

For Immediate Release

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Advocates Call for Passage of Court Notification Bill after It Clears Assembly Codes Committee

*Court Notifications Bill Would Strengthen Immigrants' Constitutional Right to Receive Legal
Advice in Criminal Court*

ALBANY, NY— Advocates applauded the advancement today of a critical bill in Albany that will ensure New Yorkers get accurate legal advice about immigration consequences if they are facing criminal charges.

The New York State Assembly Codes Committee today passed the Court Notification Bill bringing it one step closer to passage into law. The bill, passed the Senate in March, now goes to the Assembly Rules Committee. Immigrant advocates and attorneys are urging the Rules Committee to pass the bill and bring it to the floor. Supporters are calling on the Assembly to vote in favor of the bill by end of session and for Governor Hochul to sign it into law.

The consequences for immigrants who have contact with the criminal legal system are severe and life-changing. While immigrants facing criminal charges have a constitutional right to receive immigration advice, these protections are lacking for many immigrant New Yorkers. The bill would make these critical protections meaningful for all immigrant New Yorkers and create accountability mechanisms where immigrants' rights are violated.

"So many New Yorkers have no idea that taking a plea in criminal court can cause them to lose their green cards or face deportation. Even though New York law requires judges to notify immigrants of their right to legal advice, many judges give misleading or inaccurate notifications, or none at all. This bill protects immigrants' procedural rights and will prevent wrongful deportations. Having already passed the Senate, this bill should be brought to a vote immediately in the Assembly so the Governor can sign it into law," said **Jane Shim, Senior Policy Attorney at the Immigrant Defense Project**.

In many cases, counsel who meet their duty to advise on immigration consequences can resolve cases or negotiate pleas that minimize the likelihood of deportation and preserve future eligibility for status or citizenship. But many New Yorkers do not receive accurate legal advice regarding the immigration consequences of a conviction in a criminal case, which can attach even if they are documented or have a green card. While judges are already required under New York law to advise immigrants of potential immigration issues that can follow from a plea,

some judges provide notifications that directly conflict with defense counsel's duty to provide individualized, accurate legal advice to their clients.

This bill standardizes the notification language to prevent misinformation and confusion, and allows immigrants to be made whole if they are not given proper notification in violation of their rights. This follows the example of 15 other states that provide a remedy when notification is not given, which will help prevent unlawful deportation based on unfair and unknowing pleas.

"We urge the Legislature to take this important step toward protecting some of the most vulnerable New Yorkers who come into contact with the criminal justice system, our immigrant population, who pay the disproportionate penalty of deportation and separation from their children and other family members because of that vulnerability," said **Patricia Pazner, Attorney-in-Charge of Appellate Advocates.**

"Deportation is a serious consequence and a near certain result of a broad range of criminal convictions. When deportation is in the balance, it is extremely important that the consequences are clear before an immigrant enters a guilty plea. The New York State Bar Association supports this bill because it ensures that immigrants are well informed before making decisions that could upend their lives," said **T. Andrew Brown, president of the New York State Bar Association.**

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The Immigrant Defense Project (IDP) is a New York-based nonprofit that works to secure fairness and justice for immigrants in the racially-biased U.S. criminal and immigration systems. IDP fights to end the current era of unprecedented mass criminalization, detention and deportation through a multi-pronged strategy including advocacy, litigation, legal support, community partnerships, and strategic communications. Visit www.immigrantdefenseproject.org and follow [@ImmDefense](https://twitter.com/ImmDefense).