



## Memorandum in Support

April 28, 2026

A. 2689  
S. 4538

By: M. of A. Cruz

By: Senator Liu

Assembly: Governmental Operations

Senate: Finance

Effective Date: 90<sup>th</sup> Day after it becomes law

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

**LAW AND SECTIONS REFERRED TO:** Subdivision 5 of section 94-b of the executive law

The New York State Bar Association supports A.2689/S.4538, which would expand access to legal representation for individuals facing deportation by strengthening immigration legal services infrastructure and workforce capacity in New York State. NYSBA has long supported policies, such as the Access to Representation Act, A.270(Cruz)/S.9756(Gianaris), that would guarantee the right to counsel in immigration court proceedings.<sup>1</sup> The Association also recognizes that in order for that right to counsel to exist, there must also be funding to increase the number of attorneys available; to ensure attorneys and those who assist them are supported and proficient in the complexities of immigration law; and to create the organizational infrastructure required to support expanding legal practices. The BUILD Act aims to shore up that infrastructure by making a four-year investment in the development of a diverse, well-trained workforce.

New, aggressive federal enforcement tactics, an exponential increase in detentions without bond, expedited removals and deportations, and the rapid surge in federal resources devoted to immigration enforcement have overwhelmed existing legal services. The need for additional funding for legal representation is urgent. In addition, cutbacks in federal funding have already occurred and those slated for 2026 will further reduce the funding previously available for immigration legal counsel. In 2019, the New York State Bar Association had the foresight to call on the Congress and the New York State Legislature to establish a funded system of appointed counsel for indigent respondents in removal proceedings.<sup>2</sup> The BUILD Act would support the enactment of that vision and the vision of the Access to Representation Act by providing dedicated

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<sup>1</sup> The New York State Bar Association Supports A.270 (February 2026), [NYSBA Legislation Report](#)

<sup>2</sup> NYSBA Comm. on Immigration Rep., The Need for Access to Counsel in Immigration Proceedings in New York (resolution approved by the NYSBA House of Delegates, June 15, 2019), <https://nysba.org/wp-content/uploads/2020/02/Agenda-Item-8-Immigration-Representation.pdf>

funds to expand capacity for immigration legal services across the state through investments in staffing and infrastructure.

Funding allocated under the BUILD Act could be used to hire experienced counsel and robust supervisory support, add social workers to support attorneys' work, and recruit, retain, and train expert staff. The funds could also be used to ensure growing deportation defense programs have case management software, streamlined intake systems, access to legal databases, and other resources needed to expand a legal practice and serve more clients. The BUILD Act would allow legal services providers to identify their programs' particular needs and the resources required to allow their practices to expand to meet and adapt to the growing need. In doing so, the BUILD Act would address gaps in New York's current legal services landscape, including understaffing, legal deserts where there is no access to services, and insufficient funding for legal offices' overhead costs and the basic tools attorneys need.

Based on the foregoing, and the attached report, the New York State Bar Association supports the BUILD Act and urges its passage.