cases in New York, legal services are essential to reducing delays in court proceedings because they ensure that people understand their rights and legal options.¹⁴

To fill these gaps in life-saving legal services across New York and build the long-term infrastructure to ensure that no one in New York faces the terrifying risk of immigration detention or deportation without legal representation, we urge an increase in immigration services funding to \$165 million. **Of this investment, \$100 million should be allocated to the Office of New Americans and \$65 million should be allocated to the Department of Education:**

- \$100 million for the Office of New Americans (ONA) to strengthen and expand immigration legal services programs:

- \$80 million to sustain and increase existing grants to allow legal services providers to recruit and retain staff to keep pace with growing needs;
 - \$10 million to fund programs that help immigrants 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 increase the number of people who receive high-quality, life-saving assistance over the long term.
- \$65 million for the Department of Education to build a pipeline of people entering the immigration legal services field:
 - \$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.

Researchers at the Vera Institute of Justice found that the proposed funding for deportation defense under the Office for New Americans would result in full legal representation in immigration court for an estimated 4,470 people at risk of deportation in one year.¹⁵ It also found that the investments in capacity building between the Office of New Americans and the Department of Education would result in 24 percent more people receiving representation in their cases in five years' time than if such investments had not been made.¹⁶

We also urge passage of the Access to Representation Act (A270/S141) and the BUILD Act (A2689) to ensure that New York is equipped to respond to the needs of a changing immigration legal landscape in years to come.

As the cruel deportation policies of the Trump administration's first term were being implemented, New York became the first state in the country to establish a publicly funded deportation defense program in 2017.¹⁷ Since then, more than 55 jurisdictions nationwide, including ten other states, have followed New York's lead by funding deportation defense.¹⁸ New York now has the opportunity to lead the way once again. To do so, we must pass the Access to Representation Act to create a right to counsel in New York State immigration courts. We must also pass the BUILD Act, which will fund legal services providers to scale up programs and staffing so that they can serve all immigrants who need deportation defense. The BUILD Act will create a dedicated, multi-year investment in funding training, recruitment, retention, social services, and other measures that will allow legal services providers to increase their capacity to represent immigrant New Yorkers.

In the face of the Trump administration's mass deportation agenda, New York should also pass the Dignity not Detention Act (S316/A4181) and the New York for All Act (S2235/A3506) to mitigate the harm of the immigration system and limit the number of people subjected to the prospect of detention and deportation in the first place. The Dignity Not Detention Act would end contracts with county jails for immigration detention in New York, and the New York for All Act would prohibit the use of New York's resources for immigration enforcement.

Now more than ever, New York must stand up for the immigrants who power our economy and enrich our communities. We urge an investment of \$165 million in immigration legal services in the FY26 budget and passage of the Access to Representation Act and the BUILD Act to ensure that every New Yorker facing deportation has the legal representation they deserve.

For additional information, please contact Rosie Wang at rwang@vera.org.

Sincerely,



Rosie Wang
Program Manager
Vera Institute of Justice

¹ New York State Legislature, S3003/A3003, “Aid to Localities Budget,” January 21, 2025, 938, <https://www.budget.ny.gov/pubs/archive/fy26/ex/approps/local.pdf>.

² New York State Legislature, S8303/A8803, “Aid to Localities Budget,” January 16, 2024, 1269, <https://www.budget.ny.gov/pubs/archive/fy26/ex/approps/local.pdf>.

⁴ For immigrant children, see United States Census Bureau, “Selected Characteristics of the Native and Foreign-Born Populations,” 2023 American Community Survey 1-Year Estimates, New York State,

<https://data.census.gov/table/ACSST1Y2023.S0501?g=040XX00US36>. For workforce figures, see

United States Census Bureau, “Selected Characteristics of the Native and Foreign-Born Populations,” 2023 American Community Survey 5-Year Estimates, New York State,

<https://data.census.gov/table/ACSST5Y2023.S0501?g=040XX00US36>. For spending power, see American Immigration Council, “Immigrants in New York,” accessed January 17, 2025,

<https://map.americanimmigrationcouncil.org/locations/new-york>.

⁵ FWD.us, “New York Needs Pro-Immigrant Policies to Bolster its Population and Economy,” February 17, 2023,

<https://www.fwd.us/news/new-york-economy>. For examples of how immigrants have driven economic growth in New York, see Susan Hartman, “How Refugees Transformed a Dying Rust Belt Town,” *New York Times*, June 3,

2022, <https://www.nytimes.com/interactive/2022/06/03/realestate/utica-burma-refugees.html>; Douglas Sitler, “In Buffalo, Immigrants And Refugees Drive Population Growth, Improve Quality Of Life, UB Expert Says,”

University of Buffalo News Center, September 22, 2021, <https://www.buffalo.edu/news/tipsheets/2021/020.html>;

and Sammy Gibbons, “Refugees ‘Give Back’ To Syracuse By Recharging Economy, Diversity Of City That Welcomed Them,” *Democrat and Chronicle (USA Today)*, January 10, 2022,

<https://www.democratandchronicle.com/in-depth/news/2022/01/10/syracuse-ny-refugees-economic-needs/8767802002>.

⁶ Tom K. Wong, “The Effects of Sanctuary Policies on Crime and the Economy,” Center for American Progress, January 16, 2017, <https://perma.cc/FEL7-R87K>; and Randy Capps, Heather Koball, Andrea Campetella, et al.,

Implications of Immigration Enforcement Activities for the Well-Being of Children in Immigrant Families: A Review of the Literature (Washington, DC: Urban Institute and Migration Policy Institute, 2015), <https://perma.cc/Z8V9-H6MK>.

⁷ Michael Greenstone and Adam Looney, “What Immigration Means for U.S. Employment and Wages,” The Brookings Institution, May 4, 2012, <https://www.brookings.edu/articles/what-immigration-means-for-u-s-employment-and-wages>.

⁸ New York City Comptroller Brad Lander, Economic Benefits of Immigration Legal Services (New York: Office of the New York City Comptroller, 2024), <https://perma.cc/WH2Z-QHUYf>.

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- ⁹ Michael A. Clemens, *The Economic and Fiscal Effects on the United States from Reduced Numbers of Refugees and Asylum Seekers* (Washington, D.C.: Center for Global Development, 2022), <https://www.cgdev.org/sites/default/files/economic-and-fiscal-effects-united-states-reduced-numbers-refugees-and-asylum-seekers.pdf>.
- ¹⁰ Ingrid V. Eagly and Steven Shafer, “A National Study of Access to Counsel in Immigration Court,” *University of Pennsylvania Law Review* 164, no. 1 (December 2015), 9, perma.cc/7J65-CZCM.
- ¹¹ *Ibid.*
- ¹² Nina Siulc and Noelle Smart, *Evidence Shows That Most Immigrants Appear for Immigration Court Hearings* (New York: Vera, 2020), <https://www.vera.org/downloads/publications/immigrant-court-appearance-fact-sheet.pdf>.
- ¹³ Vera Institute of Justice, “Immigration Court Legal Representation Dashboard,” accessed January 29, 2025, <https://www.vera.org/immigration-court-representation>
- ¹⁴ *Ibid.*
- ¹⁵ Vera Institute of Justice, *New York State Immigration Legal Services and Infrastructure: Cost and Capacity Considerations* (New York: Vera Institute of Justice, January 2025) https://vera-advocacy-and-partnerships.s3.amazonaws.com/UREP_NY%20Legal%20Services%20Cost%20Report.pdf.
- ¹⁶ *Ibid.*
- ¹⁷ Vera Institute of Justice, “The New York Immigrant Family Unity Project,” accessed January 29, 2025, www.vera.org/ending-mass-incarceration/reducing-incarceration/detention-of-immigrants/new-york-immigrant-family-unity-project.
- ¹⁸ Vera Institute of Justice, “Publicly Funded Deportation Defense Programs,” interactive map, accessed January 29, 2025, <https://www.vera.org/ending-mass-incarceration/reducing-incarceration/detention-of-immigrants/advancing-universal-representation-initiative>.