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**WRITTEN TESTIMONY OF
THE TASK FORCE ON THE CIVIL RIGHT TO COUNSEL,
CHILDREN AND THE LAW COMMITTEE,
COUNCIL ON CHILDREN,
FAMILY COURT AND FAMILY LAW COMMITTEE,
IMMIGRATION AND NATIONALITY LAW COMMITTEE,
THE PRO BONO AND LEGAL SERVICES COMMITTEE,
AND THE SOCIAL LAW WELFARE COMMITTEE**

**NEW YORK CITY COUNCIL COMMITTEE ON IMMIGRATION
OVERSIGHT HEARING: THE NEED FOR LEGAL REPRESENTATION IN
IMMIGRATION COURT UNDER TRUMP**

December 19, 2018

The New York City Bar Association (“City Bar”) submits the appended statement in support of ensuring right to counsel for minors in removal proceedings. The statement was drafted by the City Bar’s Task Force on the Civil Right to Counsel with the assistance and support of the above referenced committees. The Task Force on Civil Right to Counsel was formed in the spring of 2018 to advocate for the most effective implementation of New York City’s newly established right to counsel in eviction cases (“RTC”), to support the extension of that right to other jurisdictions, and to advocate for the extension of the right to counsel in other civil matters where fundamental human needs are at stake. The Task Force includes the President of the City Bar in an ex officio capacity, the immediate past President of the City Bar, prominent members of the bar, judiciary and legal academia, leading housing rights advocates and liaisons to other relevant City Bar committees.

Thank you for your consideration.

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PRO BONO AND LEGAL SERVICES COMMITTEE
SOCIAL WELFARE LAW COMMITTEE**

DECEMBER 18, 2018

**STATEMENT IN SUPPORT OF ENSURING RIGHT TO COUNSEL FOR MINORS
FACING REMOVAL PROCEEDINGS**

The New York City Bar Association issues this statement in response to the shameful fact that large numbers of children are appearing in removal proceedings without counsel. This statement is based upon the following facts:

- Courts have not recognized a constitutionally guaranteed right to an attorney for individuals, including minors, in removal proceedings, if they are unable to afford counsel.
- The number of unaccompanied minors and other children facing removal without legal representation is growing such that fewer than two-thirds of unaccompanied minors in New York are represented.
- The consequences of deportation for a minor can be extremely dire, including injury and death.
- Removal proceedings are abstract and technical legal proceedings. They are conducted in English, a language which the minor, in most cases, does not understand. It is, therefore, extremely difficult or impossible for a minor to navigate removal proceedings unrepresented by counsel.
- Statistics show that without legal representation minors have almost no chance of success in removal proceedings. Conversely, if minors have legal representation, their chance of success dramatically increases.

- Unaccompanied minors and other children separated from their families are often fleeing endemic violence and persecution, and need screening and appropriate medical, mental health, social and other government services.
- Representation by an attorney for minors in removal proceedings provides fundamental fairness for those facing deportation and separation from their families.

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The City Bar is committed to pursuing the right to counsel and appropriate language, social, and medical services for minors under the age of twenty-one who are facing federal immigration removal proceedings in immigration court. We urge our partners in the private bar, educational institutions and government to pursue actions that will result in establishing the right to counsel for minors facing removal in New York. Moreover, in order for the representation of minors in removal proceedings to be meaningful, government funding must be adequate to provide full representation by competent, experienced, qualified attorneys with workable caseloads and sufficient social services and related support.

Roger Juan Maldonado
President

About the Association

The mission of the New York City Bar Association, which was founded in 1870 and has over 24,000 members, is to equip and mobilize the legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world. Prior City Bar statements on the right to counsel for unaccompanied minors can be found [here](#) and [here](#).