

## **Oversight: Examining Models for Providing Legal Services for Immigrants in Deportation Proceedings**

**Submitted to  
NYC Council, Committee on Immigration**

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Chairman Menchaca and members of the Council's Committee on Immigration, on behalf of the Hispanic Federation (HF), I thank you for the opportunity to provide testimony. Hispanic Federation is a national service-oriented membership organization dedicated to promoting the social, political and economic wellbeing of the Hispanic community. We represent 100 local community-based organizations that provide immigration, health, workforce development and other services to the Latino community.

Since its founding in 1990, the Federation has had a legacy of engaging in immigration, evidenced through our work in the Hispanic community and in our nation's capitol. Every day, our community-based organizations (CBOs) teach English, provide health care, promote financial literacy and otherwise ease the integration of immigrants into our society. Since our member agencies are within the heart of immigrant communities throughout the City, they witness the ramifications of families being torn apart by deportations and detentions. Oftentimes these individuals cannot afford legal representation and find it extremely difficult to navigate through the immigration and detention system.

### **Need for Representation in Immigration Courts**

As you know, the right to legal representation does not extend to immigration courts. Sixty percent of detained immigrants and 27% of non-detained immigrants in New York do not have legal counsel. Having representation greatly impacts the client's experience in detention and probability of relief from removal.

For example, individuals who are transferred to and remain in detention facilities outside of New York are unrepresented 79% of the time. These individuals are usually transferred to detention centers in Texas, Louisiana or Pennsylvania. The geographic isolation from the detained individual's support system causes difficulty in finding legal representation within the area or willing to travel to the facility.

Furthermore, obtaining legal representation during removal proceedings has a significant impact on an individual's chances of gaining relief from removal. Individuals who have legal counsel in

removal proceedings are ten times more likely to have a successful outcome. However, the majority of individuals detained (67%) never retain legal counsel. Of these individuals, only 3% will gain relief from removal.

### **Recommendation of New York Immigrant Family Unity Project Model of Representation**

Hispanic Federation thanks the NYC Council for funding the New York Immigrant Family Unity Project (NYIFUP) pilot program, and highly recommends that the council permanently implements the NYIFUP model for representation to individuals in removal proceedings.

A collaborative of esteemed organizations, consisting of Northern Manhattan Coalition for Immigrant Rights, the Center for Popular Democracy, Make the Road New York, and the Immigration Justice Clinic of Cardozo Law School, developed this comprehensive program to provide legal representation to 190 indigent immigrants in removal proceedings at the Varick Street Immigration Court in Manhattan.

The Vera Institute of Justice is currently administering the program and, in 2013, issued a request for proposal under the NYIFUP. This process allowed only the most competent and experienced not-for-profit organizations to gain funding through this initiative. In turn, these organizations deliver services to indigent immigrants who wish to gain representation in their removal proceedings. Advisory committees consisting of government counsel, immigration judges, academics and service providers are brought together under this initiative to ensure that quality services are being delivered to those in need.

### **Importance of Not-For-Profit Representation within NYIFUP Model**

There is great value in having not-for-profits administer this representation. Many not-for-profits are accessible, known and trusted by the community, bringing peace of mind to family members going through an extremely stressful period. Staff at these not-for-profits know the community members well and are able to adequately explain the complexity of the situation so family members understand the process of removal proceedings and detention.

Additionally, immigration judges in New York City felt that non-profit removal-defense organizations, law school clinics and pro bono counsel provided significantly higher quality services than private attorneys. Currently, 91% of all immigrant representation is provided by private attorneys.

Overall, Hispanic Federation strongly encourages NYC Council to include a \$5.3 million appropriation for NYIFUP in the 2014-2015 budget to permit the program to continue. This budget would allow grantees of the NYIFUP to provide legal representation to 1,650 NYC residents who have cases at Varick Street and Elizabeth and Newark, New Jersey. The permanent implementation of NYIFUP would allow agencies to deliver quality services to those truly in need, keeping families together, ensuring due process and equal access to representation.