



**COMMITTEE ON
IMMIGRATION & NATIONALITY LAW**

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The Honorable Andrew M. Cuomo
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

Re: Follow up Letter in Support of Restoring Funding for Immigration Legal Services in Fiscal Year 2020-21 Budget

Dear Governor Cuomo,

In February of this year, the Immigration and Nationality Law Committee of the New York City Bar Association (City Bar), a 25,000-member organization founded in 1870, sent your office a letter asking that you restore and increase funding for immigration legal services in fiscal year 2020-21.¹ We were delighted to learn a few months after we sent our letter that the state had maintained funding for immigration legal services in the budget.

We are writing again now to express how deeply troubled we are to learn that payments for completed and ongoing work by these same legal services providers, as well as contracting to secure continued services in the coming year, is on hold. While we understand that the state is experiencing a fiscal crisis, placing these funds on hold puts in jeopardy the ability of legal services providers to represent their clients, and places the lives of immigrant New Yorkers at risk.

As a result, we feel compelled to highlight again the importance of state funding for immigration legal services, in particular for two programs that are at risk: the upstate New York Immigrant and Family Unity Project (NYIFUP) and all of the deportation defense services funded under the Liberty Defense Project (LDP).

As we stated in our February letter, for immigrant New Yorkers facing deportation, having an attorney can make the difference between staying in the state they know as home, or being

¹ See <https://www.nycbar.org/member-and-career-services/committees/reports-listing/reports/detail/support-for-restoring-and-increasing-funding-for-immigration-legal-services-letter-1>. The City Bar also sent a letter to your office on May 5, 2020 urging you to maintain, and not reduce, funding for the Office of Court Administration's Judiciary Civil Legal Services program, which funds legal services, pro bono programs including the City Bar Justice Center, and other programs addressing the unmet legal needs of disadvantaged populations statewide. See <https://s3.amazonaws.com/documents.nycbar.org/files/2020706-LetterLegalServicesFunding.pdf>.

separated from their family, community, and the life they have built here. Upstate NYIFUP in particular is the largest and most comprehensive LDP legal service program in the state. The program provides legal representation to every eligible, otherwise unrepresented immigrant facing deportation at the Batavia, Ulster, Downstate and Bedford Hills immigration courts. Since 2017, funding for upstate NYIFUP—which complements the City-funded NYIFUP program for those in proceedings at the Varick Street court—has made New York the first and only state in the nation to guarantee legal representation for every detained person facing deportation in a New York immigration court who is unable to afford an attorney. Thanks to New York’s leadership in establishing this program, people in detention in New York can count on an attorney standing with them through the complexities of a proceeding that can mean the difference between life and death. Furthermore, those who are represented are 3.5 times more likely to be released and up to 10 times more likely to be able to remain in the United States. This program is critical to bringing fairness and dignity to our clients, neighbors, friends and family members facing deportation.

Last year, upstate NYIFUP provided representation to over 1,000 people. However, the providers now face increased volume, exceptional challenges in court, and cases that last longer than they have before. This year, more than 1,400 people are expected to need representation through this program.

Now more than ever, it is vital that these programs remain funded. Immigrant New Yorkers are under constant threat of ICE enforcement and are being detained in deplorable conditions where they may be exposed to or even die of COVID-19. It is imperative that New York state stand strong in support of our immigrant communities that pay state taxes and contribute in so many ways to the fabric of our state’s society.

Immigration legal services providers across the state cannot survive without state funding. Without it, the staff of these organizations face lay-offs and the clients they represent will be left to the whims of the federal government—meaning ramped up detention and deportation—with no line of defense. We urge you not to allow that to happen.

To that end, we ask you to ensure payments for this critical, ongoing work and to confirm that the \$10 million allocated to LDP in the FY21 budget will be used to safeguard the rights of immigrants facing deportation by fully funding NYIFUP and the other LDP programs now and in the coming year.

During this moment of uncertainty for immigrant New Yorkers and their families, it is more critical than ever for New York State to step up and show unwavering support of immigrants. We celebrate the State’s track record in ensuring that immigrants have access to counsel and respectfully urge you to proceed with the allocated funding for immigration legal services.

Respectfully,



Victoria Neilson
Chair, Immigration & Nationality Law Committee

Cc: Hon. Jeffrey Dinowitz
Hon. Mike Gianaris
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