

April 22, 2024

The Honorable Patty Murray
Chair, Committee on Appropriations
United States Senate
S-128, The Capitol
Washington, DC 20510

The Honorable Susan Collins
Vice Chair, Committee on Appropriations
United States Senate
S-146A, The Capitol
Washington, D.C. 20510

The Honorable Kay Granger
Chairwoman, Committee on Appropriations
United States House of Representatives
H-307, The Capitol
Washington, DC 20515

The Honorable Rosa DeLauro
Ranking Member, Committee on Appropriations
United States House of Representatives
1036 Longworth House Office Building Washington,
DC 20515

**SUBJECT: REQUEST FOR FUNDING FOR LEGAL REPRESENTATION AND DUE
PROCESS PROTECTIONS FOR INDIVIDUALS FACING DEPORTATION**

We are writing on behalf of the National Partnership for New Americans (NPNA), the Vera Institute of Justice, and 109 of the nation's leading immigrant and civil rights organizations, to request your support for funding to protect the due process rights of all people facing deportation by enhancing access to legal representation. We urge the Appropriations Committee to allocate funds to address critical gaps in legal representation for noncitizens in removal proceedings in the Fiscal Year 2025 appropriations funding bill.

There is no right to a government-provided attorney in immigration court. People who appear in immigration court must pay for an attorney or go without representation while navigating complex rules and regulations against well-trained U.S. government attorneys, often in a language they do not understand. Despite the critical role of legal counsel, 63 percent of all people appearing in immigration court are unrepresented by counsel, and a staggering 83 percent of detained people face proceedings without counsel.¹ Such unfair barriers create serious

¹ Executive Office for Immigration Review (EOIR), "EOIR Case Data (February 2024)," database (Falls Church, VA: Executive Office for Immigration Review), <https://www.justice.gov/eoir/foia-library-o>.

due process concerns – which are even more alarming given that many deportation cases involve life or death consequences.

Representation helps keep families and communities together. Extensive research consistently underscores the importance of legal representation, showing that immigrants with legal representation are more adept at defending against deportation and securing legal relief. Studies have revealed that immigrants represented by legal counsel are five times more likely to obtain legal relief, while detained individuals are up to 10.5 times more likely to achieve a favorable outcome with legal representation.² In fact, only 10 percent of people without representation in deportation proceedings initiated since 2001 have had successful case outcomes, compared to 63 percent of people with representation.³ With the current immigration court backlog exceeding 3.4 million cases, legal representation is critical to keeping families and communities together by ensuring that everyone has a meaningful chance to defend themselves against deportation and its devastating consequences.⁴

Representation supports economic prosperity. Keeping workers and business owners on the job and keeping families and communities together helps the economy. As the nation faces a labor shortage and employers across industries nationwide report challenges with hiring, the Congressional Budget Office confirms that immigration supports economic growth.⁵ There are 3.3 million immigrant entrepreneurs nationwide, and immigrant-led households have an estimated spending power of \$1.3 trillion.⁶ In New York State alone, a recent report shows that providing access to attorneys for all immigrants facing deportation proceedings in the state would likely result in an additional [53,000 New Yorkers](#) being able to remain in their communities, resulting in an estimated net benefit of at least \$8.4 billion for the federal, state, and local governments.⁷ By enabling more people to remain in their communities, with their families, and on the job, access to legal representation is critical to a strong economy.

Funding for representation is urgently needed. The President’s FY 2024 Budget requested \$150 million to facilitate access to representation for adults and families in immigration proceedings, recognizing the need to improve fairness, equity, and efficiency in

² Ingrid V. Eagly & Steven Shafer, “A National Study of Access to Counsel in Immigration Court,” *University of Pennsylvania Law Review* 164, no. 1 (2015), 9, https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=9502&context=penn_law_review.

³ Transactional Records Access Clearinghouse (TRAC), “New Proceedings Filed in Immigration Court,” April 2024, <https://trac.syr.edu/phptools/immigration/ntanew/>. These numbers were pulled from TRAC’s website by first clicking on “Deportation Cases” as the “Case Group”. The rate of successful outcomes by representation status is determined by first filtering by “Represented” status and then calculating the sum of the outcomes “Grant Relief”, “Terminate Proceedings”, “Other Closure”, and “Pros. Discretion” divided by the “All” outcomes minus “Pending” and “No NTA Filed” outcomes. The data is updated as of February 2024.

⁴ *Ibid.*

⁵ Stephanie Ferguson, “Understanding America’s Labor Shortage,” U.S. Chamber of Commerce, February 13, 2024, <https://www.uschamber.com/workforce/understanding-americas-labor-shortage>; and Congressional Budget Office (CBO), *The Budget and Economic Outlook: 2024 to 2034* (Washington, DC: CBO, 2024), <https://www.cbo.gov/publication/59946>.

⁶ Vera Institute of Justice, *Profile of the Foreign-Born Population in the United States* (New York: Vera, 2023), <https://www.vera.org/downloads/publications/profile-of-foreign-born-population-united-states.pdf>.

⁷ New York City Comptroller Brad Lander, *Economic Benefits of Immigration Legal Services* (New York: Office of the Comptroller, 2024), <https://comptroller.nyc.gov/reports/economic-benefits-of-immigration-legal-services>.

case processing.⁸ However, the President's FY 2025 budget proposal does not allocate funds to the Department of Justice (DOJ) to improve access to representation. With no funding for adult legal representation in the final FY 2024 Appropriations bill or the President's FY 2025 budget request, the need for legal representation funding in FY 2025 appropriations is critical.

Our organizations strongly urge Congress to allocate \$400 million in the FY 2025 funding bill to DOJ to increase legal representation for noncitizens in removal proceedings. This funding should include \$50 million to invest in building urgently needed legal services infrastructure, including resources for staffing, training, and retention, enabling states, local governments, and community organizations to meet the growing demand for immigration legal representation. This allocation is a necessary step in building a strong foundation to ensure that all people facing deportation and its devastating consequences have access to legal representation and a fighting chance to stay rooted in their jobs, families, and communities.

For questions, please reach out to Ramya Reddy, federal policy manager at the National Partnership for New Americans, at ramya@partnershipfornewamericans.org and Mike Corradini, associate director for universal representation policy at the Vera Institute of Justice, at mcorradini@vera.org.

Sincerely,

National

Acacia Center for Justice
Advocating Opportunity
Afghans For A Better Tomorrow
African Communities Together
Alianza Americas
American Friends Service Committee (AFSC)
American Immigration Lawyers Association
Asian Americans Advancing Justice | AAJC
ASISTA Immigration Assistance
Black Alliance for Just Immigration
Border Butterflies
Borderlands Resource Initiative
CASA
Center for Gender & Refugee Studies
Center for Popular Democracy (CPD)
Center for Victims of Torture
Church World Service
Coalition for Humane Immigrant Rights (CHIRLA)
Coalition on Human Needs

⁸ Office of Management and Budget (OMB), *Budget of the U.S. Government: Fiscal Year 2024* (Washington, DC: OMB, 2023), https://www.whitehouse.gov/wp-content/uploads/2023/03/budget_fy2024.pdf.

Communities United for Status & Protection (CUSP)
End SIJS Backlog Coalition
Franciscan Action Network
Freedom Network USA
Friends Committee on National Legislation
Haitian Birdge Alliance
HIAS
Human Rights First
Immigrants Rising
Immigration Equality
Immigration Hub
International Refugee Assistance Project (IRAP)
International Rescue Committee
Justice in Motion
Kids in Need of Defense
Latin America Working Group
Multifaith Alliance
National Coalition for a Civil Right to Counsel
National Employment Law Project
National Immigrant Justice Center
National Immigration Law Center (NILC)
National Immigration Project
National Korean American Service & Education Consortium (NAKASEC)
National Network for Immigrant and Refugee Rights (NNIRR)
NETWORK Lobby for Catholic Social Justice
Nicaraguan American Legal Defense and Education Fund
Oxfam America
Refugees International
Save the Children
T'ruah: The Rabbinic Call for Human Rights
The Advocates for Human Rights
The Campaign for Hong Kong
TPS-DED AAC
U.S. Committee for Refugees and Immigrants (USCRI)
UnidosUS
Union for Reform Judaism
United We Dream Network
Venezuelan American Caucus

State and Local

ACLU People Power Fairfax
American Gateways
Americans for Immigrant Justice

Ayuda
Brooklyn Defender Services
California Immigrant Policy Center (CIPC)
Capital Area Immigrants' Rights Coalition
Casa San Jose
Central American Resource Center - CARECEN- of California
Central American Resource Center of Northern CA - CARECEN SF
Centro Legal de la Raza
City of Santa Ana, CA
Coalition to Abolish Slavery and Trafficking
Colorado Immigrant Rights Coalition
Community Immigration Law Center
Connecticut Institute for Refugees and Immigrants
Esperanza Immigrant Rights Project
Estrella del Paso (Formerly Diocesan Migrant and Refugee Services Inc)
FAITH IN TEXAS
Florence Immigrant & Refugee Rights Project
Florida Immigrant Coalition
Florida Legal Services, Inc.
Food Justice DMV
GALEO Impact Fund
Global Cleveland
HIAS Pennsylvania
Immigrant ARC
Immigrant Children Advocates' Relief Effort (ICARE)
Immigrant Defenders Law Center
Immigrant Legal Advocacy Project
Immigrant Legal Defense
Just Neighbors
Justice At Last, Inc.
LACBA's Immigration Section, Exec. Com Member
Maine Immigrants' Rights Coalition
Make the Road Nevada
Make the Road New York
Make the Road Pennsylvania
Massachusetts Immigrant and Refugee Advocacy Coalition
Mountain Dreamers
New Jersey Alliance for Immigrant Justice
New York Immigration Coalition
Ohio Immigrant Alliance
Pennsylvania Immigrant and Citizenship Coalition
Promise Arizona
Public Counsel
Rocky Mountain Immigrant Advocacy Network
Services, Immigrant Rights and Education Network (SIREN)

Tennessee Immigrant & Refugee Rights Coalition
The Resurrection Project
Utah Health & Human Rights
Wind of the Spirit Immigrant Resource Center

Local Governments and Elected Officials

City of Santa Ana, CA
City Clerk, North Miami, Florida
Seattle Office of Immigrant and Refugee Affairs
Mayor's Office of Immigrant, Migrant, and Refugee Rights, Chicago, IL
Salt Lake City Mayor, Erin Mendenhall
Mayor's Office, Denver, Colorado
Mayor's Office of Human Rights & Equity, New Orleans, LA