Support Universal Representation: SAFE Network 101

What is it?

› The **Safety & Fairness for Everyone (SAFE) Network** is a unique collaboration among governments, immigration legal service providers, and advocates working together to build and implement publicly funded **universal representation** programs at the local and state levels.

› 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.

› The SAFE Network is expanding and is seeking to partner with publicly funded deportation defense programs at the local and state levels. Vera supports the growth and expansion of strong, sustainable, values-driven, and publicly funded programs through technical assistance and programming, research and data empowerment, and advocacy support.

Why does it matter?

› 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."**[1]

› 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 medical harm and neglect; and barriers to accessing counsel.

› **Immigrants facing deportation do not have the right to a public defender if they can't afford a lawyer**. This means that those who cannot afford to pay for an attorney—including almost 60 percent of all people in immigration court since 2001—are left to fend for themselves without an attorney while facing government attorneys.[2]

› **The overwhelming majority of people in the United States believe it is important for all people, including those in immigration court, to have access to lawyers**, highlighting that commonsense solutions are needed to ensure that everyone is treated with basic fairness.[3]

Why universal representation?

› **Advances due process**. Whether someone has been in the U.S. for 20 days or 20 years, 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 helps restore dignity to a system that sets immigrants up to fail. Everyone should mean everyone.[4]

› **Is effective and helps secure release from detention**. Without zealous legal representation, it is nearly impossible to win your case or be released from detention. Immigrants who are represented are 3.5 times more likely to be granted bond and up to 10 times more likely to establish a right to remain in the U.S.[5]

› **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 and caretakers to hundreds of children—the vast majority of whom are U.S. citizens. Seventy-seven percent of SAFE clients are the primary breadwinners** for their families.[6]

› **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 12 months before representation began**, compared to 63 percent of people nationwide.[7] These 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**.[8]

› **Advances racial justice**. Harmful myths of immigrant criminality, combined with overincarceration and overpolicing of communities of color, make Black immigrants particularly vulnerable to detention and deportation.[9] While representation alone is not enough to mitigate the systemic issues and structural racism pervasive throughout the detention and deportation system, it can mitigate the harms of those systems and advance a more equitable vision of justice. Universal representation must be coupled alongside efforts to end immigration detention and cut the pipeline between the criminal legal and immigration systems.

Growing Momentum

› **A national model**. More than **55 jurisdictions, including 10 states, have funded deportation defense programs**. These communities are leading the way in countering the injustice and destabilization that immigration enforcement has brought to our nation. And universal representation programs set a powerful course toward federally funded universal representation for all.

› **A path for federal change**. These local and state programs are charting the course toward federally funded universal representation. Vera and the National Partnership for New Americans (NPNA) launched the Fairness to Freedom Campaign calling on Congress to pass the Fairness to Freedom Act, which would establish a universal right to federally funded representation for anyone facing deportation—ensuring that nobody is forced to defend themself in immigration court along and that nobody is deported simply because they can't afford a lawyer.[10]

Endnotes

1   The Honorable Mark A. Dummond, "'Death Penalty Cases in a Traffic Court Setting': Lessons from the Front Lines of Today's Immigration Courts," American Bar Association, January 15, 2019, https://perma.cc/G5UB-VBKE.

2   Data for these numbers is based on Vera's original analysis of immigration court data pulled from the Executive Office for Immigration Review (EOIR), "FOIA Library," accessed July 2023, https://www.justice.gov/eoir/foia-library-0.

3   Vera Institute of Justice, Public Support in the United States for Government-Funded Attorneys in Immigration Court (New York: Vera Institute of Justice, 2020), https://www.vera.org/publications/taking-the-pulse.

4   Vera Institute of Justice, "Video: Everyone Means Everyone," https://www.vera.org/research/everyone-means-everyone.

5   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.

6   Vera Institute of Justice, Rising to the Moment: Advancing the National Movement for Universal Representation over Three Years of the SAFE Initiative (New York: Vera Institute of Justice, forthcoming 2020).

7   Ibid.

8   Jennifer Stave, Peter Markowitz, Karen Berberich et al., Evaluation of the New York Immigrant Family Unity Project: Assessing the Impact of Legal Representation on Family and Community Unity (New York: Vera Institute of Justice, 2017), https://perma.cc/3TKY-CLF2.

9   Jeremy Raff, "The 'Double Punishment' for Black Undocumented Immigrants," Atlantic, December 30, 2017, https://perma.cc/R7UZMKF7.

10 https://www.vera.org/fairness-to-freedom