



# Oppose Taxpayer-Funded Legal Representation for Illegal Aliens

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Since the election of President Donald Trump, the illegal alien lobby has been pressuring a growing number of jurisdictions to use taxpayer money to provide free legal representation to illegal aliens. These grants accomplish little but prioritize the needs of illegal aliens over law-abiding Americans. Further shielding illegal aliens from immigration enforcement is an expensive political statement that contradicts the will of the American people to take control of their border and have their laws enforced.

## **Why should you oppose providing illegal aliens with taxpayer-funded legal representation?**

**THE CONSTITUTION OF THE UNITED STATES GUARANTEES THE RIGHT TO LEGAL REPRESENTATION ONLY FOR CRIMINAL PROSECUTIONS.** Most immigration proceedings, including removal proceedings, asylum petitions, and adjustment of status, are civil, not criminal proceedings, and therefore do not trigger the Sixth Amendment right to free legal counsel. In fact, the Supreme Court has ruled that deportation is not a punishment, but rather a civil administrative procedure whereby an alien is returned to their homeland.

**ALIENS CHARGED WITH CRIMINAL VIOLATIONS OF THE LAW ARE ALREADY GUARANTEED REPRESENTATION THROUGH STATE PUBLIC DEFENDER PROGRAMS.** While many illegal aliens are guilty of criminal violations associated with their unlawful status – such as identity theft, failing to enter the country properly or without inspection, or failing to properly register with the federal government – most of these violations go unprosecuted. Those aliens who are charged of criminal violations, however, are already provided access to legal representation through state public defender programs. No additional legislation is required to guarantee this right.

**PROVIDING TAXPAYER-FUNDED REPRESENTATION TO ILLEGAL ALIENS IS UNFAIR.** Free legal representation is generally unavailable to citizens or legal aliens who face civil legal issues, such as foreclosures, eviction proceedings, child custody cases, or divorce proceedings. Providing free legal representation to illegal aliens is therefore unfair to citizens and legal residents who are required to pay out of pocket for their own civil legal proceedings.

**PROVIDING TAXPAYER-FUNDED REPRESENTATION TO ILLEGAL ALIENS FRUSTRATES FEDERAL LAW.** The federal immigration scheme, as devised by Congress, expressly prohibits governments from funding the legal representation of aliens in removal proceedings. Aliens that wish to be represented by legal counsel are free to do so, but federal law stipulates that it must be at no cost to the government. (8 U.S.C. 1229a(b)(4); 8 U.S.C. 1362)

**PROVIDING TAXPAYER-FUNDED REPRESENTATION TO ILLEGAL ALIENS INCREASES THE ALREADY HIGH FISCAL BURDEN OF ILLEGAL IMMIGRATION ON THE UNITED STATES.** Using taxpayer dollars to prevent illegal aliens within our borders from being deported tells the world that our immigration laws are not meant to be taken seriously. With more than 11 million illegal aliens currently residing in the United States, FAIR estimates that the annual fiscal cost of illegal immigration to U.S. is roughly \$113 billion. Allocating additional taxpayer resources specifically for the benefit of illegal alien legal fees is further unnecessary drain on U.S. taxpayers.