

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON IMMIGRATION

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December 20, 2023
Start: 12:23 p.m.
Recess: 12:28 p.m.

HELD AT: COUNCIL CHAMBERS - CITY HALL

B E F O R E: Shahana Hanif, Chairperson

COUNCIL MEMBERS:

Carmen N. De La Rosa
Rita C. Joseph
Shekar Krishnan
Pierina Ana Sanchez

2 SERGEANT-AT-ARMS: This is a microphone
3 check for the Committee on Immigration. Today's date
4 is December 20, 2023. We're located in the Council
5 Chambers. Recording done by Rocco Mesiti.

6 SERGEANT-AT-ARMS: Good morning, ladies
7 and gentlemen, and welcome to today's Immigration
8 Committee hearing.

9 At this time, silence all electronic
10 devices. Do not approach the dais.

11 Thank you very much.

12 Madam Chair, we're ready to commence.

13 CHAIRPERSON HANIF: [GAVEL] Good
14 afternoon, everyone. I'm Council Member Shahana
15 Hanif, Chair of the Committee on Immigration.

16 I'd like to begin by thanking my
17 Committee Colleagues who have joined us here today,
18 Council Members Krishnan, De La Rosa, Joseph, and
19 Sanchez.

20 At today's hearing, the Committee will be
21 voting on Proposed Resolution 556-B sponsored by
22 Council Member Crystal Hudson calling on the New York
23 State Legislature to pass and the Governor to sign A-
24 170/S-999, also known as the Access to Representation
25 Act, which establishes the right to legal counsel in

2 immigration court proceedings and provides for the
3 administration thereof. The Committee heard a
4 previous version of this resolution in April during a
5 joint hearing with the Committee on Governmental
6 Affairs.

7 Just as New York City is a city of
8 immigrants, New York State would not be the same
9 without the contributions of immigrant communities,
10 but many immigrant community members, from newcomers
11 seeking asylum to long time lawful permanent
12 residents, nevertheless face the specter of
13 deportation if the U.S. Department of Homeland
14 Security places them in removal proceedings. More
15 than 300,000 cases are pending in immigration courts
16 in New York State, including more than 290,000 in the
17 immigration courts located in New York City. The
18 potentially devastating consequences of deportation
19 proceedings can include separation from family,
20 severance from work, exile from community, and in
21 some cases, return to a country where an individual
22 has faced persecution. Despite the high stakes of
23 these deportation proceedings, there is no right in
24 counsel in immigration court. Those who cannot afford
25 to hire a private attorney must find a non-profit

2 able to help them or represent themselves against a
3 trained government attorney, but immigrant New
4 Yorkers lack affordable legal services with effective
5 programs like New York City's Rapid Response Legal
6 Collective increasingly on the chopping block.

7 Fortunately, New York State legislators
8 have introduced a bill that would rectify this
9 injustice. On January 15, 2020, New York became the
10 first state in the nation to introduce legislation
11 that would guarantee all immigrants have access to a
12 lawyer when facing deportation. Proposed Resolution
13 556-B calls on the State Legislature to pass and the
14 Governor to sign the Access to Representation Act, an
15 essential piece of legislation that would empower
16 immigrants to protect themselves and their families
17 from the federal deportation machine. Immigrants who
18 obtain legal representation are much likelier to win
19 release from detention and prevail in the removal
20 proceedings. Represented immigrants in detention who
21 had a hearing to determine their ability to be
22 released from DHS custody were four times more likely
23 to be released from detention. Moreover, detained
24 immigrants with representation when compared to their
25 unrepresented counterparts were 10-1/2 times more

2 likely to succeed in terminating the removal
3 proceedings or obtaining a grant of relief from
4 removal or deportation. Finally, immigrants who were
5 never detained and who had legal representation were
6 3-1/2 times more likely to succeed in their
7 immigration court proceedings.

8 As long as immigration courts and removal
9 proceedings exist, the least lawmakers can do is
10 ensure that no New Yorker has to navigate the
11 Byzantine immigration system and the threat of
12 deportation alone. New York State can make sure that
13 no member of our immigrant communities fails to
14 access the defenses and protections available to them
15 under the law solely for lack of an attorney to make
16 their case. The State should do its part to provide
17 due process, fairness, and access to justice for
18 immigrants facing deportation proceedings. Proposed
19 Resolution 556-B calls on the State to be a leader in
20 enacting policies that protect all New Yorkers, keep
21 families together, and strengthen our communities,
22 and I'm looking forward to a vote on this resolution
23 today.

24 I would like to thank all the Committee
25 Staff for their work on this issue, including Nicole

2 Catá, Legislative Counsel; Rebecca Barilla, Policy
3 Analyst; Florentine Kabore, Unit Head; and Nia Hyatt,
4 Finance Analyst. I would also like to thank my Staff,
5 Chief-of-Staff Nora Brickner; Legislative Director
6 Alex Liao; and Communications Director Michael
7 Whitesides as well as everyone working in the
8 background to make this hearing run smoothly.
9 Moreover, I would like to thank the New York
10 Immigration Coalition, the Vera Institute of Justice,
11 and the Immigrant Advocates Response Collaborative
12 for their feedback on this resolution.

13 I will now turn it over to the Clerk to
14 call the roll.

15 COMMITTEE CLERK WILLIAM MARTIN: Thank
16 you. Good afternoon. William Martin, Committee Clerk.
17 Roll call vote, Committee on Immigration, Resolution
18 556-B. Chair Haniff.

19 CHAIRPERSON HANIF: Aye.

20 COMMITTEE CLERK WILLIAM MARTIN: Moya. De
21 La Rosa.

22 COUNCIL MEMBER DE LA ROSA: Aye.

23 COMMITTEE CLERK WILLIAM MARTIN: Joseph.

24 COUNCIL MEMBER JOSEPH: Aye.

25 COMMITTEE CLERK WILLIAM MARTIN: Krishnan.

1 COMMITTEE ON IMMIGRATION

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2 COUNCIL MEMBER KRISHNAN: Aye.

3 COMMITTEE CLERK WILLIAM MARTIN: Sanchez.

4 COUNCIL MEMBER SANCHEZ: Aye.

5 COMMITTEE CLERK WILLIAM MARTIN: Ung.

6 COMMITTEE CLERK WILLIAM MARTIN: With a

7 vote of five in the affirmative, zero in the

8 negative, and no abstentions, Resolution has been

9 adopted by the Committee.

10 CHAIRPERSON HANIF: Thank you. [GAVEL]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date December 22, 2023