New York to provide free legal aid, IDs to undocumented immigrants

In a first for any US city, New York earmarks $4.9 million to give legal assistance to its foreign-born residents facing deportation.

By Harry Bruinius, Staff writer | JUNE 26, 2014

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As Congress remains gridlocked by the partisan wrangling over the issue of illegal immigration, New York City this week approved two separate plans that advocates say could signal a sea change in the ways cities handle undocumented workers and their families.

On Wednesday, the New York City Council earmarked $4.9 million of the city budget to give legal assistance to foreign-born New York residents facing deportation. This makes New York the first city in the US to provide lawyers for low-income immigrants detained by federal authorities. The city will provide such aid both for undocumented immigrants and for those with legal residency.

And on Thursday, the City Council voted to create a new municipal ID program for all who live within its five boroughs, following the lead of cities such as New Haven, Conn., San Francisco, and Los Angeles – each with large immigrant populations – to give any resident the documentation needed to open a bank account, sign a lease, or even get a library card. The measure passed 43 to 3, with three abstentions.

Though available to anyone, these municipal IDs are especially helpful for undocumented immigrants, who often must carry cash, leading thieves to casually label vulnerable immigrants as “ATMs.”

"Every New Yorker deserves an official identification that allows them to prove who they are and access core services," said Mayor Bill de Blasio, in a statement after the vote.

"The municipal ID is more than just a card – it provides New Yorkers who are currently living in the shadows with dignity and peace of mind," he added.

This week’s measures come as the country faces a surge in the numbers of unaccompanied minors crossing the southern border, most from Central America, experts say. Republican critics say many of these young immigrants have been lured to the US by the Obama administration’s Deferred Action for Childhood Arrivals, the 2012 policy that suspends deportation for any children brought to the country illegally before 2007 and under the age of 31 as of June 15, 2012.
But New York’s new measures are designed mostly to benefit undocumented immigrants with families. Since last year, New York has already been experimenting with a pilot program to help any immigrant avoid deportation, earmarking $500,000 for the New York Immigrant Family Unity Project. This week’s budget deal funds the project in full.

The project was meant “to ensure that no New York City family is torn apart, has a loved one locked up and deported, simply because they can’t afford an attorney,” says Peter Markowitz, a professor at Cardozo Law School and director of its Immigration Justice Clinic in Manhattan.

Immigrants facing deportation do not have a right to legal counsel, and about 60 percent of the deportation cases in New York and New Jersey do not have adequate representation, experts say. As a result, 97 percent of these immigrants are deported, even though they had legal options available to them.

“If you were detained and unrepresented, it was virtually impossible to win your case,” says Professor Markowitz, who chaired the steering committee that led to New York’s program providing funds for detainees. "When you add lawyers to the mix, it can improve people’s chances of success by as much as 1,000 percent."

Detention and deportation devastate the family structures of immigrants, found a 2011 study by Markowitz’s committee. The committee had been convened in 2010 by Second Circuit Judge Robert Katzmann, who heard the final appeals of all deportation cases.

“As his docket swelled, what he saw over and over again was, frankly, people being deported who should not be deported,” says Markowitz. “But because they either didn’t have a lawyer, or had a very poor lawyer ... the circuit court couldn’t rectify the situation, and he became frustrated with the systemic injustice that he was seeing.” Most of these immigrants were undocumented, but legal residents also lacked representation.

As a result, each year more than 2,000 children of immigrants experienced the trauma of having a parent arrested, detained, and possibly deported. The cost of legal counsel, the study found, was nearly 10 times less than the cost of providing services for these children, after the deportation of a parent.

New York’s project has sparked similar legal efforts in Chicago, the San Francisco Bay Area, and Boston. “[There’s] potential for New York to catalyze a sea change in the quality of justice afforded to immigrants across the country,” Markowitz says.

Though the new city-issued IDs are also designed to help immigrants receive needed services, they have been controversial among both immigrant advocates and critics. They risk becoming obvious “scarlet letters” for undocumented workers and their families if other residents don’t adopt them – problems other cities have faced since New Haven became the first city to adopt municipal IDs in 2007.
“This has got to be a New York City ID card that everybody, not just undocumented immigrants, not just day laborers in Queens, but hipsters in Brooklyn and all sorts of folks are going to be able to get,” said Steven Choi, executive director of the New York Immigration Coalition, earlier this month.