

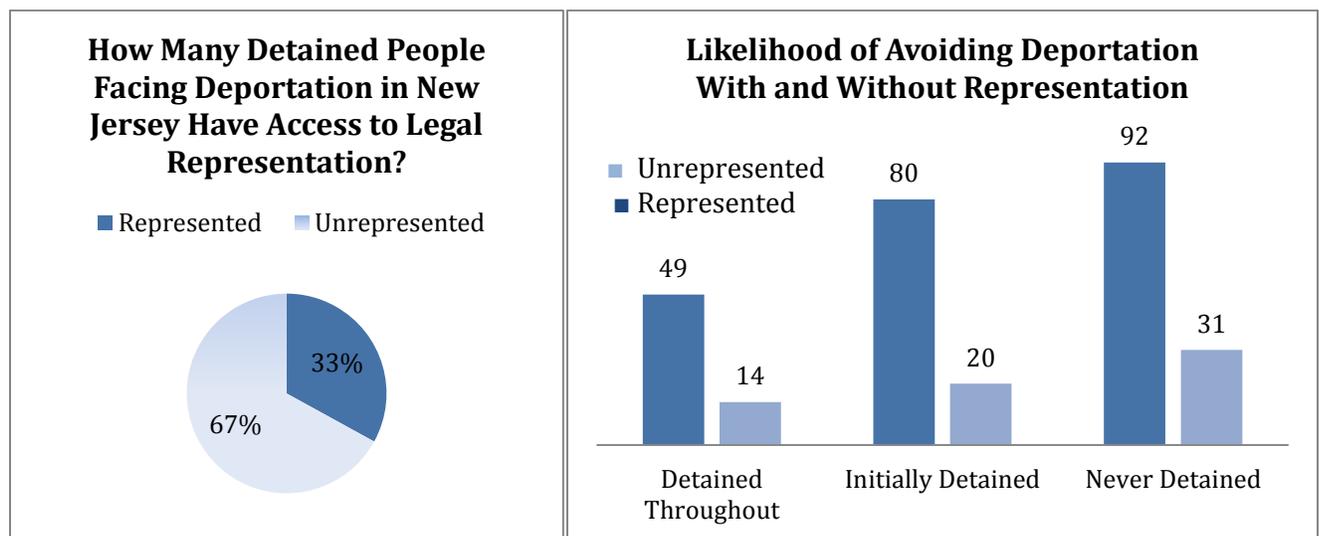
The Working Group on Immigrant Representation in New Jersey

Universal Representation: Why the Garden State Should Provide Access to Counsel for Detained Immigrants

New Jersey should create a publicly-funded program to provide free, appointed counsel to low-income immigrants in our state who are detained and facing deportation. Deportation tears apart families, costs New Jersey taxpayers millions of dollars and devastates our communities. In 2015, 7,260 individuals were detained in New Jersey for civil immigration violations, and the majority fought their deportation without legal counsel. The consequences of facing deportation proceedings without legal representation are dire: immigrants in New Jersey are three times more likely to prevail in their cases and avoid being needlessly separated from their families when they have a lawyer. Detained immigrants are particularly vulnerable: only 14% of detained immigrants are able to avoid deportation without legal representation. Currently, New York State provides universal legal representation for low-income, detained immigrants and six cities across the country have or are in the process of implementing similar programs. New Jersey must take action to ensure access to justice and to keep New Jersey families together.

Why should New Jersey provide universal legal representation to detained immigrants?

- *It will support New Jersey's economy* – Immigrants are a critical part of the New Jersey economy. Every year, immigrants in New Jersey pay an estimated \$6.5 billion in state and local taxes. More than 120,000 immigrant entrepreneurs employ 270,500 workers statewide. Additionally, undocumented immigrants in New Jersey and their families have more than \$8.5 billion in spending power. Access to representation means that immigrants will be released more quickly and able to rejoin their families and continue contributing to the economy.
- *It will save taxpayer dollars* – When detained immigrants have legal representation, their immigration proceedings move more quickly, dramatically reducing the high taxpayer costs associated with detention. Furthermore, when workers are deported, employers incur turnover costs to hire new employees. New Jersey will also save taxpayer dollars spent on foster care or public benefits for the U.S. citizen children of detained or deported immigrants.



- *It will keep families together* – In New Jersey, 87.5% of children with immigrant parents were U.S. citizens in 2009. Deporting their parents means tearing families apart and leaving children in vulnerable circumstances in the U.S. or abroad. In 2011, an estimated 5,100 children in foster care had a deported or detained parent. When immigrants have a fair chance to fight their case, they are more likely to win and keep their families intact.
- *It will give our neighbors a fair chance* – Deportation is one of the harshest consequences an individual can face under U.S. law, yet most immigrants do not have the right to appointed counsel and cannot afford an attorney. Legal representation dramatically increases immigrants’ likelihood of success in a highly complex area of the law. Immigrants in New Jersey with lawyers are three times more likely to avoid deportation than those who were unrepresented, and more than four times as likely to apply for relief to regularize their status as those who have no attorney. Access to legal representation ensures due process and an opportunity for a fair hearing and keeps our immigration system efficient.

What would a universal representation model look like for detained immigrants in New Jersey?

Our courts generally do not recognize a right to appointed counsel for immigrants in deportation proceedings. A universal representation program follows a public defender model, providing a lawyer to all low-income, detained immigrants facing deportation who cannot afford an attorney, regardless of the merits of their case.

In November 2013, New York launched the New York Immigrant Family Unity Project (“NYIFUP”). NYIFUP is a public defender-style program for New York City residents that guarantees access to counsel for detained immigrants who could otherwise not afford a lawyer. Since the program’s inception, immigrants’ chances of winning their cases have increased by as much as 1,000 percent and the program has been expanded statewide. Currently Seattle, Los Angeles, San Francisco, Chicago and Boston are launching similar universal representation projects for detained immigrants.

There is currently one universal representation pilot program in New Jersey. In 2015, through a grant from a private foundation, the American Friends Service Committee (“AFSC”) launched the Friends Representation Initiative of New Jersey, which uses a universal representation model to represent detained individuals at the Elizabeth Detention Center. AFSC provides representation to indigent individuals, regardless of the merits of their claim, until attorney capacity is reached. In the first two years of the project, AFSC attorneys have represented more than 440 detained individuals with a 77% success rate in cases that have gone to trial.

A government-funded universal representation program would build on the expertise of existing non-profit immigration legal services providers and law school clinical programs to hire additional attorneys who would offer free representation to *all* income-qualified immigrant detainees in New Jersey.

The Time is Now

The New Jersey immigration courts have one of the highest case backlogs of any courts in the country. Providing legal counsel is one of the most straightforward policy solutions to ensure due process and just treatment of immigrants and the efficient administration of our legal system. It is an important investment in our families and our economy, and will reduce long-term costs to the state while promoting the economic and social stability of immigrants and their families.

The Working Group on Immigrant Representation in New Jersey is chaired by Judge Michael A. Chagares of the Third Circuit Court of Appeals, and is comprised of organizations seeking to increase access to quality, free and low-cost immigration legal services in the state of New Jersey, including the American Friends Service Committee, Casa Esperanza, Catholic Charities of the Archdiocese of New Jersey, Kids in Need of Defense, Seton Hall University School of Law School, Human Rights First, Legal Services of New Jersey, Lowenstein Sandler, Make the Road New Jersey, Rutgers University School of Law, and the Young Center for Immigrant Children’s Rights. For questions or additional information, contact Nicole Miller, American Friends Service Committee: nmiller@afsc.org or Lori Nessel, Seton Hall University School of Law: lori.nessel@shu.edu.