

# ASSEMBLY, No. 5021

## STATE OF NEW JERSEY

### 221st LEGISLATURE

INTRODUCED NOVEMBER 14, 2024

**Sponsored by:**

**Assemblywoman ANNETTE QUIJANO**

**District 20 (Union)**

**SYNOPSIS**

Establishes immigration unit within Office of Public Defender.

**CURRENT VERSION OF TEXT**

As introduced.



A5021 QUIJANO

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1 AN ACT concerning representation by the Office of the Public  
2 Defender and supplementing Title 2A of the New Jersey Statutes.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

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7 1. There is established, within the Office of the Public Defender,  
8 a unit which shall, in the manner prescribed by P.L.1967, c.43  
9 (C.2A:158A-1 et seq), provide for the legal representation of any  
10 noncitizen involved in the criminal justice system; any noncitizen  
11 committed to a State, county, or private psychiatric institution; and  
12 any noncitizen youth involved in the juvenile delinquency system  
13 along with legal assistance on immigration related matters.

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15 2. This act shall take effect immediately.

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STATEMENT

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20 This bill establishes an immigration unit within the Office of the  
21 Public Defender (OPD) in order to provide legal representation and  
22 assistance to indigent noncitizens on immigration-related matters.  
23 The immigration unit would assist criminal justice-involved  
24 noncitizens, including noncitizen youth, in navigating immigration  
25 issues during and resulting from the court proceedings.

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27 Pursuant to Padilla v. Kentucky, 559 U.S.356 (2010), defense  
28 attorneys are required to advise their clients of the immigration  
29 consequences of any criminal conviction. Public defender agencies  
30 across the country employ specialized immigration lawyers to  
31 collaborate with attorneys in other areas of law to provide such  
32 guidance. According to the OPD, the New Jersey OPD currently  
33 employs only two such attorneys to advise on immigration-related  
34 matters, with one immigration attorney for every 600 noncitizen  
35 criminal defendants. Further, an immigration unit dedicated to  
36 immigration related counsel would also focus on the noncitizen  
37 juvenile population. According to the OPD, noncitizen youth  
38 involved in the delinquency and the child welfare systems face a  
39 particular set of challenges and can benefit from the immigration  
40 unit's holistic approach where immigration outcomes go hand-in-  
hand with the court proceedings.