



Testimony from Keisha Hudson, Chief Defender

## **Resolution 241090:**

### **Protecting immigrant, LGBTQ+, and other marginalized communities**

January 22, 2025

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Good morning Chairwoman Gilmore Richardson, Vice Chair Brooks, and Councilmembers Bass, Landau, O' Neill, Phillips, and Squilla. I'm Keisha Hudson, Chief Defender at the Defender Association of Philadelphia.

Thank you Councilmember Landau for introducing this resolution and for the opportunity to present to the committee the current legal services Defender provides to clients facing immigration consequences from their involvement with the criminal justice system and our plan to expand our legal services to provide direct representation to Philadelphians, including those not involved with the criminal legal system, who are at risk of deportation.

Currently our office has two part time 'crimmigration' attorneys who split their time between us and the Nationalities Services Center (NSC) and one mitigation specialist. This team works in conjunction with our appellate attorneys to advise our attorneys as to the immigration consequences our clients will face as a result of their involvement with the criminal legal system.

### **Client Profile: Mr. B**

This team helps people facing immigration challenges, like Mr. B., a non-citizen from the Dominican Republic who last came to the U.S. in 2022. He had been removed by Customs and Border Protection (CBP) before, but he returned after the Trinitarios gang—who had already harmed him—tried to kill him again. In 2023, he was arrested in Philadelphia for a first-time DUI and later detained by ICE in another state.

Our crimmigration attorney, Whitney Viets, and mitigator, Daniela Tovar Martinez, put together a strong request for his release. They included detailed evidence showing his good character, strong family ties in the U.S., and the serious health issues of his loved ones back home. His defense attorney, Edward Jilozian, helped get his DUI case withdrawn, which strengthened our case for release. These requests are rarely approved, but in Mr. B.'s case, ICE granted his release last summer.

Now, Mr. B. is able to keep supporting his 7-year-old twin daughters, who have severe asthma, and his elderly mother, who is battling cancer. His release means he can

continue to help pay for their medical care while he waits for his immigration hearing, which may not happen until 2027 or later.

## Our Current “Crimmigration” Legal Representation

Currently our immigration work, like that involving Mr. B., is funded through our partnership with the NSC, the organization which holds the contract with the city to provide immigration services. These services are currently funded by the Pennsylvania Immigrant Family Unit Project (PAIFUP) grant. This project provides legal representation to people detained by ICE through the PAIFUP who lived, worked, or studied in Philadelphia before detention, or plan to reunite with family in the city after their release.

Services supported by the PAIFUP project use a universal representation model that screens eligible individuals for services and offers representation regardless of the strength of their immigration case. When capacity allows, the services include representation of not just detained persons, but also people who reside, work in, or go to school in Philadelphia who are at risk of detention and deportation.

Since 2019, PAIFUP has grown from just 3 to roughly 5 full time attorneys, and has represented 213 members of the community. But the overwhelming majority of people processed by Philadelphia Immigration Court still lack legal representation. Since October 2019, 65% of the 102,671 deportation cases processed by Philadelphia Immigration Court were unrepresented individuals. Legal representation matters—39% of PAIFUP clients whose cases were completed have achieved outcomes that allow them to remain in the United States versus only 19% of unrepresented cases.

Representation also helps to maintain strong and stable communities in the city. For example, among people who were initially detained, **45 percent of clients** were released from custody, either on bond or at the conclusion of their legal cases, allowing them to stay within the community and with their families or jobs.

Additionally, representation enables our clients to effectively raise their legitimate defenses with **70 percent of clients applying for some legal defense against deportation, and among these people, 80 percent** pursued protection-based claims for relief, like asylum.

## The Case for Expansion of Services

With the support of the Nationalities Services Center (NSC), and other partner groups currently receiving funding through the city’s contract with NSC, we seek resources to

expand our immigration services and take on a larger role in the administration of PAIFUP.

We will keep working with our partners to make sure a portion of PAIFUP funds are used to support peer-to-peer support, helping organizations share best practices in managing finances and contracts for this statewide legal effort. We'll also continue supporting community groups and legal service providers to make sure no Pennsylvania resident faces detention or deportation without a lawyer.

In practice, this proposal would mean that the Defender Association will create an Immigration Defense Unit within our office, staffed with attorney and non-attorney members who specialize in defense and removal practice in federal court. This unit will ideally comprise 13 attorneys and non-attorneys, including 2 legal fellows.

A recent report estimates that nearly 50,000 Philadelphians may be at risk of detention or deportation in the upcoming years. To meet anticipated needs, we believe the Defender Association should expand its partnership with the existing network of community organizations, house all of the services in one shop and invest in additional staffing similar to other large scale public defender and community partnerships in places like New York, Los Angeles and Chicago. This will ensure more people have a chance of receiving quality representation by doubling the staff currently working on these issues, while expanding service capacity by allowing for much more effective representation.

Ultimately, this restructuring would: streamline divisions of labor and case acceptance; prevent duplication of resources; add professional and administrative staff to assist with investigative, family support, and social services; and house all part time employees under one shop and one supervisor.

To fund this project the Defender proposes absorbing the PAIFUP funding and seeking an additional investment from the city of \$800,000.

## Conclusion

While the future of undocumented members of our community is uncertain, we must anticipate that members of immigrant communities throughout the city will face even greater challenges in the years ahead. That's why it's crucial for our office to expand its legal representation for immigration. Now more than ever people at risk of deportation need a streamlined, well-resourced, and responsive legal team to ensure their individual rights are protected and they have access to the resources and advocacy they need.

During the first Trump administration, our city faced challenges when federal funding was delayed or withdrawn because our city's policies did not align with the federal requirements. In the upcoming months or years, the city may be faced with tough economic choices as it balances the needs of our community.

Committing to an expansion of PAIFUP's and the Defender's immigration services will allow us to be better prepared to anticipate upcoming shifts in policy and ensure that we are equipped to help Philadelphians navigate the complexities of immigration law in this ever changing environment.