

## **Government Funded Representation for Immigrants in Removal Proceedings**

On July 19, 2013 the New York City Council allocated \$500,000 to provide legal representation for immigrants in removal proceedings. The project is a one-year pilot program called the New York Immigrant Family Unity Project (NYIFUP). Amy Connors, *A historic step in access to justice for immigrants facing deportation*, Vera Institute of Justice, 8/15/2013, available at: <http://www.vera.org/blog/historic-step-access-justice-immigrants-facing-deportation>. NYIFUP will provide free legal representation for indigent immigrants in removal proceedings at the Varick Street Immigration Court in New York City. *Id.* The Varick Street Immigration Court adjudicates about 1,050 removal proceedings a year where the respondents are detained. *Id.*

Without government funding for representation, most individuals in immigration detention have no access to legal services. The consequence—deportation—is severe, often meaning leaving behind a family, friends, and a life built over many years. Currently nonprofits provide the only access indigent detainees have to legal services. The nonprofits in place do not have the resources to help more than a small percentage of detainees. The Florence Immigrant and Refugee Rights Project estimates that 86 percent of detainees appear alone in their immigration court hearings. Available at: <http://www.firrp.org>. Honorable Robert Katzmann, a Second Circuit Court of Appeals Judge, put forth two lengthy reports to support government funded counsel in removal proceedings: *Accessing Justice* and *Accessing Justice II*. Mark Noferi, *Perspectives: The First Immigration Public Defender System: New York City 2013*, New York Law School: Law at the Margins, 8/1/2013. Hon. Katzmann's reports found that 97 percent of non-represented detainees lost their deportation cases, while 74 percent of non-detained, represented non-citizens ultimately succeeded.

Supporters of free legal representation in removal proceedings believe that the program will be cost effective for the government in three ways: “(1) preventing unnecessary court proceedings (2) reducing the amount of time non-citizens spend in detention, and (3) relieving the burden of government support to disrupted families.” Letter to the Senate Judiciary Committee from the New York City Bar Committee on Immigration and Nationality Law, 4/23/2013, available at: <http://www2.nycbar.org/pdf/report/uploads/20072470-SupportofRighttoCounselbill.pdf>.

Vera Institute of Justice, a nonprofit policy center, will administer the program. *Id.* Vera estimates that it will cost between \$3,000 and \$4,000 per case to provide free representation. *Id.* To fund the detention of undocumented immigrants in 2014, the Department of Homeland Security asked for a budget of \$2 million. National Immigration Forum, *The Math of Immigration Detention: Runaway Costs for Immigration Detention Do Not Add Up to Sensible Policies*, August, 2013. The budget will likely exceed \$2 million and allow for 34,000 daily detention beds costing the government \$5.6 million per day on immigration detention. *Id.* If the project is successful, the cost of providing representation should reduce the amounts necessary to keep people in detention, resulting in overall savings to the government.

*Amanda Schuft*

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*University of Oregon*

