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:

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

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

(q) (i) Workforce development and capacity building grants. Beginning in two thousand twenty-five, within amounts appropriated therefor, award competitive workforce development and capacity building grants to eligible entities that are seeking to expand access to representation for individuals facing deportation by increasing the workforce and strengthening the legal services infrastructure needed to provide such representation.

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

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

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

(iii) Use of funds. Funds awarded under this paragraph shall be used only to develop immigration legal services infrastructure and a workforce scaled up to sustainably meet the changing immigration legal representation needs of noncitizen new Americans. Recipients may, for 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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grant to contract with or make one or more subawards to one or more eligible entities, or with private organizations. Funds awarded under this section shall be used to enhance long-term capacity to provide high-quality, holistic, and linguistically appropriate legal representation, regardless of the person's ability to pay, prior contact with the criminal legal system, or the nature or perceived strength of their legal defense. Such uses may include:

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

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

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

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

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

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

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

(D) leadership development, including management training and establishing appropriate supervisory systems, including structuring staffing and supervisor caseloads to ensure sufficient supervisory capacity;

(E) training supporting organizations and individuals seeking United States department of justice accreditation to expand the pool of advocates able to practice immigration law; and

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

(3) local or regional coordination services, including:

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

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

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

(5) recruiting and retaining legal staff from underrepresented backgrounds and promoting diversity within the legal services field;

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

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

telephones, computers, software, legal database subscriptions, and systems to streamline intake and referrals, data collection, and reporting.

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

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

(B) setting priorities among the uses of funds described in subparagraph (iii) of this paragraph, including, but not limited to: determining grant amounts and number of grantees;

(C) developing workload standards for legal services providers, distinguishing between supervisory and non-supervisory staff to ensure that supervisory staff have capacity to fulfill management and mentorship responsibilities;

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

(E) designing competitive grants under this paragraph;

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

(G) community engagement efforts.

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

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

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

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

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

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

(v) Reporting. Beginning on the fifteenth of September second succeeding the effective date of this paragraph and each year thereafter, the office of new Americans and the advisory committee shall each produce a report to be submitted to the governor, the speaker of the assembly, and the temporary president of the senate. Each report shall concern the duties of the director and the advisory committee pursuant to this paragraph, grantees use of funds and outcomes, and any related recommendations.

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

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