

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON VETERANS
JOINTLY WITH THE COMMITTEE ON
IMMIGRATION

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November 15, 2013
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HELD AT: 250 Broadway - Committee Rm,
16th Fl.

B E F O R E:
MATHIEU EUGENE
DANIEL DROMM
Chairpersons

COUNCIL MEMBERS:
Fernando Cabrera
Ydanis Rodriguez
David G. Greenfield
Vincent J. Gentile

A P P E A R A N C E S (CONTINUED)

Brian Mulligan
Accredited Representative
Central American Legal Assistance

Lionelle Hamanaka
Member/Activist
Military Families Speak Out

Irina Matiychenko
Director
Immigration Protection Unit
New York Legal Assistance Group

Audrey Carr
Director of Immigration and Programs
Legal Services NYC

2 CHAIRPERSON EUGENE: Thank you very
3 much and we've got to start over. Good morning and
4 I'm Council Member Mathieu Eugene, Chair of the
5 Council Committee on Veterans. I would like to
6 thank Chair Dromm of the Committee on Immigration
7 for agreeing to hold this hearing on two important
8 resolutions. Let me also take the opportunity to
9 thank Felicia Taylor Legislative authority for the
10 Committee on Veterans and my co-Chair Dromm will do
11 the same you know, when I return the microphone to
12 him, and now, I want to thank also my staff, who
13 had hard worked diligently to make sure that we
14 have this hearing this morning.

15 Since the earliest days of the U.S.
16 Military, immigrants have played a crucial role as
17 service members from the Revolutionary War to the
18 conflict in Iraq and Afghanistan. We have
19 recruited non-citizens and I award them for their
20 service and commitment to this country with an
21 expedited path to citizenship. Today, there are
22 more than 24,000 non-citizens serving on active
23 duty and more than 5,000 enlist each year. As our
24 country changes and roles more diverse, the non-
25 citizen population is likely to become one of the

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2 most important sources of recruitment for the Armed
3 Forces. Despite the contributions of non-citizens
4 to our nation's military, too many of our men and
5 women in uniform and veterans that have not yet
6 attained citizenship are finding themselves facing
7 deportation for minor offenses. These service
8 members and veterans have no relief available to
9 them, and more often than not are sent back to the
10 country they don't consider home. Because of this,
11 I introduce Resolution 1536 calling on the
12 Department of Homeland Security to expedite the
13 adjustment of immigration status of immigrants
14 serving in the U.S. Armed Forces and to halt
15 deportation of immigrants who are active duty
16 service members or who have been honorably
17 discharged from the military. We should be
18 treating those that risked their lives for our
19 country better. I hope that all the members of the
20 Immigration Committee will join me in supporting
21 this resolution. We are also discussing a lot of
22 important resolutions I introduce during this
23 hearing. Resolution 1923, Temporary Protected
24 Status, called TPS, is a statute that the
25 Department of Homeland Security gives when

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2 conditions in a country prevents its nationals from
3 returning. TPS may be given in cases of armed
4 conflict, natural disasters, disease epidemics or
5 other extraordinary conditions. Right now,
6 immigrants from El Salvador, Haiti, Honduras,
7 Nicaragua, Somalia, Sudan and South Sudan and Syria
8 are eligible for TPS. While TPS allows citizens
9 from these countries to come, stay and work in the
10 United States, it does not offer them a path to
11 citizenship, so I have introduced Resolution number
12 1923, which urges the federal government to pass
13 legislation that will establish a pathway to
14 citizenship for recipients of TPS. Many families
15 that arrive in the United States to escape unsafe
16 conditions have made this country their home. They
17 are member of our communities and many have
18 established deep roots here. They deserve a path
19 to become citizens of the United States so that
20 their families so that their families can finally
21 have stability and all the rights and privileges
22 that come with U.S. citizenship. Immigrants have
23 long made this country great and we should allow
24 them, those with TPS, to have the same chance to
25 make a permanent home here and live the American

2 dream. Please allow me one more time to thank our
3 Council Member and Chair, co-Chair Dromm of the
4 Committee on Immigration for holding this hearing
5 today, and I just want also to take the opportunity
6 to thank each one of you who are here who come for
7 this very important hearing. Let me turn it over
8 to my co-Chair, Council Member Dromm.

9 CHAIRPERSON DROMM: Well, thank you
10 very much. Good morning. I'm Council Member
11 Daniel Dromm and I'm the Chair of the New York City
12 Council's Committee on Immigration. I would like
13 to thank Council Member Mathieu Eugene, Chair of
14 the Committee on Veterans for participating in
15 today's joint hearing and for all the other
16 committee hearings that we've had on the Veterans
17 Committee. I'm a proud members of the veterans
18 community as well, so thank you, Council Member
19 Eugene and let me also thank my committee staff,
20 Julian Beckford [phonetic] and Jennifer Montalvo
21 [phonetic] for the work that you've done on this
22 issue for us today.

23 Resolution Number 1536 calls on the
24 Department of Homeland Security to expedite the
25 adjustment of immigration status of those

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2 immigrants who are serving in the Armed Forces and
3 to halt the deportation of immigrants who are
4 active duty service members or who have been
5 honorably discharged from the Armed Forces. As of
6 May 2012, approximately 24,000 non-citizens were
7 serving on active duty in the U.S. Armed Forces,
8 with about 5,000 non-citizens enlisting each year.
9 Despite the large number of immigrants serving in
10 the Armed Forces and the significant contributions
11 they made to the Armed Forces, they still encounter
12 obstacles dues to their lack of U.S. citizenship.
13 For example, immigrants who are non-citizens are
14 prevented from participating in federal elections,
15 cannot apply for certain jobs and may be subject to
16 deportation as a result of an encounter with law
17 enforcement. This resolution is a reminder that
18 immigrants who choose to serve our country should
19 be recognized for their service and their
20 commitment to this country, and such recognition
21 should include expedited adjustment of immigration
22 status.

23 Resolution 1923 calls on the federal
24 government to pass legislation to establish a
25 pathway to citizenship for Temporary Protected

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2 Status beneficiaries. Temporary Protected Status
3 or TPS is a temporary immigration status granted to
4 eligible persons of designated countries.

5 Generally, TPS is provided to immigrants living in
6 the United States who are unable to safely return
7 to their home because of an ongoing armed conflict,
8 an environmental disaster such as the terrible
9 hurricane in Haiti, or other extraordinary and
10 temporary conditions that prevent a safe return.

11 Currently, only eight countries are designated for
12 TPS: El Salvador, Haiti, Honduras, Nicaragua,
13 Somalia, Sudan, South Sudan and Syria. TPS
14 beneficiaries may remain in the U.S. for the
15 duration of a country's designation, and during
16 that time may obtain work authorization and then be
17 granted travel authorization. TPS does not lead to
18 lawful permanent resident status or U.S.

19 citizenship. Resolution 1923 urges the federal
20 government to pass legislation that will establish
21 a pathway to citizenship for recipients of TPS.

22 I'd like to thank everyone for coming
23 today and with that, I want to turn back over to
24 Chair Eugene so that he can call our first
25 witnesses.

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2 CHAIRPERSON EUGENE: Thank you very
3 much, Council Member Dromm, thank you. If you are
4 here and you want to testify, please register your
5 name and we will more than happy to listen to you
6 talk and your concern regarding this very
7 important... the two very important issues. Now,
8 let me call the first...

9 [Pause]

10 CHAIRPERSON EUGENE: Brian Mulligan,
11 thank you, from Central American Legal Assistance.

12 [Pause] [background voices]

13 CHAIRPERSON EUGENE: Okay, now we're
14 going to do it another way. We're going to do...
15 to call everybody at the same time. Let me call
16 Lionelle Hamanaka. Lionelle, thank you for coming,
17 thank you very much. And I want to call also Miss
18 Irina. [off mic] Oh, she's not testifying? You
19 are not testifying? No? Okay. You would like to?
20 Okay, please. Okay.

21 [Pause]

22 CHAIRPERSON EUGENE: Now, let me take
23 the opportunity to thank you for the wonderful job
24 that you are doing for all immigrants in my
25 district and also in New York City. You are really

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2 a good partner for all of us City Council members.
3 NYLAG is doing a wonderful job. Thank you.
4 [background voice] Thank you very much. As a
5 matter of fact, right now your office and my office
6 we are having a clinic for immigrants for the city,
7 right, right now in one of the churches?
8 [background voice] Thank you very much. Please.
9 [Pause]
10 CHAIRPERSON EUGENE: Mr. Mulligan, you
11 can start any time, please.
12 BRIAN MULLIGAN: [off mic] Good
13 morning.
14 CHAIRPERSON EUGENE: And...
15 BRIAN MULLIGAN: Good morning. My name
16 is Brian Mulligan and I am an accredited
17 representative from Central American Legal
18 Assistance and I was asked to come here to talk a
19 little bit about TPS by the New York Immigration
20 Coalition, which is an organization of about 200...
21 comprised of about 200 groups here in New York that
22 work with immigrants, and we are a member of them.
23 Central American Legal Assistance, we are located
24 in Brooklyn; Williamsburg, Brooklyn and we have
25 been representing people from Central America for

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2 over 25 years, and as the council members alluded

3 to, individuals from Honduras, Nicaragua and El

4 Salvador are all eligible for TPS. The Honduras

5 and Nicaragua program has been in effect since

6 1998, Hurricane Mitch and the Salvadoran program

7 has been in effect since 2001, which was the

8 earthquake. So these people from these

9 nationalities have had TPS, this Temporary

10 Protected Status for 15 and 13 years. They get a

11 work permit and they're able to work, live here and

12 pay taxes, but it's not a free program. So the

13 federal government has determined that these

14 countries are in such bad shape because of the

15 natural disasters or the political unrest that

16 these people shouldn't have to go back there;

17 however... and so they're able to... they're

18 allowed to live and work here and send money home.

19 However, these programs aren't free and they have

20 to spend about \$500 every 18 months, which is a lot

21 of money and it's also... it's easy to fall out of

22 the program for lack of a specific document that

23 the immigration service wants, so it's a difficult

24 program to maintain. So we applaud your resolution

25 to urge the federal government for any

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2 comprehensive immigration reform that would give
3 these folks who have now been with a sort of semi-
4 legal status for 15 years or 12 years not to have
5 to go to the back of the line for comprehensive
6 immigration reform. In other words, the
7 comprehensive immigration reform that's being
8 talked about would be approximately a 10-year
9 process to become legal, and so we would hope that
10 these folks who have already been legal for long
11 periods of time would be able to get an expedited
12 process into that and would not have to go to the
13 end of the line. We represent approximately 4,000
14 TPS applicants, mostly here in New York City, so
15 there's a lot of people with this status. I think
16 that's what I... I applaud your efforts to urge the
17 federal government to do that for TPS recipients
18 who are very worthy, hard working people who are
19 paying taxes and have been in the system for many
20 years. Thank you.

21 CHAIRPERSON EUGENE: Thank you very...
22 and Mr. Mulligan, I have some questions for you,
23 but...

24 BRIAN MULLIGAN: [interposing] Yes.
25

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2 CHAIRPERSON EUGENE: I will go to the
3 next speakers unless Council Member, do you want to
4 ask a question now?

5 CHAIRPERSON DROMM: Well, let's hear
6 from those three and then we'll...

7 CHAIRPERSON EUGENE: [interposing]
8 Okay.

9 CHAIRPERSON DROMM: Ask questions.

10 CHAIRPERSON EUGENE: Now let us call or
11 let us hear from Miss Lionelle. Thank you again
12 for coming. You always, always attend all the
13 hearings on immigration, you know, so I...

14 [crosstalk]

15 LIONELLE HAMANAKA: Thank you.

16 [crosstalk]

17 CHAIRPERSON EUGENE: Again I want to
18 thank you for your courage and also your
19 persistence and your dedication you have for all
20 the veterans. Thank you so much.

21 LIONELLE HAMANAKA: Thank you.

22 CHAIRPERSON EUGENE: Thank you.

23 LIONELLE HAMANAKA: Thanks for the
24 opportunity. Military Families Speak Out is a
25 national organization of families related to

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2 soldiers who have served since 9/11 who opposed the
3 war in Iraq and currently the war in Afghanistan
4 and our motto is "Bring the troops home now and
5 take care of them when they get here." We support
6 Resolution 1923 and Resolution 1536. About
7 Resolution 1923, I used to work for an immigration
8 law firm in New York and one of the cases I worked
9 on was an Egyptian guy who was a Coptic Christian.
10 And he was working 14 hours a day in a pizza parlor
11 in New Jersey, but he spent all his money on his
12 legal case and he was a very hard working family
13 man. His family was here already and he'd been
14 here for a number of years, and he was really
15 terrified of being deported because he was afraid
16 that if he was sent back to Egypt he would be
17 persecuted. So and also during that time, I
18 sometimes used to call people who were in
19 deportation jails and I know that it's very hard to
20 reach them. They don't really have that much
21 access to legal help and they're very scary places
22 and their families are terrified and you know, I
23 think that sometimes I've heard that when the jails
24 are like really crowded, the deportation jails,
25 that sometimes they're put in with the regular

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2 criminal population so they're even under worse

3 conditions. And so now, that's Resolution 1923 and

4 1536 there's a little typo in the first line here.

5 It says at various times since 9/11 immigrants have

6 constituted one-third of the Armed Forces. That's

7 one-third of the recruits of the Armed Forces at

8 one point and I know that I got emails to that

9 effect and so we're not talking about a small group

10 here of like you know, two or three people. We're

11 talking about tens of thousands of people, and

12 these immigrants were willing to risk their lives

13 to become U.S. citizens; therefore, their efforts

14 to attain citizenship should be supported in every

15 way and not impeded with lack of delivery of legal

16 rights. If a person has been a soldier in one of

17 these wars, we know that there's a lot of house to

18 house combat and they're put in positions where

19 they have to go on little trips out into the

20 village or wherever on the roads to look for trip

21 mines for IEDs and it's a very scary experience. I

22 don't know if you've seen Hurt Locker or heard

23 stories, but many people, about 300,000, have come

24 down with PTSD; another 300,000 have traumatic

25 brain injuries and these people may or may not be

2 diagnosed; they may not admit it and the tens of
3 thousands of people who are immigrants who are
4 placed... who may be placed in a sort of limbo; a
5 sort of purgatory as to what they're going to do in
6 some of them wind up in these jails because they
7 fall through the cracks, they're not treated with
8 the respect that they deserve. They're treated
9 like criminals because the prison guards don't know
10 you personally and they treat everybody the same.
11 They don't know your history. Now, the thing is
12 that instead of treating people who've served in
13 the Armed Forces as disposables who've served their
14 purpose, which is a criminal offense from the human
15 sense of justice, as well as violating existing
16 laws and assertions, which the recruiters make
17 during getting into the Armed Forces, and that
18 sullies the honor and the integrity of the Armed
19 Forces of the United States, so we should try to
20 prevent this by making sure that we keep our
21 promise to the immigrants who join the Armed Forces
22 and make it easy for them to become citizens and
23 treat them with the respect that they deserve.
24 It's one thing to have a law and another thing to
25 enforce it, as we all know, so we support this

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2 resolution because it's a watchdog and also a
3 support of a major city in the United States and it
4 will help prevent people from falling through the
5 cracks, as many of these veterans have already and
6 it will... we hope that in the future those who
7 have deported wrongfully, their status can be
8 reversed and they can be brought back to their
9 families and it will help prevent the breakup of
10 families and a lot of misery. So thank you very
11 much for making these resolutions and we support
12 them.

13 CHAIRPERSON EUGENE: Thank you very
14 much. Miss Irina, please. Always, you know, I
15 think that I got to practice how to pronounce your
16 last name.

17 IRINA MATIYCHENKO: No, I will do it
18 for you.

19 CHAIRPERSON EUGENE: Thank you very
20 much.

21 IRINA MATIYCHENKO: Yes.

22 CHAIRPERSON EUGENE: Thank you.

23 IRINA MATIYCHENKO: [off mic] You're
24 welcome. My name is...

25 [Pause]

2 IRINA MATIYCHENKO: Can you hear me?

3 CHAIRPERSON EUGENE: Yes.

4 IRINA MATIYCHENKO: [off mic] My name
5 is...

6 CHAIRPERSON EUGENE: Can you press the
7 button, please?

8 CHAIRPERSON DROMM: Just press the red
9 button.

10 IRINA MATIYCHENKO: Oh.

11 CHAIRPERSON EUGENE: Yes.

12 IRINA MATIYCHENKO: My name is Irina
13 Matiychenko. I am the Director of Immigrant
14 Protection Unit of New York Legal Assistance Group.
15 This is one of the largest providers of legal
16 services in New York and we are honored to work
17 with many of City Council and we're working with
18 the City Council Dromm, City Council Eugene, and I
19 want to thank you for this opportunity to work with
20 you, to serve your constituents and also to testify
21 here. I know how much you are both doing on behalf
22 of your constituents and that is why it's an honor
23 to be here and to support this resolution. I
24 believe that both resolutions are very strong, very
25 radical, but it's a great and fair decision to ask

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2 federal government to pass this law and certainly
3 people use TPS and our office have served thousands
4 of TPS holders and we know that these people
5 actually... it's a very generous decision to grant
6 TPS to the country and to the nationals of this
7 country, but still, these people are living in
8 limbo and every year when Congress decides whether
9 or not to go to this TPS, to extend TPS they're
10 waiting for the decisions. They don't know what to
11 do next with their lives. They're not sure how
12 they're lives will continue in this country or they
13 have to be deported and what is especially
14 important is that these people, they are known by
15 TPS status. They are known by the government
16 because they were granted TPS status as soon as
17 they... let's say they can lose this status as soon
18 as TPS is denied and they are the first candidates
19 for deportation without doing anything wrong, but
20 just living in this country they lose TPS status.
21 That is why it's so important to guarantee their
22 right and I want to take a chance to ask City
23 Council to join NYLAG in our efforts. Actually we
24 put all this information yesterday on our website
25 and we asked government to grant TPS status to

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2 Philippines, and you who represent TPS and knows
3 that City Council Eugene represents most of TPS
4 holders from Haiti and you know how important to
5 act urgently and to provide people to leave
6 immediately, so I hope that you will join our
7 efforts. But again, going back to this resolution,
8 I strongly support this resolution and I hope that
9 federal government will agree with this, but I also
10 want to bring to your attention to the fact that
11 your rights to TPS and we discuss it with City
12 Council Eugene. This is inclusion of TPS holder to
13 DACA to make TPS holders eligible for deferred
14 action for undocumented use and I know that it's on
15 agenda of City Council Eugene and I urge all of you
16 to support this project as well. Again, thank you
17 so much for inviting me. Thank you for this
18 resolution, and from our part you know, we're doing
19 everything to support it and meanwhile, as you all
20 know, NYLAG has always welcomed all your
21 constituents with all their legal problems. We are
22 right there to take them representation. You know
23 how to find us, how to refer your constituents and
24 thank you again.

25

2 CHAIRPERSON EUGENE: Thank you very
3 much, Miss Irina and forgive me if I cannot
4 pronounce your last name right.

5 IRINA MATIYCHENKO: That's fine.

6 CHAIRPERSON EUGENE: And so I...

7 [crosstalk]

8 IRINA MATIYCHENKO: You know the plan
9 here is working together.

10 CHAIRPERSON EUGENE: Yes, I know and
11 let me say something. You mentioned something very
12 important because the United States of America has
13 always been a very generous to immigrants and this
14 is a good country. All immigrants from all over
15 the world, we can say that this is home to all
16 immigrants and people from Haiti; from my native
17 country, they were able to receive TPS. They were
18 going TPS because again of the generosity of this
19 great country, the United States of America, and I
20 know firsthand the suffering of the people from
21 Philippines because not too long ago in 2010, my
22 country was devastated by a horrific earthquake and
23 the country's still recovering. People are still
24 suffering from that and we still have people in
25 tents as I speak. The infrastructure, the American

2 infrastructure school with everything you know,
3 right now you know, these infrastructures are
4 critical. So it is... it was a big blow to a
5 country already in trouble, and that's the reason
6 my office, we are working on a resolution to ask
7 the federal government to grant TPS to people from
8 the Philippines and so we're going to be working
9 with the Chair of Immigration, Council Member
10 Dromm, who is also a strong advocate for all the
11 immigrants, and I'm glad that you mentioned that
12 and as a matter of fact, I'm putting together a
13 Task Force a group to see if all police and the
14 City Council, we can come together to do a benefit
15 for the Philippines, the same way they did it for
16 Haiti. I had a meeting yesterday and we're going
17 to have a meeting in the City Council with some of
18 my colleagues to make sure that everybody comes
19 together to help the Philippines because we are all
20 you know, the human family and we belong to the
21 same family. It's the Philippines today; we don't
22 know next time or tomorrow where it's going to be
23 and I thank you, you know, for mentioning that and
24 we are working on that right now.

2 IRINA MATIYCHENKO: Thank you, City
3 Council. I know that this matter is in good hands.
4 Thank you. I know that it will be done.

5 CHAIRPERSON EUGENE: Thank you.

6 [crosstalk]

7 IRINA MATIYCHENKO: Thank you so much.

8 CHAIRPERSON EUGENE: Thank you very
9 much and let me add we have been joined by Council
10 Member Cabrera and also Council Member Ydanis
11 Rodriguez, and Council Member Dromm?

12 CHAIRPERSON DROMM: Thank you, Mr.
13 Chair. I just wanted to go and ask a couple of
14 detailed questions that I wasn't fully aware of. I
15 think that Mr. Mulligan said in his testimony
16 \$500... it cost people \$500 every month?

17 BRIAN MULLIGAN: [off mic] No, no,
18 every... every...

19 CHAIRPERSON EUGENE: Every 18 months.

20 CHAIRPERSON DROMM: Every 18 months.

21 BRIAN MULLIGAN: [off mic] To renew
22 the...

23 CHAIRPERSON DROMM: Can you use the
24 mic? Yeah.

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2 BRIAN MULLIGAN: No, every 18 months it
3 costs approximately \$500, \$480 to renew the
4 program.

5 CHAIRPERSON DROMM: Okay, yeah.

6 BRIAN MULLIGAN: So that's every 18
7 months.

8 CHAIRPERSON DROMM: Still, it's...

9 BRIAN MULLIGAN: And that's the
10 immigration fees and then whatever fee you pay to
11 the preparer is an additional fee.

12 CHAIRPERSON DROMM: Right, so that
13 does...

14 [crosstalk]

15 BRIAN MULLIGAN: So.

16 [crosstalk]

17 CHAIRPERSON DROMM: Seem like it's a
18 little high.

19 [crosstalk]

20 BRIAN MULLIGAN: Yeah, no, it's a lot,
21 yeah.

22 CHAIRPERSON DROMM: Absolutely.

23 BRIAN MULLIGAN: Yeah.

24 CHAIRPERSON DROMM: And I think in your
25 testimony you mentioned about TPS or maybe it

2 wasn't... maybe it was you. They included in
3 overall immigration reform, and is it included in
4 the Senate bill? I'm not aware and I was wondering
5 if that is...

6 [crosstalk]

7 BRIAN MULLIGAN: No, I don't believe it
8 is. I don't believe it is included in the Senate
9 bill. That's what we're pushing, to try to get it
10 into the Senate. You know, to get it into the bill
11 to get sort of an expedited... you know, what we're
12 talking about.

13 CHAIRPERSON DROMM: Mm-hm.

14 BRIAN MULLIGAN: So that they wouldn't
15 have to wait 'til the end of... you know, wouldn't
16 have to join all the others that are applying so.
17 Now that's the push. That's what we need to do.

18 CHAIRPERSON DROMM: Okay, so actually
19 we need some grassroots action on that...

20 BRIAN MULLIGAN: Definitely.

21 CHAIRPERSON DROMM: To make that
22 happen...

23 BRIAN MULLIGAN: Definitely.

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2 CHAIRPERSON DROMM: And that's not even
3 considering the fact of that Congress, the House
4 has not even ruled...

5 [crosstalk]

6 BRIAN MULLIGAN: Has not even...

7 [crosstalk]

8 CHAIRPERSON DROMM: On any of this...

9 [crosstalk]

10 BRIAN MULLIGAN: Right, right.

11 [crosstalk]

12 CHAIRPERSON DROMM: At all, exactly.

13 BRIAN MULLIGAN: I believe the Senate
14 bill does have an expedited path for DACA eligible,
15 which is the...

16 [crosstalk]

17 CHAIRPERSON DROMM: Mm-hm.

18 BRIAN MULLIGAN: The young people
19 Deferred Action for Childhood Arrivals; the young
20 people who have come here as children and now are
21 eligible for this deferred action status. So I
22 believe that they have an expedited pathway under
23 the Senate bill, but not the TPSers, which we would
24 like to see happen.

25

2 CHAIRPERSON DROMM: So if TPS
3 designation is terminated, what impact would it
4 have on communities?

5 BRIAN MULLIGAN: I mean it would be
6 devastating, as my... you know, this woman...

7 [crosstalk]

8 CHAIRPERSON DROMM: Irina.

9 BRIAN MULLIGAN: It would be
10 devastating because these folks would... you know,
11 would lose their ability to work legally. They
12 would be... they would lose their ability to send
13 money home; you know, to earn a good wage and send
14 money home to these devastated countries and it
15 would... you know, probably even worse, they would
16 then be subject to deportation because they would
17 have no legal status and as she also alluded to,
18 immigration then has all their information to use
19 to start removal proceedings against them. So and
20 you know, these are people who have lived here 10,
21 15 years have now you know, begun raising families
22 of United States citizen children and you know, so
23 you're talking about long-term big suffering; you
24 know, separation of family. It's forcing American

2 citizen children to go to these countries that are
3 very you know, dangerous and poor so.

4 CHAIRPERSON DROMM: Well, I remember
5 like right after the earthquake in Haiti and I
6 think I said hurricane before, but I meant...

7 BRIAN MULLIGAN: [interposing] Yeah.

8 CHAIRPERSON DROMM: Earthquake, yeah,
9 that when I was in Israel with Council Member
10 Eugene...

11 BRIAN MULLIGAN: [interposing] Mm-hm.

12 CHAIRPERSON DROMM: We met a person who
13 had been airlifted out of Haiti over to Israel for
14 treatment and I know that Dr. Eugene... Dr. Eugene
15 has been very involved in this issue for a very
16 long period of time and we passed a resolution in
17 the council to have it initially extended as well,
18 but one of the things for me as Chair of the
19 Immigration Committee that's sometimes frustrating
20 is that I don't... I can't really affect federal
21 law and I can only do things on a local level, so
22 would any of the panelists, not just Mr. Mulligan,
23 have suggestions about how on a local level we can
24 push this forward and what we need to do to create
25 that activism around this issue?

2 BRIAN MULLIGAN: I think and what we've
3 tried to do to people when they've come in to renew
4 every 18 months or you know, we give them a list of
5 their congressmen. You know we give them... we
6 tell them who their congressman is. We give them a
7 list of their congressmen, the delegation and we
8 tell them to call. We give them the phone numbers,
9 we tell them to call and we tell them to ask for
10 you know, this... what we're talking about, this
11 expedited you know... I think we need to facilitate
12 the individual; the immigrants to push for this on
13 a grassroots level to start putting pressure on the
14 people in Washington. You know, they will become
15 voters if they're given legal status, so you know,
16 that's... that's what I think needs to be done.

17 CHAIRPERSON DROMM: And I just want to
18 point out that the difference between asylum and
19 Temporary Protected Status is that with TPS it's
20 for an ongoing armed conflict, environmental
21 disaster or other extraordinary or temporary
22 conditions that prevent a safe return, and part of
23 the argument that we in the Immigration Committee
24 had as well in terms of asking the federal
25 government to extend Temporary Protected Status a

2 while ago was to say that having immigrants who are
3 here now return to Haiti at the time would've also
4 had a negative impact on Haiti's recovery as well,
5 and so that's another issue that I kind of wanted
6 to draw out in this hearing.

7 BRIAN MULLIGAN: Oh, yeah, I mean you
8 know, in a place like Haiti they're getting so much
9 money from the people here who are working and
10 sending it back, so not only is it... you know, not
11 only is it not sending Haitians from New York or
12 wherever back to a place that's in really bad
13 shape, but it's also allowing them to work so that
14 they can then send money back to their family
15 members, so it's definitely a two pronged thing.

16 CHAIRPERSON DROMM: So I am going to
17 attempt Irina's last name, Matiychenko?

18 IRINA MATIYCHENKO: Yes, that's it.

19 CHAIRPERSON DROMM: And say I heard
20 your suggestion about Philippine Temporary
21 Protected Status as well. I do have a growing
22 Filipino community in the Jackson Heights Woodside
23 Elmhurst area as well, and that is an issue of
24 major concern, especially around the terrible
25 disaster that has happened there. Can you... do

2 you know much of what's going on in that area? Can
3 you describe it a little bit further to me and let
4 me... just tell me what you know what's going on in
5 terms of organizing around that?

6 IRINA MATIYCHENKO: Actually, as soon
7 as it happened we had emergency meeting in our
8 office to address this issue and to decide what we
9 can do and as I said, we put out a petition and we
10 called all Philippine organizations; Philippine Bar
11 Association, Philippine other organizations and
12 they're all on our lease; on our petition. They
13 request the government to grant TPS status to
14 Filipinos and we also ask for some additional
15 humanitarian measures like to allow to expedite to
16 allow humanitarian parole for those who are waiting
17 for an immigrant visa to be reunited with their
18 families in the United States. We know the
19 Filipinos are waiting more than nationals of any
20 other countries and they're waiting for even a
21 second preference are waiting much more longer than
22 other nationals and that is why we ask to allow
23 humanitarian parole as exceptional measure, but to
24 allows those who are waiting to be reunited with
25 their family to come here to the United States on

2 humanitarian parole. It doesn't require any
3 legislation, but just it's humanitarian measure to
4 allow this. We also asked to provide extensions of
5 non-immigrant visa for those Filipinos who are here
6 on non-immigrant visas to allow automatic extension
7 for 30 days and then to consider this for an
8 additional one year.

9 CHAIRPERSON DROMM: So in the past,
10 I've heard... and I'm just trying to recall. There
11 are also problems related to today's topic as well
12 with regard to Filipino veterans in the United
13 States. Are you aware of that, anybody?

14 IRINA MATIYCHENKO: No, not...

15 [crosstalk]

16 CHAIRPERSON DROMM: There was a
17 particular issue of concern around that. But
18 anyway, I'm going to research it a little bit
19 further just to find out as well because I think it
20 is related to today's hearing topic and an issue of
21 concern, especially around the Filipino
22 specifically being excluded from the prospect of
23 being able to become an American citizen or getting
24 set on the path to citizenship so...

2 IRINA MATIYCHENKO: Thank you for
3 bringing this up and we will certainly consider
4 this.

5 CHAIRPERSON DROMM: Mm-hm.

6 IRINA MATIYCHENKO: And will be working
7 on this as well.

8 CHAIRPERSON DROMM: Okay.

9 IRINA MATIYCHENKO: Thank you.

10 CHAIRPERSON DROMM: And then finally, I
11 just wanted to also say that for the Military
12 Families Speak Out, for Lionelle, in your testimony
13 you wrote that the deportation jails at the
14 Immigration Department... I really like the word...
15 the use of the word jails, because essentially
16 that's what they've become in many ways and it's
17 unfortunate. Just last month we did a hearing of
18 the Immigration Committee on the use of solitary
19 confinement in those quote unquote "jails" as well,
20 and it's an issue of major concern to me, so I just
21 wanted to say thank you for bringing that up.
22 Thank you very much. Chair?

23 CHAIRPERSON EUGENE: Thank you very
24 much, Dromm. One other thing that I want to
25 mention also Mr. Mulligan, you mentioned about the

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2 \$500 that should be paid by the TPS every 18
3 months. This is a lot of money for certain people,
4 a lot of money for them. We are talking about
5 people who are working and receiving very low
6 salaries and some of them are not working and in my
7 office then together we found that lacking; other
8 not-for-profit organizations helping immigrants.
9 We have been talking to many TPS holders. Some of
10 them couldn't even pay the fee to renew or to apply
11 for TPS. They couldn't and that means many of them
12 they didn't take the opportunity; the advantage to
13 receive the TPS because they couldn't afford the
14 \$500. We use what we call what we call a waiver,
15 right?

16 IRINA MATIYCHENKO: Yes.

17 CHAIRPERSON EUGENE: For some of them.

18 IRINA MATIYCHENKO: Yes, yes.

19 CHAIRPERSON EUGENE: You know, apply
20 for the waiver.

21 [crosstalk]

22 IRINA MATIYCHENKO: Yeah, we are very,
23 very successful.

24 CHAIRPERSON EUGENE: And I would
25 like...

2 [crosstalk]

3 IRINA MATIYCHENKO: In that waiver.

4 [crosstalk]

5 CHAIRPERSON EUGENE: I would like to
6 ask Miss Irina Matiychenko; I hope that I say it
7 right; to talk it a little bit about the waiver of
8 TPS holders. Well, this is really a big problem.
9 If, you know, we are successful to have the
10 Homeland Security and the federal government to
11 grant citizenship to the TPS holders, that would
12 make a big difference in their life and the life of
13 their family members. And also in addition to
14 that, those who hold TPS, every time that they have
15 to renew their TPS many of them lose their jobs
16 because what happens if they don't have the TPS;
17 they cannot go back to work, and we went through
18 many cases like that. The employers didn't want to
19 receive them, even when the Homeland Security you
20 know, sent a letter to the employers to say that
21 it's okay. They didn't want to take the chance
22 because in the New York State I think to give jobs
23 to somebody you have to see the physical you know,
24 proof of the ability of the person to work in the
25 United States. I think this is... you know, there

2 are many issues with TPS holders helping them get
3 citizenship with all the many, many challenges that
4 they are facing. So, will you please, Miss Irina,
5 talk about the waiver and also all the issues that
6 you know from your experience that the TPS holders,
7 they are facing?

8 IRINA MATIYCHENCKO: Waiver, we are
9 talking about applications fee; immigration
10 applications fee and the law provides for this kind
11 of application provide opportunity to request a
12 waiver of applications fee, but this person has to
13 meet very strong requirements. The person has to
14 be eligible and his income should be really under a
15 certain level and the person has to receive public
16 benefits like Food Stamps, public assistance, et
17 cetera. Otherwise it's not easy to obtain this
18 waiver. We have been successful in getting waiver
19 granted for those who are eligible for this waiver,
20 but City Council Eugene just brought up a very
21 important issue; that in some cases in order to
22 obtain TPS and when you're... and then to renew you
23 have to apply not only for a TPS, but during your
24 employment authorization and sometimes it's a gap
25 between application for employment authorization

2 and the time when the person actually received it.

3 And you are absolutely right. Even though the
4 person with employment authorization; it has three
5 months before expiration; technically has legal
6 right to be employed, very often employers want to
7 be on the safe side and just let them go and that
8 is why a person finds himself without any fault on
9 his own without any employment. I know that you
10 know life with your constituents very well and
11 actually I have to say I knew this point and thank
12 you for bringing this up. This is additional
13 argument in support of this resolution.

14 CHAIRPERSON EUGENE: Another thing...

15 I'm sorry, please...

16 [crosstalk]

17 BRIAN MULLIGAN: I would just add that
18 you know, while the fee waiver does work for a
19 certain amount of people, it's basically... it
20 helps the people that are receiving public benefits
21 that can prove that they are poor, but many, many
22 people are poor and can't prove it because they're
23 not receiving public benefits, so for the average
24 person that's not working and kind of just getting
25 by doing odd jobs or whatever and is not receiving

2 public assistance, he generally... he or she
3 generally can't qualify for the fee waiver because
4 they don't have proof that they're receiving
5 government assistance. So you know, it's a real
6 catch-22 where many poor people are not able to get
7 the fee waiver and end up having to borrow a lot of
8 money from family members or you know, miss out and
9 fall out of the program so, the fee waiver doesn't
10 cover everyone I guess is the point, you know.

11 IRINA MATIYCHENKO: In addition that...

12 [crosstalk]

13 BRIAN MULLIGAN: Although it should.

14 IRINA MATIYCHENKO: Mm-hm.

15 BRIAN MULLIGAN: Excuse me.

16 IRINA MATIYCHENKO: If... I'm sorry.

17 BRIAN MULLIGAN: No.

18 IRINA MATIYCHENKO: If I am allowed to
19 add that if today as this continues to speak
20 realistically not very many people unless they are
21 deported would go back to their country.

22 BRIAN MULLIGAN: Absolutely.

23 IRINA MATIYCHENKO: It means that they
24 lost their status, they lost their job and they
25 will join 12 million undocumented people and will

2 be in hiding, and it means that our country will
3 lose all incomes as they pay their income taxes.

4 CHAIRPERSON EUGENE: Mm-hm, a very good
5 point, a very point. Another thing that I wanted
6 to mention also, the benefit. I would like you
7 know, to reaffirm either one of you talking about
8 the benefit that the TPS holders are not qualified
9 for because we are talking about people who are
10 working.

11 IRINA MATIYCHENKO: Working.

12 CHAIRPERSON EUGENE: They are working.

13 IRINA MATIYCHENKO: Yes.

14 CHAIRPERSON EUGENE: They are part of
15 the fabric of this country, they are paying taxes,
16 but they still on the benefit, they don't benefit
17 so that means by helping them their citizenship
18 that will humanitarianly help them; that will be a
19 good humanitarian gesture to them because we are
20 talking about people who are working in the system,
21 who are contributing to this system paying taxes,
22 raising their families and I think that you know,
23 by helping them get their citizenship, that will
24 make a big difference in their life and also in the
25 life of their family members. Could you please

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2 talk about the benefits attached to the TPS and
3 benefits that TPS holders cannot receive if you
4 want to?

5 IRINA MATIYCHENKO: I'm sorry, let me
6 clarify...

7 [crosstalk]

8 CHAIRPERSON EUGENE: The benefit...

9 [crosstalk]

10 IRIAN MATIYCHENKO: Social benefits?

11 CHAIRPERSON EUGENE: The benefits, yes.
12 Is there any benefit because the reason I'm asking
13 this question...

14 IRINA MATIYCHENKO: [interposing] Yes.

15 CHAIRPERSON EUGENE: Not everybody
16 knows exactly what TPS is about.

17 IRINA MATIYCHENKO: Yeah.

18 CHAIRPERSON EUGENE: A lot of people
19 who are watching...

20 IRINA MATIYCHENKO: Mm-hm.

21 CHAIRPERSON EUGENE: They don't know
22 about TPS, so what is it exactly?

23 IRINA MATIYCHENKO: Okay, okay, I will
24 be happy to clarify...

25 [crosstalk]

2 CHAIRPERSON EUGENE: Mm-hm.

3 IRINA MATIYCHENKO: This, and I have to
4 say that our state is very generous in this sense,
5 and you know that in 1997 our state passed a law
6 that restricted access to public benefits to people
7 without certain immigration status and allow only
8 people with humanitarian status, refugees and
9 ensiles were people LPR this five years to get
10 access to social benefits. At that time, our
11 office brought a cross section on behalf of
12 immigrants and we worked this cross section and
13 eventually state passed legislation and now under
14 New York State law, people with TPS status consider
15 it to be PRUCOL, Permanently Residing Under Color
16 of Law, and as such, they're eligible to receive
17 Medicaid, state-funded Medicaid and they're
18 eligible to receive public assistance. All
19 children, regardless of their status, are eligible
20 to receive Food Stamps and people who are living
21 here in LPR status for five years are eligible to
22 receive federal Food Stamps, so but, as of now and
23 you are absolutely right, that very many people
24 they don't know in TPS status are those who are not
25 likely to have employment and in this time, I have

2 to say that it's not very easy to get employment.

3 So without their fault they find themselves in
4 situations where they need help from state, but
5 they don't know that their status, TPS status,
6 gives them benefit of being Permanently Residing
7 Under Color of Law, it's a term of ours, PRUCOL,
8 and as such, they apply for public assistance and
9 for Medicaid.

10 BRIAN MULLIGAN: I... I...

11 CHAIRPERSON EUGENE: [interposing] And
12 thank you very much, thank you.

13 BRIAN MULLIGAN: I don't know as much
14 about the benefit side as my colleague, but you
15 know, I know that they... the main thing is they
16 can't vote obviously. I don't believe TPS
17 recipients are eligible for financial aid; federal
18 financial aid.

19 CHAIRPERSON EUGENE: No.

20 BRIAN MULLIGAN: I don't believe.

21 IRINA MATIYCHENKO: No.

22 CHAIRPERSON EUGENE: I don't think so.

23 BRIAN MULLIGAN: I also don't believe
24 they're eligible for like SSI or federal SSI or
25 disability or...

2 [crosstalk]

3 IRINA MATIYCHENKO: Mm-hm. Yeah, this
4 is federal benefits.

5 BRIAN MULLIGAN: Federal, right, right.

6 [crosstalk]

7 IRINA MATIYCHENKO: They are not
8 eligible for...

9 [crosstalk]

10 BRIAN MULLIGAN: Right.

11 IRIANA MATIYCHENKO: Any federal
12 benefits.

13 BRIAN MULLIGAN: Okay, okay.

14 IRINA MATIYCHENKO: Only state
15 benefits. Under the federal law, it's the Personal
16 Responsibility and Work Opportunity Reconciliation
17 Act of 1996. People without humanitarian status
18 who are not citizens are not eligible for any
19 federal benefits.

20 BRIAN MULLIGAN: okay.

21 IRINA MATIYCHENKO: But we are talking
22 about state benefits.

23 BRIAN MULLIGAN: State benefits.

24 IRIAN MATIYCHENKO: Yes.

25 BRIAN MULLIGAN: Okay.

2 CHAIRPERSON EUGENE: I want to mention
3 that we have been joined also by Council Member
4 Greenfield, but he had to leave because he had to
5 go to other hearings. Miss Lionelle, you have been
6 talking about soldiers who have been deported and
7 this is a big concern for all of us because it
8 doesn't make sense that people who made the
9 ultimate sacrifice for this country; who put their
10 life in danger for this country, we cannot give
11 them the respect and the justice that they deserve.
12 It is not acceptable and I think agree with you.
13 We, as a nation, we have to do everything that we
14 can do to pay some respect and also to show
15 gratitude for those who went you know, to expose
16 their life while we are sleeping or taking care of
17 our businesses, so let me ask you in addition to
18 the resolution and the effort that we are doing as
19 City Council members, any other thing you believe
20 that we can do to put pressure or to help on
21 stopping deportation and also to help you know,
22 those men and women who serve our country to
23 receive citizenship?

24 LIONELLE HAMANAKA: I heard from
25 someone who worked in the legal system with people

2 who are arrested that once they're in the system,
3 they're often just sort of assumed to be guilty.

4 In other words, as immigrants maybe English isn't
5 their first language; maybe they don't have...

6 maybe they don't feel they have the same rights as
7 an American citizen. I mean we've seen in the news
8 lately that people who are innocent of crimes have
9 been suddenly released after 25 or 10 or whatever,
10 and they weren't guilty in the first place, but
11 I... [background voices] I would just say that
12 there has to be some kind of watchdog...

13 CHAIRPERSON EUGENE: [interposing] Mm-
14 hm.

15 LIONELLE HAMANAKA: For anybody
16 who's... that the immigration jails and the regular
17 jails, like they have started to set up the
18 veterans courts in New York, there has to be some
19 kind of tag because people don't necessarily
20 identify themselves as veterans. Then anybody who
21 is a veteran that that should be one of the
22 questions that they're asked when they get to the
23 immigration, and then if there is... if they are
24 such, they should be guaranteed legal
25 representation and that their families should be

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2 contacted and kept in contact. There has to be a
3 follow through and I don't believe it's enforced
4 now. So there's no... that's why a lot of people
5 fall through the cracks 'cause they're just
6 deported.

7 CHAIRPERSON EUGENE: Okay, Council
8 Member Dromm, please?

9 CHAIRPERSON DROMM: Yes and so...

10 CHAIRPERSON EUGENE: Thank you very
11 much.

12 LIONELLE HAMANAKA: Mm-hm.

13 CHAIRPERSON DROMM: Miss Matiychenko, I
14 think it was you who referred to the 1996 law. Is
15 that... was that the Welfare Reform Act?

16 IRINA MATIYCHENKO: Yes.

17 CHAIRPERSON DROMM: Yeah, okay, okay, I
18 just wanted to be sure.

19 IRINA MATIYCHENKO: Yes.

20 CHAIRPERSON DROMM: So all of that came
21 under that.

22 IRINA MATIYCHENKO: Yes.

23 CHAIRPERSON DROMM: Okay.

24 IRINA MATIYCHENKO: Yes.

25 CHAIRPERSON DROMM: Terrible law.

2 IRINA MATIYCHENKO: Yes.

3 CHAIRPERSON DROMM: And...

4 IRINA MATIYCHENKO: But we challenged
5 this.

6 CHAIRPERSON DROMM: Yeah.

7 IRINA MATIYCHENKO: And we changed it
8 with regard to retroactive...

9 [crosstalk]

10 CHAIRPERSON DROMM: Right.

11 [crosstalk]

12 IRINA MATIYCHENKO: Application. It
13 was our class action and we challenged retroactive
14 application of Personal Responsibility Act; Welfare
15 Act and also the challenges on state level.

16 CHAIRPERSON DROMM: Mm-hm.

17 IRINA MATIYCHENKO: Successfully.

18 CHAIRPERSON DROMM: Well, so that's
19 great that you've...

20 [crosstalk]

21 IRINA MATIYCHENKO: Yes.

22 CHAIRPERSON DROMM: Done that
23 impacting...

24 [crosstalk]

25 IRINA MATIYCHENKO: Yes.

2 [crosstalk]

3 CHAIRPERSON DROMM: You know. I just
4 wanted to go back a little bit to the military
5 question as well and I don't know, most of you
6 testified on the TPS stuff. I don't know if
7 anybody has the answers to these questions, but I
8 just wanted to see if anybody knows. So does the
9 U.S. Military do anything to protect immigrants who
10 are in the military? Is there any type of...
11 before they finish their service in the military
12 that they get any legal assistance, any help
13 regarding their immigration status et cetera? I'm
14 not aware.

15 IRINA MATIYCHENKO: No, no, in the
16 military they have easy process through
17 naturalization.

18 CHAIRPERSON DROMM: Mm-hm.

19 IRINA MATIYCHENKO: Certainly and
20 they're allowed to naturalize and even you know,
21 and now it's... there is issue for consideration
22 that allow undocumented to be enlisted and then to
23 receive benefits of Legal Permanent Residency and
24 undocumented include DACA because as of now people
25 who were granted DACA status; it's Deferred Action

2 Status for undocumented use; they are not allowed
3 to go into the military and this is an issue as
4 well. Young people who were living here most of
5 their life and in most cases they don't know other
6 countries than United States, but they are not
7 allowed at this time because of their status to go
8 into military.

9 CHAIRPERSON DROMM: So...

10 IRINA MATIYCHENKO: [interposing] And
11 it's so...

12 [crosstalk]

13 CHAIRPERSON DROMM: All...

14 [crosstalk]

15 IRINA MATIYCHENKO: Unfair.

16 [crosstalk]

17 CHAIRPERSON DROMM: Undocumented people
18 are not allowed to go into the military.

19 IRINA MATIYCHENKO: Yes.

20 CHAIRPERSON DROMM: Correct?

21 IRINA MATIYCHENKO: Yes.

22 CHAIRPERSON DROMM: But when those
23 people who are legally here; legally present enter
24 into the military service, when they leave they are
25 then put on a path of citizenship?

2 IRINA MATIYCHENKO: Yes.

3 CHAIRPERSON DROMM: Okay.

4 IRINA MATIYCHENKO: Yes.

5 CHAIRPERSON DROMM: And are there any
6 organizations in the city that help with that
7 specifically?

8 IRINA MATIYCHENKO: I cannot tell you.

9 CHAIRPERSON DROMM: Uh-huh. I would
10 assume that part...

11 [crosstalk]

12 IRINA MATIYCHENKO: From time to time
13 we have such cases, but not on a regular basis.

14 CHAIRPERSON DROMM: I just assume part
15 of the reason that they would enter the military is
16 because they want to get set on that path to
17 citizenship.

18 IRINA MATIYCHENKO: Oh.

19 CHAIRPERSON DROMM: It's kind of like
20 the ROTC.

21 IRINA MATIYCHENKO: Yes.

22 CHAIRPERSON DROMM: Is a...

23 [crosstalk]

24 IRINA MATIYCHENKO: Yes, yes.

25 [srosstalk]

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2 CHAIRPERSON DROMM: Recruitment vehicle
3 and...

4 [crosstalk]

5 IRINA MATIYCHENKO: Kind of like that,
6 yes, but...

7 CHAIRPERSON DROMM: Yeah.

8 IRINA MATIYCHENKO: In most cases they
9 just want to serve the country...

10 CHAIRPERSON DROMM: [interposing] Uh-
11 huh.

12 IRINA MATIYCHENKO: That they love.

13 CHAIRPERSON DROMM: Okay, is there a
14 case where a veteran would be deported or seen in
15 deportation court?

16 IRINA MATIYCHENKO: We don't... even
17 though we represent very many people in the removal
18 proceedings, we have not had such cases, but if
19 your constituents; if you find that there is need
20 for legal representation, then we will be happy to
21 take those cases for legal representation and
22 please feel free to refer them to NYLAG.

23 LIONELLE HAMANAKA: Yeah, I just... you
24 know, having worked in an immigration law firm and
25 knowing that people have certain rights and so

2 forth, it's a certain amount of initiative has to
3 come from the individual and if there's any
4 challenge to it, I mean the people who... I don't
5 do legal work with incarcerated veterans, but
6 people who have done so told me that when they're
7 challenged; when they have any kind of problem,
8 they may not be able to access resources and their
9 word is not taken and so they fall through the
10 cracks and their legal rights are not... the due
11 process is not observed. In other words, in this
12 country, you're supposed to be guilty... you're
13 supposed to be innocent until proven guilty, but a
14 lot of times with people who don't have... I mean
15 why did so many Vietnam veterans get incarcerated
16 for so long? I mean 'cause they didn't have any
17 help obviously, so there has to be some kind of
18 structures, so if there's no one there to sort of
19 bridge that gap, you wont... in many cases it won't
20 happen and they might not know about your you
21 know... in New York there's thousands of non-
22 profits, but they very often work independently and
23 they don't cross refer sometimes.

24 CHAIRPERSON DROMM: I'm not sure...

25 [crosstalk]

2 IRINA MATIYCHENKO: Well, actually...

3 [crosstalk]

4 CHAIRPERSON EUGENE: One other thing
5 that's... I'm sorry, one other thing that I wanted
6 to mention also we have many legal and not-for-
7 profit organizations trying to do the best that
8 they can do, but I think that there is a question
9 of resources. You know, resources; the lack of
10 resources doesn't allow them because I had the
11 conversation with many of them because when we
12 refer constituents to them, most of the time they
13 don't accompany them to the court; they don't
14 represent them because they don't have the
15 resources to do that. I don't know if it's
16 something that your organization or your
17 organization is facing also.

18 IRINA MATIYCHENKO: Yes, absolutely.

19 You are absolutely right that you know, we are a
20 not-for-profit organization, so they depend on
21 funding and... [background voice] and but we
22 actually it's... and of course, with more funding
23 we will be able to represent more people and now
24 one of our tasks, which we are working in
25 correlation with other legal services, with New

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2 York Immigration Coalition as a leader in this with

3 Legal Service of New York and The Bronx Defenders.

4 These are all not-for-profit organizations. We

5 are... of course, we look for more funding.

6 Fortunately for our colleagues, the Bronx

7 Defenders, they just recently received more money

8 to represent people and do more proceedings. We

9 were not as lucky, but we are happy for them

10 because it works for all of them because we are

11 doing the same. We represent people who most need

12 our assistance, but we are also... you brought up a

13 very interesting point. We are also advocates for

14 all those who are in removal proceedings, not only

15 in detention, to help the right to be represented

16 by counsel for free.

17 CHAIRPERSON DROMM: Mm-hm.

18 IRINA MATIYCHENKO: And it would change

19 the situation tremendously.

20 BRIAN MULLIGAN: I just wanted to get

21 back to Council Member Dromm's question about a

22 veteran; could a veteran be deported? I mean the

23 phrase a path to citizenship is a little... it's a

24 little confusing. I mean everyone has to become a

25 permanent resident first, which a Green Card

2 holder, and then after five years usually you can
3 apply for citizenship, so until you're a citizen
4 you can be deported and there are... you know, for
5 criminal offenses or whatever, so a veteran who
6 might get, according to my colleague, an expedited
7 path to becoming legal means gets a Green Card,
8 that person can still be removed or deported until
9 they become a U.S. citizen, which is at a minimum
10 five years. So yes, I think it's very... you know,
11 it's very easily... it could happen very easily so.

12 COUNCIL MEMBER DROMM: So at a minimum
13 five years and oftentimes many more years then.

14 BRIAN MULLIGAN: Well, it could...
15 yeah, I mean as far as my understanding is from my
16 clients it's five years, but people don't always
17 have the money or they just don't do it, but I mean
18 there are other categories where it may be quicker.
19 I'm not...

20 IRINA MATIYCHENKO: Yeah, yeah,
21 military it's three years.

22 BRIAN MULLIGAN: Oh, okay, for military
23 it's...

24 [crosstalk]

25 CHAIRPERSON DROMM: Three years.

2 [crosstalk]

3 BRIAN MULLIGAN: Three, yeah.

4 CHAIRPERSON DROMM: Three years for the
5 military.

6 IRINA MATIYCHENKO: Yes.

7 CHAIRPERSON DROMM: Okay, okay, another
8 follow up? So Miss Matiychenko, also what types of
9 forms of relief for TPS beneficiaries? What can
10 they apply for and why can't they apply for DACA?
11 I'm still not clear on that.

12 IRINA MATIYCHENKO: Because DACA policy
13 that was passed in 2012 specifically excluded all
14 people who were in lawful status, any status.

15 CHAIRPERSON DROMM: Oh, uh-huh.

16 IRINA MATIYCHENKO: As of July 2012 and
17 many TPS holders, they had their TPS and they still
18 have their TPS status, but there if not for TPS
19 status, they will be eligible for DACA and you
20 know, the TPS is temporary status and it may be
21 terminated any time and also it doesn't give, as
22 you said, it doesn't give easy path to
23 naturalization under... I hope that immigration
24 reform happens under the Senate bill. That is why
25 it would be very beneficial for TPS to be eligible

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2 for DACA; to have a choice to decide if they can
3 apply for DACA, and we post this... our petition on
4 our website, on our Twitter... how is it called?

5 CHAIRPERSON DROMM: CLEAR account.

6 IRINA MATIYCHENKO: Yeah.

7 CHAIRPERSON DROMM: Twitter...

8 [crosstalk]

9 IRINA MATIYCHENKO: And... thank you.

10 And we got 16,000 signatures in support of this
11 idea.

12 CHAIRPERSON DROMM: Huh.

13 CHAIRPERSON EUGENE: And let me ask you
14 to give us some detail to explain that to the two
15 of you and to people who will be looking at this
16 hearing. What exactly is DACA? We know what is
17 DACA, but not everybody knows what is DACA exactly
18 and it is a program designed for students...

19 [crosstalk]

20 IRINA MATIYCHENKO: Yes.

21 CHAIRPERSON EUGENE: And for...

22 IRINA MATIYCHENKO: Actually...

23 [crosstalk]

24 CHAIRPERSON EUGENE: Will you please
25 explain what DACA...

2 [crosstalk]

3 IRINA MATIYCHENKO: Yes.

4 [crosstalk]

5 CHAIRPERSON EUGENE: Is, please?

6 IRINA MATIYCHENKO: Absolutely, because
7 it's my child I can say. We raised this issue over
8 deferred action for undocumented youth in 2010. At
9 this time, and you may remember this, we sent
10 petition to you all and we sent petition to Julie
11 Brand [phonetic] and we asked Congress or we asked
12 actually the President to pass policy to allow
13 undocumented youth to get deferred action. It
14 means that there is no legal status. It's semi-
15 status, but to live here with employment
16 authorization, the Social Security, to go to
17 college or to get scholarships, and we were heard
18 in 2012. It was policy. It's called DACA,
19 Deferred Action for Childhood Arrivals, which
20 allows people who came here before they turned 15,
21 and who have been living here for a certain period
22 of time who have not had immigration status as of
23 July of 2012 and who are enrolled in school to
24 apply for deferred action and it's a great policy.
25 Of course, it's not a permanent solution, but it

2 give people right to live their life, today, and
3 not to wait for... especially for young people to
4 wait another five, six, seven years waiting for
5 immigration reform. We are so happy we have such
6 wonderful kids who we help and we actually hired a
7 few of them as soon as they got their DACA status
8 and their employment authorization. So it's a
9 great policy and it's a great... it's easy path for
10 naturalization when... as immigration reform
11 happens or Dream Act.

12 BRIAN MULLIGAN: Yeah, I mean it's
13 basically just targeting people who... young people
14 who were brought here by their parents and you
15 know...

16 [crosstalk]

17 IRINA MATIYCHENKO: Yes.

18 BRIAN MULLIGAN: The idea is through...
19 they came here illegally, but really as young
20 children through no fault of their own, so they
21 shouldn't be blamed and they shouldn't have to live
22 in that kind of undocumented status. They've spent
23 most of their young life here, so they should be
24 eligible for... it's you know, it's just basically
25 a work permit and the right to work and go to

2 school and hopefully with passage of comprehensive
3 immigration reform, a path to a more permanent
4 status, so that's the idea.

5 CHAIRPERSON EUGENE: Thank you very
6 much for the clarification and the detail. I think
7 this is a wonderful, wonderful opportunity, a
8 wonderful opportunity to the children because we
9 all know that the youth and the children they are
10 the future of this nation, the future of this
11 society and when we give to those young people the
12 opportunity to go to school, we are protecting the
13 future of the United States because they're in
14 already. They're in this country. I don't think
15 they're going anywhere, so that means we got to
16 give them the resources that they need to become
17 positive and proactive citizens. They are the
18 future doctors or teachers, elected officials. I
19 think we are doing us a favor, not to them, by
20 allowing them to get a strong and good education.
21 I think this is a wonderful thing and you know, and
22 we should continue to do good things for children;
23 for immigrants; for human beings because America
24 really is home to everybody and it is the Land of
25 Opportunity and we got to make sure we protect the

2 philosophy; the ideal of the United States of
3 America. And to all of you who are helping the
4 immigrant people who are doing the best that you
5 can do every single day, I thank you from the
6 bottom of my heart because believe me, I've seen it
7 every single... you know I see it every single day;
8 people going to my office. They don't where to go.
9 They don't have the money; they don't have the
10 knowledge, but with the help of all of NYLAG and
11 all the not-for-profit organizations serving the
12 immigrants, we were able to tie them and to answer
13 their questions and give them the assistance that
14 they need, not only for themselves, but for their
15 children, for their family. We have made a big
16 different in their lives, and I remember it was
17 after we were to the... we voted the resolution to
18 ask the federal government to extend the TPS for
19 another term and I was having a press conference
20 and a lady; probably she was in the late seventies
21 or 80; she came to me and she said, "Council
22 Member, I just want to tell you something." She
23 said that she had been living in the United States
24 for many years, many years. She never got the
25 opportunity to have a Green Card, never. Every

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2 time she is sick she couldn't go to see the doctor
3 and she told me tomorrow; that you know at that
4 time; tomorrow she would be going to the Townsend
5 Medical Center to have the heart surgery because of
6 the TPS. This is something remarkable that was
7 touching. The United States is a great country.
8 We have to keep opportunities, so we got to keep on
9 working to get it to keep the United States this
10 wonderful country that it is for all. And let me
11 ask you one thing, Mr. Mulligan. So I know what
12 NYLAG is doing because NYLAG is a partner, and I am
13 sure that your organization is doing a wonderful
14 job also. Could you please tell us a little better
15 in detail what are the services that Central
16 American Legal Assistance is providing to the
17 immigrants?

18 BRIAN MULLIGAN: Sure, we represent
19 Central Americans, people mainly from El Salvador,
20 Guatemala, Honduras, Haiti, as well and other
21 countries, but mainly those groups in mainly
22 political asylum cases, but other related cases in
23 removal proceedings, which is deportation or you
24 know, applying to the immigration service. We
25 basically will see anyone Monday through Friday,

2 anyone who can speak either Spanish or English.

3 We're all fluent in Spanish and English. Anyone
4 can come in about an immigration problem and speak
5 to a lawyer or myself, which is an accredited
6 representative. So that's the big service that we
7 provide. We'll basically see anyone any day Monday
8 through Friday without an appointment on a walk-in
9 basis to discuss their immigration case if they can
10 speak Spanish or English, our language. We won't
11 necessarily take every case, but we'll give them an
12 orientation as to what they can or cannot do and
13 what, if any, benefit they may be eligible for, and
14 many, many cases we take and represent people
15 through the removal proceedings process for little
16 or no money basically.

17 CHAIRPERSON EUGENE: Mm-hm.

18 BRIAN MULLIGAN: So.

19 CHAIRPERSON EUGENE: I know the name of
20 your organization is Central American Legal
21 Assistance.

22 BRIAN MULLIGAN: Yeah.

23 CHAIRPERSON EUGENE: And you did
24 mention that you serve all the people from the
25 Central America like people Haiti and everywhere,

2 but how do you handle... you know, try to help us
3 understand how do you handle situation when you
4 have somebody who doesn't speak Spanish or doesn't
5 speak English, somebody who speaks Korean or I
6 don't know Pakistan; you know or Yiddish or any
7 other language because you say...

8 [crosstalk]

9 BRIAN MULLIGAN: Well...

10 [crosstalk]

11 CHAIRPERSON EUGENE: You are fluent in
12 Spanish...

13 [crosstalk]

14 BRIAN MULLIGAN: Yeah, the...

15 [crosstalk]

16 CHAIRPERSON EUGENE: And English...

17 BRIAN MULLIGAN: The Haitians that we
18 represent in TPS either... you know, they either...
19 some of them actually speak Spanish because they've
20 lived in Mexico for a few years or they bring and
21 English or Spanish speaking friend or relative to
22 do the application. That's how we're able to do
23 TPS for Haitians, but you know, as far as
24 representing people in more complex litigation or
25 other cases, we would only be able to represent

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2 someone in... from a Spanish speaking country or if
3 they spoke English because we don't have
4 translators; we don't have the ability to hire
5 translation services and it's just too hard to...
6 it's too hard to... it's impossible to represent
7 someone if you can't communicate with them and we
8 don't have the ability to hire translators and so
9 it has to be an English speak... or a Spanish
10 speaker or an English speaker or if it's for
11 something like TPS, which is a more... you know, is
12 a smaller service, we could work with them if they
13 brought a Spanish or English speaking translator.
14 But it's hard because any follow-up needs... that
15 relative needs to come too you know, so.

16 CHAIRPERSON EUGENE: Mm-hm.

17 BRIAN MULLIGAN: Yeah.

18 CHAIRPERSON EUGENE: Alright, thank you
19 very much. Just before I thank you for all your
20 presentations, let me just mention something about
21 the deportation of veterans. It did happen and as
22 a matter of fact, we have in Haiti a letter from a
23 Haitian veteran who served in the United States.
24 They have been deported to Haiti and we have been
25 working in these cases to see what we can do to

2 help them. They are over there without any jobs in
3 a very critical situation, so I think it happened
4 and not all veterans have the opportunity to
5 benefit from the pathway to citizenship and I think
6 there was a big case on the TV, probably Spanish
7 veterans. I think he was about to be deported and
8 that was all over the TV. I don't remember what
9 was his nationality, but yes, it's still happening,
10 right, that veterans have been deported. I'm
11 sorry?

12 LIONELLE HAMANAKA: Yes, I think that
13 if people have been wrongfully deported, they
14 should... they're fighting in certain cases to have
15 their status... their case renewed or reviewed and
16 for them to come back to the United States. I
17 don't think it's in law yet, but I think there's
18 some advocates who are pursuing that.

19 CHAIRPERSON EUGENE: Thank you very
20 much. Do you have any other questions? Thank you
21 to all of you, each one of you from the panel.
22 Thank you for the services that you are rendering
23 to immigrants or veterans and also to the great
24 city of New York. Thank you very much and let's
25 continue to work together because we have the

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2 moral obligation to do it and by doing that we are

3 making New York City a better place for all of us.

4 Thank you.

5 LIONELLE HAMANAKA: Thank you.

6 CHAIRPERSON EUGENE: Thank you very

7 much.

8 BRIAN MULLIGAN: Thank you for all your

9 work.

10 LIONELLE HAMANARA: Thank you.

11 CHAIRPERSON EUGENE: Thank you.

12 CHAIRPERSON DROMM: I'd just like to

13 acknowledge that we've been joined by Council

14 Member Vincent Gentile from Brooklyn. Thank you.

15 CHAIRPERSON EUGENE: We are going to

16 call the next panel and we want to call Audrey Carr

17 from Legal Services New York City.

18 [Pause]

19 CHAIRPERSON EUGENE: Do you have

20 testimony, written testimony?

21 AUDREY CARR: Actually I don't.

22 CHAIRPERSON EUGENE: Okay, no problem.

23 AUDREY CARR: Good morning. My name...

24 [crosstalk]

25 CHAIRPERSON EUGENE: Good morning.

2 [crosstalk]

3 AUDREY CARR: Is Audrey Carr. I'm from
4 Legal Services NYC. As I'm sure the council
5 members know, Legal Services is one of the largest
6 providers of free legal services to the poor in New
7 York City. We help New Yorkers with eviction
8 prevention; prevent foreclosures; obtain public
9 benefits. We help crime victims as well as victims
10 of domestic violence and we assist clients in
11 divorce proceedings as well as child custody
12 proceedings. Last year, we start... I'm sorry, in
13 2011, we started a Veterans Justice Project and the
14 impetus for starting this project was that we
15 recognized that men and women would be returning to
16 New York City to a very poor economy and were
17 unlikely to be able to find affordable housing or
18 even get work and that proved to be true. We ended
19 up representing very many veterans who were being
20 evicted from their homes; who were being denied
21 housing; who needed to get on public benefits
22 because for whatever reason they were not able to
23 get benefits from the VA directly. As we began
24 doing this work, we actually realized that there
25 were many veterans who were coming to see us who

2 were subject to deportation and these veterans
3 weren't newly returned military members who were
4 coming back from Iraq and Afghanistan, but they
5 were veterans of the Vietnam War who had served a
6 very long time ago and for various reasons had
7 interacted with the Criminal Justice System and as
8 a result, they were targeted for removal from this
9 country. In fact, just last year, I personally
10 represented a veteran who was placed in deportation
11 proceedings after he returned to the country from a
12 trip overseas. He had been living here for a very
13 long time and he was discharged from the Navy; an
14 honorable discharge from the Navy and back in the
15 early 1970s, he had encountered some problems with
16 drugs, mainly drug possession, nothing overly
17 serious. But because he had an arrest and there
18 was a conviction, when he returned into the country
19 through Miami, he was facing deportation
20 proceedings, so he came to see me and I did some
21 research on his convictions and determined that
22 actually he wasn't deportable from the country and
23 I appeared in front of him with the immigration
24 court and I asked the judge for a continuance and
25 simultaneously filed a naturalization application

2 for my client with US Citizenship and Immigration
3 Services and luckily, he was naturalized as a US
4 citizen. But the problem persists. Right now,
5 actually when the war started back in you know,
6 2003 when we went to combat, what the military did
7 was to immediately naturalize Lawful Permanent
8 Residents after basic training, so we actually had
9 a corps of men and women who are already citizens,
10 but where we're seeing the problem is with the
11 older veterans, who came home from a horrific
12 conflict in Vietnam and fell into you know, bad
13 habits; bad behavior and unfortunately, federal law
14 makes it really tough if someone has got an
15 aggravated felony conviction, for example, to apply
16 for naturalization. We also see individuals who
17 have been in the military and are Lawful Permanent
18 Residents and because of a criminal conviction they
19 need to renew their Lawful Permanent Residence
20 card, and we have to advise them not to do so
21 because that puts them at risk of deportation. I
22 know Council Member Dromm, you asked the former
23 panel you know, what might be done to sort of
24 address this issue and while I was sitting
25 listening to the testimony, one thought that came

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2 to me was that we should try to figure out some
3 process like we did with getting ICE out of Rikers;
4 that maybe there's you know, a way if a veteran is
5 detained at Rikers they're identified and not
6 processed through ICE and also referred to legal
7 counsel. Judge Katzmann of the Second Circuit has
8 just initiated with a bunch of other legal service
9 providers and law schools a new program at the
10 detain court at Varick Street to provide legal
11 representation to detained immigrants, some of whom
12 I'm sure are going to be veterans. But you know,
13 the goal of our program is when we encounter
14 veterans is to try to get them naturalized if we
15 can and if not, to provide them with adequate legal
16 advice so they don't get into further problems and
17 put themselves at risk of deportation.

18 CHAIRPERSON EUGENE: Any questions?

19 CHAIRPEESON DROMM: Yes, thank you,
20 Audrey and thank you, Mr. Chair. Do these veterans
21 that you're speaking of ever wind up in veterans
22 courts and how do the veterans courts treat them?

23 AUDREY CARR: Actually, the veterans
24 courts are a wonderful addition to the court system
25 in New York City and most veterans that go through

2 them you know, successfully complete the program
3 and either get the charges dismissed or they get a
4 conditional discharge, which is the best of all the
5 worlds if they need to apply for naturalization, so
6 you know, I would actually... I think we don't have
7 veterans court in Manhattan, right? It would be
8 great to add one 'cause I know they're in Brooklyn
9 and Queens and definitely in other boroughs.

10 CHAIRPERSON DROMM: And do we have one
11 in the Bronx?

12 AUDREY CARR: I don't think there's...
13 is there one in the Bronx? I think there's one in
14 the process.

15 [crosstalk]

16 CHAIRPERSON EUGENE: And in...

17 [crosstalk]

18 AUDREY CARR: Right?

19 CHAIRPERSON EUGENE: And in Brooklyn
20 and Queens, yes.

21 AUDREY CARR: Brooklyn and Queens, but
22 I think there's talk to have one in the Bronx.
23 Yeah.

24 CHAIRPERSON DROMM: Well, they need to
25 hurry up on that.

2 AUDREY CARR: Yes.

3 CHAIRPERSON DROMM: Exactly. No, I've
4 also heard good things about the veterans courts
5 and so...

6 [crosstalk]

7 AUDREY CARR: It's doing very good
8 work.

9 CHAIRPERSON DROMM: Yeah, yeah, is
10 everybody flagged for that though? I mean who... I
11 mean do you have... how do they find out veterans
12 status? Do you have to say it? Do you have to
13 acknowledge it or...

14 AUDREY CARR: I believe they're if they
15 ever...

16 [crosstalk]

17 CHAIRPERSON DROMM: Mm-hm.

18 [crosstalk]

19 AUDREY CARR: Served in the military,
20 yeah.

21 CHAIRPERSON DROMM: Okay.

22 AUDREY CARR: That's how...

23 [crosstalk]

24 CHAIRPERSON DROMM: At the time of
25 arrest?

2 AUDREY CARR: At the... not, no, at the
3 time of arraignment I believe.

4 CHAIRPERSON DROMM: Oh, of arraignment,
5 okay.

6 AUDREY CARR: Yes.

7 CHAIRPERSON DROMM: Okay, thank you,
8 Audrey.

9 AUDREY CARR: You're welcome.

10 CHAIRPERSON EUGENE: Thank you very
11 much, Council Member Dromm and thank you, Audrey,
12 and let me ask you one thing. The services that
13 your organization is providing are critical, are
14 very important and what is your method of outreach?
15 How did you reach out to veterans to let them know
16 that the services are available and they can come
17 to you? What is your method of outreach?

18 AUDREY CARR: Actually, what we did was
19 we actively pursued collaborations with the VA and
20 different veterans centers in all boroughs of the
21 city. In fact, some of our attorneys actually sit
22 at the VA in the Bronx and also in Brooklyn twice a
23 month providing legal advice to veterans that come
24 into the VA for treatment. We recognized that we
25 had to go where the veterans were; otherwise we

2 were not going to find them and go to places that
3 they trust so that we could ensure that they knew
4 about our services and that we were in their
5 facilities because the agency that they go to
6 realized that we were a credible organization.

7 CHAIRPERSON EUGENE: You know, we are
8 talking also about the deportation of veterans.
9 This is part of the immigration effort that we are
10 doing to prevent deportation and also to make sure
11 that those veterans; those who have put their life
12 in danger for us could receive the same benefits
13 that we are enjoying here and because it is written
14 we owe them a great deal of gratitude, but talking
15 about deportations, what do you believe that we can
16 do to be proactive; to prevent or to protect the
17 veterans after serving our country to protect them
18 of being deported?

19 AUDREY CARR: You know, that's a very
20 difficult question because it impacts several laws.

21 CHAIRPERSON EUGENE: Mm-hm.

22 AUDREY CARR: And you know, I echo
23 Council Member Dromm's frustration because really,
24 our hands are tied to some extent. I think we
25 should try to do advocacy within the city to

2 hopefully you know, change any kind of future
3 legislation that might come out of Washington to
4 allow for veterans and you know, men and women who
5 served this country in the military to not be
6 deported from the country, or at least to have a
7 system where if you've had someone that did commit
8 a crime back in 1980 and you know, they're working;
9 they're supporting their families now; that there's
10 discretion given to the immigration judges, which
11 was taken away with the 1996 law. So there's a
12 balancing act. Okay, so you did this a very long
13 time ago. Since then, you are an outstanding
14 member of our community; you know, you've got a
15 family and therefore we believe that the positive
16 factors outweigh the negative deeds from your past
17 and therefore you should be allowed to stay and
18 become a citizen of the country. And so there
19 needs to be a lot of advocacy I think amongst all
20 of us to bring this issue to the forefront.

21 CHAIRPERSON EUGENE: I like the idea
22 you know, of trying to give them the opportunity
23 because they have committed an offense so many
24 years ago, but there is another consideration we
25 should have in mind also. Many of those veterans,

2 they have special behavior because of their
3 services; because they are suffering from PTSD and
4 war injury. I think this is something very
5 important that we should always keep in mind before
6 they are deporting any veterans, and I'm sorry,
7 you're...

8 AUDREY CARR: No, that's absolutely
9 true. I mean I think when we look at what happened
10 after Vietnam, there was no diagnosis of...

11 [crosstalk]

12 CHAIRPERSON EUGENE: Mm-hm.

13 [crosstalk]

14 AUDREY CARR: PTSD at that time and you
15 know, those men came back after being really
16 traumatized and unfortunately, fell into harmful
17 behavior. Today, thankfully, PTSD is you know,
18 recognized as a medical ailment and so definitely I
19 mean people do things because they've got a medical
20 condition and that should certainly be recognized
21 and taken into account.

22 CHAIRPERSON EUGENE: Thank you very
23 much indeed because I don't think those people,
24 they are not criminals because but that they are
25 suffering from a pathology that we believe that we

2 are responsible to give them the proper treatment,
3 and as some people say we have to give them
4 justice, not jail, not deportation, and I think
5 that those organizations and institutions that are
6 working together to make sure they address PTSD and
7 war injury issues of the veterans, that they are
8 doing a great job, and I applaud also all those who
9 have been part of the establishment of the veterans
10 court; immigration court in Brooklyn and in Queens
11 and also I commend also those who are making it for
12 the... to have it in the Bronx also because this is
13 very important.

14 AUDREY CARR: Yes.

15 CHAIRPERSON EUGENE: Thank you very
16 much, and let me turn it over now to Council Member
17 Dromm.

18 CHAIRPERSON DROMM: Just a quick
19 follow-up. So you had said that you think that
20 they usually pick up the veteran status at the time
21 of arraignment, so who's doing that, the DA?

22 AUDREY CARR: I believe so or even
23 if... you know, if they've been given a public
24 defender...

2 CHAIRPERSON DROMM: [interposing] Uh-
3 huh.

4 AUDREY CARR: That would be a question
5 that's asked.

6 CHAIRPERSON DROMM: That they would
7 ask, okay.

8 AUDREY CARR: Yeah.

9 CHAIRPERSON DROMM: Because I'm just
10 wondering also how it kicks in with the ICE on
11 Rikers stuff as well.

12 AUDREY CARR: You know, well, the way I
13 understand it is if ICE comes into Rikers, they
14 identify everyone that's born outside the country,
15 so you could still be a citizen.

16 CHAIRPERSON DROMM: Mm-hm.

17 AUDREY CARR: But if you were born
18 outside the U.S., they would still talk to you.

19 CHAIRPERSON DROMM: Right.

20 AUDREY CARR: And make a determination
21 of whether they're going to take you into custody
22 or not.

23 CHAIRPERSON DROMM: Right.

24 AUDREY CARR: So they could be
25 questioning whether you know, your citizenship was

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2 obtained legally; whether you truly are a citizen
3 whether you really were born here or overseas, so
4 that's my understanding of how it works at Rikers.

5 CHAIRPERSON DROMM: So they could still
6 put a detainer on you even if you're a veteran?

7 AUDREY CARR: Even... right.

8 CHAIRPERSON DROMM: And you're out of
9 status or whatever.

10 AUDREY CARR: Exactly and then you
11 would have to fight it out you know...

12 [crosstalk]

13 CHAIRPERSON DROMM: Right, in
14 deportation...

15 [crosstalk]

16 AUDREY CARR: In immigration court,
17 yes.

18 CHAIRPERSON DROMM: Okay, thank you.
19 Thank you very much.

20 AUDREY CARR: Thank you.

21 CHAIRPERSON EUGENE: Are we finished?

22 CHAIRPERSON DROMM: Yeah.

23 CHAIRPERSON EUGENE: Thank you very
24 much also Audrey Carr, thank you and thank you for
25

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2 the wonderful job that you are doing on behalf of
3 all immigrant people.

4 AUDREY CARR: Yeah.

5 CHAIRPERSON EUGENE: And keep on doing
6 a good job.

7 AUDREY CARR: Thank you.

8 CHAIRPERSON EUGENE: I commend you for
9 that.

10 AUDREY CARR: Thank you very much.

11 CHAIRPERSON EUGENE: Thank you very
12 much. Thank you, and there's no further questions
13 and no other testimony. The meeting is adjourned.

14 [gavel]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.



Date: _____12/11/2013_____