

****PRESS RELEASE****

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Advocates Condemn Governor Hochul's Veto of Court Notification Bill to Protect Immigrants' Constitutional Rights

The Bill, Which Passed in June, Requires Judges to Notify Immigrant New Yorkers of Possible Immigration Consequences of Pleas in Criminal Court

NEW YORK – Advocates today condemned Governor Hochul's veto of the [Court Notification Bill \(S2903A/A9877A\)](#), which would have taken a critical step toward protecting the rights of immigrants facing criminal charges and ensuring a meaningful remedy for violations of constitutional protections.

The immigration consequences for New Yorkers who have contact with the criminal legal system can be severe, including detention and deportation. Yet immigrants are not properly notified of possible consequences in every criminal case, and are often not aware of the stakes of their pleas. The Court Notification Bill would have enacted critical protections by requiring judges to correctly notify immigrants in all cases of the possible immigration consequences of their pleas. It would have also created accountability mechanisms when immigrants' rights are violated. New York would have joined fifteen other jurisdictions - including Ohio, Nebraska, Washington and Massachusetts - that ensure that immigrants have a remedy when their rights are violated and they are put at risk of deportation.

“Immigrant New Yorkers are often unaware that a plea in criminal court can cause devastating consequences - including detention, deportation and ineligibility for citizenship. Yet, many New Yorkers do not receive an accurate notification of this risk. We fought for this bill and celebrated passage in the legislature last June. The Governor's veto shows a blatant disdain for immigrants' constitutional rights and a disregard for the legislative process,” **said Yasmine Farhang, Director of Advocacy at the Immigrant Defense Project.**

“We are deeply disappointed to learn that the Governor has vetoed the Court Notification bill, which would have made clear that in New York immigrants facing criminal charges **MUST** have basic protections when facing life-changing consequences. Many immigrants are unaware of the complexities that taking a plea for an offense can have on their immigration status, which can lead to detention and possibly deportation. This does a disservice to immigrants caught at the intersection of punitive legal systems and further tears them away from their families and loved ones. We are eager to see the bill returned to the Governor as soon as possible!” **said Luba Cortés, Immigrant Defense Coordinator at Make the Road New York.**

“Justice cannot be realized if a person standing before a judge is unaware of all the consequences to how they plead. Every New Yorker deserves the right to fully understand how their pleas in the criminal legal system will impact their immigration status, especially when the consequences can lead to detention or deportation, and separation from their families and communities. The New York State Legislature moved to correct this injustice by passing the Court Notification Bill, to provide transparency in criminal legal proceedings. However, Governor Hochul’s actions deny immigrant New Yorkers the right to basic due process and fairness. Our movement will fight to override this veto,” **said Nicole Catá, Director of Immigrant Rights Policy, New York Immigration Coalition**

“We are deeply disappointed to learn that the Governor has vetoed legislation that would have strengthened the due process rights of non-citizens, who are often unaware of the extremely harsh immigration consequences of their involvement in the criminal legal system. Given the current inadequacies in the law regarding notice of such consequences, we hope that New York will ultimately fill in these gaps and provide a remedy to protect vulnerable non-citizens,” **said Angad Singh, Supervising Attorney of the Non-Citizen Post-Conviction Relief Practice at Appellate Advocates.**

"Immigrant New Yorkers deserve to make fully informed decisions on their future, and should understand the potentially life-changing consequences of criminal charges on their immigration status," **said Amaha Kassa, Executive Director of African Communities Together.** "The Legislature recognized this simple principle of transparency when it passed the Court Notification Bill. We are disappointed that Governor Hochul did not, and chose to veto. However, we remain determined to pass the Court Notification Bill, an important part of dismantling the conviction-to-deportation pipeline."

“Governor Hochul’s failure to sign the Court Notification Bill, not only puts thousands of immigrants facing criminal charges—including green card holders—in jeopardy of languishing in deadly jails, but it also puts them at risk of immigration detention and deportation. Envision Freedom Fund vehemently condemns the governor’s decision and we stand with communities in the ongoing fight for this common-sense protection,” **said Carl Hamad-Lipscombe, Executive Director of Envision Freedom Fund.**

“With the Court Notifications Bill, New York State had the opportunity to take a vital step towards protecting the constitutional rights of immigrants who face severe consequences when entangled in the criminal legal system,” **said Yung-Mi Lee, Legal Director of the Criminal Defense Practice at Brooklyn Defender Services.** “Judges in criminal cases are currently required to provide notice of potential immigration consequences but they do not do so consistently and accurately. This legislation would require uniform and standardized notifications for all judges throughout the state. We are disappointed at Governor Hochul’s decision to veto this important bill, which passed the legislature with overwhelming support. We are grateful to Assemblymember Cruz and Senator Kavanaugh for championing immigrants’ rights with their sponsorship, and look forward to working with the Governor to ensure its enactment next session.”

“This shouldn’t be controversial,” **said Brittany Brown, Supervising Attorney of the Collateral Consequences Unit of New York County Defender Services.**

“Non-citizens charged with crimes have a constitutional right to be advised by their attorneys on whether a criminal conviction will cause deportation or other serious immigration consequences. This legislation prohibits judges from undermining that advice by telling the individual inaccurate or misleading contrary information. When judges violate this simple rule, those that rely on that bad advice should be able to fix the court’s error by vacating their convictions. For the life of me, I cannot understand why the governor would be so opposed to extending this simple measure of fairness to our immigrant community that she would overturn the will of the legislature.”

"Lawmakers often forget that these bills are not just about legal principles or interpretation. As public defenders, we see every day how people's lives are at stake every time they confront the court. For immigrant New Yorkers, how much information or protections the state provides upfront can be the difference between life or death. With so much power, the state has a duty to be as transparent as possible. Yet by vetoing this bill, Governor Hochul is not only ignoring this sacred responsibility, but is putting people's lives in danger. We join others in denouncing this action, and call on lawmakers who recognize what is at stake to fight for this again," **said Rosa Cohen-Cruz, Immigration Policy Director at The Bronx Defenders.**

“The need to strengthen due process protections for non-citizens in New York’s criminal courts is clear. Unfortunately, Governor Hochul has vetoed a bill that would have done so by requiring courts to provide consistent and accurate information about the immigration consequences of a plea. We will continue to work with Assemblymember Cruz and Senator Kavanaugh and all the legislators who passed this bill to ensure that it becomes law in New York next year,” **said Susan C. Bryant, Executive Director, New York State Defenders Association.**

"This bill would have provided the fullest protection to immigrant New Yorkers who are at risk of permanent separation from their families and communities. We are disappointed that the Governor has vetoed the legislation that would have strengthened due process protections for these community members," **said Deborah Lee, Attorney-in-Charge of the Immigration Law Unit at The Legal Aid Society.**

“It is critical that immigrant New Yorkers are notified of their rights and consequences of criminal charges. Without the court notification law, Queens Defender clients will suffer severe consequences of criminal charges that undermine due process. This is contrary to the understanding that New York State is a safe home to all New Yorkers,” **said Lori Zeno, Executive Director of Queens Defenders.**

“Governor Hochul's veto denies fundamental fairness for immigrant New Yorkers, leaving them vulnerable to misinformation and misunderstanding of the true and often devastating consequences of their guilty pleas when accused of crimes. Her decision, a flat refusal to promote due process for her immigrant constituents, is a deep disappointment, and will lead to more unjust deportations, denials of citizenship, and separation of families,” **said Marianne Yang, Immigrant Justice Project Director at Center for Appellate Litigation.**

"The Chief Defenders Association of New York was deeply disappointed to learn that Governor Hochul vetoed the Court Notification Bill. This bill would have ensured that non-citizens accused of crimes are universally afforded clear and accurate notification about their constitutional rights by New York courts. Immigrant communities will continue to bear the brunt of the confusing and inaccurate law currently on the books, potentially facing permanent removal and deportation as the court provides non-citizens with the wrong advice. It is especially sad and frankly baffling that this veto came at the behest of prosecutors, who were not even required to do anything under this bill,” **said Mark Funk, President of the Chief Defenders Association of New York.**

“Governor Hochul represents all New Yorkers, even the 4 million foreign born New Yorkers that could be impacted by her veto of their basic right to due process in court proceedings,” **said Carlene Pinto, Founder & CEO, NYC Action Lab Inc.** “This bill passed both houses earlier this year because lawmakers saw the need to protect immigrant communities basic access to due process. Immigrants in criminal court proceedings in New York deserve to know if their court proceedings could jeopardize their immigration status. The Governor's vetoing of this bill shows us her disdain for our communities so close to such narrow margins in her reelection campaign, where our communities were used as talking points to base build her support. We demand the Governor course correct and commit to notifying immigrants of any potential threats to their status that their proceedings may have.”

“We are deeply disappointed by this veto, which fails to acknowledge the complementary but different roles that courts and attorneys play in ensuring that pleas are conducted fairly and in accordance with due process of law. The bill would have ensured that individuals pleading guilty receive an essential warning that the plea could carry immigration consequences, while preventing courts and prosecutors from inadvertently interfering with the attorney-client relationship by providing advice that is not tailored to an individual's particular immigration situation and that conflicts with the tailored advice given by counsel. In this scenario, which we commonly see in our appellate practice, our clients have been forced to choose who to believe: their attorney or the judge. The bill was designed to prevent exactly that injustice,” **said Caprice R. Jenerson, President and Attorney-in-Charge of the Office of the Appellate Defender.**

To learn more about the Court Notification Bill, click [here](#).

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