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**TESTIMONY OF:**

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**Immigrant Community Action Project**

**BROOKLYN DEFENDER SERVICES**

**Testimony before New York City Council**

**Committee on Immigration**

**Oversight Hearing on Legal Services for Immigrant New  
Yorkers**

**October 28, 2025**

My name is Shawn Blumberg, and I am Associate Director of the Immigration Community Action Project (ICAP) at Brooklyn Defender Services. Brooklyn Defender Services (BDS) is a public defense office whose mission is to provide outstanding representation and advocacy free of cost to people facing loss of freedom, family separation and other serious legal harms by the government. We are grateful to the Committee on Immigration and Chair Avilés for the ongoing commitment to providing legal services to immigrant New Yorkers.

For nearly 30 years, BDS has worked, in and out of court, to protect and uphold the rights of individuals and to change laws and systems that perpetuate injustice and inequality. After 29 years of serving Brooklyn, we expanded our criminal defense services in Queens. We are proud to bring the same dedication and excellence to Queens. Our staff consists of specialized attorneys, social workers, investigators, paralegals, and administrative staff who are experts in their individual fields. BDS also provides a wide range of additional services for the people we represent by providing civil legal advocacy, assistance with educational issues, housing and public benefits advocacy.

BDS' Immigration Practice protects the rights of immigrant New Yorkers by defending against Immigration and Customs Enforcement (ICE) detention and deportation, minimizing the negative immigration consequences of criminal and family charges for non-citizens, and representing immigrants in applications for immigration benefits. We represent people who are applying for immigration relief before U.S. Citizenship and Immigration Services (USCIS) and

in removal proceedings in New York's immigration courts. Our *Padilla* team attorneys are criminal-immigration specialists who provide support and expertise on thousands of cases, including advocacy regarding enforcement of New York City's detainer law, individualized immigration screenings, and legal consults. Along with the Bronx Defenders and The Legal Aid Society, BDS' New York Immigrant Family Unity Project (NYIFUP) team, the nation's first-ever publicly universal representation program for detained immigrants facing deportation, specializes in representing people who are detained while they await their deportation hearing. We also provide continued representation on immigration matters to our previously detained immigrant clients after securing their release from ICE custody.

## **Current Climate**

The gravity of the situation for immigrants in New York City is almost beyond comprehension. Our neighbors are being snatched off the street by masked, plainclothes ICE agents, teenagers are being detained at the very courthouses they are visiting to do the right thing as part of our legal system, and due process is dangerously becoming a thing of the past. Just last week, we witnessed dozens of federal law enforcement descend on a streetcorner in Chinatown, steps from a state courthouse, and arrest street vendors. It is impossible to overstate the degree to which anxiety and terror have overcome the diverse communities where we live and work. Once bustling neighborhoods, parks, and playgrounds are eerily quiet. Our non-citizen family members, colleagues, clients, and neighbors are terrified of being violently arrested at court appearances, when dropping their kids at school, going to work, or grocery shopping. We are also hearing from citizens, permanent residents, and visa-holders who fear being swept up in raids, separated from their families, or harassed or taken by immigration enforcement agents.

The current need for expanded immigration legal services and legal education is enormous. Our office has experienced an increase in phone calls, emails, and walk-ins from community members who are terrified and seeking help. This is in addition to the hundreds of internal referrals from our family and criminal defense practices of existing clients and their families who are seeking immigration advice or representation. With our current level of funding and staffing, we have had to triage and provide advice and referrals in some cases and have been unable to provide the level of service our clients need in all cases. More funding would allow us to provide full representation in more cases.

## **Need for Expanded Immigration Legal Services**

BDS is grateful to the Council for its investment in immigration legal services and for increasing available support at a time when New Yorkers need it most. Your commitment to sustaining programs like NYIFUP and Immigrant Opportunity Initiative (IOI) have a meaningful impact on our city's immigrant communities. Expanded funding for NYIFUP in the FY26 budget is a lifeline for those who have been detained and facing deportation. We also appreciate the new funding allocation for the School-Based Immigrant Rapid Response Legal Access initiative; we are excited to partner with DOE and Project Open Arms to work with immigrant families and their school-age children in need of immigration legal assistance and support.

The city has allocated an additional \$50 million to expand immigration legal services in the FY26 budget.<sup>1</sup> Based on our experience, and the hundreds of calls we have received for assistance, we see several gaps in services that the city can take steps to fund with this additional money. As the city determines where to invest additional funds for immigration legal services, we encourage you to fund services that are as flexible and agile as possible to respond to the changing needs among immigrant New Yorkers. The stakes in immigration cases have never been higher. Most immigration cases have become complex in that more immigrants today are facing the risk of deportation. Legal services for individuals must be coupled with investments in legal education to reach as many people as possible. It's critical that all New Yorkers, regardless of their immigration status, know their rights and the rights of their loved ones and community members.

The risks encountered by non-citizens seeking relief affirmatively before USCIS or in court have never been higher. It used to be relatively rare that people checking in with ICE in a wide variety of legal postures were detained. Now it is commonplace and happens even to people who have some forms of immigration relief granted or who otherwise would recently have been considered very low risk. People simply trying to appear in person in their own removal proceedings are detained constantly by ICE agents waiting in the hallways of 26 Federal Plaza. USCIS has new enforcement authority and a policy of placing as many non-citizens in removal proceedings as it can. Also, the risk of detention at what previously would have been low risk USCIS interviews has dramatically increased.

As a result of this hyper enforcement, we not only have more cases but often need to begin our representation much earlier. Asking for continuances *pro se* in immigration court is no longer straightforward or risk free for clients simply trying to follow the designated process. We need to do complicated screening and risk analyses at every stage of every encounter with Executive Office for Immigration Review (EOIR), USCIS, or ICE. For example, people with removal orders must make impossible decisions about whether to apply for relief for which they're eligible, with the hope of reopening their removal proceedings, knowing they could well be detained at their USCIS interviews. Immigrants with any arrest history, even without criminal convictions, face unprecedented risks of being placed in removal proceedings and/or detained as a result of applying for relief. People filing asylum applications in court must now submit more information earlier in their proceedings as judges are empowered and encouraged to pretermite, or summarily deny, their asylum applications without a hearing. Even applicants who overcome these additional barriers and heightened risk face additional financial burdens, and we are already seeing many clients who are unable to afford the \$100 annual fee to keep their asylum claim active.

## **Expand Full Legal Representation for Those at High Risk of Detention**

Full representation is a critical tool to protect New Yorkers at high risk of detention. BDS specializes in working with people who have complex immigration cases, including criminal legal or family court system involvement. BDS' Immigrant Community Action Project (ICAP)

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<sup>1</sup> New York City Council, New York City Council Votes to Adopt the Fiscal Year 2026 Budget, June 30, 2025, <https://council.nyc.gov/press/2025/06/30/2916/>

serves as first responders providing essential immigration legal support to New York immigrant communities in complex immigration matters in a rapidly changing legal landscape. Drawing upon the expertise of BDS' criminal, family, and civil legal practice areas, ICAP staff are uniquely qualified to represent immigrants that find themselves at the intersection of immigration, criminal, family court, and other legal systems. ICAP staff represent people in non-detained removal proceedings and assist with applications for immigration benefits, including asylum, U & T visas, Special Immigrant Juvenile Status (SIJ), and DACA renewals. BDS has the resources and expertise to provide a full range of full representation services necessary to ensure zealous representation in these matters, including preparing and filing agency and court forms, drafting and filing complaints, motions, and other briefs in courts and with administrative agencies, and representing their clients in hearings and trials on these issues.

We are experiencing an influx of new referrals from our criminal and family defense practices and, due to funding and staffing restraints, are not able to represent every client in need. Many affirmative immigration applications used to be considered straightforward, based on the evidence submitted with the application. Now, requests for evidence are more frequent, invasive, and time consuming. Due to the complex nature of the cases we work on, the people BDS represents are often at heightened risk for arrest by ICE. Further, as delays in USCIS processing immigration applications continue, immigrants with pending applications are left more vulnerable to ICE arrest and deportation.

Given BDS' depth of knowledge and experience, as well as our presence in Queens and Brooklyn, two of the most diverse boroughs in New York, we are a trusted resource in the community. With additional funding, we could efficiently hire and onboard immigration attorneys, DOJ accredited representatives, and social workers to meet the growing demand for immigration representation.

## **Invest in Existing Immigration Service Organizations**

The existing immigration legal service providers in New York City are among the best in the nation. Our staff are all working at and over-capacity. Most organizations have month long wait lists to speak to an attorney. The range of legal assistance sought is wide: legal permanent residents and members of mixed status families are seeking to apply for citizenship; New Yorkers who received assistance to file *pro se* applications for asylum or other legal relief are being schedule for hearing dates in immigration court and need an attorney for full representation; naturalized citizens hearing misinformation from the media and federal officials are seeking advice.

Due to federal funding cuts, we have seen partner organizations in the city reduce their staffing. This has resulted in longer waiting lists for services across the city and reduced capacity for all sorts of organizations. We see complex applications coming through our internal referral system, but we do not have enough internal capacity to take on all of the additional cases while meeting the needs of our existing clients. While we seek to provide robust, brief advice and warm handoffs to partners, the capacity to accept new immigration clients across the city has reduced. More resources are needed to increase our capacity to provide immigration representation to the

people and families who are already represented by our other practice areas and seeking immigration support.

As a provider of legal services for the low-income New Yorkers, we often meet our clients when they are in crisis and facing financial and emotional hardship. Many of the non-citizens we represent have personal histories of complex trauma, both in the United States and before they arrived in this country. Many have been exposed to violence and persecution in their home country before experiencing criminalization, detention and prosecution in the United States. Others, vulnerable upon arrival in this country, have faced abuse in the United States before suffering in detention. For even the most resilient, these experiences are traumatizing and dehumanizing. In detention, people struggle to access even the most basic mental health services, medication, and counseling. For those living with severe mental illness, these experiences may cause re-traumatization and exacerbate mental health concerns.

Our interdisciplinary immigration team of attorneys, social workers, and support staff works diligently to help our clients navigate healthcare systems, access competent providers, and receive the treatment they need and deserve. As immigration cases pend for years and years, our staff remains available to support the people we represent in accessing benefits, services, and care. It is critical that funding for immigration legal services is flexible enough to support the many additional supportive services that organizations like BDS provide.

Investing in existing legal service organizations like Brooklyn Defenders—which has the experience, expertise, structures, and supervisors to onboard and expand staffing—is the quickest way for the city to expand access to critical legal services.

## **Expanding Access to Legal Information in Communities from Trusted Resources**

NYC should continue to support and fund efforts directed at educating immigrant communities to understand their rights. Community education campaigns can be a powerful tool in combating fearmongering targeted at immigrant communities.

By providing accurate information about existing laws and individual's rights, public education efforts can help to counter misinformation. When individuals are educated about available legal protections and know their rights, they are less likely to succumb to fear and are more likely to feel prepared for an emergency.

BDS has the institutional knowledge and training materials to provide critically needed legal information to the communities we serve. BDS uses a combination of community-based outreach to service providers, partnerships with elected officials' constituent service teams, and a know-your-rights website, events and media campaigns to invite community participation in our services. With additional funding and capacity, we can provide targeted information to trusted community members—teachers, medical clinics, social workers, librarians—who are getting questions from the community members they serve. Additionally, our We Have Rights ([www.wehaverights.us](http://www.wehaverights.us)), our free immigrant empowerment video campaign is available online in eight languages.

## Conclusion

Brooklyn Defenders is grateful to the Council for its continued leadership and support for immigrant New Yorkers. We are proud to be a trusted resource in the communities we serve. Unfortunately, at our current funding and staffing levels, we are unable to meet the demand for our immigration services. With additional funding to meet this demand, we are confident in our ability to quickly scale up to meet the urgent need.

If you have any questions about our testimony, please contact Anya Mukarji-Connolly, Managing Director of Policy & Advocacy at [amukarjiconnolly@bds.org](mailto:amukarjiconnolly@bds.org).