

STATE OF NEW YORK

2689

2025-2026 Regular Sessions

IN ASSEMBLY

January 22, 2025

Introduced by M. of A. CRUZ -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to enacting the building up immigrant legal defense or BUILD act

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "building up immigrant legal defense act" or "BUILD act".

3 § 2. Subdivision 5 of section 94-b of the executive law is amended by
4 adding a new paragraph (q) to read as follows:

5 (q) (i) Workforce development and capacity building grants. Beginning
6 in two thousand twenty-five, within amounts appropriated therefor, award
7 competitive workforce development and capacity building grants to eligi-
8 ble entities that are seeking to expand access to representation for
9 individuals facing deportation by increasing the workforce and strength-
10 ening the legal services infrastructure needed to provide such represen-
11 tation.

12 (ii) Eligibility. To be eligible to receive a grant under this para-
13 graph an entity shall be a community-based organization, nonprofit
14 organization, or educational institution that currently receives funding
15 from the office of new Americans which:

16 (1) provides or coordinates immigration-related legal services to
17 individuals facing deportation, or

18 (2) recruits, trains, or mentors individuals who provide or coordi-
19 nate, or who will provide or coordinate, immigration-related legal
20 services to individuals facing deportation.

21 (iii) Use of funds. Funds awarded under this paragraph shall be used
22 only to develop immigration legal services infrastructure and a work-
23 force scaled up to sustainably meet the changing immigration legal
24 representation needs of noncitizen new Americans. Recipients may, for
25 purposes authorized under this subdivision, use all or a portion of that

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 grant to contract with or make one or more subawards to one or more
2 eligible entities, or with private organizations. Funds awarded under
3 this section shall be used to enhance long-term capacity to provide
4 high-quality, holistic, and linguistically appropriate legal represen-
5 tation, regardless of the person's ability to pay, prior contact with
6 the criminal legal system, or the nature or perceived strength of their
7 legal defense. Such uses may include:

8 (1) workforce recruitment and training programs such as educational,
9 fellowship, clinical, job recruitment, and job training services aimed
10 at:

11 (A) increasing the number of lawyers, accredited representatives,
12 social workers, and community navigators entering the immigration legal
13 services field; and

14 (B) diversifying the expertise of legal teams and promoting holistic
15 services, including by integrating social workers and case managers into
16 new and existing immigration legal programs;

17 (2) technical assistance services, including, but not limited to:

18 (A) substantive and technical skills-based trainings to improve the
19 quality of representation provided to individuals facing deportation;

20 (B) language training to ensure legal staff are equipped to provide
21 linguistically appropriate services;

22 (C) specialized legal support through training, use of co-counsel, or
23 other means to support representation in complex defense cases, includ-
24 ing representation in Federal and state courts;

25 (D) leadership development, including management training and estab-
26 lishing appropriate supervisory systems, including structuring staffing
27 and supervisor caseloads to ensure sufficient supervisory capacity;

28 (E) training supporting organizations and individuals seeking United
29 States department of justice accreditation to expand the pool of advo-
30 ccates able to practice immigration law; and

31 (F) infrastructure including a technical assistance hub to create,
32 collect, and promote the sharing of technical assistance resources,
33 including templates, samples, and webinars, among publicly-funded legal
34 services providers and coordinators;

35 (3) local or regional coordination services, including:

36 (A) services by navigators in community-based organizations that
37 connect new Americans with free or low-cost immigration legal services
38 for which they are eligible and that liaise between legal services
39 providers and immigrants to offer substantive and logistical support for
40 immigration legal cases; and

41 (B) the use of uniform intake and referral tools and systems, to
42 ensure a coordinated and efficient delivery of publicly funded legal
43 services to individuals at risk of deportation;

44 (4) retention improvement strategies to ensure sustainable growth of
45 the immigration-related legal services field, including strategies to
46 address caseload management, burnout, equitable compensation and cost of
47 living adjustments, stipends and compensation for interns, and organiza-
48 tional systems;

49 (5) recruiting and retaining legal staff from underrepresented back-
50 grounds and promoting diversity within the legal services field;

51 (6) growing legal services infrastructure and representational capaci-
52 ty in rural and remote locations with a significant unmet need for legal
53 representation and with significantly less immigration-related legal
54 services capacity in their service area than state averages; or

55 (7) physical, administrative, and technological infrastructure,
56 including but not limited to case management systems, office space,

1 telephones, computers, software, legal database subscriptions, and
2 systems to streamline intake and referrals, data collection, and report-
3 ing.

4 (iv) Advisory committee. (1) An advisory committee shall be estab-
5 lished to work in collaboration with the office for new Americans to
6 design competitive workforce development and capacity building grants,
7 policies, and procedures necessary to carry out the requirements of this
8 paragraph. The office of new Americans shall collaborate on and consult
9 with the advisory committee on matters including, but not limited to:

10 (A) identifying and prioritizing grants to entities serving regions
11 with a significant unmet need for legal representation and with signif-
12 icantly less immigration-related legal services capacity;

13 (B) setting priorities among the uses of funds described in subpara-
14 graph (iii) of this paragraph, including, but not limited to: determin-
15 ing grant amounts and number of grantees;

16 (C) developing workload standards for legal services providers,
17 distinguishing between supervisory and non-supervisory staff to ensure
18 that supervisory staff have capacity to fulfill management and mentor-
19 ship responsibilities;

20 (D) developing compensation standards for legal services providers,
21 taking into account the pay scale for New York state government attor-
22 neys and non-attorney staff at equivalent experience levels;

23 (E) designing competitive grants under this paragraph;

24 (F) defining grant deliverables that shall not be attached to case
25 metrics; and

26 (G) community engagement efforts.

27 (2) The advisory committee shall be comprised of nine members. The
28 governor shall appoint five members offering or coordinating immigration
29 services to new Americans, representing the geographic regions of the
30 state. The governor's appointees shall consist of no more than one
31 member of the private bar and at least one member of a community-based
32 organization coordinating immigration legal services. The speaker of the
33 assembly and temporary president of the senate shall each appoint two
34 members. The director shall serve ex officio. The governor shall desig-
35 nate one member to serve as chair of the advisory committee.

36 (3) Each member shall serve for a term of two years, with initial
37 terms for each committee seat beginning ninety days after the effective
38 date of this section. Initial appointments under this subdivision must
39 be made within sixty days of the effective date of this paragraph. Any
40 vacancies shall be filled promptly and in the same manner as the
41 original appointment, and the appointee filling such vacancy shall serve
42 for the unexpired portion of the term of the succeeded member. Any
43 committee member may be reappointed for additional terms. A member of
44 the advisory committee shall continue in such position upon the expira-
45 tion of their term and until such time as they are reappointed or their
46 successor is appointed, as the case may be.

47 (4) Members of the advisory committee shall serve without compen-
48 sation, but shall be allowed and reimbursed for their reasonable actual
49 and necessary expenses incurred in performance of their functions under
50 this paragraph by the administrator.

51 (5) The advisory committee's initial meeting shall take place within
52 thirty days of the appointment of all required committee members under
53 clause two of this subparagraph, or within ninety days of the effective
54 date of this paragraph, whichever is sooner. The advisory committee
55 shall meet with the administrator no less than four times per year. The
56 advisory committee may establish its own procedures with respect to the

1 conduct of its meetings and its other affairs; provided, however, that
2 the quorum and majority provisions of section forty-one of the general
3 construction law shall govern all actions taken by the advisory commit-
4 tee.

5 (6) Membership on the advisory committee shall not constitute the
6 holding of an office. The advisory committee shall not have the power to
7 exercise any portion of the sovereign power of the state. No member of
8 the advisory committee shall be disqualified from holding any public
9 office or employment, nor shall such member forfeit any such office or
10 employment, by reason of their appointment pursuant to this section,
11 notwithstanding the provisions of any other general, special, or local
12 law; ordinance; or city charter.

13 (v) Reporting. Beginning on the fifteenth of September second succeed-
14 ing the effective date of this paragraph and each year thereafter, the
15 office of new Americans and the advisory committee shall each produce a
16 report to be submitted to the governor, the speaker of the assembly, and
17 the temporary president of the senate. Each report shall concern the
18 duties of the director and the advisory committee pursuant to this para-
19 graph, grantees use of funds and outcomes, and any related recommenda-
20 tions.

21 (vi) Grant term. The term of a grant under this section shall be four
22 years and may be renewed.

23 § 3. This act shall take effect on the ninetieth day after it shall
24 have become a law.