

EMERALD ISLE IMMIGRATION CENTER
Meeting the Needs of Immigrants



**Testimony in support of
Resolution #6034 calling upon the United States Congress to pass and the President to sign
a comprehensive immigration reform bill in 2013**

**Submitted to the
New York City Council
Committee on Immigration**

April 4, 2013



The Emerald Isle Immigration Center (EIIC) would like to thank the New York City Council for the opportunity to submit testimony in support of Resolution # 6034 calling upon the United States Congress to pass and the President to sign a comprehensive immigration reform bill in 2013. We would especially like to thank Chairperson Daniel Dromm, the Committee on Immigration and the New York City Council for their continued support of our work to provide legal assistance to New York City immigrant communities through the Immigrant Opportunities Initiative (IOI).

The EIIC is a twenty-five year old community-based nonprofit organization providing immigration legal services, citizenship preparation and education, social services and employment related services to immigrants through our offices in Woodside, Queens and Woodlawn in the Bronx. We assist more than 20,000 individuals each year by providing case assistance, information, and referrals. EIIC offers direct legal representation on immigration and naturalization matters to nearly 1,000 low-income immigrants and New York City residents annually. In the current fiscal year to date we have represented clients from fifty-two different countries.

The immigrant communities that we serve consist of hard-working individuals looking to improve their own lives and those of their families. For every client that we are able to assist to obtain permanent residence or citizenship there are at least a dozen others who do not have any options under current immigration laws to formalize their status. Many of them pay taxes, have no criminal records and have children and relatives who are US citizens or permanent residents. Some own homes and businesses employing American workers. However, due to their immigration status violations they are ineligible for immigration benefits without suffering harsh bars and separation from their families, businesses and roots within the United States. As a result

of their lack of immigration status, they are not eligible to drive, obtain affordable health benefits, seek financial aid, travel overseas to visit family and they remain in an immigration limbo.

We would like to thank the New York City Council Committee on Immigration for introducing this Resolution and holding this hearing today. We respectfully urge this Committee and the entire City Council to pass this Resolution and send a message to their colleagues in Congress to pass comprehensive immigration reform immediately to fix a dysfunctional immigration system and provide a path to legal status and ultimately citizenship to many undocumented New Yorkers.

Over the next few weeks we look forward to seeing a bill introduced in Congress to move the process forward. We support the current bipartisan discussions and proposals towards a comprehensive and fair immigration reform bill with the right balance between access and enforcement and the inclusion of proposals for future flow to the United States.

We hope that a final comprehensive immigration reform bill will embrace the following principles:

A clear, direct and inclusive path towards citizenship. A bill must be both fair and inclusive towards the undocumented currently living in the United States. It should permit everyone living and working in the United States to earn citizenship within a reasonable time and respect the unity of the family and those currently waiting in line to obtain legal status. We need to avoid the creation of an underclass of immigrants who will never be eligible to attain the rights and responsibilities of U.S. citizenship. A legalization program towards citizenship should also not be conditioned on the satisfaction of uncertain and unclear triggers involving border enforcement and employment verification.

All immigrants should also have the opportunity for full civic participation and integration in our communities. Immigrants must be given the tools to fully participate in our society. Local immigrant communities need resources to provide English language classes, citizenship preparation and other support that immigrant families need to become full participants in the wider community.

Long term and sustainable future flow of migration while respecting the rights of immigrant workers. New opportunities must be available to those who are qualified and whose skills are needed to support the U.S. economy and labor market. This will also help alleviate the demand, incentives and abuse towards the employment of undocumented workers. An efficient and accurate system to ensure compliance by US businesses to employ workers should be established to also respect the rights and privacy of all employees.

Ensure fundamental due process in the immigration system. Finally, we must move away from the enforcement first approach and efforts to detain and deport immigrants. These efforts are wasting resources and taxpayer dollars. Civil rights and the trust between immigrant communities and law enforcement need to be restored by changing current detention policies and ending enforcement programs deputizing local authorities. All immigrants threatened with removal should also be provided their day in court and the opportunity for legal representation.

With your support we can send a message to Congress and the President that now is the time to pass meaningful and real comprehensive immigration reform. Thank you for your time.

Ladies and gentleman of the New York City Council Committee on Immigration,

The New York Legal Assistance Group's Immigrant Protection Unit wishes to convey its full support for Council Member Dromm's "Resolution calling upon the United States Congress to pass and the President to sign a comprehensive immigration reform bill in 2013." We would also like to particularly applaud the efforts of Council Members Dromm and Eugene, whose offices we continue to work with, in advancing the cause of immigrants' rights. Annually, the New York Legal Assistance Group's Immigrant Protection Unit serves thousands of immigrants throughout the five boroughs, providing free legal services and other forms of advocacy. Moreover, the Immigrant Protection Unit has long been a champion of immigrants' rights and comprehensive immigration reform on the federal and state level. With the recent arrival of reform proposals from President Barack Obama and a bi-partisan group of Senators, we as immigration practitioners have formulated our own platform, which we respectfully present before you today.

Keeping immigrant families together has historically been a top priority in the formation of immigration legislation, particularly as enshrined in the United States' relative petition process. As such, family unity must remain a central focus in any proposal for comprehensive immigration reform. Towards that end, we endorse the following initiatives. Spouses and minor children of permanent residents should be re-categorized as immediate relatives. Doing so will reduce the waiting period for these relatives, allow many of them to adjust to permanent residence in the United States without leaving the country, and free up visas for use by other relatives of U.S. citizens and permanent residents. Derivatives of immediate relatives should be granted the same status and order of consideration (without a separate petition) as the principal beneficiary if accompanying or following to join the principal applicant. Under the current law, principal applicants must wait years to be reunited with derivatives. In conjunction, the current wait times for family petitions must be addressed by, for example, raising the numerical limits on immigrants coming from certain foreign countries, such as Mexico and China. As Council Member Dromm and the present Resolution being considered exhort, we believe in the recognition of same sex marriages and the granting of full benefits to same sex spouses of US citizens and permanent residents. The recently initiated provisional waiver process, whereby certain applicants for lawful permanent residency may apply to have their unlawful presence waived while in the United States, also necessitates streamlining. To wit, by allowing applicants for the waiver to proceed with adjustment of status rather than to seek immigrant visas abroad, families will avoid unnecessary separation and travel expenses. Moreover, it may not be safe for nationals and citizens of certain countries to return to home countries and certain disabled, elderly, or ill individuals are unable to leave the country. In addition, provisional waiver eligibility should be expanded to allow immediate relatives of Lawful Permanent Residents to apply. Of final note, while we firmly encourage the development of policies and procedures which foster a more robust and sensible employment-based immigration scheme, those efforts should not be made at the expense of family unity. Proposals which seek to lower caps for family-based immigration in exchange for greater numbers of employment-related visas are untenable and would run contrary to the spirit of comprehensive immigration reform.

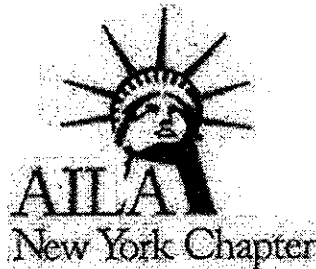
A pathway to citizenship for the millions of undocumented immigrants currently living in the United States is now more than ever a pressing necessity, for humanitarian as well as practical reasons. Yet, the manner in which that path is laid out will be crucial to the success of any legalization program. We would

encourage the grant of a “Conditional Permanent Status” to undocumented immigrants who fulfill the legalization requirements (registration, security clearance, payment of fine, etc.). Upon compliance with all the conditions of the status, conditional permanent residents would then be permitted to apply for removal of the condition and to obtain lawful permanent resident status. Thereafter, those lawful permanent residents must be eligible to become U.S. citizens. Prohibiting such individuals from applying for naturalization would create a secondary class of lawful residents. We would encourage Congress not to make legalization conditional on compliance with English language and civics requirements. Doing so will entirely exclude those immigrants who, due to age or disability, are unable to comply with these requirements. Moreover, the proposed requirements are redundant as those legalized immigrants will have to comply with such requirements when they elect to pursue naturalization. Also, the payment of back taxes should not be a condition of registration and further legalization. Doing so will create insurmountable obstacles for undocumented immigrants, especially in light of the proposed increase in sanctions for employers who hire undocumented immigrants. A one-time fine would serve the same purpose to the government as paying back taxes. The pathway to legalization should be made available to individuals with prior removal orders and grants of voluntary departure. It would be unjust to penalize these individuals simply because they had prior contact with the immigration system. We believe fervently that legalization should not be contingent on border security. As long as “border security” and justice for undocumented immigrants are paired, the legalization process will not proceed. Border security requirements are difficult to measure and may, in fact, be unattainable. Using border security metrics as a trigger for legalization would almost certainly sabotage the latter. We would reject the “back of the line” concept. It will create uncertainty as to what the “line” means and how many years people have to wait in line.

Due process and equal protection are important values in our justice system and must apply to any person in this country, documented or undocumented. Therefore government-appointed counsel should be a guarantee for individuals who cannot afford a private attorney. So too should come the reform of immigration detention. Detention of immigrants not subject to mandatory detention should be eliminated, and all detained immigrants must have meaningful access to counsel.

With the passage of comprehensive immigration reform in mind, the NYLAG Immigrant Protection Unit has undertaken an effort to educate and assist those who are likely to become eligible for legalization of their status. We have created outreach materials informing the public not to be taken advantage of by unscrupulous immigration practitioners who may attempt to seek payment for applications that do not presently exist or promise benefits which cannot be accessed. Our outreach flyers also encourage interested persons to act proactively by saving money for future application fees, steering clear of any potential illegal activity, learning English, and beginning the process of collecting evidence that may be utilized in the application process. In addition, we are offering a number of concrete services in anticipation of immigration legislation, including making referrals to English as a second language classes, assisting clients in requesting their immigration records from the government via Freedom of Information Requests and in obtaining their FBI records, assisting clients in the accumulation of documentary evidence of their physical presence in the United States, and offering general legal consultations.

“Now is the time,” President Obama’s clarion call to action, is echoed in the Resolution before you today. Now *is* the time and we must act with assurance, clarity, and haste. Thank you for your time.



**AMERICAN IMMIGRATION LAWYERS ASSOCIATION
NEW YORK CHAPTER
2012-2013**

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April 4, 2013

Christine C. Quinn, Speaker
The New York City Council
250 Broadway
New York, New York 10007

Re: Preconsidered Resolution: a Resolution calling upon the United States Congress to pass and the President to sign a comprehensive immigration reform bill in 2013

Dear Speaker Quinn:

We are submitting this testimony on behalf of the New York Chapter of the American Immigration Lawyers Association (AILA), the nation's largest professional organization of immigration lawyers. We thank you for the opportunity to contribute to this forum.

The New York Chapter of the American Immigration Lawyers Association commends the New York City Council for this resolution urging lawmakers in Washington to enact long overdue reform to our nation's immigration laws.

Across the country and here in New York, our members see the devastating impact of our broken immigration system on a daily basis. Change is long overdue, and we are happy to support the City Council's efforts to ensure that sensible and humane reform becomes a reality.

For too long, eleven million individuals have lived in the margins of our society, without lawful immigration status. Many of them are here in the five boroughs of New York City. They pay taxes, but never receive social security benefits. They are educated in our



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schools, but can never be employed to realize their full potential.

They raise their families preaching hard work and discipline, but they live in constant fear of arrest, detention, and exile. The time is now to give them the opportunity to step forward, legalize their status and become integrated members of our society on a pathway to citizenship. And to do so quickly, without overly burdensome conditions, and in a way that is affordable.

But these individuals are only one facet of our broken immigration system. There are not nearly enough green cards available for family members and workers to meet the demand every year. True reform will ensure that families do not have to wait decades to be reunited, or that workers have to look elsewhere for jobs. It will not increase the availability of green cards for workers by decreasing or eliminating those for family members. And it will ensure that individuals who identify as LGBTQ are entitled to immigration benefits without exception.

Sensible reform will ensure that the US can compete in the global marketplace by encouraging foreign national entrepreneurs to start up companies without being constrained by archaic visa requirements. It will allow all needed workers – regardless of the skill level – to have a legal way of working in the US that includes all necessary protections and strengthens working conditions for all workers - US citizens and immigrants alike.

Humane reform will recognize that the detention and deportation system is out of control. It will revisit the harsh provisions of the 1996 immigration laws, including mandatory detention and deportation and the bars to reentry, and ensure that due process and judicial discretion are once again available to everyone. Billions of dollars are spent each year on detention operations. Alternatives to detention such as release on recognizance, bond, supervision, and monitoring cost from almost nothing to approximately \$22 a day per person.



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Meaningful reform will recognize that an unprecedented amount of resources have been devoted to border security and immigration enforcement for years, and that immigration enforcement is by far the largest recipient of federal law enforcement funding in the US. Rather than continuing the militarization of the border and the criminalization of migration, true reform will shift away from an enforcement first paradigm while holding border patrol accountable for their harsh interrogation tactics, racial profiling and other illegitimate practices. And it will not condition legalization or any of these other critical improvements on meeting misguided and unnecessary border enforcement benchmarks.

Immigration reform is a moral and economic imperative. Our immigration laws have led to a humanitarian crisis, and the time is long overdue for meaningful reform. We are encouraged that our elected officials in Washington, DC recognize the urgency of this issue. However, we are concerned about many of the details that have been leaked, and hope they will consider suggestions like the ones we just provided.

New York City has always been a city of immigrants. It was built by immigrants and continues to attract people from all over the world. Nowhere else represents the true complexities – and dysfunction – of the immigration system quite like New York. We have students at top universities, billionaire financial investors, world-class entertainers, and undocumented laborers all working and living side by side. This is why it is so important for New York continue to lead on this issue.

We hope that Congress recognizes that this country – like New York City – was built by immigrants, and takes action to ensure that all members of our community can live in dignity and without fear, and can contribute to this country in whatever ways they know best. We are proud to stand alongside our immigrant sisters and brothers, the



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City Council and all the other groups and individuals testifying today to demand sensible and humane immigration reform now.

Thank you for your consideration.

Sincerely,

Elizabeth Barna
Chapter Chair

Camille Mackler
Co-Chair, Advocacy/Media Committee
Member, Pro Bono & Local Government Liaison Committees

Michael Mandel
Member, Advocacy/Media, Pro Bono & Local Government Liaison Committees

TESTIMONY

*In Support of the New York City Council Preconsidered Resolution on Comprehensive
Immigration Reform bill 2013-*

New York City Council

Committee on Immigration



199 Water Street
New York, NY 10038

April 4, 2013

Contact: Jojo Annobil (212) 577- 3292; jannobil@legal-aid.org
The Legal Aid Society, Civil Practice, Immigration Law Unit



TESTIMONY
PRESENTED ON 04/04/2013

This testimony is submitted on behalf of The Legal Aid Society ("Legal Aid"). We commend Committee Chair Dromm and members of the Committee on Immigration for your insightful and innovative work on behalf of New York City immigrants, and we thank you for the Council's IOI support for The Legal Aid Society's comprehensive legal assistance for immigrants in all five boroughs.

The Legal Aid Society supports the proposed New York City Council preconsidered resolution that calls on Congress to pass, and the President to sign, a Comprehensive Immigration Reform bill in 2013. New York City has always been cognizant of the needs of its vibrant but vulnerable immigrant population. Immigrants add to the creativity, and social and economic fabric of this vibrant City and the Society is pleased that the City Council is committed to ensuring family reunification and a long term solution to the nation's broken immigration system. On behalf of the Society I would like to thank you and the committee members for giving us the opportunity to discuss the urgent need for Congress to finally address Comprehensive Immigration Reform.

The Legal Aid Society

The Legal Aid Society, the nation's oldest and largest not-for-profit legal services organization, is more than a law firm for low-income families and individuals who cannot afford to pay for counsel. It is an indispensable component of the legal, social and economic fabric of New York City - passionately advocating for low-income individuals and families across a variety of civil, criminal and juvenile rights matters, while also fighting for legal reform. Legal Aid has performed this role in City, State and federal courts since 1876. With its annual caseload of more than 300,000 legal matters, Legal Aid takes on more cases for more clients than any other legal services organization in the United States, and it brings a depth and breadth of perspective that is unmatched in the legal profession. Legal Aid's law reform social justice representation for clients also benefits some two million low-income families and individuals in New York City and the landmark rulings in many of these cases have a national impact. Legal Aid does this with a full-

time staff of more than 1,700, including more than 1,000 Legal Aid Society lawyers working with nearly 700 social workers, investigators, paralegals and support and administrative staff through a network of borough, neighborhood, and courthouse offices in 25 locations in New York City. Legal Aid's legal program operates three major practices – Civil, Criminal and Juvenile Rights – and receives volunteer help from law firms, corporate law departments and expert consultants that is coordinated by the Society's Pro Bono program. For the last annual reporting period, law firm attorneys and paraprofessionals donated over 90,000 hours of pro bono service to the Society's clients and the total valuation of pro bono services contributed to Legal Aid was nearly \$70 million.

Immigration Law Unit

Although Legal Aid has evolved since its establishment in 1876 as a German immigrant-rights organization, it has not wavered in its commitment to immigrants and immigrant communities in New York City. For several decades Legal Aid has maintained a robust and nationally-recognized Immigration Law Unit based in the Civil Practice. The Unit provides low-income New Yorkers with free comprehensive and high caliber immigration services ranging from deportation defense to adjustment of status to Legal Permanent Residence and citizenship applications. The Unit specializes in the intersection between immigration and criminal law and works collaboratively with all practice areas to serve the Society's diverse immigrant clients through a comprehensive service model. Unit staff represents immigrants before U.S. Citizenship and Immigration Services (USCIS), before immigration judges and the Board of Immigration Appeals in removal proceedings, and in federal court on habeas corpus petitions and petitions for review. The Unit also partners with 14 community-based organizations in New York City to provide application assistance, comprehensive advice and workshops to low-income immigrants, refugees and asylees. For the last annual reporting period, the Unit provided direct legal representation and/or advice in over 5,200 client matters.

The Unit is committed to providing free high-quality legal representation, comprehensive advice and educational training to low-income immigrant clients and advocates. For more than 25 years,

the Unit's staff have advised criminal defense attorneys on the immigration consequences of criminal convictions. In addressing the needs of immigrants who have come into contact with the criminal justice system, the Unit assists these clients and their criminal defense attorneys to fashion favorable case resolutions to avoid deportation and also assists those in removal proceedings because of criminal convictions to avoid deportation.

We Support the Preconsidered Resolution for Comprehensive Immigration Reform

New York City needs to play an essential role in the current debate about comprehensive immigration reform, even though such reform is technically in the exclusive domain of Congress. New York City thrives on the diversity, vitality, and labor participation of our City's immigrants. Though many of these immigrants are undocumented and must therefore remain in the shadows, they pay taxes, own small businesses, parent U.S. citizen children, and add to the creativity, and social and economic fabric of this vibrant City. In 2010, 4.2 million foreign-born persons resided in New York State. It is also estimated that 750,000 of the nation's 11.7 million undocumented immigrants live in New York State.¹

New York City's role in the comprehensive immigration reform debate must be two-fold. First, we must advocate for a large-scale overhaul of current immigration laws and policies by demanding a solution to the immigrant visa backlog, legalization for undocumented persons, and repeal of the draconian 1996 changes to the Immigration and Nationality Act. Secondly, New York City must play a key role in planning for an efficient and effective implementation of legalization for Dreamers and the undocumented, should Congress pass such a law.

It is so necessary for New York City to advocate for an overhaul of the current immigration laws and policies because of the devastating impact they have on our City's families. The Department of Homeland Security's zero tolerance enforcement of draconian immigration laws since 2001 has

¹ Sam Roberts, Fewer Illegal Immigrants in New York, Study Finds. (New York Times February 15, 2013).

resulted in the detention and removal of thousands of long-time lawful permanent residents. In 2012, the Department of Homeland Security (DHS) removed a record-breaking 409,849 foreign nationals from the United States representing an increase of more than 96 percent since fiscal year 2008.² These removals are dividing nuclear families. Bread winners are deported, leaving spouses behind to juggle single-parenting. Children are left unsupervised and without father figures, often turning to truancy, which can ultimately lead to crime. Families that ordinarily would not access public benefits are being forced to apply for state and city aid, adding to the already overwhelming financial burdens on the city.³ It is estimated that at least 88,000 U.S. citizen children lost a parent to deportation between 1997 and 2007.⁴ Between January 1, 2011, and June 30, 2011, the Department of Homeland Security reported that it had removed 46,486 persons who claimed to have at least one U.S. citizen child.

The Legal Aid Society's experience and knowledge, which comes from our practice, demonstrates the necessity for comprehensive immigration reform. The sheer numbers, 11.7 million undocumented persons in our country, and approximately 750,000 in our state alone, indicate that our immigration laws and systems are in profound need of reform. Due to their "illegal" status, many undocumented non-citizens suffer abuse and are exploited daily. They cannot obtain drivers licenses, work legally, travel freely even within the United States, obtain healthcare or call the police when they are in danger for fear that they and their loved ones would be hauled away to detention facilities. Despite the tripling of the number of Border Patrol agents since 1986 and an unprecedented spending on border security, there are still elected officials who insist on making border security a pre-condition for providing a path to legal status for undocumented immigrants.

² Janet Napolitano, Secretary for Homeland Security; Written Testimony for a Senate Committee on Judiciary Hearing titled "Comprehensive Immigration Reform (February 13, 2013) available at www.dhs.gov/news/2013/02/13/written-testimony-secretary-napolitano-senate-committee-judiciary-hearing-titled.

³ U.S. DEP'T OF HOMELAND SECURITY, IMMIGRATION AND CUSTOMS ENFORCEMENT, FY 2011 REPORT TO CONGRESS: SECOND SEMI-ANNUAL REPORT, DEPORTATION OF PARENTS OF U.S.-BORN CITIZENS 4-5 (Mar. 26, 2012).

⁴ INT'L HUMAN RIGHTS CLINIC, UNIV. OF CAL., BERKELEY SCHOOL OF LAW ET AL., IN THE CHILD'S BEST INTEREST? THE CONSEQUENCES OF LOSING A LAWFUL IMMIGRANT PARENT TO DEPORTATION 4 (2010). This report also examined the impact of separation on health, social development, and education. *See also* WOMEN'S REFUGEE COMMISSION, TORN APART BY IMMIGRATION ENFORCEMENT (2010); Bryan Lonigan, *American Diaspora: The Deportation of Lawful Residents from the United States and the Destruction of Their Families*, 32 N.Y.U. REV. L & SOC. CHANGE 55, 70-76 (2007-2008).

The challenge for our nation, and our diverse City, is to begin the process of addressing this problem. Realistic strategies for fixing our immigration laws should focus on the root causes of migration and provide long-lasting solutions. Comprehensive Immigration Reform is the only answer and it must be done immediately.

Many undocumented persons have avenues for legalizing their status, but are forced to remain undocumented due to unreasonable processing delays, backlogs, overly complex procedures and the scarcity of immigrant visas. Under current law, the annual limit on worldwide immigration for the preference categories stands at 675,000. This number has not increased in decades. Of the 675,000 immigrant visas allotted annually, a mere 480,000 visas are issued to family-sponsored immigrants. The demand has severely outpaced the supply. A legal permanent resident must now wait anywhere from 3-8 years for immigrant visas for their spouses and children to become available; U.S. citizens must wait close to 11 years for visas for their adult married children and over 12 years for their brothers and sisters to join them in the U.S. U.S. citizens sponsoring siblings from the Philippines must wait 24 years to be reunited. Eliminating this backlog must be a basic component of comprehensive immigration reform. All pending applications for immigrant visas should be processed within a year and all eligible applicants should immediately be allowed to enter the country, and the numerical cap on annual visas must be increased to realistically accommodate applicants. Spouses and children of legal permanent residents should not be subject to waiting times or numerical caps. Numerical caps on employment-based immigrant visas should realistically reflect the country's labor needs.

Comprehensive immigration reform should not leave anyone behind or create a new tier of undocumented immigrants. All immigrants residing within the United States should be granted legal status. Undocumented persons should not be required to leave the U.S. to get on this path. Such a policy would also burden an already overworked system. In addition, requiring immigrants to leave the U.S. and reenter the country limits immigrants who are already resource-strapped. Immigrants may also fear being denied reentry, as well as potential processing delays resulting from added administrative burdens. Allowing undocumented immigrants access to the path to

legalization, without unnecessary hurdles, can serve the dual purpose of allowing undocumented persons to emerge from the shadows while reducing national security concerns, as the government would finally be able to account for all those residing in the country. Immigrants, while on the path toward legalization, should enjoy the same labor protections as other workers, thereby increasing overall labor standards and upholding American values of civil and human rights.

New York City must also urge our nation's lawmakers to fix the inherent flaws of the 1996 Antiterrorism and Effective Death Penalty Act (AEDPA) and the Illegal Immigration Reform and Immigrant Responsibility Act. (IIRIRA). While the whole nation is fixated on what to do with the undocumented immigrant population, few are considering the fate of those who already have lawful permanent resident status. The draconian laws passed by Congress in 1996 increased the number of crimes, some minor, which bar a lawful permanent resident from seeking relief from removal and took away judicial discretion to consider rehabilitation or family ties. That same law made immigrants who have committed certain crimes subject to mandatory detention throughout their immigration proceedings, even if they are eligible for certain forms of relief from deportation. The impact of these punitive laws has been devastating. Immigrants are being deported for minor criminal convictions even if they have U.S. citizen children, are long-term residents of the U.S., have pressing health concerns, or would be subject to conflict or death in their home country. The statistics are mind-boggling. In 2012, 225,390 non-citizens with criminal convictions were removed from the U.S., compared to 88,217 in 2006, an increase of more than 200 percent. The 1996 laws should be further reformed to include a right to counsel for all, especially unaccompanied youth and mentally impaired persons, a statute of limitations when considering past criminal convictions, the opportunity for judicial review, and a consideration of hardship or other equities. Immigration and Nationality Act Section 245(i) should be restored and the Section 249 registry date should be changed to provide avenues of relief for the undocumented population. The three and ten year bars for unlawful presence should also be repealed. These reforms will keep New York City's families intact, reduce the rate of costly detentions and deportations, and afford immigrants due process, while promoting American values of fairness and opportunity.

New York City must also plan for the efficient and effective implementation of legalization. Passage of a comprehensive immigration reform package that includes legalization, would bring relief and a unique opportunity to millions of undocumented immigrants, by allowing them to regularize their status in the U.S. However, the success or failure of legalization will depend largely on community-based organizations and not-for-profit legal services organizations. Such organizations already cope with heavy caseloads and limited resources. New York City must step in and provide funding to assure the continued provision of quality and competent services to our City's immigrant population. The Legal Aid Society's extensive experience with the 1986 legalization exercise, the World Trade Center Disaster Relief Initiative, the 2001 Special Registration exercise for Arab, Muslim and South Asian men, (National Security Entry-Exit Registration System), the 2010 initial registration and the 2011/2012 re-registration of Haitian nationals for Temporary Protected Status (TPS) exercises and Deferred Action for Childhood Arrivals (DACA) makes us uniquely qualified to provide leadership and to partner with other legal services providers and community-based organizations to start building collaborations and effectively and efficiently provide quality services should legalization become a reality. New York City, in response, should be ready to fund legal service providers and community-based organizations to provide outreach, comprehensive screening, high quality application assistance and direct representation.

In conclusion, The Legal Aid Society supports a multi-pronged approach to comprehensive immigration reform that will encourage family reunification by eradicating the visa backlog for family-and-employment-based immigration, legalizing the status of the country's undocumented population, and amending the 1996 immigration legislation so that lawful permanent residents will not be barred from adjusting their status or naturalizing due to minor criminal convictions.



TESTIMONY
PRESENTED ON 04/04/2013

We stand ready to continue to work with the Council in all of these matters. Thank you and I welcome any questions from the panel.

The Legal Aid Society

By: Jojo Annobil

**Testimony of
Jessica Orozco, Esq.
Director of Immigration and Civic Engagement
Hispanic Federation**

Hearing on “A Resolution calling upon the United States Congress to pass and President Obama to sign a just and humane comprehensive immigration reform bill in 2013”

**Submitted to
Committee on Immigration
New York City Council**

April 3, 2013

I. Introduction

Chairman Dromm and members of the committee, I thank you for holding this timely hearing on comprehensive immigration reform, and I appreciate the opportunity to appear before the committee.

My name is Jessica Orozco and I am the Director of Immigration and Civic Engagement of the Hispanic Federation, a preeminent Latino organization dedicated to promoting the social, political and economic wellbeing of the Hispanic community. The Federation represents nearly 100 local, community-based organizations in the northeast that provide education, health, workforce development and other services to millions of Americans and immigrants annually.

Since its inception in 1990, the Federation has had a legacy of engaging in immigration, evidenced through our work in the Hispanic community and in Washington, DC. On a daily basis, our member agencies teach English, provide health care, promote financial literacy and otherwise ease the integration of immigrants into our society. We support and complement the work of our member agencies by advocating for public policies here in New York and at the federal level.

The importance of today’s hearing and resolution cannot be overstated. We are encouraged by this distinguished Committee’s resolution and too call on the members of Congress and President Obama to meaningfully address immigration reform in 2013.

HF has been and will continue to work tirelessly to pass immigration reform this year. Earlier this year HF issued its Policy Brief on Immigration Reform which highlights key principles necessary to enact fair and comprehensive reform. In addition, we are organizing immigration town halls to educate and mobilize the Latino community and allies in support of immigration reform. We will also be holding a lobby day in Washington, DC, sending hundreds of Latino community members to our nation’s capital to meet with legislators and advocate for the passage of immigration reform.

II. Background

There is a broad consensus that our immigration system is irrevocably broken, plagued by visa backlogs, bureaucratic delays and outdated policies. The impact on families is incalculable. Millions of U.S. citizens and immigrants alike are forced to wait excruciatingly long periods before they are

reunited with close family members. Latinos in the U.S. are disproportionately affected by the backlogs. Those wishing to sponsor an adult under the age of 21 from Mexico, for instance, sometimes wait over 20 years before the application is processed. Families are being torn apart. Nearly 45,000 undocumented parents of U.S. citizen children were deported in the first six months of 2012, and at least 5,100 of their children now live in foster care in 22 states, creating considerable public costs and great human suffering. The impact on the civil rights of Latinos is unjustifiable. 93% of Latinos under the age of 18 are U.S. citizens, as are 74% of Latino adults. Regardless of status, every Latino in the United States can have his/her civil rights violated by states and localities engaging in legally sanctioned racial profiling, be held for days in a local jail without charge, and detained without due process.

Our system is badly broken and it is a national shame. We can and we must do better.

III. Recommendations for a fair and humane immigration reform bill

The Hispanic Federation maintains that the following priorities are critical to advancing immigration legislation that is fair, preserves family unity and honors immigrants' significant contributions to our nation.

- *Provide a clear, fair and workable path to citizenship* for undocumented immigrants and their families which affords them immediate legal status to live and work from the onset of the bill's passage.
- *Restructure the immigration system so that it "works" for everyone*, providing for an orderly process, eliminating backlogs for families of U.S. citizens and permanent residents, H1-B visas, and other immigration applications.
- *Preserve family unity*, by creating relief from removal and a path to immediate legal status for parents of children who are citizens, and provide the ability of legal residents to bring immediate family members to the U.S. without years or decades of separation. And restoring equality in our immigration system by extending immigration rights to lesbian, gay, bisexual and transgender (LGBT) families.
- *Ensure due process and civil rights* for all U.S. residents, eliminating immigration policies and programs that lead to racial profiling or deny access to legal counsel and judicial review.
- *Re-establish and maintain federal pre-emption* by returning immigration enforcement policy to its place as a federal – not state or local – responsibility.
- *Establish strong worker protections* that protect all workers' right to organize and bargain collectively, provide occupational safety and health, and anti-discrimination protections.

IV. Conclusion

All of us in this room cherish the promise of the American dream. We now have an opportunity to make this dream a reality for the millions of friends, neighbors and community members who are ready to earn that opportunity if given a fair chance. Now is the time to bring them out of the shadows, fully integrate them into our society and have them join us as fellow American citizens. The time for immigration reform is now!

New York City Council
Committee on Immigration
Testimony by
Amanda Lugg, Director of Advocacy
African Services Committee
April 5, 2013

African Services Committee is a non-profit organization dedicated to improving the health and self-sufficiency of the African community.

We provide health, housing, legal, educational, and social services to over 10,000 newcomers each year with a focus on HIV prevention, care and support.

African Services Committee also works on the frontlines of the global AIDS epidemic; operating five clinics in Ethiopia and through advocacy and policy work in the US and abroad.

Immigration and Customs Enforcement (ICE), the U.S. Department of Homeland Security's (DHS's) interior enforcement agency, detains over 400,000 immigrants, including thousands of asylum seekers, in 250 jails and jail-like facilities across the country, at a cost of \$2 billion annually, despite the existence of effective and less costly alternatives to detention.

ICE interprets appropriations language to mandate a daily detention level of 33,400, an approach that does not exist in other law enforcement contexts and that prevents the agency from saving taxpayer dollars by using more appropriate alternatives when detention is not necessary. In fact, criminal justice systems across the country have recognized that effective alternatives can create cost-savings and more humane outcomes while also achieving governmental objectives.

Finally, as documented by Human Rights First, the bipartisan U.S. Commission on International Religious Freedom, human rights authorities, prison experts, corrections officials, and the American Bar Association, all confirmed that jails and jail-like facilities are inappropriate for civil immigration detainees.

As such, and to bring U.S. immigration law in line with U.S. human rights commitments, African Services Committee recommends the following detention priorities for comprehensive immigration reform;

- Repeal of those sections of the Immigration and Nationality Act that require the mandatory detention of immigrants.
- Stop-gap measures that will mitigate mandatory detention's adverse impact until total repeal of mandatory detention is achieved, include:
- Elimination of the detention bed mandate

- A change in the definition of “aggravated felony” so that fewer people are included in the mandatory detention category.
- Redefining detention as government custody or other restriction on individual liberty; and recognize that alternative forms of detention can constitute custody.
- Require establishment of government-funded community support programs, which provide case management to access a combination of local services for individuals being released from immigration detention to promote safety and self-sufficiency and legal representation
- Require DHS to implement standards and conditions in line with the American Bar Association’s proposed civil immigration detention standards;

In addition, access to affordable health care and nutrition assistance is necessary to fully integrate aspiring citizens and provide them the opportunity to learn, to work, and to contribute to their communities.

Therefore, African Services Committee also recommends the following healthcare priorities to be included in immigration reform;

- Do no harm to programs that are available regardless of immigration status. (e.g., food banks, community health centers)
- No new restrictions or waiting periods to existing programs, including the Affordable Care Act (ACA).
- Ability to buy affordable health insurance through the exchanges under the ACA.
- Ability to obtain ACA tax subsidies that help make insurance more affordable.
- Allow all lawfully present children and pregnant women, including aspiring citizens, to apply for SNAP, Medicaid, and CHIP without a waiting period.
- Eliminate the 5 year waiting period for Medicaid for low-income immigrant parents and seniors.
- Count the number of years in provisional status towards the 5 year waiting period for federal benefit programs.
- Provide additional funding and support to safety-net providers to serve uninsured immigrants.
- Provide states additional funding for integration programs that include access to affordable health care and nutrition assistance.



**MinKwon Center for Community Action
Statement for the Record
New York City Council's Committee on Immigration
Hearing on a Preconsidered Resolution for Comprehensive Immigration Reform
April 4, 2013**

Good afternoon Chairmen Daniel Dromm and members of the Immigration Committee. Thank you for the opportunity to testify today in support of a preconsidered resolution, calling upon the United States Congress to pass and the President to sign a comprehensive immigration reform bill in 2013. My name is Sabrina Fong and I am an Associate at the MinKwon Center for Community Action. Since our founding in 1984, the MinKwon Center has made a profound presence in the Korean American, Asian American, and immigrant communities through various grassroots organizing, education, and advocacy initiatives that address important community issues at the national, state, and city levels.

As the political landscape has shifted and momentum for comprehensive immigration reform has accelerated dramatically in 2013, the MinKwon Center formed the Asian Pacific American (APA) Table of New Yorkers for Real Immigration Reform, a coalition of over 20 Asian-led and serving organizations working to highlight the needs and concerns of the APA community in the immigration reform debate. In New York City alone, over 73% of Asian population is foreign born, and less than half have obtained U.S. Citizenship¹. In Flushing, our home base, over 70% of the Korean community is foreign-born². Needless to say, immigration reform is a critical issue for the APA community.

As a second generation Asian American, I have benefited tremendously from America's family-based immigration system. My father came to the U.S. in 1970 with the hope of starting a new life in a new country with his wife. With his brother petitioning for him, my father was able to come to the U.S. at just nineteen years of age. With the support of his older brother, he attended public high school in Manhattan and worked almost every night. Today, he is a vital part of the community and the father of three children. I would not be here if my uncle had not been able to sponsor him.

However, at last week's APA Community Town Hall on Immigration Reform it was clear that my family was lucky. Drawing a crowd of over 200 people, the town hall lifted up the stories of individuals directly affected by the broken immigration system and crystallized the need to increase family-based visa categories. Today, Asian Americans are the most likely group to have close family members remaining abroad, accounting for nearly one-third of all family-based immigration visas in the U.S.³ Currently, families must wait up to 13 years to be reunited with a sibling from Korea and a startling 23 years for a sibling from the Philippines⁴. This is a critical issue for our community. Due to these substantial backlogs for issuing family visas, 1.8 million people are currently waiting in Asian countries to be reunited with their loved ones⁵.

Yet instead of trying to address these backlogs, Congress is now threatening to drop provisions for U.S. Citizens to be able to sponsor their siblings and their adult children. Instead of a immigration system that keeps families together, Congress is advocating for a system that is employment-based. They are proposing a future

¹ http://factfinder2.census.gov/bk/mk/table/1.0/en/ACS/11_3YR/S0201/1600000US3651000/popgroup-012

² 2007-2011 American Community Survey 5-Year Estimates

http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_11_5YR_B16001&prodType=table

³ "A Devastating Wait: Family Unity and the Immigration Backlogs." Advancing Equality. Asian Pacific American Legal Center, 2008. Web. 18 Mar. 2013. <http://www.advancingequality.org/attachments/files/117/APALC_family_report.pdf>.

⁴ "Visa Bulletin For April 2013." Visa Bulletin For April 2013. N.p., 8 Mar. 2013. Web. 19 Mar. 2013. <http://travel.state.gov/visa/bulletin/bulletin_5900.html>.

⁵ Hershberger, Matt. "Survey: Asian Americans Concerned with Legalization, Family Backlogs." Immigration Impact. N.p., 8 Feb. 2013. Web. 18 Mar. 2013. <<http://immigrationimpact.com/2013/02/08/survey-asian-americans-concerned-with-legalization-family-backlogs/>>.



where individuals like my father would be turned away.

We at MinKwon feel that this change would be misguided and destructive.. The need for family-based visas and work-based visas are complementary issues that must not be pitted against one another. This false dichotomy harms the very foundation that our immigrant community was built upon. In fact, studies have found that differences between family and employment categories may exist only a few years after an immigrant's arrival, and that skills- and family-based immigrants earn the same within five years of coming here⁶. As we push for immigration reform now, it is important that we do not lose sight of this for our families and for our economy at large.

While we are pleased to see that the City Council has recognized the need to promote family unification in its preconsidered resolution, we are concerned about the lack of specificity, and request that the actual resolution contain more specific language around increasing family-based visas, including expanding the number of visas provided for siblings and adult married children. We must remember America's immigration system was built on the fundamental belief that families should be kept together. The MinKwon Center stands ready to work with this Committee to ensure that the long overdue reform of our immigration system recognizes the vital contributions immigrants make to this country and promotes dignity and respect for immigrants and their families.

Thank you for your time.

⁶ Ramakrishnan, Karthick. "18 Million Rising." 18MillionRising. N.p., 19 Mar. 2013. Web. 03 Apr. 2013. <<http://18millionrising.org/blog/2013/mar/19/social-and-economic-value-family-visas/>>.



The Committee for Hispanic Children and Families, Inc.

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April 4, 2013

The New York City Council
Committee on Immigration
Hearing on April 4, 2013

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NCLR
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Written Statement Submitted by The Committee for Hispanic Children and Families, Inc. in Support of Passage of a Comprehensive Federal Immigration Reform Bill in 2013

Thank you, Committee Chair Dromm and the other members of the Committee on Immigration, for giving me the opportunity to speak here today.

The Committee for Hispanic Children and Families, Inc. supports the New York City Council resolution advocating for comprehensive and humane federal immigration reform, to expand civil liberties to the 11.5 million undocumented immigrants living in the United States, and reform our outmoded, punitive immigration enforcement system.¹

In order to move our country forward and allow these marginalized millions to take equal part in American civic and economic life, the US Congress should pass immigration reform that:

- 1) opens a non-punitive path to citizenship for undocumented immigrant residents of the United States, that is both fair and expeditious;
- 2) expands family-related permanent residency admissions for spouses, children, parents and partners of immigrants, without discriminating on the basis of sexual orientation;
- 3) ends the long-term, inhumane ICE detention practices undocumented people endure;
- 4) gives tax-paying undocumented residents and their children access to human and social services and benefits; and
- 5) requires employers to abide by fair labor practices, enforcing labor, health and safety laws and non-discrimination laws, and ensuring workers receive at least the minimum wage.

At CHCF, we witness the numerous challenges undocumented immigrants face every day in New York City. Most of the immigrant families with whom we work live at or below the poverty line. Our Hurricane Sandy relief workers have heard time and again that undocumented people do not seek assistance from city service agencies because they are afraid of being reported to ICE. Undocumented parents of school children in CHCF's Youth Development programs are similarly reluctant to be active in the school system or involved in their children's education at the school level by asking questions or participating in parent-teacher associations. Undocumented people who have witnessed or been victims of crimes often do not report incidents because they are afraid of the police, making their communities havens for criminal activity.

There are approximately 40 million immigrants living in the United States, comprising 13% of the total population and 16% of the labor force.² Undocumented immigrants make up more than 25% of this population and more than 3% of the total U.S. population.³ As of 2011, 73% of

undocumented immigrants were from Mexico, El Salvador, Guatemala or Honduras.⁴ A 2009 Pew Hispanic Center report found that 73% of undocumented immigrants' children were U.S. citizens; that number is likely higher today.⁵

Yet, in spite of their participation in our economy, these men, women and children have been barred from attaining civic legitimacy. Instead, draconian detention and deportation policies, and the Secure Communities program have forced them into the shadows, fomented distrust of law enforcement in immigrant communities, pulled apart families and relegated millions to underclass-status. Because most undocumented immigrants are from Latin American and Caribbean countries, Latinos are disproportionately affected by these policies. Millions of immigrant families remain separated because U.S. residents' family members in origin countries have to wait for years to obtain U.S. entry visas.⁶

A recent Pew Research study shows that there is broad and growing support among Americans for immigration reform that permits undocumented residents to stay in the country legally. More than 70% of study participants said that they would support legislation that either opened a pathway to citizenship for undocumented residents or made them eligible for permanent residency.⁷

Immigration reform is not merely a political issue; it is a humanitarian issue. The US Congress has a responsibility to pass reform legislation that is both comprehensive and fair, and allow the millions of families left behind by the current laws to step out of the shadows and into the light.

Thank you.

¹ Michael Hoefer, Nancy Rytina, and Bryan Baker, "Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2011," DHS Office of Immigration Statistics, March 2012.

² Hispanic Federation, "Policy Brief on Immigration," 2013, p. 1; U.S. Census Bureau, "The Foreign-Born Population of the United States: 2010," An American Community Survey Report, May 2012, pp. 1-22. Available at: <http://www.census.gov/prod/2012pubs/acs-19.pdf>

³ Hispanic Federation, 1.

⁴ Hoefer et al.

⁵ Jeffrey Passel and D'Vera Cohn, "A Portrait of Unauthorized Immigrants in the United States," Pew Research Hispanic Center, April 14, 2009. Available at: <http://www.pewhispanic.org/files/reports/107.pdf>

⁶ As of November 1, 2012, there were more than 4.4 million sponsored visa applicants on the Department of State's waiting list. This number does not include additional applications still being held and processed by Citizenship and Immigration Services prior to their delivery to the Department of State. See: U.S. Department of State, "Annual Report of Immigrant Visa Applicants in the Family-sponsored and Employment-based preferences Registered at the National Visa Center as of November 1, 2012." Available at: <http://www.travel.state.gov/pdf/WaitingListItem.pdf>

⁷ Pew Research Center for the People and the Press, "Most Say Illegal Immigrants Should Be Allowed to Stay, But Citizenship Is More Divisive," March 28, 2013. Available at: <http://www.people-press.org/files/legacy-pdf/3-28-13%20Immigration%20Release.pdf>



NEW IMMIGRANT COMMUNITY EMPOWERMENT

My name is Valeria Treves, I am the Executive Director of New Immigrant Community Empowerment (NICE) an organization dedicated to immigrant workers rights. Our members are primarily day laborers and domestic workers, our organizing priority are immigrants who are undocumented, low wage and recently arrived. NICE is an active member of the New Yorkers for Real Immigration Reform Campaign (NYRIR) and active as well in the National Day Laborer Organizing Network (NDLON) and National Domestic Worker Alliance (NDWA) for immigration reform.

Our goal is to introduce the specific concerns of day laborers and domestic workers into the discussion around immigration reform and to ensure that our community is included in the immigration bills and in the reform.

Here are some issue of concern: We believe that believe immigration reform should include:

a. An immigration bill should include an inclusive path to citizenship for all 11 million undocumented workers. In current proposals, potential roadblocks include:

- ⇒ Work requirements: (workers unable to prove continuous employment, tying access to immigration benefits to the employer, opens up the door for more exploitation, Need to base access to benefits on physical presence only)
- ⇒ Excessive fees, fines and back taxes: (High fees and cost, potential loan scams, Taxes only in provisional status rather than back taxes)
- ⇒ Criminal disqualifications: (Impact of 1996 laws, Community members with criminal past should not be excluded)

b. An immigration bill should include affirmative protection of workers rights:

- ⇒ No to E-verify: If E-Verify, need safeguard against discriminatory practices, due process protection.

Yet affirmative protections of worker's rights are the best way to fight abusive employers

- ⇒ Whistle blower protections and POWER act
- ⇒ Improving and expanding U, S, and T visa programs
- ⇒ Creating workplace protections for workers who adjust their status as part of the immigration reform process.

c. Inclusion and protection of future immigrants

- ⇒ Future flows: workers coming in on visas must be able to switch employers and have full protections of worker rights, must have access to apply for a green card n citizenship in a year.
- ⇒ Need regulation of foreign recruiters in order to avoid abuses, exploitation, fraud and human trafficking
- ⇒ Ramping up enforcement of labor laws to protect the rights of undocumented future flows.

Lastly, we need an immediate end to inhumane immigration enforcement and deportations, as bill is discussed.



The Need for LGBT-Inclusive Comprehensive Immigration Reform

Testimony Submitted to the New York City Council Committee on Immigration

RE: Pre-Considered Res. No. - Resolution calling upon the United States Congress to pass and the President to sign a comprehensive immigration reform bill in 2013

Thursday April 04, 2013

Statement of Rachel B. Tiven, Esq., Executive Director, Immigration Equality

Immigration Equality is a national organization that works to end discrimination in U.S. immigration law, to reduce the negative impact of that law on the lives of lesbian, gay, bisexual, transgender ("LGBT") and HIV-positive people, and to help obtain asylum for those persecuted in their home country based on their sexual orientation, transgender identity or HIV-status. Immigration Equality was founded in 1994 as the Lesbian and Gay Immigration Rights Task Force. Since then we have grown to be a fully staffed organization with offices in New York and Washington, D.C. We are the only national organization dedicated exclusively to immigration issues for the LGBT and HIV-positive communities. More than 38,000 activists, attorneys, faith leaders, and other constituents subscribe to Immigration Equality's emails and action alerts, and our website has over 380,000 unique visitors per year. The legal staff fields over 3,700 inquiries a year from individuals throughout the entire U.S. and abroad via telephone, email and in-person consultations.

We applaud the New York City Council Committee on Immigration for convening this hearing today and hope that Comprehensive Immigration Reform (“CIR”) will be given the serious consideration that it deserves. CIR is of vital importance to the LGBT community. LGBT immigrants are part of many immigrant sub-communities, from brilliant entrepreneurs, to loving spouses, to youth who have seen themselves as Americans their whole lives, to asylum seekers fleeing desperate situations to stay alive, to undocumented individuals who came to the U.S. for a better life and are now living in the shadows with no means to legalize their status. Immigration Equality recognizes the need for truly Comprehensive Immigration Reform which addresses the myriad needs of the immigrant community and the parallel needs of the LGBT immigrant community.

CIR Must Include the Uniting American Families Act

Although Immigration Equality works on many issues affecting the LGBT immigrant community, no issue is more central to our mission than ending the discrimination that gay and lesbian binational couples face. Because there is no recognition of the central relationship in the lives of LGBT Americans, they are faced with a heart-rending choice that no one should have to make: separation from the person they love or exile from their own country. Inclusion of the Uniting American Families Act (“UAFSA”)ⁱ within CIR would provide a pathway to legalization to LGBT families.

Family unification is central to American immigration policy because Congress has recognized that the fundamental fabric of our society is family. Family-based immigration accounts for roughly 65% of all legal immigration to the United States.ⁱⁱ Family ties transcend borders, and in recognition of this core value, the American immigration system gives special preference for the spouses of American citizens to obtain lawful permanent resident status without any limit on the number of visas available annually. Lesbian and gay citizens are completely excluded from this benefit.

An analysis of data from the 2000 Decennial Census estimated that approximately 36,000 same-sex binational couples live in the United States.ⁱⁱⁱ This number is miniscule compared to overall immigration levels: in 2011, a total of 1,062,040 individuals obtained lawful permanent resident status in the United States.^{iv} Thus, if every permanent partner currently in the U.S. were granted lawful permanent residence in the U.S., these applications would account for .03% of all grants of lawful permanent residence.

The couples reported in the census are, on average, in their late 30s, with around one-third of the individuals holding college degrees.^v The average income level is \$40,359 for male couples and just over \$28,000 for females. Each of these statistics represents a real family, with real fears and real dreams, the most fundamental of which is to remain together.

One of the striking features of the statistical analysis performed of the 2000 census is how many same-sex binational couples are raising children together. Almost 16,000 of the couples counted in the census – 46% of all same-sex binational couples – report children in the household.^{vi} Among female couples, the figure is even more striking, 58% of female binational households include children. The vast majority of children in these households are U.S. citizens.^{vii} Behind

each of these statistics is a real family, with real children who have grown up knowing two loving parents. In each of these households, there is daily uncertainty about whether the family can remain together, or whether they will have to move abroad to new schools, new friends, and even a new language.

Every day Immigration Equality hears from lesbian and gay couples who tell us painful tales of trying to maintain their families despite almost impossible odds. For example:

Adi Lavy and Tzila Levy are a loving, married couple, living in Brooklyn, New York. Adi is a U.S. citizen and Tzila a citizen of Israel. The couple met in 2010 and recently married in Brooklyn, New York. Adi has suffered from chronic kidney disease since the age of seventeen. Tzila is Adi's primary source of care and emotional support, and she entered the U.S. on a visitor's visa in order to care for her wife while Adi receives life-saving treatment from a respected expert in her illness. Because their marriage is unrecognized by the federal government, no other visa was available to Tzila.

Adi's health has continued to deteriorate and she has been placed on the kidney transplant list. Tzila extended her visitor visa to remain at Adi's side, but as the end of Tzila's authorized stay approached, Adi and Tzila were left without a permanent solution for their family. In November 2012, the couple submitted a spousal petition for a green card. In January 2013, the family's request was denied because Adi and Tzila's family ties are not recognized under U.S. immigration law. Adi fears that she and her wife could be torn apart. She fears being left alone to face her chronic health issues without her primary caregiver and emotional support. Without a lasting immigration solution, this family will continue to face a life filled with uncertainty and fear.

The lack of recognition of same-sex relationships affects not only the individual family, but the larger community as well. In many instances, large companies are unable to retain talented workers who are forced to leave the United States to maintain their relationships. That is why a growing number of businesses have endorsed the Uniting American Families Act. On January 1, 2013, a diverse group of businesses signed onto a letter to the House and Senate supporting passage of UAFB or CIR that includes UAFB stating:

“We have each worked to help American employees whose families are split apart because they cannot sponsor their committed, permanent partners for immigration benefits. We have lost productivity when those families are separated; we have borne the costs of transferring and retraining talented employees so they may live abroad with their loved ones; and we have missed opportunities to bring the best and the brightest to the United States when their sexual orientation means they cannot bring their family with them.”^{viii}

The coalition includes over 30 businesses, such as American Airlines, Dow Chemicals, Intel, Nike, and Goldman Sachs. To these companies it is clear that respecting relationships across international boundaries is not only the right thing to do, it also makes economic sense and helps to recruit and retain the most talented employees in their companies. There are currently at least

two dozen countries that allow their citizens to sponsor long-term, same-sex partners for immigration benefits.^{ix}

No Comprehensive Immigration Reform can be truly comprehensive if it leaves out thousands of LGBT families.

CIR Must Include the DREAM Act

There is a broad consensus that CIR must include a swift pathway to legalization for undocumented young people who were brought to the United States as children, attended school here or joined the military, and see themselves as Americans in every way other than their legal documents. LGBT activists have been at the forefront of the brave young people who have been fighting tirelessly for passage of the DREAM Act.^x Unlike their heterosexual counterparts, lesbian and gay young people have grown up knowing that, under current law, they do not have the ability to marry an American citizen and legalize their status through that relationship. Moreover, many LGBT DREAM activists have described the dual painful experiences of “coming out” twice – once as LGBT and then again as undocumented – to loved ones, employers, friends and educators. Pulitzer Prize winning journalist Jose Antonio Vargas broke new ground by coming out to the world as undocumented and gay in the New York Times Magazine.^{xi} LGBT undocumented youth face discrimination at every turn and have fought hard to ensure that CIR is inclusive of their multiple identities.^{xii} In short, the DREAM Act is critical to the LGBT community and CIR would not be truly comprehensive without providing a fair and fast pathway to legalization for those who qualify for the DREAM Act.

CIR Must Provide a Definite and Reasonable Pathway to Citizenship for the Undocumented

There are currently an estimated 11 million undocumented immigrants living in the United States. Like all Americans and aspiring Americans, they want nothing more than to regularize their status so that they can feel secure that they will not be separated from their families and can work and travel lawfully. Conservative estimates state that 3.8% of the United States population identifies as lesbian, gay or bisexual.^{xiii} Applying this percentage to the estimated 11 million undocumented immigrants in the United States means that there are approximately 418,000 undocumented lesbian, gay and bisexual immigrants. It is essential to this part of the LGBT community that CIR include a clear pathway to citizenship. There should be a roadmap to legalization put in place immediately by CIR and not be contingent on any “trigger” enforcement events whose contested parameters could delay implementation indefinitely.

CIR Must Increase the Numbers of Family Visas Available

One of the many failings of the current immigration system is the absurdly long wait to sponsor some family members under the current family preference system. Some of those waiting in the backlogs are LGBT individuals, waiting for a parent or sibling’s petition to become current.^{xiv} Those parents and siblings are also the grandparents, aunts, and uncles of many LGBT young people. For LGBT youth – many of whom are vulnerable to bullying in their schools – the support of extended family is crucial. The impact of decade-long waiting periods can have a

cascading effect on families, and change is needed. LGBT immigrants are rightly and proudly included in the Reuniting Families Act, to be introduced by Congressman Mike Honda this month. That bill makes sensible, necessary changes to the family visa system: changes that must be incorporated in CIR.

CIR Must Repeal the One Year Filing Deadline for Asylum Seekers

Each year Immigration Equality represents more than 400 LGBT asylum seekers through direct representation and partnerships with pro bono attorneys. These brave individuals literally leave everything behind to seek freedom from persecution, violence, and abuse simply because of who they are and whom they love. Since the 1996 enactment of the Illegal Immigration Reform and Immigrant Responsibility Act, asylum seekers have been required to submit their application within one year of arriving in the United States. There are only two narrow exceptions to this rule: “changed circumstances” and “extraordinary circumstances,” and lack of knowledge of the one year filing deadline or of asylum itself is not considered a valid exception. While many political dissidents are aware that if they reach the United States they can seek political asylum, there is no way for most LGBT people to know that asylum is potentially available to them based on their sexual orientation or gender identity.^{xv} The primary reason that Immigration Equality’s attorneys decline otherwise meritorious cases for legal representation is that the asylum seeker has missed the one year filing deadline.

For those in removal proceedings who have no viable exception to the one year deadline, it may be possible to obtain withholding of removal and thus avoid removal to a country in which they fear persecution. But the standard for withholding is much higher than for asylum with an applicant required to prove that it is “more likely than not” that she will be persecuted rather than demonstrating a “well-founded fear” of future persecution. Thus individuals who miss the deadline yet cannot meet the higher standard for withholding can be removed even if they have clearly met the threshold of “well-founded fear” of persecution required under asylum law.

Moreover, an individual who is granted withholding remains in a permanent limbo status, with a final order of removal entered against him. An individual with withholding status can never travel outside the U.S., can never apply for lawful permanent residence or citizenship, must renew his Employment Authorization Document annually, and can be required to have regular check-ins with a deportation officer forever. Thus an individual who missed the one year filing deadline can never fully integrate into American society.

The one year filing deadline was initially enacted to prevent individuals who do not have legitimate asylum claims from filing for asylum solely to obtain work authorization. Since the enactment of the deadline, other changes to the asylum law – including a waiting period to obtain employment authorization, mandating that cases be resolved faster, and the imposition of strict penalties for filing a frivolous application – have caused a marked decrease in the number of asylum applications.^{xvi} Thus there is no legitimate reason to continue to deny applicants with valid claims based on an artificial application deadline.

We recommend that CIR include the Refugee Protection Act.

CIR Must Reduce Mandatory Detention and Provide Greater Protections to Vulnerable Detainees

LGBT individuals are among the most vulnerable people held in immigration detention.^{xvii} Every week, Immigration Equality hears from LGBT individuals who are subjected to verbal and physical abuse while detained. For transgender, as well as lesbian, gay, and bisexual asylum seekers who have suffered trauma in their home country, being housed in prison-like conditions while awaiting an immigration hearing is terrifying. We frequently hear from transgender detainees who are placed in administrative segregation – solitary confinement – purportedly to protect them from potential abusers. There, transgender detainees are isolated from all other detainees, denied access to vital programs, and often denied reasonable access to counsel. If transgender individuals must be detained, they must be detained safely, in housing that protects them from harm without blaming the victim for abuse.

Current record levels of immigration detention are linked to funding by Congress for specific numbers of detention beds as well as mandatory detention rules that can prevent individuals with minor crimes from being considered for bond or alternatives to detention. The current detention system unnecessarily costs U.S. taxpayers billions of dollars a year and treats violators of civil immigration laws as if they were criminals, yet with no right to counsel. For LGBT detainees and others, CIR must change the inhumane and wasteful immigration detention system.

Any E-Verify Program or Biometric Identification Card that CIR Implements Must not Discriminate against Transgender Individuals

If CIR requires employers to check employment eligibility through an E-verify system and/or if CIR implements social security cards or other national identification cards with biometric information, these measures should include only that personal information which is truly essential to employment verification. These measures should not make use of unnecessary personal information that invades the privacy of and could cause real harm to individuals. To cite just one example, for an estimated 700,000 to 1 million transgender people – Americans and newcomers alike – a system that flags gender discrepancies as suspicious will result in job loss and may threaten personal safety. Other personal data, such as a worker's former name, could also "out" individuals as transgender and make them vulnerable to discrimination which remains pervasive today. The Social Security Administration does not require the use of gender for employment verification, and the agency itself recommends that employers not submit gender markers for employees. We therefore believe that these systems should not include unnecessary personal information, such as gender markers, and should include strong privacy protections for all workers.

CIR Must Provide Protections for Immigrants Living with HIV

The current frameworks for CIR state that individuals with provisional legal status, that is those who are in the process of legalizing their status, will not be eligible for certain federal benefits, including certain aspects of the Affordable Care Act. For many individuals living with HIV, ranging from U.S. citizens to undocumented immigrants, receiving ongoing medical care, particularly primary care and preventative care, are crucial to maintaining their health and

productivity. Access to regular medical care makes it more likely that HIV will be detected early and that the effects of the virus can be minimized. Moreover, access to health care not only benefits individuals, but also benefits entire communities by reducing HIV transmission. It is crucial that CIR increase access to health care for people living with HIV rather than decreasing it.

Conclusion

We applaud the New York City Council Committee on Immigration for convening this hearing and for considering needed immigration reforms. Too many individuals in the United States – lesbian, gay, bisexual, transgender, and straight – cannot fully access the American dream because of our antiquated immigration system. For LGBT families with young children, undocumented youth, and asylum seekers, it is time to pass rational, humane, *comprehensive* immigration reform that fully respects the unique needs and contributions of LGBT immigrants.

ⁱ UAFAs would add “permanent partner” as a category of “immediate relative” to the INA. “Permanent partner” is defined as any person 18 or older who is:

1. In a committed, intimate relationship with an adult U.S. citizen or legal permanent resident 18 years or older in which both parties intend a lifelong commitment;
2. Financially interdependent with that other person;
3. Not married to, or in a permanent partnership with, anyone other than that other person;
4. Unable to contract with that person a marriage cognizable under the Immigration and Nationality Act; and
5. Not a first, second, or third degree blood relation of that other individual.

As with current marriage-based petitions, permanent partners would be required to prove the bona fides of their relationships and would be subject to strict criminal sanctions and fines for committing fraud.

ⁱⁱ In 2011 family-based immigration accounted for 688,089 grants of lawful permanent resident status, Department of Homeland Security, Annual Flow Report, April 2012, Table 2, at 3 available at http://www.dhs.gov/xlibrary/assets/statistics/publications/lpr_fr_2011.pdf

ⁱⁱⁱ Family, Unvalued: Discrimination, Denial, and the Fate of Binational Same-Sex Couples Under U.S. Law, joint report by Human Rights Watch and Immigration Equality, 2006, at 17, 3 available at <http://www.hrw.org/en/reports/2006/05/01/family-unvalued>.

^{iv} Department of Homeland Security, Annual Flow Report, March 2009, available at http://www.dhs.gov/xlibrary/assets/statistics/publications/lpr_fr_2008.pdf.

^v Family, Unvalued, at 176.

^{vi} *Id.*

^{vii} *Id.* In female binational households, 87% of the children were U.S. citizens; in male households, 83% were U.S. citizens

^{viii} Available at http://immigrationequalityactionfund.org/images/BusinessCoalition_signonletter.pdf.

^{ix} These countries include Australia, Belgium, Brazil, Canada, Denmark, Finland, France, Germany, Iceland, Israel, the Netherlands, New Zealand, Norway, Portugal, South Africa, Spain, Sweden Switzerland, and the United Kingdom. See Family, Unvalued.

^x The Development, Relief, and Education for Alien Minors or “DREAM Act,” provides a pathway to lawful permanent residence to undocumented young people who were brought to the United States as minors. The 2009 Senate version of the bill requires applicants to: Have proof of having arrived in the United States before age 16; Have proof of residence in the United States for at least five consecutive years since their date of arrival; If male, have registered with the Selective Service; Be between the ages of 12 and 35 at the time of bill enactment; Have graduated from an American high school, obtained a GED, or been admitted to an institution of higher education; Be of good moral character.

^{xi} Jose, Antonio Vargas, "My Life as an Undocumented Immigrant" *New York Times* June 22, 2011, http://www.nytimes.com/2011/06/26/magazine/my-life-as-an-undocumented-immigrant.html?_r=4&ref=magazine&pagewanted=all&

^{xii} See, for example, Jorge Gutierrez, “I Am Undocuqueer: New Strategies for Alliance Building for the LGBTQ and Immigrant Rights Movements,” http://www.huffingtonpost.com/jorge-gutierrez/i-am-undocuqueer_b_2521339.html .

^{xiii} See “LGBT Identity: A Demographer’s Perspective,” by Gary J. Gates, June 2012, available at <http://williamsinstitute.law.ucla.edu/research/census-lgbt-demographics-studies/lgbt-identity-a-demographers-perspective/>

^{xiv} Department of State Visa Bulletin, available at http://www.travel.state.gov/visa/bulletin/bulletin_5856.html .

^{xv} See, “The Gay Bar: The Effect of the One-Year Filing Deadline on Lesbian, Gay, Bisexual, Transgender, and HIV-Positive Foreign Nationals Seeking Asylum or Withholding of Removal” by Victoria Neilson & Aaron Morris, 8 *New York City Law Review* 233 (Summer 2005), discussing the disproportionate impact of the one year filing deadline on LGBT applicants.

^{xvi} The number of asylum applications filed with the Department of Homeland Security, that is affirmative applications, dropped from 64,644 in 2002 to 24,988 in 2011. See United States Government Accountability Office, U.S. Asylum System, September 2008, at 58 available at <http://www.gao.gov/new.items/d08940.pdf> and DHS Annual Flow Report: Refugees and Asylees 2011, May 2012 available at http://www.dhs.gov/xlibrary/assets/statistics/publications/ois_rfa_fr_2011.pdf .

^{xvii} See, National Immigrant Justice Center, “Stop Abuse of Detained LGBT Immigrants,” <http://www.immigrantjustice.org/stop-abuse-detained-lgbt-immigrants>

Hello, my name is Freddy Castiblanco. I am an immigrant and a small business owner. I am here today to support comprehensive Immigration Reform with a pathway to citizenship.

I came to the US almost 13 years ago from Colombia, where I practiced as a doctor in ER. When I immigrated, my first plan was to research in Basic Medical Sciences. One year later, I decided to open a small business in New York.

Eleven years ago I opened the doors of Terraza 7, right in the middle of Elmhurst and Jackson Heights, Queens. In what used to be an abandoned storefront I built a live music venue with my own hands and a team of employees that today is a vibrant center of neighborhood life where community members gather and express their political views.

Terraza 7 is a point of reference for the Latin American music based in New York. In events supported by the Smithsonian institution, the Guggenheim museum, the Queens Council on the Art, among others, local artists present their work. At this Moment, in a partnership with the Flushing Town Hall Museum, we are curating amazing events that reflex the diversity of queens and the dialogue among cultures that take place here trough music.

I am also proud to create jobs for my community.

As immigrants, we clearly are committed with the revitalization of our communities in different ways. Our healthy and young work force will lower the cost of medical insurance and will help to solve the crisis in social security, Medicare and Medicaid.

For our communities the revitalization is only possible if we can count with the fare share of all; billionaires and immigrants. We need the commitment of the entrepreneurial spirits and the purchasing power of immigrants. Those who serve as business owners, workers and customers.

We need more customers in our stores. Comprehensive Immigration reform will grow our customer base by allowing more people to work and make fair wages. I cannot generate new jobs with tax reductions alone but we all will flourish with more costumers with good working conditions and more purchasing power in our communities.

The comprehensive immigration reform that we need should prioritize all immigrants. Our small businesses, the backbone of our economy, are based on the creativity and hard working capacity of people with an entrepreneurial spirit, not always validated by high academic degrees. The local economies on all our Main Streets need all types of workers.

The main skill of immigrant's business owners, our creativity, must be considered as a key roll in our economical recovery.

Finally, as a business owner in an immigrant community I know we won't be able to generate new jobs in communities plagued by fear. *The secure communities policies generate fear in our communities and stunt job creation. To create a productive environment, we need to foster true security for all members our of community through CIR.* When the people do not need to live in fear, everyone will benefit. We need comprehensive immigration reform and we need it now.

Thanks



**Calling on the U.S. Congress to pass, and the President to sign, a comprehensive immigration reform bill in 2013.
4/4/13**

Introduction

Good afternoon, my name is Luis Nava. I facilitate the LGBT Immigrants Social Action Group, and co-facilitate the LGBT Immigrants Support Group at the Lesbian, Gay, Bisexual, & Transgender Community Center. I am originally from Venezuela. I'm a new immigrant to the USA and was granted political asylum. I am also a human being who has a universal right to love someone, live with them, and marry them, no matter their sexual orientation.

Current situation and challenges

In a few days we will celebrate the 10th Annual NYC Immigrant Heritage Week, which will reflect on the diversity and contributions of immigrant communities in our city. However, when we say "the diversity of immigrant communities" - we must include the LGBT community.

Nationally organizations are advocating for the inclusion of gay families, and urging the passage of the Uniting American Families Act (UAFSA) this year, as part of comprehensive immigration reform. The UAFSA would allow gay Americans to sponsor an immigrant partner for citizenship, thus keeping LGBT families united. Couples who are in love, who are committed, who are married - should not be separated by law and forced to live in different countries. No immigration reform measure will truly be deserving of the term "comprehensive" unless it includes LGBT people. To achieve long-lasting reform, the CIR must provide all domestic partners and married couples with the same rights.

We need to establish an efficient path to citizenship for all people. This also affects Americans who face uncertainty that an immigrant partner may be forced to leave the U.S., since LGBT immigrants cannot legally marry and do not have the same path to legalization afforded to straight couples. Most people immigrate to the United States on a family-based petition, and because our relationships aren't recognized by federal law, there's no way to take advantage of those benefits. We are asking Congress to achieve a path that is humane, that will include our LGBT families, and allow U.S. citizens in same-gender relationships to sponsor their partners.

Conclusions

In conclusion, half steps in reform by our city, state, and country - create inequality and contribute to oppression faced by the LGBT community. If Congress leaves LGBT people out of this bill, it would be just as irresponsible as leaving out Hispanics, Russians, Asians, Jewish people **or any other class of people**. In other words, passing the CIR without including LGBT couples perpetuates the cycle of discrimination.

Suggestion for the City Council

1. Ensure that voices of LGBT immigrants are heard within the Mayor's Office of Immigrant Affairs.
2. Advocate to include LGBT couples in the 2013 Comprehensive Immigration Reform bill.

Sincerely yours,

Luis Nava, Facilitator of the LGBT Immigrants Social Action Group at The Lesbian, Gay, Bisexual & Transgender Community Center

April 4, 2013

Testimony by Max Ahmed on behalf of the New York Immigration Coalition for New York City Council's Committee on Immigration Hearing regarding a Resolution calling upon the United States Congress to pass and the President to sign a comprehensive immigration reform bill in 2013.

Good Afternoon. Thank you for the opportunity to share my family's story with you today. My name is Mubashar Ahmed. Max if you will. I testify before you today representing the New York Immigration Coalition and those who have come to be known as Dreamers. My Story, my journey into New York begins as an 11 year old boy who had left his home country abruptly. My family faced a difficult choice when my sister, Aleeza, needed medical treatment that was not available in our home country of Pakistan. We came to the US to save her life, but were denied visas to continue to reside in the country while she received the long-term care she needed. Disabled, my sister has been able to thrive here and graduate from high school, thanks to initiatives for the disabled which would not have been available to us back east. Rather than leaving my sister and separating our family, my father made the choice to keep our family together in the US.

As for me, I am a graduate of City College in the Grove School of Engineering, where I earned a bachelor's degree in chemical engineering. Today I work in the education program at the New York Immigration Coalition, where I have been able to advocate for policies to ensure equal access to and increase educational opportunities for immigrant students, English Language Learners and their families. This would not have been possible had it not been for an immigration policy called Deferred Action for Childhood Arrivals, which allowed me to obtain work authorization—and a job offer from the NYIC--as well as a social security number and as of yesterday my driver's license.

My family's story is not unlike the millions of families across the country coping with our nation's failed immigration policy. That is why I am here today to join you in urging Congress and President Obama to enact just and humane immigration reform. I am here because like you I know that our current immigration system needlessly separates families for years; offers few avenues for people to live here legally, and lacks basic procedural safeguards. I am here because I know a rational and forward-looking solution is possible – a solution that provides a true path to citizenship unimpeded by the pretense of border security first, that strengthens families by preserving their ability to reunite and reducing lengthy visa wait times, that honors workers and ensures fundamental due process guarantees at every stage of the immigration process.

In closing, on behalf of New York City's Dreamers, and The New York Immigration Coalition, I give you my deepest regards and thanks for your resounding commitment to New York City's immigrant communities. The City Council has long been a leader--and can serve as a model for other cities--in welcoming immigrants, recognizing their vital contributions to the vitality of our city, state, and nation. The New York Immigration Coalition believes this resolution is in line with the City Council's historical commitment to New York City's immigrant communities. We would also urge the Council to be forward-thinking and begin to prepare for immigration reform by establishing a solid infrastructure of legal and support services to ensure that as many eligible people as possible get on the path to citizenship when Congress enacts immigration reform.

Northern Manhattan

COALITION FOR IMMIGRANT RIGHTS

TESTIMONY OF NORTHERN MANHATTAN COALITION FOR IMMIGRANT RIGHTS
New York City Council Committee on Immigrant Affairs
Hon. Daniel Dromm, Chair

April 4th, 2013

Good Afternoon. I want to thank the members of the City Council for this opportunity to speak. My name is Angela Fernandez and I am the Executive Director for the Northern Manhattan Coalition for Immigrant Rights (NMCIR), a 30 year old community based organization that serves 6,000 immigrants a year. The bulk of individuals served by our organization are residents of the Bronx and the Northern Manhattan neighborhoods of Hamilton Heights, Washington Heights, and Inwood.

NMCIR has a unique community presence: our staff interacts with almost 30 walk in clients a day and we offer civics and English classes to approximately 125 students a week. Our client profile is largely reflective of the immigrant community in the Heights: almost all are Spanish-speaking immigrants and the majority have less than a secondary school education. In terms of employment, 48% are unemployed and of those who are employed 67% make less than \$15,000 a year.

In the last three decades we have seen an alarming trend of increased deportation of both undocumented immigrants and legal permanent residents. Thousands from our community, who have been deported, were removed from the United States without a fair hearing and without representation from legal counsel.

The immigration reforms of 1996 which broadened the categories of mandatorily deportable offenses have had a devastating impact on New York residents. Tens of thousands of individuals from New York City have been mandatorily deported without any consideration of military service, rehabilitation, family ties, history of tax payments or the needs of US citizen children or elderly parents. Because of the 1996 reforms immigration judges' ability to adjudicate deportation hearings fairly have been severely constrained.

It is imperative that Comprehensive Immigration Reform reinstate immigration judges' ability to use discretion in mandatory deportation cases. Judges must have the ability to take into consideration the impact that the deportation would have on children in the family, the hardship family members will experience as a result of the deportation, length of time in the US, lack of connection to the country of origin, and investment in the community of the US through business enterprises, military service, property ownership, and/or tax payments.

The lack of adequate affordable representation in Immigration Court has been recognized as a crisis in New York City and in the United States. Unlike in criminal proceedings, immigrants in deportation proceedings can be held in jail and forced to proceed against trained government lawyers alone, without any legal assistance whatsoever – indeed 60% of detained immigrants in NY have no lawyers. Data that was uncovered by the Katzmann Study Group on Immigrant Representation demonstrates that it is virtually impossible to win your deportation proceeding if you are detained and unrepresented (only 3% of people in this situation prevail). But lawyers make a huge difference – lawyers can increase success rates by approximately 1000%. In the last five years, over 7,000 New York City children lost a parent to deportation. With a program for appointed counsel, far fewer families would be torn apart.

We support a Comprehensive Immigration Reform that restores judicial discretion in mandatory deportation hearings and provides free legal representation to all detained immigrants.

Thank you.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Luna Ranjit

Address: 77-11 35th Ave, Jackson Heights, NY 11377

I represent: Adhikaar

Address: 71-07 Woodside Ave, Woodside, NY 11372

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Name: CARMEL ROSE

Address: _____

I represent: Emerald Isle Immigration Center

Address: 59-26 Woodside Ave, Woodside, NY

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Date: April 4 / 2012

(PLEASE PRINT)

Name: Veber 1/2

Address: 150-95 Jamaica Ave # 20

I represent: New Immigrant Community Center

Address: 32-41 77th St

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Name: Luis Nava

Address: _____

I represent: LGBT Community Center

Address: 208 W. 13th Street, New York, NY 10011

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Date: 4/4/13

(PLEASE PRINT)

Name: Vanessa Ramos

Address: 131 E. 83 St NYC 10028

I represent: Committee for Hispanic Children & Families

Address: 110 William St, Ste 1802, NYC 10038

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(PLEASE PRINT)

Name: Mubasher Ahmed

Address: _____

I represent: The New York Immigration Coalition

Address: _____

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Date: 4/4/13

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Name: Chris Fleming

Address: 227 W 20th St. Apt 5D NYC 10011

I represent: Immigration Equality

Address: 40 Exchange Place, Suite 1300 NYC 10005

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(PLEASE PRINT)

Name: AMANDA LUGG

Address: 417 TOMPKINS AVE #1 BROOKLYN NY 11216

I represent: AFRICAN SERVICES COMMITTEE

Address: 429 W 127th ST NEW YORK NY 10027

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Date: 4/4/2013

(PLEASE PRINT)

Name: Jessica Orozco, Esq.

Address: _____

I represent: Hispanic Federation

Address: _____

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Date: _____

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Name: Jay Xanubil

Address: Legal Aid Society

I represent: _____

Address: 199 Water Street NY NY 10038

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 3-22-13

in favor in opposition

Date: 4/4/13

(PLEASE PRINT)

Name: Samuel Palmer Simon

Address: 7 Hanover Sq, 18th Fl, NY, NY 10004

I represent: New York Legal Assistance Group

Address: Same

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Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: ANGELA FERNANDEZ

Address: 506 W. WASHINGTON Ave. 3D, NY, NY 10033

I represent: NORTHERN MANHATTAN COALITION FOR IMMIGRANT RIGHTS

Address: 665 W. 182nd St. NY, NY 10033

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 in favor in opposition

Date: 4/4/13

(PLEASE PRINT)

Name: Sabrina Fong
Address: 136-19 41st Ave. Flushing, NY 11355
I represent: Minkwon Center for Community Act^{ion}
Address: _____

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I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: April 4/2013

Name: Freddy Castiblanco (PLEASE PRINT)
Address: 37.09 75th Street
I represent: Small Business Owners SBU
Address: _____

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Date: 4/4/12

(PLEASE PRINT)

Name: Annie Wang

Address: The Opportunity Agenda

I represent: American Immigration Lawyers Ass'n

Address: 568 Broadway, Ste. 302, New York, NY 10012

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 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Key Brass

Address: 25 W 18 St. NYC NY

I represent: SEIU 32BJ

Address: 25 W 18 St. NYC

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