

COMMITTEE ON IMMIGRATION

JOINTLY WITH

COMMITTEE ON CHILDREN AND YOUTH

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CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON IMMIGRATION  
JOINTLY WITH  
COMMITTEE ON CHILDREN AND YOUTH

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October 15, 2024  
Start: 11:57 a.m.  
Recess: 4:10 p.m.

HELD AT: COUNCIL CHAMBERS - CITY HALL

B E F O R E: Alexa Avilés, Chairperson of the  
Committee on Immigration

Althea V. Stevens, Chairperson of  
the Committee on Children and  
Youth

COMMITTEE ON IMMIGRATION COUNCIL MEMBERS:

Carmen N. De La Rosa  
Shahana Hanif  
Rita C. Joseph  
Shekar Krishnan

COMMITTEE ON CHILDREN AND YOUTH COUNCIL MEMBERS:

Rita C. Joseph  
Linda Lee  
Julie Menin  
Nantasha M. Williams

COMMITTEE ON IMMIGRATION

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COMMITTEE ON CHILDREN AND YOUTH

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A P P E A R A N C E S

Jamie Powlovich, supervisor of the Expediting New Arrivals Community Transition Team at Coalition for the Homeless

Kimberly Schertz, Staff Attorney in the Special Litigation and Law Reform Unit at the Juvenile Rights Practice of the Legal Aid Society

Sierra Kraft, Executive Director of Immigrant Children Advocates' Relief Effort

Adama Bah, Founder and Executive Director of Afrikana

Mamadou, written testimony read by Mamadou Diallo, Director of Operations at Afrikana

Tom Tortorici, Executive Director of Legal and Support Initiatives at Mayor's Office of Immigrant Affairs

Stephanie Gendell, Deputy Commissioner for External Affairs at the Administration for Children's Services

Peninna Oren, Manhattan Borough Chief of the Division of Family Court Legal Services at Administration for Children Services

Louisa Linares, Deputy Commissioner for Prevention Services at Administration for Children Services

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

Susan Haskell, Deputy Commissioner for Youth Services at Department of Youth and Community Development

Dr. Amy Wilkerson, Assistant Commissioner for Runaway and Homeless Youth Services at Department of Youth and Community Development

Masha Gindler, Executive Director of the Asylum Application Help Center at Office of Asylum-Seeker Operations

Abena Hutchful, Policy Attorney with the Young Center for Immigrant Children's Rights, testifying in personal capacity

Assane Dieng (with interpreter)

Melissa Maria, Supervising Attorney with the Immigrant Protection Unit at the New York Legal Assistance Group

Alexandra Rizzio, Managing Attorney at Safe Passage Project

Ydalmi Mejia, Paralegal Director of the Children's Law Center

Sarah Nolan, Managing Director of Kids in Need of Defense New York office

Monica Vera, Social Services Supervisor with Kids in Need of Defense New York office

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

Dr. Jeremy Kohomban, President and Chief  
Executive Officer of the Children's Village and  
Harlem Dowling

Alejandro Arias, Multilingual Case Manager at the  
Ali Forney Center

Lauren Glassman Shore, Director of the Home  
Finding and Unaccompanied Children Programs at  
JCCA

Claudia Valdivia, Mixteca, with interpreter

Jorge Paz-Reyes, Community Organizer for Mixteca

Dovonou Pierre, self

Christopher Leon Johnson, self

Jennie Spector, Mutual Aid

1  
2 SERGEANT-AT-ARMS: This is a microphone  
3 check for the Committee on Immigration joint with  
4 Children and Youth. Today's date is October 15, 2024,  
5 located in the Chambers. Recording is done by Rocco  
6 Mesiti.

7 SERGEANT-AT-ARMS: Good morning. Welcome  
8 to the hearing on the Committee on Immigration and  
9 Children and Youth.

10 At this time, please silence all  
11 electronics.

12 Do not approach the dais. I repeat, do  
13 not approach the dais.

14 If you wish to testify, you may do so at  
15 testimony@Council.nyc.gov. That is  
16 testimony@Council.nyc.gov.

17 If you need any assistance, please  
18 contact the Sergeant.

19 Thank you for your cooperation.

20 Chair, you may begin.

21 CO-CHAIRPERSON AVILÉS: [GAVEL] Good  
22 morning. This meeting is called to order. Good  
23 morning, everyone. I am Council Member Alexa Avilés,  
24 Chair of the Committee on Immigration. Thank you for  
25 joining us today.

We will be examining the resources available in New York City for immigrant youth who arrived to the United States... Do we need to introduce the interpreters? Hold on one quick second.

(SPEAKING SPANISH)

INTERPRETER: (SPEAKING FOREIGN LANGUAGE)

INTERPRETER: (SPEAKING FOREIGN LANGUAGE)

INTERPRETER: (SPEAKING FOREIGN LANGUAGE)

CO-CHAIRPERSON AVILÉS: Great. Thank you.

As you have just seen, we have simultaneous interpretation available to the public to listen to today's hearing in the following languages, French, Fulani, Spanish, and Wolof.

So, today, we will be examining the resources available in New York City for immigrant youth who have arrived to the United States as unaccompanied children, or UACs.

I'd like to begin by thanking my Co-Chair, Council Member Althea Stevens, Chair of the Committee on Children and Youth, for Co-Chairing this hearing today. I'd also like to thank the representatives from the Administration, members of the public, and my Committee Colleagues who have joined us here today, and I'd like to recognize

Council Members De La Rosa, Council Member Ossé,  
Council Member Menin, Council Member Hanif, Council  
Member Williams, and Council Member Lee. Thank you  
for joining us today.

The Committee on Immigration and the  
Committee on Children and Youth are holding a timely  
and important hearing today to evaluate the resources  
our City has made available to immigrant youth who  
have arrived to the United States as UACs. New York  
City and the surrounding jurisdictions routinely  
receive a number of newly arrived children who are  
placed with family members or community members. In  
federal Fiscal Year 2014, around the time of the  
Committee on Immigration's last held hearing  
specifically on this topic, New York City received at  
least 2,009 children, and Nassau and Suffolk  
Counties, respectively, received 1,446 and 1,600.  
These were the largest numbers of any jurisdiction in  
the country, except Harris County, Texas, and Los  
Angeles County, California. By the way of comparison,  
between October 1, 2023, and June 30, 2024, alone,  
New York City welcomed 2,873 UACs who were released  
to sponsoring families. We know children and youth  
are settling in New York City, are an enormous gift

1 to our city and region, and we celebrate, among other  
2 things, the public school enrollment boom that has  
3 been born from the arrival of new immigrant students.  
4 If our City provides these children and youth the  
5 conditions they need to flourish, they will be among  
6 our City's most next generation of creators, workers,  
7 and leaders. This hearing is an opportunity to do  
8 just that, assess the resources and services New York  
9 City provides to ensure that immigrant youth thrive  
10 here.  
11

12 In this regard, it is instructive to  
13 examine past efforts of this Council and our City to  
14 welcome immigrant youth. In 2014, New York City  
15 witnessed an influx of UACs fleeing dangerous and  
16 often deadly conditions in their homes and arriving  
17 at our city's doorstep. These children had no access  
18 to legal support and representation when appearing in  
19 New York's immigration courts. With the support of  
20 incredible community organizations, the City Council  
21 responded to these needs by launching the  
22 Unaccompanied Minors Initiative. This initiative has  
23 enabled Council partners, the Immigrant Children  
24 Advocates Relief Effort, or ICARE, to provide vital  
25 legal services to these children and youth. In



1 addition to legal services, the Council's initiative  
2 has also provided support for unaccompanied children  
3 beyond the courtroom by coordinating referrals and  
4 social services such as health and educational  
5 supports to the extent possible. We look forward to  
6 hearing testimony from the advocates about the  
7 Council's Unaccompanied Minors Initiative and the  
8 wraparound resources and services that are being  
9 provided to these children and youth, and we are  
10 immensely grateful for their colossal efforts.  
11

12 We want to make sure that the City does  
13 not forget the lessons of the past. Advocates have  
14 noted that gaps in services remain for immigrant  
15 youth who arrive in the U.S. as UACs. Many of these  
16 children and youth arrive having fled dangerous,  
17 violent conditions in their home countries and have  
18 undertaken harrowing journeys to seek safety in the  
19 United States. There is a growing demand for age-  
20 appropriate shelter in our city, which my Co-Chair,  
21 Council Member Stevens, will discuss at greater  
22 length.

23 In addition, immigrant youth who have  
24 arrived as UACs may be eligible for a range of  
25 immigration statuses including special immigrant

1 juvenile status, U or T visas, or asylum, all of  
2 which would entail a pathway to lawful permanent  
3 residency and ultimately citizenship.  
4

5 For this process to succeed, immigrant  
6 youth would require timely legal services to navigate  
7 the Byzantine immigration bureaucracy and its  
8 attendant deadlines and pitfalls. When simply missing  
9 a deadline can cause a child to miss out on a pathway  
10 to lawful permanent residency status and citizenship,  
11 it is clear that these children, many of whom are  
12 learning to maneuver a new country, let alone a  
13 notoriously complex legal system, must be connected  
14 with trauma-informed legal services and wraparound  
15 supports, stability and continuity of care, as well  
16 as expertise and experience in immigration law, as  
17 are essential in this context. For these reasons,  
18 we're eager to hear how the Mayor's Office of  
19 Immigrant Affairs serves as a subject matter expert  
20 and facilitator of connections to resources on legal  
21 services, education, mental health, and so much more.

22 We are also keen to learn of how the  
23 Office of Asylum Seeker Operations is approaching  
24 legal services for children, mindful that continuity  
25 of care, as opposed to a pro se model, is the gold

1 standard for continuing to serve this vulnerable  
2 population. We look forward to hearing from the  
3 Administration about how we can work collectively to  
4 ensure that these children and youth who need access  
5 to resources can thrive in our city.

7           The Committee on Immigration will also  
8 hear the following legislation, Resolution 576,  
9 sponsored by Majority Leader Amanda Fariás, which  
10 calls on the New York State Legislature to introduce  
11 and pass and the Governor to sign legislation  
12 amending the tax law to authorize that New York City  
13 to offer a tax credit for businesses to incentivize  
14 the creation of workforce development and training  
15 programs for newly arrived immigrants. I look forward  
16 to hearing more about this bill, of which I am a  
17 proud co-sponsor.

18           I would also like to thank the Committee  
19 Staff for their work on this hearing, including  
20 Nicole Catá, Legislative Counsel; Rebecca Barilla,  
21 Policy Analyst; Carolina Gil, Principal Capital  
22 Analyst; and Florentine Kabor, Unit Head. Lastly, I'd  
23 also like to thank my Staff, Chief-of-Staff Edward  
24 Cerna and Legislative and Budget Director Christina  
25

1 Bottego, and everyone who is working in the  
2 background to make sure these hearings run smoothly.

3  
4 I will now turn it over to my Co-Chair,  
5 Council Member Stephens.

6 Just before I do that, I have to make a  
7 special note here that I'm deeply disappointed we  
8 don't have the leadership of the agencies that are  
9 presenting here today. This seems to be a recurring  
10 theme, and I'd like to, for the record, note that  
11 it's deeply disappointing when we are discussing  
12 issues of such gravity that the leadership of the  
13 agencies don't seem to be able to make it here. I  
14 thank the Staff for holding that water and being here  
15 and being present, but for the record, I must make a  
16 note of it.

17 Chair Stevens.

18 CO-CHAIRPERSON STEVENS: Thank you, and I  
19 want to say thank you for everyone who stayed. I know  
20 there was some miscommunication about time, and we  
21 are starting late, but thank you for being here  
22 today.

23 So, good afternoon, and welcome to  
24 today's hearing on resources for immigrant youth who  
25 arrived to the United States as unaccompanied

1 children. I am Althea Stevens, Chair of Children and  
2 Youth Services. I am joined by Council Member Alexa  
3 Avilés, Chair of the Immigration Committee.  
4

5 Today, we'll be discussing the growing  
6 crisis facing the surge of unaccompanied minor youth.  
7 Navigating a country without proper resources or  
8 support network leaves many youth a complex set of  
9 challenges to face. They often arrive traumatized,  
10 having fled violence, poverty, and instability, and  
11 now they find themselves struggling to meet their  
12 most basic need, including shelter. Ensuring that  
13 youth have access to safe, age-appropriate housing is  
14 fundamental to their well-being. While DYCD extended  
15 the number of shelter beds for older youth in 2019,  
16 the reality is clear. It is not enough. In the first  
17 half of this year alone, over 1,100 youth ages 16 to  
18 24 were turned away due to the lack of space, a  
19 fourfold increase from the same period year last  
20 year. While the Adams' Administration has taken steps  
21 in the right direction by providing migrant youth 18  
22 to 23 with 60 days of shelter, there is no  
23 requirement for those age groups to be placed in  
24 youth facilities. As a result, many of those  
25 vulnerable youth are being placed in adult shelters

1 where there are lack of access to specialized  
2 supports and resources that are desperately needed.

3  
4 We also cannot ignore the undeniable  
5 connection between the runaway and homeless youth  
6 system and the foster care system. Oftentimes young  
7 people end up in DYCD shelters coming from foster  
8 care, and we have seen a worrying number increase of  
9 teens entering care under destitute minors'  
10 petitions. This rise is an 8 percent increase in  
11 Fiscal Year 2024, has been partly driven by the surge  
12 of unaccompanied migrant youth arriving in the city  
13 without family connections. ACS and DYCD must  
14 coordinate their efforts to ensure those youth are  
15 not just provided shelter but connected to  
16 comprehensive services that address their unique  
17 needs, whether this is mental health support, legal  
18 support, education, or job training.

19 I would like to thank the Committee  
20 Staff, Christina and Elizabeth, for their hard work  
21 in preparing for this hearing, and my entire team  
22 back at District 16. Now I would like to turn it back  
23 to Council Member Avilés.

24 CO-CHAIRPERSON AVILÉS: Thank you, Chair  
25 Stevens.

1  
2 We will now hear from a panel of  
3 organizations serving immigrant youth who arrive in  
4 the United States as unaccompanied children, and then  
5 we will hear from the Administration. If we could  
6 have Jamie Powlovich, Kimberly Schertz, Sierra Kraft,  
7 Mamadou, and Adama Bah.

8 Great. Thank you so much for  
9 participating in this panel. I guess we can start  
10 with you, Jamie.

11 JAMIE POWLOVICH: Good afternoon. My name  
12 is Jamie Powlovich. I use she, her pronouns, and I'm  
13 the supervisor of the Expediting New Arrivals  
14 Community Transition Team, otherwise known as ENACT,  
15 at Coalition for the Homeless. I was previously with  
16 Coalition for Homeless Youth. Thank you to the Chairs  
17 and the rest of the Committee Staff for holding this  
18 important hearing and providing the opportunity to  
19 testify about resources for immigrant youth who  
20 arrived in the United States as unaccompanied  
21 children.

22 In addition to its advocacy and  
23 programming on behalf of homeless individuals and  
24 families, the Coalition for the Homeless is the  
25 plaintiff in the historic Callahan v. Carey case,

2 which established the legal right to shelter in New  
3 York City. In March, the Coalition in New York City  
4 entered into a settlement agreement in the Callahan  
5 case that, among other things, extends the  
6 Coalition's monitoring role to sites serving single  
7 new adult arrivals who entered the country on or  
8 after March 15, 2022, and are afraid to return to  
9 their home country. The ENACT team oversees the  
10 City's compliance with this settlement. According to  
11 the Comptroller's Office, as of September 15, the  
12 City had approximately 62,000 people seeking asylum  
13 in City-funded shelters, and as of last week, City  
14 Hall reported there are roughly 650 unaccompanied  
15 youth ages 18 to 20 in the new arrival shelters.  
16 However, the City does not track or report data on  
17 the number of unaccompanied minors that they are  
18 seeing across systems. Over the past two years, I  
19 have personally witnessed the City fail to not only  
20 meet the needs of unaccompanied youth new arrivals,  
21 but also fail to even acknowledge their existence in  
22 any meaningful way. A primary failure is ACS'  
23 persistent denying destitute minors the care and  
24 services they are entitled to, which has forced them  
25 to survive on the streets and to reside in single



1 adult new arrival shelters, which are only authorized  
2 to serve single adults and adult families and are  
3 woefully inadequate to meet the young people's needs.  
4 This is especially given the case due to what Council  
5 Member Stevens already highlighted with the DYCD  
6 runaway and homeless youth programs reaching historic  
7 capacity on a nightly basis and youth being turned  
8 away. Another alarming situation is that youth under  
9 the age of 16 are precluded from the runaway and  
10 homeless youth shelter programs due to restrictions  
11 imposed by contractual obligations by DYCD. This  
12 leaves younger unaccompanied minors particularly  
13 vulnerable to the adult new arrival shelters or left  
14 to fend for themselves and, although DYCD has, for  
15 the most part, continued to uphold priority placement  
16 for minors that was established by a now expired  
17 Legal Aid settlement in practice, DYCD is ensuring  
18 that 16 and 17-year-olds are prioritized for beds by  
19 asking programs to discharge youth over 18 to make  
20 room for the minors even if they have nowhere else to  
21 go. All of these unfortunate realities were created  
22 by the City and the City has the power to address  
23 them if they wanted to.  
24  
25

2 The experience of new arrival youth  
3 highlight the need for written policies that need to  
4 be accessible to advocates and the public to ensure  
5 the protection and safety of unaccompanied youth  
6 arriving alone here in New York City. In addition to  
7 policy recommendations, the Coalition and Legal Aid  
8 Society outline in our testimonies that our  
9 recommendations are not exhaustive of all that should  
10 be done to adequately support this population and  
11 that the City needs to establish a working group to  
12 do a deeper dive into what is needed and address  
13 those needs accordingly.

14 I'm going to outline four  
15 recommendations. The first is that New York City must  
16 allocate appropriate resources to support and protect  
17 immigrant youth. This includes the City allocating  
18 more funding to DYCD to increase the number of beds  
19 available in their runaway and homeless youth  
20 programs so that all 16 and 17-year-olds seeking  
21 placement can be placed even if it is just while  
22 they're waiting a transition into ACS' care, and then  
23 in addition, DYCD needs to ensure that all new  
24 programming that is brought online to serve runaway  
25 and homeless youth does not have a minimum age

2 requirement of 16 years old and we ask the City  
3 Council to introduce local legislation to mandate  
4 that any new DYCD runaway and homeless youth  
5 contracts eliminate lower age restrictions in line  
6 with State law.

7           Number two is regarding training. It is  
8 imperative that the City implement programming for  
9 staff of all City agencies that might interact with  
10 immigrant youth geared towards supporting this  
11 population. Such programming must include implicit  
12 bias training, particularly with regard to the  
13 adultification of black children, as well as ensuring  
14 specifically that ACS take a consistent approach to  
15 request for documentation when young people are  
16 referred as destitute children.

17           The third recommendation is that we  
18 needed to ensure that shelters are appropriately  
19 identifying young people. We ask that City Council  
20 take the shelter case management system to task by  
21 ensuring they include a number of steps to ensure  
22 that unaccompanied minors are identified when they  
23 present at the new arrival center or reticketing or  
24 staying in new arrival shelters. It is crucial that  
25 case managers understand that trust must be fostered

2 with young people to ensure accurate reporting of  
3 their ages.

4           And then the last recommendation is  
5 regarding language access. The City must ensure that  
6 there is meaningful language access provided to new  
7 arrival youth. Youth are quite often forced to  
8 attempt communication in a dialect that is not their  
9 own, creating confusion and misunderstanding  
10 regarding their needs and wishes, including any  
11 desire to go into ACS care. This is particularly the  
12 case for youth from West Africa, when, for example,  
13 youth who speak Guinean Pulaar are provided only a  
14 Senegalese Pulaar interpreter.

15           In addition to all of those  
16 recommendations, the City overall must begin to track  
17 and report the number of youth identified as being  
18 destitute minors in order to better assess the demand  
19 for services to this population. ACS must  
20 specifically begin tracking and reporting the number  
21 of destitute child referrals, including data  
22 regarding the referral source, the number of referred  
23 children who are unaccompanied migrant children, the  
24 countries of origin of referred children and youth,  
25 the languages spoken by each referred children and

2 youth, the ages of referred children and youth, and  
3 the number of destitute children accepted into care  
4 by ACS.

5 In conclusion, I want to thank the  
6 Council again for holding this important hearing and  
7 your longstanding commitment to this work. The Legal  
8 Aid Society and the Coalition for the Homeless will  
9 be submitting joint written testimony, and I'm happy  
10 to answer any questions relating to my testimony or  
11 my previous role.

12 CO-CHAIRPERSON AVILÉS: Thank you.

13 KIMBERLY SCHERTZ: Good afternoon. My name  
14 is Kimberly Schertz, and I am a Staff Attorney in the  
15 Special Litigation and Law Reform Unit at the  
16 Juvenile Rights Practice of the Legal Aid Society.  
17 Thank you for this opportunity to testify.

18 Imagine you are a teenage boy. You should  
19 be in school, and you should be plotting the next  
20 time you get to hang out and laugh with your friends.  
21 Instead, your community is in shambles. You've  
22 arrived home to find that your house, with your  
23 family in it, has been bombed. A trusted adult hands  
24 you some documents with a birth date that's not  
25 yours, making you over 18, and tells you to get out

2 of here and save yourself. So, you embark on a  
3 harrowing journey spanning months and more countries  
4 than you can count on one hand. You've seen and  
5 experienced things that you shouldn't have seen at  
6 your age then you finally make it. You're in the  
7 United States where you think you're finally safe and  
8 free, able to start a new life and get the education  
9 you always wanted. Instead, you're forced to remain  
10 in a cage bouncing between different immigration  
11 detention centers for several more months before  
12 being sent to New York City. You think this is  
13 finally it, you will finally be safe, but you find  
14 that some people don't believe that you're the age  
15 that you say you are because those papers you had no  
16 choice but to use in order to survive. Those that do  
17 believe you say they've done all that they can. Your  
18 only refuge is a cot surrounded by adult men you  
19 don't know. You continue to be treated like an adult  
20 when really you're just a kid in need of a loving and  
21 supportive home.

22 This story and those similar to it  
23 reflect the experiences of so many immigrant youth  
24 who land in our city. Although the Legal Aid Society  
25 lauds efforts to reduce the number of poor black and

1 Latin youth in foster care, such efforts should not  
2 be at the expense of those youth who have nowhere  
3 else to turn. Over the last several months, the Legal  
4 Aid Society has received an uptick in referrals for  
5 unaccompanied minors being refused care from the  
6 Administration for Children's Services. Many of these  
7 youth are newly arrived children from West Africa,  
8 some of whom used documents falsified to make them  
9 over the age of 18 so that they could escape the  
10 dangerous conditions of their home countries and  
11 travel to the United States on their own. In such  
12 cases, ACS has initially failed to credit the youth's  
13 own statements regarding their age, including  
14 reasonable explanations provided regarding the use of  
15 falsified documents, and ACS has improperly contacted  
16 the United States Department of State for  
17 verification despite the fact that the State  
18 Department relies on documents used to enter the  
19 country and therefore cannot actually verify an  
20 individual's age. Although the Legal Aid Society has  
21 generally been successful in advocating with ACS to  
22 properly determine that these youth are destitute  
23 children, the City's failure to put a system in place  
24 to address the needs of children like them created  
25

2 unnecessary obstacles and undue delay to the  
3 detriment of these children. As we will lay out in  
4 our written testimony, New York has implemented a  
5 statutory scheme authorizing the care of destitute  
6 children.

7 Today I will present but a number of  
8 policy recommendations and resource recommendations  
9 and, as Ms. Powlovich stated, these do not encompass  
10 all that can be done to serve this population. As it  
11 stands, ACS refuses to investigate referrals of  
12 destitute children unless a report is made to the  
13 State Central Registry. This is despite the fact that  
14 neither statute nor regulation mandates a call to the  
15 SCR before the Commissioner can take action to meet  
16 his obligation to destitute children. It is also  
17 worth highlighting that multiple reports have to be  
18 made to the SCR before a case is finally accepted for  
19 investigation. Such a practice creates an unnecessary  
20 burden on those assisting immigrant youth, including  
21 other City agency staff, and contributes to  
22 significant delays in getting these children into  
23 ACS's care and custody. Accordingly, to streamline  
24 referrals of minor immigrant youth to ACS, ACS must  
25 create a designated team for destitute child



1 referrals and make the contact information for that  
2 team available to shelter staff, staff of other City  
3 agencies, community organizations, and advocates. It  
4 is crucial that City Council also hold ACS  
5 accountable for taking a child-centered approach  
6 whenever there exist conflicting documents regarding  
7 a youth's age. Importantly, the reality is that many  
8 migrant children present travel documents with false  
9 birthdays when they flee dangerous conditions in  
10 their home countries and travel unaccompanied by an  
11 adult. Therefore, ACS must give these documents the  
12 appropriate weight, but they should heavily credit  
13 the youth's own statements, particularly when such an  
14 explanation is offered.

16           Additionally, because ACS is obligated to  
17 act in the best interest of the child, not only  
18 should ACS refrain from requiring the youth to submit  
19 to invasive bone density testing, as we've seen  
20 requested in cases in the past, but ACS must  
21 absolutely cease its practice of contacting the U.S.  
22 Department of State in an effort to verify children's  
23 birthdates. As I stated before, the State Department  
24 often relies on false documentation that was procured  
25 as a means of survival so that the youth could escape

1 the dangerous conditions of their home country and so  
2 the communication of the State Department ultimately  
3 fails to provide any meaningful verification of the  
4 young person's true age, but of graver concern is the  
5 risk of danger that such a practice poses to the  
6 young person's family remaining back home and on the  
7 young person, him or herself, should he or she be  
8 forced to return.  
9

10 Further, ACS must provide appropriate  
11 language assistance services to those youth with  
12 limited English proficiency, and those services must  
13 be in the youth's native dialect. With regard to  
14 services, I reiterate Ms. Powlovich's recommendation  
15 that the City and ACS specifically begin tracking and  
16 reporting the number of youth identified as minors  
17 without adult caretakers and, in addition to those  
18 recommendations, while the Mayor's Office has  
19 allocated funding to legal clinics assisting asylum  
20 seekers in preparing their asylum applications in  
21 order to meet filing deadlines imposed by the U.S.  
22 government, many of them remain unrepresented and are  
23 forced to navigate an incredibly complex system of  
24 laws and regulations, and leaving them unable to  
25 meaningfully defend themselves against possible

2 orders or threats of deportation. Therefore,  
3 particularly given the special vulnerability  
4 immigrant youth face in removal, also known as  
5 deportation proceedings, and the potential for  
6 rapidly approaching deadlines for immigration  
7 applications, such as asylum, which could be one  
8 year, and special immigrant juvenile status, which is  
9 up to the age of 21, it is imperative that the City  
10 allocate additional funding to immigration legal  
11 service providers so that they can provide meaningful  
12 and ongoing representation to this vulnerable  
13 population, including designated funding for youth in  
14 the foster care system.

15 While older youth are being left to the  
16 wayside, poor immigrant families are also being  
17 needlessly ensnared by the family policing system so  
18 the Legal Aid Society urges the New York City Council  
19 to call a separate hearing to also delve more deeply  
20 into the plight of recently arrived immigrant  
21 families. So, in our...

22 CO-CHAIRPERSON STEVENS: I'm sorry, if you  
23 can summarize a little bit, because we have a panel  
24 still to go.

25 KIMBERLY SCHERTZ: Yes.

2 CO-CHAIRPERSON STEVENS: Thank you.

3 KIMBERLY SCHERTZ: I was just about to  
4 wrap up. Our recommendations therein are in our  
5 written testimony, but we just wanted to direct your  
6 attention to that portion of our testimony as well,  
7 where we will be sharing some of our significant  
8 concerns regarding this population. Thank you for  
9 this opportunity to testify today.

10 SIERRA KRAFT: Hi, good afternoon. Thank  
11 you, Chairperson Avilés and Chairperson Stevens, and  
12 members of the Committees on Immigration and Children  
13 and Youth for the opportunity to speak today and for  
14 holding this important hearing. My name is Sierra  
15 Kraft, and I'm the Executive Director of ICARE. We're  
16 a coalition of legal service organizations providing  
17 free legal representation to unaccompanied children  
18 facing deportation in New York City.

19 Unaccompanied children are some of the  
20 most vulnerable members of our community. Many have  
21 fled unimaginable violence, trafficking, and  
22 instability, traveling without their parents to seek  
23 safety and protection here in New York, but the  
24 moment they arrived, they were placed in deportation  
25 proceedings, expected to defend themselves in a

1 complex and intimidating immigration system without  
2 the right to an attorney. Even adults struggle to  
3 navigate this overwhelming system. How can we expect  
4 children to manage it on their own? I recently sat in  
5 immigration court and saw two young brothers from El  
6 Salvador, ages two and six, sitting at a table before  
7 a judge expected to represent themselves. The judge  
8 gave them a continuance and urged the family to find  
9 an attorney, warning that without one, the boys would  
10 likely be ordered removed. After the hearing, I spoke  
11 with their family, and they told me they had been  
12 searching for an attorney for over a year. I could  
13 sense their fear, and it was truly a heartbreaking  
14 moment. No child should have to face this immigration  
15 court alone. And access to an attorney isn't just  
16 helpful. It can mean the difference between life and  
17 death. Without representation, these children stand  
18 only a 15 percent chance of winning their cases, and  
19 this can result in getting deported back to dangerous  
20 conditions where their safety and their lives are at  
21 risk, but with a trained lawyer by their side, those  
22 odds have improved dramatically. Children supported  
23 by ICARE attorneys have over a 90 percent success  
24

2 rate, giving them a real chance to stay and build  
3 bright futures here in New York.

4           While the Administration's response to  
5 the broader influx of asylum seekers has been setting  
6 up pro se legal clinics, these models are not  
7 appropriate for children. Children cannot be expected  
8 to represent themselves. They need full  
9 representation from experienced attorneys who can  
10 guide them through the complicated laws and  
11 procedures, and without it, their cases are almost  
12 impossible to win. New York continues to rank fourth  
13 in the country for the number of unaccompanied  
14 children with more than 8,000 released to sponsors  
15 every year, but the resources needed to serve them  
16 have not kept pace. Collaboratives like ICARE, which  
17 focus specifically on serving unaccompanied minors,  
18 have not seen an increase in funding in five years,  
19 even as the number of children needing legal services  
20 has grown exponentially. This year, ICARE's coalition  
21 of seven legal service providers requested funding to  
22 increase the number of legal screenings, direct  
23 representation, and Know Your Rights trainings, yet  
24 despite the growing waitlist and overwhelming demand,  
25 we were approved for far less than what's needed to

1 fully meet the need and, without additional support,  
2 more children will be up against the system alone and  
3 likely fall through the cracks.  
4

5           The challenges we face aren't just about  
6 funding. The attorneys working on the front lines of  
7 this issue are also stretched thin. Providers are  
8 managing overwhelming caseloads while grappling with  
9 vicarious trauma, burnout, and low wages. High  
10 turnover and staffing shortages make it difficult to  
11 maintain the expertise needed to support these  
12 children effectively.

13           What we need is long-term solutions to  
14 build capacity, such as investing in multiyear  
15 funding, expanding strategic programs to retain  
16 experienced attorneys through competitive pay, and  
17 scaling resources for collaboratives. Without these  
18 investments, too many children will age out of  
19 eligibility for protections like special immigrant  
20 juvenile status or simply remain undocumented and  
21 being forced to live in the shadows. Collaboratives  
22 like ICARE are lifelines for these children and,  
23 since our founding, we've supported over 14,000 young  
24 people, offering not just critical legal  
25 representation but also case management that helps

2 them build stable lives in a city they now call home.

3 But to continue this work and keep up with the  
4 growing demand, we need the City and this  
5 Administration to prioritize additional funding  
6 specifically for unaccompanied minors, not only for  
7 legal services but for case management. These  
8 wraparound services ensure they have the support they  
9 need to thrive beyond winning their legal cases.

10 We urge City Council to invest in legal  
11 services to prevent unnecessary deportation and  
12 ensure that every child has access to a skilled  
13 attorney and, with your support, we can make sure  
14 that no child has to face this process alone. Thank  
15 you for your tireless efforts and advocacy to  
16 champion the rights of immigrant children. We look  
17 forward to our continued partnership in ensuring we  
18 live our values as a sanctuary city. Thank you again  
19 for putting together this hearing and for your  
20 ongoing commitment to supporting these vulnerable  
21 members of our community.

22 CO-CHAIRPERSON AVILÉS: Thank you.

23 ADAMA BAH: Thank you so much for having  
24 this hearing. My name is Adama Bah, Founder and  
25 Executive Director of Afrikana.



2           The arrival of minors to New York City is  
3 not a new thing, but what is alarming is how the  
4 current Administration has chosen to ignore the  
5 growing need for proper support over the past two  
6 years. Personally, I have welcomed thousands of these  
7 minors, and I'm deeply grateful to people like Jamie  
8 who have consistently supported us. Many of these  
9 minors that I've encountered come from the African  
10 continent and some from South and Central America,  
11 Turkish and Afghanis, while others are Chinese  
12 nationals who crossed the border undetected. These  
13 are vulnerable children, and we've been raising  
14 concerns about their cases since they arrived, yet  
15 grassroots organizations like Afrikana have been  
16 overwhelmed by the lack of governmental action to  
17 address these needs. We need urgent action now.

18           I fear the day when I receive a call  
19 informing me that one of these children have taken  
20 their own life due to the lack of mental health  
21 support. These children are at risk of being  
22 trafficked, assaulted, or even disappearing without a  
23 trace. The trauma they endured is unimaginable, and  
24 yet we are failing them. We are missing critical  
25 language access and cultural competency to guide them

1 through their adjustment to life here. These children  
2 are our future leaders, but we have left them in  
3 crisis. I have personally stepped in countless times  
4 to translate for these children. One question that  
5 always breaks my heart is when they ask them what  
6 they want to be, they respond, I've never been asked,  
7 whatever you think is best for me, I'll do. These are  
8 children who have witnessed genocide, rape,  
9 persecution, and government corruption, yet they are  
10 living in some of the most vulnerable corners of our  
11 city, invisible to most. I have found minors in  
12 mosques blended with worshippers just so no one would  
13 notice their age. I beg you, do not let these  
14 children slip through the cracks any longer.

16 I cannot describe the pain of holding a  
17 young girl who trembles with fear after being raped  
18 by soldiers in her home country with nowhere safe to  
19 go. Fortunately, that young girl has been reunited  
20 with her family, but not all children are lucky. Many  
21 would prefer to be in the care of ACS sheltered in  
22 buildings rather than left to survive in the cold. It  
23 has been two years, we cannot wait any longer. I also  
24 want to thank the DYCD staff who have gone above and  
25 beyond at sites, cooking culturally sensitive food,

1 learning the children's languages, and connecting to  
2 community support like Afrikana. For the last two  
3 years, we've been asking City Hall to create a 24-  
4 hour DYCD drop-in center for unaccompanied minors and  
5 we warned them of the increasing numbers of arriving  
6 in NYC. AfriKana has created safe space for these  
7 children without any funding, and we've lost count of  
8 how many unaccompanied minors have shown up at our  
9 doors seeking help. Our office remains open seven  
10 days a week with volunteer staff trained to support  
11 unaccompanied minors, but we cannot do this alone. I  
12 must reiterate our request for a 24-hour drop-in site  
13 that welcomes unaccompanied minors with staff who are  
14 native speakers of their languages and culturally  
15 competent.  
16

17           Lastly, I want to address the involvement  
18 of the Mayor's Office of International Affairs in  
19 contacting embassies to obtain documents for  
20 unaccompanied youth. This is concerning for the  
21 children here and for the families they left behind.  
22 We do not know the horrors these children fled from,  
23 and alerting embassies risks exposing them to harm.  
24 In one case, Client B, a minor who is 15, Afrikana  
25 intervened when the family of the minor extorted him

1 for money in exchange for his original document. We  
2 were able to secure documents he needed without  
3 revealing his whereabouts, and he is now safe. We risk  
4 international complications if embassies seek to  
5 return their nationals. As we saw in a Cuban national  
6 in 2000, Elian Gonzalez, who was eventually  
7 extradited back to Cuba. The City government needs to  
8 work with organizations in the U.S. and abroad to  
9 address these issues. There are also thousands of  
10 minors in HERRC who are, in fact, children. Their  
11 smugglers altered their passports to help them escape  
12 their countries. Some of these children are as young  
13 as 13 years old, and despite undergoing bone density  
14 tests or presenting in other documents to prove their  
15 age, City agencies do not believe them. We have left  
16 them to survive on their own. We need more beds at 18  
17 to 24 years old in DYCD as DYCD has done the best at  
18 addressing these needs, providing culturally  
19 sensitive food and enrolling them in school, and  
20 sending them to us for additional emotional support.  
21 Thank you.

22  
23 MAMADOU DIALLO (READING MAMADOU'S)  
24 TESTIMONY: Hello, everyone. My name is Mamadou  
25 Diallo, and I will be reading Mamadou's written

2 statement. First of all, I would like to thank you  
3 for the opportunity to testify in front of you. Also,  
4 I'm the Director of Operations at Afrikana. Adama Bah  
5 is our Founder here.

6 My name is Mamadou. I'm 17 years old.  
7 When I arrived in New York City in 2024, I was sent  
8 from Roosevelt to Randall's Island. I was scared.  
9 This huge cold place offered no help, just isolation,  
10 but then I heard voices speaking Pulaar, my native  
11 language, and I clung to them for support. They told  
12 me what everyone already knew. There is no real help  
13 at Randalls Island. I didn't enroll in school because  
14 I didn't even know how. When my 30 days in the  
15 shelter ended, I tried to go to St. Bridget, only to  
16 be turned away because I was missing a shot. They  
17 told me to go back to the Roosevelt Hotel. When I got  
18 to the Roosevelt Hotel, a nurse looked at my passport  
19 and made a call. Suddenly, people were gathering,  
20 whispering around me, and I had no idea what was  
21 happening. They sent me upstairs, and after a while,  
22 the police arrived. I didn't speak English, and I was  
23 terrified. I thought I had done something wrong. They  
24 took me to the hospital for tests and brought me back  
25 to Roosevelt, where a staff suggested I call a woman

2 named Adama, someone who helps in cases like mine. I  
3 had never met Adama, but I had heard how she had  
4 helped so many others. I was sitting there, scared  
5 and confused, as people talked about me. Then Adama  
6 called me and told me they had called the police on  
7 me because I was accused of being an impersonator.  
8 She then connected me with a woman named Jamie. After  
9 hours of waiting, they put me in a cab and sent me to  
10 the Bronx. I had no idea where I was going or why.  
11 Later, a woman in a hijab woke me, speaking in my  
12 native language. She introduced herself as Adama, the  
13 woman I had spoken to on the phone. She told me ACS  
14 didn't believe I was 17 and couldn't help me, but she  
15 and Jamie were fighting for my case. She asked if she  
16 could go through my bag, and I agreed. She took  
17 pictures of my documents, always in conversation with  
18 Jamie. I remember when ACS arrived. They questioned  
19 me and took me to the hospital for yet another exam.  
20 I told ACS I was 17 years old and that I needed help.  
21 I showed them a copy of my passport, my birth  
22 certificate, and my WHO vaccination card, World  
23 Health Organization vaccination card, that all showed  
24 I was 17, but they did not believe me. They said they  
25 spoke to ICE, Immigration, and they said I was lying.

1 I felt confused, scared, and hopeless. Eventually, I  
2 was sent to a new shelter where Jamie had managed to  
3 secure me a bed. After five months, ACS finally  
4 believed me that I was 17 and agreed to take me into  
5 care. In those five months, they did nothing to help  
6 me and accused me of being a liar. Now, even though  
7 they agreed to take me into foster care, I'm still at  
8 the shelter. I stayed in touch with Adama, and she  
9 invited me to Afrikana's Harlem office, a place she  
10 promised was safe where I would find others like me,  
11 and she was right. I found many people my age trapped  
12 in the same circumstances. I didn't know how to  
13 enroll in school, but Adama connected me with someone  
14 who helped me through the process. I had nowhere else  
15 to go, so I started going to Afrikana every day.  
16 Adama introduced me to Kaba, a Mauritanian asylum  
17 seeker who looks out for me, buys me food, and makes  
18 sure I'm okay. Now, I help at Afrikana by running the  
19 food pantry where we feed many people, and I receive  
20 a stipend for my work. I needed a lawyer, and Jamie  
21 got me one from Legal Aid. I rely on Jamie, Adama,  
22 and everyone at Afrikana for everything. I came to  
23 America alone with no family, but at Afrikana, I  
24 found a new family. If I need clothes, shoes, or  
25

1 permission slips signed for my school, I go to  
2 Afrikana. All of us do. We are part of the soccer  
3 program and other activities, and they ensure we have  
4 legal representation. When I meet others like me, I  
5 always tell them to go to Afrikana. I either take  
6 them myself or give them the address. In my shelter,  
7 no one speaks our language. When there is an  
8 emergency, we call Afrikana to translate. Even at the  
9 hospital, we rely on Afrikana staff to help us  
10 understand. I'm so grateful to Afrikana, to Jamie,  
11 and to my lawyer, Daniela, for everything they have  
12 done, but we need more help. When I arrived in New  
13 York City in early 2024, I was sent to Randall's  
14 Island, which is an adult shelter, and I'm a child. I  
15 was scared in a place with no help, just isolation.  
16 We didn't come to America because we wanted to. We  
17 came because we had no choice. Afrikana is helping us  
18 survive, but we need better treatment. Please help  
19 us. There are so many young kids like me, some in  
20 shelters, others are on the streets. Every 60 days,  
21 we have to renew our shelter stay, which makes it  
22 hard to focus on school. Attendance is everything,  
23 and when you are trying to learn English or attend  
24 after-school programs, missing days is devastating.  
25



I'm lucky, but not everyone is. Not everyone has  
someone to help them. Thank you.

CO-CHAIRPERSON AVILÉS: Thank you so much.  
Please express our sincerest thanks for sharing your  
story and experience here, and it's unfortunate that  
you have experienced so many policy failures, and I'm  
deeply grateful that you found Afrikana and many of  
the folks at the dais to provide you support. We can  
and must do better.

Just one quick question for Mamadou. In  
all of the facilities, you mentioned no one speaks  
his language at this current facility. Has that been  
the circumstance since he's been in the different  
places?

MAMADOU DIALLO: I'm sorry. My name is  
Mamadou as well. Mamadou here or? Okay, Mamadou.  
There we go. Okay, thank you.

(SILENCE DURING INTERPRETATION)

MAMADOU DIALLO (INTERPRETING FOR  
MAMADOU): Yes, in all those facilities, nobody spoke  
my language. The staff members, none of them spoke my  
language.

2 Can I ask one of, maybe two of the other  
3 panelists, have you seen cases similar to this? Can  
4 you give us a little bit of experience around this?

5 JAMIE POWLOVICH: I mean, particularly in  
6 my previous role, I've seen a lot of cases like this,  
7 and they usually play out very similar to what was  
8 just explained was his situation, which I was also  
9 involved in, where a young person finds an advocate  
10 or another trusted adult in the community. They're  
11 not being identified through any systems or  
12 government agencies that are actually tasked with  
13 doing this work, and then they would reach out to me  
14 when I was previously at the Coalition for Homeless  
15 Youth, and then we would advocate with both ACS to  
16 have them taken into care as destitute minors and  
17 also with the DYCD Runaway and Homeless Youth  
18 Providers to provide immediate support, whether it  
19 was at a drop-in center or a shelter. And I think  
20 that one of the most concerning things that we've  
21 seen a pattern of, which has been talked about here,  
22 is just ACS' approach of not believing young people  
23 and seems like overwhelmingly they are trying to do  
24 everything to prove the young people ineligible for  
25 services as opposed to welcoming them with trust,

1 right, that their stories are real and their  
2 experiences are valid, and then trying to work to  
3 advocate to make them eligible for services, and  
4 we've seen that consistently, and especially with  
5 telling the young people that their documentation  
6 isn't valid, that they are lying. Those are constant  
7 things that come up that young people are being told  
8 by Child Protective Service workers, and there's also  
9 no consistency in what documentation they're  
10 referring to. We've seen young people whose passports  
11 indicate that they are minors, and there's clerical  
12 errors at the border where there are things like  
13 notice-to-appear tickets, have the same month, day,  
14 but a different year, making them 18 or older, when  
15 all their other documents make them minors. ACS  
16 refuses to accept them as minors. Then we've seen  
17 young people whose passports were falsified so that  
18 they could flee, but all their other documents, birth  
19 certificates from their home country, indicate that  
20 they are, in fact, minors, and then ACS does not take  
21 them, and so there's also just no consistency in what  
22 documentation they're saying young people need and,  
23 like my partner at the Legal Aid Society testified  
24 to, it's not in statute or regulation anywhere, one,

1 that they need any documentation, and two, if they  
2 did, what that documentation has to be.

3  
4 KIMBERLY SCHERTZ: And if I may add a  
5 couple of things. So there also appear to be  
6 inconsistencies across City agencies. We have had a  
7 couple of youth where a high school principal, these  
8 children were enrolled in school, they were connected  
9 with community-based organizations, and the principal  
10 believed them, believed that they were the ages that  
11 they said they would, and even informed me that if  
12 she thought that they were older, that she would have  
13 discussed with them the possibility of pursuing a GED  
14 program but, because she believed that they were the  
15 age they said they were, she enrolled them in their  
16 appropriate grade level, and she found it quite  
17 appalling the hoops that had to be jumped through to  
18 get ACS to take these kids into care, and I believe  
19 that there have been staff at the HERRCs as well who  
20 have identified that these are kids, not adults, and  
21 they're the ones connecting the youth to community-  
22 based organizations, and that's where we're getting  
23 our referrals from as well, is from community-based  
24 organizations that these youth are connected to. I  
25 also want to highlight that ACS, like I said in my

1 testimony, is insisting that reports be made to the  
2 State Central Registry. That's not a legal necessity.  
3 I have a youth who still hasn't been identified by  
4 ACS. No investigation has been commenced. He's got a  
5 long, complicated name so it's possible that  
6 whoever's, you know, the community-based  
7 organizations or the advocates who are calling in the  
8 reports for him are not spelling his name correctly,  
9 or they may not be using the right terminology. They  
10 may not be saying, this is a destitute child. They're  
11 not lawyers. They don't know what terminology needs  
12 to be used to flag this case for the SCR to process  
13 it as a destitute child case and this, it's  
14 significant, significant delays because we can't even  
15 get an investigation started, and so it's incredibly  
16 frustrating and heartbreaking for these kids who have  
17 to jump through so many hoops to get taken into ACS  
18 care.

19  
20 CO-CHAIRPERSON STEVENS: Thank you, and  
21 I'll definitely make this succinct because I know we  
22 are running behind schedule and we have some Members  
23 who want to ask questions. First question, I just  
24 wanted to ask Adama Bah, have you received additional  
25 funding from the City as support, because I know

2 since the beginning of the influx, you have been on  
3 the frontlines, and I know there's been lots of talk  
4 about making sure you're getting support, and I'm  
5 just trying to see, has there been any update around  
6 you getting additional support for the additional  
7 work that you have taken on?

8 ADAMA BAH: I think we're still in the  
9 stages of additional conversation, but we just  
10 currently received a contract to be at St. Bridges,  
11 but the challenge is really big. It's not just St.  
12 Bridges. We need to be at our central office. Our  
13 central office is the hub. It's where unaccompanied  
14 minors are literally being dropped off all hours of  
15 the night, but I also want to add about the language  
16 part. The City really heavily relies on a Language  
17 Line, and for these children who are dropped off at  
18 all random hours, overnight, you don't have those  
19 languages, and staff have sympathy to say, listen,  
20 there's no translator and I cannot take this child in  
21 unless someone interprets, and we interpret for them  
22 so that they can enroll these children. Language  
23 access is a big issue, and we do need funding to  
24 support our volunteers who are translating.

2 CO-CHAIRPERSON STEVENS: So you have  
3 volunteers who've been like, when the Language Line  
4 is not open, where they're picking up for that. And  
5 do you know how many hours roughly that might be?

6 ADAMA BAH: Sometimes a 24-hour job.

7 CO-CHAIRPERSON STEVENS: Okay.

8 ADAMA BAH: With Mamadou's case, he had to  
9 be sent to the hospital to take a bone density test.  
10 We had to choose a volunteer to go with him to go  
11 there, and they were there for approximately, I  
12 think, four hours.

13 CO-CHAIRPERSON STEVENS: Jamie, I just had  
14 a really quick question, and I guess, please be  
15 succinct. Just even around the 2019 agreement, where  
16 you were on the frontlines for that and that was  
17 something that I know that you fought really hard for  
18 as an advocate, but could you talk about the  
19 significance of that win and how, if we would have  
20 actually actualized that, it could have helped us in  
21 the situation that we're in now?

22 JAMIE POWLOVICH: So, there were a few  
23 good things that happened in 2019. You're talking  
24 about the Legal Aid settlement? Okay. So, yeah. I  
25 mean, I think with CW versus New York City and the

2 settlement that established, for all intents and  
3 purposes, the right to shelter for minors, 16 and 17-  
4 year-olds, in the DYCD system, the terms of the  
5 settlement only lasted for three years and so, it  
6 expired. It'll be a year this December. And I think  
7 that it would help if it was still in place, but I do  
8 want to commend DYCD for voluntarily still doing the  
9 process. I think that the issue with the way that it  
10 works in the DYCD system is, unlike the Callahan law  
11 that requires that the DHS system expand to meet the  
12 need, the settlement, and now even the voluntary  
13 process, just says that they need to prioritize the  
14 placement of youth, which then leads, like I said in  
15 my testimony, to older youth having to be kicked out  
16 to make room. So, instead of bringing on new beds,  
17 which I know you know well, right, always advocating  
18 for more beds, they are asking older youth to leave  
19 so that the younger youth can come in.

20 CO-CHAIRPERSON STEVENS: And that's been  
21 one of my bigger issues, where I've consistently said  
22 that we need more beds and then it's a cycle of,  
23 well, we don't need more beds but, if you're kicking  
24 people out, then that's the only way we can make  
25 room, and we know that there's not enough beds



2 because 60 beds, just especially during this time, we  
3 know that's not enough, but I'll yield so we can get  
4 some more Council Members.

5 CO-CHAIRPERSON AVILÉS: Council Member  
6 Hanif.

7 COUNCIL MEMBER HANIF: Thank you, Chairs  
8 Aviles and Stevens and (SPEAKING FOREIGN LANGUAGE).  
9 Thank you so much for joining us.

10 I'm Council Member Shahana Hanif, And I  
11 have a few questions. First, I'll start with Mamadou.  
12 How can the City improve to make the journey in New  
13 York City safer and easier for unaccompanied youth  
14 and, from your perspective, have you seen any  
15 progress?

16 MAMADOU DIALLO (INTERPRETING): (SPEAKING  
17 FOREIGN LANGUAGE)

18 MAMADOU: (SPEAKING FOREIGN LANGUAGE)

19 MAMADOU DIALLO (INTERPRETING): So, what I  
20 have to say is to do your best and to help us out  
21 irrespective of whether we are unaccompanied minors  
22 or not, help all the asylum seekers, but help them as  
23 well. That's what they need. They need a lot of help  
24 because their situation is not good so they do need a  
25

2 lot of help so that's what they would like to let you  
3 know.

4 COUNCIL MEMBER HANIF: Thank you. And two  
5 questions for our advocates. How long does it  
6 typically take to verify someone is, in fact, a  
7 minor? And then, are all unaccompanied migrant youth  
8 accounted for?

9 KIMBERLY SCHERTZ: For the second  
10 question, I can certainly say not all unaccompanied  
11 minor youth are accounted for, and we're particularly  
12 concerned because of just how long it took for us as  
13 advocates to finally get ACS to believe these youth,  
14 and we know that there are so many more who have not  
15 been brought to our attention, and we're concerned  
16 that once they hear the answer no, maybe they don't  
17 have stronger advocates to help them navigate the  
18 process, maybe they don't know to reach out to us.

19 But in terms of how long it's taken, the  
20 youth that we've assisted so far, I think it took  
21 about a month once we started escalating their cases  
22 to ACS's attention, but that doesn't account for  
23 previous advocacy efforts and contacts with ACS on  
24 behalf of those youth so it does go beyond that month  
25

2 but, once they're brought to our attention, it was  
3 about a month.

4 COUNCIL MEMBER HANIF: So, basically,  
5 unaccompanied youth need an advocate to help them get  
6 through the process.

7 KIMBERLY SCHERTZ: Unfortunately, and it  
8 should not be that way.

9 COUNCIL MEMBER HANIF: And then just final  
10 question, are the youth also receiving any notices  
11 for eviction in the shelters that they live in, the  
12 60-day rule?

13 JAMIE POWLOVICH: Yeah. So, I think one  
14 thing for the young people that are, in fact, minors  
15 that have documentation that make them older, the  
16 majority of those situations that we're seeing, the  
17 young people's documentation that's not correct has  
18 them between 18 and 23 years old, and so then they do  
19 get 60 days in the HERRC. I can't say for sure if  
20 there are minors that have documentation that make  
21 them older than 23, which would mean that they would  
22 be getting 30-day notices, but they do get the 60-day  
23 notices, and then those that are in school, right, or  
24 other factors get automatic extensions, and then  
25 those that do not get automatic extensions, they need

2 to still apply for extenuating circumstances to get  
3 replaced, which we're seeing overwhelmingly,  
4 regardless of age, people are being denied the EC  
5 extensions, and that doesn't, right, young people  
6 fall under that category as well of being denied,  
7 which means then they're sent to the streets.

8 COUNCIL MEMBER HANIF: Got it. Thank you.

9 CO-CHAIRPERSON AVILÉS: Great. We'd like  
10 to recognize Council Member Joseph has joined us.  
11 Thank you, Council Member.

12 I think with that, we'll move to the  
13 Administration. I want to thank you all for the work  
14 you're doing and your testimony and all of the  
15 recommendations you put forward to this Committee.  
16 Thank you.

17 COMMITTEE COUNSEL CATÁ: Thank you,  
18 Chairs. We will now hear testimony from the  
19 Administration. We will hear from Susan Haskell, Amy  
20 Wilkerson, Masha Gindler, Tom Tortorici, Stephanie  
21 Gendell, Luisa Linares, and Peninna Oren.

22 Before we begin, I will administer the  
23 affirmation. If panelists delivering testimony as  
24 well as members of the Administration who will answer  
25

1 questions from Council Members, could all please  
2 raise their right hand.

3  
4 Do you affirm to tell the truth, the  
5 whole truth, and nothing but the truth before these  
6 Committees and to respond honestly to Council Member  
7 questions?

8 ADMINISTRATION: (INAUDIBLE)

9 COMMITTEE COUNSEL CATÁ: Thank you. You  
10 may begin when ready.

11 EXECUTIVE DIRECTOR TORTORICI: Good  
12 afternoon, Chair Stevens, Chair Avilés, and Members  
13 of the Committees on Children and Youth and  
14 Immigration. Thank you for holding this hearing.

15 My name is Tom Tortorici, and I am the  
16 Executive Director of Legal and Support Initiatives  
17 at the Mayor's Office of Immigrant Affairs, led by  
18 Commissioner Manuel Castro. I'm pleased to be joined  
19 by my colleagues from the Department of Youth and  
20 Community Development, Administration for Children's  
21 Services, and Office of Asylum Seeker Operations.  
22 I'll read only an excerpt of this testimony so that  
23 we can move forward.

24 CO-CHAIRPERSON AVILÉS: Thank you.

EXECUTIVE DIRECTOR TORTORICI: You're welcome. Regarding services for unaccompanied immigrant youth, MOIA oversees a small portion of the City-funded programs that provide free, confidential immigration legal services, case management, and information to New York City's immigrant youth. These programs include the MOIA Immigration Legal Support Centers, also known as Action NYC, the Haitian Response Initiative, the Rapid Response Legal Collaborative, Dream Act Application Assistance, and the Asylum Seeker Legal Assistance Network. In Fiscal '24, these MOIA programs provided services such as legal assistance and case management to more than 23,563 immigrant New Yorkers, an estimated 3,000 of which were immigrant youth, regardless of their family status. This is a 34 percent increase over the total number of individuals served by MOIA programs in Fiscal '23, due largely to the City's 5 million dollars investment in the Asylum Seeker Legal Assistance Program, which itself provided immigration legal help to more than 1,000 newly arrived immigrant youth under 18 in Fiscal '24. We also oversee the MOIA Immigration Legal Support Hotline, which immigrant New Yorkers, including unaccompanied youth,

1 can call Monday through Friday from 9 a.m. to 6 p.m.  
2 Hotline callers are referred to the service providers  
3 best suited to meet their unique needs. Unaccompanied  
4 immigrant youth calling the hotline are referred to  
5 the ICARE Network through a secure web form. Over the  
6 last two months, hotline operators referred 78  
7 immigrant youth to ICARE using the referral form and  
8 provided informational flyers to an additional 92  
9 callers who didn't meet direct referral requirements.  
10

11 In addition to direct legal and support  
12 services, MOIA provides immigrant New Yorkers with  
13 reliable, up-to-date information by way of our  
14 immigrant rights workshops. More than 8,900 immigrant  
15 New Yorkers of all ages attended those in Fiscal '24.

16 Finally, this year, MOIA redeployed  
17 capacity for the Action NYC in Schools program, run  
18 by Catholic Charities Community Services, to  
19 prioritize immigration legal screenings and  
20 assistance for unaccompanied immigrant youth age 18  
21 to 20 at runaway and homeless youth sites to ensure  
22 they would not age out of eligibility for a form of  
23 immigration relief known as special immigrant  
24 juvenile status. In the three-month period from June  
25 to August 2024, the Action NYC in Schools team worked

1 with RHY case managers to complete more than 170  
2 immigration legal screenings for RHY clients aged 18  
3 to 20. They accepted or referred 84 cases for legal  
4 representation and filed six emergency age-out  
5 petitions in family court. All of these screened were  
6 provided with an eligibility determination and brief  
7 advice and counsel regarding what would be needed to  
8 proceed, such as how to identify a trustworthy  
9 guardian. The legal team also provided RHY case  
10 managers with immigration legal orientations and best  
11 practices for prescreening. These numbers are  
12 preliminary as we await final Fiscal '25 Q1 data from  
13 that program.  
14

15 In addition to programs, MOIA serves as a  
16 cross-agency advisor. We provide both sister agencies  
17 and community partners with federal policy updates,  
18 and we advocate on behalf of federal policies that  
19 are in favor of unaccompanied immigrant youth. We  
20 also serve as an advisor in several interagency  
21 initiatives and working groups addressing services  
22 for immigrant youth and relevant topics, such as  
23 domestic and gender-based violence, human  
24 trafficking, and exploitation. ENDGBV is a primary  
25



2 lead in many of these working groups as that's their  
3 primary area of responsibility.

4 In conclusion, thousands of hardworking  
5 City leaders and staff, non-profit professionals,  
6 advocates, and volunteers across a vast  
7 interdisciplinary network of agencies and community-  
8 based organizations have made extraordinary efforts  
9 to support the safety, well-being, and thriving of  
10 unaccompanied immigrant youth arriving to and  
11 residing in our city. This work is personal for many  
12 contributing to these human service efforts,  
13 especially if they had to overcome challenges in  
14 their own youth or arrive to New York City as  
15 immigrant youth themselves. Each young person that  
16 has been supported by these efforts, whose challenges  
17 may have been eased, and whose quality of life may  
18 have been supported, motivates us to continue and  
19 develop this work further. Today's investments in  
20 support for unaccompanied immigrant youth will lead  
21 to a stronger New York made possible by the  
22 contributions that these youth have and will continue  
23 to make here in our city and country. We have great  
24 respect for their bravery in the face of adversity  
25 and gratitude for their positive contributions. While

2 much has been done already, many challenges remain,  
3 and there is still more work to be done. Thank you  
4 for your attention to this important topic. We look  
5 forward to your questions.

6 CO-CHAIRPERSON AVILÉS: Great. We'd like  
7 to recognize Council Member Krishnan joined us.

8 DEPUTY COMMISSIONER GENDELL: Good  
9 afternoon. I'm Stephanie Gendell. I'm the Deputy  
10 Commissioner for External Affairs at the  
11 Administration for Children's Services. In this role,  
12 I oversee a number of offices, including  
13 Intergovernmental Affairs and also the Office of  
14 Immigrant Services and Language Affairs, or ISLA, as  
15 we refer to it. In addition to my colleagues from  
16 other agencies, I'm joined today by Peninna Oren,  
17 who's the Manhattan Borough Chief of the Division of  
18 Family Court Legal Services, which manages all of our  
19 destitute minor filings in family court, as well as  
20 my colleague, the Deputy Commissioner for Prevention  
21 Services, Louisa Linares, who did not fit at the  
22 table, but is behind me.

23 I'm going to summarize my testimony, but  
24 you have the full testimony. Many children and youth  
25 who immigrate to the United States come here with

2 their families. The overwhelming majority of children  
3 and youth who come to the United States without their  
4 parents are identified at the southern border by U.S.  
5 Customs and Border Control and detained as  
6 unaccompanied alien children, or as we've been  
7 referring to them, unaccompanied minors. The Federal  
8 U.S. Health and Human Services Office of Refugee  
9 Resettlement, ORR, is typically responsible for the  
10 care and custody of unaccompanied minors and has  
11 contracts for their own foster homes and group care  
12 facilities. Notably, this system is entirely separate  
13 from ACS, and ACS has no legal role or authority with  
14 regard to the care or custody of these children with  
15 ORR.

16 ACS' family supports. We provide, manage,  
17 and fund a number of family supports, including  
18 prevention services, homemaking services, and child  
19 care services. Prevention services are free,  
20 typically voluntary, and available throughout the  
21 five boroughs, regardless of immigration status.  
22 Since 2022, some of our contracted prevention  
23 providers have been offering their services on-site  
24 at both the DHS shelters and at the HERRCs to support  
25 newly arrived families. We also have ACS staff on-

1 site at the Roosevelt Hotel, connecting families to  
2 community-based resources, including prevention  
3 services, when appropriate. As you know, ACS  
4 developed and managed PromiseNYC, a childcare  
5 assistance program specifically for low-income  
6 families with children, including undocumented  
7 children whose immigration status makes them  
8 ineligible for other federally funded childcare  
9 assistance.  
10

11           The ISLA office within ACS provides  
12 support and guidance on immigration and language  
13 access issues for ACS staff and contracted providers.  
14 Since the start of the increase in newly arrived New  
15 Yorkers, we have seen an increased demand for ISLA's  
16 assistance and support. In 2024 to date, ISLA has  
17 conducted 78 trainings for ACS and provider agency  
18 staff. These training sessions focus on understanding  
19 the trauma faced by newly arrived immigrant families,  
20 how to help connect them to immigration services, and  
21 how to access language access services. We've also  
22 expanded our language access services, both in  
23 spending and in scope, including, most recently,  
24 charge attention centers.  
25

Over the past two years, we have seen an increase in the number of youth coming into foster care as destitute minors. New York State Family Court Act Section 1092 defines destitute minors and that definition is in the testimony, but I won't read it to you. There are currently about 6,500 children and youth in foster care. As of August 31, 2024, there were 239 children and youth in foster care on destitute minor petitions. For the full year of 2023, 89 children and youth came into foster care, up from 58 in 2022. All youth in foster care receive the full panoply of foster care services, regardless of their immigration status. This includes a foster care placement with a family when possible, medical care, mental health services, educational assistance, Fair Futures coaches, etc. In addition, long before the recent increase in asylum seekers, ACS has worked closely with foster care agencies to address the immigration needs of children and youth in foster care. Each foster care agency has at least one immigration liaison who works with the ISLA team to ensure that any child or youth in ACS care who is not a United States citizen is referred for immigration legal services. The ISLA team is currently tracking

1 about 450 children as immigrant youth in care. These  
2 children have come to the United States from 57  
3 countries, with the largest number being from Central  
4 America and the West Indies, South America, and  
5 Africa. Many of these children, youth in care, will  
6 be eligible for special immigrant juvenile status,  
7 SIJS, and some are eligible for immigration relief  
8 through other means, such as asylum, T visas, U  
9 visas, which are available for victims of trafficking  
10 or certain crimes here in the United States. As you  
11 might know, it takes many years to get a green card  
12 through SIJS. Currently, the federal government is  
13 processing green cards for those whose approved SIJS  
14 application was filed before January 2021. However,  
15 during the waiting time, the youth may be eligible to  
16 apply for a work permit and have their deportation  
17 proceedings dismissed due to the Biden  
18 Administration's deferred action policy.

19  
20 ACS is committed to helping New York  
21 City's families thrive, and we are eager to do all  
22 that we can to help families and youth who have come  
23 to the New York City for a better life. Happy to take  
24 your questions.

2 DEPUTY COMMISSIONER HASKELL: Good  
3 afternoon, Chair Stevens, Chair Avilés, and Members  
4 of the Children and Youth Immigration Committees. I'm  
5 Susan Haskell, Deputy Commissioner for Youth Services  
6 at DYCD, and I'm joined today by Dr. Amy Wilkerson,  
7 Assistant Commissioner for Runaway and Homeless Youth  
8 Services. On behalf of Commissioner Howard, thank you  
9 for this opportunity to update the Council about how  
10 we address the needs of new arrivals within DYCD's  
11 runaway and homeless youth services. We're grateful  
12 to have worked with the Council over the years as  
13 well as providers and advocates to build a  
14 comprehensive continuum and ecosystem of RHY  
15 services.

16 DYCD runaway and homeless youth programs  
17 are designed to serve youth holistically, enabling  
18 them to obtain the services needed to help them  
19 thrive. We're committed to helping young New Yorkers  
20 build new skills and flourish. DYCD funds a portfolio  
21 of RHY services that are delivered by community-based  
22 providers through contracts. The three types of  
23 services include residential programs, drop-in  
24 centers, and street outreach. Combined, they reach  
25 more than 40,000 young people annually. Services are

1 available to young people regardless of their  
2 immigration status. Our residential programs include  
3 crisis services and transitional independent living  
4 support programs. The New York State Office of  
5 Children and Family Services regulates all  
6 residential services provided by youth bureaus across  
7 New York State.  
8

9 I'm proud over the past several years  
10 that DYCD tripled the number of beds in residential  
11 programs for young people ages 16 to 20, for a total  
12 of 753 beds. We implemented two key program policy  
13 changes to reflect New York State law, increasing the  
14 time young people may stay in residential programs up  
15 to 120 days in crisis services programs and up to 24  
16 months in TIL programs. Following these State and  
17 City legislative changes, we also created residential  
18 services for youth up to age 24. We now have four  
19 programs with a total of 60 beds for homeless young  
20 adults ages 21 to 24.

21 Crisis services programs provide  
22 emergency shelter and crisis intervention services.  
23 Youth have their basic needs met and work with staff  
24 to develop a service plan with short and long-term  
25 goals. In cases where family reunification is not



possible, provider staff work with youth to identify appropriate transitional and long-term housing opportunities. TIL programs are a longer-term housing option that provides support as youth establish an independent life through education and career development, health services and mental healthcare, counseling and basic life skills training.

Our drop-in centers in each borough serve youth ages 14 to 24, and at our eight DYCD drop-in centers, youth are provided basic needs such as food, clothing, supportive services, recreation, health and educational workshops, counseling and referrals to other services, including shelter as needed. At least one center in every borough is open 24 hours a day, every day of the week.

Street outreach focuses on locations in the city where young people tend to congregate, offering on-the-spot information and referrals. The goal is to develop a rapport with youth and connect them to services, including shelter.

Counselors in RHY programs work with youth to develop individualized service plans to outline short- and long-term goals. They can get a range of supported services, both directly and

1 through referrals, for example, health and mental  
2 health services, counseling, education and career  
3 support, substance abuse prevention, violence  
4 intervention and prevention counseling, and housing  
5 assistance. When appropriate, staff members help  
6 young people in reuniting with the family or moving  
7 to longer-term programs.  
8

9           DYCD RHY programs, like other City  
10 programs, experienced increased demand for services  
11 as the number of new arrivals to the city increased.  
12 RHY services remain available to young people  
13 regardless of immigration status. In response to  
14 increasing numbers of young people who need language  
15 assistance, we expanded access to telephonic  
16 interpretation services. Our most popular languages  
17 include French, Spanish, Wolof, Fulani and Pulaar.  
18 DYCD coordinates with our partner agencies and  
19 participate in the multi-agency youth asylum seeker  
20 coordination meetings.

21           DYCD providers of runaway and homeless  
22 youth services, including all residential programs  
23 and drop-in centers, give information about services  
24 related to immigration, including immigration-related  
25 legal services. Providers share written information

1 with youth upon intake to ensure that all those who  
2 may need the information will have it. We partner  
3 with MOIA to incorporate information about legal and  
4 other immigration services into mandated trainings  
5 for RHY provider staff.  
6

7 Thank you once again for the opportunity  
8 to discuss how we're addressing the needs of runaway  
9 and homeless youth. We look forward to continuing to  
10 collaborate with the Council, advocates, providers  
11 and young people with lived experience to improve  
12 services for youth. We're pleased to answer any  
13 questions.

14 CO-CHAIRPERSON AVILÉS: Thank you. I guess  
15 I'd like to hear very quickly maybe from all the  
16 agencies, we can go from one to the other, around how  
17 they identify and track the number of unaccompanied  
18 minors going through each of their systems.

19 EXECUTIVE DIRECTOR TORTORICI: Thank you,  
20 Chair Avilés. MOIA does not identify and track  
21 unaccompanied immigrant youth through its programs.

22 DEPUTY COMMISSIONER GENDELL: So,  
23 unaccompanied minors wouldn't technically be in ACS's  
24 care, but young people who do not have immigration  
25 status who are in foster care, while we don't track

1  
2 them in the way I think you mean track them, we are  
3 working with them on their legal status and our  
4 Office of Immigrant Services tracks them in their  
5 case. We know how many young people in care we're  
6 working with to help with their legal status, and we  
7 know how many young people in care are destitute, but  
8 you could be in care as destitute and not have an  
9 immigration issue. It could be that you're born in  
10 New York City and both of your parents are deceased,  
11 so you'd be destitute. Similarly, for young people  
12 who we are working with on their immigration status,  
13 they might not be an asylum seeker, but they could be  
14 in New York another way and not have immigration  
15 status, but it's very important to make sure we're  
16 not putting any young people or their families at  
17 risk by asking them and tracking their immigration  
18 status.

19 ASSISTANT COMMISSIONER DR. WILKERSON:  
20 DYCD does not track migrant youth in RHY programs. We  
21 keep in close communication with our providers to  
22 understand the needs of the RHY population as it  
23 changes and to ensure that those youth are connected  
24 to the specialized resources that they need.

CO-CHAIRPERSON AVILÉS: So I guess maybe we'll start here really quickly. Based on that question and in reflection of the testimony that we just heard from the young person, Mamadou, can each of you tell me how your agencies failed in this scenario?

DEPUTY COMMISSIONER GENDELL: I just want to start by saying that individualized case information is confidential, and so we can't in a public hearing speak to any young person's individual experience so I'm happy to answer questions more generally.

CO-CHAIRPERSON AVILÉS: I'm asking, we heard a number of failures. How should ACS be preventing these failures that we heard, and we heard that this is not an isolated instance, that we were seeing a good number of these cases so just in your quick reflection, what should ACS be doing to prevent these failures?

DEPUTY COMMISSIONER GENDELL: Sure. I just want to make entirely clear, I'm going to take a step back and not talk to this individual's circumstance. In general, most of the young people who interact with ACS, there is no issue around their age. We know

1 they're young people or we know they're not. It's  
2 only the circumstances described earlier, really only  
3 in the limited number of circumstances where there  
4 are questions about a young person's age, which is a  
5 new experience for ACS and not something we  
6 previously dealt with. In the past, it was extremely  
7 clear that if a case was referred to us by the State,  
8 it was about a young person. We have, since the  
9 summer, put in place a protocol for our staff to  
10 follow so that they can use the totality of the  
11 circumstances to determine whether or not the  
12 individual being referred to us is, in fact, a child.  
13 The Destitute Minor Statute does require that the  
14 person be under 18 so to be able to seek legal  
15 authority, ACS can't just bring people into foster  
16 care. We have to have legal authority to do that so  
17 we do need to be able to plead in court that this is  
18 someone under 18. We need to be sure that we're not  
19 adding adults to the foster care system. I think the  
20 protocol is helping us have a better sense of how to  
21 address this issue better.

22  
23 CO-CHAIRPERSON AVILÉS: Does DYCD have a  
24 response to that?

2 ASSISTANT COMMISSIONER DR. WILKERSON:

3 DYCD works very hard to spread information about our  
4 drop-in centers and all of the resources that we have  
5 available to youth and to get youth placed in the  
6 appropriate programs that they're eligible for as  
7 quickly as possible.

8 CO-CHAIRPERSON AVILÉS: Do you think that  
9 the example offered, are you saying there was a lack  
10 of DYCD information in any of those shelter  
11 facilities and we should be doing that?

12 ASSISTANT COMMISSIONER DR. WILKERSON: I'm  
13 not sure about Mamadou's exact case. His name is a  
14 common name, and we've had quite a few young people  
15 by that name, but in instances where there is a bed  
16 available within DYCD's system, we would make sure  
17 that that young person would be attached to that bed,  
18 whether that call is coming from an advocate or from  
19 a community partner, an individual, a school, it  
20 doesn't matter. We try to connect those individuals  
21 as expeditiously as possible.

22 CO-CHAIRPERSON AVILÉS: How about MOIA?

23 EXECUTIVE DIRECTOR TORTORICI: Given that  
24 MOIA does not track the number of unaccompanied  
25 immigrant minors in New York City, I can't say how

1 our office has failed. I can say that historically,  
2 the majority of unaccompanied minors are designated  
3 as such by the federal government at the border,  
4 historically, and then in ORR custody, and then  
5 reunited with a sponsor or placed into a least  
6 restrictive setting until a sponsor is found.  
7 Typically, when reunited with a sponsor, those youth  
8 and their sponsor will seek services from the City.  
9 Youth who age out of ORR custody when they turn 18  
10 often seek services from the City, and youth who are  
11 under 18 and were not designated as unaccompanied  
12 minors also seek services from the City. I think  
13 taking a more specific look at these subpopulations  
14 that, as my colleague from ACS mentioned, this is a  
15 new phenomenon, and working as we have been across  
16 agency and with community partners to best address  
17 the needs is all of our responsibility.

19 CO-CHAIRPERSON AVILÉS: All right. I think  
20 we're going to probably dive into many of the  
21 failures that this story elucidated and also that  
22 were reflected in much of the testimony of many of  
23 the advocates before, but we'll move on to zoom out  
24 just a quick second.



2 This question is for MOIA. We could  
3 start. In June, the Biden Administration issued a  
4 Presidential Proclamation to temporarily suspend the  
5 entry of noncitizens across the southern border  
6 during periods of high encounter. Unaccompanied  
7 children, however, were exempted from that  
8 proclamation. Advocates therefore expected the  
9 numbers of unaccompanied children crossing the border  
10 to increase as parents were faced with an impossible  
11 choice to send their children to the U.S. alone in  
12 search of safety. How has MOIA, if at all, tracked  
13 these developments and sought to account for a  
14 potential of unanticipated increases in unaccompanied  
15 youth who may be traveling to New York City?

16 EXECUTIVE DIRECTOR TORTORICI: Thank you  
17 for your question. MOIA's policy team has a federal  
18 senior policy advisor who closely tracks legislative  
19 and administrative developments in the federal  
20 government across various agencies responsible for  
21 the identification and care of unaccompanied minors  
22 as well as predicting future trends and increasing  
23 numbers in that population and others. We work  
24 closely with national partners also, thought leaders  
25 in the field, many of whom work with and are part of

1  
2 ICARE in order to best understand the emerging and  
3 evolving needs of the population. We provide cross-  
4 agency updates on federal policy developments. We  
5 wouldn't do so in the circumstance of a prediction.  
6 However, we do have internal conversations and work  
7 with our agency partners to ensure that resources are  
8 allocated where they need to be allocated to the  
9 extent possible to serve a population. One example of  
10 that is the pivot of the Action NYC in Schools  
11 program to conduct immigration legal screenings in  
12 RHY shelters for those youth aged 18 to 20 so that  
13 they don't age out of special immigrant juvenile  
14 status.

15 CO-CHAIRPERSON AVILÉS: I think I'm a  
16 little confused by your answer. I think you mentioned  
17 you wouldn't necessarily respond to projected  
18 increases, but you're responding to actualities on  
19 the ground. Is that what you just said?

20 EXECUTIVE DIRECTOR TORTORICI: No, we  
21 would track predictive increases, but we wouldn't  
22 necessarily provide a policy update to...

23 CO-CHAIRPERSON AVILÉS: Or funding or  
24 programs or anything.

25

EXECUTIVE DIRECTOR TORTORICI: No, we would use that information to request or identify the need for additional resources.

CO-CHAIRPERSON AVILÉS: So, in this circumstance, given the track and the expectations, and we saw that materially actually happen where we had huge numbers of unaccompanied youth, was MOIA's response to pivot the Action NYC? Were there other places where MOIA sought to address this issue?

EXECUTIVE DIRECTOR TORTORICI: The pivot of Action NYC in Schools to provide immigration legal services in the RHY shelters and drop-in sites was a concrete action that we can point to, using existing resources to serve the needs of the population. Can't speak to internal conversations related to resource allocation. Can say that we engage with external partners, including and especially ICARE and its membership, to understand the trends, the needs, and take them back internally for our internal discussions about resources.

CO-CHAIRPERSON AVILÉS: So, has MOIA been engaging with the Office of Refugee Resettlement as well?

EXECUTIVE DIRECTOR TORTORICI: To my knowledge, MOIA has not. MOIA did receive a request from U.S. Health and Human Services to add a VOR card, which is a form of identification provided to unaccompanied minors, to the list of qualifying documents for IDNYC enrollment, and MOIA did process that request, and it currently sits with IDNYC.

CO-CHAIRPERSON AVILÉS: But MOIA hasn't engaged in any advocacy or conversations with ORR about the increases of unaccompanied minors in the city and potential needs?

EXECUTIVE DIRECTOR TORTORICI: I can get back to you with respect to specific meetings or conversations. I'm not aware of any initially. I do know that there are general engagement sessions with various offices and agencies in the federal government. However, I'm not currently aware of any specific conversations with ORR, but we will get back to you.

CO-CHAIRPERSON AVILÉS: Great. Thank you. In 2014, MOIA had convened a task force on this issue of the rising number of unaccompanied minors in the U.S. and New York City, obviously an issue very

relevant today. In fact, much larger than 2014. Is  
MOIA still coordinating this interagency task force?

EXECUTIVE DIRECTOR TORTORICI: That  
specific task force does continue, so there are a  
number of task forces within the City in which issues  
related to unaccompanied minors are discussed, best  
practices shared, resources shared, and strategies  
discussed. The Human Trafficking Youth Prevention  
Working Group is one. There are multiple working  
groups across agencies that deal with issues that  
touch the population. Citywide Response to Human  
Trafficking convenings, FGMC advisory committees, the  
Migrant Public Safety Steering Committee, and the  
Domestic Violence and Child Welfare Working Group,  
and I believe that that Child Welfare Working Group  
is where these issues are most directly discussed.

CO-CHAIRPERSON AVILÉS: But the specific  
interagency task force on unaccompanied minors is  
still meeting? No?

EXECUTIVE DIRECTOR TORTORICI: I'll have  
to get back to you on that. I don't have that  
specific information.

CO-CHAIRPERSON AVILÉS: Okay. Is there a  
reason why this doesn't have its own function and

2 focus when the numbers are double what they were in  
3 2014?

4 EXECUTIVE DIRECTOR TORTORICI: My  
5 understanding is that in 2014, the agency, MOIA,  
6 together with its sister agencies, created that task  
7 force specifically to ensure that immigrant youth  
8 identified at New York Immigration Court,  
9 specifically because that was a venue in which they  
10 could be identified, would be connected with  
11 healthcare insurance and other resources. My  
12 understanding generally, and I cannot speak to  
13 specifics here, but is that the resources that are  
14 available to unaccompanied minors and all immigrant  
15 New Yorkers are broadly available and that the  
16 specific identification of unaccompanied minors or  
17 immigrant youth in Immigration Court is not happening  
18 in part because the resources are so widely available  
19 or at least information about the resources  
20 available.

21 CO-CHAIRPERSON AVILÉS: I hear optimism  
22 that maybe we don't need it, but what we're seeing is  
23 clearly we do need it, and clearly there's been a  
24 real focus in growth in services to the credit of  
25 many of your agencies and many New Yorkers, right,

1 addressing the issue, but it is clear the numbers  
2 have doubled, it is clear the funding has not, and we  
3 have a serious situation that we need to pay some  
4 focused attention to.  
5

6 In 2015, MOIA also had announced an  
7 initiative, I think this is what you were referring  
8 to, to have a City staffer in Federal Immigration  
9 Court to engage and screen at very first appearance  
10 in the juvenile docket. Is this initiative still in  
11 place?

12 EXECUTIVE DIRECTOR TORTORICI: MOIA does  
13 not have a City staffer at New York Immigration Court  
14 screening youth for benefits eligibility and  
15 providing information and resources. However, again,  
16 I do believe that since that time, the field  
17 generally of service providers together with City  
18 agencies and partners have increased the visibility  
19 and availability of resources and information.

20 CO-CHAIRPERSON AVILÉS: Do you know of  
21 anyone that is actually in Immigration Court and the  
22 juvenile docket doing this?

23 EXECUTIVE DIRECTOR TORTORICI: The Office  
24 of Civil Justice oversees the ICARE program as well  
25 as the Immigrant Opportunities Initiative program,

1 which are the programs through which the majority of  
2 this work would be carried out, as well as the  
3 unaccompanied minors and families program. I don't  
4 have specific information about their activities in  
5 immigration court. However, those programs do handle  
6 more complex immigration legal cases, which  
7 immigration matters related to immigrant youth would  
8 normally fall under.

10 CO-CHAIRPERSON AVILÉS: Given the numbers  
11 alone, would you think it would be an urgent matter  
12 to check in with immigration court to see if the  
13 services are being offered at this point?

14 EXECUTIVE DIRECTOR TORTORICI: I  
15 absolutely do think that it's important to ensure  
16 that all immigrant New Yorkers and especially  
17 unaccompanied immigrant youth have access to  
18 information about available resources and services in  
19 their language and in a format that they can connect  
20 with.

21 CO-CHAIRPERSON AVILÉS: In January of  
22 2015, MOIA had published an online document listing  
23 and describing City resources for immigrant children  
24 and youth, and several agencies, mayoral offices also



2 contributed to the information in this document. Does  
3 the Administration have a plan to update it?

4 EXECUTIVE DIRECTOR TORTORICI: No current  
5 plan. The Office of Immigrant Affairs has developed a  
6 resource that is intended for all immigrant New  
7 Yorkers and published it in multiple languages beyond  
8 the top 10 and distributed it through shelters and  
9 various other places where it could be encountered by  
10 immigrant youth.

11 I think it's important to note that  
12 although the resources are general and not specific  
13 to immigrant youth or unaccompanied immigrant minors,  
14 they are entry points and touch points where they may  
15 have a conversation with someone such as a MOIA  
16 Immigration Legal Support Hotline operator who  
17 listens to them to understand what services they need  
18 and direct them in a closer way. The fact that they  
19 are not specifically geared toward unaccompanied  
20 immigrant minors, in my perspective, doesn't  
21 necessarily do them harm because they're guided to a  
22 place where they could have a conversation with  
23 someone, a case manager at a local CBO that's part of  
24 the MOIA Immigration Navigation Network or the  
25 hotline that can help them through it.

CO-CHAIRPERSON AVILÉS: Yeah, I guess, you know, I keep reflecting on the experience of Mamadou who had no access to any information and no access to any information in language-accessible ways. It's like mystifying to me that we have some generalized information on a website and we are still hearing young people not getting any access to any of it despite claims of this intensive case management.

EXECUTIVE DIRECTOR TORTORICI: Case management occurs in the shelter sites, and it's a bit different from the case management that I was referring to, which often takes place at community-based organizations and non-profits that provide sort of social services navigation and connect youth to resources, including school enrollment and other things.

I will say that MOIA's engagement with the community goes beyond distributing flyers. We've held multiple calls with community-based organizations, community partners, advocates to hear from them and to provide resources to the extent possible, and those conversations will continue to happen.

2 CO-CHAIRPERSON AVILÉS: Yeah, no, I  
3 appreciate the work you do with community-based  
4 organizations and we've seen here today that, you  
5 know, they are doing incredible work with very little  
6 resources. I'm actually more concerned about how the  
7 interagency coordination is happening and training  
8 and making sure that we have seamless policies across  
9 and we don't have a situation like that was described  
10 earlier happening over and over again. So, I guess  
11 how MOIA is able to expand its resources across city  
12 agencies to make sure we are doing much better is a  
13 primary concern.

14 So, at an Immigration and Hospital's  
15 April 2024 hearing, MOIA had shared that they were  
16 pivoting, as you mentioned earlier, to Action NYC in  
17 Schools to screen the 18 to 20-year-olds in RHY  
18 shelters and were planning to surge resources to the  
19 youth identified in the screening over the summer to  
20 connect individuals turning 21 with direct assistance  
21 and triage the remainder. At the time of the hearing  
22 in April, there were around 400 youth in shelters and  
23 80 percent were from African countries. What were the  
24 updated numbers, and I think you mentioned this in  
25

1  
2 your testimony earlier, and the statistics from the  
3 screening process?

4 EXECUTIVE DIRECTOR TORTORICI: Thanks for  
5 the question, Chair. So the sprint took place, we  
6 called it a sprint because it was in a limited  
7 duration of time. It was also a pilot in some ways  
8 because MOIA had not worked directly with DYCD RHY  
9 shelters in the past and in this way. Over the course  
10 of June through August of this summer, 170 youth were  
11 screened for immigration legal relief eligibility,  
12 including SIJS. 84 were referred for legal  
13 representation. Sometimes they were referred to legal  
14 representation under other contracts such as the IOI  
15 contracts after the initial screening. And there were  
16 six emergency age-out petitions filed in family  
17 court. These numbers are preliminary as we await the  
18 finalization and validation of Fiscal '25 Q1 numbers,  
19 which would more directly capture these but,  
20 generally, case managers across the RHY system, both  
21 in drop-in sites and sites with beds, expressed that  
22 the provision of services to that specific population  
23 was welcomed and needed and that, you know, while it  
24 is a learning experience for all of us with any

1 pilot, they would be interested in additional  
2 trainings and resources for the population.  
3

4 CO-CHAIRPERSON AVILÉS: So for the 170  
5 that you screened, how many individuals received  
6 direct assistance?

7 EXECUTIVE DIRECTOR TORTORICI: 170 were  
8 screened and 84 were referred for legal  
9 representation with six emergency age-out petitions  
10 filed in family court for youth that were within  
11 months or weeks of their 21st birthday and at risk of  
12 aging out of SIJS. The team continues to work through  
13 the list of youth who were screened or scheduled to  
14 be screened and serve that population, including  
15 those that were identified for legal assistance.

16 CO-CHAIRPERSON AVILÉS: I'm sorry, so the  
17 remaining almost 100 young people, what happened to  
18 them?

19 EXECUTIVE DIRECTOR TORTORICI: Could you  
20 please repeat?

21 CO-CHAIRPERSON AVILÉS: So, 84 got legal  
22 representation and six, you did age-out petitions.  
23 What happened to the remaining young people?

24 EXECUTIVE DIRECTOR TORTORICI: I'll have  
25 to check back at the numbers, but I believe that

1 youth that did not receive legal representation, it  
2 was either because their case wasn't ready to  
3 proceed. For instance, they may not have had a  
4 trustworthy adult identified as a guardian, which  
5 would be needed to proceed in a SIJS case. They may  
6 have been determined to be ineligible for immigration  
7 relief of some sort. They may have already had an  
8 attorney or have already filed the necessary  
9 petitions or applications, and so I don't have a  
10 specific breakdown of the reasons why more youth were  
11 not referred for legal representation. However, those  
12 are some of the common reasons.  
13

14 CO-CHAIRPERSON AVILÉS: Great. We'd like  
15 to know where they were triaged to if you were unable  
16 to assist them.

17 In terms of with the phasing out of  
18 Action NYC by the end of this year and the  
19 replacement programming not intended to have a  
20 physical presence in schools, are there any plans by  
21 the Administration to engage with school-age students  
22 eligible for Special Immigrant Juvenile Status or  
23 other immigration statuses and connect them to legal  
24 service providers?  
25

EXECUTIVE DIRECTOR TORTORICI: Thank you.

MOIA continues to engage with our partners at DOE, in particular the team that worked on and works to implement the Project Open Arms plan to ensure at minimum that information about immigration legal services available through the City and other sources is made available to youth. For the purposes of Action NYC in schools, and as you noted, it's winddown, we can't talk much about the new procurement and the MOIA immigration legal support centers, but I can say that it's intended to ensure that legal service providers are partnering with school locations in their neighborhood to ensure a closer connection and also a more widespread and distributed set of connections between local institutions such as schools and immigration legal service providers that are community-based. In this procurement, up to 25 awards will be made for immigration legal service contracts, and virtually all of those contractors could partner, and we would encourage them to partner, with their local schools to provide Know Your Rights sessions and connections to immigration legal screenings and assistance.

2 CO-CHAIRPERSON AVILÉS: So, in terms of  
3 the DOE collaboration, what does that look like  
4 exactly?

5 EXECUTIVE DIRECTOR TORTORICI: With Action  
6 NYC in Schools, there's a close multi-year  
7 partnership that has existed in which that team holds  
8 Know Your Rights sessions and legal clinics at  
9 schools with high immigrant youth populations  
10 throughout the city. With respect to MOIA and its  
11 communication, there are standing meetings in which  
12 both MOIA and New York City Public Schools, or DOE,  
13 are present, some of these interagency groups.  
14 However, I am not a participant in a standing call  
15 with DOE. Our engagement is typically on a case-by-  
16 case basis, and the MOIA policy team also engages  
17 closely.

18 CO-CHAIRPERSON AVILÉS: And so are there  
19 concerns with how the phasing out of Action NYC could  
20 disrupt the legal supports for minors, including  
21 those in immigration court currently?

22 EXECUTIVE DIRECTOR TORTORICI: Concerns  
23 have been expressed and addressed through formal  
24 responses by MOIA and the City in the form of  
25 question-and-answer documents published as addenda to



1 the RFPs as well as public responses to the protest  
2 letters that were issued, and so some of the  
3 responses are there. With respect to ongoing matters,  
4 immigration legal service contractors are responsible  
5 for seeing the case through to completion, and MOIA  
6 has engaged with current contractors to request a  
7 breakdown of the number of cases that they anticipate  
8 may be open beyond December 31st, which is when the  
9 current contracts will close. There will not likely  
10 be a large number of removal defense or SIJS cases to  
11 be wound down under Action NYC, because Action NYC  
12 providers mostly deal with straightforward cases. The  
13 large number of removal defense and siege cases are  
14 handled by IOI and the ICARE programs.

16 CO-CHAIRPERSON AVILÉS: It's interesting  
17 that you say that because providers are definitely  
18 saying the opposite, that it is not just simply  
19 straightforward cases, that they have a good number  
20 of substantive cases and, in fact, something like  
21 SIJS is a several-part process, and we are in a place  
22 where this program is winding down with no  
23 transitionary period to hire up and figure out  
24 anything else so I'm not sure how you're reconciling  
25 these issues.

2 EXECUTIVE DIRECTOR TORTORICI: We'll  
3 continue to work with our existing contractors to  
4 identify means to ensure that they can continue to  
5 provide assistance and representation in existing  
6 cases rather than withdraw representation from those  
7 cases.

8 CO-CHAIRPERSON AVILÉS: And how will you  
9 ensure that? If you're changing the model, how do you  
10 ensure that there's going to be continuity there? Are  
11 you adding additional funding to make sure those  
12 cases are going to be held?

13 EXECUTIVE DIRECTOR TORTORICI: No  
14 additional funding will be added. If a current  
15 contractor is awarded a contract under the new  
16 procurement, we may work out some system to provide  
17 credit of some sort for cases that remain open. Those  
18 discussions are internal, and we do not have policy  
19 to apply at this time. It also should be said that a  
20 number of the immigration legal service providers  
21 contracted with the City are contracted to provide  
22 services under multiple contracts and contract types  
23 so internal conversations and conversations with  
24 those multi-contract holders could also provide  
25 another potential solution.

CO-CHAIRPERSON AVILÉS: So in terms of what specific programming does MOIA have for unaccompanied minors?

EXECUTIVE DIRECTOR TORTORICI: MOIA does not have a specific program dedicated to that population.

CO-CHAIRPERSON AVILÉS: Okay, that's what I thought. I think we'll be wrapping up, and don't worry, I haven't forgotten about the rest of the panel.

Can you tell us how MOIA performs outreach around this population to ensure that they're connected to appropriate resources?

EXECUTIVE DIRECTOR TORTORICI: Absolutely.

CO-CHAIRPERSON AVILÉS: And what does coordination look like with DYCD and ACS in this regard?

EXECUTIVE DIRECTOR TORTORICI: MOIA provides outreach in a few different ways. Some of them are through our community partners as contractors in the Asylum Seeker Navigation Centers program. Some of our outreach is conducted by MOIA External Affairs staff. In fact, in the past year, I have some data here related to External Affairs

1 activities that I can provide. Just one moment,  
2 please. From January to present of this year, the  
3 MOIA External Affairs Team held 27 events dedicated  
4 specifically to the 18 to 24 population, and from May  
5 of this year to present provided more than 1,000  
6 youth aged 18 to 24 with IDNYC enrollment help. That  
7 group also provides the one-pagers I referenced  
8 earlier with general services information and other  
9 information at those events and tabling events. A  
10 form of outreach, and it's outreach because we  
11 distribute information about the MOIA Immigration  
12 Legal Support Hotline, is that mechanism so providing  
13 the hotline number, youth call. As mentioned  
14 previously, the hotline answered 57,000 calls in  
15 Fiscal '24. We estimate that approximately 10 percent  
16 of those were immigrant youth under the age of 24,  
17 and that also is an important lifeline.

18  
19 Additionally, MOIA partners with multiple  
20 agencies as well as a group called Algún Día, which  
21 is not funded by the City but works closely with MOIA  
22 and the City, including OASO and other partners, to  
23 address issues related to child candy selling and  
24 provide resources and support to those families and  
25 also better understand the trends that are occurring.

2 CO-CHAIRPERSON AVILÉS: So how are you  
3 working with Algún Día?

4 EXECUTIVE DIRECTOR TORTORICI: There is a  
5 working group that partners with them closely, so the  
6 City provides information about resources that they  
7 can distribute and also hears from them about the  
8 needs and trends of that particular population.

9 CO-CHAIRPERSON AVILÉS: So a working group  
10 at MOIA that's providing flyers to Algún Día?

11 EXECUTIVE DIRECTOR TORTORICI: I believe  
12 that the working group is populated mostly by members  
13 of the Deputy Mayor for Health and Human Services,  
14 Anne Williams-Isom's team. MOIA participates as well,  
15 and it's an information exchange as well as an  
16 opportunity to provide training on how to distribute  
17 and talk about City resources and services.

18 CO-CHAIRPERSON AVILÉS: Are they offering  
19 funding to this group?

20 EXECUTIVE DIRECTOR TORTORICI: To my  
21 knowledge, there is no funding involved.

22 CO-CHAIRPERSON AVILÉS: In terms of, the  
23 RHY providers have reported that there have been long  
24 wait lists for immigration assistance at their sites.  
25 How is MOIA coordinating pro bono immigration

2 attorneys and legal services to support the RHY  
3 providers?

4 EXECUTIVE DIRECTOR TORTORICI: The only  
5 coordination that MOIA has engaged in with respect to  
6 immigration legal services at the RHY sites has been  
7 the sprint over the summer. Aside from that, MOIA is  
8 required by Local Law 4 to provide an annual  
9 presentation to RHY case managers and leadership with  
10 respect to the availability of immigration legal  
11 services citywide, and we do that on a regular basis,  
12 well, annually, and I think more than 6,400 youth  
13 received information that was provided over the past  
14 approximately calendar year.

15 CO-CHAIRPERSON AVILÉS: So the sprint is  
16 over? Are you not doing that work anymore? It was  
17 just that surge during the summer?

18 EXECUTIVE DIRECTOR TORTORICI: It was  
19 through August 31st.

20 CO-CHAIRPERSON AVILÉS: Does MOIA have  
21 plans to continue to do this work given the numbers  
22 haven't decreased?

23 EXECUTIVE DIRECTOR TORTORICI: As you  
24 know, MOIA's immigration legal service programs are  
25 in a transitional period with the issuance of the new

1 procurement, and so after that process is concluded,  
2 we will look to the providers and what they may be  
3 able to provide and the places where resources and  
4 support are needed and make those connections as best  
5 we can.  
6

7 CO-CHAIRPERSON AVILÉS: That's concerning.  
8 How is MOIA coordinating with minors that aren't  
9 going through ORR at the border? Does MOIA have a  
10 mechanism to ensure those minors are still receiving  
11 specialized services for their age group?

12 EXECUTIVE DIRECTOR TORTORICI: Other than  
13 ensuring that the Action NYC hotline and all of our  
14 community and legal service partners screen and refer  
15 immigrant youth to ICARE for immigration legal  
16 services as well as the broad distribution of  
17 information about those service entry points that I  
18 referenced earlier, we do not have mechanisms, but  
19 those are the two main ones.

20 CO-CHAIRPERSON AVILÉS: So in terms of,  
21 I'd like to shift over to OASO very quickly. Is it  
22 true that OASO is now handling Special Immigrant  
23 Juvenile Status cases?

24 EXECUTIVE DIRECTOR GINDLER: I can answer  
25 that. Hi, everyone. My name is Masha Gindler. I

1 haven't had a chance to introduce myself. I'm the  
2 Executive Director of the Asylum Application Help  
3 Center and historically we focused on asylum, TPS,  
4 and work authorization. However, we were interested  
5 in doing a pilot to see if we could do SIJS cases pro  
6 se, and we have concluded that pilot. We consider it  
7 to have been successful. We focus on doing SIJS for  
8 20-year-olds that can't be referred to providers and  
9 are at risk of aging out of the support.  
10

11 CO-CHAIRPERSON AVILÉS: I'm sorry, did you  
12 say that it was successful? Can you tell us more  
13 about the numbers and what made it successful?

14 EXECUTIVE DIRECTOR GINDLER: So, we wanted  
15 to make sure that this is done right so we've now  
16 filed 39 SIJS cases and, of those, all but two were  
17 successful in getting the family court orders that we  
18 were able to send over to USCIS and, of those cases,  
19 two have received SIJS status, and the rest we're  
20 still waiting on, but we were concerned about, we  
21 wanted to see if we were able to get the family court  
22 orders needed to send to USCIS and we found that in  
23 95 percent of our cases so far, we were able to.

24 CO-CHAIRPERSON AVILÉS: So it sounds like  
25 in these cases, they were 20-year-olds, which is



2 better than what we are hearing, but with only two  
3 granted, how are you planning to remain with those  
4 cases to make sure that they are indeed successful?

5 EXECUTIVE DIRECTOR GINDLER: It's a good  
6 question. So, for those two that are granted, when I  
7 say successful, I mean that they got SIJS status,  
8 deferred action, and we're able to bring them back  
9 and apply them for work authorization, but it's true  
10 that ultimately what's best for those clients is to  
11 eventually get connected to full representation. But  
12 I think just as we do with asylum, our role in the  
13 ecosystem is try to prevent people from aging out and  
14 give as many people support as we can, knowing that  
15 we're adding to the ecosystem, not substituting it.  
16 We ultimately are a pro se model, and we wanted to be  
17 able to do this to be as helpful as possible to the  
18 scenario that we're seeing.

19 CO-CHAIRPERSON AVILÉS: I mean, as you  
20 heard in the testimony earlier, pro se model is not  
21 an appropriate model for SIJS cases. Why do you  
22 believe that it's an appropriate model?

23 EXECUTIVE DIRECTOR GINDLER: I think it  
24 depends. I think pro se model for 20-year-olds is  
25 appropriate because what we're looking at is these

2 folks might have not been served at all if we weren't  
3 able to do these emergency SIJS because for a lot of  
4 the really amazing legal service providers that are  
5 doing this work, and to whom we refer cases to as  
6 well, we see them under 20. They have limitations  
7 about the folks being unaccompanied minors and being  
8 at least 18 months from 21, in many cases, being  
9 ordered removed so there's some understandable gaps  
10 in the system that we hope to be helpful with.

11 CO-CHAIRPERSON AVILÉS: What does that  
12 mean, hope to be helpful? So, we have a return, we  
13 need legal representation. What does that mean? What  
14 is OASO going to do for those cases?

15 EXECUTIVE DIRECTOR GINDLER: I would say  
16 hope to be helpful in scenario A, and it's a scenario  
17 where we don't provide the support. Those individuals  
18 probably would not get any legal support at all, and  
19 would just age out of being eligible for SIJS and  
20 miss that opportunity. What we're able to do, while  
21 it's not full legal representation, is preserve them  
22 to make sure that they're able to file and be  
23 eligible for SIJS in time before they hit 21. We're  
24 helping kids that are often, I mean, I shouldn't say  
25 kids, kids loosely, but we're helping young adults

2 that are weeks away from turning 21, and so we want  
3 to be able to preserve that, submit their documents  
4 to USCIS, most likely once we get the family court  
5 documents, get them the SIJS status, and then they  
6 have time now to be able to get additional supports  
7 to get that green card down the line. As we heard,  
8 there's long lines for that process.

9 CO-CHAIRPERSON AVILÉS: So, in terms of  
10 this group of cases, your pilot cases, were all of  
11 them screened to make sure that they were a year  
12 before their 21st birthday?

13 EXECUTIVE DIRECTOR GINDLER: Yes, exactly.

14 CO-CHAIRPERSON AVILÉS: Are you screening  
15 and putting anyone through the system that is right  
16 ready to turn 21, like a couple months before their  
17 21st birthday?

18 EXECUTIVE DIRECTOR GINDLER: At the  
19 moment, in the pilot phase, we're focusing on folks  
20 that are like four weeks out of turning 21.

21 CO-CHAIRPERSON AVILÉS: Why would you do  
22 that?

23 EXECUTIVE DIRECTOR GINDLER: When we were  
24 doing the pilot program, we had to prioritize the  
25 cases that were going to age out for us to figure out

1 how to do it, to make sure we can do it, to make sure  
2 that we figure out all the kinks in the pro se model,  
3 and so it made most sense to focus on those that are  
4 about to age out, and also those individuals are not  
5 cases we could refer to legal service providers.  
6

7 CO-CHAIRPERSON AVILÉS: So, you know those  
8 are cases you're not going to be able to get legal  
9 service provision for, but you open them up and push  
10 them through anyway, knowing potentially you may not  
11 even get a response for the petition within that  
12 time? It just seems utterly irresponsible to do that.

13 EXECUTIVE DIRECTOR GINDLER: I want to  
14 know a little bit more about what you mean, because  
15 from our perspective, these are individuals that  
16 essentially in a couple weeks will never be eligible  
17 for SIJS, but due to us walking them through the  
18 process and helping them fill out the pro se motions,  
19 they are able to, in 95 percent of our cases so far  
20 in the pilot phase, able to get the family court  
21 documents they need to submit with USCIS, and then  
22 we're able to apply them for work authorization, and  
23 we would be able to put in a motion to stop removal  
24 proceedings as well if needed so it seems, I think  
25 that the complications around pro se model for SIJS

1 are real and interesting and things we need to  
2 continue discussing, and I respect the positions of  
3 folks about where the line of pro se for younger  
4 adults is, but at the end of the day, these are  
5 people that would be forever left out of the option  
6 to be getting SIJS, deferred action, and potentially  
7 a green card unless we stepped in in these cases so  
8 far.  
9

10 CO-CHAIRPERSON AVILÉS: There's a lot to  
11 disagree with you. It seems like OASO has a knack for  
12 just starting stuff and walking away, and the  
13 implications around that are quite severe, and it  
14 seems like a little bit of malpractice to open up  
15 something when you know you won't be able to help.  
16 They will not be able to access legal services and  
17 put them in direct jeopardy for not being able to  
18 actually get any relief at all. It seems utterly  
19 irresponsible.

20 EXECUTIVE DIRECTOR GINDLER: I would say  
21 we conducted this work in partnership with a lot of  
22 practitioners in the areas and CBOs, and we felt like  
23 the way that we're going about it does not result in  
24 any negative impact on the individual and would  
25 result in either a positive...

1  
2 CO-CHAIRPERSON AVILÉS: You did 39  
3 applications. You only have two approved. How are you  
4 claiming, unless the standard here is filling out  
5 paperwork, if that's our outcome measure of success,  
6 is filling out the paperwork, then we're amazing, but  
7 that is not the outcome of success, correct?

8 EXECUTIVE DIRECTOR GINDLER: Of course  
9 not.

10 CO-CHAIRPERSON AVILÉS: I think while  
11 you're obviously making a good effort, and this is  
12 not to say that you have different interests, that is  
13 not a measure of success here, and to claim to use a  
14 model that we know does not work for this population,  
15 to use a metric of how many petitions you were able  
16 to file is not okay. It's a little bit of a shell  
17 game. I think we need to be honest here. This is City  
18 resources that we have to invest appropriately to  
19 protect people and to support them. If we know this  
20 is not going to work in the long term, investing in  
21 it because we did a bunch of applications doesn't  
22 make any sense to me.

23 I think with that, I'm going to turn it  
24 over to my Chair. We have a lot more questions. Thank  
25 you.

CO-CHAIRPERSON STEVENS: Hi. Good afternoon. This has been a long hearing, so let me know if anybody needs a break to go to the bathroom or something so I can understand.

My first set of questions will be for DYCD, so if other members want to step away, you can do that now. You have a couple of minutes. The public reporting from April 2023 revealed that DYCD Runaway and Homeless Youth Service Director asked for detailed information for 16- to 17-year-olds on behalf of ACS and ICE. Since 2022, have ACS or DYCD shared information about any youth or child with ICE?

ASSISTANT COMMISSIONER DR. WILKERSON:  
Thank you. DYCD does not and has never shared information, personal information, about youth with any immigration enforcement agency.

CO-CHAIRPERSON STEVENS: In April 2023, a spokesman from City Hall stated that City agencies are trying to figure out how to make a referral to the Office of Refugee Settlement, ORR, which serves unaccompanied youth. Has the information been available to successfully refer youth to ORR?

ASSISTANT COMMISSIONER DR. WILKERSON: The question is have we successfully referred individuals

1 to ORR? We do not refer youth directly to ORR.  
2  
3 Typically, if a youth is in our care and they have  
4 been in ORR's custody, we would provide the youth  
5 that information for them to make that connection  
6 themselves.

7 CO-CHAIRPERSON STEVENS: So you haven't,  
8 so no?

9 ASSISTANT COMMISSIONER DR. WILKERSON: No.

10 CO-CHAIRPERSON STEVENS: Okay. The MRR  
11 shows that drop-in centers, crisis service providers,  
12 and TILs for both youth and homeless young adults  
13 have increased and providers are nearly or have  
14 reached capacity. Furthermore, according to DYCD and  
15 Local 79's report, 1,127 youth were unable to secure  
16 a bed between January and June of this year, a sharp  
17 increase from the prior six months. As the number of  
18 unaccompanied migrating youth continues to increase,  
19 what other measures does DYCD plan to implement to  
20 ensure that we are not turning children away due to  
21 lack of beds?

22 ASSISTANT COMMISSIONER DR. WILKERSON: At  
23 DYCD, we try to make the best use of all the  
24 resources that we have available to us. If a youth is  
25 seeking a bed in a DYCD program and one is not



1 available, we would try to make sure that that young  
2 person is connected to whatever available resource  
3 they're eligible for.

4  
5 CO-CHAIRPERSON STEVENS: So could you give  
6 an example because this is one of the things I've  
7 been yelling about for the last three years so  
8 welcome to the party. Susan knows this. I've been  
9 talking about getting more beds. And so what does  
10 that look like because, you know, this report, I know  
11 I had conversations with you guys offline about this,  
12 but this report obviously is chilling that we're  
13 turning any young person away, let alone almost 1,100  
14 young people, and so if they're not being referred to  
15 a bed, what does it look like? What is the process?  
16 So, what are those other services that they would be  
17 receiving?

18 ASSISTANT COMMISSIONER DR. WILKERSON: If  
19 they're eligible to go into DHS, then they would be  
20 connected to DHS. If they're a migrant and they can  
21 go to a HERRC, we would make that connection as well.  
22 If they're sometimes minors that need to be connected  
23 with ACS resources, so for each case, we would assess  
24 based on their age, their need, their circumstance,

1  
2 what other resources are they eligible for, and we  
3 would connect them to those.

4 CO-CHAIRPERSON STEVENS: Okay. I mean,  
5 because, you know, it gets very cringey when I start  
6 to hear we're referring young people to DHS because  
7 one of the reasons we have separate systems because  
8 we don't want them to go there because they don't  
9 have, they're not getting the supports that they  
10 need, and so just, you know, I think I ask this every  
11 hearing so do you guys believe we need more beds at  
12 this point? I know I ask this all the time and I  
13 never get a straight answer, but at this point from  
14 this report, does DYCD believe that we need more beds  
15 for young people? No? Yes? Maybe? No?

16 ASSISTANT COMMISSIONER DR. WILKERSON: I  
17 think that we would continue to work to utilize..

18 CO-CHAIRPERSON STEVENS: With the lack of  
19 resources you have. All right. The lack of resources  
20 that you got, got it. I'm going to go on the record  
21 for saying, of course we need more beds and we're  
22 going to continue to fight for it because turning  
23 away this amount of young people, even if we're  
24 referring them to other things, does not make sense  
25 because we know that we have this carveout for

2 specific reasons because they need a level of care  
3 that other folks aren't able to provide, and so  
4 what's the contingency plan as these numbers continue  
5 to rise, right, so when we're thinking about, we had  
6 this report, we're looking at it, so how are you  
7 using this information to now change whatever  
8 policies, other than saying that we're going to, you  
9 know, refer them other places. Are you guys making  
10 other plans? Are we going to our favorite person in  
11 City government, Jacques, and asking for more money  
12 for additional beds? What are some plans that we're  
13 putting in place to use this data to kind of help us  
14 push forward the conversation?

15 DEPUTY COMMISSIONER HASKELL: I mean, I  
16 think that's a fair question. We're going to continue  
17 to monitor these trends. This last reporting period  
18 is the first time we saw numbers like this, and I do  
19 want to say it doesn't mean that every young person  
20 who shows up in this report didn't ultimately get a  
21 bed. We're kind of reporting on people who there  
22 wasn't a bed available at the time that they  
23 presented so it may be somebody got a bed a little  
24 further down the line, and we do our best to remove  
25 any duplication, but there still could be some

2 duplication here so long story short, we're going to  
3 continue to monitor. In the previous period, at the  
4 end of 2023, it was the first time really ever we saw  
5 that we weren't generally able to place especially 16  
6 to 20-year-olds in bed so, you know, it would be  
7 great if these numbers declined, but if they, you  
8 know, whatever numbers we do see, to Amy's point,  
9 we're going to continue to make sure that they are  
10 referred to a service and that nobody is just flat  
11 out turned away without a resource.

12 CO-CHAIRPERSON STEVENS: Absolutely, and I  
13 think this is more about like making sure that you  
14 guys have the information so that we can use that  
15 information to guide where we need to put resources,  
16 because I think that for the last two years, we knew  
17 this was coming and somewhat happening already, but  
18 now these numbers, we have the information where  
19 we're like we can't deny that this isn't happening  
20 anymore. I think we were able to kind of say, okay,  
21 well, it's happening, we see the trend, especially  
22 with a lot of us young people and asylum seekers  
23 coming into the city. We were kind of ignored in the  
24 process. Like, let's not forget that, even around  
25 young people being a part of this conversation so

1 thank you to the Chair for even helping to bring this  
2 to light, where a lot of the conversations, we had  
3 multiple hearings on the asylum seekers and, you  
4 know, you guys have 30 seconds. If I didn't ask  
5 questions, no one asks questions about you, and so I  
6 think that it's time for us to make sure that in this  
7 process that we are getting our fair share of the  
8 resources in this process to ensure that the young  
9 people are getting the things that they need so I'm  
10 going to continue to beat this drum because you can't  
11 do the work if you don't have the resources, and so  
12 we can refer out as much as we want, but that's not  
13 going to work because we don't have the resources to  
14 do the work that we know we do well.

16 How does DYCD track the number of migrant  
17 youth in RHYS? Because I don't even think you guys  
18 track this, correct?

19 ASSISTANT COMMISSIONER DR. WILKERSON: We  
20 don't track the number of...

21 CO-CHAIRPERSON STEVENS: And do you guys  
22 think that this is something that you should look to  
23 start tracking, especially with, and not in the sense  
24 of tracking, but I think some of this data is kind of  
25 needed at this point because we see there's been such

1 a sharp increase in the numbers, especially with  
2 young people turning away and thinking about they  
3 need specific resources and a different type of  
4 resources so do you think this is something that we  
5 can start thinking about or maybe working together to  
6 start to develop because I know I hate to put more  
7 work on providers because this would be more work on  
8 providers, but do we think that this is something we  
9 should start to look into so that we can then also  
10 equip providers with the adequate resources to serve  
11 this specific population?  
12

13 ASSISTANT COMMISSIONER DR. WILKERSON: I  
14 mean, DYCD is working closely with our providers and,  
15 although we're not tracking specifically that  
16 information, our providers are working one-on-one  
17 with youth and young adults that come into the system  
18 and assessing their needs and communicating back to  
19 us what those needs are for us to assist them with  
20 getting the supports that they need to carry out  
21 their responsibilities appropriately, and I think  
22 that we would continue to do that moving forward.

23 CO-CHAIRPERSON STEVENS: Okay. I mean, and  
24 I think speaking to the providers, they kind of do  
25 this unintentionally already, but just for me, it's

1 always thinking about how do we maximize, and I know  
2 we should be a data-driven City but sometimes we're  
3 not, and so I think this is something we should  
4 definitely even just be thinking about, even if it's  
5 for a short period of time as we are seeing the  
6 numbers that are coming in, because then that helps  
7 us, especially on the Council side, to be able to  
8 say, well, this is what's happening, this is the  
9 increase, and not just have antidotes, and so  
10 definitely want to talk and think about further of  
11 how this could possibly happen.

12  
13 How are resources being allocated to  
14 adjust the capacity issues in most impacted areas,  
15 such as Manhattan drop-in centers and shelters?

16 DEPUTY COMMISSIONER HASKELL: I think we,  
17 first of all, we have a very, like, a good  
18 communication between our programs and providers so  
19 we're convening them regularly, there's a lot of  
20 conversation. They work together on their own. We  
21 work to support their coordination. So, if a young  
22 person, for example, was, like, presenting in the  
23 Bronx and was looking for a resource that wasn't  
24 available, we definitely have a mechanism for  
25 communicating that beds are available over here, for

1 example, or that a resource is available over there  
2 so I think staying in close coordination,  
3 communication about that. I don't really have, like,  
4 specific data about the trends in Manhattan right  
5 now, but I do feel that that has, like, diffused to  
6 some degree. Yes, there's still demands in Manhattan,  
7 but we're kind of looking comprehensively across the  
8 system about what's available.

10 CO-CHAIRPERSON STEVENS: Just a quick  
11 question. Even around, like, the drop-in centers, I'm  
12 hearing that in the Bronx, the drop-in center, I know  
13 that we switched over to the Door, so we currently  
14 don't have a 24-hour drop-in center in the Bronx. Do  
15 you know when that would be switching over?

16 ASSISTANT COMMISSIONER DR. WILKERSON: The  
17 Door was so gracious to start up a 24-hour drop-in  
18 center in the Bronx for us, and they've been working  
19 to continuously expand their hours from the time that  
20 they took the contract until now. The anticipated  
21 completely 24-hour date would be November 1st.

22 CO-CHAIRPERSON STEVENS: Okay. Oh, so  
23 that's soon?

24 ASSISTANT COMMISSIONER DR. WILKERSON:  
25 Yes.



1  
2 CO-CHAIRPERSON STEVENS: Oh, amazing.  
3 Great. That sounds great. Let me write that down  
4 because, you know, I forget everything. November 1st.  
5 All right, well, I'll follow up. Thank you.

6 There are only 60 residential available  
7 for homeless younger adults, 21 to 24. According to  
8 the MRR, the utilization rates of homeless young  
9 adult crisis services was 97 percent, while TIL  
10 programs operated at 99 percent capacity. The full  
11 utilization of both crisis and TIL programs indicates  
12 a system operating at its limits. Does this agency  
13 believe it is appropriate to increase the number of  
14 beds to better serve the homeless young adults  
15 because the utilization rates are going up, so.

16 ASSISTANT COMMISSIONER DR. WILKERSON: I  
17 would definitely agree with you that utilization  
18 rates have been going up from year to year, but we're  
19 going to continue to use the resources that we have  
20 available to do the best that we can for the young  
21 people that we're serving.

22 CO-CHAIRPERSON STEVENS: That's a good  
23 one. We're going to use the resources that we got. I  
24 got it. I mean, honestly, you don't have a choice but  
25 to do that, but, you know, I think that there needs

1 to be some type of plan that we're making because if  
2 we're at 97 and 99, we are literally on the brinks of  
3 capacity and even, I feel like at 97, 99, we are at  
4 capacity so if there's no contingency plan on how to  
5 move forward then I feel like we are not prepared so  
6 definitely want us to start working and thinking  
7 about what is this plan and how do we work for it,  
8 especially as we enter budget season. Like, I think  
9 that it's going to be important that there's some  
10 type of strategy or plan, although we know that  
11 you're using all the resources that you have now,  
12 right?  
13

14 In 2023, DYCD implemented a no-sleep  
15 policy at the City drop-in centers, despite the pleas  
16 for RHY providers to allow youths with nowhere to go  
17 to stay overnight. Is this policy still in effect?

18 ASSISTANT COMMISSIONER DR. WILKERSON:

19 Yes. Drop-in centers are not shelter.

20 CO-CHAIRPERSON STEVENS: Yeah, we know  
21 that, but we know the kids don't be having nowhere to  
22 go, and especially at 97 percent so do we tell them  
23 to sleep on a train? What are we doing?

24 ASSISTANT COMMISSIONER DR. WILKERSON:

25 They can definitely utilize the drop-in centers 24

1 hours a day. That is not a problem. Just the  
2 distinction that a drop-in center is not a shelter  
3 and does not accommodate regular sleeping in the same  
4 way that a shelter would, but drop-in centers are  
5 open. They are available. They're there 24 hours. We  
6 do not want young people sleeping on trains. We want  
7 them to come into our drop-in centers and utilize  
8 that resource.  
9

10 CO-CHAIRPERSON STEVENS: Okay. So they can  
11 rest their eyes. That's what we're saying, right?  
12 They can rest their eyes a little bit? We're not  
13 going to kick them out. Resting their eyes is okay?  
14 Okay.

15 DEPUTY COMMISSIONER HASKELL: Resting is  
16 for everyone. It's always important.

17 CO-CHAIRPERSON STEVENS: Okay, great.  
18 They're resting their eyes. That's what we're saying.  
19 Great.

20 Providers have reported that DYCD has  
21 considered expanding the length of stay for youth  
22 under 21 until they secure shelter. When will this  
23 policy officially go into effect, and what metrics  
24 will be used to monitor the impact of extended stay,  
25

1 and how will the policy be adjusted if it  
2 significantly worsens?  
3

4 ASSISTANT COMMISSIONER DR. WILKERSON:  
5 Extending the length of stay up to two years, the  
6 length of stay that we already implemented? Could you  
7 ask me your question one more time?

8 CO-CHAIRPERSON STEVENS: Oh, I'm sorry.  
9 When will this policy take effect, and what metrics  
10 will you use to monitor the impact of the extended  
11 stay?

12 ASSISTANT COMMISSIONER DR. WILKERSON:  
13 This policy took effect in 2019.

14 DEPUTY COMMISSIONER HASKELL: A few years  
15 ago, yeah.

16 ASSISTANT COMMISSIONER DR. WILKERSON: It  
17 was approximately three or four years ago that the  
18 policy took effect so I think that it's difficult to  
19 pinpoint what is really causing the increase in our  
20 length of stay and utilization and things like that,  
21 but the increase from the 18 months to the two years  
22 has been in effect for quite some time and could be a  
23 factor attributing to some of that.

24 CO-CHAIRPERSON STEVENS: Okay. What  
25 metrics are being considered to manage capacity given

1  
2 the number of youth being turned away may increase  
3 due to the extended stay?

4 ASSISTANT COMMISSIONER DR. WILKERSON:  
5 Give me that question one more time.

6 CO-CHAIRPERSON STEVENS: So now that you  
7 know that young people are staying a little, I mean,  
8 are granted to stay longer until they secure housing,  
9 are there any measures being put in place because if  
10 they're staying longer, then that means someone else  
11 can't be there, so how are we balancing this out?

12 ASSISTANT COMMISSIONER DR. WILKERSON: I  
13 think that we have 813 beds, so we have to continue  
14 to use the resources that are available to us across  
15 the continuum...

16 CO-CHAIRPERSON STEVENS: That's a line. I  
17 love it.

18 ASSISTANT COMMISSIONER DR. WILKERSON: Of  
19 homeless system programs that are available that meet  
20 their needs.

21 CO-CHAIRPERSON STEVENS: Okay. The  
22 monitoring period for right-to-shelter settlement for  
23 16- to 18-year-olds ended in December 31, 2023. Does  
24 DYCD still recognize and guarantee right-to-shelter  
25

1 for 16- to 17-year-olds in New York? If so, how is  
2 this right currently being enforced?

3  
4 ASSISTANT COMMISSIONER DR. WILKERSON: I  
5 think that the terminology right-to-shelter is not  
6 directly applicable in that way, but DYCD does  
7 prioritize the placement of 16-year- and 17-year-olds  
8 in two RHY beds if they're in need so, if a young  
9 person who's under the age of 18 who's a minor does  
10 present themselves at an RHY program and they are in  
11 need of a bed, they would be given first priority,  
12 and they would not be turned away. Let me just be  
13 clear with that. We would not turn them away. We  
14 would not discharge them to homelessness. We would  
15 make sure that they either got a DYCD bed or another  
16 bed that they were eligible for. Sometimes we make  
17 connections with ACS if that's an appropriate  
18 resource for them.

19 CO-CHAIRPERSON STEVENS: Okay. Just a  
20 couple more questions, and then, ACS, we will welcome  
21 you to the party.

22 Providers have stated that unaccompanied  
23 migrant youth have largely learned about RHY  
24 facilities through word of mouth. How can the HERRCs  
25 better coordinate with DYCD to ensure that youth are

2 informed of the youth shelter system upon their  
3 arrival?

4 ASSISTANT COMMISSIONER DR. WILKERSON: I  
5 just want to state that youth learn about services  
6 through word of mouth is like a culture.

7 CO-CHAIRPERSON STEVENS: Yeah.

8 ASSISTANT COMMISSIONER DR. WILKERSON: You  
9 know, through most of the young people that come into  
10 DYCD's RHY programs express that they heard about the  
11 program through someone else. This is a common thing,  
12 through a friend, and that's why we really encourage  
13 peer-to-peer work, but we've developed relationships  
14 with the HERRCS, the reticketing centers, all of the  
15 other City entities that are doing the residential  
16 work with migrants to be able to share with them our  
17 resources so they know what we do, how to access it,  
18 and how to make those connections.

19 CO-CHAIRPERSON STEVENS: Yeah. I mean,  
20 absolutely. Most of our programs are through word of  
21 mouth, and that's what they usually do, but I think  
22 especially with young people coming in from other  
23 countries, we have to do a better effort because, you  
24 know, it's just a little different, and especially in  
25 New York, sometimes it gets really hard to navigate

1 through all the bureaucracy, and so especially for  
2 the young people, we should definitely try to just  
3 make sure we're just coordinating with the HERRCs and  
4 making sure that we're trying to capture those young  
5 people as soon as possible.  
6

7 ASSISTANT COMMISSIONER DR. WILKERSON:  
8 Definitely. We're definitely working in that way  
9 collaboratively with those entities.

10 CO-CHAIRPERSON STEVENS: Are individuals  
11 eligible to receive services at the Asylum Seeker  
12 Help Center if they are residing in DYCD shelters?

13 ASSISTANT COMMISSIONER DR. WILKERSON:  
14 Yes.

15 CO-CHAIRPERSON STEVENS: Providers have  
16 noted that challenges for using Language Line to  
17 offer sensitive care for youth in some language  
18 remain difficult to support through existing  
19 resources. Given these limitations, would the agency  
20 consider allocating additional financial support to  
21 expand in-person interpretation services for RHY  
22 providers? Say yes so then I could fight for it.

23 ASSISTANT COMMISSIONER DR. WILKERSON:  
24 We've definitely...



1  
2 CO-CHAIRPERSON STEVENS: You would love  
3 it, right?

4 ASSISTANT COMMISSIONER DR. WILKERSON:  
5 We've definitely...

6 CO-CHAIRPERSON STEVENS: It would be  
7 great.

8 ASSISTANT COMMISSIONER DR. WILKERSON:  
9 We've definitely extended the Language Line as a  
10 resource for our providers. Language Line was not  
11 available to our providers 24 hours a day previously,  
12 so we've put a lot of emphasis in making Language  
13 Line universally available to everyone so that they  
14 can communicate with our youth in all of the various  
15 languages that we're seeing now, which is a change in  
16 the culture of what we've typically seen in RHY.  
17 We're going to continue that. Not opposed to  
18 providers using community-based resources as much as  
19 possible. We've actually had some conversations with  
20 them about them utilizing interpretation from  
21 community-based organizations.

22 CO-CHAIRPERSON STEVENS: Yeah, so we'll  
23 figure out how to get some funding for that so great,  
24 you guys agree.

25

CO-CHAIRPERSON AVILÉS: Is that a funded effort? Will that be funded effort, or are you going to ask community-based organizations to depend on volunteers in their community to subsidize the City work?

CO-CHAIRPERSON STEVENS: No, Alexa. We're going to ask for it in the budget this year because we know it's not funded.

ASSISTANT COMMISSIONER DR. WILKERSON:  
Some of our providers have expressed having partnerships and also the ability to make those relationships on their own so we just tried to connect them with those entities that do that work.

CO-CHAIRPERSON STEVENS: Yeah, and I know some of the providers have been using other folks who are there and some of the participants and staff who are in those other languages, but it's definitely a need.

Given the influx of unaccompanied youth in DYCD providing additional training focused on social, emotional learning support so that they can better serve the population additionally, how has DYCD incorporated feedback from providers to

2 implement policy changes in response to the growing  
3 needs?

4 DEPUTY COMMISSIONER HASKELL: (INAUDIBLE)

5 CO-CHAIRPERSON STEVENS: You can talk into  
6 the mic, Susan.

7 DEPUTY COMMISSIONER HASKELL: Feedback  
8 from providers has been essential because as this  
9 migrant and new arrivals has increased, we're  
10 learning what's needed, and we're learning that from  
11 providers so the need for legal services was  
12 certainly uplifted, the need for language services  
13 are certainly uplifted, and I think we've done our  
14 best to make sure to tap into available resources,  
15 including the resources that have been outlined by my  
16 colleagues here today to target those specifically  
17 towards runaway and homeless youth. We really  
18 appreciate that, and we keep those very active  
19 coordination meetings alive so that we can tap into  
20 what is needed, what providers are lifting up to us  
21 in meetings and on-site visits.

22 CO-CHAIRPERSON STEVENS: Thank you. Last  
23 question for DYCD. What are the policies that are in  
24 place at DYCD to ensure that the clients are aware of  
25 their right to enroll in education, including

2 transfer high schools, and how does DYCD connect  
3 their clients to DOE to coordinate their enrollment?

4 DEPUTY COMMISSIONER HASKELL: Well, I'll  
5 start by saying that Department of Education has been  
6 a great partner and is very active in our regular  
7 coordination meetings. Sometimes New York City Public  
8 Schools is lifting up needs that DYCD can be helpful  
9 with, and at the same time, DYCD may be lifting up  
10 needs that young people can benefit from in terms of  
11 like enrollment center or specific situations so I  
12 think we just stay connected, and we do, frankly, a  
13 fair amount of case management if there are  
14 circumstances where something is needed and there  
15 seems to be a barrier.

16 CO-CHAIRPERSON STEVENS: Thank you.

17 ASSISTANT COMMISSIONER DR. WILKERSON: I  
18 want to just also add that DOE is regularly  
19 presenting to our providers at our provider meetings  
20 to explain to them the resources that are available  
21 for our young people and how to make those  
22 connections. We've also tried to do some  
23 partnerships, and one of our drop-ins actually did  
24 partner with the DOE to have an on-site enrollment  
25 event where young people can come and get directly

1 enrolled in academic programs through the DOE at the  
2 drop-in center so we're trying to continue to build  
3 out those kinds of relationships.

4  
5 CO-CHAIRPERSON AVILÉS: I just have a  
6 quick follow-up to make sure I understood correctly.  
7 So as far as we understood, the RHY programs lacked  
8 referral access to the asylum application help  
9 center, but you just said that that is not the case.  
10 Can you clarify for the record?

11 ASSISTANT COMMISSIONER DR. WILKERSON:  
12 Yeah, that is not the case. We had been in the  
13 process of building out an approach of how to make  
14 those referrals, that we spoke with our providers at  
15 the most recent provider meeting and provided them  
16 that step-by-step for how they can make those direct  
17 connections from DYCD-funded RHY programs to the  
18 asylum seeker help center.

19 CO-CHAIRPERSON AVILÉS: And how many have  
20 been made so far?

21 ASSISTANT COMMISSIONER DR. WILKERSON:  
22 It's only been one week so I don't know if they sent  
23 any...

24 CO-CHAIRPERSON AVILÉS: Just in time for  
25 this hearing.

2 ASSISTANT COMMISSIONER DR. WILKERSON: I  
3 don't know if they sent any on Friday or not, but it  
4 wasn't really connected to the hearing, I don't  
5 think, because it was something we had been working  
6 on for quite some time, and we just happened to share  
7 the information.

8 CO-CHAIRPERSON AVILÉS: Okay, so I guess  
9 we look forward to hearing how that direct connection  
10 is materializing, and also what it looks like for  
11 SIJS cases as well, in particular.

12 Is there any particular timeframe or  
13 milestones that are set up as part of this,  
14 addressing this gap, or making the reconnection?

15 ASSISTANT COMMISSIONER DR. WILKERSON:  
16 Well, I mean, I think that in the sprint process, our  
17 providers did a really good job of referring all of  
18 the individuals that were currently in our programs  
19 that had not been screened for screening, but we  
20 still had kind of the gap for the over-21-year-olds,  
21 which we think that this relationship is really going  
22 to help support so we want to just keep a track of  
23 who's making the referrals and continue to provide  
24 support to our providers so they can make those  
25 connections, and we can troubleshoot if things go

2 awry, so we can ensure that every young person gets  
3 connected to the legal resources that they need.

4 CO-CHAIRPERSON AVILÉS: So as of last  
5 week, all the providers are aware they can make  
6 direct referrals?

7 ASSISTANT COMMISSIONER DR. WILKERSON:  
8 Yes.

9 CO-CHAIRPERSON AVILÉS: Okay. Thank you.

10 CO-CHAIRPERSON STEVENS: I have a couple  
11 questions, but I'm going to pass it to Council Member  
12 Joseph so she can ask some questions, and then I'll  
13 pass it back to me.

14 COUNCIL MEMBER JOSEPH: Thank you, Chairs.  
15 Good afternoon.

16 Just a couple of questions around, how  
17 long does it take an unaccompanied minor to see a  
18 judge?

19 DEPUTY COMMISSIONER GENDELL: Are you  
20 asking ACS that question?

21 COUNCIL MEMBER JOSEPH: Yeah.

22 DEPUTY COMMISSIONER GENDELL: So, ACS  
23 wouldn't be involved in the legal case of an  
24 unaccompanied minor, so we wouldn't know the answer  
25

1 because they're being processed and in the care and  
2 custody of the federal government.

3  
4 COUNCIL MEMBER JOSEPH: MOIA, can you  
5 answer that?

6 EXECUTIVE DIRECTOR TORTORICI: Yeah, I was  
7 only going to respond that it would depend what type  
8 of judge, an immigration judge, a family lawyer.

9 COUNCIL MEMBER JOSEPH: Immigration judge.

10 EXECUTIVE DIRECTOR TORTORICI: It would  
11 depend on the specific case. It would depend upon  
12 when their first master calendar hearing in  
13 immigration court is scheduled via what's called a  
14 notice to appear, which is issued by Immigration and  
15 Customs.

16 COUNCIL MEMBER JOSEPH: Because we hear  
17 that young people are seen as young as five years old  
18 sitting in front of judges unaccompanied by an  
19 attorney.

20 EXECUTIVE DIRECTOR TORTORICI: It's a  
21 longstanding issue. There is no guaranteed right to  
22 counsel in federal immigration court, and that  
23 prejudices a great many youth that don't have an  
24 attorney.



1  
2 COUNCIL MEMBER JOSEPH: Wow. How many of  
3 the young people coming in unaccompanied are with  
4 disabilities and how are they being serviced?

5 DEPUTY COMMISSIONER GENDELL: Again, ACS  
6 doesn't have the care and custody of unaccompanied  
7 minors. They're in the care and custody of the  
8 federal government and ORR so we wouldn't have that  
9 information.

10 COUNCIL MEMBER JOSEPH: So, I guess I  
11 don't need to continue on my questions because you  
12 don't have any answers. Does the City and the Federal  
13 Government talk at all because these kids wind up in  
14 your custody. There's a handoff. Is there a  
15 conversation?

16 DEPUTY COMMISSIONER GENDELL: The  
17 overwhelming majority, thousands and thousands of  
18 young people who come across the border in the  
19 custody of ORR never interact with ACS. There's just  
20 a few ways that they would interact with ACS. One  
21 would be if their sponsor family needed prevention  
22 services like any other family, we would provide  
23 prevention services. If, unfortunately, there was  
24 abuse or neglect in their sponsor family, we would be  
25 notified through the SCR in a way of any abuse or

1 neglect. There are some young people in the care and  
2 custody of ORR where their care and custody, they all  
3 end at 18, and their immigration attorney and the  
4 agency working with that young person believe that  
5 they really need assistance beyond age 18, at which  
6 point we can work through our process to bring a  
7 young person from ORR care into foster care and  
8 provide foster care services to them so that their  
9 care and custody doesn't end at 18 with ORR.  
10

11 COUNCIL MEMBER JOSEPH: What type of  
12 support do you provide for the sponsor families?

13 DEPUTY COMMISSIONER GENDELL: We offer,  
14 and Louisa is probably the best situated here to talk  
15 about it, but we offer a full continuum of prevention  
16 services that are available regardless of immigration  
17 status to any family in New York City across the five  
18 boroughs. It's very individualized, but includes  
19 language access services. ACS provides in-person  
20 interpretation, written translation services for our  
21 own staff, but also for our prevention staff and our  
22 foster care staff. That's available to all of our  
23 providers if needed.

24 COUNCIL MEMBER JOSEPH: Of the young  
25 people you see, if any of them are trafficked, is

1 there any support in place for the ones that are, are  
2 they prioritized in getting support?  
3

4 DEPUTY COMMISSIONER GENDELL: So, we have  
5 services and support specifically tailored to help  
6 meet the needs of young people who've been  
7 trafficked, regardless of whether they were  
8 trafficked in this manner that you're describing or  
9 trafficked in general, and we have a really strong  
10 team of people working to provide assistance,  
11 support, counseling therapy, as well as  
12 identification for young people who've been  
13 trafficked.

14 COUNCIL MEMBER JOSEPH: There's a  
15 transition time period for these young people. What  
16 support is in place for them?

17 DEPUTY COMMISSIONER GENDELL: So, you mean  
18 from foster care?

19 COUNCIL MEMBER JOSEPH: Mmhmm.

20 DEPUTY COMMISSIONER GENDELL: So, young  
21 people in our care and custody, regardless of  
22 immigration status, are eligible for all the same  
23 services and supports, and so we would work with a  
24 young person who doesn't have a green card. The big  
25 difference would be working with them on their

2 immigration status and referring them for SIJS but,  
3 otherwise, they'd have the full panoply of services,  
4 healthcare, referrals for education, therapy. In this  
5 case, if they needed language access services, Fair  
6 Futures coaches, etc.

7 COUNCIL MEMBER JOSEPH: Thank you, Chairs.

8 CO-CHAIRPERSON STEVENS: Thank you. So, I  
9 have a number of questions. I just wanted to go back  
10 to ACS. Stephanie, when you were speaking before, you  
11 mentioned an age identification policy that ACS has.  
12 Can you share with us what that policy is?

13 DEPUTY COMMISSIONER GENDELL: Sure. It's  
14 more of a protocol and not a policy and, just to take  
15 a step back, most young people who are referred to  
16 ACS through any manner are indeed young people. The  
17 only reason we have a protocol is to this new issue  
18 that we faced where young people were coming to the  
19 United States and presenting to another government  
20 agency, usually the federal government, through ORR  
21 or people at the border, that they were an adult. It  
22 is only then later that they're saying they're a  
23 child so we were presented with conflicting  
24 information about whether the young person was indeed  
25 a child or an adult. That was a very new issue for

1  
2 ACS. As a result, this summer, we now do have a  
3 protocol in place. All of these cases will go to  
4 what's called the Office of Special Investigation as  
5 opposed to out to the five boroughs. The Office of  
6 Special Investigation is a Division of Child  
7 Protection Office that works, they handle all of the  
8 destitute minor cases, regardless of whether it's  
9 through this process we're talking about here so we  
10 thought that would be a good place for them to go.  
11 It's all centralized through OSI. Peninna is the  
12 Supervisor of the Borough on the legal side that  
13 brings those destitute minor petitions in court. The  
14 Child Protection Team is then supposed to talk to the  
15 young person in a trauma-informed way. They're  
16 trained by my ISLA team, who's also here today, about  
17 the trauma that young people and really anybody who  
18 has come through the border has faced and what that's  
19 like, and they are supposed to try to resolve, based  
20 on documentation, interviews, whether or not it is  
21 indeed a young person and, if they are a child and  
22 they seem to meet the definition of destitute, we  
23 would have a legal consult with Peninna and her team  
24 and she could talk about to bring a case in family  
25 court.

1  
2 CO-CHAIRPERSON STEVENS: Okay. And so,  
3 like you said, it's not a policy. It's kind of some  
4 stuff that you guys are putting together, but how do  
5 you share that with providers and folks, because I  
6 think there's some disconnect from people even  
7 knowing this and even us on the Council side.

8 DEPUTY COMMISSIONER GENDELL: Sure. I have  
9 a hard copy, but I'd be happy to share it as an email  
10 after this hearing. I believe most of the legal  
11 service providers working with these young people  
12 have it, but I can make sure they have it.

13 CO-CHAIRPERSON STEVENS: Okay. Thank you.

14 The number of children entering foster  
15 care rose 8 percent in Fiscal 2024, driven by an  
16 increase in teens entering care under destitute minor  
17 petition. The growth is largely due to the increase  
18 of unaccompanied minors in New York with no family  
19 connection. Given the increase in destitute minors in  
20 recent years, will the agency consider including this  
21 number as an indicator in the MMR moving forward?

22 DEPUTY COMMISSIONER GENDELL: So, I'd have  
23 to double check on how you add something to the MMR  
24 as a factor. I'm actually not totally sure. I can  
25 just clarify a little bit about those numbers just so

1 you have them. In Fiscal Year '23, there were 52  
2 placements of destitute children, and in Fiscal Year  
3 '24, it was 121, so an increase of 69 children. The  
4 total increase of children entering foster care  
5 between those two years was 227, so the increase in  
6 destitute minors is about one-third of the overall  
7 increase, but I'd have to talk to the data team about  
8 how you add something to the MMR.  
9

10 CO-CHAIRPERSON STEVENS: Okay. Well,  
11 you'll get back to us about that, right?

12 DEPUTY COMMISSIONER GENDELL: Yeah.

13 CO-CHAIRPERSON STEVENS: Great. What  
14 resources are made available to youth with destitute  
15 minor petitions? How does ACS verify and determine  
16 what resources a destitute minor is eligible for?

17 DEPUTY COMMISSIONER GENDELL: So, a  
18 destitute minor in foster care would be treated like  
19 any other child in foster care, and so there are  
20 children and youth in foster care who need help with  
21 their immigration status who didn't come in as  
22 destitute. They may have come in as abused or  
23 neglected, but for all of the young people, we work  
24 with the foster care agencies. They all have an  
25 immigration liaison. They are trained repeatedly by

1 my team about how to identify young people who need  
2 immigration assistance, at which point we work to  
3 refer them for legal assistance. Destitute minors and  
4 all children in foster care are then eligible for the  
5 full array of services we have for children, youth,  
6 and foster care.  
7

8 CO-CHAIRPERSON STEVENS: Okay. Do you have  
9 a breakdown of where the unaccompanied minors are  
10 being placed? Are they primarily going to group  
11 homes, traditional foster care, or other types of  
12 placements?

13 DEPUTY COMMISSIONER GENDELL: All of the  
14 above. So, whenever a young person or child is coming  
15 into foster care, we're looking for the best and most  
16 appropriate placement. We try really hard to place  
17 young people with kin who can be family or friends.  
18 We have found that...

19 CO-CHAIRPERSON STEVENS: Do you have like  
20 a breakdown of numbers of like where that might be or  
21 like percentage of like are a percentage of going  
22 done with kinship and foster care?

23 DEPUTY COMMISSIONER GENDELL: So, I do for  
24 the total system, I know, but we don't track young  
25 people differently based on their immigration status.



1 so I know about 8 percent of young people are in  
2 group homes and over half go to kinship and the rest  
3 are in non-kinship foster homes, but we don't break  
4 it down by their immigration status.  
5

6 CO-CHAIRPERSON STEVENS: Okay, because I  
7 know, and this is again, like I think that the same  
8 thing I said with DYCD. I think that, you know, we  
9 know that these young people need like additional  
10 services and so I think that we are at a point where  
11 we kind of need to take note of like who these young  
12 people are because they have specific needs and they  
13 have specific things that they need and so that helps  
14 us be able to fight to make sure that the additional  
15 services that's needed are going to where they need  
16 to be.

17 DEPUTY COMMISSIONER GENDELL: Right. I can  
18 give you an example of how we're doing that. So, my  
19 team, which I oversee language access, we provide  
20 language access services at the Children's Center,  
21 which is where a number of young people and many  
22 young people entering foster care are first in the  
23 Children's Center, not all. If there is a young  
24 person at the Children's Center who doesn't speak  
25 English, we make sure that they have an interpreter

1 on site for the period of time they're at the  
2 Children's Center, which in the summer is many more  
3 hours than during the year when they're at school,  
4 and we monitor the usage of the languages and the  
5 costs very closely and I've been in this role since  
6 2019. Each year that I've been doing this, we've had  
7 to increase the amount of funding for language access  
8 services at the Children's Center, which we do so  
9 that we could better meet the needs of the children  
10 there so we are definitely following what the needs  
11 are of the young people in care.  
12

13 CO-CHAIRPERSON STEVENS: Okay. I still  
14 think that we definitely still need to start thinking  
15 about what it looks like to just identify these young  
16 people in a real way because of the different  
17 services that they need and supports that they need,  
18 and I don't think anything's wrong with it. Like I  
19 said, I think we can think about creative ways to do  
20 that.

21 Providers have noted inconsistencies in  
22 ACS decisions to admit young people into foster care.  
23 Is there a formal policy outlining how ACS evaluates  
24 whether an unaccompanied minor should enter foster  
25 care? If so, could you clarify the criteria used?

2 DEPUTY COMMISSIONER GENDELL: So, I think  
3 we would use essentially the definition of destitute  
4 to see if the young person meets the legal definition  
5 of destitute or abused or neglected, but I think  
6 you're specifically asking about destitute, and so we  
7 would look to see that this is a young person under  
8 18 who is not abused or neglected but is in a state  
9 of want, they don't have a parent or caretaker  
10 available to take care of them either because their  
11 parents has died or they're not here in the country,  
12 and so we sort of assess all of that and, if we have  
13 a young person in need, then we would move to bring  
14 them into foster care.

15 CO-CHAIRPERSON STEVENS: According to  
16 providers, ACS only admits a young person into foster  
17 care if it's directed by SCR but not if they are  
18 referred to by RHY or HERRC facility. Would your  
19 agency consider revising this policy to address gaps  
20 in the care of these youth who have not met SCR's  
21 narrow criteria but still require the protection and  
22 services offered by foster care?

23 DEPUTY COMMISSIONER GENDELL: I will  
24 definitely bring back that recommendation. I do think  
25 that it's much more efficient on our end when the

1 reports are coming in through the SCR. We have a  
2 whole process in place of how to work with young  
3 people when they come through that process, and we  
4 have teams ready and available 24/7, and that is  
5 typically how cases come to our attention. But I've  
6 heard people today talk about wanting another way to  
7 bring young people in care into our attention, and I  
8 think they're referring to what's called an FSS  
9 stage, which I don't totally know what that means but  
10 I know that's what they're referring to, and I'm  
11 happy to bring back that suggestion and see if there  
12 is a way we can do that in a way that makes sure that  
13 we are as efficient and responding as quickly as  
14 possible.  
15

16 CO-CHAIRPERSON STEVENS: Yeah, because I  
17 don't think that it necessarily means that we do away  
18 with SCR, but I think that if we're seeing that folks  
19 are having issues with the narrow criteria of what  
20 you have to have under SCR, it's not capturing young  
21 people, and so we're in the business of helping and  
22 supporting young people so then sometimes we have to  
23 adjust to make that happen.

24 DEPUTY COMMISSIONER GENDELL: Agree. I do  
25 want to add that if the SCR doesn't believe the young

2 person's destitute, we do have the challenge of we  
3 need to find that they are destitute because we can't  
4 bring young people into foster care without legal  
5 authority and we do need to file a petition in family  
6 court to be able to keep a young person in foster  
7 care as destitute.

8 CO-CHAIRPERSON STEVENS: But we know  
9 sometimes there are examples and it becomes biased  
10 because humans have biases so sometimes we need other  
11 options.

12 BOROUGH CHIEF OREN: Yeah, the only thing  
13 I would add to that about the SCR call is that that  
14 sparks an investigation and there are situations. I  
15 mean, I understand, I think all of us here really  
16 understand that this is a newer thing and that we  
17 have to adjust..

18 CO-CHAIRPERSON STEVENS: Adjust to what's  
19 happening currently and we haven't been and we're  
20 trying to make something that is a nuance fit into a  
21 system that's been pretty archaic so I'm not really  
22 sure why we're not trying to be more innovative and  
23 creative about our approach.

24 BOROUGH CHIEF OREN: I agree with what you  
25 said, and I do think we are trying to be innovative

1 and creative and we're adjusting as it's coming up.  
2  
3 The point that I wanted to make about the SCR is  
4 there are situations where children are abused and  
5 neglected, and it may look one way initially, it may  
6 look like a destitute child, like these situations  
7 where a young person is here without an adult, but  
8 there really is more to the story and we want to have  
9 the opportunity...

10 CO-CHAIRPERSON STEVENS: But that still  
11 would have to be an investigation so I don't, I think  
12 we're just thinking about different entry points. It  
13 wouldn't do away with actually doing the due  
14 diligence and the work we would still have to do, but  
15 it's just another entry point.

16 BOROUGH CHIEF OREN: Right, understood.

17 CO-CHAIRPERSON STEVENS: You had a  
18 question?

19 CO-CHAIRPERSON AVILÉS: Yeah, no, I guess  
20 it sounds like there's an insistence to use SCR when  
21 in fact that's not often the protocol is. Why is  
22 that? And when you mentioned it was more efficient  
23 for ACS, that's the wrong approach. It should be  
24 what's more efficient for that child or young person.  
25 That should be the driving question here.

2 DEPUTY COMMISSIONER GENDELL: I completely  
3 hear you and agree, and I just want to say when I  
4 meant more efficient, I didn't just mean for ACS. I  
5 meant for the young people too, because the SCR  
6 process is how, with the exception of what we're  
7 talking about now, all cases come to our child  
8 protection teams to respond so they have processes in  
9 place to respond quickly and efficiently and they  
10 know how to do that, and so we're talking about  
11 creating a different process for this group of young  
12 people and I actually want to make sure that putting  
13 in place something different doesn't actually slow  
14 things down. I hear you that you want us to go  
15 faster.

16 CO-CHAIRPERSON AVILÉS: Yeah, I think what  
17 we're hearing is it's actually slowing down things in  
18 a not good way. But can I ask one other question in  
19 terms of, a couple times you said new and the truth  
20 is our city has had unaccompanied minors for a very  
21 long time and has had in 2014 we created all this  
22 apparatus, an initiative to support unaccompanied  
23 minors. I'm finding it very hard to understand how is  
24 this new to ACS when we have had this situation going  
25 on for a long time.

2 DEPUTY COMMISSIONER GENDELL: Sure, it's  
3 new to ACS because unaccompanied minors are not in  
4 the care and custody of ACS. They're part of the  
5 federal government ORR system, and so in 2014, 2015,  
6 there was I believe a large increase in around 2018,  
7 2019. Those young people weren't coming to ACS. The  
8 part that's new to ACS is that there are young people  
9 who are children who have come across the border who  
10 are not with ORR. That's the part that's new. That  
11 has never happened for ACS before where people came  
12 into the country as an adult, and now we're later  
13 finding out that they may be children. That is new to  
14 us.

15 CO-CHAIRPERSON AVILÉS: Got it. Thank you  
16 for the clarification.

17 EXECUTIVE DIRECTOR TORTORICI: And I'll  
18 just add that I think that much of that change is  
19 related to the change in the demographics of  
20 immigrant youth arriving to the United States via the  
21 southern border and historically and in the past data  
22 as you cited in the Committee report, Mexico,  
23 Honduras, other Central American countries were the  
24 countries of origin of the majority of arriving  
25 unaccompanied migrant youth who may not have



1 presented documents indicating that they were an age  
2 different than what they are, and so it's a trend and  
3 we're all working and learning together in order to  
4 address it the best way that we can.

5  
6 CO-CHAIRPERSON AVILÉS: But totally new to  
7 all of you. This is what I'm struggling with.

8 EXECUTIVE DIRECTOR TORTORICI: No, I think  
9 it's the volume, and I think that historically it has  
10 happened.

11 CO-CHAIRPERSON STEVENS: The number of  
12 youth receiving Fair Fares services increased from  
13 3,932 in Fiscal 2023 to 4,415 in Fiscal 2024. This  
14 represents a 5 percent increase in utilization. Are  
15 unaccompanied immigrant youth eligible for Fair Fares  
16 services? If so, how many are currently enrolled?

17 DEPUTY COMMISSIONER GENDELL: I think you  
18 mean Fair Futures.

19 CO-CHAIRPERSON STEVENS: Yeah.

20 DEPUTY COMMISSIONER GENDELL: Although  
21 Fair Fares is a great program.

22 CO-CHAIRPERSON STEVENS: Yes, Fair  
23 Futures. Sorry.

24 DEPUTY COMMISSIONER GENDELL: No problem,  
25 but we don't administer Fair Fares. So, all youth in

1  
2 foster care age 11 to up to 26, although they  
3 wouldn't still be in foster care, are eligible to  
4 participate in Fair Futures, which is largely  
5 coaching and tutoring services. Part of the reason  
6 you're seeing the number go up is because we  
7 increased the age from 21, 24, 26, and so young  
8 people enrolled are staying in the program longer,  
9 which is great, and so you're starting to see the  
10 number go up. Young people who are unaccompanied or  
11 immigrant youth are eligible to participate. We are  
12 actually in the process of putting together a  
13 training for the coaches on immigration so that if  
14 for some reason a foster care agency didn't identify  
15 that the young person had immigration needs, but the  
16 coach did, we can make sure we get those young people  
17 help but, otherwise, they're eligible like any other  
18 young person.

19 CO-CHAIRPERSON STEVENS: Okay. Does Fair  
20 Futures provide coaching and mentorship services in  
21 multiple languages? If so, what languages are  
22 provided?

23 DEPUTY COMMISSIONER GENDELL: So, our  
24 foster care agencies have access to interpretation  
25 services, both Language Line and we use Accurate for

2 in-person, and so they could use those services for  
3 young people and coaches.

4 CO-CHAIRPERSON STEVENS: With the growing  
5 number of youth in foster care and influx of asylum  
6 seekers entering the city, does ACS believe the  
7 current budget for Fair Futures significant to meet  
8 the demand?

9 DEPUTY COMMISSIONER GENDELL: We are  
10 currently assessing the budget for Fair Futures, not  
11 just because of immigrant youth, but because of the  
12 projections around young people staying in the  
13 program beyond longer and also the expansion to  
14 juvenile justice.

15 CO-CHAIRPERSON STEVENS: Thank you. I  
16 believe those are all the questions I have for right  
17 now. Thank you.

18 CO-CHAIRPERSON AVILÉS: Yeah. I just want  
19 to circle back on a couple of things.

20 Does MOIA and OASO or any of the agencies  
21 that the dais currently have or are planning to  
22 implement contracts that fund pro se for youth  
23 eligible for Special Immigrant Juvenile Status?

24 EXECUTIVE DIRECTOR TORTORICI: Not MOIA.  
25 The new procurement, MOIA Immigration Legal Support

1  
2 Centers, provides a great deal of flexibility to  
3 providers to complete cases pro se as they see fit  
4 and responsible in meeting the needs of the client.  
5 However, it's not necessary deliverable.

6 CO-CHAIRPERSON AVILÉS: Got it. Thank you.  
7 No for ACS. DYCD?

8 DEPUTY COMMISSIONER HASKELL: Not that I'm  
9 aware of. We are working on various concept papers  
10 within DYCD and taking into consideration the new  
11 needs of the people that we're serving, but not that  
12 I'm aware of.

13 CO-CHAIRPERSON AVILÉS: Great. OASO, do  
14 you have any plans to have contracts for that fund  
15 pro se work for SIJS?

16 EXECUTIVE DIRECTOR GINDLER: Not at the  
17 moment.

18 CO-CHAIRPERSON AVILÉS: Okay.

19 EXECUTIVE DIRECTOR GINDLER: Apart from  
20 the work that we're doing at the AHC.

21 CO-CHAIRPERSON AVILÉS: Which is just that  
22 pilot number that you talked about. Are you planning  
23 to expand that?

24 EXECUTIVE DIRECTOR GINDLER: We hope to  
25 expand it. Right now, we're funded by the State to do

1 asylum, TPS, and work authorization, and so we try to  
2 make efficient use of resources to do the pilot, and  
3 now we'll have to figure out how we could resource  
4 scale up.  
5

6 And one thing I just wanted to clarify  
7 while I have the mic is in SIJS filing, I just want  
8 to make it very clear that we file all the necessary  
9 paperwork to get SIJS. There's nothing left to be  
10 done that we leave the client having to do on their  
11 own. We help them fill out and file all the necessary  
12 paperwork such that all they have to do is wait for  
13 USCIS to make the determination, and we haven't had  
14 any rejections there so far. We've had two  
15 acceptances, and the rest are pending. Just on behalf  
16 of the staff doing this work, I really wanted to  
17 clarify, but I respect where your question came from  
18 too, Chair.

19 CO-CHAIRPERSON AVILÉS: Yeah, no, I  
20 appreciate that, and I'm sure you're trying your  
21 best, but you're here saying under oath that there  
22 will be no reason for any of those young people to go  
23 to be before a court without legal representation  
24 because you have done the whole process.  
25

EXECUTIVE DIRECTOR GINDLER: We have done  
the whole process. Yeah. Yeah.

CO-CHAIRPERSON AVILÉS: Okay. Okay. In  
terms of the...

EXECUTIVE DIRECTOR GINDLER: But they do,  
sorry, just to clarify, they do go to family court to  
file the initial set of paperwork. We help them with  
that. Then in all of our cases except for two, that  
has successfully been filed, and then we help them  
file with USCIS so they do go in front of court, but  
what I'm trying to say is after our work with them is  
done, all they have to do is wait for USCIS to make  
the determination, and I am saying that under oath. I  
feel strongly about the success of that.

CO-CHAIRPERSON AVILÉS: Yeah, and what if  
USCIS sends the youth to request further evidence?

EXECUTIVE DIRECTOR GINDLER: Great  
question, and something we face across all of our  
service types, we allow those folks to come in across  
for asylum, TPS, work authorization, and we help them  
process additional work as we can. In terms of  
scaling up, that's something we'll have to look into,  
but that request for additional information is true  
for our work authorization and TPS filings as well,

2 and we do provide that extra step. Again, we're not  
3 competing with full legal representation. If I could  
4 wave a magic wand and give full legal representation  
5 to everyone, I would do that, but in the resource  
6 strapped world, in the high demand, I think we're a  
7 strong net positive to what these folks otherwise  
8 could have gotten as well.

9 CO-CHAIRPERSON AVILÉS: What about appeals  
10 of denials?

11 EXECUTIVE DIRECTOR GINDLER: It's true. At  
12 that point, we haven't crossed that bridge yet, and I  
13 think that because we don't do full representation,  
14 even for asylum, TPS, work authorization, we aim to  
15 do the most good for the most people, and I think the  
16 best way to look at it is, can we help as many people  
17 as possible overwhelmingly get these statuses or not,  
18 and I think there might be situations that people  
19 come across a more complicated situation than we're  
20 able to help with, and in that case, we'll refer  
21 folks, but I still believe that that person is better  
22 served by having filed that application before their  
23 21st deadline, such that if they were to get a  
24 lawyer, that lawyer has the benefit of dealing with  
25 that situation, rather starting with someone that

1  
2 timed out and wasn't able to apply. I think from a  
3 lawyer's perspective, from a client's perspective,  
4 they'd much rather be in a situation where they've  
5 applied, and maybe there's an appeal they have to  
6 work through versus, oh, you're 22, shoot, why didn't  
7 you apply, you know, and trying to work through a  
8 resource that way.

9 CO-CHAIRPERSON AVILÉS: So, you don't have  
10 a magic wand, neither do I, because things would be  
11 very different if that were the case, but  
12 nevertheless, what do you think is the appropriate  
13 investment for legal services? This pro se model as  
14 its pilot, you've already acknowledged, has a good  
15 number of shortcomings, parts of the process that  
16 haven't even been developed, what we know actually  
17 happens. What is the investment that we need?

18 EXECUTIVE DIRECTOR GINDLER: I think...

19 CO-CHAIRPERSON AVILÉS: And why are we  
20 doing that?

21 EXECUTIVE DIRECTOR GINDLER: I won't use  
22 the word investment, because when it comes to, like,  
23 resource allocation, that's not within my purview,  
24 but I will say that I hope that we can grow our  
25 pilot, and I hope that we can prevent age-outs in our



1 system, and I think we are going to take that back  
2 and figure out how we can do that, such that, at the  
3 very least, we're a welcome part of the ecosystem  
4 that preserves people's, just like we preserve  
5 people's one year with their asylum, we want to  
6 preserve people's ability to apply for SIJS in  
7 partnership with our great CBOs and everyone else  
8 that, you know, has showed up to answer this crisis.

9  
10 CO-CHAIRPERSON AVILÉS: In terms of the  
11 Asylum Application Help Center, when they encounter  
12 someone at the age of 21 without a parent or  
13 guardian, what is the protocol that they follow?

14 EXECUTIVE DIRECTOR GINDLER: So, if they  
15 are above the age of 18, you know, if they're under  
16 18, which we haven't seen without a parent or  
17 guardian, we would refer them to ACS. That hasn't  
18 happened so far. Folks that we see that are under 18  
19 have a parent or guardian with them. If they're older  
20 than that, we would see what they're eligible for,  
21 screen them, and they would be able to apply for  
22 asylum, work authorization, or TPS as appropriate,  
23 and then, again, in some rare pilot cases, SIJS.

24 CO-CHAIRPERSON AVILÉS: So, it's the  
25 standard screening that everyone's receiving?

2 EXECUTIVE DIRECTOR GINDLER: Yeah. If they  
3 are eligible for SIJS but are also eligible for some  
4 of our CBO partners, like if they're 19, for example,  
5 we would refer them to Safe Passage, which is the CBO  
6 we work with.

7 CO-CHAIRPERSON AVILÉS: So, how many  
8 applicants have been filed for individuals under the  
9 age of 21 at the Asylum Help Center?

10 EXECUTIVE DIRECTOR GINDLER: We received  
11 that request. We're working on it. We'll make sure  
12 that you and anyone else from the Committee that  
13 wants to look at that will get those numbers.

14 CO-CHAIRPERSON AVILÉS: And, are you going  
15 to tell us how many of the applications are for  
16 unaccompanied minors?

17 EXECUTIVE DIRECTOR GINDLER: We don't  
18 track unaccompanied minors as a status, but we  
19 wouldn't have filed for someone under 18 without a  
20 parent or guardian.

21 CO-CHAIRPERSON AVILÉS: Okay. I guess one  
22 quick question for MOIA before we go to public  
23 testimony. Why are you ending Action NYC model?

24 EXECUTIVE DIRECTOR TORTORICI: As  
25 described publicly in the responses to the protest

1 letters received by the City as well as public  
2 comment and question received through the procurement  
3 process, the intention is to ensure that immigration  
4 legal services are delivered by community-rooted  
5 organizations and providers who have the linguistic  
6 and cultural competency to serve the needs of the  
7 people they're serving as well as develop a  
8 relationship of trust and connect them to a broader  
9 network of services beyond immigration legal through  
10 navigation and support.  
11

12 CO-CHAIRPERSON AVILÉS: So that, in your  
13 estimation, is not happening at all under this  
14 contract?

15 EXECUTIVE DIRECTOR TORTORICI: Currently,  
16 there are 18 contracts under Action NYC. Fifteen are  
17 Action NYC and CBOs. Services are delivered by  
18 community-based organizations. The other three are  
19 Action NYC in hospitals, schools, and libraries.  
20 Under the new procurement, we'll be providing funding  
21 for up to 25 organizations, and those that can  
22 demonstrate that they have done work directly in and  
23 with community members and the city's various  
24 immigrant communities will receive greater  
25 consideration.

1  
2 CO-CHAIRPERSON AVILÉS: How much is  
3 allocated for capacity building to ensure that not  
4 only do they have capacity, but they can  
5 appropriately pay for the full level of service  
6 they're expected to provide?

7 EXECUTIVE DIRECTOR TORTORICI: The  
8 contracts will be valued at 250,000 annual, and  
9 applicants are able to propose a legal team and a  
10 staffing structure that makes sense for the work  
11 they're proposing to do and for their organization.  
12 For legal capacity building, 400,000 annually will be  
13 allocated to a legal technical mentor who will work  
14 with each organization individually to help them  
15 increase their ability to provide services of greater  
16 complexity and at greater volume.

17 CO-CHAIRPERSON AVILÉS: Thank you for that  
18 response. How much is OASO funded by the State and  
19 for which Fiscal Year?

20 EXECUTIVE DIRECTOR GINDLER: We're funded  
21 through the end of the State Fiscal Year, and we're  
22 funded for our full programming, which comes out to  
23 just under 5 million a month.

24 CO-CHAIRPERSON AVILÉS: I'm sorry, say  
25 that one more time.

EXECUTIVE DIRECTOR GINDLER: We're funded through the end of the State Fiscal Year, and so if, I should get back to the accurate numbers, but it's around 40 million that we are funded for so far, which will take us through the end of the State Fiscal Year.

CO-CHAIRPERSON AVILÉS: So 40 million for the State Fiscal Year. Oh, and which organizations will be funded through those resources?

EXECUTIVE DIRECTOR GINDLER: So that is the State's funding of the Asylum Application Help Center's operations since November.

CO-CHAIRPERSON AVILÉS: Oh, just for the Asylum Help Center.

EXECUTIVE DIRECTOR GINDLER: Yeah, exactly.

CO-CHAIRPERSON AVILÉS: Nothing else, so it doesn't include any legal representation for any of those. How many asylum applications has OASO filed?

EXECUTIVE DIRECTOR GINDLER: I have the exact numbers. So, for asylum, we filed 29,000, for work authorization, we filed 34,000, and for TPS, we filed 13,000.

1  
2 CO-CHAIRPERSON AVILÉS: And is any of the  
3 resources dedicated to representation when they hear  
4 from the federal government around those  
5 applications?

6 EXECUTIVE DIRECTOR GINDLER: It's to help  
7 them file the pro se.

8 CO-CHAIRPERSON AVILÉS: Just to file, and  
9 they're on their own after that. Got it.

10 EXECUTIVE DIRECTOR GINDLER: They're able  
11 to come back to file their work authorization after  
12 filing for asylum, and they're able to come back if  
13 they have requests for information for TPS.

14 CO-CHAIRPERSON AVILÉS: How many people  
15 have come back?

16 EXECUTIVE DIRECTOR GINDLER: It's a good  
17 question. I don't have the number off the top of my  
18 head. I can go see if we can run that.

19 CO-CHAIRPERSON AVILÉS: If you would  
20 provide us with a report around how many people are  
21 returning because we know these applications and  
22 cases are ongoing, and it's concerning that we're  
23 doing these application marathons and leaving people  
24 on the lurch to proceed a very complicated process.  
25 Thank you.

1  
2 Thank you all for your testimony today. I  
3 think we will now proceed to public testimony.

4 CO-CHAIRPERSON STEVENS: Thank you for all  
5 being here today.

6 CO-CHAIRPERSON AVILÉS: So, I now open the  
7 hearing for public testimony. I remind members of the  
8 public that this is a government proceeding and that  
9 decorum shall be observed at all times.

10 As such, members of the public shall  
11 remain silent at all times. The witness table is  
12 reserved for people who wish to testify. No video  
13 recording or photography is allowed from the witness  
14 table. Further, members of the public may not present  
15 audio or video recordings as testimony but may submit  
16 transcripts of such recordings to the Sergeant-at-  
17 Arms for inclusion in the hearing record.

18 If you wish to speak today, please find  
19 an appearance, fill out an appearance card with the  
20 Sergeant-at-Arms and wait to be recognized. When  
21 recognized, you will have two minutes to speak on  
22 today's oversight hearing topic, Resources for  
23 Immigrant Youth who have Arrived to the United States  
24 as Unaccompanied Children or on Resolution 576.

2 If you have written a statement or  
3 additional written testimony you wish to submit for  
4 the record, please provide a copy of that testimony  
5 to the Sergeant-at-Arms. You may also email written  
6 testimony to testimony@council.nyc.gov within 72  
7 hours of the close of this hearing. Audio and video  
8 recordings will not be accepted.

9 For in-person panelists, please come up  
10 to the table once your name has been called.

11 Now, we will call our first in-person  
12 panel. Mamadou Diallo, Abena Hutchful, Assane Dieng,  
13 Rashmani (phonetic).

14 Okay. Please begin.

15 ABENA HUTCHFUL: Thank you, Chair Avilés  
16 and Chair Stevens, for convening this hearing and for  
17 your report and for the opportunity to testify on the  
18 Proposed Resolution. My name is Abena Hutchful. I'm a  
19 child of Ghanaian immigrants and a resident of  
20 District 40 Flatbush. I am also a Policy Attorney  
21 with the Young Center for Immigrant Children's  
22 Rights, an organization that is federally appointed  
23 as child advocate for children in ORR custody in the  
24 Office of Refugee Resettlement. I'm testifying today  
25 in my personal capacity. The Young Center will submit



1 testimony in writing, but I wanted to speak today as  
2 a former child advocate and someone who was able to  
3 serve in that role thanks to the Unaccompanied Minors  
4 Initiative and has worked with many youth that made  
5 the difficult journey to the United States only to  
6 spend several months to years in federal custody  
7 fighting deportation proceedings without guaranteed  
8 access to an attorney. We know that many of these  
9 youth are, as has been discussed here, eligible for  
10 Special Immigrant Juvenile Status, and I wanted to  
11 address something that has come up through the last  
12 panel's questioning, just how little information the  
13 State and City's agencies have on children in ORR  
14 custody and children who are released from ORR  
15 custody. This failure to track and understand the  
16 needs of kids in federal custody is a big issue that  
17 I wanted to just address here. I think we are failing  
18 kids every day that we don't have, oh, am I? Okay. I  
19 wanted to just address one big gap which is the role  
20 of the family court. I realize that these kids who  
21 are SIJS eligible in federal custody are not a  
22 priority for the City and the State, but ultimately  
23 they will be. Ultimately, they will age out of ORR  
24 custody without having filed for a Special Immigrant  
25

1 Juvenile Status without having ever seen a family  
2 court judge, and this is something that can be easily  
3 fixed. I'm here to just advocate for better  
4 coordination between ORR and the office of MOIA and  
5 ACS to ensure that we understand how many kids are in  
6 each agency's care, what their needs are, and that  
7 they are all able to access state court to access the  
8 federal benefits really from deportation work  
9 authorization that they need.  
10

11 CO-CHAIRPERSON AVILÉS: Thank you. While  
12 we're waiting for interpretation, I'll call again any  
13 other folks for this panel, Assane Dieng.

14 ASSANE DIENG: Yeah.

15 CO-CHAIRPERSON AVILÉS: Oh, that's you  
16 Assane. Okay. And then Rashmani.

17 Thank you. Thank you. Welcome.

18 ASSANE DIENG: (SPEAKING FOREIGN LANGUAGE)

19 INTERPRETER: I'm very honored to be here  
20 today.

21 CO-CHAIRPERSON AVILÉS: Can you speak  
22 closer to the mic and pull it? Yeah. There you go.

23 ASSANE DIENG: (SPEAKING FOREIGN LANGUAGE)

24 INTERPRETER: Uh, I'm very honored to be  
25 here speaking to you today.

2 ASSANE DIENG: (SPEAKING FOREIGN LANGUAGE)

3 INTERPRETER: I'm here to speak about my  
4 own case and about all of us who are migrants under  
5 21 years old.

6 ASSANE DIENG: (SPEAKING FOREIGN LANGUAGE)

7 INTERPRETER: I think I'm well-placed to  
8 talk about our collective situation.

9 ASSANE DIENG: (SPEAKING FOREIGN LANGUAGE)

10 INTERPRETER: I was born on December 31st  
11 of 2003.

12 ASSANE DIENG: (SPEAKING FOREIGN LANGUAGE)

13 INTERPRETER: Which means that in a few  
14 months, I will no longer be eligible for family  
15 court.

16 ASSANE DIENG: (SPEAKING FOREIGN LANGUAGE)

17 INTERPRETER: I've gone from organization  
18 to organization and seeking legal representation,  
19 some kind of aid, and I have been unable to find it.

20 ASSANE DIENG: (SPEAKING FOREIGN LANGUAGE)

21 INTERPRETER: A lot of lawyers are asking  
22 for money that I don't have to pay them.

23 ASSANE DIENG: (SPEAKING FOREIGN LANGUAGE)

24 INTERPRETER: And I have no way of getting  
25 work or of accessing the services that I need.

2 ASSANE DIENG: (SPEAKING FOREIGN LANGUAGE)

3 INTERPRETER: Also, we have problems in  
4 the public housing where we're living and getting any  
5 kind of information about how to access help.

6 ASSANE DIENG: (SPEAKING FOREIGN LANGUAGE)

7 INTERPRETER: And we really would like to  
8 continue studies or going back to studying, but we  
9 have a problem with the 60-day law and where we're  
10 going to be ending up.

11 ASSANE DIENG: (SPEAKING FOREIGN LANGUAGE)

12 INTERPRETER: We have no address. We  
13 rotate between the different boroughs. Sometimes  
14 we're in Manhattan, sometimes we're in Brooklyn,  
15 sometimes we're in the Bronx, and it's impossible for  
16 people to keep track of us or us to keep track of  
17 what's going on.

18 ASSANE DIENG: (SPEAKING FOREIGN LANGUAGE)

19 INTERPRETER: Most especially, it prevents  
20 us from enrolling in courses where we could take  
21 English lessons, which are vital to us advancing in  
22 this society.

23 ASSANE DIENG: (SPEAKING FOREIGN LANGUAGE)

24

25

INTERPRETER: In the shelters where we are currently living, we're exposed to all sorts of dangerous influences.

ASSANE DIENG: (SPEAKING FOREIGN LANGUAGE)

INTERPRETER: Drugs and alcohol, violence.

ASSANE DIENG: (SPEAKING FOREIGN LANGUAGE)

INTERPRETER: Sometimes what little possessions we have get stolen.

ASSANE DIENG: (SPEAKING FOREIGN LANGUAGE)

INTERPRETER: And so we really welcome the opportunity to present this situation to you in hopes that we can get some kind of support.

ASSANE DIENG: Thank you.

INTERPRETER: Thank you.

CO-CHAIRPERSON AVILÉS: Thank you for your testimony. Let him know thank you for the testimony and sharing your experience.

Can I ask how many shelters have you been in and in any of those circumstances do you receive information and language appropriate ways?

INTERPRETER: (SPEAKING FOREIGN LANGUAGE)

ASSANE DIENG: (SPEAKING FOREIGN LANGUAGE)

1  
2 INTERPRETER: Yes, I've been in two  
3 shelters, and I was given information about The Door,  
4 and I did go there.

5 ASSANE DIENG: (SPEAKING FOREIGN LANGUAGE)

6 INTERPRETER: But all they do is they tell  
7 me that they take my number and tell me they'll call,  
8 but then I never get a call.

9 CO-CHAIRPERSON AVILÉS: Thank you. We'll  
10 follow up with you offline.

11 INTERPRETER: (SPEAKING FOREIGN LANGUAGE)

12 CO-CHAIRPERSON AVILÉS: Thank you so much  
13 for your testimony. Thank you.

14 Next panel, we have Alexandra Rizio,  
15 Yldami Mejia, Sarah Nolan, excuse me if I  
16 mispronounce your name, Monica Vera, Melissa Maria,  
17 and Jeremy Kohomban.

18 All day I've been starting this way, but  
19 I'm going to go opposite so please begin when you're  
20 ready.

21 MELISSA MARIA: Thank you. Council Member  
22 Avilés, Committee Members and Staff, good afternoon  
23 and thank you for the opportunity to speak today. My  
24 name is Melissa Maria, and I am a Supervising  
25

1 Attorney with the Immigrant Protection Unit at the  
2 New York Legal Assistance Group.  
3

4 Children are amongst the most vulnerable  
5 in our society. Immigrant youth are expected to be  
6 responsible for knowing and understanding their  
7 immigration cases, the rules and procedures regarding  
8 filing with and attending immigration court, filing  
9 applications with USCIS, and filing and appearing  
10 before state court when required. Each agency or  
11 court that an unaccompanied minor interacts with has  
12 a different set of rules and requirements, making it  
13 extremely difficult for unrepresented youth to  
14 succeed in their immigration matters. Children who  
15 are not represented often have the most difficulty.  
16 NYLAG serves hundreds of people in removal a year,  
17 including children. We have encountered children who  
18 are unaware or unable that they have to properly  
19 change their address of the immigration court and  
20 receive removal or deportation orders. I personally  
21 have encountered children as young as 10 years old  
22 who have witnessed their mother murdered in their  
23 home country and unaware that they must translate  
24 their mother's death certificate and how to properly  
25 file things if the immigration court have been

1 ordered removed. I have encountered children who have  
2 been hospitalized at the time of their immigration  
3 court and have been ordered removed. In these  
4 instances, not having a legal representative explain  
5 proper procedure and legal claims or even help the  
6 child attend court has resulted in a removal order  
7 for these children. Having representation makes  
8 significant difference in the outcome of a child's  
9 claim.  
10

11           Having legal representation also enables  
12 immigrant youth to manage the complex judicial system  
13 both at the federal level and at the state level and  
14 pursue relief available to them. It is critical that  
15 the City reinvest in attorneys to provide for full  
16 representation to unaccompanied children. Given that  
17 the legal system actually acknowledges a youth's  
18 limited capacity, it is essential that the most  
19 vulnerable members of society have representation in  
20 such proceedings. Full representation for immigrant  
21 youth who are the most vulnerable is essential. NYLAG  
22 has an extensive pro se practice helping immigrants  
23 file applications and gain the tools to fight their  
24 case. This program specifically does not work with  
25



2 UACs because we know how vulnerable they are and how  
3 much more protection they need. Thank you.

4 ALEXANDRA RIZIO: Good afternoon and thank  
5 you to the City Council Immigration and Child and  
6 Youth Committee for inviting testimony. I'm Alexandra  
7 Rizio, Managing Attorney at Safe Passage Project. We  
8 currently serve over 1,400 children who live in the  
9 five boroughs of New York and two counties of Long  
10 Island. We're a member of the ICARE Coalition.

11 Once we accept a client, we commit to  
12 sticking with them until we achieve the best outcome  
13 for them, usually a green card. That often takes  
14 three to six years due to delays in visa availability  
15 and court backlogs. We receive funding from the City  
16 Council through the UMFJ funding stream.

17 I'd like to emphasize two main points  
18 right now, stagnant City Council funding and housing  
19 issues that our youth are facing. While we appreciate  
20 the City Council's consistent funding of the ICARE  
21 Collaborative, no organization within our  
22 Collaborative has received an increase in funding in  
23 five years, despite requests for increases every year  
24 and despite the fact that we serve an ever-increasing  
25 number of youth with the money we do receive. We have

1 a strong pipeline of attorney and social work  
2 candidates and an excellent supervisory structure  
3 and, if we're granted additional funding, Safe  
4 Passage could put it to use almost immediately by  
5 hiring additional staff. I'd also like to emphasize,  
6 as has been done in previous panels, that while pro  
7 se models of immigration services are useful for  
8 certain limited types of services, for example, I do  
9 commend the City's Asylum Application Help Centers  
10 for helping people meet their one-year deadline and  
11 for handling age-outs, which many of our partner  
12 organizations simply can't take on right now. Safe  
13 Passage is not accepting age-outs for people who will  
14 age out in less than nine months. We don't have the  
15 capacity to do it, so I do commend the City for  
16 working on those types of cases, but that can't be  
17 the beginning and end of wide-scale legal services.  
18 They need additional assistance after the application  
19 is filed and hopefully granted, for example, to get  
20 them out of removal proceedings.

22 I also want to address housing. We're  
23 facing issues with youth who are being placed in  
24 HERRC shelters instead of traditional transitional  
25 shelters, so we know that there are issues with the

1 30- and 60-day moving. Clients have gotten sick from  
2 the meals served in HERRC shelters. They don't have  
3 access to CityFHEPS. If they're in a HERRC shelter,  
4 they don't have access to vouchers, no social  
5 supports, and I heard from our social work team that  
6 we were dealing with a young person who's been  
7 hospitalized twice after being beaten by guards in  
8 one shelter, so we can imagine that that's happening  
9 to others as well.

11 Finally, there are placement mistakes.  
12 We're working with a client who entered the U.S.  
13 prior to March 2022, but it was placed into the HERRC  
14 system regardless, and this seems that it was just  
15 due to confusion regarding the placement assessment.

16 In short, we have concerns about the type  
17 of housing that minors are being funneled into. I  
18 mentioned in my written testimony, I didn't get to it  
19 right now, we're receiving more referrals from ACS  
20 that we can't slot into any existing grant stream, so  
21 for UCs who are not in removal proceedings, we don't  
22 have a grant stream to funnel them in, so if they're  
23 an affirmative case, we really can't take it.

24 Likewise, if they're aging out, we can't take it, and  
25 then I just like to emphasize again that we have not

2 received an increase in City funding in over five  
3 years. Thank you.

4 YDALMI MEJIA: Good afternoon. Thank you  
5 for giving me the opportunity to testify today. My  
6 name is Ydalmi Mejia, the Paralegal Director of the  
7 Children's Law Center, a non-profit organization that  
8 has represented over 130,000 children in New York  
9 City family courts and New York State Supreme Court  
10 integrated domestic violence parts over the past 27  
11 years. Our mission is to advance the rights of  
12 children by providing legal representation in cases  
13 involving custody, visitation, domestic violence, and  
14 child protective matters, to reduce the negative  
15 impact of family dissolution, and promote well-being  
16 and equity for young people.

17 Now I would like to discuss our work with  
18 children under 21 seeking a Special Immigrant  
19 Juvenile Status, SIJS order, and ask for your support  
20 in this critical work. The SIJS designation created  
21 by Congress allows certain undocumented children in  
22 the foster care or guardianship situations where one  
23 or both parents are unable to provide care and  
24 protection to obtain lawful immigration status when  
25 they cannot safely return to their home countries. In

1 New York City, obtaining a family court order stating  
2 it is not in a child's best interest to return home  
3 is the essential first step for these young people.  
4 Indeed, without such orders, young people cannot  
5 further pursue SIJS approval from USCIS. In the past  
6 several years, we have represented hundreds of young  
7 people in these situations, especially in Queens,  
8 where SIJS petition has dramatically increased.

9  
10 Working with the Children's Law Center  
11 attorneys in different capacities, I have witnessed  
12 firsthand the importance of this work. Let me share a  
13 few stories from our clients. Their name has been  
14 changed for confidentiality. For instance, Evan, age  
15 17, from Guatemala, was forced to leave school and  
16 work, thrown out by his mother, physically abused by  
17 his mother's boyfriend, and faced stress from gangs.  
18 He traveled alone to the U.S., seeking safety, and  
19 now he lives with his uncle in New York.

20 Armand, age 20, from Albania, endured  
21 violence and persecution due to his family's  
22 political support and opposition to Muslim extremism.  
23 After escaping persecution, he moved to the U.S. His  
24 parents cut all ties with him, and his aunt became  
25 his sole support, ensuring he could attend college.

2           Currently, only our Queens office can  
3 accept assignments on SIJS cases, but if we have more  
4 resources, we could expand our services to help young  
5 people in the Bronx and Brooklyn. Our SIJS clients  
6 come to us with hope and promise, and they have  
7 incredible talent to share and, given the current  
8 number of new New Yorkers in our city, there is  
9 little sign that this number of young people in need..

10           CO-CHAIRPERSON STEVENS: Thank you.

11           YDALMI MEJIA: Of legal and educational  
12 support will decrease in the near future. Thank you  
13 so much for this opportunity to share the stories.

14           SARAH NOLAN: Good morning. My name is  
15 Sarah Nolan. I'm the Managing Director of Kids in  
16 Need of Defense, or KIND's, New York office. Thank  
17 you very much for the opportunity to testify today.  
18 We're here also as members of the ICARE coalition.  
19 KIND thanks City Council for supporting ICARE and  
20 providing free legal representation to unaccompanied  
21 children.

22           While the numbers of unaccompanied  
23 children arriving in New York continue to rise, the  
24 City's support for ICARE has remained at a standstill  
25 for several years. Increased funding is necessary to

1 create a quality, ethical, and sustainable removal  
2 defense program for the unaccompanied children who  
3 are part of our community. New York City is a top  
4 destination for unaccompanied children. Last year  
5 alone, almost 4,000 came to reunify with their family  
6 members here. Almost all unaccompanied children are  
7 served with documents initiating removal proceedings,  
8 the first step to deporting them back to unsafe  
9 situations. Most have humanitarian immigration relief  
10 available to them, but with no right to publicly  
11 funded counsel in immigration court, the burden  
12 remains on them to obtain legal representation, and  
13 most cannot afford a private attorney. This has a  
14 real cost, as we've heard today. Immigration judges  
15 are almost 100 times more likely to grant legal  
16 relief for unaccompanied children with legal counsel  
17 than those without.

18  
19 KIND's model of holistic services  
20 provides this representation and social services  
21 coordination to these children. Take the example of  
22 Patricia. When she was 15, a gang member in Honduras  
23 demanded she become his girlfriend or he would kill  
24 her entire family. She fled to the U.S. to find  
25 safety, and when she arrived, she was faced with the

2 possibility of being deported back to Honduras. KIND  
3 took on her case by representing her in removal and  
4 helping her apply for immigration relief. In  
5 addition, KIND's social services team helped her  
6 enroll in health insurance and connected her to a  
7 therapist to help her cope with the trauma. Her  
8 application for legal status was granted and her  
9 removal proceedings were dismissed, but Patricia  
10 needed the legal expertise of a state-licensed  
11 attorney to represent her in family court and an  
12 attorney with immigration experience to understand  
13 the specific complex asylum and SIJS proceedings and  
14 the removal defense experience necessary to represent  
15 her in court. If not for an attorney, she would have  
16 faced an ICE attorney, immigration judge, family  
17 court judge, and asylum officer on her own.

18           There remain, as we've heard today,  
19 thousands of children who do not have access to this  
20 kind of representation or case management support. We  
21 hope that after today, the collaboration with the  
22 City and these other agencies here will result in the  
23 creation of the robust, well-coordinated delivery  
24 system that these children deserve. Thank you for  
25 your commitment to ensuring that all unaccompanied



2 children in New York City can achieve their  
3 potential.

4 MONICA VERA: Thank you. Good afternoon.  
5 My name is Monica Vera, and I'm a Social Services  
6 Supervisor with KIND's New York office. I have been a  
7 social worker working with unaccompanied children for  
8 over eight years. We are also here today as members  
9 of the ICARE Coalition.

10 As my colleague Sarah just testified,  
11 KIND knows that our holistic legal and social  
12 services work has provided crucial support to  
13 children who have experienced abuse, neglect, and  
14 other forms of violence. But more than that, we're  
15 trying to assure that they have a fighting chance to  
16 obtain legal status, qualification for services and  
17 benefits, and break the multiple cycles of poverty,  
18 violence, trauma that they may face. We urge City  
19 Council to expand support for unaccompanied minors in  
20 a holistic manner so that legal and social services  
21 are jointly provided to ensure that these children do  
22 not only avoid deportation but have the resources and  
23 tools to thrive as New Yorkers. In addition, we urge  
24 City Council to actively engage with community  
25 stakeholders such as us, as KIND, who have valuable

2 expertise and recommendations on how to serve this  
3 unique population of New Yorkers.

4           Let me tell you about Maria, a resilient  
5 17-year-old young woman who fled to the U.S. escaping  
6 violence. Since arriving to New York, Maria has been  
7 unable to enroll in school, and she has trouble  
8 obtaining basic needs for her infant child. Recently,  
9 she attempted to access a shelter, but was denied due  
10 to her current pregnancy. That happened just a month  
11 ago. As Social Services Supervisor with our KIND  
12 office, I partnered with Maria's attorney to help her  
13 access basic needs, find child care resources, and  
14 enroll in school. Resources that without, it would be  
15 impossible for her to navigate just day-to-day life  
16 or even her legal case.

17           Like Maria, unaccompanied children are  
18 often released from federal custody with little, if  
19 any, support. KIND helps our clients establish basic  
20 stability so that they can meaningfully participate  
21 in their legal case and thrive in other settings.  
22 This type of individualized support is only possible  
23 if there is dedicated social work and attorneys  
24 working together to support each client. Client  
25 social services includes referrals to many critical

2 city services such as housing, medical, school  
3 enrollment, I could go on, IDNYC.

4 We thank the New York City Council and  
5 for all other agencies here today for your commitment  
6 to ensuring that all unaccompanied children in New  
7 York City can achieve their full potential. We are  
8 proud of New York City's role as a national leader in  
9 the welcome and protection of unaccompanied migrant  
10 children. Thank you so much for your time.

11 JEREMY KOHOMBAN: Good afternoon, Chairs.  
12 I'm Dr. Jeremy Kohomban, the President and CEO of the  
13 Children's Village and Harlem Dowling, two  
14 organizations founded in New York City in the 1800s,  
15 and we've been working with undocumented children in  
16 the United States and across the world since.

17 Let me cut to the chase. All  
18 unaccompanied children face the risk of sexual  
19 violence and human trafficking, but being  
20 undocumented and unaccompanied comes with two  
21 additional risks in the United States. Unaccompanied  
22 youth are often recruited for the most dangerous  
23 work, work on roofs, work in elevated spaces, work in  
24 drains and sewers, cleaning offices and industrial  
25 spaces late at night, and debris removal from

1 construction sites and after storms are pretty  
2 common.  
3

4           The second risk is many unaccompanied  
5 minors and their families incur debt to make the  
6 journey. Working and sending money home is their  
7 priority. This places them at high risk for  
8 indentured servitude and further indebtedness to  
9 unscrupulous individuals who offer work and a place  
10 to sleep at the high cost of being threatened with  
11 reports to authorities.

12           Here are the things that absolutely work.  
13 I want to reemphasize that debt bondage is a real  
14 issue in the United States. It's not just in far  
15 distant places. What works is if eligible, refer  
16 unaccompanied children for federal ORR services. It's  
17 not perfect, but it's a better place. Conduct family  
18 finding to identify one responsible adult  
19 relationship. Children do best when with family and  
20 people that love them. As you've heard, help file and  
21 use all the legal processes available on behalf of  
22 children. Here in New York City, provide a place to  
23 sleep, wash, and wash their clothes. Housing is a  
24 challenge, but our family enrichment centers and  
25 drop-in shelters can be a resource.

2 Here's a game-changing idea. Establish a  
3 navigator program. This worked for us outside the  
4 United States in Iraq. It worked for us with the  
5 Affordable Care Act. These programs are relatively  
6 low cost, but when well-designed and implemented with  
7 efficacy, stay with young people so that they get the  
8 guidance and that the world knows that they've got an  
9 adult in their life. People don't target kids that  
10 are with adults that love them and care for them.

11 CO-CHAIRPERSON AVILÉS: Thank you all so  
12 much. Thank you everyone for the work that you're  
13 doing on a daily basis. Clearly, we heard we need  
14 increased funding for these services, but we also  
15 have a lot of service issues. Thank you for bringing  
16 new ideas or maybe ideas you've been saying for  
17 years, but we appreciate all the insight and the work  
18 that you do. Thank you so much to this panel.

19 Our next panel is Alejandro Arias, Jorge  
20 Paz, Claudia Valdivia, Lauren Glassman Shore, Dovonou  
21 Pierre, and calling again Rashmani Traule (phonetic)  
22 if you are here.

23 We'll start with you.

24 ALEJANDRO ARIAS: Thank you very much.  
25 Thank you to Chair Stevens and Chair Avilés for

2 giving me immigrant youth a voice today. My name is  
3 Alejandro Arias, pronouns he/him, and I am a  
4 Multilingual Case Manager at the Ali Forney Center.

5           Between 2021 and 2023, we have had a 12  
6 percent increase in youth without citizenship with no  
7 extra financial support from NYC. Housing for LGBTQ+  
8 youths, particularly undocumented individuals, has  
9 reached a crisis point in New York City's shelter  
10 system. LGBTQ+ individuals, especially those over the  
11 age of 21 and male identified, face serious obstacles  
12 in finding safe shelter, and other organizations are  
13 at capacity, forcing them to turn away individuals or  
14 take those without asylum case numbers. For LGBTQ+  
15 youth, especially trans youth, the experience in City  
16 shelters often includes harassment, violence, and  
17 theft. The asylee youth we serve at the Ali Forney  
18 Center are denied access to DHS. Even though  
19 Marshall's House has available beds, they are sent to  
20 HERRCS but do not feel safe with adults, so that they  
21 leave and return to stay at drop-in centers where  
22 they cannot sleep. How can anyone succeed with this  
23 level of instability and fear? Youth need specialized  
24 services to thrive. NYC is aware of this, yet youth  
25 were left out of the City's plan once again. The

1 youth are unable to receive Section 8 or CityFHEPS.

2  
3 The situation is compounded by the lack of access to  
4 education, legal support, and employment.

5 Undocumented LGBTQ+ individuals often rely on  
6 informal or under-the-table jobs to survive, but even  
7 these options are increasingly difficult to secure.

8 The inability to work legally creates increased  
9 vulnerability. For many in the community, survival  
10 means engaging in sex work or participating in street  
11 economies. Discrimination, prejudice, and violence  
12 follow them both on the streets and in their  
13 workplaces, making survival even harder to maintain.

14 We support Resolution 0576 and ask the State  
15 Legislature to introduce and pass the Workforce  
16 Development Program for New Arrivals. These  
17 challenges are not insurmountable, but they require  
18 more immediate action to ensure that vulnerable  
19 LGBTQ+ youth are not left behind for basic human  
20 rights. Safe, inclusive spaces are crucial for the  
21 well-being and survival of this community. These  
22 spaces make NY better. We can't wait. We need  
23 resources now. Thank you for your time and your  
24 consideration.

1  
2           LAUREN GLASSMAN SHORE: Thank you. Good  
3 afternoon. Thank you for calling this hearing and  
4 allowing me to speak today. My name is Lauren  
5 Glassman Shore. I'm the Director of the Home Finding  
6 and Unaccompanied Children Programs at JCCA. I also  
7 serve as the agency's immigration liaison to ACS.

8           JCCA is a provider of long-term foster  
9 care services for unaccompanied children, funded by  
10 the Federal Office of Refugee Resettlement, ORR.  
11 First contracted to provide these services in the  
12 Bronx in 2017, we expanded to serve Brooklyn and  
13 Queens last year. When UC are placed in our care, we  
14 recruit, train, and identify foster families to house  
15 the youth while they work towards legal status. The  
16 children also receive medical and mental health  
17 services, education and acculturation support, and  
18 access to legal services. The unaccompanied children  
19 we serve have various needs, particularly around  
20 education. Many of the children we serve have faced  
21 significant wait times in enrolling in international  
22 schools in the city and receiving access to community  
23 services like tutoring and the language that they  
24 speak. We encourage the City to increase investments  
25 in educational institutions and programs that will



1 allow the UC to receive access to quality education  
2 in a timely manner.  
3

4           The unaccompanied children can only be  
5 enrolled in our program with ORR until they are 18  
6 years old. Many have at this point not found  
7 permanency or obtained legal relief. As a result, in  
8 the last few years, JCCA has partnered with ACS to  
9 explore destitute child placements so that they can  
10 continue to receive foster care services and all the  
11 supports that come with it. To date, JCCA has been  
12 able to transition 13 youth to ACS care to continue  
13 working towards legal relief, educational goals, all  
14 while residing in a safe, stable home. This process  
15 is being replicated among other agencies, and there  
16 are currently dozens of unaccompanied children  
17 awaiting ACS placement. The process through the  
18 Office of Placement, Family Court Legal Services, and  
19 the provider agencies requires ongoing collaboration  
20 and communication. We believe a simplified process of  
21 referring the unaccompanied children to ACS care will  
22 ensure that we transfer youth safely and securely.

23           In addition, we have faced several  
24 challenges in recruiting foster parents for this  
25 vulnerable population. The children speak various

2 languages and observe different religions. In many  
3 cases, we've struggled with recruiting foster  
4 families that practice the same customs and speak the  
5 same language. I encourage the City to help with  
6 recruiting foster homes that meet the cultural and  
7 linguistic needs of the children, and I believe it  
8 would be helpful that the City would assist and  
9 support in the promotion of these types of programs  
10 so that we can identify culturally appropriate foster  
11 homes.

12 Thank you for taking the time to consider  
13 the needs of unaccompanied children in our City, and  
14 together with service providers like JCCA, the City  
15 can build an infrastructure that supports these young  
16 newcomers towards getting acclimated to their new  
17 home. Thank you.

18 CO-CHAIRPERSON AVILÉS: Drew, are you  
19 ready?

20 CLAUDIA VALDIVIA: (SPEAKING FOREIGN  
21 LANGUAGE)

22 INTERPRETER: Hello, my name is Claudia  
23 Valdivia. I'm the mother of three children who came  
24 alone.

25

1  
2 CLAUDIA VALDIVIA: (SPEAKING FOREIGN  
3 LANGUAGE)

4 INTERPRETER: I saw the process of seeing  
5 how they treated our children.

6 CLAUDIA VALDIVIA: (SPEAKING FOREIGN  
7 LANGUAGE)

8 INTERPRETER: I was one of the people who  
9 started getting in charge to make sure that the  
10 agencies were taking care of them.

11 CLAUDIA VALDIVIA: (SPEAKING FOREIGN  
12 LANGUAGE)

13 INTERPRETER: And the agencies were during  
14 the Donald Trump era...

15 CLAUDIA VALDIVIA: (SPEAKING FOREIGN  
16 LANGUAGE)

17 INTERPRETER: Title 42, zero tolerance.

18 CLAUDIA VALDIVIA: (SPEAKING FOREIGN  
19 LANGUAGE)

20 INTERPRETER: And as mothers, we lived in  
21 order to get our children back. I waited almost a  
22 year to get my children back.

23 CLAUDIA VALDIVIA: (SPEAKING FOREIGN  
24 LANGUAGE)

2 INTERPRETER: So that they could take us  
3 the soup, marucha (phonetic) soup.

4 CLAUDIA VALDIVIA: (SPEAKING FOREIGN  
5 LANGUAGE)

6 INTERPRETER: I started becoming an  
7 activist for one reason...

8 CLAUDIA VALDIVIA: (SPEAKING FOREIGN  
9 LANGUAGE)

10 INTERPRETER: Because I started seeing  
11 that they didn't care about our children who were not  
12 accompanied.

13 CLAUDIA VALDIVIA: (SPEAKING FOREIGN  
14 LANGUAGE)

15 INTERPRETER: So these agencies were more  
16 concerned, they didn't treat us like people, but like  
17 numbers. They were more concerned with money.

18 CLAUDIA VALDIVIA: (SPEAKING FOREIGN  
19 LANGUAGE)

20 INTERPRETER: And now I see that it wasn't  
21 all about giving them a name or finding them a name.

22 CLAUDIA VALDIVIA: (SPEAKING FOREIGN  
23 LANGUAGE)

24 INTERPRETER: Our children are suffering,  
25 and there are not enough bilingual schools.

1  
2 CLAUDIA VALDIVIA: (SPEAKING FOREIGN  
3 LANGUAGE)

4 INTERPRETER: And for children with  
5 special needs...

6 CLAUDIA VALDIVIA: (SPEAKING FOREIGN  
7 LANGUAGE)

8 INTERPRETER: There are none for children  
9 with special needs who come with trauma.

10 CLAUDIA VALDIVIA: (SPEAKING FOREIGN  
11 LANGUAGE)

12 INTERPRETER: And the agencies, instead of  
13 worrying so that the kids were okay...

14 CLAUDIA VALDIVIA: (SPEAKING FOREIGN  
15 LANGUAGE)

16 INTERPRETER: They would judge us parents.

17 CLAUDIA VALDIVIA: (SPEAKING FOREIGN  
18 LANGUAGE)

19 INTERPRETER: Why we let them come alone.

20 CLAUDIA VALDIVIA: (SPEAKING FOREIGN  
21 LANGUAGE)

22 INTERPRETER: In my case, I didn't come  
23 here because I wanted.

24 CLAUDIA VALDIVIA: (SPEAKING FOREIGN  
25 LANGUAGE)

1  
2 INTERPRETER: I didn't do it because I  
3 wanted to, but I came to this country with broken  
4 ribs.

5 CLAUDIA VALDIVIA: (SPEAKING FOREIGN  
6 LANGUAGE)

7 INTERPRETER: And they were intelligent on  
8 top of it.

9 CLAUDIA VALDIVIA: (SPEAKING FOREIGN  
10 LANGUAGE)

11 INTERPRETER: They misplaced my  
12 fingerprints in immigration, and they did it like  
13 three times.

14 CLAUDIA VALDIVIA: (SPEAKING FOREIGN  
15 LANGUAGE)

16 INTERPRETER: And it takes time, 60 days,  
17 for them to give them back to you, or to allow you to  
18 take your fingerprints again.

19 CLAUDIA VALDIVIA: (SPEAKING FOREIGN  
20 LANGUAGE)

21 INTERPRETER: So when I see the agencies  
22 here and they kept saying that they had a plan, that  
23 they were responsible...

24 CLAUDIA VALDIVIA: (SPEAKING FOREIGN  
25 LANGUAGE)

2 INTERPRETER: They don't have anything  
3 because all the resources I have received...

4 CLAUDIA VALDIVIA: (SPEAKING FOREIGN  
5 LANGUAGE)

6 INTERPRETER: I have found them myself.

7 CLAUDIA VALDIVIA: (SPEAKING FOREIGN  
8 LANGUAGE)

9 INTERPRETER: My child has been here for  
10 five years.

11 CLAUDIA VALDIVIA: (SPEAKING FOREIGN  
12 LANGUAGE)

13 INTERPRETER: He wants to be a pilot.

14 CLAUDIA VALDIVIA: (SPEAKING FOREIGN  
15 LANGUAGE)

16 INTERPRETER: He finished school.

17 CLAUDIA VALDIVIA: (SPEAKING FOREIGN  
18 LANGUAGE)

19 INTERPRETER: But right now I'm sad.

20 CLAUDIA VALDIVIA: (SPEAKING FOREIGN  
21 LANGUAGE)

22 INTERPRETER: Because he cannot do what he  
23 wants because he doesn't have an immigration status.

24 CLAUDIA VALDIVIA: (SPEAKING FOREIGN  
25 LANGUAGE)

2 INTERPRETER: And I think it's important.

3 CLAUDIA VALDIVIA: (SPEAKING FOREIGN  
4 LANGUAGE)

5 INTERPRETER: They are children. They  
6 deserve to be just like the other children.

7 CLAUDIA VALDIVIA: (SPEAKING FOREIGN  
8 LANGUAGE)

9 INTERPRETER: And in my case, my children  
10 were lucky to have me..

11 CLAUDIA VALDIVIA: (SPEAKING FOREIGN  
12 LANGUAGE)

13 INTERPRETER: That I could register them  
14 in school and..

15 CLAUDIA VALDIVIA: (SPEAKING FOREIGN  
16 LANGUAGE)

17 INTERPRETER: Find lawyers through  
18 agencies.

19 CLAUDIA VALDIVIA: (SPEAKING FOREIGN  
20 LANGUAGE)

21 INTERPRETER: But many children do not  
22 have their luck.

23 CLAUDIA VALDIVIA: (SPEAKING FOREIGN  
24 LANGUAGE)

25



2 INTERPRETER: So I ask from the bottom of  
3 my heart...

4 CLAUDIA VALDIVIA: (SPEAKING FOREIGN  
5 LANGUAGE)

6 INTERPRETER: That you who have the power...

7 CLAUDIA VALDIVIA: (SPEAKING FOREIGN  
8 LANGUAGE)

9 INTERPRETER: To help our youth...

10 CLAUDIA VALDIVIA: (SPEAKING FOREIGN  
11 LANGUAGE)

12 INTERPRETER: Because these are children  
13 who are not here because they want to.

14 CLAUDIA VALDIVIA: (SPEAKING FOREIGN  
15 LANGUAGE)

16 INTERPRETER: They come fleeing violence.

17 CLAUDIA VALDIVIA: (SPEAKING FOREIGN  
18 LANGUAGE)

19 INTERPRETER: They're not safe in their  
20 country.

21 CLAUDIA VALDIVIA: (SPEAKING FOREIGN  
22 LANGUAGE)

23 INTERPRETER: And I think that this state...

24 CLAUDIA VALDIVIA: (SPEAKING FOREIGN  
25 LANGUAGE)

1  
2 INTERPRETER: Has a Statue of Liberty  
3 which represents a hope.

4 CLAUDIA VALDIVIA: (SPEAKING FOREIGN  
5 LANGUAGE)

6 INTERPRETER: And this is why right now..

7 CLAUDIA VALDIVIA: (SPEAKING FOREIGN  
8 LANGUAGE)

9 INTERPRETER: It's time that we are heard.  
10 A lot of time has gone by and..

11 CLAUDIA VALDIVIA: (SPEAKING FOREIGN  
12 LANGUAGE)

13 INTERPRETER: Nobody has really been  
14 interested in our children.

15 CLAUDIA VALDIVIA: (SPEAKING FOREIGN  
16 LANGUAGE)

17 INTERPRETER: It's not fair that here we  
18 cut their dreams again.

19 CLAUDIA VALDIVIA: (SPEAKING FOREIGN  
20 LANGUAGE)

21 INTERPRETER: It's all that I ask from  
22 you, and thank you.

23 CLAUDIA VALDIVIA: (SPEAKING FOREIGN  
24 LANGUAGE)

25

INTERPRETER: And it's a pleasure that you  
heard me.

JORGE PAZ-REYES: Hello. Thank you,  
Members of City Council, Alexa Avilés and Stevens,  
thank you for having us here. My name is Jorge Paz-  
Reyes, and I'm the Community Organizer for Mixteca, a  
community-based institution that has proudly served  
the Spanish-speaking community of Sunset Park for  
more than 20 years. Over the years, we have witnessed  
the struggles and the resilience of many of migrants,  
especially young migrants who have arrived  
unaccompanied.

Claudia is part of our Promotoras  
Program, which empowers community members to engage  
in leadership opportunities in their communities,  
specifically Sunset Park. The testimony that Claudia  
highlights many of the frustrations that parents of  
unaccompanied migrants face in the city. However, as  
you heard today, there's another perspective of those  
migrants that do not have the privilege of having  
someone that receives them. In our daily work, we  
engage with young people from countries like  
Venezuela, Guatemala, Ecuador, Honduras, and many  
more youth who have made a difficult decision to

2 leave their homes in search for a better life, and  
3 one of the most present issues that we have noticed  
4 among these youth is the impossible balancing act of  
5 both going to school and also having to work. The  
6 reality is that many of them are not only supporting  
7 themselves, but also contributing to their families  
8 back home, and in many cases, they're responsible for  
9 paying rent and buying food here in the United  
10 States. This dual burden places an immense strain on  
11 their abilities to succeed academically and socially.  
12 Without a safety net, these youth are forced to grow  
13 far too quickly, often sacrificing their education  
14 for immediate financial needs. Unfortunately, the  
15 existing support systems are inadequate, leaving them  
16 vulnerable and without the necessary resources for  
17 successful integration into our society. At Mixteca,  
18 we share many of the frustrations that the Committee  
19 heard today and that were shared earlier in the  
20 panel. Just as then, we recognize the importance of  
21 implementing comprehensive mental health services as  
22 well as enhancing access to legal resources. However,  
23 we want emphasize the importance of developing income  
24 earning opportunities as well as facilitating  
25 mentorship programs. We have a lot of community

2 members that complain that they're not eligible for  
3 the Student Youth Employment Program, something that  
4 is widely shared in the DOE and the Department of  
5 Education. Similar to organizations like Afrikana,  
6 now Mixteca has taken the burden of supporting these  
7 young migrants and creating programming that helps  
8 them adjust to the country. Although we recognize the  
9 efforts of agencies such as MOIA, we still see many  
10 gaps that leave these youth in difficult situations.  
11 We hope that as this Committee looks into the  
12 resources available for unaccompanied migrants that  
13 we can create better connections between agencies and  
14 CBOs to become stronger and provide more resources to  
15 the community. Thank you for your time and  
16 consideration.

17 DOVONOU PIERRE: God bless America. I am  
18 Pierre from a French-speaking country, but as I do  
19 love America, I want to say it in English. Yes, I  
20 used to come here to your neighbor, Canada, because I  
21 worked for Canada in Benin. I was director of a place  
22 called Place du Québec, and I was Director, and my  
23 life was in danger because one day, the son of our  
24 President came to me and said that he wanted to take  
25 the place, and all my 35 employees were sent away.

1  
2 They gave me only three days' notice to leave the  
3 place. Then I was compelled to leave everything, to  
4 sell my house and to bring my kids, my daughter and  
5 her young brother, to move to America. But what I  
6 want to know, if you come from Benin, from a country  
7 where the currency is very weak, CFA to dollars, I  
8 thought I was rich but the money I brought here, in a  
9 few weeks, all disappeared like smoke. Then I have  
10 now problem to take care of my children, and I thank  
11 America because my children, my daughter and her  
12 brother, they are schooling, they go to school, and  
13 do you have a program that can help me before I get  
14 my work permit, because I apply. I am an asylum  
15 seeker, and as I know that America is a country of  
16 law, a day after my arrival, I went to a lawyer to  
17 apply for asylum, and my case is on good track, and  
18 I'm sure that with the evidence, all the documents I  
19 submitted, I'm sure to be approved. But before that,  
20 before I can work, because I have a master's degree  
21 in program management, I have also a Canadian degree,  
22 and for that, I'm sure that I will get my work  
23 permit. But what can I do before I can work? Thank  
24 you very much.

CO-CHAIRPERSON AVILÉS: Thank you so much  
for sharing your story.

(SPEAKING SPANISH)

I just want to say thank you again for  
sharing your story, and I just expressed sorrow for  
some of what Claudia shared in her testimony of what  
happened to her children, but I think what you all  
demonstrate here and what we've seen is there is a  
lot of people in the City, right, City agencies who  
are aspiring to do better and to make sure to ensure  
dignity for all, and when we know something isn't  
working, that we shift and make it work because we  
all deserve that so thank you all for your testimony  
today and for the work that you are doing. We  
appreciate it. Thank you.

So, we have last Rashmani Traule,  
Christopher Leon Johnson, and Sharon Brown Jeter.

CHRISTOPHER LEON JOHNSON: Okay. Good  
afternoon, Chair Alexa Avilés and Chair Althea  
Stevens. Christopher Leon Johnson here. So I want to  
make this clear that I heard these stories of these  
people. This is sad that their kids are going through  
stuff, even the kids themselves that are going  
through stuff. I was at the press conference this

1 morning impromptu, supposed to be for the City of Yes  
2 hearing. I say no to the City of Yes, and I saw a  
3 press conference with these African teen stories  
4 about what they're going through in the shelters, and  
5 I found out they are not like the current migrants  
6 that are coming over the border so it had nothing to  
7 do with that. The reason this is happening is because  
8 of Adams. Adams is trying to prioritize these people  
9 that just come over the border, just recently come  
10 over the border because of the Biden situation, and  
11 he's trying to appease them really more now because  
12 he's trying to stay out of jail. He's indicted. He  
13 needed to resign. I don't know why not one of these  
14 non-profits, including Mixteca, they didn't call for  
15 the resignation of Eric Adams because the reason this  
16 is happening to these children here is because of  
17 Adams. If these children, these migrant children  
18 here, were the migrant children that just came from  
19 the border under the Biden executive order, he would  
20 have been helping these people out, but because  
21 they've been here over five, ten, three, four, five,  
22 ten years ago, he's not going to help them out, and  
23 the problem is that, look, these people here, they  
24 are trying to do the right thing. They came here  
25



1 legally, and Adams don't care about that. He's  
2 helping the people out that jumped the line so the  
3 root of all this is Adams. These non-profits,  
4 including Mixteca, should have been on here and  
5 called for the resignation of Eric Adams. That's the  
6 truth. So I stand with migrants. I love them all, but  
7 Eric has to go. Thank you. Thank you.

9 CO-CHAIRPERSON AVILÉS: Thank you for your  
10 testimony.

11 We will now turn to virtual panelists.  
12 For virtual panelists, once your name is called, a  
13 Member of our Staff will unmute you, and the  
14 Sergeant-at-Arms will set a timer and give you the  
15 go-ahead to begin. Please wait for the Sergeant to  
16 announce that you may begin before delivering your  
17 testimony.

18 Our first and only virtual panelist is  
19 Jennie Spector.

20 SERGEANT-AT-ARMS: You may begin.

21 JENNIE SPECTOR: Hi there. I really want  
22 to thank two Committee Chairs for holding this  
23 hearing, because it's obviously, we saw it as  
24 incredibly important information that has been  
25 basically not out in public in the right way. I'll

1 just introduce myself. I am a social worker and a  
2 long-time immigration advocate, but when there was  
3 the large influx of recently arrived migrants and  
4 asylum seekers, I stepped up in a big way to help to  
5 organize Mutual Aid response here in Brooklyn where I  
6 live, and I'm in Fort Greene, and you probably know  
7 there are three migrant shelters in Clinton Hill,  
8 which was the next neighborhood for me on Hall Street  
9 and in that area. And in November of last year, we  
10 started to see a growing number of these young  
11 migrants in these adult migrant shelters, and so I  
12 think that something that hasn't been brought out in  
13 today's hearing is that, well, we clearly saw from  
14 the response from the agency that they have these  
15 yawning gaps in what they are providing for this  
16 population and what they're not providing, and so we,  
17 as Mutual Aid groups, have stepped up in a very large  
18 way to provide support for these young people. The  
19 gaps, and you can see that there is no streamlined  
20 response to provide them with the support and the  
21 care that they need and that they deserve, right? So  
22 first of all, I immediately saw that the major  
23 problem was that there is no mechanism when they go  
24  
25

1 to the Roosevelt's Workplace Shelter for them to be  
2 placed.  
3

4 SERGEANT-AT-ARMS: Thank you. Time has  
5 expired.

6 JENNIE SPECTOR: So, I will submit the  
7 rest of my testimony in writing, and I also just want  
8 to say there's been almost no talk about education  
9 today, which is a huge piece so we'll be helping to  
10 get written testimony submitted from people who have,  
11 you know, kind of been really focusing on that.  
12 There's a very large Mutual Aid response and network  
13 who have been really providing most of the help for  
14 these young people, and I'm happy to, you know, be  
15 available, you know, going forward to kind of help to  
16 flesh out the picture more.

17 CO-CHAIRPERSON AVILÉS: Thank you so much,  
18 Jennie. We look forward to your testimony. Thank you  
19 for the work. We are well aware that Mutual Aid  
20 groups have been on the front line of welcoming our  
21 newest New Yorkers and supporting New Yorkers in  
22 general so we appreciate that work and we will  
23 certainly follow up. We appreciate your testimony  
24 today. Thank you.

1  
2           So, we've now heard from everyone who  
3 signed up to testify. I don't think we've missed  
4 anyone. We're good, right?

5           COMMITTEE COUNSEL CATÁ: Yeah.

6           CO-CHAIRPERSON AVILÉS: If we  
7 inadvertently missed anyone who would like to testify  
8 in person, please visit the Sergeant-at-Arms table  
9 and complete a witness slip now. If we've  
10 inadvertently missed anyone who would like to testify  
11 virtually, please use the raise hand function in the  
12 Zoom and a Member of our Staff will call on you in  
13 the order of hands raised.

14           So, seeing no one else, I would like to  
15 note again that written testimony, which will be  
16 reviewed in full by Committee Staff, may be submitted  
17 to the record up to 72 hours after the close of this  
18 hearing by emailing it to [testimony@Council.nyc.gov](mailto:testimony@Council.nyc.gov).

19           With that, we call this meeting to a  
20 closure. [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. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date October 19, 2024