

Public Support in New York State for Government-Funded Attorneys in Immigration Court

The Vera Institute of Justice (Vera) partnered with the survey firm Lucid to conduct a public opinion poll to explore attitudes toward government-funded attorneys for people in immigration court in New York State. The survey was fielded in January 2020 and included 2,000 adults (18 years and older) living in the state. The results are statistically weighted to be representative of the New York State population with regard to age, education, gender, household income, race and ethnicity, and region of residence (percentage living in New York City, Long Island, and Upstate New York—meaning all areas outside of New York City and Long Island). The survey asked respondents about the importance of access to attorneys and whether they supported or opposed government-funded legal representation for people in immigration court, among other questions.

Key findings

Ninety-three percent of New Yorkers believe that access to attorneys for all people, including those in immigration court, is (somewhat or very) important. This belief is pervasive, held by:

- 97 percent of people residing in New York City, 85 percent of those residing in Long Island, and 92 percent of those residing in Upstate New York;
- 96 percent of likely voters;
- 95 percent of people who self-identify as Democrats, 92 percent of those who self-identify as Republicans, and 91 percent of people who do not identify with either party; and
- 98 percent of Clinton voters, 93 percent of Trump voters, and 78 percent of those who voted for third-party candidates (among those who voted in the 2016 presidential election).

Ninety-three percent of New Yorkers support government-funded attorneys for people in immigration court. This support is widespread, existing among:

- 99 percent of people residing in New York City, 88 percent of those residing in Long Island, and 88 percent of those residing in Upstate New York;
- 91 percent of likely voters;
- 98 percent of people who self-identified as Democrats, 86 percent of those who self-identify as Republicans, and 91 percent of people who did not identify with either party; and
- 99 percent of Clinton voters, 84 percent of Trump voters, and 88 percent of those who voted for third-party candidates.

Even among people who oppose immigration to the United States, the vast majority, 77 percent, support the government funding attorneys for people in immigration court.

The next sections include details about the results summarized above and additional findings.

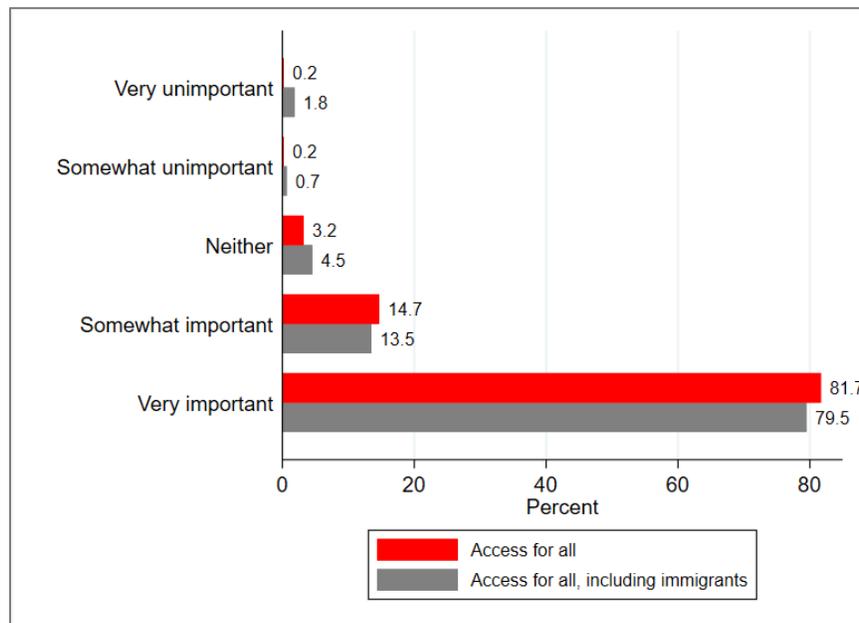
Access to attorneys

Respondents were randomly assigned to answer either question one or two, below.

1. How important is it for all people to have access to an attorney in a court of law?
2. How important is it for all people, including people in immigration court, to have access to an attorney in a court of law?

Questions one and two are nearly identical, except that question one asks about access to attorneys in court generally, while question two specifies the inclusion of immigration court. Randomly assigning respondents to answer one question allows for a comparison of attitudes on whether representation in court is a right that people in the United States generally value (in question one) and, separately, whether they hold this belief when people in immigration court are explicitly included (question two). Answer options for both questions are: very important, somewhat important, neither important nor unimportant, somewhat unimportant, and very unimportant. Responses to questions one and two are presented in Figure 1.

Figure 1: Importance of access to an attorney



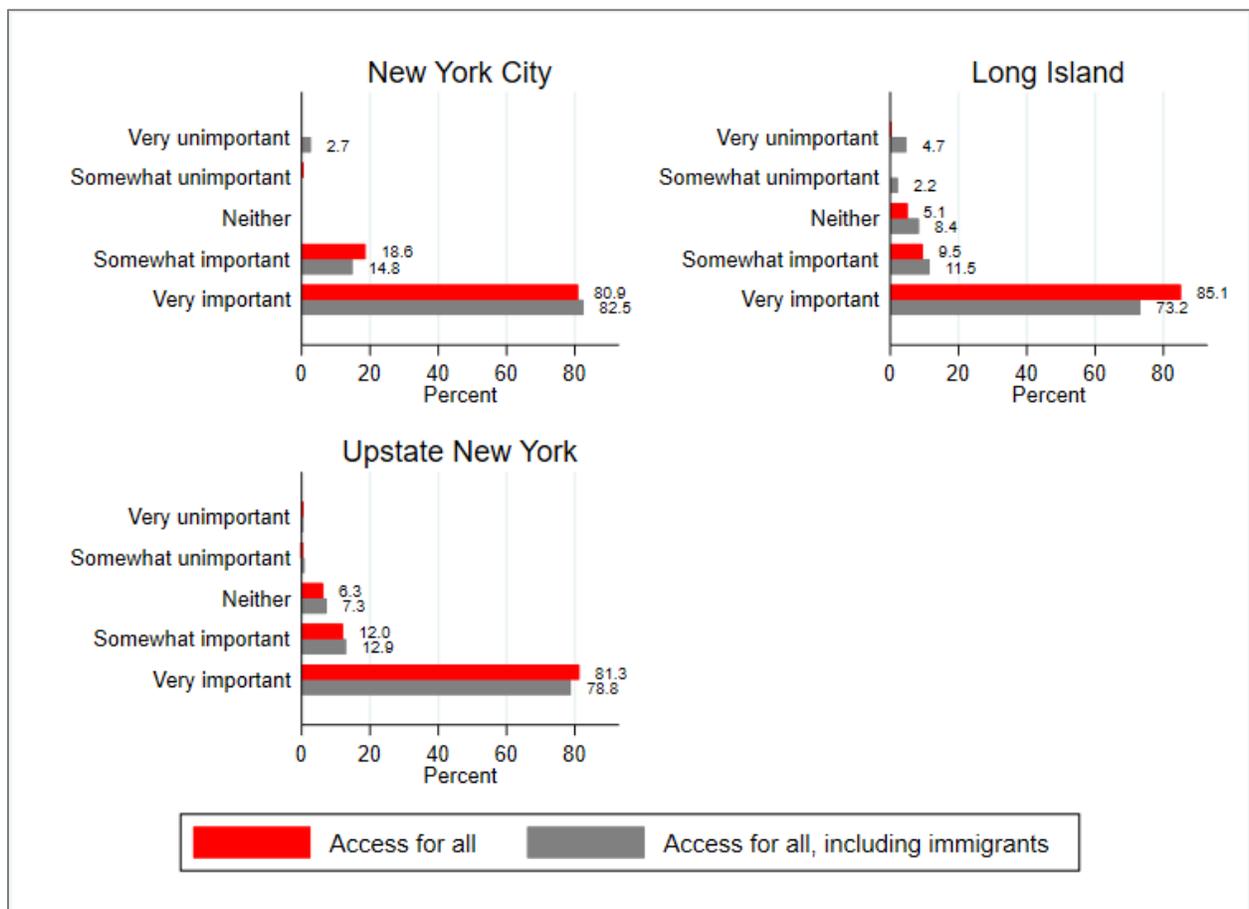
n=2,000

Key findings from Figure 1:

- New Yorkers overwhelmingly believe that access to attorneys is important, and this support remains high when immigrants are explicitly included.
 - T-tests that compare mean responses to questions one and two reveal that there is no significant difference in responses between the two questions ($p=0.155$).¹
- Ninety-three percent of respondents believe access to attorneys is (somewhat or very) important for all people, *including people in immigration court*.
- Nearly 80 percent of New Yorkers believe such access is *very* important.

Figure 2 below is analogous to Figure 1, but separates the results by region of residence within New York State among three geographic regions: New York City, Long Island (except for Brooklyn and Queens, which are part of New York City), and the rest of New York State (anything not defined as New York City and Long Island) which will be referred to as “Upstate New York.”

Figure 2: Importance of access to an attorney by region of residence in the state



n=2,000

Percent labels next to each bar are omitted from the figures for all values less than 1 percent.

¹ In t-tests, responses are coded to range from 0 (very unimportant) to 1 (very important).

Key findings from Figure 2:

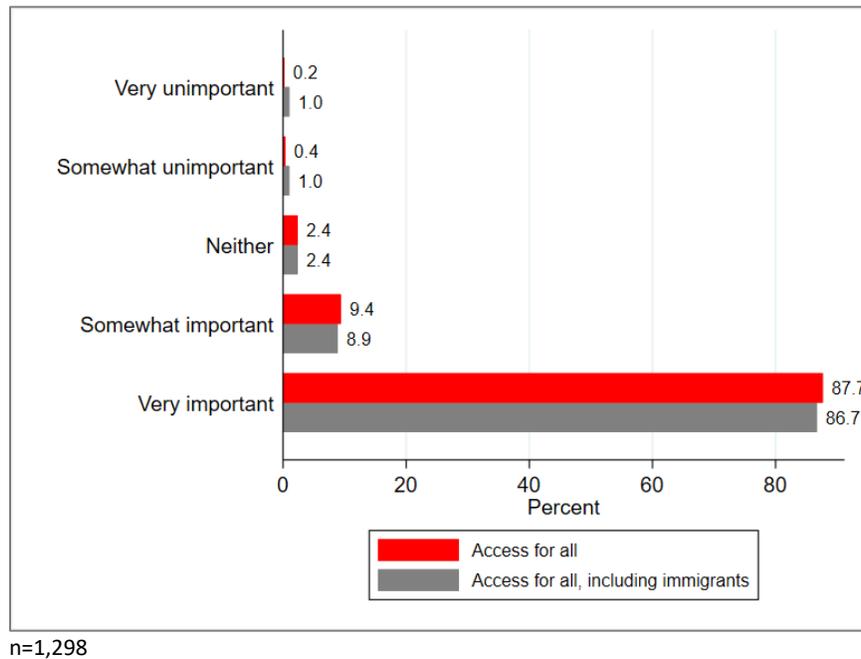
- The belief that access to attorneys is important, including attorneys for people in immigration court, is pervasive across all three regions.
- Ninety-seven percent of New York City residents, 85 percent of Long Island residents, and 92 percent of Upstate New York residents believe that access to attorneys, including access for people in immigration court, is (somewhat or very) important.

Figure 3, below, includes responses only from people who are likely to vote. Likely voters are defined as people who reported that they were registered to vote and planned to vote in 2020. Respondents aged 22 years or older were only included if they reported having voted in the 2016 presidential election and recalled for whom they voted (those under 22 may not have been old enough to vote in 2016 and were therefore not held to this requirement).² Sixty-two percent of New York respondents were categorized as likely voters.³

² For discussions of how to measure likely voters in surveys, see Scott Keeter and Ruth Igielnik, “Can Likely Voter Models Be Improved?” Pew Research Center, January 7, 2016, <https://www.pewresearch.org/methods/2016/01/07/can-likely-voter-models-be-improved/>; and Michael Dimock, Scott Keeter, Mark Schulman et al., *A Voter Validation Experiment: Screening for Likely Voters in Pre-Election Surveys* (Washington, DC: Pew Research Center, 2001), <https://assets.pewresearch.org/wp-content/uploads/sites/5/2001/05/12.pdf>.

³ For reference, 51 percent of the New York State population of voting age voted in the 2016 presidential election. See U.S. Department of Commerce, Census Bureau, “Voting and Registration in the Election of November 2016,” Table 4a, <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-580.html>. This means that the Vera/Lucid sample may be overestimating the percentage of likely voters in New York State. Alternatively, the Vera/Lucid likely voter estimate may be reflecting real voter intentions, indicating that there will be an increase in 2020 voting turnout rates.

Figure 3: Importance of access to an attorney among likely voters



Key findings from Figure 3:

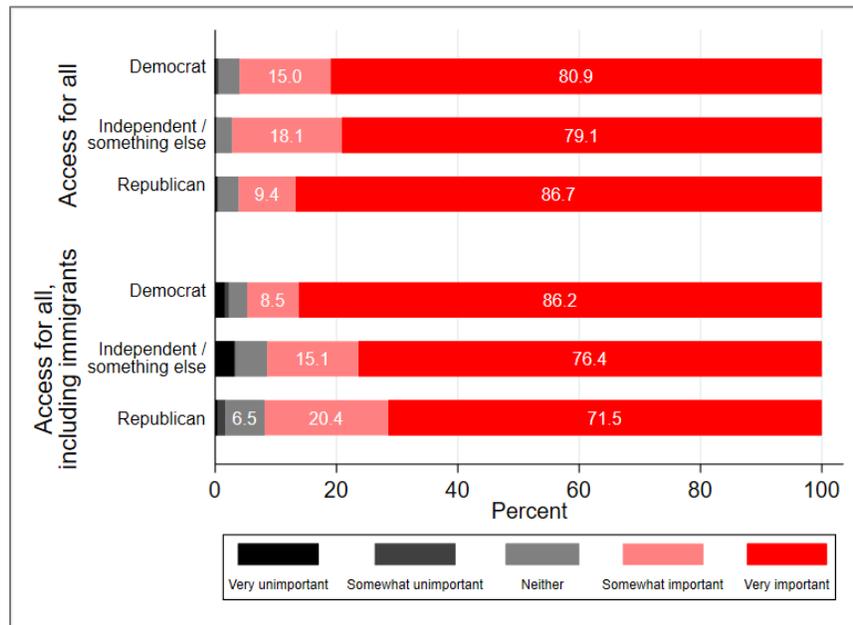
- Likely voters in New York overwhelmingly believe that access to attorneys is important—both in general and in immigration court.
 - T-tests that compare mean responses to questions one and two reveal that there is no significant difference in responses between the two questions ($p=0.415$).⁴
- Ninety-six percent believe access to attorneys is (somewhat or very) important for all people, *including people in immigration court*.
- Nearly 90 percent of likely voters believe access for all people, *including people in immigration court*, is *very* important.

The next two graphs plot the percentage of people giving each response by their political party identification (Figure 4) and by their 2016 vote choice (Figure 5). Responses to question one (about access to attorneys for *all people*) in Figures 4 and 5 appear in the top half of each graph, and answers to question two (about access to attorneys for *all people, including people in immigration court*) are displayed in the bottom half. Each bar sums to 100 percent.⁵

⁴ In t-tests, responses are coded to range from 0 (very unimportant) to 1 (very important).

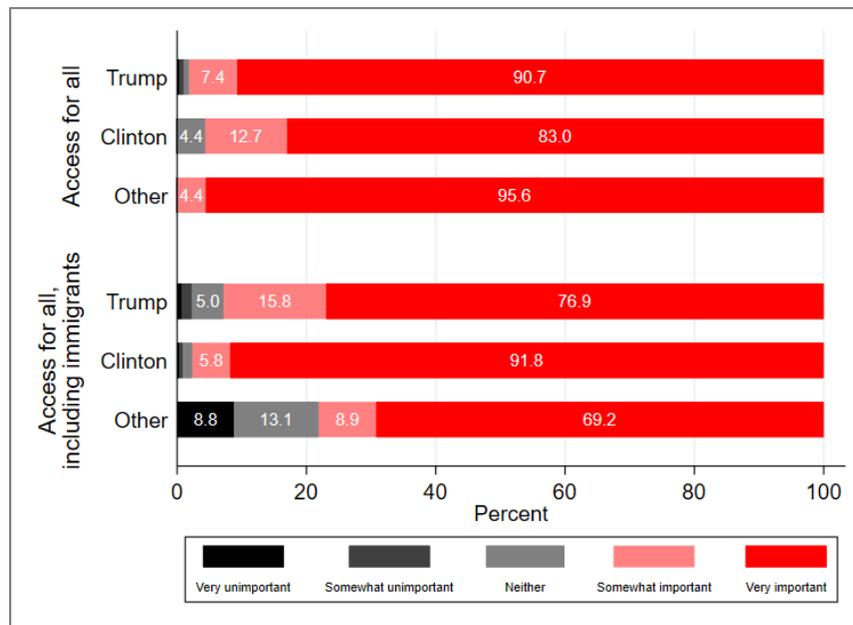
⁵ Although the percentages displayed in the bottom half of Figure 4 for those who do not identify as Democrat nor as Republican (labeled “Independent/something else” in the figure) of 76.4 and 15.1 sum to 91.5 (or 92 percent when rounded), the true percentage of these people who believe access to attorneys is important for all, including those in immigration court, is 91 percent, as indicated on page one. This is because the values were rounded to the

Figure 4: Importance of access to an attorney by party identification



n=1,991 (768 Democrats, 664 independents/something else, and 559 Republicans).

Figure 5: Importance of access to an attorney by 2016 presidential vote choice



n=1,429 (616 Trump, 674 Clinton, and 139 third-party candidate voters). Only those who reported voting in 2016 are included in Figure 5.

first decimal place in Figure 4. The full values are 76.36 and 15.07, which sum to 91.43, or 91 percent when rounded. Rounding instances, as described here, account for other small discrepancies between values presented in figures and in the text.

Key findings from Figures 4 and 5:

- Regardless of one's party identification and 2016 presidential vote choice, people overwhelmingly believe that access to attorneys is (somewhat or very) important—both in general and when explicitly including people in immigration court.
 - The vast majority of people in each group, 69 percent or more, answered *very* important.

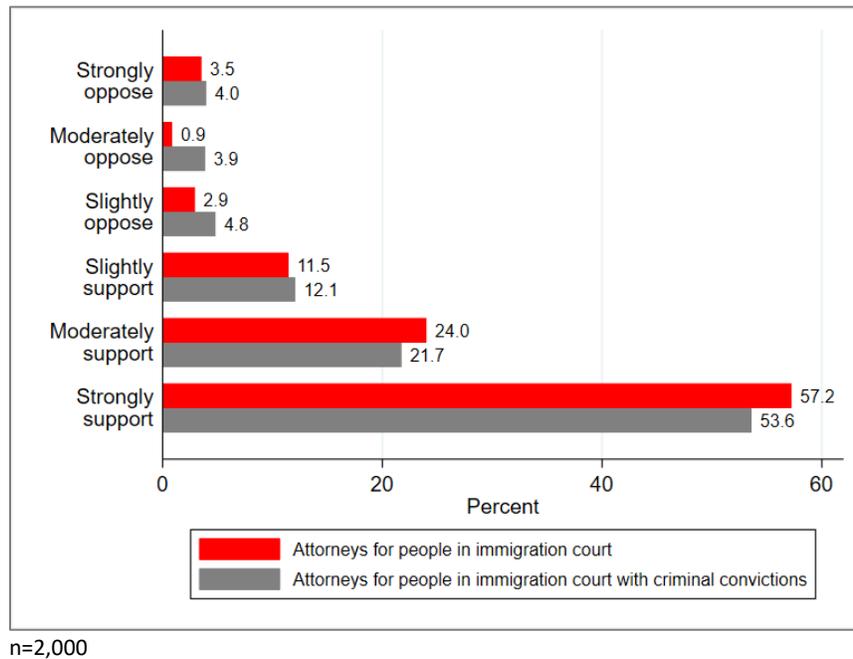
Government-funded attorneys in immigration court

Beyond asking about *access* to attorneys, the survey also explored attitudes toward *government-funded* attorneys in immigration court. Half of the respondents were randomly assigned to question three and the other half to question four below.

3. Do you support or oppose the government paying for an attorney for everyone who cannot afford one in a court of law, including people in immigration court?
4. Do you support or oppose the government paying for an attorney for everyone who cannot afford one in a court of law, including people in immigration court with criminal convictions?

Questions three and four are nearly identical, except question three asks about government-funded attorneys for people in immigration court, while question four allows for an exploration of whether such attitudes change when immigrants with criminal convictions are explicitly included. Answer options for both questions are: strongly support, moderately support, slightly support, slightly oppose, moderately oppose, and strongly oppose. As in the previous section, this section will first display responses to the questions among all respondents (Figure 6), then by region of residence within New York State (Figure 7), then among likely voters (Figure 8), followed by graphs that display responses by party identification and 2016 vote choice (Figures 9 and 10).

Figure 6: Attitudes on government-funded attorneys in immigration court

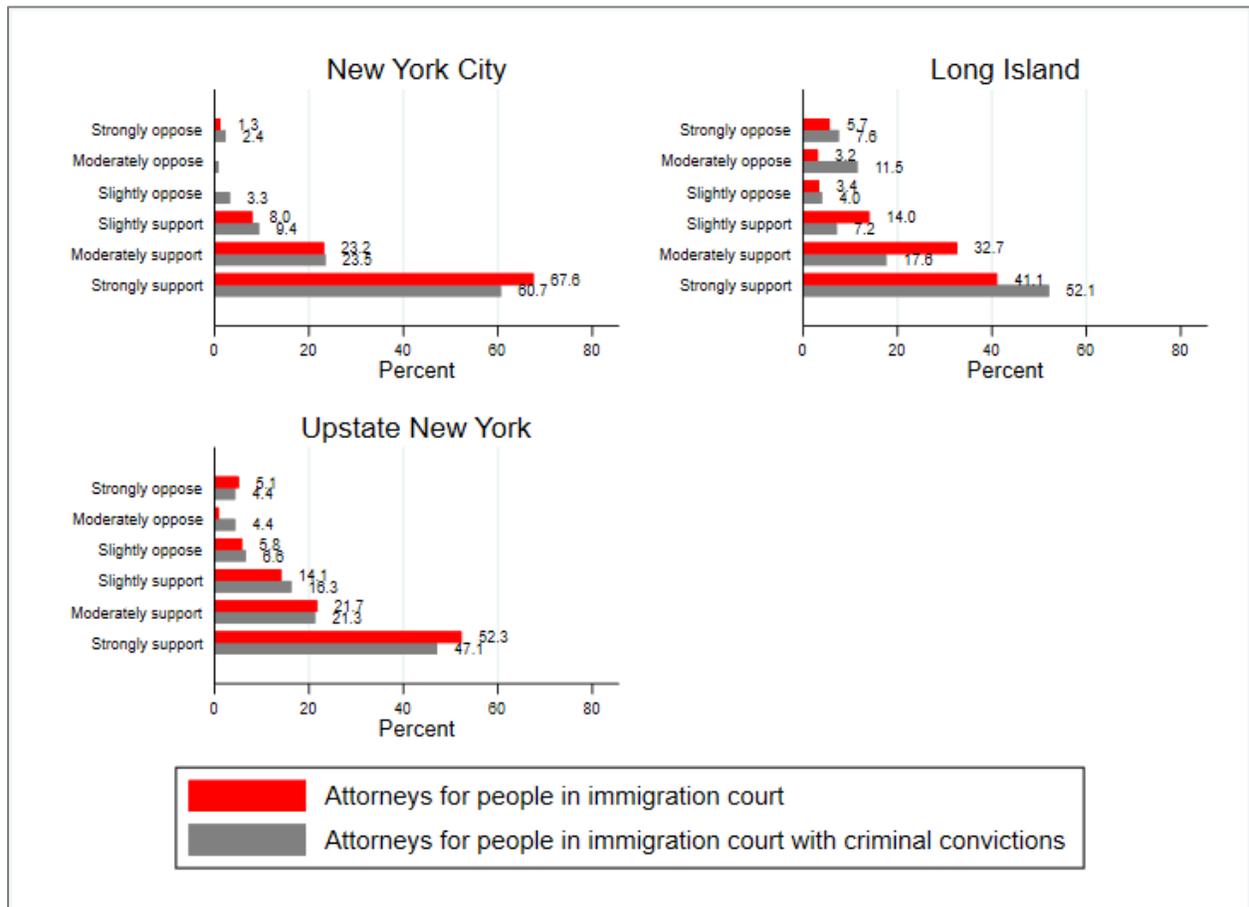


Key findings from Figure 6:

- There is tremendous support among New Yorkers for government-funded attorneys for people in immigration court, including for people with criminal convictions.⁶
- Ninety-three percent of New Yorkers support government-funded attorneys for people in immigration court.
- Eighty-seven percent of New Yorkers support government-funded attorneys for people in immigration court *with criminal convictions*.
- A majority of New Yorkers *strongly* support the government paying for attorneys in immigration court—both in general and for people with criminal convictions.

⁶ T-tests that compare mean responses to questions three and four reveal only a marginal significant difference between the two ($p=0.092$). This indicates that people are answering the two questions similarly and are not substantially less supportive of lawyers for immigrants with criminal convictions than they are for immigrants in general. In t-tests, responses are coded to range from 0 (very unimportant) to 1 (very important).

Figure 7: Attitudes on government-funded attorneys in immigration court, by region of residence in the state



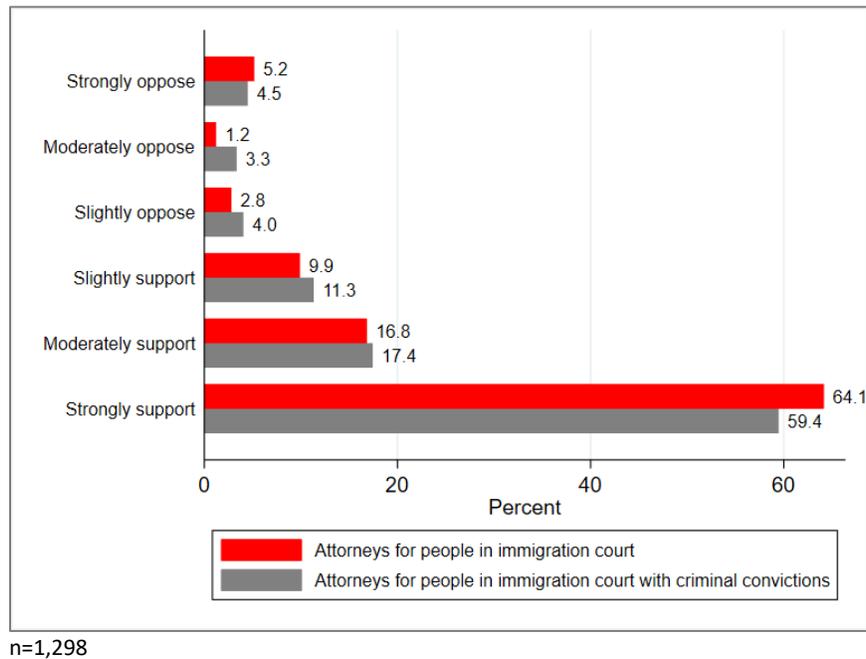
n=2,000

Percent labels next to each bar are omitted from the figures for all values less than 1 percent.

Key findings from Figure 7:

- Support for government-funded attorneys in immigration court, including for people with criminal convictions, is pervasive across all three regions.
- Ninety-nine percent of New York City residents, 88 percent of Long Island residents, and 88 percent of Upstate New York residents support government-funded attorneys for people in immigration court.
- Ninety-four percent of New York City residents, 77 percent of Long Island residents, and 85 percent of Upstate New York residents support government-funded attorneys for people in immigration court *with criminal convictions*.

Figure 8: Attitudes on government-funded attorneys in immigration court among likely voters

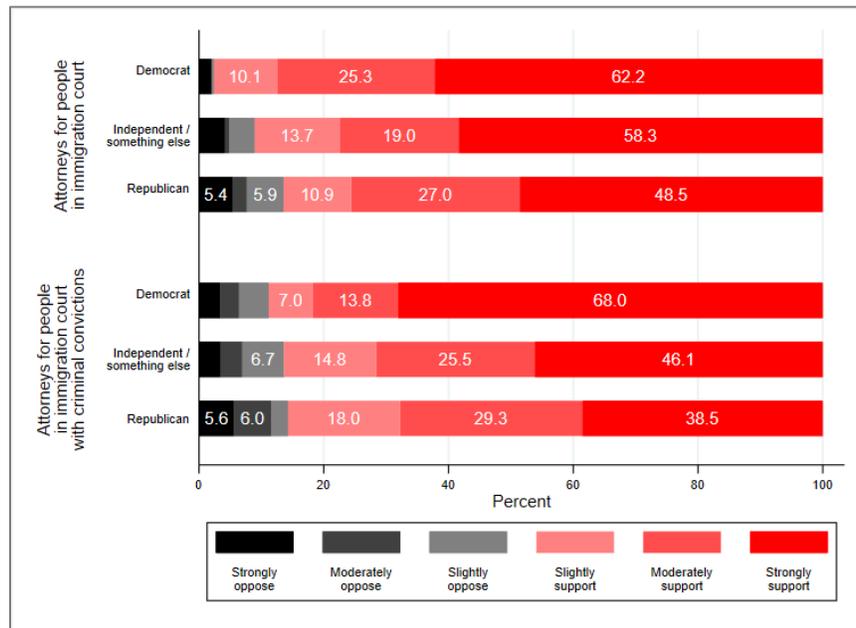


Key findings from Figure 8:

- There is great support among likely voters in New York State for government-funded attorneys for people in immigration court, including for people with criminal convictions.
- Ninety-one percent of likely voters in New York State support government-funded attorneys for people in immigration court.
- Eighty-eight percent of likely voters in New York State support government-funded attorneys for people in immigration court *with criminal convictions*.
- T-tests that compare mean responses to questions three and four reveal that there is no significant difference in responses between the two questions ($p=0.409$).⁷
- More than 59 percent of likely voters in New York State *strongly* support the government paying for attorneys, including for people in immigration court with criminal convictions.

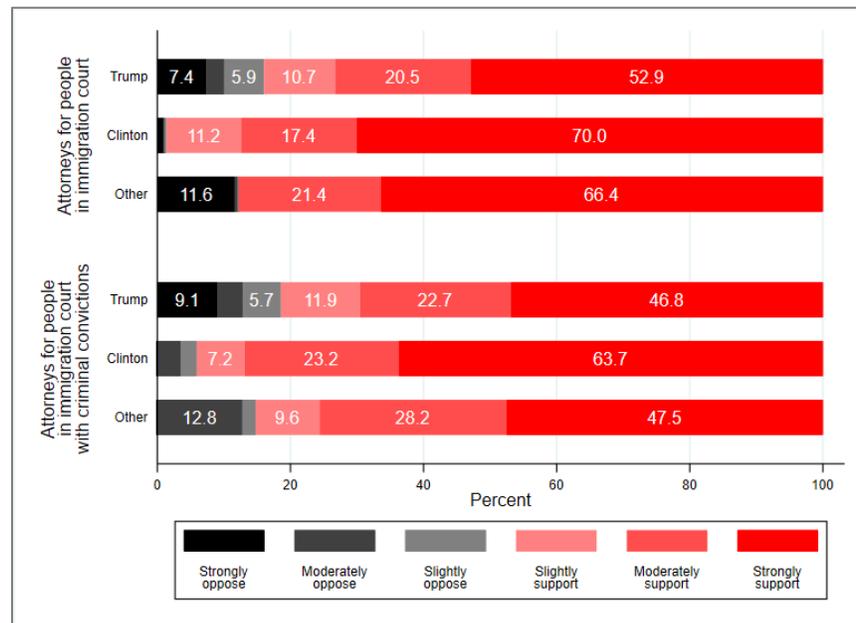
⁷ In t-tests, responses are coded to range from 0 (very unimportant) to 1 (very important).

Figure 9: Attitudes on government-funded attorneys in immigration court by party identification



n=1,991 (768 Democrats, 664 independents/something else, and 559 Republicans).

Figure 10: Attitudes on government-funded attorneys in immigration court by 2016 presidential vote choice



n=1,429 (616 Trump, 674 Clinton, and 139 third-party candidate voters).

Only those who cast a vote in 2016 are included in Figure 10.

Key findings from Figures 9 and 10:

- Regardless of respondents' party identification and 2016 presidential vote choice, there is tremendous support for government-funded attorneys for people in immigration court, including for people with criminal convictions.
- More than 48 percent of people across all groups *strongly* support government-funded attorneys for people in immigration court.
- More than 38 percent of people across all groups *strongly* support government-funded attorneys for people in immigration court, including people with criminal convictions.

Support for government-funded attorneys by general immigration attitudes

The survey included a standard immigration question that researchers have asked across many prominent surveys over many years. Including a standardized question allowed Vera to compare the sample with respondents to other surveys of immigration attitudes. The standard immigration question is:

5. Do you think the number of immigrants from foreign countries who are permitted to come to the United States to live should be increased, decreased, or kept the same as it is now?

Answer options to question five are: increased a lot, increased a moderate amount, increased a little, kept the same as now, decreased a little, decreased a moderate amount, and decreased a lot. Table 1 presents the percentage of New Yorkers who think immigration to the United States should be increased, decreased, or kept the same. The New York sample appears in the first column of results, and the following columns present percentages of responses across three recent, prominent, national surveys: the American National Election Studies (ANES), Gallup, and the Pew Research Center.⁸ The table shows that immigration attitudes among the New York sample are more favorable toward immigration than are immigration attitudes across national surveys. One would expect New York State, a blue state, to be more liberal regarding immigration than the United States as a whole. Nonetheless, the New York sample is not completely out of line with national surveys.

⁸ See American National Election Studies, "2018 Pilot Study," <https://electionstudies.org/data-center/2018-pilot-study/>; Gallup, "Immigration," (2 percent of Gallup respondents are coded as "no opinion"), <https://news.gallup.com/poll/1660/immigration.aspx>; and Pew Research Center, "Shifting Public Views on Legal Immigration Into the U.S.," June 28, 2018, <https://www.people-press.org/2018/06/28/shifting-public-views-on-legal-immigration-into-the-u-s/>.

Table 1: Standard immigration question across four surveys

Immigration to the U.S. should be...	Survey			
	New York/Vera*	ANES	Gallup	Pew
Increased	46%	31%	27%	32%
Kept the same	29%	35%	37%	38%
Decreased	24%	33%	35%	24%

* Percentages for the New York/Vera sample do not sum to 100 due to rounding.

Finally, Table 2 shows the percentage of respondents who support government-funded attorneys generally and for immigrants with criminal convictions by their responses to the standard immigration question (question five above).

Table 2: Support for government-funded attorneys in immigration court by responses to the standard immigration question

Immigration to the U.S. should be...	Percentage supporting government-funded attorneys	
	Generally	For those with criminal convictions
Increased	98%	99%
Kept the same	97%	87%
Decreased	77%	68%

n=2,000

Key findings from Table 2:

- Among those who support increased immigration to the United States, support for government-funded attorneys is nearly universal—just under 100 percent—including for people with criminal convictions.
- Among those who want to keep immigration levels as they currently are, 97 percent support government-funded attorneys, and 87 percent support attorneys for people with criminal convictions.
- Even among people who oppose immigration to the United States, 77 percent support the government paying for attorneys in all courts, including immigration court, and 68 percent support this for people with criminal convictions.