

In Their Own Words: Learning from NYIFUP Clients about the Value of Representation

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“[My lawyer and I] spoke, and she made me feel a little [more comfortable], because I was so stressed about it. And I told her, ‘I have a long fight . . . to try to make it home to my family. Now I gotta deal with this, and I have a long fight ahead of me.’ And she was like, ‘You don’t have to fight. We have to fight and try to make sure you make it back to your family.’ When she told me that, it was a good feeling, like somebody else is caring and wanted to see you make it home. They understood the immigration law, which I knew nothing about. And was willing to fight and help me out to get home to my family.”

– Omari*

* All names are pseudonyms to protect the identity of participants.

Omari was brought to the United States as a child when his family fled the Liberian Civil War. When the federal government detained and placed him in immigration proceedings, Omari feared being sent to a country he did not know, which would rip him away from his entire family, including his 13-year-old son. Omari described his experience fighting his immigration case in an interview with the Vera Institute of Justice (Vera).

Omari met his lawyer through the [New York Immigrant Family Unity Project \(NYIFUP\)](#), the first and largest public defender program in the country for detained immigrants facing deportation. In a highly complex federal immigration system that unfairly criminalizes immigrants and relies on an inhumane detention system, the impact of programs like NYIFUP is extensive.¹ Legal teams can assist on immigration cases, offer social service support, and serve as a link to the outside world for people in detention. Although this work alone cannot end the entrenched harm of an unfair immigration system, universal representation programs like NYIFUP—public defender systems for people facing deportation—mitigate the dehumanizing experience of detention and immigration court and give people a fighting chance to return home to their families in the United States.

Unlike in criminal court, people facing deportation are not guaranteed a government-funded lawyer to assist in their defense. This is true even though having a lawyer makes a huge difference. People in detention who are represented by an attorney are 3.5 times more likely to be granted bond and 10.5 times more likely to establish a right to remain in the United States.² Immigrants are part of the fabric of New York—one in three children in the state have an immigrant parent, more than 280,000 immigrants own businesses, and immigrants make up more than one quarter of the state’s civilian workforce.³ Universal representation programs like NYIFUP are one crucial component of building an immigration system that promotes fairness and respect and welcomes our immigrant neighbors.

The Value of Representation: New Yorkers' Experiences with Publicly Funded Immigration Lawyers

This brief features first-hand accounts from NYIFUP clients who were detained and fought, or are continuing to fight, their cases in New York immigration courts. Vera interviewed nine clients to learn about their experiences working with their immigration defense teams as well as the challenges they faced.⁴

Three main themes emerged from these conversations.

Partnering with an immigration attorney brings hope and the chance for freedom and success

NYIFUP clients described the importance of the partnership with their attorneys and of the time and effort lawyers dedicated to preparing for court, maintaining frequent communication, and keeping them informed on developments with their cases. Clients also highlighted the value of being heard and respected by their attorneys. These experiences can help people begin to see a path to release from detention and/or remaining in the United States—and thus restore a sense of hope. Once again, Omari shared his experiences, specifically highlighting how his legal team helped him keep hope alive at times when he felt stressed and discouraged:

“When I was stressed at times and was like, ‘this case is not going the right way,’ [My lawyers] kept me fighting. They kept me knowing that I do have a family waiting for me.”

Omari’s case is still pending, but in working with his NYIFUP attorneys, he successfully made a case for bond and was released from detention. Since his release, he has started his own business, and he is grateful to be home, reunited with his family: “It’s just a waiting game . . . but at least I’m free. . . . For that, I count my blessings.”

Partnering with an immigration attorney brings hope and the chance at freedom and success.

Caring legal teams help identify needed supports beyond the immigration case.

Systemic barriers persist while confronting an inhumane and unfair system.

Another interview participant, Daniel, has lived in the United States for 28 years with three generations of his family. When he was notified that there was an immigration case against him and that he could be deported, he was fearful for his family’s future. But he described how lawyers can help lessen those fears and change the trajectory:

“You don’t know what’s going to happen to your life, and you feel pretty scared. But suddenly, you go [to court] with your lawyer, and your lawyer knows what’s going on, what to say and answer, and it is already different.”⁵

Daniel also described his attorneys as communicative, attentive, caring, and hardworking:

“The communication was really good. I never thought that lawyers would give me the attention to the level that they did. . . . They are people who care a lot about their client, so they put a lot of effort for them.”

Daniel, in partnership with his NYIFUP lawyer, won release from detention, which was especially important for him, as he has an illness that puts him at high risk for serious complications from COVID-19. Daniel now continues to fight his case with his lawyer while home with his family.

Caring legal teams help identify needed supports beyond the immigration case

NYIFUP legal teams often provide holistic support, assisting clients with their concerns and goals beyond the courtroom. This looks different for everyone. Examples of supports mentioned by the NYIFUP clients interviewed include connections to social, employment, and mental health services; help with getting in touch with their families; assistance with accessing health care and treatment; and provision of essential items and other types of assistance upon release from detention.

Daniel describes the importance of his lawyers’ attention to his health care needs, as his chronic illness often requires medical care:

“When I was in [immigration detention], [the NYIFUP attorneys] called a lot to help me. . . . [My attorneys] always called worrying about me so [the detention staff] could give me my medication, to take me to the doctor.”

Omari was grateful for the support his legal team offered in easing his transition out of immigration detention:

“They helped me with me coming home and that program [they helped find for me] provided me with even a bed, you know what I’m saying? And right now, I started my own business since I’ve been home. So, they’re gonna help me with that too. They did a lot for me.”

Another interview participant, Denzel, experienced horrific trauma as a child in a civil war in his country of origin, as his father was murdered in a gruesome manner. With his grandmother, two brothers, and two sisters, Denzel fled the war and entered the United States when he was nine years old. He went to school in the United States, graduated, and started to work in the electrical field. But he never recovered from the extreme trauma he experienced as a child—which profoundly harmed his mental health—until he was diagnosed with post-traumatic stress disorder (PTSD) and depression, which his NYIFUP attorney helped him identify and find treatment for. His case is still ongoing, but he has been released from detention and continues to receive treatment for his mental health:

“Personally, I didn’t even know I have [a] mental issue. . . . I never sat down and told anybody about my past experience in my country and how that really affected me. But I never knew that those [were] the signs of mental issues. . . . One time, [my NYIFUP lawyer] was going through my paperwork, through communication, I was telling her everything. And she [was] like, ‘I think you might be having mental issue. . . . I’m a go to your doctor, I’m a ask for your hospital, your documents, stuff like that.’ So, when she went through it, she discovered certain stuff. And that’s when [she] actually put a connection together. . . . So when I went to the hospital, they started telling me, ‘Oh yeah, yeah I got mental issue.’ . . . They started give me a couple medications. . . . Had to get therapy.”

Systemic barriers persist while confronting an inhumane and unfair system

Many clients expressed discontent with the challenges they and their attorneys were unable to overcome due to underlying problems with the immigration system and the lack of sufficient resources for legal teams to do their job. Detention is fundamentally inhumane, and many described the particular challenges they confronted as a result of being deprived of their freedom.⁶ Omari described the unmet need he recognized among others in detention:

“There’s people in there that need the help. They needed more help and more lawyers because there were so many cases that needed them and wanted [them], because they [have] seen how good they [were] doing for me and doing for other people that was in there. . . . There’s too much work on them.”

Daniel discussed the antiquated technology in immigration detention that hindered communication between people and their legal teams:

“The computers never worked. Sometimes, I had interviews, and I couldn’t see [the lawyers] or they couldn’t hear me. That was frustrating.”

Denzel shared his frustration with contracting COVID-19 as a result of the government detaining him in unsafe, crowded conditions and having multiple court dates cancelled as a result:

“They cancel[ed] my court date so many times, and my lawyer, she was getting upset because she never asked them for them to push my court date back. . . . When my lawyer asked the [government lawyer], ‘Why?’ . . . Guess what they try to say? They try and says that I caused it because I contracted the virus. How did I cause . . . it just crazy because we don’t go outside. So how do I get the virus? . . . The officers are the ones that have access in and out of the building. So they are the ones that, that basically make me sick.”

Finally, Sofia surrendered to U.S. Customs and Border Protection (CBP) when entering the United States seeking asylum. She described spending one night in the “perrera,” or “dog kennel,” the

name many use to refer to CBP processing facilities because they are like cages, with chain-link fencing separating cells where people are held.⁷ She was then moved to the “hieleras,” or “freezers,” the name commonly used to refer to the notoriously frigid CBP holding cells.⁸ Sofia was forcibly kept in this inhumane environment for about two weeks. In addition to freezing temperatures, Sofia described the lack of clothing and personal space, as well as the anxiety and stress she experienced.

Additionally, a CBP officer intimidated and coerced Sofia into signing a voluntary departure attestation, which she was not even allowed to read. The form would have required her to return to her country of origin and abandon her claim to asylum in the United States:⁹

“When I was in the hielera, I was told about an officer that everyone was scared of because he would deport you. Two days in [CBP custody], he arrived and called for me. When I met him, he said, ‘Okay, you will do everything I tell you to or will be in trouble.’ He asked for my information and then told me I should sign a few documents. When I tried flipping the page so I could read what the document contained, he would flip it back and pointed to where I should sign. I couldn’t read what was in it, but I had to sign it, so I did.”¹⁰

This violation of Sofia’s right to understand her legal options and make informed choices about her future is one common example of the inhumanity and due process failures of the U.S. immigration system. In her case, Sofia’s NYIFUP lawyer helped prevent her expulsion from the United States and ultimately win asylum. Nonetheless, too many face the same inhumane treatment and intimidation Sofia experienced without ever having the opportunity to meaningfully defend their rights.

Legal representation helps people stand up to an unfair system

NYIFUP clients who were isolated from their families and communities while in ICE detention and faced the fear of never being able to return to their homes in the United States felt more informed, safe, and heard when they had dedicated lawyers who fought alongside them in a dehumanizing system. They recognized that access to lawyers was just one part of bringing fairness to a process that is stacked against them. However, their testimonies affirm that representation is critical to mitigating the harm caused by immigration enforcement and detention that routinely upends peoples’ lives and destabilizes communities.

For more information

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The Vera Institute of Justice is powered by hundreds of advocates, researchers, and policy experts working to transform the criminal legal and immigration systems until they’re fair for all. Founded in 1961 to advocate for alternatives to money bail in New York City, Vera is now a national organization that partners with impacted communities and government leaders for change. We develop just, antiracist solutions so that money doesn’t determine freedom; fewer people are in jails, prisons, and immigration detention; and everyone is treated with dignity. Vera’s headquarters is in Brooklyn, New York, with offices in Washington, DC, New Orleans, and Los Angeles. For more information, visit vera.org. For more information about this report, contact Shayna Kessler, state advocacy manager, at skessler@vera.org.

The upstate New York Immigrant Family Unity Project (NYIFUP) is funded by New York State’s Office for New Americans (ONA). ONA assists all new Americans in accessing and navigating a variety of free services and supports their inclusion as an integral part of New York State’s diverse cultural fabric. The Office for New Americans hotline is confidential, toll-free, and offers information and referrals for immigration assistance: 1-800-566-7636.

Endnotes

1. For more information on the unfair criminalization of immigrants, see Walter A. Ewing, Daniel Martinez, and Rubén G. Rumbaut, *The Criminalization of Immigration in the United States* (Washington, DC: American Immigration Council Special Report, 2015), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2631704. For more on the inhumanity in immigration detention, see American Civil Liberties Union (ACLU), “Conditions of Confinement in Immigrant Detention Facilities,” <https://perma.cc/FQ65-FA27>; and Human Rights Watch, “‘They Treat You Like You Are Worthless’: Internal DHS Reports of Abuses by US Border Officials,” October 21, 2021, <https://perma.cc/U979-2234>.
2. See Emily Ryo, “Detained: A Study of Immigration Bond Hearings,” *Law & Society Review* 50, no. 1 (2016), 117-153; and Ingrid V. Eagly and Steven Shafer, “A National Study of Access to Counsel in Immigration Court,” *University of Pennsylvania Law Review*, 164, no. 1 (2015), 1-91, 49, <https://perma.cc/82F5-WE2D>.
3. For the number of immigrant entrepreneurs, see New American Economy, “Immigrants and the Economy in: New York,” accessed April 29, 2022, <https://www.newamericaneconomy.org/locations/new-york/>. The data on this site is periodically updated, so the numbers cited at the time of writing may change. For the number of children with immigrant parents, see United States Census Bureau, “Age and Nativity of Own Children Under 18 Years in Families and Subfamilies by Nativity of Parents,” Table C05009, 2019 ACS 1-Year Estimates, <https://data.census.gov/cedsci/table?q=age%20and%20nativity%20of%20own%20children&g=0400000US36>. For the number of immigrants in the workforce, see United States Census Bureau, “Selected Characteristics of the Native and Foreign-Born Populations,” Table S0501, 2020 ACS 5-Year Estimates, <https://data.census.gov/cedsci/table?q=selected%20characteristics%20native%20and%20foreign%20born&g=0400000US36&tid=ACSS15Y2020.S0501>.
4. Vera conducted nine qualitative interviews with NYIFUP clients about their experiences in immigration court, in detention, and with legal services throughout their cases. Vera recruited interview participants by asking NYIFUP attorneys to connect Vera with clients willing to be interviewed. There were no criteria for participation except that the people referred were current or former NYIFUP clients, 18 years of age or older, and were willing to speak about their experiences in an interview with Vera. Attorneys referred 19 people to Vera, all of whom Vera attempted to contact and interview. Some of these people never responded to messages, others responded but declined to participate, and others agreed to participate but did not show up to their interviews. Ultimately, nine interviews were completed. Because of the COVID-19 pandemic, all interviews were conducted over Zoom in the language of the participant’s choice (all chose English or Spanish). The interviews focused on the following themes: the circumstances that led to the interviewee’s detention, experiences in detention with their NYIFUP attorney, their experiences in immigration court, and their lives after release from detention.
5. Daniel’s interview was conducted in Spanish and translated to English.
6. See ACLU, “Conditions of Confinement in Immigrant Detention Facilities”; and Human Rights Watch, “‘They Treat You Like You Are Worthless,’” 2021.
7. See Human Rights Watch, “In the Freezer: Abusive Conditions for Women and Children in U.S. Immigration Holding Cells,” February 28, 2018, <https://perma.cc/G5SU-MAS3>.
8. Guillermo Cantor, “Detained Beyond the Limit: Prolonged Confinement by U.S. Customs and Border Protection Along the Southwest Border,” American Immigration Council, August 18, 2016, <https://perma.cc/7G2P-BRDR>; and Guillermo Cantor, “Hieleras (Iceboxes) in the Rio Grande Valley Sector: Lengthy Detention, Deplorable Conditions, and Abuse in CBP Holding Cells,” American Immigration Council, December 17, 2015, <https://perma.cc/ZP28-JQDS>.
9. Sara Campos and Guillermo Cantor, “Deportations in the Dark: Lack of Process and Information in the Removal of Mexican Migrants,” American Immigration Council, September 19, 2017, <https://perma.cc/37ZS-WSNW>.
10. Sofia’s interview was conducted in Spanish and translated to English.