

IMMIGRATION DIVISION

KEY FACTS: IMMIGRATION DEFENSE



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What is the Immigration Division?

The division is a historic initiative of the Cook County Public Defender's Office, funded by public and private money, to provide zealous representation to noncitizens appearing before the Cook County Circuit Court and Chicago Immigration Court.

The division's immigration attorneys work with assistant public defenders to minimize immigration consequences of criminal cases and take on removal cases before the immigration court.

Why was the pilot formed?

The outcome of a criminal case significantly affects an immigrant's ability to remain in the U.S., and criminal and immigration counsel can best protect immigrants by working together.

Immigrants facing deportation from the U.S. are not provided an attorney if they cannot afford one, profoundly impacting their ability to receive a fair hearing.

The division was formed to begin to address these issues in Cook County.

When was it formed?

The Immigration Division was formed in fall 2020 and began working with assistant public defenders representing noncitizens in criminal proceedings.

In early 2022, Governor Pritzker signed Public Act 102-0410 into law and the Cook County Board of Commissioners passed a resolution in support of this initiative. This authorized the Cook County Public Defender's Office to represent noncitizens in removal proceedings, also known as deportation cases, before the Chicago Immigration Court.

What immigration cases will the Public Defender take on?

The Cook County Public Defender's Office has flexibility to prioritize cases under its current grant funding and staffing levels, using the following parameters:

- Indigency – lack of funds for private counsel.
- People detained by U.S. Immigration and Customs Enforcement (ICE) must have connections to Cook County via residency or current or former representation by the Cook County Public Defender's Office. Representation of people not detained by ICE is currently limited to current and former Cook County Public Defender clients.
- Cases accepted through the Midwest Immigrant Defenders Alliance - a legal aid collaboration.
- As we believe that all individuals are entitled to counsel, the office accepts cases without regard to factors such as the perceived strength of the case.