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ADVANCING IMMIGRANT LEGAL REPRESENTATION: THE NEXT FIFTEEN YEARS

*Muzaffar Chishti, Charles Kamasaki & Laura Vazquez**

As a judge on the U.S. Court of Appeals for the Second Circuit, Robert A. Katzmann found that immigration matters represented a severe and growing bottleneck of the cases at the court. Instead of treating this phenomenon purely as a case management problem, he chose to delve deeper to understand the underlying cause for the high level of appeals from immigration agency determinations. Judge Katzmann concluded that lack of effective counsel was a major factor, and he turned that understanding into a cause. In his 2007 clarion call,¹ he implored the enlightened members of the legal community to rise to the occasion and address the critical and unmet need for legal representation for indigent immigrants facing deportation, including those seeking the humanitarian protection of asylum. He followed the call with earnest and sustained action. Using his gravitas and considerable persuasive power, he mobilized scholars, leaders in philanthropy, the legal community, and the corps of immigration judges to support an idea that birthed the Immigrant Justice Corps—an innovative approach to addressing the immigration legal representation challenge.

Since 2007, numerous developments have confirmed the prescience and wisdom of Judge Katzmann's vision. The number of asylum applicants has increased seven-fold from 2012 to 2022, growing from 100,000 to 750,000 over this period.² Today, immigrants are removed from the U.S. interior and turned away at the border at much higher levels than in any previous era. In particular, interior removals—in which legal representation is most critical—have grown from less than ten thousand annually in the 1960s, to tens of thousands annually through the mid-1990s, to hundreds of thousands each

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1. See Kirk Semple, *Seeking Better Legal Help for Immigrants*, N.Y. TIMES (Jan. 28, 2014), <https://www.nytimes.com/2014/01/29/nyregion/service-program-will-recruit-law-school-graduates-to-help-represent-immigrants.html> [<https://perma.cc/P6VW-XWYA>].

2. TRAC IMMIGR., SYRACUSE UNIV., A SOBER ASSESSMENT OF THE GROWING U.S. ASYLUM BACKLOG (2022), <https://trac.syr.edu/reports/705/> [<https://perma.cc/M9BW-FDPR>].

year since 1997.³ Despite the growth of the immigration legal services field, in recent years the proportion of immigrants in removal proceedings who have legal representation has fallen.⁴ Lack of effective legal representation has profound effects on an immigrant's ability to obtain asylum or other relief from deportation and to avoid or minimize detention while their claims are adjudicated.⁵ For those with potentially valid claims who might be returned to unsafe conditions abroad, nonexistent or ineffective legal representation could be a matter of life and death. Moreover, legal representation often ensures more efficient and more just processes, since represented claims are better prepared and often resolved before they reach the courts.⁶

Asylum and removal proceedings are just two examples in which lack of legal assistance undermines immigrants' access to due process. A 2014 study shows that over a million undocumented immigrants may potentially have legal remedies that would allow them to lawfully stay in the United States, but they are either unaware of these opportunities or lack the legal resources to apply for them.⁷ More recent, less formal surveys have come to similar conclusions, in most cases suggesting that the number of undocumented persons with potential relief may be at the higher end of the one to two million range.⁸ Studies have shown that approximately 30 to 40 percent of these immigrants will need some form of free or low-cost legal assistance.⁹

Similarly, at least for some of those immigrants applying for temporary relief—such as through attaining Temporary Protected Status, through Consideration of Deferred Action for Childhood Arrivals, or through

3. DEP'T OF HOMELAND SEC., 2021 YEARBOOK OF IMMIGRATION STATISTICS 105 tbl.39 (2021), https://www.dhs.gov/sites/default/files/2023-03/2022_1114_ply_yearbook_immigration_statistics_fy2021_v2_1.pdf [<https://perma.cc/KT2B-8CP3>].

4. See TRAC IMMIGR., SYRACUSE UNIV., ASYLUM REPRESENTATION RATES HAVE FALLEN AMID RISING DENIAL RATES (2017), <https://trac.syr.edu/immigration/reports/491/> [<https://perma.cc/CY26-CE7L>].

5. See INGRID EAGLY & STEVEN SCHAFER, AM. IMMIGR. COUNCIL, ACCESS TO COUNSEL IN IMMIGRATION COURT 1 (2016), https://www.americanimmigrationcouncil.org/sites/default/files/research/access_to_counsel_in_immigration_court.pdf [<https://perma.cc/7S2A-B5S4>]; TRAC IMMIGR., *supra* note 4; Erica Bryant, *Immigrants Facing Deportation Do Not Have the Right to a Publicly Funded Attorney. Here's How to Change That*, VERA INST. FOR JUST. (Feb. 9, 2021), <https://www.vera.org/news/immigrants-facing-deportation-do-not-have-the-right-to-a-publicly-funded-attorney-heres-how-to-change-that> [<https://perma.cc/UE9D-W6JE>].

6. See DONALD KERWIN, MIGRATION POL'Y INST., REVISITING THE NEED FOR APPOINTED COUNSEL 1 (2005), https://www.migrationpolicy.org/sites/default/files/publications/Insight_Kerwin.pdf [<https://perma.cc/GY4L-PGMM>].

7. See Tom K. Wong, Donald Kerwin, Jeanne M. Atkinson & Mary Meg McCarthy, *Paths to Lawful Immigration Status: Results and Implications from the PERSON Survey*, 2 J. ON MIGRATION & HUM. SEC. 287 (2014).

8. See DONALD KERWIN, ROBERTO SURO, TESS THORMAN & DANIELA ALULEMA, CTR. FOR MIGRATION STUD. OF N.Y., THE DACA ERA AND THE CONTINUOUS LEGALIZATION WORK OF THE US IMMIGRANT-SERVING COMMUNITY 9 (2017), <https://cmsny.org/wp-content/uploads/2017/02/CMS-Legalization-Report-FINAL.pdf> [<https://perma.cc/ND5L-7PGW>].

9. See Charles Kamasaki, Susan Timmons & Courtney Tudi, *Immigration Reform and Administrative Relief for 2014 and Beyond: A Report on Behalf of the Committee for Immigration Reform Implementation (CIRI)*, Human Resources Working Group, 3 J. ON MIGRATION & HUM. SEC. 283, 291 (2015).

parole—their prospects for permanent residence and naturalization could be jeopardized if they file applications without legal assistance. These challenges are especially acute for lower-income immigrants; one study found that even the relatively “simple” naturalization process was problematic for poor immigrants with relatively low levels of education.¹⁰ U.S. citizens and lawful permanent residents sponsoring eligible family members abroad to immigrate to the United States typically require some legal assistance.¹¹

Recent executive actions by the Biden administration, although offering a form of status to some noncitizens, also led to an increased need for legal services. For example, many of the tens of thousands of Afghans and Ukrainians who were admitted on parole will likely seek to remain in the United States long-term.¹² To do so, most will probably require legal assistance to pursue asylum or some other form of relief. Another example of executive action necessitating legal services is the Biden administration’s announcement in early 2023 to establish a streamlined process for applications for deferred action for some immigrant workers engaged in certified workplace disputes.¹³

Not every potential applicant for relief in all of the above-listed categories needs a lawyer; trained legal services providers at “recognized” charitable organizations can effectively represent them.¹⁴ Since 1958, Department of Justice (DOJ) regulations have authorized nonprofit organizations that (1)

10. Jens Hainmueller, Duncan Lawrence, Justin Gest, Michael Hotard, Rey Koslowski & David D. Laitin, *A Randomized Controlled Design Reveals Barriers to Citizenship for Low-Income Immigrants*, 115 *PROC. NAT’L ACADS. SCI.* 939, 944 (2018).

11. See ANDREA GOMES, AARON SPOLIN, JOANNA HUEY, MATT MULLER & ALEXA SHABECOFF, *SERVING IMMIGRANTS AND REFUGEES: A GUIDE TO CAREERS IN THE LAW* 3 (2007).

12. See Miriam Jordan, Zolan Kanno-Youngs & Michael D. Shear, *United States Will Welcome Up to 100,000 Ukrainian Refugees*, *N.Y. TIMES* (Mar. 24, 2022), <https://www.nytimes.com/2022/03/24/us/ukrainian-refugees-biden.html> [<https://perma.cc/T9YR-LFVU>]; *What Is Next for Afghans Who Fled to the United States?*, *INT’L RESCUE COMM.* (Feb. 16, 2022), <https://www.rescue.org/article/what-next-afghans-who-fled-united-states> [<https://perma.cc/FL6M-NKQV>].

13. See Press Release, Dep’t of Homeland Sec., *DHS Announces Process Enhancements for Supporting Labor Enforcement Investigations* (Jan. 13, 2023), <https://www.dhs.gov/news/2023/01/13/dhs-announces-process-enhancements-supporting-labor-enforcement-investigations> [<https://perma.cc/3Z54-D2EB>]; see also MARY YANIK, JESSICA BANSAL, ANN GARCIA & LYNN DAMIANO PEARSON, *NAT’L IMMIGR. L. CTR., PRACTICE MANUAL: LABOR-BASED DEFERRED ACTION* (2023), https://www.nilc.org/wp-content/uploads/2023/03/2023_24March-labor-deferred-action-advisory.pdf [<https://perma.cc/5V3H-FT57>]; *NAT’L IMMIGR. PROJECT OF THE NAT’L LAWS. GUILD & NAT’L IMMIGR. L. CTR., FREQUENTLY ASKED QUESTIONS: DEFERRED ACTION FOR WORKERS IN LABOR DISPUTES* (2023), https://www.nilc.org/wp-content/uploads/2023/03/2023_March-NIPNLG-NILC-Worker-FAQ.pdf [<https://perma.cc/W2WH-ZHSR>].

14. See MARY E. McCLYMONT, *JUST. LAB. NONLAWYER NAVIGATORS IN STATE COURTS: AN EMERGING CONSENSUS* (2019), <https://www.srln.org/system/files/attachments/Final%20Navigator%20report%20in%20word-6.11.hyperlinks.pdf> [<https://perma.cc/87PM-G8K8>]. Even in the nonimmigration context, the use of nonlawyer navigators is recognized for its importance in addressing the access-to-justice gap. See Erin B. Corcoran, *Bypassing Civil Gideon: A Legislative Proposal to Address the Rising Costs and Unmet Legal Needs of Unrepresented Immigrants*, 115 *W. VA. L. REV.* 643, 664 (2012) (noting that nonlawyers can provide quality advice on specialized areas of the law like immigration).

charge only “nominal” fees; (2) have “adequate knowledge, information and experience”; and (3) have qualified employees to represent immigrants.¹⁵ Those providers with “partial” accreditation can assist with certain applications, whereas more experienced ones with “full” accreditation may represent indigent individuals in immigration court and before the Board of Immigration Appeals.¹⁶

However, the number of DOJ-accredited representatives currently cannot come close to the capacity required to meet the demand. For example, a recent study found that there is only one legal professional for every 1,413 unauthorized persons in the United States.¹⁷ This capacity gap does not even account for the myriad of other applications and proceedings in which immigrants lack effective legal representation. The situations in which these services are needed range from complex proceedings, such as representing asylum applicants or immigrants facing removal, to assistance in filing applications for naturalization or petitions to sponsor relatives. In short, there is an enormous gap between the supply of lawyers and accredited representatives and the demand for their services.

However, there are some promising developments and innovations that can partly help fill these gaps. For example, governments and philanthropic organizations are notching up their support for immigrant legal services, in part as a response to organizing campaigns.¹⁸ These efforts have produced direct state and local government funding for pro bono representation networks and nonprofit groups. California, for example, has appropriated tens of millions of dollars to support immigration legal services since 2015.¹⁹ Similarly, Colorado established its own publicly funded immigration legal services program in 2021.²⁰ Notably, some of these successes have not been

15. 8 C.F.R. § 1292.11(a) (2023).

16. COORDINATING COMM. ON IMMIGR. L., AM. BAR. ASS’N, RECOMMENDATIONS ON NONLAWYER PRACTICE 4 (1993).

17. Donald Kerwin & Evin Millet, *Charitable Legal Immigration Programs and the US Undocumented Population: A Study in Access to Justice in an Era of Political Dysfunction*, 10 J. ON MIGRATION & HUM. SEC. 190, 190 (2022).

18. One such campaign is led by the Vera Institute of Justice, whose Advancing Universal Representation initiative has produced tens of millions of dollars to support legal representation for individuals in asylum or deportation proceedings. See *Advancing Universal Representation*, VERA INST. JUST., <https://www.vera.org/ending-mass-incarceration/reducing-incarceration/detention-of-immigrants/advancing-universal-representation-initiative> [<https://perma.cc/AA48-LPK3>] (last visited Nov. 3, 2023). The New Americans Campaign, UnidosUS, and other partners have initiated a joint effort focused on building capacity to support applicants for naturalization, deferred action, and similar proceedings. See THE NEW AMS. CAMPAIGN & UNIDOSUS, BEST PRACTICES TOOLKIT: MUNICIPAL OR STATE FUNDING FOR IMMIGRATION LEGAL SERVICES (2021), https://www.newamericanscampaign.org/wp-content/uploads/2021/07/NAC_Best-Practices-Toolkit_Municipal.pdf [<https://perma.cc/F2BD-Q6CQ>].

19. See, e.g., *Immigration Inclusion & Civic Participation*, CAL. IMMIGRANT POL’Y CTR., <https://caimmigrant.org/what-we-do/policy/immigrant-inclusion-civic-engagement/> [<https://perma.cc/9HPD-MJHD>] (last visited Nov. 3, 2023).

20. See COLO. REV. STAT. § 8-3.8-101 (2023); see also H.B. 21-1194, 73d Gen. Assemb., 1st Reg. Sess. (Co. 2021).

limited to immigrant-heavy “blue” states, but they have also occurred in “red” states such as Florida²¹ and Tennessee.²²

Such funding is essential, yet it may not always directly translate into greater capacity because of other constraints, such as the limited number of experienced attorneys and immigration law professionals. There are some promising developments here, from the growing number of paraprofessionals and innovative training approaches to the cost-effective augmentation and maximization of scarce legal assistance. Before COVID-19, most training was conducted in person, requiring extensive travel and facility costs by both trainers and participants. Now, these capacity-building training programs increasingly are provided online.²³ Since most such training programs historically have been limited to nonprofit professionals already engaged in immigration services, newly emerging efforts have focused on expanding the network of potential providers.²⁴

To the list of lawyers and DOJ-accredited representatives who can effectively support a stronger immigration legal services infrastructure, a new category of so-called “community navigators” has been added. These are individuals who live and work in neighborhoods where there are concentrations of immigrants. They often serve as legal “first responders,” assessing their community’s immigration needs and providing key information—which is all the more essential as immigration law and policy continues to change—to connect immigrants with legal and social services. The essential role of these first responders is increasingly recognized through funding collaboratives²⁵ and “career ladder” apprenticeship programs

21. Memorandum from Danielle Levine Cava, Mayor, to Miami-Dade Cnty. Comm’n 3–4 (Sept. 21, 2021), <https://www.miamidade.gov/govaction/legistarfiles/Matters/Y2021/212302.pdf> [<https://perma.cc/6VZ7-4CP8>].

22. Jamie McGee, *In Tennessee, Need for Immigration Legal Help Far Outweighs Supply*, TENN. LOOKOUT (Jan. 3, 2023), <https://tennesseelookout.com/2023/01/03/in-tennessee-need-for-immigration-legal-help-far-outweighs-supply/> [<https://perma.cc/47FK-PRQ8>].

23. The Catholic Legal Immigration Network, Inc. has long operated its Comprehensive Overview of Immigration Law training program online. *See Information About CLINIC Training for DOJ Recognition and Accreditation*, CLINIC, <https://www.cliniclegal.org/training/accreditation> [<https://perma.cc/CW8N-GS9K>] (last visited Nov. 3, 2023). The Immigrant Legal Resource Center and the National Partnership for New Americans offer a similar online course. *See Cristian Solano-Córdova, NPNA 40-Hour Overview of Immigration Law Training*, NPNA (Feb. 16, 2023), <https://partnershipfornewamericans.org/immigration-law-40-hour-virtual-training-course/> [<https://perma.cc/QNX9-3HXT>].

24. The Villanova Interdisciplinary Immigration Studies Training for Advocates program, for example, is open to interested people regardless of organizational affiliation and offers college credit as well. *See VIISTA—Villanova Interdisciplinary Immigration Study Training for Advocates*, VILLANOVA UNIV., <https://www1.villanova.edu/university/professional-studies/academics/professional-education/viista.html> [<https://perma.cc/49UP-C7GZ>] (last visited Nov. 3, 2023).

25. Press Release, New York City Mayor’s Off. of Immigr. Affs., MOIA and ONA Announce \$1 Million Investment in Rapid Response Legal Services for Immigrants Facing Imminent Deportation (Sept. 26, 2019), <https://www.nyc.gov/site/immigrants/about/press-releases/20190926-rapid-response-legal-services.page> [<https://perma.cc/T2YJ-RFKW>].

designed to provide upward mobility paths for navigators and similar community workers.²⁶

The legal services field is increasingly using technology as part of a strategy to fill capacity gaps. Online application assistance and preliminary screening tools have been available for several years.²⁷ These have been augmented by increased use of remote consultation and legal representation models for pro bono attorneys working with immigrants, especially at the southern border of the U.S.²⁸ and those representing Afghan entrants.²⁹ This has even been accomplished through the establishment of some fully “virtual” global public interest law firms.³⁰

In some places, technology helps combine emerging innovations in creative ways. For example, with funding from the state governments and private philanthropy, a coalition of organizations created the Equity Corps of Oregon³¹ to provide universal legal representation for immigrants in that state. In this model, trained community navigators work out of community organizations to screen and submit cases through an online portal for review by attorneys working remotely. These developments are not limited to legal professionals. Several organizations increasingly use technology to enable immigrants to help themselves to manage the asylum process.³² Similarly, consortia of immigrant-serving groups are seeking to collect, curate, and make accessible high-quality materials for both practitioners and immigrants, thus reducing duplication by providers and confusion among those individuals seeking immigration benefits.³³

26. See, e.g., *CYCL Community-Based Immigration Legal Services and Language Justice Career Pathways*, CAL. YOUTH LEADERSHIP CORPS, <https://communitylearningpartnership.org/cycl-immigration/> [<https://perma.cc/TLE8-D3RS>] (last visited Nov. 3, 2023); *Colibri Fellowship for DOJ Accreditation*, RESURRECTION PROJECT, <https://resurrectionproject.org/immigrant-justice-leadership-academy/> [<https://perma.cc/TCK9-ARPT>] (last visited Nov. 3, 2023).

27. See, e.g., CITIZENSHIPWORKS, <https://www.citizenshipworks.org/en> [<https://perma.cc/8R52-QKA8>] (last visited Nov. 3, 2023); *Immi*, IMMIGR. ADVOC. NETWORK, <https://www.immigrationadvocates.org/immi-project/> [<https://perma.cc/837B-XAL2>] (last visited Nov. 3, 2023). Both tools were developed by Immigration Advocates Network. See IMMIGR. ADVOC. NETWORK, <https://www.immigrationadvocates.org/> [<https://perma.cc/HV8B-WHNB>] (last visited Nov. 3, 2023).

28. RJ Vogt, *Vecina Founder on Helping Asylum Seekers Remotely*, LAW360 (Apr. 12, 2020, 8:02 PM), <https://www.law360.com/articles/1261389/vecina-founder-on-helping-asylum-seekers-remotely> [<https://perma.cc/6W42-YQRR>].

29. See WELCOME LEGAL ALL., <https://legal.welcome.us/> [<https://perma.cc/NXT7-6FUV>] (last visited Nov. 3, 2023).

30. See, e.g., *Our Model*, INT’L REFUGEE ASSISTANCE PROJECT, <https://refugeerights.org/how-we-work/our-model> [<https://perma.cc/54N8-83DG>] (last visited Nov. 3, 2023).

31. See EQUITY CORPS OR., <https://equitycorps.org/> [<https://perma.cc/C8Q9-B7CB>] (last visited Nov. 3, 2023).

32. See, e.g., ASYLUM SEEKER ADVOC. PROJECT, <https://www.asylumadvocacy.org/> [<https://perma.cc/553U-ZYZB>] (last visited Nov. 3, 2023); *First Virtual Immigration Clinic Serves 39 Clients*, DC BAR, <https://www.dcbbar.org/pro-bono/about-the-center/making-a-difference-pro-bono-center-success-storie/first-virtual-immigration-clinic-serves-39-clients> [<https://perma.cc/4CUK-BTU6>] (last visited Nov. 3, 2023).

33. See, e.g., READY TO STAY, <https://readytostay.org/> [<https://perma.cc/8JKS-KPSU>] (last visited Nov. 3, 2023).

On the policy front, efforts to establish mandates or incentives to provide counsel—or at a minimum, some form of legal support—to key segments of immigrants appear to be gaining momentum. At the federal level, legislation has been introduced that would establish a right to counsel for immigrants in deportation proceedings at the government’s expense if they are unable to afford it.³⁴ A variant of this approach, which would provide funding for unaccompanied minors in immigration proceedings, was also introduced in Congress.³⁵ Similar legislation has been introduced at the state level in New York³⁶ and California,³⁷ and a version has been implemented in New York City.³⁸ More movement in this direction seems possible, at least for specific populations such as unaccompanied minors.

As one of the authors said recently at a symposium celebrating Judge Katzmann’s legacy that produced this Essay, *all* of those in the field—advocates, lawyers, philanthropic organizations, and practitioners—share a collective responsibility to ensure a basic modicum of due process for those individuals, especially children, in immigration proceedings.³⁹ In acknowledging this responsibility, we would do well to address the challenges we face today as Judge Katzmann did fifteen years ago: both as managers, analyzing the broader issues by breaking them down into bite-sized parts and proceeding to address them, *and* as visionaries. In this context, instead of despairing the fact that despite a larger and more diverse field the demand for immigration legal services far exceeds the supply, we urge advocates and practitioners to *take action*.

Instead of lamenting the absence of a broad-scale legalization program for eleven million long-term undocumented residents of the United States,⁴⁰ practitioners should endeavor to assist the one million or more who may have

34. Fairness to Freedom Act of 2023, H.R. 2697, 118th Cong. (2023); *see also* Press Release, Sen. Kirsten Gillibrand, Senators Gillibrand, Booker & Representatives Torres, Meng & Jayapal Introduce Fairness to Freedom Act (Apr. 19, 2023), <https://www.gillibrand.senate.gov/news/press/release/senators-gillibrand-booker-representatives-torres-meng-jayapal-introduce-fairness-to-freedom-act/> [<https://perma.cc/K9SP-9WRE>].

35. *See* Funding Attorneys for Indigent Removal (FAIR) Proceedings Act, H.R. 4155, 116th Cong. (2019); Press Release, KIND, KIND Endorses FAIR Proceedings Act (S. 2389/H.R. 4155) and Urges Members of Congress to Cosponsor (Oct. 9, 2020), <https://supportkind.org/wp-content/uploads/2020/10/KIND-Endorses-FAIR-Proceedings-Act.pdf> [<https://perma.cc/C58Y-RWVW>].

36. S999, 2023–2024 Gen. Assemb., Reg. Sess. (N.Y. 2023).

37. ASSEMBLY COMM. ON THE JUDICIARY, BILL ANALYSIS, S.J. RES. 28, 2015–2016 Sess. (Cal. 2016), http://www.leginfo.ca.gov/pub/15-16/bill/sen/sb_0001-0050/sjr_28_cfa_20160831_093436_asm_comm.html [<https://perma.cc/N2KQ-Q7EN>].

38. *NYC First Jurisdiction with the Right to Counsel for Immigrants*, NAT’L COAL. FOR CIV. RIGHT TO COUNSEL (Aug. 16, 2019), http://www.civilrighttocounsel.org/major_developments/196 [<https://perma.cc/NUL5-SFJY>].

39. Fordham Law Review, *Looking Back and Looking Forward - Fifteen Years of Advancing Immigrant Representation - 2023*, VIMEO (Mar. 9, 2023), <https://vimeo.com/809170017/0f51e0a59e> [<https://perma.cc/4SW6-QXEU>]. Mr. Chishti’s statement to this effect comes in answer to a question posed by the moderator in the final session of the conference video. *See id.* at 31:20.

40. *Profile of the Unauthorized Population: United States*, MIGRATION POL’Y INST. <https://www.migrationpolicy.org/data/unauthorized-immigrant-population/state/US> [<https://perma.cc/5EJH-6R4P>] (last visited Nov. 3, 2023).

remedies available to them now. Instead of growing frustrated with the absence of significant federal support for immigration legal services, advocates should build on successful campaigns to increase state and local funding for such services. Instead of accepting the shortage of legal service providers, leaders should vastly expand the scope and depth of training programs. Instead of automatically defaulting to service delivery models developed in the twentieth century, practitioners should exploit new technologies and new staffing models that can effectively expand efficiency and capacity. And, even as we manage our way through the field's immediate challenges, we should simultaneously act as visionaries. All of us fortunate enough to be the beneficiaries of Judge Katzmann's legacy should work together to enact legislation, perhaps first in the states but eventually at the federal level, to ensure a right to counsel for every indigent person in immigration proceedings.

The immigration legal services field—now larger and more diverse than ever before—is poised to make Judge Katzmann's vision a reality. It should do so by adopting his approach combining pragmatism and idealism. As pragmatic managers, the field should identify core problems, articulate clear solutions, and then take practical steps to implement them, one step at a time. Simultaneously, as visionaries, the field should continue working for policy changes that will assure the right to legal representation for every indigent immigrant in this, a nation of immigrants.