

The Honorable Phil Murphy  
Office of the Governor  
225 West State Street  
Trenton, NJ 08608

August 14, 2020

Dear Governor Murphy,

We thank you for your extraordinary leadership in launching a publicly funded legal defense program for individuals who are detained and facing deportation in New Jersey. In the face of rising xenophobia and relentless attacks on immigrant communities, New Jersey's Detention and Deportation Defense Initiative (DDDI) extends crucial due process protections to immigrants in detention who cannot afford a lawyer. Even under the current pandemic, federal immigration enforcement in New Jersey has continued, putting all New Jerseyans at heightened risk. As COVID-19 has spread rapidly through detention centers in New Jersey, State-funded DDDI attorneys have become essential first responders, fighting for the release of their clients before they become ill or die in detention.

Now more than ever, universal immigration representation is critical to protecting the lives of vulnerable immigrants in detention, to reuniting separated families, to fighting for racial justice, and to promoting the health and stability of New Jersey's communities as we fight the pandemic. Looking ahead to future waves of COVID-19 infections, universal representation will save lives both in and out of detention centers.

**As you prepare for the FY2021 budget, we urge you to build on your commitment to New Jersey's immigrant families by significantly increasing funding for a universal representation program that provides free, appointed counsel to all low-income immigrants in our state who are detained and facing potential deportation.**

**The cost to the state of fully funding universal representation for all low-income individuals detained and facing deportation in New Jersey would be approximately \$15 million per year.** Understanding the fiscal difficulty that the state faces, we ask that you include an increase of **at least \$3.1 million (total \$6.2 million)** in the FY2021 budget to incrementally increase toward this goal. Full funding for universal representation is urgently needed to ensure access to due process for all detained immigrants in New Jersey while a third year funding amount of at least \$6.2 million is a positive step and would make it possible to extend DDDI's services to hundreds of additional detained immigrants who would otherwise fight deportation alone.

Investment in this program is particularly important in this moment of fiscal crisis, because it will not only save lives, but will also produce significant fiscal benefits to the state. It will permit people to fight their cases from the safety of their own homes, reducing the rate of COVID-19 transmission and associated costs. By keeping people working and families together, it will stimulate the economy, increase tax revenue, and reduce social services costs, as discussed below. Governments across the

country -- Los Angeles, Philadelphia, Baltimore, Boston, Washington, D.C. and beyond -- have already made the decision to sustain or expand their deportation defense programs for FY2021. This critical support for immigration legal services at a moment of unprecedented fiscal difficulty underscores the recognition of the essential role of deportation defense representation to the pandemic response.

DDDI lawyers are the last line of defense for people in deadly detention centers facing permanent separation from their families because of the federal government's attacks. During the public health crisis, U.S. Immigration and Customs Enforcement (ICE) has continued to detain people in unsanitary facilities providing substandard medical care where they cannot socially distance. Detention facilities are dangerous to those detained there, to staff, and to surrounding communities. At least four staff members at Hudson County Correctional Facility have already died and dozens of people detained by ICE around the state have been reported as testing positive. The number of people in detention who have contracted COVID-19 is likely undercounted due to insufficient testing.

New Jersey's DDDI has already helped long-time residents reunite with U.S. citizen children, partners and other family members and asylum seekers and others attain protection from violence or persecution in their home countries. Here is one example of a life that has been changed due to your investment in legal representation:

- Camilo is a 32-year-old from Mexico who has lived in New Jersey for over 14 years. He has worked for many years in landscaping to support his U.S. citizen son and other relatives, including a brother who was recently diagnosed with a brain tumor. ICE detained Camilo at his South Jersey home in March 2020 as he was leaving for work. He was then detained at the Elizabeth Detention Center for over four months while the COVID-19 pandemic raged inside the facility. He was unable to find an attorney to represent him at his initial court appearances and had to appear pro se. After being screened by a DDDI provider, an attorney took on his case, helping him file applications for immigration relief. Camilo ultimately won his release through a bond hearing and he has since returned to his home and reunited with his family in New Jersey.

[By providing legal representation to detained immigrants, DDDI significantly increases their chances of securing release from detention.](#) With additional funding, more families can be reunited in New Jersey and no one will have to face deportation alone.

Providing universal representation will also strengthen our economy and save taxpayer dollars. Based on data from 2018, immigrants in New Jersey pay an estimated \$9.5 billion in state and local taxes.<sup>1</sup> More than 128,508 immigrant entrepreneurs employ 389,580 workers statewide. Additionally, immigrants in New Jersey and their families have more than \$65.8 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 social and economic fabric of their communities.

Universal representation will help keep New Jersey families together and will benefit the U.S. citizen children of immigrants. In New Jersey, there are approximately 250,000 children under the age of 18

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<sup>1</sup> New American Economy, 2018, "Immigration and the economy in New Jersey."

who live in a low-income household where one or both parents are non-citizens and therefore potentially deportable. The vast majority of these children are U.S. citizens.<sup>2</sup> Deporting their parents means tearing families apart and leaving children in foster care or other vulnerable circumstances in the U.S. or abroad.<sup>3</sup> According to a [new report](#), many individuals represented by the DDDI in its first year were parents with spouses and children who live in the United States. For example, 39 percent of the individuals represented by one provider who were released from detention were then able to reunite with their immediate family in the United States.

Deportation is one of the harshest penalties an individual can face under U.S. law, yet most immigrants do not have the right to appointed counsel and cannot afford an attorney. Access to legal representation ensures due process and an opportunity for a fair day in court and makes our immigration system more efficient. DDDI's current funding level of \$3.1 million for the 2020 fiscal year only provides representation for approximately 20 percent of low-income individuals facing detention and deportation in New Jersey during a typical year. Without a lawyer, detained immigrants are significantly less likely to secure their release and return to their families.

For all of these reasons, and in light of the ongoing threats to New Jersey's immigrant families, we urge you to build upon your past support for this critical initiative and create a universal legal representation program in New Jersey that will keep our families together, support our economy, and ensure due process for all.

Signed,

1199SEIU United Healthcare Workers East

32BJ SEIU

Archdiocese of Newark

American Civil Liberties Union of New Jersey

American Friends Service Committee

Anju Gupta, Professor of Law, Director, Immigrant Rights Clinic Rutgers School of Law\*

Anti-Poverty Network of New Jersey

Bayard Rustin Center for Social Justice

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<sup>2</sup> Erika Nava, 27 November 2018, "New Immigration Rule Will Have Chilling Effect on New Jersey's Mixed-Status Families," New Jersey Policy Perspective.

<sup>3</sup> Erika Nava, 19 June 2018, "Legal Representation in Immigration Court Leads to Better Outcomes, Economic Stability", New Jersey Policy Perspective

Bangladeshi American Women's Development Initiative (BAWDI)

Beacon Unitarian Universalist Congregation in Summit

Bergen County Immigration Strategy Group

Casa de Esperanza

Center for Social Justice, Seton Hall University School of Law

Central Jersey Coalition Against Endless War

Church World Service (CWS) Jersey City Immigration and Refugee Office

The Episcopal Diocese of New Jersey

Emmaus Community of Christian Hope

Episcopal Church at Rutgers

Faith in New Jersey

First Friends of NJ & NY

Galapagos Puppet Theater

Haiti Solidarity Network NE

Immigrant Justice Corps

Immigration Community of the Greater Red Bank Women's Initiative

Indivisible NJ-5

Ironbound Community Corporation

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LUPE Action

Lutherans Engaging in Advocacy Ministry NJ

Make the Road NJ

Mother of God Orthodox Church Princeton, NJ

Monmouth Center for World Religions and Ethical Thought

MSJC Immigration Team

National Association of Social Workers - NJ Chapter

National Immigration Law Center

New Labor

New Jersey Alliance for Immigrant Justice

New Jersey Coalition for Immigrant Representation

New Jersey Coalition of Religious Leaders

New Jersey Policy Perspective

NJ Coalition of Latino Pastors and Ministers

Northern New Jersey Sanctuary Coalition

New Jersey State Conference of NAACP

Our Revolution Monmouth

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Salvation and Social Justice

St. Stephan's Grace Community

Temple B'nai Abraham

Unitarian Universalist FaithAction NJ

Volunteer Lawyers for Justice

Wind of the Spirit Immigrant Resource Center

*\*Title and affiliation listed for identification purposes only.*