



TESTIMONY OF:

BROOKLYN DEFENDER SERVICES

Presented before

The New York City Council

**Oversight Hearing – How Does NYC Support
Immigrant Parents of Children Ages 0-5 Years?**

April 24, 2018

Brooklyn Defender Services (BDS) is a full-service public defender office in Brooklyn, representing nearly 35,000 low-income New Yorkers each year who are arrested, charged with abuse or neglect of their children or face deportation. Since 2009, BDS has counseled, advised or represented more than 10,000 non-citizen clients on immigration-related matters.

New York City is the nation's leader in supporting immigrant communities, in large part because of the advocacy and funding provided by the City Council. Today we highlight three programs that receive City funding: the New York Immigrant Family Unity Project (NYIFUP), the Immigrant Opportunities Initiative (IOI), and Padilla advice in criminal and family cases. We urge the Council to continue funding these initiatives that are so critical to ensuring that parents of young children obtain the immigration legal advice that they need so that they can remain in their home and their communities.

NYIFUP is the nation's first public defender system for detained immigrants facing deportation. The project's primary stated goal is to preserve the unity of families. The data we obtained over the first four years of the program show that the program has indeed done just that. Since the program's inception, NYIFUP has represented more than 800 parents with over 1,800 children –

the vast majority of whom are children with legal status, primarily U.S. citizenship.¹ The VERA report includes numerous narratives of parents of young children that show the value of NYIFUP to immigrant families.

IOI provides critical funding for affordable immigration legal services, adult English classes, and worker services for low-income and immigrant New Yorkers. BDS relies on IOI funding to provide community education, legal screening, advice and full representation to low-income Brooklyn immigrant youth and adults borough wide. These services are provided in their pursuit of: affirmative immigration benefits such as citizenship, lawful permanent residence, asylum, Special Immigrant Juvenile Status, special trafficking and victims' visas, VAWA relief, TPS, and DACA, and in their defense against deportation in non-detained deportation proceedings. Similar to the NYIFUP program, IOI funding supports individuals in their efforts to legalize their status or to naturalize, which has the derivative effect of helping all family members.

Public defender offices also provide Padilla advice to non-citizen clients about the immigration consequences of criminal convictions and family court involvement. This advice is critical to help families avoid unnecessary consequences and to access high-quality immigration services. We serve people with criminal justice and/or family court involvement who may otherwise not qualify for free immigration legal services at traditional providers.

Finally, on April 25, 2018, Governor Cuomo issued an Executive Order on State Policy Concerning Immigrant Access to State Services and Buildings and announced that he is pushing for rapid response crews who will respond to the scene of an ICE arrest as soon as possible, where legal counsel will be provided for those arrested.² We urge the City Council to consider funding a similar program in the city, or to work with the Governor and his staff on the statewide implementation of immigration rapid response crews, to ensure that people arrested by ICE have legal counsel as soon as is feasible to help protect their rights.

For all of these reasons, along with the numerous client stories and examples cited in our budget testimony before this committee on March 26, 2018,³ we ask that you continue to support these invaluable programs.

Questions? Contact Andrea Nieves, Senior Policy Attorney, at anieves@bds.org or 718-254-0700 ext. 387.

¹ VERA Institute of Justice, *Evaluation of the New York Immigrant Family Unity Project: Assessing the Impact of Legal Representation on Family and Community Unity* (November 2017), available at <https://www.vera.org/publications/new-york-immigrant-family-unity-project-evaluation>.

² Henry Rosodd & Kristine Garcia, *Cuomo unveils plans to fight aggressive ICE raids*, pix11, April 25, 2018, available at <http://pix11.com/2018/04/25/cuomo-unveils-plans-to-fight-aggressive-ice-raids/>.

³ Brooklyn Defender Services, *Testimony of Nyasa Hickey, NYC Council Budget Hearing on Immigration*, March 26, 2018, available at <http://bds.org/wp-content/uploads/2018.03.26-BDS-budget-testimony-on-immigration-draft-Submitted.pdf>.