Support Universal Representation: SAFE Network 101

May 2020

What is it?

› The **SAFE Network** is a growing movement of communities convened by the Vera Institute of Justice (Vera) that are dedicated to publicly funded, *universal representation* for immigrants facing detention and deportation.¹

› Universal representation advances a public defender system for people facing deportation, one in which **every person facing deportation is represented by a lawyer** regardless of income, race, national origin, or history with the criminal justice system.

› Communities advancing universal representation are leading the way toward ensuring fairness and dignity for everyone facing detention and deportation. Amid unabated federal immigrant enforcement and a public health crisis, these programs are needed now more than ever.

Why does it matter?

› Federal immigration enforcement targeting our communities continues even in the midst of the COVID-19 pandemic. Threats of arrest and detention of immigrants have soared, families have been systematically separated, and noncitizens are more vulnerable than ever to deportation.

› Deportation can result in physical exile from home, separation from family, loss of employment, and even violence or death in a country of origin. Yet people in immigration court face a broken and biased system described by a federal judge as akin to hearing “death penalty cases in a traffic court setting.”²

› The stakes for people in immigration detention could not be higher. In detention, people face inhumane conditions; loss of liberty; lasting trauma; increased vulnerability to contracting serious illness, including COVID-19; and barriers to accessing counsel.

› **Immigrants facing deportation do not have the right to a public defender if they can’t afford a lawyer.** Yet the government trying to deport them always has counsel. As a result, most people fighting for their lives in immigration court—including 70 percent of people in detention—navigate the complexities of immigration law alone.³

› The overwhelming majority of people in the United States believe it is important for people in immigration court to have access to lawyers, highlighting that commonsense solutions are needed to ensure that everyone is treated with basic fairness.⁴

Why universal representation?

› **Restores due process.** Everyone at risk of deportation deserves a fair day in court even if they cannot afford a lawyer. Universal representation advances shared values of due process and fairness and restores dignity to a system that sets immigrants up to fail. Everyone should mean everyone.⁵

› **Helps secure release from detention and stability in the United States.** Immigrants who are represented are 3.5 times more likely to be released from detention on bond and up to 10 times more likely to establish a right to remain in the United States.⁶

› **Defends family unity.** People facing deportation are our neighbors, our friends, and our family members. Tearing them away from their families causes harm and insecurity that radiates throughout our communities. SAFE clients are parents to hundreds of
children—82 percent of whom are United States citizens. Seventy-seven percent of SAFE clients are the primary breadwinners for their families.7

› **Stabilizes communities and economies.** People helped through the SAFE Network are deeply entrenched members of our workplaces and communities, having lived in the United States for an average of 14 years. SAFE clients are essential contributors to local economies, participating in the workforce at rates consistent with nationwide averages: 61 percent of SAFE clients have been employed within the past 12 months, compared to 63 percent of people nationwide.8

› **Secures equal justice for all.** Harmful myths of immigrant criminality, combined with overincarceration and overpolicing of communities of color, make Black immigrants particularly vulnerable to detention and deportation.9 Denying legal services to those who have histories with the criminal justice system feeds into prejudices and contradicts our shared values of due process and fairness. **By ensuring that everyone has equal access to due process, universal representation advances a more equitable vision of justice.**

### Growing momentum

› **Significant public support.** A recent national poll conducted by Vera found an overwhelming 87 percent of people in the United States support government-funded lawyers for people in immigration court.

› **A national model.** More than 35 communities in 18 states, including 18 in the SAFE Network, have funded deportation defense programs. These communities are leading the way in countering the injustice and destabilization that federal immigration enforcement has brought to our nation and bolstering communities’ efforts to promote health and safety. Local universal representation pilot programs set a powerful course toward federal systemic change.

› **Economic benefits.** By keeping families together, universal representation programs ensure that community resources function better. Universal representation programs generate practical cost savings for communities and the economy. For example, New York’s publicly funded legal representation program was estimated to lead to a $2.7 million increase annually in tax revenue due to clients gaining or maintaining work authorization.10

### Endnotes

1 The Safety and Fairness for Everyone (SAFE) Network includes Atlanta, Georgia; Austin, Texas; Baltimore, Maryland; Chicago, Illinois; Columbus, Ohio; Dallas, Texas; Dane County, Wisconsin; Denver, Colorado; Long Beach, California; New Haven, Connecticut; Oakland/Alameda County, California; Philadelphia, Pennsylvania; Prince George’s County, Maryland; Ramsey County/St. Paul, Minnesota; Sacramento, California; San Antonio, Texas; San Francisco, California; and Santa Ana, California. For additional information, see Vera Institute of Justice, “Safety and Fairness for Everyone (SAFE) Network,” vera.org/projects/safe-network. For more on universal representation, see Vera Institute of Justice, Advancing Universal Representation: A Toolkit for Advocates, Organizers, Legal Service Providers, and Policymakers (New York: Vera Institute of Justice, 2018), https://www.vera.org/advancing-universal-representation-toolkit.


3 The representation rate in immigration court fluctuates slightly over time. Historically, 81 percent of detained immigrants have lacked representation—from October 2000 to November 2019, 81 percent of all people in detention had never been represented (1,237,252 of 1,526,419 cases). The rate has improved slightly over the past two decades, with approximately 70 percent unrepresented in recent years—from October 2012 to November 2019, 70 percent of all people in detention had never been represented (327,828 of 466,756 cases), with the exact percentage varying slightly from year to year. See Transactional Records Access Clearinghouse (TRAC), “Details on Deportation Proceedings in Immigration Court,” accessed January 13, 2020, https://trac.syr.edu/phptools/immigration/nta/.


6 For a summary of this research, see Karen Berberich and Nina Siulc, Why Does Representation Matter? (New York: Vera Institute of Justice, 2018), https://perma.cc/NTM6-F8UN.


8 Ibid.


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