



Mayor's Office of
Immigrant Affairs

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Testimony of Executive Director of Legal & Support Initiatives
Tom Tortorici, NYC Mayor's Office of Immigrant Affairs

Before the New York City Council Committee on Children & Youth Jointly with the
Committee on Immigration

Services for Immigrant Youth Who Arrived Unaccompanied
to the United States

Good afternoon, Chair Stevens, Chair Aviles, and members of the Committees on Children & Youth and Immigration. Thank you for holding this hearing. My name is Tom Tortorici and I am the Executive Director of Legal & Support Initiatives in the Mayor's Office of Immigrant Affairs (MOIA), led by Commissioner Manuel Castro. I am pleased to be joined by my colleagues from the Department of Youth and Community Development (DYCD), Administration for Children's Services (ACS), and Office of Asylum Seeker Operations (OASO).

Population Overview

Federal law defines an Unaccompanied Child (UC) as one who has no lawful immigration status in the United States; has not attained 18 years of age; and for whom there is no parent or legal guardian in the U.S., or no parent or legal guardian in the U.S. available to provide care and physical custody.¹ The U.S. Office of Refugee Resettlement (ORR) within the U.S. Department of Health and Human Services (HHS) is required by law to provide care for every unaccompanied child that enters the United States. ORR works to provide foster care, housing, social, mental health, legal, and other services to unaccompanied children, and place them with trusted adults who assume responsibility for their care. An unaccompanied child's sponsor may be a parent, a legal guardian, an adult relative, an adult individual or entity designated by the unaccompanied child's parent or legal guardian, a licensed program willing to accept legal custody, or another approved adult or entity when family reunification is improbable and the youth may otherwise endure long-term detention.² If unaccompanied children cannot be reunified with a suitable adult or entity, they may remain in ORR custody until they turn 18 years of age.

As the Committees and the City are aware, over the past few years there has been a significant increase in the number of unaccompanied children resettling in New York. Between FFY 2015–19 an average of 4,153 unaccompanied children per year were placed with sponsors across New York State. From FFY 2020-24 that statewide number increased by more than 60% to an annual average of 6,684 placements.³ In New York City alone, approximately 3,100 unaccompanied children were placed with sponsors between October 1, 2023 and July 31, 2024.⁴

¹ 6 U.S.C. § 279(g)(2).

² *Flores v. Reno—Stipulated Settlement Agreement*, Case No. CV 85-4544-RJK(Px) (C.D. Cal., Jan. 17, 1997), p. 10. See also "ORR Unaccompanied Children Bureau Policy Guide: Section 2.2.1 Identification of Qualified Sponsors," *U.S. Office of Refugee Resettlement* (Current as of: Aug. 30, 2024), <https://www.acf.hhs.gov/orr/policy-guidance/unaccompanied-children-program-policy-guide-section-2#2.2.1>.

³ "U.S. Office of Refugee Resettlement, "Unaccompanied Children Released to Sponsors by State," <https://www.acf.hhs.gov/ort/grant-funding/unaccompanied-children-released-sponsors-state>.

⁴ "U.S. Office of Refugee Resettlement, "Unaccompanied Children Released to Sponsors by County," <https://www.acf.hhs.gov/ort/grant-funding/unaccompanied-children-released-sponsors-county>.

While the large majority of arriving unaccompanied children are formally designated as such by the federal government at the border, the ORR reunification statistics do not fully capture the total population of unaccompanied immigrant youth arriving and residing in New York City. Through our work with sister agencies, nonprofits, and community partners, MOIA has learned of an increased number of minors who may present themselves as 18 or older at the border and are therefore not designated by the federal government as unaccompanied children and placed into ORR custody. These youth travel by themselves to New York City, seek services and support here, and are sometimes later identified as minors by service providers in the course of their work. MOIA has also learned of an increase in the number of unaccompanied children in ORR custody who turn 18 and are released into the City under their own recognizance. Notably, this population includes an increasing number of young people from West African countries who speak languages of limited diffusion and for which local interpretation capacity is limited.

Many unaccompanied immigrant youth experienced great hardship and trauma in both the places they left, and on the long journeys they took to seek refuge here in New York City. Many have a similar need for a wide array of care and services, including housing, social support, mental health support, healthcare, education (such as enrollment in public school classes, or GED and ESL classes), immigration legal assistance, workforce training and placement, and protection from trafficking and exploitation. Unaccompanied immigrant youth who are not in ORR custody often seek these services and supports from nonprofit and City-run human service providers. This is true regardless of whether they are federally designated unaccompanied children who are placed with a sponsor, federally designated unaccompanied children who “age out” of ORR custody after turning 18, or youth who are not designated as unaccompanied children by the federal government but instead travel to New York City on their own.

Given that formally designated unaccompanied children in ORR custody receive most services from the federal government, and that unaccompanied immigrant youth seeking services from the city may be older than 18 and have similar needs as unaccompanied children, we will use a broader definition here. For the purposes of this hearing, the City will use the term “unaccompanied immigrant youth” to refer to noncitizens aged newborn to 24 years, who are present in New York City without a parent or guardian. Because family composition is not always captured or reported by City agencies and contracted service providers, some of the data we use may refer broadly to immigrant youth regardless of family status.

City Services for Unaccompanied Immigrant Youth

Over the past 32 months, City agencies and New York’s broader civil society have increased their capacity to provide needed services at scale and in a coordinated manner. City staff, together with nonprofit and community groups, have worked with empathy, sensitivity, and resolve to provide care and support to arriving migrants and asylum seekers, including unaccompanied immigrant youth.

Most of the City and City-contracted services provided to unaccompanied immigrant youth are delivered by DYCD, ACS, and the Department of Social Services’ Office of Civil Justice (in particular, through the Council-funded ICARE program and the Immigrant Opportunities Initiative). The Office of Asylum Seeker Operations (OASO) and NYC Health + Hospitals Corporation (H+H) also play a central role in supporting arriving migrants of all ages through their Arrival Center and Asylum Application Help Center initiatives. Finally, the Department of Education has supported and positively impacted the lives of thousands of immigrant youth arriving to New York City through its Students in Temporary Housing (STH) program and Project Open Arms initiative.

While MOIA designs, implements, and oversees a modest portfolio of programs responsive to the needs of immigrant New Yorkers, our primary role is to consult with and advise sister agencies around issues related to

language access, immigration policy, immigrant community engagement, and service accessibility for all immigrant New Yorkers. We also convene and collaborate closely with many nonprofit and community-based organizations responsible for providing immigrant youth with care and support.

That said, I will now briefly summarize the efforts undertaken by my office in service of unaccompanied immigrant youth who've arrived in New York City.

MOIA Programs Serving Immigrant Youth

MOIA oversees a small portion of the City-funded programs that provide free, confidential immigration legal services, case management, and information to NYC's immigrant youth. These programs include the MOIA Immigration Legal Support Centers (also known as ActionNYC), the Haitian Response Initiative, the Rapid Response Legal Collaborative, Dream Act Application Assistance, and the Asylum Seeker Legal Assistance Network. In FY24, these MOIA programs provided services such as legal assistance and case management to more than 23,563 immigrant New Yorkers⁵, an estimated 3,000 of which were immigrant youth, regardless of their family status. This is a 34% increase over the total number of individuals served by MOIA programs in FY23, due largely to the City's \$5 million investment in the Asylum Seeker Legal Assistance program, which itself provided immigration legal help to more than 1,000 newly arrived immigrant youth under 18 in FY24.

We also oversee the MOIA Immigration Legal Support Hotline, which immigrant New Yorkers including unaccompanied youth can call Monday – Friday, 9AM-6PM, at 1-800-354-0365 for free, confidential information and connections to immigration legal help. In FY24, the Hotline answered more than 57,000 calls in the caller's preferred language. Hotline callers are referred to the service providers best suited to meet their unique needs. Unaccompanied immigrant youth calling the hotline are referred to the ICARE network through a secure web form. Over the last two months, Hotline operators referred 78 immigrant youth to ICARE using the referral form, and provided informational flyers to an additional 92 callers who didn't meet direct referral requirements.

In addition to direct legal and support services, MOIA provides immigrant New Yorkers with reliable, up-to-date information on immigration policies and practices that may impact them. Immigrant youth may be especially prone to falling victim to immigration fraud committed by bad faith actors, particularly if they lack a stable and trustworthy adult guardian to help them navigate their immigration legal needs. Through the MOIA-funded Immigrant Rights Workshops and other programs, immigrant youth gain valuable access to free and quality legal information and advice, reducing their risk of being scammed. In FY24, approximately 8,900 immigrant New Yorkers of all ages participated in MOIA Immigrant Rights Workshops.

MOIA's programs are also nimble and responsive to the shifting demographics and needs of immigrant New Yorkers. This year, MOIA redeployed capacity from the ActionNYC in Schools program run by Catholic Charities Community Services to prioritize immigration legal screenings and assistance for unaccompanied immigrant youth aged 18-20 at Runaway and Homeless Youth sites, to ensure they would not "age out" of eligibility for a form of federal humanitarian immigration protection known as Special Immigrant Juvenile Status (SIJ).

An individual may qualify for SIJ if they can demonstrate that, at time of filing: they are under 21; they are unmarried; they are unable to reunite with one or both parents due to abuse, neglect, abandonment or similar reasons under state law; they are found to be dependent on the juvenile court, or legally committed to or placed under the custody of a state agency or department, or an individual or entity appointed by a state or juvenile court; and, it is not in their best interest to return to their country of origin. SIJ is a potentially life-changing

⁵ Based on FY24 program data submitted by City-contracted service providers.

form of valid immigration status that provides work authorization and ultimately lawful permanent residency (a green card) to qualifying youth. It also protects them from deportation and provides them with greater stability and access to benefits. Many of the unaccompanied youth seeking services from RHY sites were 18-20 years old, and therefore at risk of turning 21 and “aging out” before they had the opportunity to learn about, let alone obtain, this important protection.

In the three-month period from June to August 2024, the ActionNYC in Schools team worked with RHY case managers to complete more than 170 immigration legal screenings for RHY clients aged 18-20. They accepted or referred 84 cases for legal representation and filed 6 emergency age-out petitions in Family Court. All of the youth screened were provided with an eligibility determination and brief advice and counsel regarding what would be needed to proceed, such as how to identify a trustworthy guardian. The legal team also provided RHY Case Managers with immigration legal orientations and best practices for pre-screening. These numbers are preliminary as we await final FY25 Q1 data from the program.

Federal Policy Advisement and Interagency Working Groups

MOIA’s policy team provides sister agencies and community partners with federal policy updates, specifically as they relate to the treatment of unaccompanied children. In addition to policy that directly references youth services, MOIA also monitors federal legislation that may have indirect impacts on youth arriving in the U.S. We stay attuned to these developments by joining calls with national partners and some of the country's top thought leaders on the issue. Our external engagement on policy developments includes leading experts like Kids in Need of Defense, The Door, Catholic Charities and other members of the ICARE coalition. A key example of this work is our support for the SIJ backlog campaign which seeks to increase SIJ grantees’ access to green cards by enacting legislative and administrative changes.

Also, under Local Law 4, MOIA’s Legal & Support Initiatives team provides an annual presentation to DYCD Runaway and Homeless Youth program staff, describing resources and services relating to immigration relief and benefits. From May 1, 2023 to April 30, 2024, flyers containing information about available immigration legal assistance options were distributed to 6,015 youth served by RHY.⁶

Additionally, MOIA serves as an advisor in several interagency initiatives addressing services for immigrant youth and relevant topics, such as domestic & gender-based violence, human trafficking, and exploitation. As the office dedicated to developing policies and programs on these topics, the Mayor’s Office to End Gender-Based Violence (ENDGBV) leads or is a primary participant in many of these working groups, committees, and task forces.

Generally, these interagency working groups gather and share information about, and develop actionable steps to address, issues related to providing victim-centered and trauma-informed services for immigrant children and youth in shelters, human trafficking and exploitation, female genital mutilation and cutting, and issues related to both child candy selling and childcare. For example, the Domestic Violence and Child Welfare Working Group is currently developing a new multilingual flyer that includes trafficking awareness and resources information, which will be posted at shelter sites. A diverse set of participants bring their perspectives and expertise to these groups, including external advocates and nonprofit partners, first responders from NYPD and FDNY, District Attorney’s offices, OASO, ENDGBV, and staff from the Office of the Deputy Mayor for Health & Human Service Anne Williams-Isom.

⁶ “Local Law 4 of the City of New York (2019) Report Describing Resources and Services Relating to Immigration Relief and Benefits through Runaway and Homeless Youth Services, June 1, 2024.” https://www.nyc.gov/assets/dycd/downloads/pdf/2024-06-01_LL4_Annual_Report_Final.pdf

Conclusion

Thousands of hardworking City leaders and staff, nonprofit professionals, advocates, and volunteers across a vast interdisciplinary network of agencies and community-based organizations have made extraordinary efforts to support the safety, wellbeing, and thriving of unaccompanied immigrant youth arriving to and residing in our city. The work is personal for many contributing to these human service efforts, especially if they had to overcome challenges in their own youth or arrived to New York City as immigrant youth themselves.

Each young person that has been supported by these efforts, whose challenges may have been eased, and whose quality of life may have been improved, motivates us to continue and develop this work further. Today's investments in support for unaccompanied immigrant youth will lead to a stronger New York, made possible by the contributions that these youth have and will continue to make here in our city and country. We have great respect for their bravery in the face of adversity, and gratitude for their positive contributions. While much has been done already, many challenges remain and there is still more work to be done. Thank you for your attention to this important topic. We look forward to your questions.



Stephanie Gendell
Deputy Commissioner, External Affairs
Testimony to the New York City Council
Committee on Children and Youth and Committee on Immigration
October 15, 2024

**Oversight: Resources for Immigrant Youth Who Arrived to the United States as
Unaccompanied Children**

Good morning. My name is Stephanie Gendell and I am the Deputy Commissioner for External Affairs at the Administration for Children's Services (ACS). In this role, I oversee a number of our Offices, including the Office of Intergovernmental Affairs and the Office of Immigrant Services and Language Affairs, or ISLA as we typically refer to it. I am pleased to be joined today by my ACS colleagues Luisa Linares, the Deputy Commissioner for Prevention Services, and Peninna Oren, the Manhattan Borough Chief of the Division of Family Court Legal Services, which manages all of our destitute minor filings in Family Court, as well as our colleagues from MOIA, OASO and DYCD. Thank you Chair Stevens, Chair Aviles, and members of the City Council Children and Youth and Immigration Committees for the opportunity to testify at today's oversight hearing on resources for immigrant youth who arrive to the United States without an accompanying adult.

Background

Many children and youth who immigrate to the United States come here with their families. The overwhelming majority of children and youth who come to the United States without their parents are identified at the southern border by US Customs and Border Patrol and detained as Unaccompanied Alien Children ("UACs") (aka "unaccompanied minors"). The federal US Health and Human Services Office of Refugee Resettlement (ORR) is responsible for the care and custody of unaccompanied minors, and has contracts for their own foster homes and group care facilities while the unaccompanied minors are in immigration detention. While ORR seeks to find sponsor families for these children and youth, they can remain in ORR detention until the age of 18. In federal fiscal year 2022, US Customs and Border Control encountered

approximately 152,000 unaccompanied minors at the southern border, approximately 72% of which were age 15 or older.¹ Notably, this system of detention, including the foster homes, is entirely separate from ACS and ACS has no legal role or authority with regard to the care or custody of these children and youth.

As the City's child welfare agency, ACS is legally authorized to manage and oversee child protective services, prevention services and foster care services to help support families and provide appropriate interventions when the safety of children and youth are at risk. As I will describe in more detail, with regard to immigrant youth and families, ACS's key roles are: providing family support services; assessing for safety and risk in response to SCR reports alleging a child or youth is abused, neglected or destitute; and providing foster care services to children and youth placed in the care and custody of ACS by the Family Court. In all of these instances, ACS staff and our provider agency staff seek to meet the needs of the families and youth, and when immigration is a key issue, our teams make efforts to connect them to services and legal supports to address their specific needs.

Family Supports

ACS provides, manages or funds a number of family supports, including prevention services, home making services and child care assistance.

Prevention services are free, typically voluntary and available throughout the five boroughs regardless of immigration status. The goal of prevention services is to support families in their communities, promote stability and keep children safe. Our

¹ [U.S. Detention of Child Migrants | Council on Foreign Relations \(cfr.org\)](https://www.cfr.org)

extensive prevention continuum includes contracts with 43 providers serving over 30,000 children each year across the City. The continuum includes family support models that provide case management, resource navigation, and concrete goods, as well as evidence-based therapeutic models that offer in-home interventions and treatment.

Since 2022, some of our contracted prevention providers have been offering their services on-site at both NYC Department of Homeless Services (DHS) and at NYC Humanitarian Emergency Response and Relief Centers (HERRCs) to support newly arrived families. Our prevention providers are currently on-site, providing wrap-around services, at some of the DHS contracted hotels and the HERRCs. There are also ACS staff on-site at the Roosevelt Hotel, connecting families to community based resources, including prevention services when appropriate.

ACS also developed and manages Promise NYC, a child care assistance program specifically for low-income families with children, including undocumented children, whose immigration status makes them ineligible for other, federally funded child care assistance. This fiscal year, our budget has increased to \$25 million for Promise NYC, and we anticipate providing child care assistance for approximately 1,000 children.

Through our work with these newly arrived families, we identified a significant number of medically fragile families. To better serve families with medical/health issues, our ACS Family Homecare team has been partnering with the providers and NYC H+H to support referrals to homecare services, and the ACS Developmental Disabilities unit has also been a resource for families.

ACS Office of Immigrant Services and Language Affairs (ISLA)

ISLA is a dedicated office within ACS, which provides support and guidance on immigration and language access issues for ACS staff and contracted provider agencies. Census data from 2020 shows that nearly 40% of New York City residents are immigrants², 63% of NYC children have at least one immigrant parent,³ and 30% of New Yorkers are limited-English proficient (LEP),⁴ making immigration and language access considerations and services integral to our work with families, and certainly to our work with newly arrived families and youth.

Since the start of the increase in newly arrived New Yorkers, we have seen an increased demand for ISLA's assistance and support. In 2024 to date, ISLA has conducted 78 trainings for ACS and provider agency staff. These training sessions focus on understanding the trauma faced by newly arrived immigrant families, how to help connect them to immigration services, and how to access language access services. In addition, the ACS prevention team contracted with an experienced trauma therapist, Brenda Punskey, LCSW, LLM, who has trained over 275 ACS and prevention staff on providing trauma-informed individual, family and group psychotherapy specifically tailored to the needs of immigrant youth and asylum-seeking families.

We have also expanded our language access services both in spending and scope. Historically, much of our language access services focused on ensuring LEP parents were having their language access needs met, but we are now seeing an increased need for language access services for the children and youth in our care. We

² 1 United States Census Bureau, New York City Population available at <https://www.census.gov/quickfacts/newyorkcitynewyork>

³ [MOIA-Annual-Report-2023_Final.pdf \(nyc.gov\)](#)

⁴ [MOIA-Annual-Report-2023_Final.pdf \(nyc.gov\)](#)

have expanded language access services to our 2 secure detention sites, and have seen our services at the Children's Center increase this past year.

The ISLA team also provides training and support related to youth in foster care and their immigration needs, which will be discussed in more detail in the foster care section of this testimony.

Child Protection and Foster Care

ACS child protection specialists respond to approximately 60,000 SCR reports each year, which are called into the state when a reporter believes a child is abused, maltreated or destitute. If there is a report related to a newly arrived family, the ACS team would assess the safety of the children and the needs of the family, with an understanding of the cultural and language access needs, and the trauma the family has recently experienced.

ACS honors the migration experiences of asylum seekers coming to NYC, recognizes their efforts to seek a better life for their children, and has focused on providing families in need with supports so they can thrive.

Over the past two years, we have seen an increase in the number of youth coming into foster care as destitute minors. New York State Family Court Act Section 1092 defines destitute minors as children under the age of 18 "in a state of want or suffering due to lack of sufficient food, clothing, shelter, or medical or surgical care" and who is not an abused or neglected child; and is without any parent or caretaker available to sufficiently care for him/her due to the death of the parent or caretaker, the incapacity or debilitation of the parent/caretaker, the inability to locate the

parent/caretaker, or the parent or caretaker is physically located outside the state of New York and ACS cannot return the child to such parent or caretaker.

Whenever the child protection team receives a report alleging that a young person is destitute, these factors are part of their assessment of whether the young person should come into foster care. For instance, if an RHY provider encounters a youth under 18 at an RHY shelter who they believe is abused, neglected or destitute, they will call in a report to the SCR. If the ACS assessment indicates that the young person meets the definition and is in need of foster care, our Family Court Legal Services team in Manhattan would file a destitute minor petition in Family Court, seeking an order from the Court to place the child in the care and custody of ACS.

Foster Care

There are currently about 6,500 children and youth in foster care. As of August 31, 2024, there were 239 children and youth in foster care on destitute minor petitions, and 182 of those youth are age 13 or older. For the full year of 2023, 89 children and youth came into foster care as destitute minors, up from 58 in 2022.

All youth in foster care receive the full panoply of foster care services regardless of their immigration status. This includes a foster care placement (with a family when possible and otherwise in a residential group home setting), medical care, mental health services, educational assistance, Fair Futures coaches, etc. In addition, long before the recent increase in asylum seekers, ACS has worked closely with foster care agencies to address the immigration needs of children and youth in foster care.

Each foster care agency has at least one immigration liaison who works with the ISLA team to ensure that any child/youth in ACS care who is not a United States Citizen

is referred for immigration legal services. The ISLA team is currently tracking about 450 children as immigrant youth in care. These children have come to the United States from 57 countries, with the largest number being from Central America and the West Indies, South America and Africa. Over 400 of these youth have been referred for ongoing immigration legal services.⁵ ACS is grateful to our colleagues at Legal Aid, the Door, Safe Passage Project, Catholic Charities Community Services, NYLAG, Legal Services NYC, VOLS, and KIND, as well as a handful of solo legal practitioners, for their efforts to provide pro bono immigration legal assistance to youth in foster care.

Immigrant youth in care have a variety of immigration needs – some already have lawful permanent residence (aka “Green Cards”) or asylum status, but others have no immigration status at the time they come into ACS care, including many who are in deportation proceedings. Many of these children and youth in care will be eligible for Special Immigrant Juvenile Status (SIJS), and some are eligible for immigration relief through other means, such as, asylum, T-visas and U-visas, which are available to victims of trafficking or certain crimes here in the United States.

Many youth who have been in ACS care have obtained SIJS status, and subsequent green cards. To be eligible for SIJS, the youth must be under age 21 at the time of filing, be unmarried, be unable to reunite with one or both parents due to abuse, neglect, abandonment or similar nature (including parental death), be found to be dependent on the juvenile court, and for it to not be in the best interests of the youth to return to the country of origin. It takes many years to get a Green Card through SIJS; currently the federal government is processing Green Cards for those whose approved

⁵ Some youth enter care with Green Cards. Approximately 70 of the youth had valid Green Cards when they entered care.

SIJS application was filed before January 1, 2021; however during that waiting time, the youth may be eligible to apply for a work permit and have their deportation proceedings dismissed due to the Biden administration's deferred action policy.

Eligibility for many public benefits can be dependent on a youth's immigration status or other immigration determinations. This can impact youth in foster care who are nearing an age when most foster youth would age out of foster care and begin to live independently. The ISLA team, along with the immigration attorneys, provide the foster agencies and the youth with information they need to pursue SIJS or any other immigration relief and potential eligibility for benefits they can be eligible for while their immigration relief is pending.

Conclusion

ACS is committed to helping New York City's families thrive, and we are eager to do all that we can to help the families and youth who have come to New York City for a better life. We are happy to take your questions.



Testimony
Before the New York City Council
Committees on Immigration and Children and Youth
Oversight Hearing on
Resources for Immigrant Youth Who Arrived to the United States as Unaccompanied Children
Presented by Deputy Commissioner Susan Haskell
October 15, 2024

Good morning, Chair Stevens, Chair Aviles, and members of the Children and Youth and Immigration Committees. I am Susan Haskell, Deputy Commissioner for Youth Services at the Department of Youth and Community Development, and I am joined today by Dr. Amy Wilkerson, Assistant Commissioner for Runaway and Homeless Youth Services. On behalf of Commissioner Howard, thank you for this opportunity to update the Council about how we address the needs of new arrivals within DYCD's Runaway and Homeless Youth programs.

DYCD is grateful to have worked with the City Council over the years, as well as providers and advocates to build a comprehensive continuum and ecosystem of RHY services. DYCD's Runaway and Homeless Youth programs are designed to serve youth holistically, enabling them to obtain the services needed to help them thrive. We are committed to helping young New Yorkers build new skills and flourish. DYCD funds an integrated portfolio of runaway and homeless youth services that are delivered by community-based providers through contracts. The three types of services include residential services, drop-in centers, and street outreach. Combined, they reach more than 40,000 young people annually. Services are available to young people regardless of immigration status.

Residential services include Crisis Services programs and Transitional Independent Living Support programs. The New York State Office of Children and Family Services (OCFS) regulates all residential services provided by Youth Bureaus across New York State.

I'm proud to report that, over the past several years, DYCD tripled the number of beds in residential programs for young people ages 16-20, for a total of 753 beds. We implemented two key program policies to reflect changes in NYS law: increasing the time young people may stay in residential programs up to 120 days in Crisis Services programs and up to 24 months in Transitional Independent Living programs. Following these state and city legislative changes, we also created residential services for youth up to age 24, and we now have four programs with a total of 60 beds for homeless young adults ages 21 to 24.

Crisis Services Programs provide emergency shelter and crisis intervention services. This means youth have their basic needs met and work with staff to develop a service plan with short-term and long-term goals. In cases where family reunification is not possible, provider staff work with youth to identify appropriate transitional and long-term housing placements.

Transitional Independent Living (TIL) Support Programs are a longer-term housing option that provide support as youth establish an independent life through educational and career development services, health services and mental health care, counseling, and basic life skills training.

Drop In Centers in each borough serve youth ages 14 through 24. At our eight DYCD-funded Drop In Centers, youth are provided with basic needs such as food and clothing, and supportive services such as recreational activities, health and educational workshops, counseling, and referrals to additional services, including shelter as needed. At least one center in each borough is open 24 hours a day, every day of the week.

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

Counselors in RHY programs work with youth to develop Individualized Service Plans to outline short-term and long-term goals. They can receive a range of supportive services both directly and through referrals, which include health and mental health services, counseling, , education and career support, substance abuse prevention, violence intervention and prevention counseling, and housing assistance. When appropriate, staff members assist young people in reuniting with their families or with moving to transitional and longer-term programs.

DYCD RHY programs, like other City programs, experienced increased demand for services as the number of new arrivals to the City increased. RHY services remain available to young people regardless of immigration status. In response to increasing numbers of young people who need language assistance, we expanded access to telephonic interpretation services. The current most popular languages are French, Spanish, Wolof, Fulani, and Pulaar. DYCD coordinates with our partner agencies and participates in the multi-agency youth asylum-seeker coordination meetings.

DYCD-funded providers of Runaway and Homeless Youth (RHY) Services, including all residential programs and Drop-In Centers, distribute information about services and resources related to immigration, including immigration-related legal services. Providers share written information with youth upon intake to ensure that all those who may need the information will have it. We partner with MOIA to incorporate information about legal and other immigration services into mandatory training for RHY provider staff.

Thank you once again for the opportunity to discuss how we are addressing the needs of Runaway and Homeless Youth. We look forward to continuing to collaborate with the Council, advocates, providers, and young people with lived experiences to improve services for youth. We are pleased to answer any questions you may have.



JUMAANE D. WILLIAMS

**STATEMENT OF PUBLIC ADVOCATE JUMAANE D. WILLIAMS TO
THE NEW YORK CITY COUNCIL COMMITTEES ON IMMIGRATION, AND
CHILDREN AND YOUTH
OCTOBER 15, 2024**

Good morning,

My name is Jumaane D. Williams and I am the Public Advocate for the City of New York. Thank you to Chair Aviles, Chair Stevens, and members of the Committees on Immigration, and Children and Youth for holding this hearing and for allowing me to share my statement.

In the United States, there are currently hundreds of thousands of unaccompanied children. An unaccompanied child is defined as a person under the age of 18 who has no lawful immigration status and either has no parent or legal guardian in the U.S. or has no parent or legal guardian in the U.S. available to provide care and physical custody.¹ Unaccompanied children are oftentimes escaping violence and abuse, seeking to reunite with family, or are trafficked into the country.² This country has seen record figures of unaccompanied children crossing the southern border since 2021, with the Department of Health and Human Services receiving over 100,000 children.³ These children end up across the country, and New York City is no exception.⁴

Unaccompanied children, who may be escaping turbulent situations back in their home countries, face a number of challenges. There are the difficulties that many immigrants share: cultural differences, language and communication needs, mental and physical well being, and navigating the legal system. There are also challenges that are unique to unaccompanied children: lack of consistent caregivers including foster families, difficulties remaining in school, and severed family ties, among other concerns.⁵ While the majority of unaccompanied children are under the purview of the federal government within the Office of Refugee Resettlement, some slip through the cracks. In NYC, youth shelters often do not have enough beds to meet need, and providers have noticed a significant increase in unaccompanied minors under the age of 16 seeking their services and resources.⁶

¹ <https://www.acf.hhs.gov/orr/programs/ucs/about>; 6 USC § 279(g)(2).

² <https://immigrantjustice.org/issues/unaccompanied-immigrant-children>

³ <https://www.savethechildren.org/us/charity-stories/unaccompanied-minors-border-crisis>

⁴ <https://www.axios.com/2024/05/31/migrant-children-map-immigration>

⁵ https://www.nctsn.org/sites/default/files/resources/unaccompanied_migrant_children.pdf

⁶ <https://documentedny.com/2024/02/16/shelter-evictions-nyc-migrants-minors/>



JUMAANE D. WILLIAMS

Unaccompanied children are particularly vulnerable among immigrant populations. Their age, coupled with their separation from caretakers, make them targets for exploitation and trafficking. NYC has a moral obligation to keep those within our city safe and seen, especially the children. To do this, we should ensure there is adequate legal support for children who cannot represent themselves the way adults could do so *pro se*, through ways like funding programs such as the Safe Passage Project and the Legal Aid Society's Immigrant Youth Project. For Fiscal Year 2025, youth advocates pushed for an allocation of \$625,000 to fund five lawyers in the runaway and homeless youth system for newly arrived youth as well.

As I mentioned earlier, shelter providers are strained for resources, and there is a lack of coordination among city agencies and entities which leads to immigrant youth slipping through the cracks. In addition to youth shelters not having enough beds, there are reports that migrants who would otherwise qualify for placement in youth shelters find themselves in adult shelters, which is a major oversight.⁷ Adult shelters do not possess the capacity nor resources necessary to meet the needs of children which leaves them in precarious situations. Youth that are placed in adult-only shelters are subject to continuous relocation due to the city's 30-day shelter stay policies. This makes it particularly difficult to maintain stability, including attending school. Migrant youth in this position find themselves missing school days to prioritize seeking shelter and overall survival.⁸ School should be seen as a safe haven for our young people, meeting language needs and providing adequate cultural competency. Schools must provide a continuum of care so that students keep up with attendance and have stability in their lives. To make sure that happens, the city must address the aforementioned concerns as well. These issues do not exist in silos; where one area is impacted, the others are sure to follow.

The city must not let our immigrant youth fall into the shadows. For those with no parents or caregivers and who are all alone in this country, this is imperative. This city will always welcome immigrants, and for the children in particular, we must ensure their journeys to get here end in a safe and secure environment.

Thank you.

⁷ <https://pix11.com/news/local-news/manhattan/unaccompanied-migrant-youths-struggle-in-nyc-city-officials-respond/>

⁸ <https://documentedny.com/2024/02/16/shelter-evictions-nyc-migrants-minors/>

TESTIMONY

**Oversight – Resources for Immigrant Youth Who Arrived in the United States as
Unaccompanied Children**

New York City Council
Alexa Aviles, Chair, Committee on Immigration
Althea V. Stevens, Chair, Committee on Children and Youth

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October 15, 2024

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Introduction

The Legal Aid Society (“LAS”) and Coalition for the Homeless jointly welcome this opportunity to testify before the New York City Council Committee on Immigration and the Committee on Children and Youth regarding the need for resources to support immigrant children and youth arriving unaccompanied to New York City. We thank Alexa Aviles, Chair of the Committee on Immigration, as well as Althea Stevens, Chair of the Committee on Children and Youth, for offering the opportunity to highlight some of the critical issues in this area.

About 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 clients 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.

The Legal Aid Society operates three major practices — Civil, Criminal and Juvenile Rights - through a network of borough, neighborhood, and courthouse offices in 26 locations in New York City. With its annual caseload of more than 300,000 legal matters, The Legal Aid Society 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 Juvenile Rights Practice (“JRP”) provides comprehensive representation as attorneys for children who appear before the New York City Family Court in abuse, neglect, juvenile delinquency, and other proceedings affecting children’s rights and welfare. JRP also has an Education Advocacy Project. Our staff typically represent more than 30,000 children each year. Our perspective comes from daily contact with children and their families, and also from our frequent interactions with the courts, social service providers, and State and City agencies. The Society’s Civil Practice provides free direct legal assistance through a network of 10 neighborhood and courthouse-based offices in all five boroughs and 23 city-wide and specialized units, including an Immigration Law Unit, which houses Legal Aid’s Immigration Youth Project and New York Immigrant Family Unit Project. The Unit’s goal is to ensure that immigrant New Yorkers are provided meaningful representation in their immigration matters.

In addition to its individual representation, The Legal Aid Society also seeks to create broader, more powerful systemic change for society as a whole through its law reform representation. These efforts have benefitted some two million low-income families and individuals in New York City and the landmark rulings in many of these cases have had a state-wide and national impact. Our experiences engaging in courtroom and other advocacy on behalf of our clients as well as through coalition building with other stakeholders informs our testimony.

About Coalition for the Homeless

The Coalition for the Homeless (Coalition), founded in 1981, is a not-for-profit advocacy and direct services organization that assists more than 3,500 homeless and at-risk New Yorkers each day. The Coalition advocates for proven, cost-effective solutions to address the crisis of modern homelessness, which is now in its fifth decade. The Coalition also protects the rights of homeless people through litigation involving the right to emergency shelter, the right to vote, the right to reasonable accommodations for those with disabilities, and life-saving housing and services for homeless people living with mental illnesses and HIV/AIDS.

The Current State of Affairs for Newly Arrived Unaccompanied Minors in NYC

According to the New York City Comptroller's office, "[a]s of September 15, 2024, the City had approximately 61,700 people seeking asylum in City-funded shelter, and over 214,600 have come through the City's system since the spring of 2022."¹ To get a sense of approximately how many of those individuals are children and youth, more than 36,000 children residing in shelters were "enrolled for the first time in NYC public schools since July 2022 a[drastic] increase driven by new arrivals."² However, the City's census does not include data on the number of *unaccompanied* minors. Indeed, leadership staff for the Mayor's Office of Internal Affairs ("MOIA"), the Administration for Children's Services ("ACS"), and the Department of Youth and Community Development ("DYCD") all testified to a significant increase in the utilization of their services by children and youth over the past couple of years simultaneous with the influx of newly arrived immigrants ("new arrivals") in New York City.³ Yet, none of the aforementioned agencies called for additional resources to support this population.

Similarly, over the last several months, LAS and Coalition for the Homeless have received an uptick in informal referrals for unaccompanied minors being refused care from the ACS. Many of these youth are new arrival children from West Africa, some of whom traveled to the United States with documents falsified to make them over the age of majority so that they could escape the dangerous conditions of their home countries and travel on their own. In such cases, ACS initially: (1) failed to credit the youths' own statements regarding their age (including the reasonable explanations provided regarding the use of falsified documents); and (2) improperly contacted the United States Department of State for verification, despite the fact that the State Department relies on documents used to enter the country, and therefore cannot actually verify an individual's age. Of greater concern is that this

¹ New York City Comptroller Brad Lander, *Accounting for Asylum Seeker Services: Asylum Seeker Census*, available at <https://comptroller.nyc.gov/services-for-the-public/accounting-for-asylum-seeker-services/asylum-seeker-census/>.

² Id.

³ Oversight Hearing on Resources for Immigrant Youth Who Arrived to the United States as Unaccompanied Children before the Committees on Immigration and Children and Youth, New York City Council (Oct. 15, 2024).

practice sets in motion contact with the government in a youth's home country that poses grave risk to the safety of any remaining family or the youth's own safety should he/she be forced to return.

Notably, ACS has denied unaccompanied new arrival youth care even when staff at NYC's Department of Education has taken many of these youth at their word and permitted enrollment, as well as when advocates have referred the youth to ACS after identifying that the youth are indeed children. Unfortunately, the Office of Children and Family Services has not responded to requests to intervene and address these denials.

Meanwhile, many of the youth being denied care and services from ACS are forced to reside in single adult New Arrival Shelters, sometimes referred to as "Humanitarian emergency Response and Relief Centers," or "HERRCs". This is although the New Arrival Shelters are explicitly designed to accommodate only single adults and adult families pursuant to the recent settlement under *Callahan v. Carey*⁴ and are, thus, woefully inadequate to meet their needs. Depending on the age listed on their documents, youth in New Arrival Shelters are subject to the 30- or 60-day time limits imposed on new arrivals residing in these shelters and some may not even be granted an extension of their stay. It is also because of these time limits that many youth have to move from shelter to shelter, disrupting their ability to attend school if they were lucky enough to navigate the enrollment process.

Placement in a single adult New Arrival Shelter is especially likely given the lack of beds available through the DYCD Runaway and Homeless Youth ("RHY") programs. Alarming, youth under the age of 16 are precluded from RHY programs due to licensing restrictions imposed by contractual obligations with DYCD, leaving younger unaccompanied migrants particularly vulnerable in the adult New Arrival Shelters. These barriers further pose significant risks to the welfare of 17-year-old youth as ACS runs out the clock to commence destitute child proceedings in New York Family Courts, thereby precluding them from ever receiving ACS care the moment they turn 18. An unintended consequence of the settlement in *C.W. v. N.Y.C.*⁵ is that, because RHY shelters must understandably prioritize beds for youth 16 to 17 years old, youth who are 18 and 19 may be asked to leave to make room for the minors, even if they have nowhere else to go.

Although LAS has generally been successful in advocating with ACS to properly determine that these youth are destitute children, the City's failure to put a system in place to address the needs of children like them created unnecessary obstacles and undue delay at the detriment of these children. Indeed, in July 2024, LAS formally demanded that Deputy Mayor Anne Willams-Isom and ACS Commissioner Jess Dannhauser implement policies and procedures to ensure the protection of this population.⁶ Having received no indication that the City would comply with those demands, LAS

⁴ N.Y. Sup. Cnty, Index No. 42582/1979 dated March 15, 2024. The issues raised in this case concerned the right to shelter for adults in New York.

⁵ Eastern District of N.Y., 13 Civ. 7376, dated February 14, 2020. The issues raised in this case concerned the due process rights of youth ejected from homeless shelters.

⁶ This formal request followed many months of LAS and other advocates, including the Coalition for Homeless Youth, making the same request informally.

followed up via letter on October 15, 2024 and provided a number of more specific recommendations. To date, while leadership for the Administration for Children’s Services testified that a “protocol” has been developed, LAS has not received a copy and no other written policy, procedure, or guidance regarding the protection and support of unaccompanied youth has been issued.

Accordingly, LAS and Coalition for the Homeless will first provide as context the legal framework relevant to this population and share with the New York City Council the various recommendations for policies and procedures to be immediately implemented in order to: (1) better identify migrant youth in need of ACS care; (2) engage in child-centered age determinations; and (3) develop trainings for City staff targeted toward supporting migrant youth. We will also provide additional recommendations for increased funding for services to better protect the vulnerable migrant youth arriving at New York City’s shelter systems.

Finally, LAS wishes to use the opportunity to submit testimony to additionally raise awareness regarding the issues faced by migrant children and youth who are the subject of often unnecessary and invasive child maltreatment investigations in New York City.

Legal Framework Relevant to Unaccompanied Children

I. *New York State’s Child Welfare System and Its Obligation to Destitute Children*

New York’s statute and regulations have established the obligations of New York’s authorized social services agencies to ensure the care and protection of destitute children in New York. A destitute child is an individual who is under the age of eighteen, without a parent or caretaker available to care for him or her, and is “in a state of want or suffering due to lack of sufficient food, clothing, shelter, or medical or surgical care.”⁷ Notably, the plain language of New York’s Social Services Law defines a child as being “a person actually or apparently under the age of eighteen years.”⁸ Where a destitute child has been identified, public welfare officials are authorized to “assume the charge of and provide care and support” for that child.⁹ The Family Court Act further mandates that commissioners of social services who accept the care and custody of a destitute child must “provide for such child as authorized

⁷ Soc. Serv. Law § 371(3)(a). *See also*, Fam. Ct. Act § 1092; *see e.g.* 18 N.Y. Admin. Code (“NY ADC”) § 430.10 (“Placement of a child in foster care shall occur when removal from the home is essential for ensuring the child receives proper care, nurturance or treatment.” “Parent unavailability” is such a “circumstance in which placement may be considered essential.”); 18 N.Y. Codes, Rules, and Regs. (“NYCRR”) § 400.1 (social services provided to children shall be directed toward the goal of “preventing . . . exploitation of children . . . unable to protect their own interest” and “preventing . . . inappropriate institutional care by providing for community-based care, home-based care, or other forms of less intensive care.”).

⁸ Soc. Serv. Law § 371(1).

⁹ Soc. Serv. Law § 398(1)(c).

by law . . . and file a petition . . . within fourteen days upon accepting the care and custody of such child.”¹⁰

In accordance with New York State laws and regulations, the Office of Children and Family Services (“OCFS”) requires Runaway and Homeless Youth (“RHY”) shelter staff to refer destitute children to the Local Department of Social Services (“LDSS”) in the district where the RHY Program is located.¹¹ Importantly, New York State laws and regulations, as well as OCFS and the Administration for Children’s Services (“ACS”) policies do not discriminate between U.S. citizens and immigrants, including those who are undocumented, for the purposes of determining whether a child is destitute.¹²

Significantly, social services agencies must act in consideration of the child’s best interests.¹³

II. *Totality of Evidence Standard for Age Determinations in Federal Regulations*

Under United States law, a child who has no lawful immigration status, is under the age of 18 years of age, and has no parent or legal guardian in the United States to care for them is called an “unaccompanied alien child,” or, colloquially, “unaccompanied minor.”¹⁴ Notably, the standard for determining minority status invoked by the Social Services Law is lower than the Federal Government’s already lenient standard for establishing age and identity. The Federal Office of the Administration for Children and Families’ Office of Refugee Resettlement (ORR) has a policy that defaults to crediting the youth and providing services. The policy provides that where there is conflicting evidence regarding age, a determination shall be made based on the totality of all the evidence, including statements of the individual in question. While a determination is pending, the unaccompanied youth is entitled to receive all services.¹⁵

Similarly, Chapter 5 of the United States Citizenship and Immigration Services’ Policy Manual on Verification of Identifying Information states that where a birth certificate is unobtainable because of country conditions or personal circumstances, the individual may “submit secondary evidence or affidavits to establish his or her identity.”¹⁶

¹⁰ FCA § 1093.

¹¹ 18-OCFS-ADM-19 at 4; *see also, e.g.* ACS Destitute Child Policy Dated December 17, 2012.

¹² *See, e.g.*, 12-OCFS-ADM-08 (unaccompanied immigrant children may be considered destitute children).

¹³ *Matter of O’Rourke v. Kirby*, 54 N.Y.2d 8, 15, n. 2, 444 N.Y.S.2d 566, 429 N.E.2d 85 (Ct. of App. 1981) (New York State child welfare agencies are obligated to act in the best interests of the child); *see also, e.g.* 18 NYCRR § 421.2(e) (agencies must ensure that siblings who are freed for adoption are placed in pre-adoptive homes together unless it would be detrimental their best interests); 18 NYCRR § 443.6 (agencies must endeavor to place a child returning to foster care into that child’s last placement if it is in the child’s best interests).

¹⁴ 6 U.S.C. § 279(g)(2).

¹⁵ ORR Unaccompanied Children Program Policy Guide: Section 1.6, available at <https://www.acf.hhs.gov/orr/policy-guidance/unaccompanied-children-program-policy-guide-section-1#1.6>.

¹⁶ Available at, <https://www.uscis.gov/policy-manual/volume-1-part-e-chapter-5>.

NYC Must Immediately Develop Policies and Procedures to Protect New Arrival Youth

The experiences of the migrant youth that LAS and Coalition for the Homeless have advocated for highlight the need for *written* policies, accessible to advocates that ensure the protection and safety of immigrant youth arriving alone to NYC. Our clients' experiences demonstrate the real harm young new arrivals suffer due to the City's failure to implement such policies. Indeed, it is outrageous that it should take several months and threats of legal action for the various city agencies working with this population to comply with their statutorily mandated obligations.

To meet its obligation to unaccompanied new arrival youth (destitute children) under the Social Services Law, the City, including new arrival shelters as well as ACS and any other city agency responsible for the care of these youth, must implement a policy and procedures for identifying new arrival youth who are in need of care by ACS and offering them *immediate* access to ACS services. In addition, ACS must develop a policy and procedures for addressing unreliable or conflicting documentation relating to age that is consistent with federal guidance in crediting children's statements. Finally, the City must provide comprehensive training to all personnel who may interact with young new arrivals related to any policies and procedures aimed at meaningfully supporting this vulnerable population.

Although we make several more detailed policy recommendations immediately below, these recommendations are not exhaustive of all that should be done to adequately support this population and we urge the City to create a working group that includes The Legal Aid Society, Coalition for the Homeless, and other advocates and stakeholders in the process of developing needed policies and procedures.

I. *Identifying Youth in Need of ACS Care* **a. How Shelters Can Aid in Identification**

City Council should take the shelter case management systems to task by ensuring they include a number of steps to ensure that unaccompanied minors are identified when they land in NYC's new arrival shelters or other shelters overseen by the Department of Homeless Services ("DHS"). It is crucial that case managers understand that trust must be fostered with young people to ensure accurate reporting of their ages. Accordingly, to err on the side of over-inclusivity, a case manager should meet at least bi-weekly with any person who appears to be under the age of 30 and conduct regular age screenings. In such screenings, the case manager or shelter staff must ask for the young person's age, using interpretation services if necessary to communicate in the young person's native dialect, distribute Know Your Rights Materials developed by advocates, and assure the young person that the question regarding their age is solely to determine the appropriate services and shelter setting for them and that they will not be penalized by the City if their age is different from what is listed on their identification documents. Special attention should be paid to questions and comments made by the youth, including requests to enroll in school. Whenever shelter staff discovers or suspects that a young person is a minor, they must make a report to the designated ACS team as recommended below. Until that team is established, shelter staff must make a report to the State Central Register ("SCR") and

continue follow-up, including the initiation of additional reports to the SCR, until ACS begins an investigation.

b. How ACS Can Respond to Identification

As it stands, ACS refuses to investigate referrals of destitute children unless a report is made to the State Central Registry (SCR), despite the fact that neither statute nor regulation mandates a call to the SCR before the Commissioner can take action to meet his obligations to destitute children. Indeed, such a requirement is in direct conflict with OCFS's policy regarding destitute children in RHY shelters, which requires program staff to refer destitute children to the LDSS in the district where the RHY program is located.¹⁷ It is also worth highlighting that under the current practice, multiple reports may have to be made to the SCR before a case is finally accepted for investigation.

ACS's insistence that a report be made to the SCR imposes an unnecessary burden on those assisting new arrival youth, including other City agency staff, and contributes to delays in getting these children into ACS's care and custody. In one instance, it took approximately a month before ACS finally commenced an investigation into a youth reported by LAS to be a destitute child, despite multiple reports made to the SCR by advocates. Two more weeks later and this youth still remains in an adult shelter awaiting placement into ACS care.¹⁸ Accordingly, to streamline referrals of minor new arrival youth to ACS, City Council must direct ACS to create a designated team for destitute child referrals and make the contact information for that team available to shelter staff, staff of other City agencies, community organizations, and advocates. Once ACS has been made aware of an unaccompanied minor, ACS must *immediately* make services available to that youth. Additionally, ACS must abstain from contact with any foreign consulate in cases where the individual has applied or may apply for asylum, unless done in consultation with immigration legal services representation. This includes refraining from contacting the United States Department of State, which in many instances contacts the foreign consulate, as exemplified by communications with the State Department regarding youth LAS has brought to the attention of ACS.

In addition, City Council must enforce ACS's compliance with obligations under local laws related to confidentiality and non-citizens' access to critical services. Executive Orders 31 and 41 prohibit City officials or employees from inquiring about a person's immigration status unless it is "necessary for the determination of program, service or benefit eligibility or the provision of City Services," except when it is required by law. Local Laws 30 and 73 require that City agencies, including ACS, provide language assistance services to those with limited English proficiency.

¹⁷ 18-OCFS-ADM-19 at 4; *see also, e.g.* 12-OCFS-ADM-08 (unaccompanied immigrant children may be considered destitute children); ACS Destitute Child Policy Dated December 17, 2012 (making no mention of a requirement to make a report to the SCR).

¹⁸ This is a correction to Ms. Schertz's oral testimony that ACS had not yet contacted this youth. As of submission of this written testimony, she has been made aware that ACS finally made contact.

II. *Assessing a Youth's Age*

Instead of implementing a coherent policy, ACS appears at times to rely on the age stated in passports to the exclusion of other documents, while at other times disregarding passports and relying on other sources of proof. In both scenarios, ACS fails to give appropriate weight to the declarations of the young people in question, instead denying them care. In at least one other instance, ACS demanded that a youth resolve the question of his age by submitting to a bone density test. Such a demand is intrusive, far exceeds what is required by state law and the federal Administration for Children and Families' Office of Refugee Resettlement ("ORR") policy regarding age determinations and is certainly contrary to the best interests of any child already suffering the trauma of immigration to this country. Our clients' cases illustrate the urgent need for ACS to design and implement a rational policy to resolve discrepancies regarding the age of unaccompanied new arrival youth to ensure they are given appropriate services.

It is crucial that City Council hold ACS accountable for taking a child-centered approach whenever there exist conflicting documents regarding a youth's age. Importantly, the reality is that many migrant children present travel documents with false birthdays when they flee dangerous conditions in their home countries and travel unaccompanied by an adult. Therefore, ACS must give these documents the appropriate weight and should heavily credit the youth's own statements, particularly when such an explanation is proffered. In designing a policy, the City should consider federal regulations as a minimum starting point. Notably, the ORR has a policy that defaults to crediting the youth and providing services. The policy provides that where there is conflicting evidence regarding age, a determination shall be made based on the totality of all the evidence, including statements of the individual in question. While a determination is pending, the unaccompanied youth is entitled to receive all services.¹⁹ In sum, a person who states that they are under 18 should be taken at their word, pending review and confirmation based upon a totality of the all the evidence.

Furthermore, because ACS is obligated to act in the best interests of the child, not only should ACS refrain from requiring the youth to submit to invasive bone density testing, but ACS absolutely must cease its practice of contacting the U.S. Department of State in an effort to "verify" a youth's birthdate. Notably, the State Department often relies on false documentation procured as a means of survival so that the youth could escape the dangerous conditions of their home country and, thus, this communication ultimately fails to provide any meaningful verification of the young person's true age. Of graver concern is the risk of danger such a practice poses to the young person's family remaining back home and on the young person him- or herself should he/she be forced to return.

¹⁹ ORR Unaccompanied Children Program Policy Guide: Section 1.6, available at <https://www.acf.hhs.gov/orr/policy-guidance/unaccompanied-children-program-policy-guide-section-1#1.6>; see also, Chapter 5 USCIS Policy Manual on Verification of Identifying Information similarly states that where a birth certificate is unobtainable because of country conditions or personal circumstances, the individual may "submit secondary evidence or affidavits to establish his or her identity"
<https://www.uscis.gov/policy-manual/volume-1-part-e-chapter-5>.

Finally, we kindly request that we be provided with a copy of the age assessment “protocol” leadership for ACS testified to developing and providing to its staff.²⁰

III. Training

It is also imperative that the City implement programming for all staff of all City agencies that might interact with new arrival youth geared toward supporting this population. Such programming must include implicit bias training, particularly with regard to the adultification of Black children,²¹ as well as ensuring, specifically, that ACS take a consistent approach to requests for documentation among youth who are referred as destitute children. Importantly, ACS’s approach should be that of support and safety, rather than concerted efforts to reveal falsified documentation that makes a youth “ineligible” for ACS care. Training must further include: the importance of ensuring that youth are provided interpreters in their own native dialect; migrant survival methods (including the use of false documents) to flee their home countries; fostering trust with young people; and immigration related trauma.

NYC Must Allocate Appropriate Resources to Support and Protect New Arrival Youth

The City must also begin tracking and reporting the number of youth identified as being minors without adult caretakers in order to better assess the demand for services to this population. ACS must, specifically, begin tracking and reporting the number of destitute child referrals, including data regarding: the referral source; the number of referred children who are unaccompanied migrant children; the countries of origin of referred children and youth; the languages spoken by each referred children and youth; the ages of referred children and youth; and the number of destitute children accepted into care by ACS.

The City must also allocate more funding to DYCD to increase the number of beds available in DYCD RHY programs so that all 16- and 17-year-old youth awaiting placement into ACS care and all youth 18 to 25 years old are able to reside in a shelter setting better equipped to meet their needs. According to the most recent report required by Local Law 79 of 2018, over 1,100 youth were turned away from DYCD shelter programs from January 1 through June 30, 2024. DYCD must begin collecting and reporting data regarding the number of the youth being turned away who are known to be migrant youth. Importantly, New York City is the only locality in New York State that does not provide shelter to youth under 16. Therefore, the City must introduce local legislation to mandate that DYCD’s any new contracts with RHY providers eliminate lower age restrictions.

²⁰ Oversight Hearing on Resources for Immigrant Youth Who Arrived to the United States as Unaccompanied Children before the Committees on Immigration and Children and Youth, New York City Council (Oct. 15, 2024) (Testimony by Stephanie Gandel, Deputy Commissioner for External Affairs for ACS).

²¹ See, e.g. Amie Koch DNP, FNP-C, RN, ACHPH, Arthi Kozhumam BS, MSc-GH, *Adultification of Black children negatively impacts their health: Recommendations for health care providers*, Nursing Forum, Vol. 57, Iss. 5, at 963-967.

Furthermore, the City must ensure that there is meaningful language access provided to migrant youth. We direct the City Council to our joint testimony submitted before the Committee on Immigration regarding a hearing held on September 24, 2024, “Assessing the Mayoral Administration’s Compliance with Local Law 30 of 2017.” However, to sum, youth are quite often forced to attempt communication in a dialect that is not their own, creating confusion and misunderstanding regarding their needs and wishes, including any desire to go into ACS care. This is particularly the case for youth from West Africa when, for example, youth who speak Guinean Pulaar are provided only a Senegalese Pulaar interpreter.

Finally, while the Mayor’s office has allocated funding to legal clinics assisting asylum seekers in preparing their asylum applications in order to meet filing deadlines imposed by the U.S. Government,²² many of them remain unrepresented and are forced to navigate an incredibly complex system of laws and regulations, leaving them unable to meaningfully defend themselves against possible orders or threats of deportation. Immigrant youth are especially vulnerable in the face of removal (also known as “deportation”) proceedings and rapidly approaching deadlines for immigration applications such as Asylum and Special Immigrant Juvenile Status. Importantly, youth deserve representation in order to ensure that they: (1) fully understand any implications of the information included in any materials that they file on their own; (2) do not miss any crucial deadlines and court dates; and (3) receive continued assistance to respond to federal government notices for requests for additional information and evidence as well future applications such as those for work authorization and, eventually, legal permanent residency. Simply put, the *pro se* models of these clinics are woefully inadequate to serve the needs of this population. Therefore, it is imperative that the City allocate additional funding to immigration legal services providers, specifically those with subject matter expertise like the members of the ICARE Coalition,²³ so that they may provide meaningful and ongoing representation to this vulnerable population. Additionally, given the complexities of representing a child in foster care in their simultaneous immigration proceedings, designated funding should be created for immigration representation of youth in the foster care system.

Migrant Families Negatively Impacted by the Family Policing System

LAS urges the New York City Council to call a separate hearing to also delve more deeply into the plight of recently arrived immigrant *families*. However, we take this opportunity to briefly share some of our concerns – namely that our staff have seen an increase in child maltreatment filings in New York Family Courts across the City involving this population. Many of these cases are resolved with Adjournments in Contemplation of Dismissal (“ACD”).²⁴ Given that ACDs require the consent of all parties, including ACS, such pre-fact-finding resolutions are not offered unless the children are

²² 8 C.F.R. § 208.4(a)(2)(ii).

²³ The ICARE Coalition is comprised of The Legal Aid Society, The Door, Catholic Charities of the Archdiocese of New York, Kids in Need of Defense (KIND), and the Safe Passage Project.

²⁴ Fam. Ct. Act § 1039.

residing with respondent parents who have been cooperative with services ACS has requested they complete.

The frequency of ACDs thus indicates that many of these families who have suffered trauma fleeing the dire and often violent conditions in their home countries are in need of supports and services, rather than subjection to the traumatic experience of what advocates now call the family policing system. Although The Legal Aid Society lauds ACS's stated goal of diverting families reported to the SCR away from the investigative track toward its Collaborative Assessment, Response, Engagement & Support ("CARES") approach when a child is not in imminent danger of serious child abuse, in practice, such a program is simply another extension of the family policing system. On October 9, 2024, Commissioner Jess Dannhauser testified before the New York State Assembly's Hearing on the State Central Registry and reported that 20% of families are being diverted to CARES.²⁵ Yet, 80% of those families in 2022 and 75% of families in 2023 were involved in CARES for between 41 and 60 days – which is the length of a traditional investigation.²⁶ Sadly, although "voluntary," many families participating in CARES do so under that threat of investigation, particularly because ACS may convert the case to an investigation at any point during participation in CARES. Therefore, it is imperative that new arrival families are connected to *community-based* services, which may require additional funding from the City to ensure the capacity of community-based organizations to support new arrival families.

Unfortunately, a lack of immigration status leaves the families without health insurance to help them afford the cost of services like mental health and substance abuse treatment. Furthermore, there is a dearth of services available in the families' native dialects. Accordingly, similar to requests to meet the needs of unaccompanied minors, it is also imperative that the City increase funding to immigration legal services so that they may have meaningful representation and a greater chance at remaining together. Furthermore, this population is also in need of adequate language access to ensure that they are able to meaningfully participate in supportive services in their native language.

To further increase stability for these children, and minimize the likelihood of ACS intrusion, the City must also end the requirement that new arrival families re-enter the new arrival shelters after 60 days. Such a policy increases the likelihood of school disruption for children and also leaves them vulnerable to SCR reports initiated by the Department of Education out of concern for the child's absence. At the very least, the requirement to re-enter the new arrival shelters should be extended to match more realistic timeframes for families to be able to obtain the documents and resources needed to move on from the shelters. To assess the proper timeframe, new arrival shelters should be tracking and reporting the average stay for a migrant family, including data on the number of families who are refused re-entry and those families moving on at their own volition.

²⁵ Available at, https://nystateassembly.granicus.com/player/clip/8612?view_id=8&redirect=true

²⁶ These statistics come from a set of raw data prepared by ACS, but not yet published. Data is on file with author and forthcoming.

Conclusion

Thank you again to the Committees on Immigration and Children and Youth for looking closely at how to best support migrant youth in New York City. We are happy to answer any questions.

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Thank you to the City Council Immigration and Child and Youth Committee for inviting testimony today. My name is Alexandra Rizio and I am the Managing Attorney for Policy and Partnerships at Safe Passage Project, a non-profit legal services organization that provides free representation to immigrant children facing deportation. We currently serve over 1,400 children who live in the five boroughs of New York City and in the two counties of Long Island. Safe Passage Project works closely with partner organizations through the ICARE Coalition, with the goal of providing high-quality legal representation to as many unaccompanied minors as possible. Once we accept a client, we commit to sticking with them until we achieve the best possible outcome for them, usually a green card. Our clients' cases take 3-6 years due to delays in visa availability and court backlogs. We receive funding from the City Council through the UMFI funding stream.

As the number of immigrant youth who arrive in New York increased, we have done our best to respond to the need. Like many peer organizations, we have to do more with less these days. I would like to emphasize three main points during my testimony: stagnant City Council funding, ACS referrals, and housing issues.

City Council has not increased ICARE funding in five years

While we appreciate the City Council's consistent funding of the ICARE collaborative, no organization within our collaborative has received an increase in funding in five years, despite requests for increases every year, and despite the fact that we serve an ever-increasing number of youth with the money we do receive. For the past several years, Safe Passage has requested \$1,251,800 in funding, but we have been allocated \$1,051,800. We have a strong pipeline of attorney and social work candidates and an excellent supervisory structure, and if we were granted additional funding, Safe Passage could put it to use almost immediately by hiring additional staff to serve the needs of immigrant youth.

We would also like to emphasize that, while *pro se* models of immigration services are useful for limited types of services—for example, we commend the fact that City's Asylum Application Help Centers have helped thousands of people meet their one-year asylum filing deadline—this cannot be the beginning and end of wide-scale legal services for immigrants in the



city. In particular, the Asylum Application Help Centers focus on family units and single people, not unaccompanied minors, who arrive to New York separately, via placements through the Office of Refugee Settlement. These youth have complex legal cases that need to be shepherded through USCIS, EOIR, and often family court as well. They need dedicated attorneys, not *pro se* assistance.

More referrals from ACS

Our legal department estimates that we receive at least one referral directly from ACS per day, requesting long-term immigration representation. While some of these young people are in removal proceedings therefore fall under grants from IOI or HRA/ICARE, many of these youth are not in removal proceedings, which means the grants that can cover the work are limited. These youth in particular are struggling to find long-term representation because the funding is simply not there.

Housing Issues

We have heard that organizations that typically assist youth experiencing homelessness have received a directive from the city to place immigrant youth in HERRC shelters, instead of placing them into traditional transitional youth shelters. This has raised numerous issues for our clients:

- *Instability*: Youth in these shelters are forced to move every 30 or 60 days into a new shelter, which can be on the other side of the city and often very far, such as out by JFK. This causes many issues for youth in school and/or working.
- *Health*: Youth in these shelters do not have access to a kitchen, so they cannot cook their own meals. They are forced to either eat outside food (and in turn, spend a lot of money) or eat the meals the shelters serve, which are, well, not good. We have three young people who have experienced sickness due to these meals, and one whose children have also gotten sick (she's in a family HERRC facility).
- *Lack of access to permanent housing*: Youth and families in HERRC shelters cannot apply for CityFHEPS, which is the voucher that is issued to folks residing in Dept. of



Homeless Services shelters. For those in HERRC facilities, there is literally no pathway for them to apply for a voucher, and they are turned away at city-funded Homebase programs.

- *No Social Supports:* Youth and families residing in HERRC shelters often have little, or no, access to a caseworker, social worker, or counselor to support them in navigating housing and other systems. Staff appear to be very inadequately trained in working with immigrant communities; for example, one of our clients was once pressured by a worker to apply for her employment authorization document, or work permit, ASAP, even though the client was not yet eligible to do so. The worker refused to speak with our social worker about it. On top of this, many shelter staff do not speak Spanish or other languages that are our clients' primary languages.
- *Safety:* We are working with a young person who has been hospitalized twice after being beaten by shelter security guards. I imagine this is happening to many others. Clients in these shelters are also surrounded by adults, causing potential safety issues.
- *Placement Mistakes:* We are working with one client who entered the U.S. prior to March 2022, but was placed into the HERRC system regardless. It seems that this was due to confusion during the placement assessment.

In short, Safe Passage has ongoing concerns about the type of housing unaccompanied minors are being funneled into; about the number of referrals from ACS that we simply cannot slot into any existing grant stream; and the fact that no ICARE organization has received an increase in City Council funding in over five years. Thank you.

SUBMITTED ELECTRONICALLY AT [HTTPS://COUNCIL.NYC.GOV/TESTIFY](https://council.nyc.gov/testify)

New York City Council
Committee on Immigration
Committee on Children and Youth

Re: File T2024-2492, Oversight – Resources for Immigrant Youth Who Arrived at the United States as Unaccompanied Children

October 18, 2024

Dear Members of the Committees on Immigration and Children and Youth:

The Young Center for Immigrant Children's Rights (hereafter "Young Center") submits this written testimony concerning the experiences of unaccompanied immigrant youth in New York. We thank the Committees and Chairs Alexa Avilés and Althea Stevens for your efforts to understand and address the challenges faced by unaccompanied immigrant youth in New York City.

The Young Center serves as the federally-appointed independent Child Advocate, akin to best interests guardian ad litem, for trafficking victims and other vulnerable unaccompanied children in government custody, as authorized by the Trafficking Victims Protection Reauthorization Act (TVPRA).¹ The Young Center is the only organization authorized by the United States Department of Health and Human Services' Office of Refugee Resettlement (ORR) to serve in that capacity. The role of the Child Advocate is to advocate for the best interests of the child. A child's best interests are determined by considering the child's safety, expressed wishes, right to family integrity, liberty, developmental needs, and identity. Young Center Child Advocates make best interests determinations to inform government entities and courts in decisions affecting the children to whom we are appointed.² Since 2004, ORR has appointed Young Center Child Advocates for thousands of unaccompanied children in ORR custody, many of whom "age out" of ORR custody when they turn 18 years old and require community-based services and supports to ensure their safety and wellbeing.

Unaccompanied Youth Experiences in ORR Custody

The experience of being transferred to ORR custody and placed in an ORR facility can be stressful and traumatic for unaccompanied youth, as they adjust to being apart from family members and caregivers and living in unfamiliar congregate care settings where they are interacting with adults whom they do not know, are subject to significant restrictions on their movement and freedom, and may face language barriers in communicating with staff and other children. Many children are held in large-scale facilities, often with hundreds or even thousands of children; these facilities are far removed from the community and family-based settings where children can thrive.⁴ Children frequently suffer "detention fatigue,"

¹ William Wilberforce Trafficking Victims Protection Reauthorization Act, 8 U.S.C. § 1232(c)(6)(A) (hereafter TVPRA). The TVPRA defines unaccompanied child as, 'a person who is under 18 years of age; has no lawful immigration status in the United States; and has no parent or legal guardian in the United States, or no parent or legal guardian available to provide care and physical custody.'

² The Young Center is federally-appointed, pursuant to the Trafficking Victims Protection and Reauthorization Act, to serve as Child Advocate for unaccompanied children under the custody of the federal government.

particularly during long stays in ORR custody, with symptoms of increased stress, anxiety, behavioral issues, and self-harm or suicidal ideation.⁵ Longer stays are often caused by delays in reunification with family, delays in release to other sponsors, delays or denials of placement in foster care, and transfers to more restrictive settings.

Children in these circumstances may experience psychological distress, stemming from a sense of helplessness, limited agency, and lack of trauma-informed care.⁶ Children often grieve or experience symptoms of trauma in custody due to the harms they escaped in their home country, during their journey, or upon separation from family when they are apprehended by border officials. Some children – particularly those who endure the longest periods in government custody – are also caught in a vicious circle, where they act out due to detention fatigue and are “stepped up” to more restrictive settings, further prolonging their stay in ORR custody.

Given these stressors and challenges, it is critical that unaccompanied children have access to trauma-sensitive and culturally competent services that support their individual needs. Such services should include: holistic therapies to support them in processing their traumatic experiences and build healthy coping skills; acculturation services to help them understand and adapt to their new communities; life skills training to support them in their transition to independent living and young adulthood; and attorneys to assist them in filing applications for legal relief and benefits that will support their permanency.

Transitioning From ORR Custody

When an unaccompanied youth turns 18 years old while in ORR custody, they are transferred to the custody of the Department of Homeland Security, which determines whether to release the youth or to detain them in ICE custody. In 2021, a district court permanently enjoined DHS from transferring kids to its custody without first considering less-restrictive alternatives.³ Since then, DHS typically releases youth on their own recognizance to institutional sponsors or community-based shelter programs.

Unlike the New York child welfare system which requires that youth transitioning from state foster care receive a minimum of 6 months of discharge planning, ORR policy requires its case managers to engage in transition planning for unaccompanied youth in ORR custody only 2 weeks before their 18th birthday.⁴ As a result, Young Center Child Advocates have found that transition planning is often inadequate to prepare youth for release to communities, particularly in cities like New York City where shelter systems are overburdened. Child Advocates have reported that youth are frequently released with little-to-no transition plan in place.

This lack of adequate transition planning for unaccompanied youth, who often need critical, long-term supports and services in the community when they are released on their own from federal custody, places them at risk of homelessness and trafficking and other forms of exploitation. In the cases

³ See, *Garcia Ramirez et al v. ICE et al.*, September 2021, https://immigrantjustice.org/court_cases/garcia-ramirez-et-al-v-ice-et-al.

⁴ New York Office of Children and Family Services, Revised New York State Transition Plan Form to Help Youth Plan for a Successful Discharge, Jan. 30, 2024, <https://ocfs.ny.gov/main/policies/external/2024/adm/24-OCFS-ADM-01.pdf>; ORR Field Guidance 9, Interim Guidance – Age Outs and Post-18 Planning, Feb. 17, 2021, <https://www.acf.hhs.gov/sites/default/files/documents/orr/FG-9%20Interim%20Guidance%20Age%20Outs%20and%20Post-18%20Planning%202021%2002%2017.pdf>.

of children to whom we are appointed who are nearing age-out, Young Center Child Advocates often advocate with ORR for more robust post-release services and planning. Young Center Child Advocates also work to connect youth aging out to service providers so that they can access safe and developmentally appropriate shelter, healthcare, education and legal services, which are primary concerns for youth upon their release from ORR custody.

It is particularly important to ensure that these youth have access to legal services, as many may be eligible for immigration relief that will advance their permanency and stability. For instance, youth who have experienced abuse, abandonment, or neglect by one or more parents are eligible for Special Immigrant Juvenile Status, a humanitarian protection from deportation that affords certain benefits. To access this form of immigration relief in New York, youth need a state family court determination of their dependency and destitute child status. Youth who apply for other forms of protection from deportation – such as asylum, T-visa or U-visa – are eligible for work permits and federal benefits.

Recommendations

1. **Outreach to unaccompanied youth:** Given the pressing need of unaccompanied youth in New York —particularly those who age-out and are released on their own—for critical, long-term supports and services in the community, we urge New York City agencies, including the Administration for Children’s Services (ACS) and the Mayor’s Office for Immigrant Affairs (MOIA), to engage in and support robust efforts to proactively outreach to unaccompanied youth released into communities and to invest in community-based services and supports to meet their needs.
2. **Interagency Coordination:** Close collaboration with ORR during the transition planning process for youth who are nearing age-out and/or release in New York would help the city to anticipate and better meet the needs of unaccompanied youth. Previously, a MOIA-ORR task force was established in 2015 to facilitate collaboration between the agencies; however, the last guidance issued by the taskforce is dated 2019 and it is unclear whether it is still meeting. We recommend reinstating the MOIA-ORR task force to facilitate and improve coordination between the agencies. We further recommend expanding the taskforce to include community service providers to ensure transparency and inclusive, equitable decision-making.
3. **Expand youth access to essential services:** We further recommend that the City invest resources into expanding youth access to essential services such as: government-funded legal services so that youth can apply for immigration relief and benefits such as work authorization, as well as be informed of their rights; interpreters to ensure they understand and can express their wishes in their best language; and mental health services to support them in healing from their traumatic experiences and navigating independent living.

We appreciate the opportunity to provide these recommendations and welcome further opportunities to discuss the needs of unaccompanied youth.

Sincerely,

Abena Hutchful
Policy and Litigation Attorney
ahutchful@theyoungcenter.org



TESTIMONY

New York City Council Joint Hearing
Committee on Immigration and Committee on Children and Youth
Oversight hearing—Resources for Immigrant Youth Who Arrived to the United States as
Unaccompanied Children

Delivered by:
Sierra Kraft, Executive Director, ICARE Coalition
October 15th, 2024

Good morning, thank you Chairperson Avilés and Chairperson Stevens and members of the Committees on Immigration and Children and Youth, for the opportunity to speak today and for holding this important hearing. My name is Sierra Kraft, and I am the Executive Director of ICARE. We are a coalition of legal services organizations providing free legal representation to unaccompanied children facing deportation in New York City. Our members include Catholic Charities Community Services, Central American Legal Assistance, Human Rights First, Kids in Need of Defense (KIND), Legal Aid Society, The Door, and Safe Passage Project.

Unaccompanied children are some of the most vulnerable members of our community. Many have fled unimaginable violence, trafficking, and instability, traveling without their parents to seek safety and protection here in New York. But the moment they arrive, they are placed in deportation proceedings, expected to defend themselves in a complex and intimidating immigration system without the right to an attorney. Even adults struggle to navigate this overwhelming system—how can we expect children to manage it on their own?

I recently sat in immigration court and saw two young brothers from El Salvador—ages two and six—sitting at a table before a judge, expected to represent themselves. The judge gave



them a continuance and urged the family to find an attorney—warning that without one, the boys would likely be ordered removed. After the hearing, I spoke with their family, and they told me they had been searching for an attorney for nearly a year. I could sense their fear and it was truly a heartbreaking moment. No child should have to face immigration court alone.

Access to an attorney isn't just helpful—it can mean the difference between life and death. Without legal representation, these children stand only a 15% chance of winning their cases. This can result in getting deported back to dangerous conditions where their safety—and their lives—are at risk. But with a trained lawyer by their side, those odds improve dramatically. Children supported by ICARE attorneys have over a 90% success rate, giving them a real chance to stay and build bright futures here in New York.

While the administration's response to the broader influx of asylum seekers has been setting up pro se legal clinics, these models are not appropriate for children. Children cannot be expected to represent themselves. They need full legal representation from experienced attorneys who can guide them through the complicated laws and procedures. Without it, their cases are almost impossible to win.

New York continues to rank fourth in the country for the number of unaccompanied children, with more than 8,000 released to sponsors every year. But the resources needed to serve them have not kept pace. Collaboratives like ICARE, which focus specifically on serving unaccompanied minors, have not seen any increase in funding in five years—even as the number of children needing legal services has grown exponentially.



This year, ICARE’s coalition of seven legal service providers requested funding to increase the number of legal screenings, direct representation, and know-your-rights trainings. Yet despite our growing waitlists and the overwhelming demand, we were approved for far less than what’s needed to fully meet the need. Without additional support, more children will be up against this system alone and likely fall through the cracks.

The challenges we face aren’t just about funding; the attorneys working on the frontlines of this issue are also stretched thin. Providers are managing overwhelming caseloads, while grappling with vicarious trauma, burnout, and low wages. High turnover and staffing shortages make it difficult to maintain the expertise needed to support these children effectively. We need long-term solutions to build capacity—investing in multi-year funding, expanding strategic programs to retain experienced attorneys through competitive pay, and scaling resources for collaboratives like ICARE. Without these investments, too many children will age out of eligibility for protections like Special Immigrant Juvenile Status or remain undocumented, forced to live in the shadows.

Collaboratives like ICARE are lifelines for these children. Since our founding, we have supported over 14,000 young people offering not just critical legal representation, but also case management that helps them build stable lives in the city they now call home. But to continue this work—and keep up with the growing need—we need the city and this administration to prioritize additional funding specifically for unaccompanied minors not only for legal services but also for case management. These wraparound services ensure they have the support they need to thrive, beyond just winning their legal cases.



Strong partnership and leadership from city agencies are essential to build this capacity.

With deeper collaboration between legal service providers and city agencies to streamline support, we can better connect young immigrants to critical social services, housing, healthcare, and education.

We urge City Council to invest in legal services that prevent unnecessary deportations and ensure every child has access to a skilled attorney. With your support, we can make sure no child has to face immigration court alone. These young people deserve a chance to grow up in a city that offers hope, safety, and stability.

Thank you for your tireless efforts and advocacy to champion the rights of immigrant children. We look forward to our continued partnership with you in ensuring we live our values as a sanctuary city. Thank you again for putting together this hearing and for your ongoing commitment to supporting these vulnerable members of our community.

In Community,

A handwritten signature in black ink that reads "Sierra Kraft".

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Every Child at the center of a court case has a unique voice. And that voice must be heard.

THE CHILDREN'S LAW CENTER TESTIMONY FOR THE NYC COUNCIL'S COMMITTEE ON IMMIGRATION FY26 BUDGET AND OVERSIGHT HEARINGS

Good afternoon. I am Ydalmi Mejía, and I am the Paralegal Director at The Children's Law Center ("CLC"), a 27-year-old, not-for-profit legal services organization that has represented over 130,000 children in legal proceedings in the New York City Family Courts and the New York State Supreme Court Integrated Domestic Violence Parts. The Children's Law Center advances the rights of children in New York City Family Courts through representation in legal proceedings that involve custody, visitation, domestic violence, and child protective matters. Through our work in the courtroom and the community, we empower our clients, reduce the negative impact of family dissolution and court involvement, and promote well-being and equity for young people.

On each case to which CLC is assigned, we strive to give our young clients an effective voice in the legal proceedings that have a critical impact on their lives. Thank you for giving me the opportunity to testify today. I appear before you today to share CLC's experience representing children and young people under the age of 21 who are seeking Special Immigrant Juvenile Status ("SIJS"), and to ask for your support for this critical work.

As you likely are aware, Congress created the SIJS designation to provide an avenue to obtain lawful immigration status for certain undocumented children in foster care or guardianship situations, where one or both of a child's parents are unable to provide for that child's care or protection. A youth in New York City who wishes to apply for immigration relief from the U.S. Citizenship and Immigration Service ("USCIS") via this route, and his or her guardian, first must seek preliminary determinations from the Family Court, including that it would not be in the child's best interests to return to his or her country of origin.

In other words, for many children and young people in our city who face desperate situations that prevent them from returning to their homelands, obtaining an order from the Family Court is the crucial and necessary first step toward achieving lawful immigration status in this country. Indeed, without such orders, young people cannot further pursue SIJS approval from USCIS. In the past several years, we have represented hundreds of such young people, particularly in Queen Family Court, which has seen a dramatic increase in SIJS guardianship petitions in the past few years.

As an immigrant attorney from the Dominican Republic, I know directly how critical this work is, and I have been privileged to assist many of them as an interpreter and paralegal working with The Children's Law Center attorneys.

Here are some of our client's stories:

- 17 y.o. Evan from Guatemala: At age 12, Evan was forced by his mother to leave school and find work. Then, when Evan was fourteen, his mother's boyfriend beat him up, and his mother threw him out of his home. With no relationship with either of his parents or a place to live and facing threats from the gangs that were prevalent in his town, Evan decided to travel to the U.S., where he hoped to reunite with an uncle who visited Guatemala from time to time. In 2019, Evan made the trip to the U.S. by himself, braving treacherous conditions, and was taken into custody in Texas. He was released to his uncle in New York while his immigration case is pending. Over the past four years,

Evan's parents have not contacted his uncle and have provided no support to Evan or for his care.

- 20 y.o. Armand from Albania: In his homeland, Armand was subjected to threats, violence, and persecution, and was the victim of an acid attack and an attempted kidnapping. Armand was the subject of such attacks because his family supported a democratic political party and their opposition to Muslim extremism. To escape further persecution, Armand moved to the US, lived for a short while with an Albanian family in Montana, and then moved into the Bronx home of his aunt, with whom he had a close relationship. After Armand moved, his parents cut all ties with him. Armand's aunt became his sole source of support, meeting his basic needs and paying his tuition at BMCC. At the time of his Family Court guardianship proceeding, Armand had not heard from his parents in approximately 3 years.

- 16 y.o. Jaden from Jamaica: Jaden was raised by his grandmother from the age of 3. Although Jaden's parents initially were involved in his life, Jaden's mother left Jamaica when he was approximately 10 years old, and did not remain in contact with him. Shortly thereafter, Jaden's father became involved in a gang-related feud. The gang threatened Jaden's father's life, forcing him to flee Jamaica, after which he also did not remain in touch with Jaden. Seeking retaliation, the gang then threatened Jaden's life. Jaden's grandmother sent Jaden to live with his uncle in New York, where he remained. When Jaden's uncle finally filed a petition in Family Court, Jaden had not spoken to either of his parents in approximately six years and their whereabouts were unknown. All client names have been changed to protect their confidentiality.

Although CLC has offices across the city, at present, only our Queens office has the capacity to accept assignments on SIJS cases. If we had sufficient resources, CLC would be able to represent additional young people in the Bronx and Brooklyn. Given the current number of new, New Yorkers in our city, there is little sign that this number of young people in need of assistance will decrease in the near future.

Additionally, with additional resources, CLC would be able to provide additional support for those clients who need referrals to ESL classes and other training programs. Our SIJS clients come to us with enormous hope and promise. They have incredible talents to share with New York. But without needed legal and social work assistance and educational support, that promise can be lost.

CLC applauds the City Council's commitment to New York City's immigrant children. CLC is respectfully requesting the City Council to ensure our capacity to continue to conduct our vital work on their behalf. Thank you for this opportunity to share these children's stories and information about CLC's advocacy.

Thank you,
Ydalmi Mejía



October 18, 2024

New York City Council
Committee on Immigration
Committee on Children and Youth

Re: File T2024-2492, Oversight - Resources for Immigrant Youth Who Arrived to the United States as Unaccompanied Children

Dear Members of the Committees on Immigration and Children and Youth:

Kids in Need of Defense (KIND) respectfully provides the following written comment for the New York City Council on the October 15, 2024 joint hearing between the Committee on Immigration and Committee on Children Youth of File T24024-2492, "Oversight - Resources for Immigrant Youth Who Arrived to the United States as Unaccompanied Children."

Founded in 2008, KIND is a 501c3 nonprofit organization providing free legal representation to unaccompanied immigrant children who enter the U.S. immigration system alone. In all of KIND's work, KIND envisions a world in which every unaccompanied child on the move has access to legal counsel and has their rights and well-being protected as they migrate alone in search of safety.¹ KIND's holistic approach helps to address these traumas and critical needs, improving the overall well-being of youth by fostering resilience and establishing better child-centered practices. KIND's Social Services Team works with its Legal Programs Team to connect KIND's young clients to needed resources in order to foster their safety and stability and helps children and their families adjust to a new country, language, home, and community. With its 16 offices, KIND provides free direct legal representation, pro bono mentoring, and social services coordination for unaccompanied children. Since 2009, KIND's New York City office has served unaccompanied children in all five boroughs.

KIND has been a member of Immigrant Children's Advocacy and Relief Efforts (ICARE) since 2016. As a collaborative of six agencies, ICARE works to ensure that free, quality legal services for unaccompanied children are efficiently and effectively delivered in an accountable manner to New York City.

1) KIND's Recommendations

KIND provides the following recommendations related to its experience and work in providing legal and social services for unaccompanied children in New York City:

- Support full legal representation for unaccompanied children so that they do not have to face removal proceedings in immigration court alone;
- Renew and increase the baseline funding for legal services through ICARE to account for the increased cost of delivery of services and inflation adjustment;

¹ For example, view KIND's blueprint addressing critical issues and policies impacting unaccompanied children that providing actionable recommendations for the U.S. government to enhance child protection and well-being. Kids in Need of Defense (KIND), "KIND Blueprint 2024: Practical Solutions that Protect Unaccompanied Children Seeking Safety," Sept. 2024, available at <https://supportkind.org/resources/kind-blueprint-practical-solutions-that-protect-unaccompanied-children-seeking-safety/>.

- Support comprehensive, holistic legal and psychosocial services dedicated to assisting unaccompanied children to help:
 - Meaningfully navigate their immigration matters and various systems;
 - Integrate into a welcoming, inclusive community and develop trusting peer and other healthy relationships;
 - Build on their protective factors to prevent labor exploitation and trafficking of unaccompanied children;
- Dedicate more specific funding to support the education of unaccompanied children, such as by:
 - Ensuring consistent funding for existing programs within NYC public schools to ensure proper educational channels are in place;
 - Enhancing linguistic and cultural awareness training in NYC public schools;
 - Increasing funding for Family Welcome Centers to support the growing number of unaccompanied children and newcomer students seeking to enroll in NYC public schools;
 - Expanding adult education programs such as GED and vocational trainings;
 - Partnering and supporting other stakeholders and partner such as NYIC and resettlement agencies;
- Discuss current trends, challenges, promising and innovative practices by holding quarterly stakeholder meetings with the Administration for Children’s Services, Department of Youth & Community Development, Mayor’s Office of Immigrant Affairs, and stakeholders such as direct legal and social services providers for unaccompanied children; and
- Organize recurring introductory trainings for City employees who interact with unaccompanied children about their specific and unique needs when engaging with public facing agencies like those listed above.

Below, KIND provides more information on unaccompanied children and their needs that form the bases of our recommendations.

2) New York City’s Unaccompanied Immigrant Children and their Needs and Challenges

a) Unaccompanied children and their specific needs and challenges

A child is considered an “unaccompanied immigrant child” (unaccompanied child) if they enter the U.S. before the age of 18 without a parent or a legal guardian and without any lawful status. Most unaccompanied children have left their home countries fleeing violence, persecution, neglect, or abandonment. Unaccompanied children often have experienced Adverse Childhood Experiences (ACEs). They often suffer high levels of trauma due to exposure to violence, persecution, death threats, physical and sexual assault, and trafficking that may occur in the home country, en route to the U.S., or upon release into the community. While some unaccompanied children remain detained by the federal government (specifically the Office of Refugee Resettlement or ORR), most are released to adult sponsors and family members, but with little, if any, support or coordinated services upon release.

Upon their release from ORR custody, unaccompanied children are rarely provided with case managers, social workers, or any support services. Because of the lack of post-release services and the children’s vulnerability to abuse, neglect, exploitation, and trafficking, it is essential that legal service providers

work with a wide variety of social services, medical, and mental health partners in New York City to provide referrals and coordinate services.²

Immigration status greatly impacts these children’s well-being because lack of legal status is one of the greatest barriers to unaccompanied children being eligible for benefits and services, as well as providing a general sense of security for children to safely access education, health care, and other public services. Sponsors and family members of unaccompanied children may also have difficulty caring for them due to legal barriers. For example, the placement by ORR of an unaccompanied child with a sponsor does not give that sponsor any legal authority over the child. Unless the sponsor can obtain legal guardianship from a court, it often is difficult for the sponsor to enroll the child in school or consent to necessary medical care.

b) New York City a top destination for unaccompanied children

New York City is a top destination nationally for unaccompanied children. In FY 2023, more than 3,965 unaccompanied children were released to Bronx, Kings, New York, and Queens County from federal custody to family members and adult sponsors in New York City.³ So far in FY 24 (September 22, 2024-August 23, 2024), 3,034 unaccompanied children were released New York City.⁴ New York continues to rank fourth among all states in the country receiving total released unaccompanied children.⁵

3) Need for Immigration Removal Defense Legal Services for Unaccompanied Children

a) Unaccompanied children require attorneys to help them fight removal proceedings and apply for immigration legal status

Upon release from federal custody, almost all unaccompanied children are served with Notices to Appear (NTAs)—the first step in the U.S. Government actively trying to initiate removal (deportation) proceedings and possibly deport them back to unsafe and even life-threatening situations. Most of these unaccompanied children have several forms of humanitarian and other forms of viable forms of immigration relief they are eligible to apply for. The burden remains on released unaccompanied children to obtain legal representation because they have no right to guaranteed counsel at the government’s expense for their immigration matters, yet most cannot afford to hire private attorneys.

Data shows that: 1) immigration judges are almost 100 times more likely to grant legal relief for unaccompanied children with counsel than those without legal counsel,⁶ and recent federal reports

² See generally, Mark Greenberg, et. al., “Strengthening Services for Unaccompanied Children in U.S. Communities,” Migration Policy Institute, Jun. 2021, available at https://www.migrationpolicy.org/sites/default/files/publications/mpi-unaccompanied-children-services_final.pdf.

³ U.S. Department of Health & Human Services, Office of Refugee Resettlement, “Unaccompanied Children Released to Sponsors By County – September 2023,” last accessed October 9, 2024, available at <https://www.hhs.gov/programs/social-services/unaccompanied-children-released-to-sponsors-by-county-september-2023.html>.

⁴ U.S. Department of Health & Human Services, Office of Refugee Resettlement, “Unaccompanied Children Released to Sponsors By County,” last accessed October 9, 2024, available at <https://www.acf.hhs.gov/orr/grant-funding/unaccompanied-children-released-sponsors-county>.

⁵ U.S. Department of Health & Human Services, Office of Refugee Resettlement, “Unaccompanied Children Released to Sponsors By State,” last accessed October 9, 2024, available at <https://www.acf.hhs.gov/orr/grant-funding/unaccompanied-children-released-sponsors-state>.

⁶ This figure based on EOIR data published in the report by William Kandel, “Unaccompanied Alien Children: An Overview,” Congressional Research Service, Sep. 1, 2021, at p. 16-17, available at <https://fas.org/sgp/crs/homesecc/R43599.pdf>.

indicate that it currently takes about a median of almost 3.5 years to complete an unaccompanied child's case.⁷

However, immigration law, particularly for the removal defense of unaccompanied children, is one of the most complex and technically demanding areas of practice. Attorneys must also be versed in appearing in removal proceedings in immigration court, and keep up with rapidly evolving federal court procedures, regulations, and laws. As advocates have seen in the last few years, these laws and practices can change overnight with new federal administrations.

Data, experience, and our conscience make it clear that unaccompanied children should not have to go to immigration court alone to fight their case pro se.

b) Creating and sustaining a legal representation program for unaccompanied children

We commend City Council for its support of KIND and ICARE. However, creating a sustainable legal representation program requires the City to raise the baseline of funding to account for the increased needs for providing quality, expert, culturally-responsive, services for unaccompanied children. While the needs and numbers of unaccompanied children arriving in New York continue to rise, ICARE's funding has remained at a standstill for several years. Renewed, multi-year, and sustained funding with annual adjustments is necessary to create a sustainable pipeline of high-quality attorneys in the field in New York City and programming that addresses the gaps in legal services for the community. This also requires that New York City understand the professional obligations of attorneys, as well as investing in our organizations to recruit, train, and sustainably maintain multilingual, trauma-informed, immigration trained attorneys that are licensed to practice in New York state and can navigate both state and immigration court systems.⁸

An attorney entering an appearance to a state court or immigration case must also consider their ethical and professional responsibilities to continue representing a child through the entire course of their case. As mentioned beforehand, federal data shows that this is a median of 3.5 years or more. ICARE member organizations and attorneys cannot, in accordance with their professional responsibilities, simply beg off of cases when contracts for funding end. For these reasons, KIND has worked diligently with ICARE and its other members to build a sustainable legal representation program in New York City for unaccompanied children that consider these statistical realities and professional obligations that span multiple years of difficult and technically demanding legal work.

4) Provision of expert and specialized social services for unaccompanied children improves their legal outcomes and well-being

a) Unaccompanied children are often provided a patchwork of limited services and support for their integration into New York City

⁷ U.S. Department of Justice, Executive Office for Immigration Review, "Adjudication Statistics: Median Unaccompanied Alien Child (UAC) Case Completion and Case Pending Time, Generated on Oct. 12, 2023," last accessed Mar. 18, 2023, available at https://www.justice.gov/d9/pages/attachments/2018/05/09/30_current_median_uac_case_pending_time.pdf.

⁸ Specifically, one of the primary forms of humanitarian relief that unaccompanied children qualify for is Special Immigrant Juvenile Status (SIJS), which requires a license to practice in state court in order to first obtain an order before subsequent filing with U.S. Citizenship Immigration Services (USCIS) is possible.

As discussed earlier, once these children have arrived in the United States, they are held in ORR custody, where they remain until they are released to adult sponsors and family members. Many unaccompanied children are released with little, if any, support or coordinated and localized services upon release.⁹ Federal support services, if provided locally, usually end when the young person turns 18. The landscape of patchwork, limited support can negatively affect children’s well-being and their meaningful participation in their immigration case—and left undocumented, these children can continue to be placed in vulnerable scenarios. As service providers, we have seen the harm that is inflicted upon children when they are released to communities that fail to provide the supports that they need to fully integrate and thrive.

b) KIND assists unaccompanied children with various services needs that help their safety, well-being, and ability to meaningfully participate in their legal case

KIND works to assist clients with basic stability—a requirement for a child client to be able to meaningfully participate in their legal case. Aside from benefiting their legal case, this holistic service model can also help our child clients thrive in other settings as well, such as school, home, in peer relationships, and other places. This type of individualized support that views the client as an entire person with needs outside of their immigration case is only possible when there is a dedicated, experienced social services professional working closely with an attorney together. Social services work itself involves multiple, complex systems.

Social services referrals that KIND has provided include but are not limited to: mental health assessments, housing services, medical services and accompaniments, school enrollment, educational support and career planning, IEP assessments for learning disabilities and difficulties, safety planning, assistance in reporting matters to law enforcement, emotional support through complicated family dynamics, DMV accompaniments, applying for IDNYC, and food access support, just to name a few.

To illustrate the assistance an unaccompanied child benefits from having social services, KIND works with Maria,^{*10} a 17-year-old young woman who fled to the U.S. from a Central American country after facing abandonment by her mother and abuse at the hands of her father. Since arriving in New York, Maria has been unable to enroll in high school. She was told she is too old to enroll in traditional schooling, but should consider alternatives such as English as a Second Language (ESL) or General Educational Development (GED) programs. Furthermore, Maria has an infant child. Without an understanding of the resources in her community, she is facing stressful times in obtaining providing basics needs for her baby and support as a young mother. Recently, she was denied access to a shelter specifically designed for mothers and children. She was told she was ineligible because in addition to her infant child, her current pregnancy meant that she had two children already, and that her family was “too large.” KIND’s Social Services Team worked closely with Maria’s KIND attorney to help her access basic necessities, find childcare and resources for babies and pregnant mothers, and enroll in school – resources without which it would be nearly impossible to remain present in her legal case or survive as a young woman, and a new and expecting mother in New York City. Helping a young person like Maria

⁹ E.g., Jonathan Beier and Karla Fredricks, “Meeting the Medical and Mental Health Needs of Unaccompanied Children in U.S. Communities,” Migration Policy Institute and the American Academy of Pediatrics, April 2023, at page 24 24 in Box 3, available at <https://www.aap.org/en/advocacy/meeting-the-medical-and-mental-health-needs-of-unaccompanied-children-in-u.s.-communities>.

¹⁰ KIND is using this pseudonym to protect the client’s information and identity.

move from surviving to thriving and feeling a sense of belonging while their case is pending is also crucial given the 3.5 years or more that unaccompanied children's cases may take to complete.

A young person like Maria would have also benefited from a more streamline approach in being able to enroll into high school and working with local resources at the school. Newcomer education resources are crucial for unaccompanied children. Tailored educational supports with unaccompanied children in mind will help improve New York City's workforce, and also help them develop healthy and meaningful relationships with peers and trusted community members. For these reasons, KIND as a member of New York Immigrant Coalition's (NYIC) Education Collaboration supports their recommendations that New York City should:

- Ensure consistent funding for existing programs within NYC public schools to ensure proper educational channels are in place;
- Enhance linguistic and cultural awareness training in NYC public schools;
- Increase funding for Family Welcome Centers to support the growing number of unaccompanied children and newcomer students seeking to enroll in NYC public schools;
- Ensure access to Special Education services;
- Expand adult education programs such as GED and vocational trainings; and
- Partner and support other stakeholders and partners such as NYIC and resettlement agencies.

c) Coordinated Legal Representation and Social Services Can Play a Critical Role in Combatting Labor Exploitation and Trafficking of Unaccompanied Children

Unaccompanied children and youth, particularly as they remain undocumented and in active removal proceedings, are uniquely placed in vulnerable situations that can lead to further harm. A series of articles in The New York Times reported on unaccompanied children working in exploitative and hazardous conditions.¹¹ KIND's New York City office has served and continues to serve labor trafficked and exploited youth, and our Labor Exploitation Prevention Programs is working on know your rights materials, trainings, and advocacy on the issue.¹² Ongoing investments in removal defense and immigration legal services for unaccompanied children remains one of the most effective ways for New York City to address child labor exploitation and trafficking. Addressing underlying complex and intersectional reasons that unaccompanied children may be labor exploited or trafficked requires solutions that increase these children's protective factors, such as increasing unaccompanied children's access to quality legal and social services by trusted attorneys and social workers. Attorneys are vital to unaccompanied children's comprehension of their legal rights, to securing these children's stability—and, where appropriate, lawful and safe employment— through immigration status, and to recognizing, and helping extricate children from, situations of exploitation. Social services providers can work with these youth to build on their protective factors and support them to access resources essential for the stability needed to safely engage in decisions about their education, work, and transition into adulthood. Without this coordination between legal and social services, unaccompanied children continue to face heightened vulnerability to abuse, neglect, exploitation, and trafficking in New York.

¹¹ E.g., the first article published by Hannah Dreier, *Alone and Exploited, Migrant Children Work Brutal Jobs Across the U.S.*, The New York Times, Feb. 25, 2023, <https://www.nytimes.com/2023/02/25/us/unaccompanied-migrant-child-workers-exploitation.html>.

¹² To access these materials generally, see Kids in Need of Defense (KIND), "Preventing Child Labor Exploitation," available at <https://supportkind.org/what-we-do/preventing-child-labor-exploitation>, last accessed Oct. 17, 2024.

5) New York City and providers should collaborate to create a well-coordinated, whole-of-community service delivery system for unaccompanied children

KIND recommends that New York City work together with providers to create a well-coordinated, whole-of-community service delivery system for unaccompanied children. Well-coordinated service delivery systems between multidisciplinary systems and varying service providers requires constant and ongoing communication, trust building, and sharing of resources and information. Legal and social service providers desire to give input to decisions impacting their work and the unaccompanied children they serve. In the face of a new federal administration and immigration laws, coordination on the local level is more important than ever.

To achieve this collaboration, KIND recommends:

- **Quarterly stakeholder meetings with the Administration for Children’s Services, Department of Youth & Community Development, and the Mayor’s Office of Immigrant Affairs.**
Stakeholders should encompass legal and social service providers who provide direct services to unaccompanied children in New York City. This includes but is not limited to KIND, members of ICARE, and other invested and experienced community stakeholders at this hearing. This can be a space to both share and elicit feedback from one another about different grant funding, responses to the federal administration, new laws and policies, current trends and challenges, and promising and innovative practices.
- **Recurring introductory trainings for City employees** who interact with unaccompanied children about their specific and unique needs when engaging with public facing agencies like those listed above.

New York City is and can continue to be a national leader on the humane reception, welcome, and protection of unaccompanied children in the U.S. We appreciate the City Council’s leadership in ensuring that all the unaccompanied children residing in New York City have the opportunity to thrive. We urge you to continue to keep the needs of these children and youth central in your efforts by supporting and sustaining coordinated legal and social services, and creating continuous partnership and dialogue between City agencies and service providers. Thank you.

Sincerely,

Kids in Need of Defense (KIND)

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Sarah Nolan, Managing Director of KIND's New York City office
Oral comment provided at the hearing on October 15, 2024

- Good morning. My name is Sarah Nolan. I'm the Managing Director of Kids in Need of Defense or KIND's New York office. I have been an immigration attorney for almost 15 years. We are also here as members of the Immigrant Children's Advocacy and Relief Effort, or the ICARE Coalition.
- KIND thanks City Council for supporting ICARE in providing free legal representation to unaccompanied children. While the numbers of unaccompanied children arriving in New York continue to rise, the City's support for ICARE has remained at a standstill for several years. Increased funding is necessary to create a quality, ethical, and sustainable removal defense program for the unaccompanied children who are a part of our community.
- New York City is a top destination for unaccompanied children - last year alone almost 4,000 came to reunify with their family members here.
- Almost all unaccompanied children are served with documents initiating removal proceedings, the first step to deport them back to unsafe situations. Most have humanitarian immigration relief available to them. But with no right to publicly-funded counsel in immigration court, the burden remains on children to obtain legal representation, and most cannot afford a private attorney.
- This has a cost. Immigration judges are almost 100 times more likely to grant legal relief for unaccompanied children with legal counsel than those without. KIND's model of holistic services provides legal representation and social services coordination to children who have experienced abuse, neglect, and other violence.
- Take the example of "Patricia". When she was 15, a gang member in Honduras demanded she become his girlfriend or he would kill her entire family. She refused and the gang member attempted to kill her. Patricia fled to the U.S. to find safety. Once she arrived, she was placed in removal proceedings and faced with the possibility of being deported back to Honduras where she could be murdered. KIND took on Patricia's case by representing her in removal and helping her apply for immigration relief. In addition, KIND's social services team helped Patricia enroll in health insurance, found her a geometry tutor, and connected her to a therapist to help her cope with her trauma. Patricia's application for legal status was granted, her removal proceedings were dismissed, and today she is on the path to a brighter future.
- There remain, however, thousands of children who do not have legal representation or case management support. We hope that collaboration with the City and the other agencies here today will result in the creation of the robust, well-coordinated delivery system that these children deserve. Thank you for your commitment to ensuring that all unaccompanied children in New York City can achieve their full potential.

Monica Vera, Social Services Supervisor of KIND's New York City office
Oral comment provided at the hearing on October 15, 2024

- Good afternoon. My name is Monica Vera, and I'm a Social Services Supervisor at KIND's New York office. I have been a social worker working with unaccompanied children for 8 years. We are also here today as members of the ICARE Coalition.
- As my colleague Sarah testified earlier, KIND knows that our holistic legal and social services work has provided crucial support to children who have experienced abuse, neglect, and other forms of violence—but more than that, we are trying to ensure that they have a fighting chance to obtain legal status, qualification for services and benefits, and break multiple cycles of poverty, violence, and trauma that they may face.
- We urge City Council expand support for unaccompanied minors in a holistic manner, so that legal and social services are jointly provided to ensure that these children not only avoid deportation but have the resources and tools to thrive as New Yorkers. In addition, we urge City Council to actively engage community stakeholders like KIND who have valuable expertise and recommendations on how to serve this unique population of New Yorkers.
- Let me tell you about Maria, a resilient 17 year-old young woman who fled to the U.S. to escape violence. Since arriving in New York, Maria has been unable to enroll in school and she has had trouble obtaining basic needs for her infant child. Recently, she attempted to access shelter but was denied due to her current pregnancy. As a social services supervisor at KIND, I partner with Maria's attorney to help her access basic necessities, find childcare resources, and enroll in school – resources without which it would be nearly impossible to remain present in her legal case or survive as an unaccompanied minor and young mother in New York City.
- Like Maria, unaccompanied children are often released from federal custody with little, if any, support. KIND helps our clients establish basic stability so they can meaningfully participate in their legal case and thrive in other settings.
- This type of individualized support is only possible when there is a dedicated social worker and attorney working together to support each client. KIND's social services include referrals to many critical city services, like housing services, medical services, school enrollment, educational support and career planning, safety planning, assistance in reporting matters to law enforcement, IDNYC application assistance, and food access support, just to name a few.
- We thank the New York City Council and all of the other agencies here for your commitment to ensuring that all unaccompanied children in New York City can achieve their full potential. We are proud of New York City's role as a national leader in the welcome and protection of unaccompanied immigrant children.



Committees on Immigration and Children and Youth

TOPIC: Resources for Immigrant Youth Who Arrived to the United States as Unaccompanied Children

Tuesday, October 15, 2024

Testimony by

Lauren Glassman

Director of Homefinding and Unaccompanied Children Programs

JCCA

Good afternoon Chairs Avilés and Stevens and members of the Immigration and Children and Youth Committees. Thank you for calling this hearing and inviting JCCA to testify on behalf of the children and families we serve.

My name is Lauren Glassman, Director of Homefinding and Unaccompanied Children Programs at JCCA. I started working in child welfare thirteen years ago at JCCA. I started as a Case Planner in a Therapeutic Foster Care Program, then became a supervisor, and then a director.

JCCA is a child and family services agency that works with about 17,000 of New York State's children and families each year, providing wellness supports to promote and build family stability.

I am here to ask the City for support in addressing the challenges that Unaccompanied Children face.

A. Services JCCA provide to Unaccompanied Children

JCCA is a provider of long-term foster care services for Unaccompanied Children (otherwise known as “UC”), funded by the federal Office of Refugee Resettlement (ORR). First contracted to provide services in the Bronx in 2017, we expanded in 2023 to serve Brooklyn and Queens. When UC are placed in our care, we recruit, train, and identify foster families to house the minors while they work toward legal status. The children also receive medical and mental health services, education and acculturation support, and access to legal services.

B. Challenges

As you know, UC face a variety of challenges when arriving to the United States. Due to their circumstances, UC face trauma and challenges when getting acclimated to their new home. They have various needs, particularly around education. However, many of the children we serve have faced significant wait times in enrolling in international schools or receiving access to community resources, like tutoring.

Also, UC can only be enrolled in our program until they are 18 years old. Many UC at this point have not found permanency or obtained legal relief. As a result, in the last few years, JCCA has partnered with ACS to explore destitute child placements so that they can continue to receive foster care services, and all the supports that come with it, through ACS care. To date, JCCA has been able to transition 13 youth to ACS care, to continue working towards their legal relief, their educational goals, all while residing in a safe, stable home. This process is being replicated among other agencies, and there are currently over a dozen of unaccompanied children

awaiting ACS placement. The process amongst the Office of Placement, Family Child and Legal Services and the provider requires ongoing collaboration and communication.

In addition, UC often lack connections to family resources here in the US, and require “long-term” stays in foster homes while they wait for permanent resolution of their legal status.

However, foster care providers like JCCA have faced challenges in recruiting foster parents for this vulnerable population. These children speak various languages, and observe different religions. In many cases, we have struggled with recruiting foster families that practice the same customs and speak the same language as the child.

While we continue to face these challenges, we believe that City Council can assist in a few key areas.

What can New York City Council do?

1. Investing in education services

I ask that City Council invest and expand education services for our youth. As the children experience long wait times to enroll in school, we encourage the City to increase investments in educational institutions and programs that will allow UC to receive access to quality education in a timely manner.

2. Streamline the destitute child placement process

A simplified process of referring UC to ACS care will ensure that we transfer youth safely and securely. We also believe that it would be helpful for ACS workers to become familiar with ORR procedures so that we can ensure a speedy process compliant with both city and federal regulations.

3. Provide awareness of immigrant populations to potential foster parents

I also encourage the City to help with recruiting foster homes that will meet the cultural and linguistic needs of the UC. Foster parent recruitment is challenging in this city, even without language and religion barriers. I believe it would be helpful that the city would assist and support the promotion of these types of programs so that we can identify culturally appropriate foster homes.

C. Final Note

On one final note, I am happy to see that the city is focusing on the needs of newly arrived children. I look forward to continued discussions to determine how we can better support these young people.

Conclusion

Thank you for taking the time to consider the needs of Unaccompanied Children residing in our city. Together with service providers like JCCA, the City can build an infrastructure that supports these young newcomers towards getting acclimated to their new home.



Asian American Federation

Testimony for the New York City Council Committee on Children and Youth Jointly with the Committee on Immigration *October 15, 2024*

Written Testimony

Thank you Chair Stevens and Chair Avilés and members of the Committee on Children and Youth and the Committee on Immigration for holding this hearing and giving us the opportunity to testify. I am Ellyse Ramos, policy intern at the Asian American Federation (AAF), where we proudly represent the collective voice of more than 70 member nonprofits serving 1.5 million Asian New Yorkers.

We are here today to discuss the city's response and delivery of resources to young, unaccompanied immigrants arriving in New York. I would like to thank the City Council for continuing to develop initiatives aimed at helping immigrant youth populations. It is important to note that the issues our migrant neighbors are facing reflect the issues all immigrant communities face in immediate terms.

Although often overlooked, the majority of Asian New Yorkers are immigrants, with nearly two-thirds being foreign-born. Within this population, 13% of AAPI immigrants in New York City are undocumented. Specifically, since 2022, over 175,000 asylum seekers have arrived in search of a better life, many seeking to escape violence, or to seek better economic opportunities for their loved ones. Of these 175,000 individuals, about 22,000 are of Chinese descent, and 80,000 are of Indian descent. Amongst those who cross the border, a startling percentage of the unaccompanied minors are of Asian descent. Migrant youth often face additional challenges and needs, and while several resources addressing those needs are provided by the City, there are still significant gaps in assessing difficulties in navigating immigration courts, access to shelters/housing, and more within migrant youth populations.

Language Accessibility remains another obstacle many of our new migrant neighbors face. To address these needs, the Language Justice Collaborative (LJC) was formed, a partnership between AAF, African Communities Together, the New York Immigration Coalition, and MASA. Through the LJC, thanks to the generosity of City Council, a community interpreter bank is being developed in tandem with language services worker co-ops for Asian, African, and Latin American languages to help bridge language barriers between non-English speakers and necessary services upon arriving in the City.

Furthermore, young migrants face particular struggles in navigating a foreign country without the maturity and background of adult immigrants. The grueling journey that these young travelers face to cross the border to New York City can be traumatic. This is where our community based organizations (CBOs) have stepped up. Our partner organizations provide various services to immigrants arriving in the City. Apex for Youth, for example, offers mental health services that are culturally appropriate and embrace the Asian immigrant identity. There are a myriad of other partner organizations who aid immigrants in the legal or healthcare spheres, including but not limited to: the Arab-American Family Support Center, Damayan Migrant Workers Association, Council of People's Organization, and Raising Health. This however, is not sustainable, as the demands of our community are currently outpacing organizations' current capacity. To further address our community's needs, AAF's Mental Health

Directory provides a centralized directory to find culturally appropriate and linguistically accessible mental health practitioners in New York.

The ongoing migrant surge has magnified the importance of our community-based organizations who provide immediate services to new Americans in language-accessible and culturally competent ways, especially considering the complexity of navigating our immigration system. However, virtually no mainstream immigration legal clinic offering services is accessible to our high-LEP community. While many Asian organizations see the need for case management services to help Asian immigrants access and navigate legal services, no Asian-led, Asian-serving organization receives funding to do this on a consistent basis. That needs to change, especially now.

With the immense work that lies ahead and in order for our CBOs to continue to expand their critical work in the community, we recommend that City Council:

- Continue and sustain funding for the Language Justice Collaborative to bridge the gap between language accessibility needs and access to vital City services;
- Increase funding to Asian-led, Asian-serving immigration legal services;
- Invest in CBOs that provide culturally and linguistically competent services to the Asian American community in New York City;
- Increase funding for mental health programs that are culturally sensitive and linguistically appropriate for Asian American populations;
- Invest in a linguistically and culturally competent mental healthcare workforce.

At the Asian American Federation we thank you for allowing us to testify on this critical subject. We are grateful to see City Council move ahead with policies that protect our immigrant communities. We look forward to continuing this work with all of you.



Testimony

**New York City Council
Committees on Immigration and Committee on Children and Youth
Hearing on
Oversight - Resources for Immigrant Youth Who Arrived to the United States as
Unaccompanied Children**

Tuesday, October 15, 2024

**Submitted by
Desireé C. Hernández Sánchez, Director of Legal Services**

**Immigrant and Refugee Services
Catholic Charities Community Services, New York**

Good morning, Council Chairs Avilés and Stevens and members of the New York City Council Committees on Immigration and Children and Youth. I am Desireé C. Hernández Sánchez, Director of Legal Services for the Immigrant and Refugee Services Division of Catholic Charities Community Services, Archdiocese of New York (CCCS). Thank you for the opportunity to provide testimony today regarding the work of Catholic Charities with immigrant youth who arrived to the United States as unaccompanied children.

INTRODUCTION

CCCS is proud of our decades-long tradition of welcoming New York's immigrants and refugees. Our services have tremendous impact on communities across New York City. The scope and diversity of our services is exceptional.

CCCS works with immigrant youth throughout the agency and in every department in the Immigrant and Refugee Services Division. In our immigration legal programs, more than 40% of those we serve are children, including unaccompanied children, reunified children, and those who arrived with a parent or guardian. Recognizing their unique vulnerability and needs, CCCS has specific programs centered around children, giving us unique insights into best practices, gaps in service, and legal strategies for high quality, culturally competent, trauma informed legal representation.

- ***ActionNYC in Schools***- Since April 2016, Catholic Charities has held the sole contract for immigration legal services in the NYC public school system through *ActionNYC in Schools*, through which we have successfully partnered with over 135 different schools to provide on-site legal services for children, families, and school community members. Many of the children we have served were unaccompanied. CCCS has assisted more than 10,000 individuals, with a focus on securing Special Immigrant Juvenile Status for children about to age out of SIJS eligibility. The *ActionNYC in Schools* program ensures that vulnerable children can access services in an accessible and familiar place—their community school.

Our *ActionNYC* team members are experts in communicating, in plain language, the legal options and social services resources available to immigrant children. Importantly, the program has empowered children with knowledge about their legal rights and responsibilities, which enables them to make informed decisions about their legal options, immigration cases, and futures.

In the summer of 2024, the team pivoted to pilot a legal services program for 18- to 20-year-olds in NYC Runaway and Homeless Youth (RHY) shelters. In addition to providing Know Your Rights presentations and 179 comprehensive consultations, CCCS has accepted 18 SIJS cases for full representation of youth close to aging out of eligibility.

- ***Immigrant Children Advocates Relief Effort***- CCCS has been a coalition member of the *Immigrant Children Advocates Relief Effort (ICARE)* since its inception in 2014, providing critical legal representation and other support to thousands of children and families newly arriving in New York City, connecting them to social services, and helping them to achieve permanence and stability.
- ***Unaccompanied Minors Program***- Since 2006, our *Unaccompanied Minors Program* has served most of the young people held in federal custody by the Office for Refugee Resettlement (ORR) in facilities in NYC and the Lower Hudson Valley area, and those released to sponsors in the NYC area. Through this federally funded program, we currently serve nearly 4,000 children each year, providing legal orientations, screenings, legal representation, referrals and case management. Although ORR provides funding for legal representation for children currently in federal custody and those released in New York from local facilities, most unaccompanied children in NYC do not fall into this category and are not eligible for ORR-funded representation.
- ***Legal Orientation Program for Custodians***- CCCS is the federally-funded, New York area provider of the Legal Orientation Program for Custodians (*LOPC*), which provides critical information about immigration law, procedures and remedies to the adult family members and other sponsors to whom unaccompanied children will be or have recently been released, enabling them to make informed decisions and protect the children’s rights. *LOPC* also provides information and referrals for local legal and social services. Relatedly, CCCS runs the *LOPC National Call Center*, which schedules thousands of appointments and also provides individual orientations for sponsors outside of the *LOPC* service areas.

CHALLENGES AND UNMET NEEDS

In December 2024, the Mayor's Office of Immigrant Affairs will eliminate *ActionNYC*, including the *ActionNYC in Institutions (Schools, Hospitals, Libraries) Program*, and replace it with a new initiative, Legal Support Centers. While CCCS welcomes new initiatives to better address the needs of vulnerable immigrants in NYC, eliminating the unique ActionNYC in Schools program without replacing it with other citywide, community-based programming focused on children will significantly impact the ability of NYC immigrant children to access critical and robust legal services.

Sadly, the dream of universal representation for immigrant youth is still far from reality. CCCS is grateful to receive NYC funding for work with immigrant youth through the *ICARE Coalition*, *ActionNYC*, and other programs, that funding has not increased to keep pace with increased costs or the increasing immigrant youth population. Nationally, the Office of Refugee Resettlement (ORR) announced a new program nearly two years ago to achieve near-universal representation for children; however, that RFP was not released until July 2024, no awards have yet been made, and ORR has indicated that the initial program will be limited.

We urge the New York City Council to ensure adequate funding for programs that serve children, including regular funding increases to keep pace with the costs faced by service providers and the evolving needs of the community. In particular, we request that the New York City Council:

- Expand its support for CCCS and other *ICARE Coalition* members to provide legal assistance to the increasing number of vulnerable children and their families arriving in New York City. It is essential that organizations receive sufficient funding to provide legal representation and additional services needed to support immigrant youth. While many funders have prioritized *pro se* services in recent years, this level of service is wholly inadequate for children's cases. Increased funding will enable legal service providers to cover their costs and expand their programs, ensuring that more children have access to legal representation.
- Advocate for the Mayor's Office of Immigrant Affairs to extend and fully fund the *ActionNYC in Schools* program, allowing our team to, at the very least, effectively conclude pending legal cases committed through this initiative.
- Provide additional funding to CCCS to continue our pilot legal services program for 18- to 20-year-olds in NYC Runaway and Homeless Youth (RHY) shelters. Given the growing demand for high-quality services for this population, and the unique vulnerability of young people in the adult shelter system, New York City should support meaningful and direct legal services to these vulnerable youth facing unique challenges in our city.
- Advocate for additional funds for the planned Legal Support Centers to fully replace the *ActionNYC in Schools* program, ensuring that immigrant schoolchildren can continue to

access legal services in the safe and convenient environment of their New York City public school.

Thank you for the opportunity to testify and for your commitment to addressing the needs of unaccompanied children in New York City. If you have any questions about my testimony, please contact me at desiree.hernandez@cccsny.org. I look forward to working with you to continue to protect and address the needs of New York City's vulnerable immigrant children.

**Testimony by the New York Legal Assistance Group (NYLAG)
before the NYC Council Committee on Immigration regarding:
Oversight - Resources for Immigrant Youth Who Arrived to the United States as
Unaccompanied Children.**

October 14, 2024

Council Member Avilés, Committee Members, and staff, good afternoon and thank you for the opportunity to speak to the New York City Council Committee on Immigration and the Committee on Children and Youth about resources for immigrant youth who arrived in the United States as unaccompanied children. My name is Melissa Maria, and I am a supervising attorney with the Immigrant Protection Unit at the New York Legal Assistance Group (NYLAG). NYLAG uses the power of the law to help New Yorkers in need combat social, racial, and economic injustice. We address emerging and urgent legal needs with comprehensive, free civil legal services, impact litigation, policy advocacy, financial counseling, and community education. NYLAG serves immigrants, seniors, the home bound, families facing foreclosure, renters facing eviction, low-income consumers, those in need of government assistance, children in need of special education, domestic violence survivors, persons with disabilities, patients with chronic illness or disease, low-wage workers, low-income members of the LGBTQ community, Holocaust survivors, veterans, as well as others in need of free legal services.

We appreciate the opportunity to testify to the Immigration Committee regarding resources for immigrant youth who arrived to the United States. NYLAG is proud to operate in a City that values its immigrant citizens and supports much-needed services to them through its budget. Long-term, continued investment in legal services – including organizations with deep expertise – is crucial to meeting the current and future needs of immigrant youth in New York. We cannot treat

the question of legal services and other support for our immigrant youth as a temporary issue. Instead, we must support the investment in expertise, programming, and services to continue to meet the ongoing and ever-changing legal needs of the immigrant community in New York City long term. Legal service providers need funding that meets our costs and supports our ability to provide innovative, culturally and linguistically competent services, and assist immigrants in navigating the complexities of the immigration legal system.

The Current Immigration Landscape

Although New York City has welcomed large numbers of migrants seeking refuge in the last two years, the lack of significant additional investment in legal services organizations has resulted in a diminished ability to leverage our expertise to serve newly arrived immigrants and the overstretching of existing programming at the expense of existing clients and communities. This is especially true when it comes to services and resources for unaccompanied children entering the United States.

There has been a large influx of migrants at the Southern Border in recent years. While initially most families and individuals coming to New York from the Southern Border were from Venezuela, newly arrived immigrants now come from several different countries worldwide, including Ecuador, Peru, Colombia, Afghanistan, Mauritania, Guinea, Russia, and Burkina Faso. This creates a vast need for culturally and linguistically responsive services. The vast majority of children granted entry into the United States are placed in removal (deportation) proceedings. Some are given Notices to Appear, telling them specific dates they must appear in court, while some are told they must appear at a time and date to be determined. Increasingly, many immigrant youth are given Notices to Appear that are never docketed with the immigration court, leaving the children uncertain of whether or not they are in removal proceedings, unsure of how to proceed,

and unable to secure legal representation. A minor's age is considered a legal disability in immigration, awarding unaccompanied children with certain protections. However, a lack of accessible information and representation, often leaves the most vulnerable, immigrant youths, without a clear understanding of their rights, and the immigration process.

Compounding the vulnerability of unaccompanied immigrant youth and the struggles they face is the lack social resources available to them. The lack of stable housing impacts unaccompanied children's removal proceedings as well as their education and mental health. Lack of stable housing increases the chance that immigrant youth will not receive important immigration notices, especially when they are unrepresented. The lack of stable housing also provides immigrant youth, especially those currently residing in shelters, with difficulty in enrolling in school, or continuing school to attend school, once they are forced out of the shelter they are residing in. The constant moving also impacts unaccompanied minors who seek to have a guardian appointed to them in family court, as a court initially must maintain personal jurisdiction over the child. Youth who enter the United States as Unaccompanied children and subsequently reunite with family members are often separated from said family members by the shelter system, regardless of the child's ability to care for themselves. Disabled children have been separated from family members without a formal order of guardianship by a court, severely impacting their mental health and ability to proceed with their immigration case.

Furthermore, unaccompanied youth entering the United States are often fleeing from traumatic events in their home country. Many have been abandoned, abused, or neglected by a parent or family member who they trusted with their care. Many are in need of counseling and mental health services, a resource that is much needed in New York City. A lack of stable housing

and a lack of mental health resources not only greatly affect youth on a personal level, but also affect their ability to pursue immigration relief.

The Legal Need

There is a need for more investments in resources that will help immigrant youth thrive. Specifically, there needs to be more access to legal representation for unaccompanied youth. Legal representatives are often able to advocate for or connect youth towards services that will help them succeed. More importantly, legal representation can orient immigrant youth and enable to fight their immigration case. Immigration laws are complex and often changing. Immigrant youth are expected to be responsible for knowing and understanding their immigration cases, the rules and procedures regarding filing with and attending immigration court, filing applications with the United States Citizenship and Immigration Services (USCIS), and filing and appearing before state court when required. Each agency or court that an unaccompanied minor interacts with has a different set of rules and requirements, making it extremely difficult for unrepresented youth to succeed in achieving stability, security, and immigration relief.

The need for attorneys to screen, advise, and represent unaccompanied minors in removal proceedings has been growing exponentially in the past five years. The New York Immigration Court expanded from one location to three, and the number of immigration judges has increased as well. Likewise, the number of immigrants in removal proceedings has skyrocketed to more than one million pending cases nationwide while funding for removal defense legal services has remained static. As has often been reported, having representation makes a significant difference in the outcome of an asylum claim.¹ Through our work, we have encountered youth as young as

¹ <https://immigrantjustice.org/issues/access-counsel#:~:text=Immigrants%20who%20are%20not%20detained,according%20to%20the%20AIC%20study.>

twelve, who after watching their mother brutally murdered in their home country and receiving threats themselves, fled to the United States only to be ordered removed by an immigration judge for not having their mother's death certificate translated for the court, and not having properly filed evidence. We have encountered children who have been ordered removed because they did not know they had an upcoming hearing with the immigration court, or ordered removed because they did not know they could ask for a continuance if they were severely ill and hospitalized. These are instances where having a legal representative would have resulted in a much different, safer outcome for the child. Having legal representation enables immigrant youth to navigate the complex judicial system, both at a federal level and at a state level and pursue all relief and resources that are available to them. It is critical that the city re-invest in attorneys to provide robust advice and counsel and full representation to unaccompanied children. Given that the legal system acknowledges a youth's limited capacity, it follows that they should be guaranteed representation in legal proceedings, including immigration matters.

The immigration service community in New York has shown time and time again their ability to create innovative programs to expand capacity to meet ongoing and emerging needs. However, they all require a significant, long-term investment in deep legal expertise, as the work is complex and ever-changing. There is a strong need for information, individual engagement on the posture and next steps on the immigration process, and assistance in changing addresses and venue for unaccompanied children and the agencies that care for said children. The need is too great and too broad for staff line attorneys at non-profit legal service organizations to cover and it is not an effective use of the limited human resources in our city. Ideally, this initial triage and information would be provided by mobilized volunteers—pro bono attorneys and/or community organizers—with the framework, robust training, and supervision provided by a legal service

organization. Unaccompanied children, in particular, are often placed under the care of various state and city agencies and entities, including social workers and agencies such as the Administration for Children's Services. Such agencies, community organizers, and pro bono attorneys, with proper robust training by legal providers, could assist children under their care with understanding when they are actively in removal proceedings by helping them determine if they have an upcoming court hearing, as well as assist them with changes of address. With proper training by legal service providers, said agencies could be a helpful tool for immigrant youth. However, said training has to be constant and continuing, given how often the laws, rules, and regulations change, and the particular vulnerability of immigrant youth. Collaboration between legal service providers, social service orgs, and volunteers should be encouraged, in order to provide Know Your Rights presentations, limited scope assistance and extensive services, to better meet the needs of the immigrant youth population. Coalition building and coordination amongst these various entities that may assist a child and legal service providers is essential to ensuring streamlined service delivery and effective deployment of resources. Such innovative programming would greatly help immigrant youth who cannot acquire full legal representation and can only be accomplished with robust training and oversight from legal service providers. Legal expertise is an essential resource to allow immigrant youth to thrive. As such, mMore funding is needed for legal service providers to be able to train these social service providers and provide long term oversight.

Many non-profit legal service organizations are facing a crisis with recruitment, training, and supervision for new attorneys. There are a limited number of attorneys who have the language and substantive skills for this challenging work and it takes resources to properly train and supervise inexperienced law graduates. An influx of funding is necessary to hire more attorneys in

order to increase the capacity to take on new cases, as well as to provide proper training and assistance and allow attorneys to concentrate their resources in the areas in which they can be most effective—full representation in removal proceedings.

While pro se plus models of legal assistance for children individuals who cannot attain full legal representation could be helpful, with proper training and supervision from legal service providers, such models are not ideal for children. In the last 2 years, NYLAG has developed an expansive pro se plus project, that has helped thousands of individuals file their asylum applications, file motions to change venue, file applications for employment authorization, and empower individuals to go before the immigration court on their own. However, NYLAG recognizes that this model does not work for unaccompanied youth. Pro se asylum application assistance clinics, pro bono mentoring, law school clinics, and large-scale volunteer efforts can assist with aspects of a youth's case, such filing asylum applications, translating documents, filing applications for Special Immigrant Juvenile Status, and applying for employment authorization. However, such models require quality control from legal services organizations, which is critical to fill in the gaps, and to ensure the assistance given to children is accurate given the complex immigration system. Such models fail to help youth who may have follow up questions or issues regarding their case and leaves them unrepresented in their removal proceedings. For example, youth who are assisted with the filing of a pro se SIJS petition are left with no one to represent or guide them if USCIS issues a request for evidence. Children who are granted SIJS, but never applied for asylum, are left with no one to assist them in terminating proceedings, often a daunting task as FBI fingerprints or biometrics are required for anyone over 14 to have their case dismissed. We have seen how destructive this model can be for immigrant youth, who have had pro se applications filled out by the Red Cross, but not properly filed, resulting in a removal order.

Children need much more care than their adult counterparts, and are often unable to move forward with their case without someone to help them. Legal expertise is an essential resource to allow immigrant youth to thrive, and it is imperative that this comes from full representation. As previously mentioned, children are often fleeing from traumatic events. Many of them have been let down, neglected, abused, and abandoned by the adults in their lives who they trusted. In an effort to minimize the traumatization of our youth, having them repeat their story countless times to different volunteers and organizations, it is imperative that immigrant youth have one trusted attorney who can help them throughout their entire case.

Coalition building and coordination amongst these various entities that may assist a child and legal service providers is essential to ensuring streamlined service delivery and effective deployment of resources. Such innovative programming would greatly help immigrant youth who cannot acquire full legal representation and can only be accomplished with robust training and oversight from legal service providers. Legal expertise is an essential resource to allow immigrant youth to thrive.

Children are amongst the most vulnerable members of society. Immigrant youth, in particular, require extensive assistance in handling their immigration matters, considering the ever-changing rules and regulations in immigration. As such, full legal representation is ideal for immigrant youth.

I want to once again take the opportunity to thank Counsel Member Avilés and the members of the Committee for their exceptional leadership and commitment to overseeing issues related to immigration in New York City, and for working to schedule this hearing today. I welcome the opportunity to discuss any of these matters with the Committee further.

Respectfully submitted,

Melissa Maria

New York Legal Assistance Group

October 15, 2024

New York City Council

Committee on Children and Youth
Hon. Althea Stevens, Chair

Committee on Immigration
Hon. Alexa Avilés, Chair

**Testimony of Tamara Amoah-Awuah, Senior Director
Streetwork Uptown Drop-In Center, Safe Horizon**

**On Resources for Immigrant Youth Who Arrived to the United States as Unaccompanied
Children**

Good morning and thank you for the opportunity to provide testimony to the Committee on Children and Youth and the Committee on Immigration. My name is Tamara Amoah-Awuah, and I am Senior Director of the Streetwork Uptown Drop-In Center at Safe Horizon, the nation's largest non-profit victim services organization. Safe Horizon offers a client-centered, trauma-informed response to 250,000 New Yorkers each year who have experienced violence or abuse. We use a lens of racial equity and justice to guide our work with clients, with each other, and in developing the positions we hold.

Safe Horizon's Streetwork Project provides shelter, showers, hot meals, therapy, service linkage, safer sex supports, case management, and so much more, in a therapeutic harm reduction community serving homeless youth ages 13 to 25. We work with homeless and street-involved young people to help them find safety and stability. Many homeless young people face a day-to-day struggle to survive, which can lead to physical and emotional harm. Homeless youth may have experienced family abuse, violence, rejection, and instability that led to their homelessness. We welcome these young people, help them navigate complex systems, and provide essential resources at our drop-in centers, at our overnight shelter, and through our street outreach teams. This work can be incredibly challenging but also rewarding. Streetwork has been doing this community-based work since 1984, and we will continue to do so for as long as our services are needed. In FY23, Streetwork provided services to nearly 1,000 clients across our drop-in centers and overnight shelter, while our overnight street outreach team engaged in over 12,900 contacts with homeless and at-risk young people.

We're grateful for today's hearing because it's critical that we shed a light on the plight of unaccompanied immigrant youth and minors seeking refuge in our communities, an especially vulnerable population that state and city officials all too often overlook. Over the past year, Streetwork has experienced an influx of young individuals, many of whom arrive at our doors after

being discharged from temporary placements, left adrift and without proper guidance. These youth, fleeing persecution, violence, forced marriage, and female genital mutilation (FGM), seek safety, community, and humanity in our programs. Despite our best efforts, our programs are under-resourced and underfunded. Still, we remain steadfast in our commitment to meet their needs.

As a provider, it pains me to witness these youth being ushered through a system that fails to address their unique challenges and aspirations adequately. Many of our staff share similar identities and histories with the youth we serve, which imbues our work with a profound sense of empathy and understanding. However, the current system, characterized by bureaucratic hurdles and systemic indifference, fails to honor their humanity and the struggles of their journey.

Immigrant youth face the overwhelming challenge of accessing stable housing and essential services. Many of the young immigrant youth we serve have had terrible experiences at the Humanitarian Emergency Response and Relief Centers (HERCCs), and many have not been provided with extensions after their initial placement. We refer these young people to Legal Aid for additional assistance and legal advocacy to remain in shelter, as the HERCCs remain one of the few shelter options provided by the city to this population. The young people we serve struggle with finding shelter outside of the HERCCs, as there is not nearly enough capacity at the crisis shelters or the TILs (Transitional Independent Living) across the RHY system. Young people are being turned away when seeking a bed because the RHY shelter system rarely has vacancies. Similarly, immigrant youth face many obstacles in finding and obtaining long-term stable housing, so the system is experiencing a bottleneck. Prior to the increase in migrant youth, it was expected that clients staying at crisis shelters would transition to TIL programs prior to the 180-day limit set by state policy. Currently, there is no movement in the TILs, and we have several clients who are remaining in crisis shelter past the 180 days. For migrant youth who are unable to access shelter outside of the RHY and HERCC, they are left with very few options.

In our experience, the immigrant youth we serve, many of whom are from the same country of origin or region or who share a culture or language in common, prefer to stay together to maintain a semblance of culture and community. They choose to receive assistance from the same program. Clients are sleeping on floors, including at mosques. They have been asking our staff for sleeping bags, a necessity now that the weather is getting colder. Streetwork and our sibling nonprofit organizations are all doing everything we can, but our city, state, and federal governments must do so much more.

Trying to respond to the sizable increase in young people seeking our assistance is straining our budget. We need additional funding for clothing (including cold weather gear) and food. HERCCs do not provide hot meals, so our program is regularly providing young people with to-go plates of nutritious food.

Additionally, many unaccompanied immigrant youth require interpreters. The city has provided us with access to Language Line, and we also use Lionbridge. In our experience, however, if the needed language is not French, it takes a really long time to access an interpreter, if they ever even connect. Our staff try to make appointments, but this doesn't always work. Immigrant youth would greatly benefit from funded onsite interpreters and access to 24-hour Language Line.

Currently, Language Line is only accessible Monday thru Friday, 9-5pm. This isn't ideal for 24-hour crisis shelters.

Reports this year have highlighted the shortcomings in our city's response to the educational needs of immigrant youth. Despite federal laws mandating their enrollment in public schools, we witnessed egregious delays and obstacles hindering their access to education. School enrollment has gotten better, but the process remains very complicated, especially for students who are in high school. Our clients don't always understand what is going on with school. We are deeply grateful to have Advocates for Children and Legal Aid as especially helpful partners and resources to ensure every young person, regardless of immigration status, has access to the education they deserve.

There is an overwhelming need for mental health services. Streetwork has a nurse practitioner on site, but they can only do so much. **Nearly all, if not all, of our Streetwork clients have experienced violence or trauma.** This is especially true of immigrant youth. Many are fleeing violence in their home countries. Many experienced violence in their country of origin and/or experienced violence enroute to NYC. Many have experienced or have witnessed violence here in New York City. And many continue to be traumatized by our systems. These young people deserve mental health services and supports. We try to provide therapeutic support using an interpreter, but the interpreter often feels uncomfortable and/or the client does. Migrant youth would benefit from an expanded pool of interpreters, especially interpreters who speak West African tribal languages like Pulaar, Wolof, and Fulani.

Lastly, there is a critical need for long-term immigration legal representation for these immigrant youth. Immigrant youth who simply receive pro se assistance with completing an initial asylum application are not being comprehensively assessed for eligibility for a range of other immigration benefits they may qualify for. This is not only a missed opportunity but a strain on an already overburdened asylum system. Furthermore, immigrant youth are left in the lurch when they do not have qualified and experienced immigration experts to guide them through the immigration process, which can often last years. These young adults must then try to navigate a complex system on their own or fill that void by turning to unscrupulous scammers trying to exploit their vulnerable situation. At Streetwork, we have tried to steer clients away from that by providing as much information and trusted referrals and resources as we can. But we can only do so much. The city must shift away from the rapid-response, emergency strategy of the last few years and invest in solutions that provide immigrant youth with sustainable, high-quality legal representation that will support them through their entire immigration journey.

The city needs to acknowledge and support these young, unaccompanied new New Yorkers, which includes meeting the needs of the RHY-system. This includes:

- Comprehensive legal supports, including full representation, and wraparound services
- Better translation services
- Transportation support for family reunification
- Access to permanent housing and pathways to employment
- Policies to specifically support the needs of unaccompanied minors

We must hold our government leaders to account for the systemic failures that marginalize immigrant youth. We demand transparency, accountability, and meaningful reforms to ensure every child and young person has access to the resources and opportunities they need to thrive, regardless of their background or circumstances.

I urge these committees to take decisive action to address the many obstacles that immigrant youth routinely face in our city. We owe it to them to provide a pathway to safety, stability, and opportunity, and it is our collective responsibility to ensure that no young person is left behind and ignored.

Thank you for your attention to this critical issue.



Testimony of

The Ali Forney Center

On

Addressing the Needs of Immigrant Youth

Submitted to

New York City Council's Committee on Children and Youth Services

Verbal Testimony Given on October 15, 2024, by:

Alejandro Arias , Case Manager

Written Testimony Submitted: October 16, 2024

Introduction:

The Ali Forney Center (AFC) welcomes the opportunity to submit written testimony on addressing the needs of immigrant youth to the New York City Council Committee on Children and Youth. Ali Forney Center is an organization dedicated to protecting LGBTQ+ runaway and homeless youth in New York City. Named after Ali Forney, a gender-nonconforming youth who was tragically murdered while experiencing homelessness, our mission is to provide these young people with safe, affirming housing and supportive services. Each year, we serve about 2,000 young people through our emergency housing, transitional living programs, drop-in services, and full wrap around services making us the largest and most comprehensive organization of our kind in the nation.

Immigrant Youth in New York City:

The population we serve is increasingly made up of migrant youth, many of whom arrive in New York City fleeing persecution due to their sexual orientation, gender identity, or both. Among the 70,000 homeless people in New York City, around 40% of unhoused youth identify as LGBTQ+¹. A 2023 study from the Williams Institute found that LGBTQ+ youth are 120% more likely to experience homelessness than their heterosexual and cisgender peers.² Furthermore, LGBTQ+ youth of color—particularly Black and Latinx youth—are overrepresented within the homeless youth population. The added layer of being an undocumented immigrant places these young people at heightened risk of violence, exploitation, and systemic neglect.

According to the Mayor’s Office of Immigrant Affairs, New York City is home to over 450,000 undocumented individuals, and many of these are young people between the ages of 16 and 24.³ The Migration Policy Institute reports that approximately 45,000 young immigrants in NYC fall within this age group, and they face multiple intersecting barriers to stability, including access to

¹ According to a 2023 report from **True Colors United**, around 40% of homeless youth in New York City identify as LGBTQ+. They cite this as part of broader national trends showing a disproportionate number of LGBTQ+ youth among the homeless population.

- Source: [True Colors United Report](#)

² The **Williams Institute** at UCLA School of Law: Their 2023 study found that LGBTQ+ youth are 120% more likely to experience homelessness compared to non-LGBTQ+ youth.

- Source: [Williams Institute Study](#)

³ The **Mayor’s Office of Immigrant Affairs** reports over 450,000 undocumented individuals in New York City.

- Source: [Mayor’s Office of Immigrant Affairs Report](#)

housing, healthcare, and legal employment. ⁴For LGBTQ+ immigrant youth, the struggle is compounded by discrimination and violence based on their identity. Between 2021 and 2023, AFC saw a 12% increase in the number of youth without citizenship seeking our services—yet we have received no additional financial support from the city to accommodate this growing need.

Housing for LGBTQ+ youth, particularly undocumented individuals, has reached a crisis point in New York City’s shelter system. General shelters are often unsafe for LGBTQ+ individuals, who face harassment, violence, and theft. This is especially true for trans youth and youth of color. For undocumented LGBTQ+ youth, the situation is even more precarious. Other service providers are at capacity and often turn people away. As a result, many youth without asylum case numbers are left with nowhere to turn.

What Needs to Be Done to Support Immigrant Youth:

At AFC, we work tirelessly to create a safe, affirming space for LGBTQ+ youth. However, we cannot meet the growing demand alone. Asylee youth are often denied access to Department of Homeless Services (DHS) programs and are sent to Humanitarian Emergency Response and Relief Centers (HERRCs), where they feel unsafe among adults. Even though there are available beds at Marsha’s House, a shelter for LGBTQ+ individuals, many asylee youth return to drop-in centers like ours because they do not feel safe elsewhere.

This level of instability is deeply harmful. These young people cannot access Section 8, CityFHEPS, or other critical housing supports. They are also blocked from accessing legal employment, which forces many into dangerous survival economies. Discrimination and violence follow them both on the streets and in their workplaces, creating a cycle of vulnerability and trauma that is difficult to escape. These conditions are inhumane, and we must do better.

We urge the City Council to pass ****Resolution 0576****, which would establish a workforce development program for new arrivals. Access to legal employment would significantly reduce the risks these young people face and provide them with a path to stability and self-sufficiency.

Providing legal service providers and funding support to hire more providers to ensure that youth are being supported throughout the legal process. As we know in order to create and maintain sustainable living conditions in the United States and individual must enter into legal asylum application and processes. In order for the youth we serve to be able to reach the housing

⁴ Data on the number of undocumented youth in NYC between the ages of 16 and 24 is provided by the **Migration Policy Institute** (MPI), which estimates around 45,000 individuals within this group.

- Source: [Migration Policy Institute Report](#)

opportunities they deserve we must be able to provide them with legal service providers to support them throughout the legal process of citizenship which helps support basic needs being met.

Alongside legal service providers, we are in need of more beds specifically for our older youth population (21-24 year olds). In order to meet the increasing need of newly arriving youth we must expand our services, which includes housing youth, but in order to do this we need to bring more beds online into our runaway and homeless youth system, run by the department of youth and community development (DYCD).

Conclusion:

LGBTQ+ immigrant youth are among the most vulnerable in our city, and the current system is failing them. They need specialized services, trauma-informed care, legal service providers, working permanents, housing access and access to safe, affirming spaces. The Ali Forney Center has always been committed to this mission, but we cannot do it alone. We need your support and resources to ensure these young people are not left behind.

I thank you for your time and consideration and for your dedication to uplifting New York's most vulnerable populations.

For Questions Please Contact:

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To: New York City Council Committee on Children and Youth
From: Ellinor Rutkey, Esq., The Door’s Legal Services Center
Re: Oversight Hearing: Resources for Immigrant Youth Who Arrived to the United States as Unaccompanied Children

Date: October 15, 2024

The Door is a comprehensive youth development organization that has been supporting vulnerable youth in New York City since 1972. Each year, we provide services to nearly 9,000 young people between the ages of 12 and 24, many of them immigrants. The services we provide include healthcare, education, supportive housing, food and nutrition, career development, arts and recreation, mental health counseling, and legal assistance — all under one roof. We are also a Department of Youth and Community Development (DYCD) Runaway and Homeless Youth drop-in center, providing food, clothing, showers, laundry, and case management services to young people who are unhoused or unstably housed. At The Door, we emphasize empowering and engaging the young people we serve, and we are committed to creating a safe, equitable, and inclusive space for young people and staff.

The Legal Services Center at The Door is an office of over 50 individuals, including attorneys, social workers, and support staff. We specialize in serving vulnerable children and young people, including many clients who are unhoused, undocumented, and/or LGBTQIA+. Our attorneys represent youth in removal proceedings before immigration courts, as well as those seeking to regularize their status through the filing of affirmative humanitarian applications. In the fiscal year 2023, we handled 3,282 immigration matters for young people. We also operate several free legal clinics, including a weekly drop-in legal clinic for runaway/homeless youth. The Door is a member of Immigrant Children Advocates’ Relief Effort (ICARE), a coalition of legal advocates dedicated to expanding access to legal representation for immigrant children facing deportation in New York City, while advocating for universal access to counsel.

I. Hardships Faced by Unaccompanied Children in ORR Custody

i. Challenges Within ORR Custody

At The Door, we work with many young people who entered the United States as unaccompanied children (“UCs”), children who are under the age of 18 and enter the country without their parent(s) – even if they enter with a family member or other adult. UCs are placed in the custody of Office of Refugee Resettlement (“ORR”) in facilities located across the country. The Door is the assigned legal service provider for multiple ORR facilities in New York State. We represent both UCs who are detained and UCs who have been released from detention and live in New York City.

While detained in ORR custody, UCs face a number of challenges. First, UCs report poor language access within ORR shelters. While shelter staff generally speak English, and often speak Spanish, staff very rarely – if ever – speak other languages. Many UCs do not speak

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English or Spanish. For instance, Door staff work with UCs whose first languages are Q'eqchi, Wolof, and Pulaar, along with many other languages. As a result, these UCs are less able to access important information, including information related to their legal case, because staff are not equipped to convey that information in the UC's preferred language. UCs who speak less common languages also report feeling a greater sense of isolation while in ORR custody. These UCs may not have a single person in the ORR facility with whom they can speak without an interpreter. While this degree of isolation would certainly be isolating for any person, it is extremely difficult for children – and especially for UCs, who have been separated from their parents and are living in federal custody without familial support.

Similarly, UCs face isolation while in ORR custody if they lack copies of their identity documents. Generally, UCs have the right to speak with their parents while they are in an ORR shelter. UCs typically rely on their birth certificates to prove the identities of their parents so that they are permitted to speak together on the phone. UCs without a birth certificate will generally need to obtain one from their country of origin's consulate before ORR staff will allow the UC to contact their parents. However, if those consulates are shut down (e.g., due to conflict within the country), the UC will likely be unable to obtain their birth certificate – and thus, be barred from speaking with their parents.

In addition to contributing to isolation and emotional harm, being prevented from contacting their parents may also make it more difficult for UCs to be released from ORR custody. UCs often do not have the name or contact information of family members or family friends who could act as sponsors for the UC in order to allow the UC to be released from the shelter to reunite with family or friends in the United States. If a UC is unable to contact their parents to request that information, the UC might never be able to obtain it, thus forcing the UC to remain in ORR custody for a longer period of time.

An additional challenge faced by UCs in ORR custody relates to ORR's information sharing practices. ORR and its employees are granted broad discretion under federal law. This discretion allows shelter employees to choose how much information, if any, to share with the attorneys who represent UCs while they are in ORR custody. Thus, for Door staff, ORR processes are at best obscured, and at times, completely unknowable. This makes it much harder for Door staff to provide adequate support and services to clients who are in ORR custody.

ii. Release From ORR Custody

UCs remain in ORR custody until they are released to a sponsor, or they turn 18. ORR designates four categories of sponsors:

- Category I: parents
- Category II: family members
- Category III: unrelated adults
- Category IV: no sponsor



In the past, UCs could be released to Category I sponsors within about a month, and to Category II sponsors in slightly more time than that. However, during the last several months, Door staff have noticed significant delays in UCs being released to Category I or II sponsors. The result of these delays is that children must remain detained in ORR custody for months before being released to their parents or family members.

Category III sponsorship has always been a long and arduous process. ORR staff often expect the relationship between the UC and the sponsor to be well-proven. For example, ORR staff might ask the sponsor or the UC to provide ORR with photos of the sponsor and the UC together to demonstrate that they do in fact have a relationship. Other times, the process is delayed because the sponsor is unable to read necessary paperwork, either because it is only provided to them in a language that they do not understand, or because the sponsor is not literate.

Even if a UC successfully identifies a sponsor, ORR can always use their abundant discretion to reject that sponsor. For example, one Door client wanted a male family member to serve as her sponsor. Because the Door client was a young woman and the family member was a man, ORR required that the prospective sponsor and his roommates go through extra background checks – and eventually, denied his sponsorship of the client. If a sponsorship is denied, there is practically nothing that Door staff can do to cause ORR to reconsider that sponsor.

Category IV sponsorship presents arguably the greatest number of challenges. If a young person is nearing the age of 18 – when they will no longer be able to remain in ORR custody – but does not have a sponsor identified, it is crucial that the UC develop a clear plan of where they will go upon release. Otherwise, the UC risks being released into Immigration and Customs Enforcement (“ICE”) custody.

Pursuant to ORR guidance, shelters are obligated to provide “age out plans” to UCs nearing their 18th birthday. In practice, this essentially never happens. ORR does not make any effort to help UCs secure housing, and ORR does not communicate with the advocates of UCs, including Door staff members, so that those advocates can help UCs to plan for their release.

Still, though, in the past, Door staff had found success in facilitating placements for UCs in New York City youth shelters upon their release from ORR custody. This has become significantly more challenging in the past year. Because youth shelters are at capacity, as discussed in greater detail below, Door staff members must jump through hoops to identify alternative potential placements for Category IV UCs. For example, Door staff members have done outreach to mosques, friends of friends, and any other individual or entity that may have a place where the UC could sleep upon their release. In the last year, only a single Door client was able to find placement in a youth shelter upon their release and some have transitioned from ORR detention to adult shelters.

II. The Need for More Youth Shelter Beds for Young People Released from ORR Custody and Young People Living Alone in New York



iii. Benefits of Youth Shelters

Within the DYCD youth shelter system, young people, including UCs leaving ORR custody, are offered both a safe place to live and wraparound services to help stabilize their lives. Youth living in a youth shelter have access to necessary supports, including mental health care, career and education support, medical care, and case management services. They also have access to a plethora of daily activities, ranging from art classes to pickup sports games. Further, but no less importantly, young people within the DYCD shelter system live among their peers. This provides a greater sense of safety and belonging than if the young person had to live among adults within the Department of Homeless Services (DHS) shelter system.

iv. Insufficient Capacity Within the DYCD Youth Shelter System

Despite the myriad of benefits offered to young people within the DYCD system, many young people who have recently aged out of ORR custody are not currently residing in youth shelters. Over the last two years, demand for youth shelters has skyrocketed. This increase in demand comes largely from the high number of recent immigrants to New York – many of whom are eligible to live in a youth shelter. However, there is a significant dearth of shelter beds within the DYCD system.¹ On a daily basis, staff members on our legal services team at The Door speak with youth who have been unable to secure a bed in the youth shelter system. Many of these young people have tried repeatedly to find a bed without any success, constantly visiting and calling shelters in hopes that one will have a vacancy.

If a young person does manage to find a bed in a youth shelter, it is likely due to sheer luck. DYCD providers are so overwhelmed with the demand for shelter that eligible young people are not even being added to a waiting list for a bed – they are simply being turned away. As a result, no amount of patience or time will result in a young person receiving a youth shelter placement.

The limited capacity of youth shelters is not inevitable. With more funding, youth shelters could offer safety and comfort to a greater number of vulnerable young people. Young people would also be more able to access youth shelter beds if recent laws concerning CityFHEPS were implemented. The CityFHEPS Reform Laws were enacted in July of 2023, and pursuant to this legislation, young people in DYCD shelters may obtain CityFHEPS subsidies.² Young people could use CityFHEPS to move out of shelters and into their own apartments. With more youth finding long-term housing outside of DYCD shelters, DYCD shelters would have more bed space, and more youth could then move into DYCD shelters. Unfortunately, the Adams Administration has refused to implement the CityFHEPS Reform Laws, depriving young people

¹ See, e.g., Gwynne Hogan, *Youth Shelter System Locks Out Hundreds as Migrants Seek Entry*, The City (Mar. 12, 2024, 5:00 AM), https://www.thecity.nyc/2024/03/12/youth-shelter-system-locks-out-young-migrants/?oref=nyn_firstread_nl.

² See *NYC Council Files Appeal Seeking to Compel the Administration to Comply with CityFHEPS Reform Laws & Launches Website Highlighting Rise in Evictions and Homelessness under Mayor Adams*, N.Y.C. Council (Oct. 1, 2024), <https://council.nyc.gov/press/2024/10/01/2706/>.



of their right to CityFHEPS, and contributing to the inability of young people to access youth shelters.

Given the simultaneous unprecedented demand for youth shelter beds and the extreme shortage of those beds, an alarming number of unhoused young people between the ages of 18 and 24 are being placed in Humanitarian Emergency Response and Relief Centers (HERRCs) instead of youth shelters. These young people are eligible for placement in both the DYCD youth shelter system and the HERRC system because of their age. Although youth placed in HERRCs are legal adults, the fact that they are being placed in a HERRC rather than in a youth shelter is cause for serious concern.

v. Young People Placed in HERRCs

First, young people being placed in HERRCs are in extremely vulnerable positions. Some of them have only just arrived in the United States after a perilous, long, and often traumatic journey from their countries of origin, while others have spent months – or even years – in ORR custody. Even before coming to the United States, many of these young people have already experienced significant trauma in their lives.

For example, one Door client entered the United States as a UC, and on his 18th birthday, moved to New York by himself, not knowing anyone who could support him in the United States. Because he lacked a support network in the country, and because there was not a youth shelter bed available for him, he was forced to move into a HERRC. This young person decided to leave his home country in West Africa after years of being hit, whipped, and physically abused by his father. He hopes to attend school in New York – something he had been unable to do in his home country, as his father forced him to work on a farm rather than attend school starting at age 10.

This history of trauma is not the only reason why the UCs being placed in HERRCs are so vulnerable. These young people are also vulnerable because they have essentially no support – in any form – here in New York. For one, many young immigrants do not know anybody when they arrive in the United States, and this is particularly true for UCs released to a shelter when they turn 18. When Door staff members ask these young people about trusted adults that they can turn to for support in New York, the young people almost always tell us that there is no such person in their lives. These young people are thus forced to navigate a new country and culture by themselves and to be their own advocate in the face of barriers. This – coupled with the fact that many of these young people also do not speak English proficiently, and that many have significant gaps in their formal education – makes it exceedingly difficult for young people to access the supports they need if they are placed in a HERRC. Moreover, these young people have essentially no money, and thus, no way to purchase necessary goods and services. And because the young people placed in HERRCs all recently arrived in the United States, most will not be eligible to obtain employment authorization for at least several months – and likely, much longer.



vi. HERRCs Are Inappropriate Environments for Young People

HERRCs are not appropriate environments for these vulnerable young people. While DYCD youth shelters are supportive and welcoming environments for young adults, HERRCs are inhospitable and alienating. With thousands of people staying in makeshift tent cities, HERRCs offer little to no privacy for their occupants. This lack of privacy can be especially difficult for young people who need solitude and isolation to process complex trauma. HERRCs also are open to people of all ages, meaning that young people in HERRCs often find themselves among much older adults rather than fellow teenagers and young adults. As a result, many young people say that they have not formed any sort of relationship with their fellow HERRC residents.

An additional reason why HERRCs are not appropriate environments for vulnerable young people is that HERRCs do not supply sufficient food to their occupants. Young people consistently report to Door staff members that they are given barely any food at their HERRCs. While food is a necessity for all people living in shelter, consistent access to nutritious and plentiful food is particularly important for young people whose essential organs, including their brains, are still developing.

Further, HERRCs deprive young people of the opportunity to find safety and stability in New York. For the last few months, youth living in HERRCs have been subject to the unlawful and inhumane 30- and 60-day shelter rules.³ As a result of these rules and actions, every 30 to 60 days, the young person must uproot their life and find somewhere new to live – without the support of a trusted adult, without money, and usually, without proficiency in English. Moreover, some young people report being given only a few days’ notice that they will need to leave their HERRC, which has caused these young people great fear and panic.

These constant evictions, and the threat thereof, make it all but impossible for newly arrived young people to develop a sense of stability in New York. Young people living in HERRCs report that it is hard for them to make friends and form support networks. It is also hard for these

³ On March 15, 2024, the Legal Aid Society announced that it had reached a settlement with the City that would impact the length of time that new New Yorkers are able to remain in shelter. Under the settlement agreement, young people under the age of 23 will be forced to leave their shelter after 60 days rather than 30 days. See Mia Hollie & Annie McDonough, *City Hall and Legal Aid Society Settle Right to Shelter Case*, City & State New York (Mar. 15, 2024), <https://www.cityandstateny.com/policy/2024/03/city-hall-and-legal-aid-society-settle-right-shelter-case/394996/>. While 60-day placements are certainly preferable to 30-day placements, this settlement does not prevent vulnerable young people from being forced to leave their shelter placements. An additional change under the settlement is that HERRC residents may request to remain in their shelter placement at the end of their 30- or 60-day stay, rather than be forced to leave. Stip., ¶ 24, *Callahan v. Carey*, No. 42582/1979 (NY Sup Ct New York Cnty 2024),

https://iapps.courts.state.ny.us/nyscef/ViewDocument?docIndex=mMvITZFjq_PLUS_X/RU7jGZrf4Q==.

However, these requests will only be granted in the event of “extenuating circumstances,” and the person making the request has an obligation to “take all appropriate affirmative steps to resettle in housing opportunities outside of City Shelters.” *Id.* at ¶¶ 22, 24, App’x A. Particularly for young people who lack a support system and a strong grasp of English, these requirements may prove too burdensome. As a result, vulnerable young people may be disproportionately unlikely to be permitted to remain in shelter at the end of their 30- or 60-day placement. Moreover, many of the details of how exactly these new policies will be implemented are still unclear.



young people to take advantage of community-based resources, like mutual aid groups that distribute food and clothes. By the time that a young HERRC resident learns about a resource in their community, they will only be able to make use of it for at most a few weeks before they are forced to leave that community. Moreover, the threat of constant evictions under the 30- and 60-day shelter rules makes it very difficult for young people to stay in school, which is particularly worrisome when so many of these young people have already experienced interruptions in their formal education.

Unsurprisingly, this indefensible policy has also resulted in many young people sleeping on the streets or otherwise entering dangerous living situations. At The Door, staff members regularly speak with young people who have been removed from their existing HERRC placement and have not been able to find anywhere else to stay. These young people are often forced to develop their own strategies for keeping themselves safe, such as gathering with other newly arrived immigrants and sleeping in shifts. Other young people succeed in finding a place to stay, but at the cost of their own safety. For example, when one newly arrived youth was unable to find a shelter placement, he moved into an apartment with several adults. These adults have coerced this young person into performing unpaid domestic labor, trapping him in an abusive setting. It goes without saying that the living situations that young people face after being removed from a HERRC are extremely dangerous and completely unacceptable as a matter of policy.

If these young people had instead received a bed in a DYCD youth shelter, they would not be subject to the City's cruel 30- and 60-day rules. Rather, following their shelter stay, they would be supported in transitioning to a Transitional Independent Living (TIL) program for up to two years. Thus, for a young person, placement in a HERRC means a cycle of constant threats of eviction, whereas placement in a DYCD youth shelter means long-term services and support.

More broadly, the services offered to young people in HERRCs pale in comparison to those offered to young people in DYCD youth shelters. While young people in HERRCs receive meagre meals and a cot on which to sleep, young people in DYCD youth shelters receive numerous supportive services tailored to their needs. Young people in youth shelters are equipped with the tools that they need to thrive, whereas young people in HERRCs are provided with barely enough to survive.⁴ It is absolutely necessary that the City provide more youth shelter beds to house and support newly arrived young people and youth released from ORR custody.

III. The Need for Immigration Legal Services for Newly Arrived Unaccompanied Children

i. Legal Services Providers Are at Capacity

⁴ See, e.g., Giulia McDonnell Nieto Del Rio, *NYC Shelter Evictions Keep Migrant Youth From Vital Resources*, Documented (Feb. 16, 2024), https://documentedny.com/2024/02/16/shelter-evictions-nyc-migrants-minors/?utm_source=ActiveCampaign&utm_medium=email&utm_content=Early+Arrival%3A+Shelter+evictions+keep+youth+from+resources&utm_campaign=Newsletter022124+Definitive+-+DNAInfo.



Legal services providers in New York City have never been able to fully meet the demand for free immigration legal help. Though the need for these services is great, there has always been a shortage of free immigration lawyers in the City. Over the last two years, non-profit immigration legal service providers have only become more strained, as the number of individuals seeking these services has skyrocketed and organizations are still dealing with many older cases delayed by the Covid-19 pandemic court closures. Every day at the Door, staff members turn away young immigrants seeking legal support and representation. Our partners representing youth and adult immigrants in New York face this same challenge – we are nearly all at capacity.

In February 2023, The Door’s Legal Services Center formally closed immigration intake to focus on its heavy case load and a waitlist of roughly 400 young immigrants in need of legal assistance. After spending the summer working with our pro bono partners to reach all the young people on our waitlist, we reopened intake at the end of 2023. After a few short months of adding young people to our waitlist, we were again forced to close our immigration intake in July 2024. We currently have over 200 people waiting for an initial legal screening and over 100 young people eligible for immigration relief on our waitlist.

Moreover, our weekly drop-in legal clinic for runaway/homeless youth has been busier than ever. Prior to 2023, the clinic saw zero to one person each week. Now, clinic staffers routinely speak with up to 25 people over the course of an hour and a half, nearly all of whom are new New Yorkers looking for immigration legal services, and several of whom are UCs. The need and demand for services grows every week and we do not have enough capacity to keep up.

ii. The Importance of Free Legal Services for Young Immigrants

While UCs receive free legal representation while in ORR custody, that representation may not necessarily continue depending on where they are released. Now more than ever, it is vital that young immigrants receive free, competent and comprehensive legal services. Door staff members have noticed that immigration hearings are being scheduled particularly quickly, leaving young people with even less time than usual to find a lawyer. Given these time constraints, and the overall shortage of free immigration lawyers, many young immigrants have been entirely unable to find legal assistance. In a recent survey of new immigrants, only six percent reported having found an immigration lawyer to represent them.⁵ This is entirely unacceptable.

A great proportion of those young people have strong legal cases. Many of the young people that The Door turns away should ultimately be found eligible for legal relief, including Special Immigrant Juvenile Status (SIJS) and asylum. Without a lawyer, though, it can be difficult – or even impossible – for a young person to successfully apply for and obtain relief.

⁵ *Leaving Behind the Newest New Yorkers*, Make the Road New York et. Al., 1, 11 (May 2024), <https://maketheroadny.org/wp-content/uploads/2024/05/2024-Asylum-Survey-Report.pdf>.



The risks to a young person who is not able to find a lawyer are significant. First, UCs are in removal proceedings, meaning that they risk being removed to the very country that they fled to get here. What's more, we have seen a number of young people who have been ordered removed *in absentia*. This occurs when a young person misses their hearing date, often through no fault of their own. These young people are often fleeing horrific situations, and for many, being returned to their home country could be deadly.

While there are resources available to young immigrants who are unable to find lawyers, these are insufficient. Resources like the Red Cross Asylum Application Help Center do not provide an adequate level of services to immigrants in need, especially young immigrants. Several young people have reported to Door staff members that the Asylum Application Help Center made significant errors in their asylum applications. For example, one young person reported that the asylum application he completed at the Help Center indicates in several responses that he lived in a country that he has never even visited. In addition, the Help Center has failed to identify young people who arrived as UCs and has erroneously filed UCs' asylum applications with the immigration court rather than USCIS. This is a serious issue because UCs have the right to have their asylum application first adjudicated at an asylum office, and the errors made by the Help Center deprive an especially vulnerable subset of youth of this right.

Further, for some young people, accessing asylum application assistance at the Red Cross has arguably undermined their stated goals. On a daily basis, young people tell us that their primary goal is to receive their work permit so that they can support themselves here in New York. Because an immigrant can apply for a work permit 150 days after filing an asylum application, these youth often end up submitting pro se applications at the Help Center while they continue to look for an attorney to represent them. Once the application is filed, the 150-day clock starts. But if that asylum applicant then has an immigration court appearance where they ask for an adjournment – a necessary step for immigrants still searching for lawyers – the 150-day clock stops until the applicant's next immigration court appearance. Given how busy the immigration courts have been, that next immigration court appearance could easily be more than six months away. As a result, many pro se asylum applicants will end up waiting even longer to receive their work permit than they would have had they not filed a pro se asylum application so quickly and before they could possibly find representation. Unfortunately for these applicants, neither the Red Cross nor the immigration courts are consistently informing asylum applicants of the clock-stopping effect of adjournments.

Even when resources like the Red Cross Asylum Application Help Center do not actively undermine a young person's goals, these resources are not equipped to provide young people with the level of support they need to navigate their immigration cases. Although these resources can help young people to submit immigration applications, they are not equipped to provide support to young immigrants before or after the application is filed. And particularly for UCs involved in immigration court, legal support that falls short of full representation is simply not adequate – especially when these young people are at risk of being removed from the United States. Young immigrants need comprehensive legal services, and it is necessary for the City to provide funding to hire more immigration lawyers.

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IV. The Need for Specialized Legal Services for Unaccompanied Children and Young People Living in Shelter

In addition to the immense need for the City to provide funding to hire more immigration lawyers, there is also a substantial need for funding for specialized legal services to provide full representation for young people living in shelter, including UCs.

For one, there is a need for specialized immigration legal services for young people living in shelter. As discussed, youth living in shelter are in particularly vulnerable positions and lack crucial supports to help them navigate their new lives in New York. Yet, because there are not enough immigration lawyers to meet the great need for immigration legal services, many of these especially vulnerable young people are left without stable housing *and* without a lawyer. We have seen several young people who were ordered removed in absentia after missing their court date, which occurred because they did not receive their court notice. Because unstably housed young people are forced to move around so often, this group is more likely to lack a stable place to receive mail, and thus, is at greater risk of missing a court appearance and being ordered removed.

Despite the heightened needs of young people living in shelters, there is reason to believe that this group is less likely to find lawyers than their peers who are housed or who are living in youth shelters. Door staff members find that Door members living in HERRCs are disproportionately likely to still be in search of an immigration lawyer compared to all other Door members. Funding specialized immigration legal services for young people living in shelter could help bridge this gap and address some of the vulnerabilities of newly arrived New Yorkers.

Further, there is a need for specialized non-immigration legal services for young people living in shelter. The relevant law and policy around shelter access in New York is complex and ever-changing. The vast majority of service providers who work with people in shelter are not well-versed in these rules and are not able to competently advise shelter residents on their rights and responsibilities.

As a result, shelter residents are forced to navigate an ever-changing and confusing system on their own, without adequate legal support. This leads to the erosion of rights and protections for shelter residents. For instance, Door members living in HERRCs have been erroneously told that they must leave their shelter and cannot return to the shelter system at all. Had a Door attorney who specializes in shelter access not become aware of this issue, impacted Door members would have left their shelter and, with nowhere else to go, would have begun sleeping on the streets.

When rights violations like these occur, it is essential to have a well-developed legal support system in place. Trained attorneys can both inform shelter residents of their rights and can advocate for shelter residents if their rights are infringed upon. This will be particularly important in the coming months, as the City begins to implement a new extension request system



that requires that a shelter resident demonstrate extenuating circumstances in order to remain in their shelter placement. When residents inevitably have their requests improperly denied, they will need competent legal advice and representation to ensure that they are not forced out onto the streets. The City can help prevent this awful outcome by funding specialized non-immigration legal services for shelter residents.

V. Conclusion

Young people released from ORR custody without a sponsor need access to the safety, stability, and services offered in youth shelters. If the City does not increase funding for the DYCD shelter system, already-vulnerable youth will be left to navigate a constant cycle of evictions and the difficulties of young adulthood – all without any meaningful source of support. Thus, I urge New York City to fund additional DYCD youth shelter beds.

Young people without legal status, and especially those designated as UCs, also need access to free immigration legal services. Existing pro se models, like the Red Cross Asylum Application Help Center, are not appropriate for this vulnerable population. If the City does not provide funding to remedy the current shortage of legal services providers, an unacceptable number of young people who are eligible for immigration relief will not receive necessary legal help. The probable result is that many of these young people will be ordered removed to a country where their wellbeing – and sometimes, lives – will be at risk. Therefore, I urge New York City to fund youth-specific, no-cost immigration legal services, and to provide sufficient funding to collaboratives and organizations who represent UCs in removal proceedings.

Finally, young people living in shelter, including many UCs upon their release, need access to free, specialized legal services. If the City does not fund legal services for young people living in shelter, youth who already face great difficulties in vindicating their rights will continue to experience rights deprivations, including deprivations that result in street homelessness. Thus, I urge New York City to fund shelter-specific, no-cost legal services.

Thank you.

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**Testimony of United Neighborhood Houses
Before the New York City Council Committees on Children & Youth Services and Immigration
Council Member Althea Stevens, Chair
Council Member Alexa Aviles, Chair**

**Oversight: Resources for Immigrant Youth Who Arrived to the United States as
Unaccompanied Children
Submitted by Kate Connolly, Senior Policy Analyst
October 15, 2024**

Thank you, Chairs Stevens and Aviles and members of the New York City Council, for the opportunity to testify. My name is Kate Connolly, and I am a Senior Policy Analyst at United Neighborhood Houses (UNH). UNH is a policy and social change organization representing neighborhood settlement houses that reach 800,000 New Yorkers from all walks of life.

A progressive leader for more than 100 years, UNH is stewarding a new era for New York's settlement house movement. We mobilize our members and their communities to advocate for good public policies and promote strong organizations and practices that keep neighborhoods resilient and thriving for all New Yorkers. UNH leads advocacy and partners with our members on a broad range of issues including civic and community engagement, neighborhood affordability, healthy aging, early childhood education, adult literacy, and youth development. We also provide customized professional development and peer learning to build the skills and leadership capabilities of settlement house staff at all levels.

Many of New York's settlement houses started during the last significant wave of migration to New York in the late 1800s, and the work of helping individuals and families successfully settle in New York has never ceased, but merely changed and adapted with the times. The settlement house model of providing multiple supports under one umbrella is time-tested, effective, and continues to help the newest New Yorkers.

Beyond that history and legacy, settlement houses are already working with asylum seekers. We estimate that settlement houses are serving at least 8,000¹ new arrivals today, showing how quickly these nimble nonprofits can launch and expand supports. Full capacity of the network is

¹ This estimate comes from settlement houses who are tracking their work with this population through a variety of metrics: recording immigration status (when appropriate), housing status, work authorization, length of time in the United States, and country of origin. Many settlement houses have school partnerships, and some shared that their school partners have worked with them to identify asylum seeking children.

limited by the lack of dedicated funding. Despite the numbers served and new programs started, 88 percent of settlement houses stated they have received no dedicated government support to serve this population.

The City must increase funding to the programs already serving new arrivals, and support organizations who have been serving this population without dedicated government funding.

Some examples of investments the City could make to support unaccompanied youth are:

- Increase funding for existing DYCD Adult Literacy programs and expand to new neighborhoods based on where we have seen the largest increases in new arrivals.
- Increase the number of older youth beds in the DYCD shelter system to ensure that young people arriving unaccompanied are not forced into the adult shelter system.
- Increase funding to organizations that run job readiness and training programs, such as DYCD's Train & Earn and Learn & Earn programs, to offer programming in languages other than English².
- Fund multi-service community-based organizations who are equipped to offer case management services, including benefits navigation and referrals.

For further information about how settlement houses are serving the incoming immigrant population and other recommendations on how government and CBOs can better collaborate to serve this population, please see UNH's recent report [Settlement Houses Supporting the Newest New Yorkers: Voices from the Field](#).

Thank you for your time. For any follow up questions, I can be contacted at kconnolly@unhny.org.

² Some settlement houses reported providing work training programs in languages other than English under the previous contract; however, staff recruitment and retention remain persistent issues for CBOs. Increasing funding for CBOs to attract multilingual employees and develop these training programs is crucial.



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NYC Council Committees on Children and Youth & Immigration
Resources for Immigrant Youth Who Arrived in US as Unaccompanied Children
Public Testimony
October 15, 2024

To The New York City Council Committees on Children and Youth & Immigration:

Good morning. Thank you so much for the opportunity to speak with you today. On behalf of the Free to Be Youth Project of the Urban Justice Center, I would like to thank the New York City Council's Committees on Children and Youth and Immigration for convening this important hearing. My name is Amy Leipziger and I am the Project Director of the Free to Be Youth Project.

Free to Be Youth Project

The Free to Be Youth Project (FYP) is a direct legal service provider dedicated to serving homeless and at-risk lesbian, gay, bisexual, transgender and queer (LGBTQ+) youth. The Project is housed at the Urban Justice Center, a non-profit law collective serving New York City's most disenfranchised poverty populations. Since 1994, we have been providing legal services to LGBTQ+ youth and young adults who are low-income, living on the streets, in homeless shelters, in the juvenile justice system, or in foster care. We regularly travel to Department of Youth and Community Development (DYCD) drop-in centers, including the Ali Forney Center, Safe Horizon's Streetwork Project, and Covenant House, to offer direct legal services and know-your-rights workshops. We have helped hundreds of LGBTQ+ youth with legal problems like applying for legal immigration status, fighting wrongful denials of disability benefits, changing their names, fighting terminations of their public assistance benefits, and overcoming barriers to obtaining safe and stable housing.

In the last several years, we have seen, and responded to, an unprecedented and increased demand for legal services from recently arrived LGBTQ+ youth in New York—especially arriving from Latin America and the Caribbean. Many newly arrived LGBTQ+ youth face the possibility of deportation to countries that respond to their sexual orientation, gender identity, and lived experiences as sex workers or trafficking survivors with hostility and life-threatening persecution—one that often amounts to death sentences. FYP has been at the forefront of providing services to this uniquely vulnerable population of newly arrived New Yorkers.

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Unaccompanied Children

An unaccompanied child (UAC) is a child under the age of 18 without lawful immigration status and with no legal parent or guardian in the United States. Children arriving in the US are often seeking asylum from the violence, persecution, and instability of their home countries. LGBTQ+ youth experience this at heightened levels, facing abuse and discrimination from both family members and governments due to their sexual orientation and gender identity. Struggling with undue fear and trauma in their home countries, they flee in search of safety and stability. On their way to the US, an overwhelmingly gruesome and harrowing journey, they are further subjected to instances of harm—ones exacerbated by their vulnerability as children and their LGBTQ+ identities.

Upon arrival in the US, the Department of Homeland Security (DHS) is required to transfer these unaccompanied children to the care and custody of the Office of Refugee Resettlement (ORR) under the Department of Health and Human Services (HHS). In recent years, there has been a significant increase in the number of UACs entering the country. In 2023, HHS reported receiving 118,938 UACs—nearly two times as many as pre-pandemic levels.¹

ORR is responsible for housing, feeding, and providing medical care to UACs until they are released to eligible sponsors, oftentimes other family members. New York has the third highest rate of UACs released to sponsors (following California and Texas).² Given the larger number of UACs in New York State as a whole, there has been an increasingly substantial presence of UACs in New York City. According to the most recent data, there were 2,873 UACs were released to sponsors between October 1, 2023, and June 30, 2024, alone.³ Historically, the numbers of UACs released to sponsors are the highest in Queens and Brooklyn, but the numbers are growing across all five boroughs.⁴

¹ Office of Refugee Resettlement, “Unaccompanied Children: Fact Sheets and Data,” Office of the Administration for Children and Families, U.S. Department of Health & Human Services, July 5, 2024, available at <https://www.acf.hhs.gov/orr/about/ucs/facts-and-data>.

² *Id.*

³ Office of Refugee Resettlement, “Unaccompanied Children Released to Sponsors by County - June 2024,” Office of the Administration for Children and Families, U.S. Department of Health & Human Services, July 26, 2024, available at <https://www.hhs.gov/programs/social-services/unaccompanied-children-released-to-sponsors-by-county-june-2024.html>.

⁴ *Id.*

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Struggles Facing Immigrant Youth

While some UACs are released to eligible sponsors, many have no connections in the US. They remain with HHS until they turn 18, at which point they age out of ORR care and custody. With nowhere to go and no one to turn to, many immigrant youth face the same issues that led them to leave their home country in the first place: overwhelming instability, abuse, and threats of violence. Even UACs who are released to sponsors face difficulties which can lead them to become unhoused and in need of support.

In New York City, estimates of homeless youth can be as high as 20,000. While shelter facilities are meant to house and support this population, increased need has put a strain on their resources. Between January 1, 2024 and June 30, 2024, DYCD funded a total of 813 beds, with 671 allocated for children under 18.⁵ In this same six-month period, 1,127 youth aged 16-24 were unable to be matched with a bed from DYCD shelters—789 were under 18 years old.⁶ Already in short supply, few of these beds likely go to LGBTQ+ youth, especially if undocumented. To not be matched to a bed means to deny these youth of critical, and often life-saving shelter and support services. This deficit disproportionately affects immigrant youth who arrived as UACs, further exacerbating the challenges they're navigating as unhoused and undocumented youth in the city.

To effectively support and protect these vulnerable populations, it is also critical to connect them with adequate legal resources and services that provide language support and cultural competency. These services not only ensure that youth have access to crucial legal protections and pathways to residency or asylum, but also help them navigate complex immigration systems with guidance and support. This is the very work we do at FYP.

Tomas Doe* is a 17-year-old unaccompanied child from Nicaragua. When he arrived in the United States, Tomas faced significant hurdles including unstable housing and a lack of English proficiency. When attempting to file his asylum application, he made a minor typographical error which put him at risk of missing his asylum interview and jeopardized his application. FYP helped Tomas obtain documentation which allowed his application to move forward and ensure he received access to the additional protections designated for minors seeking asylum. This case

⁵ Runaway & Homeless Youth Services, "Local Law 79 Runaway and Homeless Youth (RHY) Services Access Report," Department of Youth and Community Development, January 1, 2024 to July 30, 2024, available at https://www.nyc.gov/assets/dycd/downloads/pdf/Local_Law_79-Runaway-and-Homeless-Youth_Services_Access_Report_January-1-to-June-30-2024.pdf.

⁶ *Id*



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highlights the critical need for comprehensive support for UACs navigating the immigration system.

Sarah V* was a 17-year-old unaccompanied child from Venezuela. When she arrived in the United States, having lost her mother during the perilous journey, she faced hostility and derision from immigration officers who challenged her credibility. Her struggles were compounded by bureaucratic snafus when she sought shelter in the city. Taken together, her first year in the states was met with repeated hurdles that compounded the loss of her family, and her ability to create a meaningful support system. FYP helped her navigate the immigration process, and has worked to ensure that she can continue to access an education, and economic support.

These stories are not isolated, or unique. While our clients have been fortunate enough to obtain our services, there are thousands of immigrant youth in the city that don't have access to these essential resources. Our capacity is limited, as are the capacities of our partner organizations, and more support is needed. We've recently noticed an increased need to support youth eligible for Special Immigrant Juvenile Status ("SIJS")—granted to single individuals under 21 years of age who cannot be reunited with a parent or guardian because of abuse, neglect, or abandonment. SIJS process is complicated and lengthy, and we don't have the capacity to meet the heightened demand. We cannot be everywhere at once, and the needs of the community will soon outpace our abilities. Without increased and adequate support services, immigrant and LGBTQ+ youth will continue to fall through the cracks in our system, struggling to access the resources they need to become successful contributors to the New York City community.

Thank you to the members of this Committee and to the community of youth advocates who have been working hard to address the needs of this community. The Free to Be Youth Project stands ready to assist the NYC Council Committees on Children and Youth & Immigration in any way that we can.

**Pseudonym's used to protect clients' privacy and safety*

[REDACTED]

From: Ali Essafi <essafi.es.ali@gmail.com>
Sent: Thursday, October 17, 2024 9:18 AM
To: Testimony
Subject: [EXTERNAL] Immigration Committee and Children and Youth Committee. October -15
-2024

[REDACTED]

To the Esteemed Municipal Council,

Greetings,

My name is Ali Es-Safi, and I am 38 years old.

I am a refugee residing in one of the shelters in New York.

I would like to express my deep concern regarding the policy of housing children in shelters alongside adults. From my personal experience, I have witnessed many children suffering from isolation and fear, often spending their time alone in corners of the shelters. My attempts to communicate with them revealed significant difficulties in understanding their needs, stemming from their loss of self-confidence and the traumatic experiences they have endured.

These conditions negatively impact their identity and hinder their ability to integrate into society. Children require specialized care and guidance from professionals in psychological and social support to help them heal and rebuild their confidence.

Moreover, housing children with adults in the same shelters undermines their identity and complicates their ability to express their needs. Failing to direct them toward appropriate education and care could exacerbate their issues, potentially leading to a new generation of homeless individuals in the future.

These children possess tremendous potential, and it is essential to nurture and direct it toward the right path.

Therefore, I urge you to reconsider this policy and provide suitable and independent spaces for children to ensure they receive the necessary care and support for their healthy development.

Thank you for your attention and consideration.

Sincerely,
Ali Es-Safi

Hello,

I sent the below email to DM Williams-Isom a few weeks ago. Saidou was moved to a smaller youth shelter. It's far from ideal, but at least he had the option. He had that option because he found us. Those who aren't "lucky" enough to find the NGOs using connections and expertise to help the most vulnerable are in horribly dangerous situations due to the lack of effective policy to protect homeless youth in NYC, amplified by the new young New Yorkers who have been arriving over the past two years.

Thank you,

Candice Braun

Co-Director of ROCC (Resources, Opportunities, Connections and Community), a partnership between Artists Athletes Activists (AAA) and a ministry of Metro Baptist Church
candice_ben@mac.com

FOR THE RECORD

Hi,

I hope all is well.

A while ago, you asked us to send you any specific cases where we need extra support. We have been seeing, on the regular, many individuals and families who need extra support and we mostly are able to handle it on our own, often with the help of our connections and partnerships. As usual, we (and other NGOs) continue to do the work that the caseworkers and social workers receiving millions should be doing...and with little to no funding.

Lately we have been seeing many 18-20 year old kids who I refer to as "The Lost Boys of NYC." They are mostly from West African nations, but not exclusively. They rarely speak English. They are here alone, often barely 18 (and sometimes actually under 18 with fake passports stating they are 18 that they needed to use in order to fly alone to escape from dangerous situations in their countries).

I'm going to share one case with you now - he is only one human being who is emblematic of what many like him are going through. Each has their own story, but together they represent a growing group of kids who are struggling greatly.

Saidou arrived on June 6th to Texas and arrived in NYC a few weeks ago. Having crossed the border at 17 years old, he was in a youth shelter in Texas and on August 6, his 18th birthday, he was kicked out of his shelter and left to fend for himself. He somehow got to NYC on his own. He came to NYC because a relative had promised a safe place to stay and then changed their mind upon his arrival, leaving him homeless and still alone. The details are murky, because he is severely traumatized and scared, so it's hard for him to trust others, communicate and to remember details of his journey.

As an 18 year old, he was placed into the Candler HERRC for shelter. A day or two after being placed there, all his belongings were stolen from him in the cafeteria. One of our volunteers, an asylum seeker himself who lives at Candler, saw him in distress. He brought him to us at ROCC. One of our volunteers got him a new phone. He asked to go to high school, so we arranged an interview at a high school downtown (one of our volunteers accompanied him for his interview at Emma Lazarus) where he was accepted and enrolled - he even met with a soccer coach and was very excited. He is super smart, having asked for school and having taught himself both Spanish and some English while waiting in Mexico and during his short time in the US. He showed up for school for a few days and then not again. Our volunteer checks on him, but says that Saidou spends all day and night under the covers on his cot.

I have been in contact with the HERRC team who says they are checking on him, that social workers are reaching out, etc. - they even say he is going to school. That is not true. Yesterday he went to school and then left after an hour because he said he wanted to go back to his shelter (I know this because one of our volunteers met with him at the start of the day - they all met with the supportive guidance counselors, hoping Saidou would stay - alas, he did not). Today the HERRC team told me he went to school, but his guidance counselors said he didn't show up at school.

We are trying to get him to go to a pro bono doctor appointment via Zoom tomorrow so that we can craft an RA for him - to try to get him into a youth shelter or at least a better shelter than the Candler. We all call Covenant House daily to see if by some miracle a spot opened up the moment before we call. We have reached out to all partners we can think of to help fight for this kid - to try to help find a placement in a youth shelter where he and all the other youth belong. He, unlike many others who don't know to come to us, has many advocates on his side. And alas, there he lies in a cot in the congregate Candler shelter with a blanket over his head, day in and day out - a smart, traumatized kid scared and feeling alone and confused in the world.

How is this ok? Ideally there would be more youth shelters or at the very least - competent social and case workers who know how to deal with traumatized youth. Ideally this would not continuously be referred to as a "crisis" two years after this latest wave of immigration to NYC. Ideally this kid wouldn't be curled up in a ball and there wouldn't be hundreds, if not thousands, of other kids curled up similarly. But this is not an ideal situation - clearly. So what do you suggest we do for Saidou, please? Leave him on his cot (a cot by the way, where he can be kicked out after - less than at this point - 30 days and left on the street, since he's too scared to talk to a lawyer at the moment about his asylum claim). He's not only a kid representing the masses of kids in similar situations, but he's one human being - a kid - suffering. And I'm worried that if we don't help him - and help the others like him - people are going to have blood on their hands - and I don't say this lightly.

Thanks,
Candice

There needs to be a city-wide reckoning around the thousands of young people trying to survive in New York City. Most of these young people have no community contacts and no family networks anywhere in the United States. Through extreme resilience these young people may find out information about youth shelters or pro bono organizations. But information is hard to access, and resources are even more limited. Through luck these young people may be find their way to volunteer organizations who start advocating for them, but that is on an individual basis. There is no system-wide protection system for young people who are at their most vulnerable. A few examples that come to mind:

-A, from Guinea, arrived as a 15 year old. He was sent to a youth shelter in Arizona upon entering the United States. His older brother petitioned for family reunification and A came to live with his brother. His brother assaulted him and A eventually ended up in an adult male migrant shelter. A and I got connected when he was living in the adult migrant shelter, absolutely terrified. No one had enrolled him in school at that point. He was not getting enough to eat. I brought him dinner and dropped it off at the shelter. I had multiple back and forth with ACS who did not believe that he was 15 and wanted to verify his age. They suggested he go to the Guinean consulate even though he came seeking political asylum. Eventually he was placed into the foster care system but after a ton of advocacy.

-Z, from Guinea, arrived as a 16 year old with his older brother, M, who was 19 years old at the time. Z was separated from M at the border and sent to a youth shelter in Arizona upon entering the United States. M and I got to know each other for 6 months before he disclosed that his brother was in Arizona. He had been too afraid to tell me because he did not understand what was happening, and did not want to get himself or his brother into trouble. He was also traumatized from the forced separation from his brother. He had been in contact with his brother only two or three time over those 6 months. Eventually, with the help of Afrikana and AAA, we were able to petition for family reunification and Z came to New York City. They got settled into a family shelter. When it came time for school enrollment, the Family Enrollment Center sent Z to a high school in Manhattan. After a lengthy conversation, the principal informed us that it was not a good fit because the high school had no ESL program. It was completely disenchanting. We were able to eventually enroll Z in a transitional high school, but only with the help of an established relationship. M is now Z's only caretaker. M is living the life and taking on the responsibilities of an adult man, as a twenty year old.

-M, from Guinea, and I met at a volunteer site a few months ago. We stayed in touch and with the help of another volunteer, I was eventually able to enroll him in school. He was 18 at the time. After a few weeks, I received the following message: "Good evening! I don't know if I'm going to continue high school for several reasons which are among others housing problems, even food currently in shelters in New York is difficult to have and there are other reasons that I haven't mentioned here, that's why I'm considering leaving New York for another state because life is a unbelievably difficult here. I know that you have helped me a lot so that I can study but it's very difficult for me to continue my studies here I ask you please to forgive me for this decision but I have no other option. I pray to God that he pays you for your kindness." M took up working a full-time job because he wasn't getting enough food. A few weeks later, M came back from work late and missed shelter curfew by a few minutes. He, as an 19 year old, ended up sleeping in the subway that night. What's even crazier is a lot of these kids have said the hardships they face in New York City are nothing compared to the abuse they endured by their parents in their home countries. There is a whole generation of young people who are in some ways getting a glimpse of normal youth - through high school enrollment, sometimes through young shelter placement - but who are fundamentally being overlooked and forgotten!!!!

Charlotte Soehner

[REDACTED]

charlottesoehner@gmail.com

FOR THE RECORD

Patricia Rounds Manwaring



Brooklyn NY, 11215

October 14, 2024

I am testifying on behalf of the unaccompanied minors that are living in our shelter system in NYC. I believe that it would be in the best interest of these young people to have the age of youth shelters increase to 24.

I know an unaccompanied minor that is 18 and in an adult shelter in midtown. The other day an older man asked him to pick up his garbage and was ready to fight him when Camara refused. I am concerned about his safety. He is concerned about his safety. He has tried everyday for the past few days to get into a youth shelter and he is told there are no available beds. How can we protect the safety of these young people coming into our city?

I am in the process of becoming the legal guardian for a 20 year old young person, currently sheltering at Hall St. He has had an incredibly challenging time connecting with services. The process of getting into a GED program was very confusing. He was told again and again to keep coming back at different dates. When he finally was able to take the GED he wasn't able to access the information online. He had to physically go back to the site which he had to walk to since he didn't have the subway fare. Why aren't educational opportunities more readily available? Why is the technology not advanced enough to simplify this process?

As a shelter city, we need to make the pathways to educational help, and shelter that is safer more easy to access.

Thank you for considering my perspective.

-Patricia Manwaring

Forgotten but not Disenfranchised
A Testimonial of Maternity, Child Care
and And Overcoming The struggles of a
mom with Disabilities, Mental Health
problems and Physical Health Problems.

Living one day at a time.

Tabitha Commonis

**ATTN: New York City Council Children
And Youth Committee**

Chairwoman: Councilwoman Hon. Althea Stevens, Hon. Julie Menin, Hon. Linda Lee, Dr.

Natascha Williams, Hon. Chi Osse and Hon. Rita Joseph.

9/13/2024

Good Afternoon to the Councilwomen, Councilmen and overseers of the Committee on children and youth for City Council. My name is Tabitha Commonis age 36, I'm a mother of 4 children, a American with mental health and intellectual disabilities and physical health conditions such as diabetes type 1, grand mal seizures and a Right Bumble Branch injury in my heart. when I was 24 years old, my first son Edward boy born stilborn at 5 months due to a coerced medical abortion, and Allura with my first partner born June 7th, 2016 who had substances in her system who was adopted on april 7th 2021, both whom I love and try to honor everyday. Allura who was adopted at Rising Ground forcefully told me to surrender my rights, I felt pressured and I was coerced by the foster agency in order to be involved in her life. I was made to give up my right to fight for her in 2021. From the birth of my first daughter until now I have three daughters, two of whom I have in common with my current partner and former Buffalo fatherhood Initiative translator Pedro Gonzalez, previously has advocated for me in these very halls. I have been targeted by the South Bronx and North Bronx ACS team and CPS supervisors for 8 years CPM Calbert Green, CPS morgan, CPS Nicole Henry, CPS Gabriel Vazquez CPS Shontell Gaines CPS Taylor CPS Samantha Thomas Amonoo CPS Socorro Machado, CPS Erick Joachim, CPS Boniface Ikemonaugu CPS Cailtyn Marten CPS Robert Suozzo and CPS Shavar Walker CPS Terrel Drew and CPS Palmer, CPS Samuel Hargraves as well as CPM Christina Maldonado and CPM Michael Otero . I am the first to admit that my substance use was problematic in 2015-2016. I was homeless, forced to make choices that I was not proud of. After receiving inpatient treatment at Samaritan Daytop Village located at 116 st and Amsterdam I completed 18 months of substance abuse. At that time I was discriminated against because of my health, self harming tendencies and substance use and homelessness. After

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being discharged April 5th 2018, my mother had discovered that my income was being stolen by the inpatient program. I decided to not pursue the matter after the Social Security Administration verified that the program was receiving payments after discharge and not residing in the program. My daughters Hope age 5, a child who was born at 6 months and 7 days prematurely had severe developmental concerns and was not meeting milestones that an infant child should meet, and Sofia age 4, born healthy during the pandemic locked in the same ward as covid newborns at Lincoln Medical Center during the beginning of the Pandemic, were born respectively on 11/26/2018 and 05/13/2020. When hope was born in Nov 2019, ACS had arrived at Lincoln Medical Center to remove my daughter. That was the last time I chose not to be traumatized by ACS and my past as I decided to work on myself and develop personal growth to improve my skills in maternity and parenting, since the loss of My son severely traumatized me. I went to Harlem East Life Plan and was enrolled in June of 2019, since then I have continued to be compliant with my mental health and substance use. From the date of 2020 may 13th the court returned custody of my younger daughter Sofia to my care. There was no ACS involvement for 9-10 months with Sofia, when my daughter Hope was returned to my care from foster care after being in care for 16 months, Hope had constantly had issues of bruising. Prior to her return to my custody the Bronx Family Court had discovered that Hope aged 5 now was possibly being abused in the foster home. It was not definitively determined but the Judge had a suspicion and informed all of counsel in regards to that concern. On April 7th 2021 hope returned to our custody. On Sept 29th 2021 Both children were subsequently removed for hope of obtaining injuries while at a DHS facility when The director of acacia network Tameka Allen and and DHS housing coordinator Niema Wilson confirmed that the injuries were non abusive

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to ACS worker Janet Ramos even then ACS filed a case against the family and hope was removed from her Prek school learning through play 3-k Ms. Taylor had called the case. Again The children were removed on Nov. 29th 2021 for another bruise in the back and face area consistent with falling. Lincoln Who everytime has assessed the children once again alleged abuse and directed ACS for another removal. The Children were removed and placed in the care of Mr. Gonzalez paternal sister. During the proceedings the Judge discovered injuries while in the care of their aunt consistent with accidental falling. Again the Children were removed in Feb 2022, June 2022 and again on April 17th, 2023 for concerns of laundry, cleanliness, and concerns of my mental health and substance use. The person CPM Christina Maldonado from the Bronx safe horizons kept directing corporation counsel Abbe Kalnick to constantly file removals and remand orders against the family. Bronx Family Court Judge Peter Passidomo was concerned with Ethical and discriminatory conduct from counsel and ACS CP supervisor Christina Maldonado, reminding them of our rights and that

federal law prohibits discrimination or disenfranchisement of low income families who have members or who themselves are Americans with disabilities. That in of itself according to the Bronx Family Court did not warrant or attribute removals under the 1024 Emergency Removal Act, Hon. Passidomo also informed the court that the Family Court Act still requires court adjudication and that ACS should not be using NYPD to facilitate or to assist in removals when the matter is considered a civil matter. ACS during every removal has utilized NYPD and FDNY

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EMS to facilitate unlawful removals as the EMS officials themselves continued to state to Both NYPD and ACS that this is a “legal limbo that could bring civil liability to them carrying out their responsibilities”. NYPD Special Victims Unit Detective Leslie Yuhas even responded to a removal in april of 2022 because our landlord and management failed to provide Radiator covers to protect the children from burns stated to me that “ACS needs to stop calling in cases to the SCR and OCFS as that is highly prejudicial. Me and Mr. Gonzalez have resided in a NYCHA section 8 apartment where NYCHA failed 2 inspections due to “management being noncompliant with housing repairs, basic heating and lead free paint to be used in the repairs,leaks and rat/roach infestation, also a fire occurred in our building on nov 30th 2023 where a ACS case was called in maliciously against the family, CPS Courtney Mayers disclosed to us on Feb 2024 that the complaint was malicious and dismissed the finding as unfounded. On April 17th 2023, Sofia was removed for a bruise on the forehead area, CPS Sakinya Switzer informed us that she was “directed to remove the children with the approval of CP supervisor Christina Maldonado. She also disclosed that Hope's former foster mother, Irma Negron whom we informed to the court currently keeps contacting me to solicit visits with regards to my daughter Hope, had an investigation opened up on her due to a child with cerebral palsy having bruises from head to toe. She then informed us the investigation was unfounded and did not state why but her tone and the way she explained it to us was very concerning. We suspect she may have feared retaliation from Maldonado due to the children being returned 4 days later after hon. Passidomo instructed ACS to return the children forthwith, when Sofia returned on April 22, 2023 she had a bruise in her cheek area from being at SARC. When I asked the ACS worker Caitlin Marten she informed us Sofia fell at SARC. The children were being removed for injuries

in our care but when the children were placed with their respective godmother and previously their paternal aunt, ACS did not require medical intervention for the children. We think that's highly unfair and for the sake of perception it reveals to me and Mr. Gonzalez that was done with the intention of targeting me and stating that we wouldn't be providing reasonable medical care with respect to the children. On April 19th 2024 a year later after the case was called in on April 18th of 2023 another case was called in by Vibrant child care coordinator Isabel Lahn Schroder Hope's child care management social worker, and the children were subsequently removed. They were once again placed with their paternal aunt on April 24th 2024, The aunt after having disagreements and confrontations with Mr. Gonzalez and myself decided to contact ACS to retake custody of the children on June 6th 2024, the following day the children were placed with their godmother. In July 2024 Children's Aid Society received the case. In August of 2024 we did not see the children for approximately 2-3 weeks due to the Godmother/Foster Mother having to bring them to appointments. Hope who was diagnosed with O.D.D by Union Settlement Psychiatrist Dr. Shapiro and Social Worker Vincent Calenda who has been Hope's mental health provider since Sept 2023 passed on the week of July 17th, 2024. Both professionals informed me and Mr. Gonzalez that Hope is susceptible and coachable to fabricate and make statements or claims that could harm the family as she has stated to Detective Santiago and Officer Perez that I had bit Hope, when she was medically assessed it was determined that there were no bite marks. We've had Vibrant preventive on our case as well as self help, a homemaking agency assigned by the court to assist with child care and daily routines of child care in the home as well as advising and assisting with me and Mr Gonzalez on how to improve our child care skills and also Children's Aid Safeways program. ACS had also somehow made

allegations to Mr. Gonzalez of inappropriate nature recently as well as previously, the children have always been assessed and doctors keep saying that there are no concerns and that those allegations are highly prejudicial against Mr Gonzalez. As a Victim of Sexual Abuse i have observed and can state that MR. Gonzalez never gave me that feeling and I supervise his interactions and have never gotten that feeling of impropriety. Parenting isn't easy. We learn through trial and error and life teaches us lessons that give humility and compassion for others. I can say I have relapsed on occasion due to my personal trauma from my past as well as that of being a foster child who was adopted by a wonderful nurse for a mother and a fantastic world war 2 veteran father as well as my current partner mr gonzalez a veteran himself. I admit i didn't always make the right choices and that i was wrong, i can admit that i am very honest to a fault and that i made mistakes but through support, unconditional love, forgiveness and someone to willingly tell me that i deserve a chance to fix my mistakes and to teach these lessons to my daughters so that as they get older they learn how to navigate the road of life which is complicated, that if we fight for our chance to show we want to change for the better that the opportunity be given. I had a ACS Manager Named Calbert green tell me that "how would we know you wouldn't prostitute your children" or ACS CPS employee Nicole Henry telling me prior to her termination with cause from ACS that "she had friends and would make sure id never have any of my children ever" the courts my mental health providers, my PCP and health experts as well as Bronx Defenders, Children's Aid Safeways, Acacia Network DHS, and Self Help advocating, teaching advising me and overall Mr. Gonzalez, my Partner whom I love and advocates for me as well as my mother Alice, are all betting on me to break my cycle of being a foster child and building my own family. I am giving

this testimony to point out the flaws with respect to the family court act and how to address them in order to improve the child welfare system and give parents the power to be involved more,

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collaborate on a effective child care plan in the best interests of children, being humanistic with respect to this, provide more resources to assist with issues such as housing, health, mental health and to be able to coordinate with other agencies more efficiently, and finally respecting families with disabilities and mental health and showing them that even a person with disability has the capability of raising their children whether the village wants to help or not as Mr. Gonzalez says “it takes a village to raise children, but we have to make sure the other villagers are on board and agree with the parents because at the end of the day i carried 4 lives and facilitated their development and opportunities also my kids should not suffer for my mistakes nor are they pawns in any sort of political agenda based on the opinions of professionals especially when there is no consensus. The removals have also impacted my daughters psychologically especially with my Daughter Hope asking when they are coming “back home”, My attachment to them and love for them is unconditional and i sit and shed tears because i miss their presence, the conversations about their academic performances my daily routines with my daughter to spend time with them after homework, Mr. Gonzalez makes a 3 course dinner every night for all of us to sit and talk when the children are home. The instillment of family values and the consistent presence of the children and also feeling like i have failed my children especially hope who asks if its her fault this is all going on which isn't her fault, when in fact i am absolutely trying my hardest to do everything humanly possible to develop more as a mother and to enjoy the personal growth which i have walked on for the last 6 years of my life. Experiencing unsafe housing and a neighborhood where drug usage is rampant, sex offenders walk in nude, heroin needles being

laid out on public sidewalks and lacking consistent police presence. I want to be realistic and point out the reality and struggles every day Bronx residents like myself experience and to point

09/13/2024

out the substance part that is very triggering to see when recovering and abstinent from addiction that actually triggers me and I have to fight my demons in the “lion's den” so to speak. Along with those concerns i have had to deal with Sexual Assault from a convicted offender in the the neighborhood that I currently reside.i continue to improve and the services that were in place has benefitted my goals with my family. I want to be able to thrive and succeed but as a vulnerable new yorker I need support and advocacy to address these concerns. I hope my testimony appeals to your humanity and feelings as mothers and women enduring the changes that are rapid and evergoing in society every day.

I am asking that this city council draw up a human rights law and mental health law granting federal level protections and requiring that ACS, Preventive CBO's and Homemaking services be offered, that ACS should require a court order in certain instances to remove children as opposed to abusing the 1024 emergency removal act without leave of court, to remove and expunge any substantiated claims of abuse from the OCFS SCR and finally to classify ACS as a peace officer in order to remove qualified immunity for Civil claims. Also to disclose parental rights and warning to families upon first contact with ACS, Requiring a NYPD Civil Enforcement Division to Liaise with ACS and NYPD Special Victims as we as well as passing laws granting more stringent protections to those with disabilities such as myself and my daughter Hope, also requiring HHC hospitals to preserve the guidelines of HIPAA Privacy with respect to child care matters by requiring HHC doctors to not disclose substance use to ACS unless there are valid concerns and not just substance use as a single factor, and finally to require

that schools instead of immediately calling ACS to report injuries that may be suspect confirm with parents and medical professionals as not to jump to conclusions.

Thank you for your time and i hope this appeals to your humanity as mothers and parents

Yours Truly,

Tabitha Maria Commonis

Immigration & Children and Youth Committees, hearing date 10/15/24
Written Testimony

To Whom it May Concern,

I am a community organizer and educator living in Bushwick. I have experience as a classroom teacher, and have worked with a number of nonprofits and community organizations to serve young people. Through my professional and volunteer work, I have ~10 years of experience in programs for youth, and I can confidently say the City has hugely failed the young new arrivals during the influx over the last few years.

Placing teens in adult shelters is a cruel and unnecessary misstep taken by the City. Many have felt safer living on the street than in the adult shelters. They need to be supported in a facility that offers wraparound services, with access to educators and other providers. They also need to know their rights as a person of a certain age group. Treating kids like adults sets them on a path of undue stress that can be addressed if they are with their age group and treated appropriately. NYC Public Schools also has transfer schools and other programs that these young people are entitled to seats in, that would provide them with an environment where they can get the care and resources they need. NYCPS has staff who can help with enrollment, and this would be more manageable if the young people weren't scattered across adult shelters that the DOE isn't engaging with. Groups like InsideSchools can help with finding seats and getting interpreters for the enrollment process, but it would be much more efficient and manageable if young people were in a stable living environment.

We have a collective responsibility to take care of children and youth, and it's imperative that the City step up and do so. As organizers, we have created soccer leagues, taken on kids through the SISJ as guardians, provided meals and english classes and more with no resources. The City has money available to fund these programs, and needs to redirect it appropriately.

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Name: Tom Tartaricci, Executive Director of Legal and Support

Address: _____

I represent: MoZA

Address: _____

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Name: Masha Gindler, Executive Director - Asylum Application

Address: _____ Help Center

I represent: OASO

Address: _____

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Name: Susan Haskell, Deputy Commissioner, Youth Services

Address: _____

I represent: DYCD

Address: _____

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Name: Amy Wilkerson, Assistant Commissioner, RHY Services

Address: _____

I represent: DYCD

Address: _____

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(PLEASE PRINT)

Name: Peninna Oren

Address: Borough Chief, Manhattan Family Court

I represent: Administration for Children's Services ^{Legal Services}

Address: _____

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(PLEASE PRINT)

Name: Luisa Linares

Address: Deputy Commissioner, Prevention Services

I represent: Administration for Children's Services

Address: _____

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(PLEASE PRINT)

Name: Stephanie Gendell

Address: Deputy Commissioner, External Affairs

I represent: Administration for Children's Services

Address: _____

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(PLEASE PRINT)

Name: Jeremy Kohomban

Address: Jkohomban@childrensvillage.org

I represent: _____

Address: _____

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(PLEASE PRINT)

Name: SARAH NOLAN

Address: [Redacted] Zoekw ny

I represent: Kids in Need of Defense (KIND)

Address: 292 W 37th St. NY NY 10018

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(PLEASE PRINT)

Name: Monica Vera

Address: _____

I represent: Kids In Need of Defense

Address: 252 W 37th St. New York NY 10018

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Date: 10/14/24

(PLEASE PRINT)

Name: Jamie Pawlowski

Address: 129 Fulton St NY, NY 10038

I represent: Coalition for the Homeless

Address: Same

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(PLEASE PRINT)

Name: Lauren Glassman Shore

Address: _____

I represent: _____

Address: glassmanlx@jccny.org

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(PLEASE PRINT)

Name: ADANA TRANT

Address: _____

I represent: ICARE

Address: _____

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Date: 10/15/2024

(PLEASE PRINT)

Name: Ydabui? alqia

Address: _____

I represent: The Children's Law Center

Address: 44 Court Street Brooklyn

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Date: 10/15/24

(PLEASE PRINT)

Name: Sierra Kraft

Address: _____

I represent: ICARE Coalition

Address: _____

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(PLEASE PRINT)

Name: Alexandros Acir

Address: _____

I represent: Ali Faraj Center

Address: _____

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(PLEASE PRINT)

Name: Kimberly Sanchez - The Legal Aid Society

Address: 199 Water St.

I represent: Legal Aid Society

Address: 199 Water St

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(PLEASE PRINT)

Name: Alexandra Rizio

Address: _____

I represent: Safe Passage Project

Address: 185 W. Broadway, NY NY

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(PLEASE PRINT)

Name: Damella Rohr

Address: _____

I represent: _____

Address: _____

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(PLEASE PRINT)

Name: Jorge Paz

Address: 248 23rd Street, Brooklyn 11215

I represent: Mittera

Address: _____

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in favor in opposition

Date: _____

(PLEASE PRINT)

Name: ASSANE DIENG

Address: _____

I represent: 21 years old

Address: _____

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(PLEASE PRINT)

Name: Mamedou _____

Address: _____

I represent: _____

Address: _____

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(PLEASE PRINT)

Name: Melissa Marie _____

Address: 100 Pearl St 19th Fl _____

I represent: NYLAG _____

Address: _____

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(PLEASE PRINT)

Name: ABENA HUTCHFUL _____

Address: _____ Brooklyn NY

I represent: Personal capacity _____

Address: _____

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(PLEASE PRINT)

Name: Mamadou Bioulde Diallo

Address: _____

I represent: _____

Address: _____

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Name: Christopher & Leon Johnson

Address: _____

I represent: Self

Address: _____

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(PLEASE PRINT)

Name: Laura Glasman

Address: _____

I represent: JCCA

Address: 57 Willoughby St. Brooklyn NY

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(PLEASE PRINT)

Name: Clara Valdivia

Address: 245 23rd, Brooklyn, 11215

I represent: Hixteca

Address: _____

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Name: DOVONOU Pierre

Address: _____

I represent: _____

Address: _____

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(PLEASE PRINT)

Name: Sharon brown Teter

Address: _____

I represent: Jamaica NY 11436

Address: _____

Brooklyn NY 11238
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(PLEASE PRINT)

Name: _____

Address: _____

I represent: _____

Address: _____

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