



NEW YORK IMMIGRANT FAMILY UNITY PROJECT

May 9, 2017

Mayor Bill de Blasio
City Hall
New York NY 10007

Re: Universal Representation and the New York Immigrant Family Unity Project

Dear Mayor de Blasio:

We the undersigned organizations urge you to preserve universal representation for detained New Yorkers through the New York Immigrant Family Unity Project (NYIFUP). We applaud your inclusion of \$16 million in the Executive Budget for legal aid for immigrants, which will provide desperately needed support to members of our community who are living in fear of becoming the next targets of President Trump's mass deportation agenda. We thank you for this important show of solidarity. Shortly after that announcement, however, you and members of your administration made public remarks expressing your intention to stop providing deportation defense services to New Yorkers who have certain criminal convictions. As community based organizations that advocate for justice and equity in New York City, we are writing to share our grave concern at this potential change to the way NYIFUP has always operated, and to call upon you to stand up for due process and equal protection for *all* people.

Funded for the last four years by the City Council, NYIFUP is the nation's first universal representation program for detained immigrants facing deportation. NYIFUP provides a critically important guarantee to all New Yorkers: it ensures that no New York family can have a loved one locked up and deported simply because they cannot afford an attorney. NYIFUP helps to fill a gap created by a defect in our federal immigration system, which does not provide the same constitutional protections as our criminal justice system, including the right to appointed counsel, even though the Supreme Court has recognized that "deportation is an integral part—indeed, sometimes the most important part—of the penalty that may be imposed on noncitizen defendants who plead guilty to specified crimes."¹

For detained immigrants, having a lawyer is the only way to ensure any realistic chance of a fair hearing and of preventing deportation. A pre-NYIFUP study in 2011 showed that it was nearly impossible for unrepresented detained immigrants in New York City to prevail in their deportation proceedings. During the past four years, NYIFUP has provided representation to over 2000 indigent immigrants, and has experienced remarkable success in securing clients' release from detention and in preventing improper deportations. Many of the individuals whose cases NYIFUP won would not have been eligible for representation through the program if the exclusions you have proposed had been in place.

¹ *Padilla v. Kentucky*, 559 U.S. 356, 364 (2010).

It is not, and never has been, the position of the City of New York that people with any type of criminal convictions should be subject to mandatory deportation, be deprived of basic due process, and not be given the opportunity for an individualized assessment of their right to remain in the United States. Every immigrant should have the chance to present extenuating circumstances to the court and have humane advice regarding their options. Attorneys also help our members and clients in making arrangements for loved ones who cannot avoid deportation as well, an important service that keeps the immigrant community strong and engaged with New York City.

In our experience, we also find that many people with a conviction plead guilty because they were unable to afford to post bail and may not have committed the crime they were charged with or any crime at all. To have these same people be deprived of a lawyer to review the circumstances of their conviction seems doubly punitive to poor people and people of color, which is the client base we work with on a daily basis. Furthermore, many people have old convictions and have been completely rehabilitated. Those people are eligible for immigration relief and need an attorney to mount a defense for them. We work closely with NYIFUP providers to obtain documents and help families facing these devastating circumstances. We will be very disappointed if the Mayor's office withholds these essential services for our constituents.

There is no other arena of American law where we lock people up and make them litigate for their liberty against trained government lawyers without the assistance of counsel. City Council Speaker Mark-Viverito has recognized that "this is about due process" and we stand with her in calling on you to continue the program "as is with no alterations." Until last week, New York City was the one place in the country where nobody had to fear that injustice. The promise that no New York family will have a loved one locked up and deported simply because they cannot afford a lawyer is one New Yorkers have come to count on. To go back on that promise now, when immigrant communities are under siege as never before, would be a terrible mistake.

Sincerely,

AFRICAN SERVICES COMMITTEE
ATLAS DIY
AMERICAN FRIENDS SERVICE COMMITTEE
ASIAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND
BLACK ALLIANCE FOR JUST IMMIGRATION
THE BLACK INSTITUTE
THE BRONX DEFENDERS
BRONX FREEDOM FUND
BROOKLYN COMMUNITY BAIL FUND
BROOKLYN DEFENDER SERVICES
BROOKLYN BAR ASSOCIATION VOLUNTEER LAWYERS PROJECT
CAAAY ORGANIZING ASIAN COMMUNITIES
CASA: NEW SETTLEMENT
CATHOLIC MIGRATION SERVICES
CENTER FOR COMMUNITY ALTERNATIVES, INC.
CENTER FOR FAMILY LIFE
THE CENTER FOR LAW AND JUSTICE
CENTER FOR POPULAR DEMOCRACY
CENTRAL AMERICAN LEGAL ASSISTANCE
CHHAYA CDC

COALITION FOR ASIAN AMERICAN CHILDREN AND FAMILIES (CACF)
COALITION FOR THE HOMELESS
THE COALITION TO END BROKEN WINDOWS
COLUMBIA LAW SCHOOL IMMIGRANTS' RIGHTS CLINIC
COMMUNITY SERVICE SOCIETY OF NEW YORK
COMPREHENSIVE DEVELOPMENT, INC.
CRITICAL RESISTANCE NYC
CUNY LAW SCHOOL IMMIGRANT AND NON-CITIZEN RIGHTS CLINIC
DC37
DESI RISING UP AND MOVING (DRUM)
DRUG POLICY ALLIANCE
EL GRITO DE SUNSET PARK
ENLACE
EQUALITY FOR FLATBUSH – BROOKLYN ANTI-GENTRIFICATION NETWORK
FAMILIES FOR FREEDOM
FAITH IN NEW YORK
FEDERAL DEFENDERS OF NEW YORK, INC.
FEDERATION OF PROTESTANT WELFARE AGENCIES
FEERICK CENTER FOR SOCIAL JUSTICE AT FORDHAM LAW SCHOOL
THE FORTUNE SOCIETY
GMHC
GREENBURGER CENTER FOR SOCIAL AND CRIMINAL JUSTICE
HAITIAN WOMEN FOR HAITIAN REFUGEES
HER JUSTICE
HISPANIC FEDERATION
HOFSTRA LAW SCHOOL ASYLUM CLINIC
HOUSING CONSERVATION COORDINATORS
ICARE COALITION
ICE-FREE NYC
IMMIGRANT DEFENSE PROJECT
IMMIGRANT JUSTICE CORPS
IMMIGRATION EQUALITY
IMMIGRANT MOVEMENT INTERNATIONAL CORONA
IMMIGRANT RIGHTS' CLINIC AT WASHINGTON SQUARE LEGAL SERVICES
INTERFAITH ASSEMBLY ON HOMELESSNESS AND HOUSING
JUSTLEADERSHIP USA
KATAL CENTER FOR HEALTH, EQUITY & JUSTICE
KATHRYN O. GREENBERG IMMIGRATION JUSTICE CLINIC AT CARDOZO SCHOOL OF LAW
KIND, INC. (KIDS IN NEED OF DEFENSE)
LATINOJUSTICE PRLDEF
THE LEGAL AID SOCIETY
LEGAL ACTION CENTER
LEGAL SERVICES STAFF ASSOCIATION, UAW/NOLSW 2320
LENOX HILL NEIGHBORHOOD HOUSE
LPS GROUP / LIFE PROGRESSIVE SERVICES GROUP, INC.
MAKE THE ROAD NEW YORK
MASA
MEKONG NYC
MFY LEGAL SERVICES
NATIONAL ASSOCIATION OF SOCIAL WORKERS - NYC
NATIONAL LAWYERS GUILD - NYC
NEIGHBORHOOD DEFENDER SERVICE OF HARLEM
NEW SANCTUARY COALITION

NEW YORK CAMPAIGN FOR ALTERNATIVES TO ISOLATED CONFINEMENT
NEW YORK CIVIL LIBERTIES UNION
NEW YORK CITY DEMOCRATIC SOCIALISTS OF AMERICA
NEW YORK COMMUNITIES FOR CHANGE
NEW YORK COUNTY DEFENDER SERVICES
NEW YORK IMMIGRATION COALITION
NEW YORK LAW SCHOOL SAFE PASSAGE PROJECT CLINIC
NEW YORK LAWYERS FOR THE PUBLIC INTEREST
NEW YORK STATE YOUTH LEADERSHIP COUNCIL
NORTHERN MANHATTAN COALITION FOR IMMIGRANT RIGHTS
NORTHERN MANHATTAN IMPROVEMENT CORPORATION
PRISONER REENTRY INSTITUTE AT JOHN JAY COLLEGE
QUEENS LAW ASSOCIATES
QUEER DETAINEE EMPOWERMENT PROJECT
ROCKLAND IMMIGRATION COALITION
SAFE PASSAGE PROJECT CORPORATION
SEIU LOCAL 32Bj
SYLVIA RIVERA LAW PROJECT
TAXI DRIVERS ALLIANCE
TENANTS AND NEIGHBORS
UAW LOCAL 1981, NATIONAL WRITERS GUILD
UAW LOCAL 2325, ASSOCIATION OF LEGAL AID ATTORNEYS
UAW LOCAL 259
UNITED AUTO WORKERS REGION 9A
UNLOCAL
(UHAB) URBAN HOMESTEADING ASSISTANCE BOARD
URBAN JUSTICE CENTER
VOCAL
WORKING FAMILIES PARTY
YOUTH REPRESENT
5 BOROUGH DEFENDERS