



February 11, 2026

The Honorable Liz Krueger  
Chair, Standing Finance Committee  
Room 416 CAP, Capitol Building  
Albany, NY 12247  
[financechair@nysenate.gov](mailto:financechair@nysenate.gov)

The Honorable J. Gary Pretlow  
Chair, Standing Committee on Ways and Means  
LOB 923, Capitol Building  
Albany, NY 12248  
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**Testimony of Immigrant Children Advocates' Relief Effort (ICARE)**  
**Submitted for the hearing on Public Protection on February 12<sup>th</sup> 2026**  
**In support of the Access to Representation Act (A270 / S141) and the BUILD Act (A2689 /**  
**S4538)**  
**Request: \$175 million for immigration legal services in New York State**

Dear Chairperson Krueger and Chairperson Pretlow,

Good afternoon, and thank you for the opportunity to submit testimony. My name is Sierra Kraft, and I am the Executive Director of the Immigrant Children Advocates' Relief Effort (ICARE). [ICARE](#) leads a coalition of legal service organizations dedicated to ensuring immigrant children and youth facing deportation have access to high-quality, free legal representation. We work across a network of providers who represent and support young New Yorkers in immigration court, family court, and before USCIS, and who help youth pursue



protection and lawful status through protections like Special Immigrant Juvenile Status (SIJS), asylum, and other humanitarian relief.

I'm submitting this testimony because the [Access to Representation Act \(ARA, A270 / S141\)](#) and the **Building Up Immigrant Legal Defense Act (BUILD Act A2689 / S4538)** are exactly the kind of long-term, stabilizing investments New York needs right now. The scale of federal attacks on immigrant communities, and the speed at which due process is being undermined, is creating both a humanitarian crisis and a systems crisis. For immigrant youth who are unaccompanied, separated, or otherwise navigating the legal system without meaningful adult support, the stakes could not be higher. New York has an urgent opportunity, and responsibility, to show up in this moment with a **\$175 million investment** in immigration legal services and the passage of ARA and BUILD.

**What we are seeing on the ground: youth are under attack, and protections are eroding**

Unaccompanied children and youth are among the most vulnerable people in the immigration system, and New York is one of the major destinations for youth released from federal custody. New York State welcomes approximately 5,000 unaccompanied children and youth each year, and approximately 18 shelter facilities in New York contract with the federal government. Many of these young people arrive after surviving abuse, abandonment, trafficking, violence, or prolonged family separation. They are expected to navigate an adversarial court system, often in a language they do not speak, while also trying to stabilize their lives, enroll in school, find safe housing, and recover from trauma.



Over the past year, that already fragile reality has become far more dangerous. We are seeing a steady erosion of protections for immigrant youth, including the revival of expedited children's dockets and government practices that move cases faster and increase pressure on children to accept removal rather than fully exercise their rights. In September 2025, for example, the government attempted to unlawfully and extrajudicially deport Guatemalan children, an alarming example of how quickly due process can be bypassed when children lack independent legal protection.

In practical terms, this erosion of protections is changing the nature of our work in ways that are both urgent and resource-intensive. Each case now requires significantly more time, coordination, and specialized legal intervention than it did even a year ago. What used to be straightforward representation has become an all-hands-on-deck effort. Attorneys, paralegals and social workers are spending more time responding to emergencies, tracking rapidly changing policies, and preparing for enforcement actions that were once rare. Teams that should be focused on case strategy and long-term stability are instead pulled into crisis response, often on a daily basis.

Historically, when youth with approved or pending Special Immigrant Juvenile Status were detained, release was more predictable. Today, that is increasingly no longer the case. Providers are increasingly forced to pursue complex federal habeas litigation simply to secure a child's release from detention. That work requires a completely different skill set, additional training, and significant staff time that most legal service providers were never designed or funded to absorb. It is specialized, urgent, and resource-heavy work layered on top of already full



caseloads. These shifts illustrate just how far protections have eroded and how much more fragile safety has become for the children we serve.

At the same time, enforcement actions are increasingly reaching into our communities and targeting young people who have been living here for years. We have seen cases where youth who were previously approved for protections like SIJS have nonetheless been detained without bond, forcing providers to file emergency habeas petitions in federal court simply to secure release. These situations require rapid-response legal capacity that a patchwork, unstable funding system cannot support.

**The federal funding crisis: instability is the threat**

For years, unaccompanied children's access to representation has relied on an unstable patchwork of federal contracts, philanthropy, and limited state and local investment. That fragility has now been exposed. In March 2025, federal funding for the Unaccompanied Children Program was abruptly cut, creating immediate disruption for providers and for the young people depending on counsel. Although funding was later restored, it has continued in short, unstable increments that prevent providers from planning, hiring, or stabilizing services. Federal funding has also never been sufficient to meet the scale of need, leaving providers to stretch limited resources even in stable years.

In addition, the pending ORR procurement process has introduced fundamental changes that make it more difficult to deliver holistic, child-centered representation. Even if federal contracting is improved down the line, the last year has made one thing clear: New York cannot



rely on federal processes alone to safeguard children’s right to counsel. The instability itself is the threat, because when legal services collapse or stall, children lose their shot at safety in ways that cannot be undone.

### **Legal representation is life-changing—and it is often the last line of defense**

Unlike in criminal court, people in immigration court are not guaranteed an attorney if they cannot afford one, even when the consequences are permanent family separation and deportation. People must represent themselves against trained government attorneys in a legal landscape that is changing, without exaggeration, [by the hour](#). In that environment, legal representation has become the last line of defense for immigrant New Yorkers trying to preserve safety and stability.

Legal representation for immigrant youth is not only a humanitarian necessity, it is also a public protection issue. When young people are detained without due process, when cases are rushed without counsel, and when families are destabilized by sudden enforcement, the consequences ripple through schools, workplaces, and communities. Representation promotes lawful process, stability, and compliance with court orders. It strengthens trust in institutions and ensures that New York’s legal system operates with fairness and integrity.

Public protection is not advanced by chaos or by forcing children to navigate complex courts alone. It is advanced when the rule of law is upheld, when cases are resolved properly, and when communities are stable and secure.



For many of the young people we serve, difference between having a safe stable future and being rapidly deported back to a country where your life is at risk. These are children navigating court alone while carrying trauma, language barriers, and enormous uncertainty. When legal protections shrink and enforcement expands, counsel becomes their sole safeguard. If we want these young New Yorkers to have any real chance at building stable, productive futures, we have to ensure they have someone standing beside them. Their futures, and frankly, our state's future workforce and communities, depend on it.

### **New York's need is urgent, and the gap is measurable**

Even with New York's leadership, far too many people in our state still face deportation without counsel. As of November 2025, [29 percent](#) of people in New York State immigration courts were unrepresented, and the number was even higher—40 percent—for those in immigration detention. These are staggering figures, and they become even more devastating when you consider what detention does to a person's ability to find counsel, gather evidence, and communicate reliably with the court.

Research consistently shows that representation changes outcomes. Studies show detained immigrants with counsel are up to [10.5 times more likely](#) to have a case outcome that allows them to remain in the United States. That data point is important not because it reduces human lives to numbers, but because it captures what providers already know from daily experience: the system is structured in ways that penalize people without legal support, and that risk is magnified when someone is detained.



## Why ARA and BUILD—and why a \$175 million investment

The Access to Representation Act would establish a right to counsel in immigration court for immigrant New Yorkers through a public defender model for deportation defense. The BUILD Act would create a four-year investment to build the long-term legal services infrastructure needed to sustainably scale programs statewide, including training and retention, stronger staffing models, and integration of navigators and social workers alongside attorneys. This combination, right to counsel plus durable infrastructure, is what New York needs in a period of rapid legal change and sustained enforcement pressure.

We cannot meet a multi-year, complex court process with year-to-year funding uncertainty. Immigration defense is funded year-to-year even though cases often take years to resolve, which prevents providers from making the long-term investments needed to scale, fuels turnover, and strains capacity across the ecosystem. BUILD is designed to solve that structural weakness.

This is also an economic and workforce issue, not just a moral one. Immigrant workers make up 28 percent of New York's labor force, and [immigrant-led households](#) have \$160.5 billion in spending power and contribute \$31.3 billion in combined state and local taxes. When we talk about investing in representation, we are talking about enabling people to stay with their families, continue to work, go to school, and remain in their communities. [A study](#) by the NYC Comptroller, assisted by the Vera Institute of Justice, the Acacia Center for Justice, and the New York Immigration Coalition, found that universal access to attorneys for New Yorkers facing deportation would likely allow an additional 53,000 New Yorkers to remain in their



communities, generating an estimated \$8.4 billion net benefit for federal, state, and local governments.

### **Why this matters for the future of young New Yorkers**

The young people we serve are New Yorkers in every way that matters. They are students, workers, and future community leaders. They want to finish school, support their families, build careers, and contribute to the state they now call home. When their cases drag on for years, when fear becomes pervasive, and when detention and enforcement increases, and when legal pathways are narrowed or destabilized, it doesn't just harm individuals, it erodes trust, destabilizes families, and weakens the very communities New York depends on.

If New York fails to act, it will be complicit in a federal agenda that strips rights, denies due process, and dismantles legal protections. But New York also has the opportunity to lead: to defend our neighbors, affirm democratic values, push back against the criminalization of immigrants, and set a national example of what a durable, humane right-to-counsel system can look like.

### **What we are asking of New York State elected officials**

On behalf of ICARE and our member organizations, we respectfully urge you to:

1. **Pass the Access to Representation Act and the BUILD Act.**
2. **Fully fund the \$175 million request** for immigration legal services so New York can meet the scale of need with seriousness and long-term commitment.



3. **Invest in both direct representation and coordination infrastructure** because this is the investment required to meet the current level of need, build stable infrastructure and protect children and families from the immediate and long-term harms of escalating enforcement.
4. **Treat immigrant youth representation as essential.** Children should not be collateral damage of federal instability, shifting enforcement priorities, or administrative delays.

New York has a choice in this moment. We can treat immigrant youth as an afterthought of a federal system, or we can treat them as who they are: young New Yorkers with potential, resilience, and the right to safety and due process.

Thank you for your partnership and your leadership. We look forward to working with you to secure this critical investment and ensure that no child in New York State faces deportation proceedings alone.

In community,

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