Legislation Details (With Text)

File #:	Res 0717-2025	**Version:** *	**Name:**	Access to Representation Act, which establishes the right to legal counsel in immigration court proceedings and provides for the administration thereof (A.270/S.141).
Type:	Resolution		**Status:**	Adopted
			In control:	Committee on Immigration
On agenda:	1/23/2025			
Enactment date:			**Enactment #:**	

Title: Resolution calling on the New York State Legislature to pass and the Governor to sign A.270/S.141, also known as the Access to Representation Act, which establishes the right to legal counsel in immigration court proceedings and provides for the administration thereof.

Sponsors:

Indexes:

Attachments: 1. Res. No. 717, 2. Committee Report 1/16/25, 3. Hearing Testimony 1/16/25, 4. Hearing Transcript 1/16/25, 5. January 23, 2025 - Stated Meeting Agenda, 6. Hearing Transcript - Stated Meeting 1-23-25, 7. Committee Report 3/12/25, 8. Hearing Transcript 3/12/25, 9. March 12, 2025 - Stated Meeting Agenda, 10. Hearing Transcript - Stated Meeting 3-12-25

Date	Ver.	Action By	Action	Result
1/16/2025	*	Committee on Immigration	Hearing on P-C Item by Comm	
1/16/2025	*	Committee on Immigration	P-C Item Laid Over by Comm	
1/23/2025	*	City Council	Introduced by Council	
1/23/2025	*	City Council	Referred to Comm by Council	
3/12/2025	*	Committee on Immigration	Hearing Held by Committee	
3/12/2025	*	Committee on Immigration	Approved by Committee	Pass
3/12/2025	*	City Council	Approved, by Council	Pass

Res. No. 717

Resolution calling on the New York State Legislature to pass and the Governor to sign A.270/S.141, also known as the Access to Representation Act, which establishes the right to legal counsel in immigration court proceedings and provides for the administration thereof.

By Council Member Hudson, Avilés, Louis, Restler, Hanks, Rivera, Sanchez, Abreu, Brewer, Won, De La Rosa, Joseph, Gutiérrez, Farías, Stevens, Banks, Ung and the Public Advocate (Mr. Williams)

Whereas, The Sixth Amendment to the United States Constitution Assistance to Counsel clause provides criminal defendants with the right to counsel even if they are unable to afford an attorney; and

Whereas, Immigrants facing removal proceedings under federal immigration law are not protected by

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the Sixth Amendment and are not provided a government-paid lawyer in immigration court; and

Whereas, Immigrants and their families subject to deportation are responsible for the expense of counsel, locating a non-profit for legal support, or representing themselves even though the government will be represented by a professional attorney; and

Whereas, According to a *Fordham University Law Review* study, immigrants in New York immigration court without legal representation have a three percent success rate in defending their right to remain in the United States; and

Whereas, A study by the *University of Pennsylvania Law School* revealed immigrants in removal proceedings are over ten times more likely to win their case to remain in the United States when represented by a lawyer; and

Whereas, Commencing with a $500,000 investment by the New York City Council in 2013, the New York Immigrant Family Unity Project (NYIFUP) provides legal representation to indigent immigrants in removal proceedings in New York City and State; and

Whereas, A.270, introduced by Assembly Member Catalina Cruz and pending in the New York State Assembly, and companion bill S.141 introduced by Senator Brad Hoylman-Sigal and pending in the New York State Senate, seeks to amend the executive law, in relation to establishing a universal right to legal counsel in immigration court proceedings; and

Whereas, In addition to establishing a universal right to counsel for indigent New Yorkers who are subject to removal proceedings under federal immigration law, A.270/S.141 establishes consistent funding streams for immigration legal services; and

Whereas, The influx of asylum seekers in New York has exacerbated the demand for legal service providers amidst a growing backlog of immigration court cases; and

Whereas, A.270/S.141 will codify elements of the New York Immigrant Family Unity Project, which provides legal representation to indigent immigrants in removal proceedings; and

Whereas, A.270/S.141 will expand representation carved out of the New York Immigrant Family Unity Project by including immigrants with criminal histories; and

Whereas, A.270/S.141 will make New York the first state in the nation to guarantee the right to counsel for immigrants subject to removal under complex immigration law; and

Whereas, A.270/S.141 will further establish New York as a defender of immigrant rights and dignity; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, A.270/S.141, also known as the Access to Representation Act, which establishes the right to legal counsel in immigration court proceedings and provides for the administration thereof.

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01/10/2024
RLB