



**April 28, 2023**

**Testimony of Deputy Chief of Staff Jasniya Sanchez  
NYC Mayor's Office of Immigrant Affairs**

**Before a Joint Hearing of the New York City Council Committee on Immigration  
and Governmental Operations**

**Oversight Hearing: Meeting the needs of Asylum Seekers in NYC**

Good afternoon, Chairs Hanif and Ung and members of the Immigration and Governmental Operations committee. Thank you for holding this hearing. My name is Jasniya Sanchez, I am the Deputy Chief of Staff of the Mayor's Office of Immigrant Affairs (MOIA). I am joined by other agency colleagues, Dr. Albert Gamarra, Assistant Deputy Commissioner at IDNYC, and Carlos Ortiz, Assistant Commissioner of DCWP, who will be available for Q&A.

**Interagency Response**

NYC continues to lead the nation in its response to this unprecedented humanitarian emergency, with a coordinated, multi-agency effort that humanely meets the immediate, medium- and long-term needs of those who have arrived amidst this immigration crisis. Since last spring, the City has served over 57,000 asylum seekers. As of Wednesday evening, over 36,000 people were in the City's care at 110 emergency shelters and 8 HERRCs. The lead agencies on this have been the Department of Homeless and Department of Social Service (DHS/DSS), Health and Hospitals, NYC Emergency Management (NYCEM), MOIA, and most recently NYC Housing Preservation and Development (HPD), as they operate, they City's newest HERRC; with the entire City pitching in resources and staff to support these new arrivals. As of March 31, 2023, New York City alone has incurred more than \$817 million in costs related to housing and caring for the asylum seeker population. Over Fiscal Year 2023, the city anticipates spending \$1.4 billion, and \$2.9 billion in Fiscal Year 2024. This means an estimated total of \$4.3 billion will be spent by June 30, 2024.

**Shelter**

This administration's efforts to date, to provide shelter and numerous other support services, as we have shared in previous hearings, to approximately over **57,000** asylum seekers, who have arrived since last spring, have been extraordinary. We continue to receive approximately 200 asylum seekers each day, becoming a humanitarian emergency that has put an enormous strain on the shelter system. Due to the urgent demand for beds for those arriving daily, the city has opened 110 new emergency shelters.

**Navigation Center and Satellite Locations**

The City's first Asylum Seeker Resource Navigation Center — operated by Catholic Charities of New York through a city contract, opened on September 15, 2022. It serves as a central place where newly arrived asylum seekers receive free and confidential help to access a variety of important services and resources, including health care, education, and immigration legal services, that will help them integrate and thrive in New York City. These services are also available at shelters across our city. The center continues to support individuals and families who have arrived in New York City on or after January 1, 2022.

The opening of the Navigation Center was shortly followed by the opening of 12 satellite locations across the city in late December.

As of April 21, 2023, the Navigation Center has served 14,462 individuals across 6,149 households. As of the latest figures from the satellite sites, 9,036 individuals have been served. In total across the system, 23,498 individuals have been served.

## **Legal**

New York City invests tens of millions of dollars annually into immigration legal services, recognizing that immigration legal services are a tool of empowerment for immigrant New Yorkers and their families. Legal services can help immigrant New Yorkers stabilize their immigration status and access jobs, health insurance, and education, ultimately benefiting New York City as a whole.

In response to the surge of recent arrivals, so far, the City has provided more than 4,000 newly arrived asylum seekers with legal orientations and has piloted multiple screening and asylum application assistance events. The Adams administration has also allocated \$5 million in new immigration legal funding for the Asylum Seeker Legal Assistance Network (ASLAN) across FY23 and FY24. This funding will expand access to immigration legal information, orientation, individual consultations, brief advice, and application assistance for asylum seekers. We are currently finalizing the ASLAN program model, for public release soon.

## **Continued Advocacy**

As this administration has said time and again, New York City cannot do this alone. Last week, our Commissioner, Manuel Castro joined Mayor Adams in a national call to our federal government to provide much needed additional support and use every tool at their disposal to create pathways, for both those who are already here as well as our newest arrivals. There are concrete steps that the Federal government can take right now to expedite work authorization for asylum seekers.

These include re-authorizing Temporary Protected Status (TPS) to a more recent date and extending the eligibility period, allowing a higher number of asylum seekers to access TPS protection, and to receive work authorization for Venezuela, Honduras, El Salvador, Nicaragua, Guatemala, Sudan, South Sudan, and Cameroon; providing access to humanitarian parole for asylum seekers in the US and at border crossings; and providing additional USCIS officers to process key application types which would significantly reduce processing times.

## **Conclusion**

Finally, it is critical that the council, the state, and the federal government work with the Mayor's Office of Immigrant Affairs and the administration to further confront the challenges of this complex humanitarian emergency. I want to be clear that no other City has stepped up to receive thousands of asylum seekers, the way New York City has - all while providing resources and services to over three million long time immigrant New Yorkers. Our office looks forward to the Council's partnership in calling on the federal and state government for support.

Thank you and I look forward to your questions.



PUBLIC ADVOCATE FOR THE CITY OF NEW YORK

**Jumaane D. Williams**

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**STATEMENT OF PUBLIC ADVOCATE JUMAANE D. WILLIAMS  
TO THE NEW YORK CITY COUNCIL COMMITTEES ON GOVERNMENT  
OPERATIONS AND IMMIGRATION  
APRIL 28, 2023**

Good afternoon,

My name is Jumaane D. Williams, and I am the Public Advocate for the City of New York. I would like to thank Chairs Ung and Hanif and members of the Committees on Government Operations and Immigration for holding this hearing today. I am here to advocate on behalf of Res. 0556-2023, which calls on the New York State Legislature to pass, and the Governor to sign, Senate Bill S.999 and its accompaniment, Assembly Bill A170.

This bill, also known as the Access to Representation Act, establishes the right to legal counsel in immigration court proceedings. Access to representation in immigration proceedings makes a difference: detained immigrants with lawyers win their cases at 10.5 times the rate of those who don't have legal help. For those who have not been detained, 60% of defendants with lawyers win their cases compared to 17% of those without a lawyer. We know that at the intersection of immigration and the criminal justice system, people of more color are disproportionately impacted.

In the past year, New York City has received over 57,000 asylum seekers and 35,000 still remain in our city today. Many of them cannot find representation with immigration clinics at capacity due to the influx and a significant case backlog.

In addition to guaranteeing the right to legal representation, Res 556 calls on the legislature to invest a total of \$100 million in legal services for FY24. Over half of this investment, \$55 million to be exact, would be allocated to legal representation for people in immigration court as well as recruitment and training of legal teams. To ensure ongoing support and expanded coverage for legal services, \$35 million would be allocated, ensuring aid to people with cases related to citizenship, DACA, temporary status, family reunification, etc. Finally, \$10 million would be allocated to fund rapid response services as well as education and outreach efforts.

Universal representation is key to ensuring that New York State's immigrant communities remain safe, stable and strong. I urge the City Council to pass this Resolution and further call on our state partners to sign and pass S.999/A.170. Thank you.

**Testimony of Win (formerly Women In Need, Inc.) for the New York City  
Council Committee on Immigration Jointly with the Committee on  
Governmental Operations  
April 28<sup>th</sup>, 2023**

**Introduction**

Thank you to Chair Hanif and Chair Ung and to the esteemed members of the Committee on Immigration and the Committee on Governmental Operations for the opportunity to submit testimony. I am Dr. Henry Love, the Vice President of Policy and Planning at Win. Win is the nation's largest provider of shelter and services to families with children experiencing homelessness. We operate 14 shelters and nearly 500 supportive housing units across the five boroughs. Each night, more than 6,500 people call Win "home", including 3,600 children — in total, we house over 14 percent of homeless families with children in New York City.

**The State of Homelessness and Immigration**

Win has always welcomed immigrants to our shelters, and we are committed to ensuring a safe place to rest, heal, and recover for all New Yorkers in need, regardless of their immigration status. As the immigration crisis has grown in New York, so has the homelessness crisis. Currently, more than one third of our clients are immigrants. Our clients have overcome ineffable adversities in their journey to America, escaping gang violence and political and racial persecution. Before arriving at a Win shelter, one of our mothers was receiving continuous threats from the same gang that had already killed her partner. She told us, "They would tell me they were going to kill me with my children." Knowing what the gang was capable of, she left to save herself and her children from a violent death. For many clients, leaving their homes for America was a matter of life and death. However, without government intervention, most of these families will be reliant long term on the City for high-cost emergency shelter and resources, as they are unable to access housing assistance or other basic city, state, and federal safety net supports.

There must be a local, state, and national response to improve the outcomes of these families, who are eager to work and contribute to their communities. Win is asking that the city, state, and federal governments mobilize to expedite resources to New York City and to help organizations cover the costs that were incurred while providing services for which they do not receive funding. Additionally, we are supportive of proposed legislation to facilitate orientations for immigrant New Yorkers and to provide increased access to vital documents like IDNYC and Employment Authorization Documents. We have also seen the demand for legal services increase, and we echo the Council's call for access to representation for all individuals with immigration court cases. Finally, we are proposing commonsense housing policies like ending the 90-Day Rule and making the City Family Homelessness and Eviction Prevention Supplement (CityFHEPS) available regardless of immigration status to free up shelter capacity and pave a pathway to permanent housing for asylum seekers.

## **Dignified Receptions and Increased Access to Identification for Migrants**

Within New York City, we must improve the experience for New Americans through all possible means. Currently, immigrants experiencing homelessness rely entirely on shelters and nonprofits to provide clothing, food, and vital resources. Since the summer, we have bought frozen chickens and refrigerators, while also providing cash for laundry and haircuts—items and services that other documented families can access on their own. Our staff have also had to provide orientations and assemblies for immigrants, as these families often arrive with no knowledge of city services, their rights, and their legal options.

There must be increased support for the direct-service providers working with immigrants so that families can continue to be welcomed with dignity. To begin, Win supports Res. No. 532 and joins the Council in calling on Governor Hochul to declare an emergency under Section 2-B of New York State Executive Law to direct funds, administrative resources, and services to aid asylum seekers forcibly transported to the City by the governors of other states. From the federal government, we ask the Federal Emergency Management Agency to award \$650 million in reimbursement and support Res. No. 365 sponsored by Council Member Brewer to prompt the United States Department of Health and Human Services to prioritize refugee settlement resources to New York City.

With these funding and resources, we ask the City to commit to reimbursing providers for the additional costs that were incurred by providing basic necessities not covered in their contracts and should create flexibility for providers to use money from unfilled staff lines to pay for the unique human capital needs related to the migrant crisis, such as critical translation services. Spanish speaking staff are stretched thin trying to meet the newfound needs of migrant families, and shelters need funds to employ additional bilingual workers who can provide trauma-informed care to Spanish speaking families and children.

There also needs to be a city solution to orient new arrivals. We are thus supportive of Int. No. 839 sponsored by Council Member Hudson to establish an Office of Refugee and Migrant Settlement that would coordinate short- and long-term access to relevant resources for immigrants, although we would like to see eligibility expanded to all interested immigrants. While there has been a large influx of asylum seekers in recent months, many of our long-term stayer families are also immigrants who would benefit from an Office of Refugee and Migrant Settlement. As one immigrant mother from Jamaica told us, “I’ve been here so long... My daughter was basically raised in the shelter system. I don’t want that for her.”

Win clients also frequently arrive at our shelters without any vital documents, since their identification is taken by U.S. Customs and Border Protection. IDNYC is an immediate solution to this problem, serving as identification and allowing access to city resources and institutions. We support Int. No. 790-A sponsored by Council Member Brewer to allow additional documents to establish eligibility and proof of identity for IDNYC and Int. No. 909 sponsored by Council Member Hanif to establish administrative improvements to the agency overseeing IDNYC.

## **Access to Legal Representation and Improved Immigration Court Proceedings**

Legal assistance is imperative for asylum-seeking families, who must submit asylum applications and work authorization forms to be eligible for safe employment and benefits. Our clients want to work legally and support themselves independently; however, it has been almost impossible for families to find affordable and trustworthy legal help for their immigration cases. For one of our clients, a Garifuna refugee from Honduras, it took nearly one year to find a pro bono attorney to take on her asylum case. This delay is extremely concerning for immigration cases, as asylum claims must be submitted within a one-year deadline of an individual arriving in the United States. Families who arrived here in the past year are at risk of having their asylum cases timing out, and immigrants eligible for asylum are denied status only because they lack an attorney or legal advocate to oversee their cases.

To help these families, Win has started our own in-house Legal Empowerment for Asylum-Seeking and Displaced families (L.E.A.D.) pilot program. This program conducts a series of legal clinics and provides additional resources to support asylum-seeking clients through the US immigration process. L.E.A.D. is a partnership between Win, the legal non-profit NYLAG, and the immigration law firm Fragomen, Del Rey, Bernsen & Loewy LLP, and this unique collaboration approach between law firms and nonprofits can serve as a program model as the city responds to an increased demand for legal aid. So far, through the L.E.A.D. Pilot Program, Win has helped over seventy families with their asylum claims and started them on their path to legal status.

However, there is still work to be done, and the many asylum seekers not living at Win shelters are still in need of legal services. The government should be providing legal representation to uphold the integrity of the law and assure fair proceedings, and New York City can lead the charge to increase the availability of immigration attorneys for those in need. At the state level, we echo the Council's call on the New York State Legislature to pass and the Governor to sign [A.170/S.999](#), also known as the Access to Representation Act, which establishes the right to legal counsel in immigration court proceedings and provides for the administration thereof. Similarly, in Congress, we support the Fairness to Freedom Act, [H.R. 2697](#), [S. 1187](#) to provide counsel at government expense to children and vulnerable individuals in any immigration proceeding. For children who have to go through the legal process alone, we join City Council in calling on the United States Congress to pass and the President to sign the Children's Safe Welcome Act of 2022 [S. 4529](#) which would require counsel for children in immigration proceedings and prohibit children being separated from their guardian while in custody.

To further expedite the immigration process, we ask for Congress to pass the Asylum Seeker Work Authorization Act, [H.R. 1325](#), to amend the required and arbitrary wait time (EAD clock) for asylum seekers to access work authorization from 180 to 30 days and for the United States Citizenship and Immigration Services to quickly clear the backlog of I-765 applications for employment authorization, Res. No. 307-A. For our clients and community members who are working without documentation, we need to preserve their ability to do so safely. We support Int. No. 569-S sponsored by Chair Hanif to publish and make available an immigrant workers' bill of rights and agree with Res. No. 459 to call upon the New York State Legislature to pass, and the

Governor to sign, [A.568/S.1802](#) prohibiting municipalities from requiring all employers to check prospective employees' work authorization and prohibiting employers from checking the employment authorization status of an existing employee or an applicant who has not been offered employment.

### **Immediate and Long-Term Housing Solutions**

The immigration crisis is a homelessness crisis, and we need immediate and long-term solutions to house aspiring Americans. Our shelter capacities are at less than 1 percent, and there is an urgent need for available beds for the thousands of migrants that are expected to arrive in New York City and seek emergency shelter in the coming months. By repealing the 90-Day Rule, which senselessly requires families to remain in shelter for an arbitrary 90 days before they can even apply for rental assistance, New York can immediately help increase shelter capacity and prioritize moving families who are eligible for vouchers out of the system. The City Council should pass Intro. 878 sponsored by Deputy Speaker Ayala to eliminate the 90-day rule.

Finally, we also want to call attention to the fact that the City has the jurisdiction to expand additional housing subsidies and resources to migrant families. Our immigrant clients deserve long-term solutions and pathways to permanent housing. Currently, immigrant families are denied subsidies to which other residents are entitled. "If I weren't an immigrant, my experience in shelter would be much better," said one of our noncitizen clients. "The reason is because an American born child is worth more than an immigrant—they can't compete with an American child; they don't have the same opportunities." Presently, these vulnerable families and children are ineligible for rental assistance vouchers, a denial that is exacerbating the capacity crisis and trapping noncitizens in transitional housing shelters. We believe that New York City has the authority to act unilaterally and should expand CityFHEPS to all households in need, regardless of their immigration status.

### **Conclusion**

The current immigration crisis is a global phenomenon that requires a coordinated effort between the city, state, and federal governments. I am here today on behalf of the hundreds of asylum-seeking families living at Win shelters to ask for the passage of the proposed immigration reform. Providers need additional resources so that we can support our clients, and these families need access to legal support, work authorization, and housing benefits so that they can have an equal chance of realizing the American dream: "If I were to speak to politicians," said one of our clients, "I would ask that they especially help the families with kids, because our children will provide tax dollars for this country, and we have just and studious children. If you give us the opportunity to work, to live independently, our children will give their expertise and earnings to this country." Please help these children and others establish themselves as the next generation of New Yorkers.

Thank you.

## Federal Action Required:

# Homelessness & the Immigration Crisis in NYC

### The Immigration Crisis is a Homelessness Crisis

Win is the country's largest provider of shelter and supportive housing to families with children experiencing homelessness.

Win provides housing and shelter for:

- More than 11,000 people **each year**
- Over 6,000 people including nearly 3,500 children **each night**

We have always welcomed immigrants to our shelters and are committed to ensuring a safe place to rest, heal, and recover for all New Yorkers in need.

In the United States, immigration and homelessness are inextricably linked. This past year, thousands of asylum-seeking families with children have arrived in New York City, the majority entering the shelter system. Without federal intervention, most of these families will remain in high-cost emergency shelter, as they are unable to access housing assistance or other basic federal, state, and local safety net supports.

More than **1 in 3** Win clients in shelter are immigrants

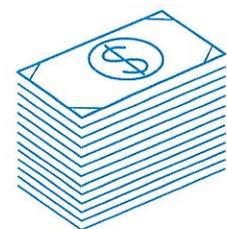
*Win is calling on the federal government to financially contribute its fair share and provide the means for asylum seekers to support themselves through expedited work authorization, expanded access to federal benefits, and legal support.*

- 1 FEMA should award New York City \$650 million in reimbursement for costs associated with providing shelter and other essential services for asylum seekers.**

*"They've helped us with everything in shelter: School, housing, metrocards."*

—Win client & mother of four

Despite the immense challenges posed by the influx of asylum seekers, New York City has stepped up and provided essential resources and support to the newest New Yorkers. In the absence of adequate federal humanitarian aid, New York City has had to shoulder the high costs of the influx of asylum seekers almost entirely on its own. Without additional federal resources, the City has not been able to increase funding to organizations like Win that are providing services to asylum seekers, leaving New York City and front-line organizations with major budget deficits.



**\$650m**

needed to provide shelter and other essential services for asylum seekers.

2

**Congress should pass H.R. 1325 (Rep. Pingree, Chellie [D-ME-1]), the Asylum Seeker Work Authorization Act, to amend the required and arbitrary wait time (EAD clock) for asylum seekers to access work authorization from 180 to 30 days.**

*“If I were to speak to politicians, I would ask that they help us with work authorization. Because when we work, we devote ourselves fully to it, with our heart and care...I would ask that they especially help the families with kids, because our children will provide tax dollars for this country, and we have just and studious children. If you give us the opportunity to work, to live independently, our children will give their expertise and earnings to this country.”*

—Win client and mother to 3-year-old daughter

Our clients constantly emphasize their eagerness to work legally and safely. A stable job will allow families to move out on their own or qualify for housing subsidies. For employment, families need to receive work authorization as soon as possible after they’ve submitted their asylum claim.



**Pass the Asylum Seeker Work Authorization Act to amend the required and arbitrary wait time for asylum seekers to access work authorization from 180 to 30 days.**

3

**Congress should extend benefits like the Supplemental Nutrition Assistance Program (SNAP), Children’s Health Insurance Program (CHIP), Temporary Assistance for Needy Families (TANF), and the Supplemental Security Income (SSI) to noncitizens and lift the federal five-year bar to these benefits with the LIFT the BAR Act, H.R. 5227 (Rep. Jayapal, Pramila [D-WA-7]).**

*“If I weren’t an immigrant, my experience in shelter would be much better...the reason is because an American born child is worth more than an immigrant—they can’t compete with an American child; they don’t have the same opportunities.”*

—Win client and mother to 6-year-old son

Immigrants are denied essential, lifesaving benefits that other Americans receive. Instead, they are forced into unsafe situations or receive subpar and expensive emergency response services. Community based providers shoulder these costs without compensation.



**Extend benefits with SNAP, CHIP, TANF, and SSI to noncitizens and lift the federal five-year bar to these benefits with the LIFT the BAR Act.**

4

**Congress should pass the FAIR Proceedings Act, S. 901 (Sen. Gillibrand, Kirsten E. [D-NY]) to provide counsel at government expense to children and vulnerable individuals in any immigration proceeding.**

*“Since I arrived in Texas, I’ve been looking for a lawyer. I’ve been on the internet to see how I can secure one, but it costs so much. I called a few immigration lawyers one day and began to speak with them, but once they told me the price to open a case, my god, I said that I would have to just continue living here illegally.”*

—Win client and mother to 3-year-old daughter

Eligible immigrants are often denied citizenship status only because they lack an attorney to oversee their case. Access to representation is paramount to upholding the integrity of the law and assuring fair proceedings, yet the country’s most vulnerable immigrants are often unable to afford legal representation or to access aid.



**Pass the FAIR Proceedings Act, S. 901 to provide counsel at government expense to children and vulnerable individuals in any immigration proceeding.**

## ELIMINATE THE 90-DAY RULE

# Move Families Out of Shelter Now

The New York City shelter census is growing at an alarming rate, and too many New Yorkers remain stuck in shelter due to solvable administrative issues and illogical rules related to New York City's rental assistance voucher, CityFHEPS. In particular, the archaic and cruel "90-day rule," which requires families to remain in shelter for an arbitrary 90 days before they can even apply for rental assistance forces families to stay in shelter months longer than they need to, unnecessarily costing the city thousands of dollars per family per month, while prolonging an already traumatic experience.

### Why eliminating the 90-day rule is necessary

Mayor Adams recently stated that due to an influx of asylum seekers, the city's shelter systems is "nearing its breaking point".<sup>i</sup> Yet, the 90-day rule remains in place, blocking a critical path out of shelter for New Yorkers for months, needlessly exacerbating this capacity crisis. Eliminating this illogical rule would allow providers to start helping homeless New Yorkers apply for—and find—permanent housing faster.

As the city grapples with an ever-growing influx of immigrants, many of whom are wrongly ineligible for any form of rental assistance, it is even more critical to prioritize moving families who are eligible for vouchers out of the system. By repealing the 90-day rule, the city can immediately help increase shelter capacity.

Win along with more than 40 other groups is calling for this senseless rule to be eliminated.

### Benefits of eliminating the 90-day rule

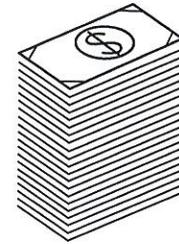
The sooner families can start looking for housing, the sooner they can move out of shelter, which is especially true in New York City's extremely competitive housing market. For families at Win, who typically have young children under the age of 6, the average length of stay in shelter is 16 months. By eliminating the 90-day rule, families in shelter could start looking for housing on Day One, rather than waiting months to even begin their search. Although some have argued that eliminating the 90-day rule will lead to an influx of families seeking shelter to get a voucher, the same argument was proven false when the CityFHEPS voucher amounts were increased under Intro 146. Ensuring that families can move out of shelter as quickly as possible will both help alleviate the shelter capacity crisis and save the city money.

In fact, moving families out of shelter and into permanent housing is much more cost effective for the city—even when vouchers are involved. The average daily cost to house a family in New York City Shelter is \$188, while CityFHEPS vouchers cost just \$72 daily, a savings of \$116 per day or nearly 62 percent.<sup>ii</sup> For every week that a CityFHEPS eligible family remains in shelter as opposed to moving into an apartment, it costs the city \$814. By forcing families to stay in shelter three months longer than necessary, the arbitrary 90-day rule, costs the city at least \$10,500 per homeless family.

Eliminating the 90-day rule is a commonsense reform that will help families move out of shelter faster, while also saving the city a substantial amount of money.

# \$10,500

The wait period imposed by the 90-day rule is costing the city more than **\$10,500** per family.



**AVERAGE  
DAILY COST  
OF SHELTER**



**AVERAGE  
DAILY COST  
OF CITYFHEPS**

The average daily cost to house a family in New York City Shelter is **\$188**, while CityFHEPS vouchers cost just **\$72** daily.

# \$116

Housing a family with CityFHEPS, as opposed to in a shelter, saves the city **\$116** per day.

- i. Newman, Andy. (2022) Adams Wants to Reassess a Shelter System 'Nearing Its Breaking Point.' *The New York Times*. <https://www.nytimes.com/2022/09/14/nyregion/homeless-shelters-nyc-adams.html>
- ii. Ceron, Ella. (2022) NYC Mayor Urged to Abolish 90-Day Shelter Rule Amid Migrant Influx. *Bloomberg* <https://www.bloomberg.com/news/articles/2022-09-20/new-york-mayor-eric-adams-is-pressured-to-abolish-homeless-shelter-rule?leadSource=uverify%20wall>

**win**

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# Strengthen Mental Health in Family Shelter

## Clinical services for long-term stability

**SUMMARY:** Provide Enhanced Mental Health Supports in Family Shelter

**Estimated cost of mental health care in family shelters: \$40 million/year.<sup>1</sup>**

Untreated trauma, mental health needs, and substance use disorders destabilize families and contribute to homelessness.<sup>2</sup> The time a family spends in shelter is an opportunity to eliminate barriers to mental health care by uncovering needs, destigmatizing them, and initiating treatment. To truly support family success in their journey toward wellness and permanent housing, family shelters need clinical resources. By passing Intro 0522, the City Council would direct DHS to fund one clinician per 50 families to provide at least the following services on-site:

- Diagnosis of mental illness
- Initiation into treatment
- Follow-up and coordination of clinical treatment plans
- On-site psychotherapy

### THE PROBLEM

Families experiencing homelessness must overcome a range of mental health challenges as they work toward permanent housing. Families are dealing with issues that can range from unhealthy coping behaviors and substance use borne of trauma, post-traumatic stress disorders, mild situational depression, to severe anxiety disorders and psychiatric conditions at higher rates than the general population.<sup>3</sup> Not surprisingly, unmet needs can erupt into crisis incidents; in the first six months of fiscal year 2022, ten incidents in Win shelters necessitated psychiatric hospitalizations.

Far too often, the mental health of families goes overlooked or untreated, even in shelters. The stigma sometimes assigned to mental illness is a barrier that prevents many from seeking care or acknowledging their own mental health. And for extremely low-income families who are exploring or seeking mental health services or help with substance use, lack of an entry point to treatment or not knowing where to start, and a lack of access to the professionals who can diagnose and treat illnesses, are barriers to accessing needed services.

Providing these services on-site from trusted members of the shelter team reduces barriers and provides real access to psychotherapy and other treatment and supports for the year, on average, that a family spends in shelter. That year can make a lasting difference in the lives of families, including children and youth. Tragically, this opportunity is being squandered because family shelters do not have the dedicated, clinical resources needed.

New York City introduced social workers into family shelters in 2016. But even with this valuable resource, family shelters cannot provide the crux of mental health care: psychotherapy and medication. The funding amount and social work staffing pattern provided by the Department of Social Services allows for specialized assessment, referral, and brief counseling. But staffing levels and DSS directives preclude social workers in family shelters from providing therapy.

**The City Council can help address the unmet mental health needs of homeless families by funding and passing Intro 0522 directing the Department of Homeless Services to fund clinical mental health services in all family shelters.**

# Strengthen Mental Health in Family Shelter

## Clinical services for long-term stability (continued)

### THE SOLUTION

To provide healing and treatment that will support long-term housing stability for families, New York City must increase the availability of clinical services in family shelters. The City Council can accomplish this by passing Intro 0522, requiring DHS to provide clinical resources in all family shelters.

Clinicians (such as psychiatrists, psychologist, psychiatric nurse practitioners, and/or licensed clinical social workers) would work with families to destigmatize and shine a light on mental health challenges and treatment, initiate those in need into psychotherapy and other interventions, and provide care for families, children, and youth while they are in shelter. Clinicians would fill the gaps in clinical mental health services currently available in family shelter by:

- Initiating and providing regular counseling and psychotherapy as part of a service plan for families in shelter;
- Refilling medications on-site, as necessary and appropriate;
- Following up on and overseeing treatment plans for diagnosed mental illnesses and substance use disorders;
- Offering walk-in counseling and therapy for clients who are exploring, learning about, and taking the first steps toward receiving regular mental health care; and,
- Facilitating psychotherapy groups.

We estimate that the equivalent of one, full-time clinician is needed on-site for every 50 families that a family shelter serves. This staffing level would allow each clinician to provide more comprehensive, on-going services (regular follow-up and check-ins, therapy, and medication refills) for a caseload of an estimated ten to fifteen clients who are diagnosed for specialized, intensive clinical supports for mental health or substance use needs. Each clinician would also provide enough walk-in hours to serve another ten to fifteen clients who are exploring and learning about therapy, but have not begun regular treatment. At the same time, the clinicians will provide needed support to existing social workers, including running psychotherapy groups and intervening and de-escalating crises.

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1. Cost estimate based on shelter occupancy in fiscal year 2021. An increase in the number of families in shelter would necessitate an increase in services and funding.
  2. Chambers, C, et al. (2013) Factors Associated with Poor Mental Health Status Among Homeless Women With and Without Dependent Children. *Community Ment Health J.* 2014 Jul; 50(5): 553-559. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3883929/>.
  3. See, for example: Zabkiewicz DM, Patterson M, Wright A. A cross-sectional examination of the mental health of homeless mothers. *BMJ Open* 2014;4:e006174. doi: 10.1136/bmjopen-2014-006174.

*Saving families from homelessness and saving New York State millions*

# HAVP: A Lifeline for the Most Vulnerable

## Problem

There are 90,000+ New Yorkers without a home and 150,000+ households at risk of eviction.<sup>1,2</sup> As federal aid and eviction protections from the pandemic have lapsed and thousands of asylum seekers have arrived in New York, even more people across the state are at risk of becoming homeless. Housing vouchers are one of the best tools we have to fight homelessness—but they remain inaccessible to far too many New Yorkers.

## Solution

**New York State must include \$250 million in the budget for the NYS Housing Access Voucher Program (HAVP) to create a flexible, statewide Section 8 like voucher to be used by people at risk of or experiencing homelessness.**

HAVP can combat the homelessness crisis, providing up to 20,000 vouchers and helping as many as 50,000 New Yorkers avoid the trauma of homelessness. Cities and towns across the state will be able to use these vouchers to help people experiencing homelessness find permanent homes or issue them to low-income New Yorkers at risk of becoming homeless. Although HAVP largely mirrors Section 8, it will be more inclusive as it will be available to people regardless of immigration status or criminal record.

## Cost Savings

**Investing in greater housing stability will yield cost savings of at least \$67 million from decreased spending on shelter, hospital stays, prison, housing court, and more.**<sup>3,4</sup> It will save millions in reduced shelter costs for New York State, and, crucially, ensure that families avoid the trauma of eviction and homelessness.

Over time, changes in the New York City Department of Homeless Services (DHS) shelter census show that the introduction of rental assistance subsidies is correlated with a decline in the homeless population and associated costs. Unfortunately, the current vouchers in circulation are not available to most of our newest New Yorkers, which is why the shelter census has increased so much in the last year. The fact that HAVP will be available regardless of immigration status is essential for moving people out of shelter and into permanent housing. Although the vouchers currently available have been extremely effective, we need HAVP for those that don't have access to existing vouchers. The below table presents the DHS shelter census during years when there were changes to the available preventive and rehousing subsidy options.

Additionally, based on recently released projections from the NYU Furman Center, HAVP is more cost-effective than living in shelter.<sup>5</sup> Once the HAVP program reaches its full capacity, the Furman Center estimates that the state will spend \$83 million annually in New York City on vouchers to serve 2,997 households, a conservative estimate. In New York City, it would cost more than \$150 million to house that same population in shelter annually, assuming the lowest possible shelter costs.<sup>6</sup>

1. Tanya de Sousa, Alyssa Andrichik, Marissa Cuellar, Jhenelle Marson, Ed Prestera, and Katherine Rush, Abt Associates, "The 2022 Annual Homelessness Assessment Report (AHAR) to Congress, Part 1: Point-in-time Estimates of Homelessness," *The U.S. Department of Housing and Urban Development*, <https://www.huduser.gov/portal/sites/default/files/pdf/2022-AHAR-Part-1.pdf>.
2. "NYS Eviction Crisis Monitor," *Right to Counsel: NYC Coalition*, (March 19, 2023). <https://www.righttocounselnyc.org/evictioncrisismonitor>.
3. "A State-Level Rent Voucher Program," *NYU Furman Center*, (February 2023), 8. [https://furmancenter.org/files/publications/2\\_A\\_State-Level\\_Rent\\_Voucher\\_Program\\_Final.pdf](https://furmancenter.org/files/publications/2_A_State-Level_Rent_Voucher_Program_Final.pdf).
4. Sarah Stefanski and Jacob Berman, "Adams Increases Funds for Homeless Shelters, But More Needed for Shelters & Other Programs," *Focus On: The Preliminary Budget, New York City Independent Budget Office*, (March 2022), 2.
5. "A State-Level Rent Voucher Program," 8.
6. Sarah Stefanski and Jacob Berman, 2.

# DHS Shelter Census, Contextualized

## Values

- Sum of recent asylum seekers
- Sum of other shelter seekers

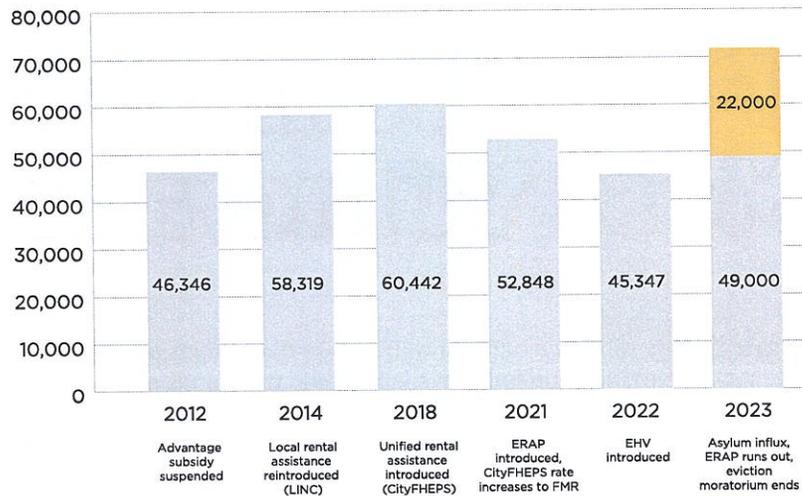


Table 1. DHS Shelter Census, Contextualized, by Catherine Trapani, Homeless Services United, March 2023. <https://www.nyc.gov/site/dhs/about/stats-and-reports.page>

HAVP will thus lead to anticipated savings on the city, state and federal level. In New York City, the city shoulders most shelter costs; however, this year, the state spent over \$140 million on shelter costs.<sup>7</sup> Additionally, the state controls the spending of the federal Temporary Assistance for Needy Families (TANF) block grant to provide state funding for social services for children and families in need. With the implementation of HAVP, the state could reallocate TANF funds currently spent on shelter to use the money instead for increases to cash assistance, childcare programs, case management, preventive child welfare, and other supports to promote family unity. Therefore, with the anticipated reduction in shelter population and spending after the introduction of HAVP, New York State could regain and reallocate some of the \$188 million that the Federal Government spends on temporary housing annually in New York City.

## Impact

**In FY22, 15 percent of families with children who exited shelter without a subsidy returned within one year, compared to less than 1 percent of families who exited with a subsidy.**<sup>8</sup> Long-term rent subsidies, like those offered by HAVP, are proven to reduce homelessness, increase housing stability, and promote beneficial outcomes for family well-being, including halving intimate partner violence, reducing adult psychological distress, and behavior problems for children.

Solving our housing crisis will require short- and long-term solutions. The Governor’s Housing Compact aims to create 800,000 new homes in the next decade, which is part of the solution to our housing crisis, though it will take several years. HAVP is a near-term solution that can deliver assistance today, and it will help ensure that low-income New Yorkers can access the new units created through the Compact. HAVP will also provide financial stability to building owners, ensuring a steady stream of rental income from low-income tenants.

As the shelter census and associated costs continue to rise, the State must take action to alleviate the homelessness crisis. We know that HAVP is a cost-effective tool that could significantly reduce homelessness in our state. We urge state leadership to pass HAVP now. Our families need and deserve this vital lifeline.

7. Claire Salant, “How Have City Costs Changed with Shifts in State and Federal Support for Homeless Shelters?” *New York City Independent Budget Office* (March 2023), 1-3. <https://www.ibo.nyc.ny.us/lboreports/how-have-city-costs-changed-with-shifts-in-state-and-federal-support-for-homeless-shelters-march-2023.html>.

8. Mayor Eric L. Adams, “Preliminary Mayor’s Management,” *The City of New York, Report*, (January 2023), 207. [https://www.nyc.gov/assets/operations/downloads/pdf/pmmr2023/2023\\_pmmr.pdf](https://www.nyc.gov/assets/operations/downloads/pdf/pmmr2023/2023_pmmr.pdf).



## **Testimony to the Committee on Immigration Jointly with the Committee on Governmental Operations**

**April 28, 2023**

Thank you to the committee chairs for the invitation and opportunity to present testimony.

My name is Noah Habeeb and I am the Immigration Clinic Director at the Ark at Congregation Beit Simchat Torah, known as CBST.

Congregation Beit Simchat Torah (CBST) is a vibrant spiritual community and a progressive voice within Judaism. Founded in 1973, CBST attracts and welcomes gay men, lesbians, bisexuals, transgender, non-binary, queer and straight individuals and families who share common values. Passionate, provocative, and deeply Jewish, CBST champions a Judaism that rejoices in diversity, denounces social injustice wherever it exists, and strives for human rights for all people.

Since 2019, we at the Ark at CBST have addressed the legal and other needs of primarily LGBTQ and HIV+ asylum seekers in New York City.

We have been doing this through pro se clinics, a legal empowerment strategy to increase access to justice by providing asylum seekers - who are not guaranteed the right to counsel - limited appearance representation and limited scope services so that they can file applications for relief and defend themselves in immigration proceedings.

We have provided this support to 1200 asylum seekers from over 50 countries who legal service providers are often unable to assist. We do this by training over 1,000 volunteers - including hundreds of law students in NYC - to provide case assistance with attorney supervision, and care and community support beyond legal needs.

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Given our mission to support pro se asylum applicants in the New York City area, we fully support Resolution 556 calling on the New York State Legislature to pass and the governor to sign the Access to Representation Act, which would address the needs we can only ameliorate through limited representation pro se clinics.

We also support Intro 790 to amend the administrative code of the City in relation to documentation establishing proof of identity for the IDNYC program and Intro 909 to amend the administrative code of the City to make IDNYC appointments more accessible.

I would like to share a few comments related to the IDNYC program. First, IDNYC is such an important program available to all New Yorkers, especially asylum seekers who often have their identification stolen on route to the United States, or by the US government, which systematically takes and even discards migrants' paperwork and identification.

Unfortunately, many of our asylum-seeking friends are unable to secure IDNYCs given the difficulty in scheduling appointments and current limited document list.

For example, parolees are often denied, despite having a valid I-94 because the IDNYC document rules stipulate that the I-94 must contain photo and fingerprint, which most versions of the I-94 do not contain.

Finally, while there is not enough time to adequately address the issue here, I'd like to encourage the council to continue to address the specific needs of LGBTQ and HIV+ asylum seekers as well as the needs of pro se applicants for asylum more generally. These needs can be met, in part, by increasing funding for pro se clinic such as the Ark at CBST, which meet the needs of pro se applicants that legal service providers are often unable to assist.

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## Coalition For Asian American Children+Families

**New York City Council  
Committee on Immigration, jointly with the Committee on Governmental Operations  
April 28, 2023**

**Testimony of Medha Ghosh, MPH, Policy Coordinator  
Coalition for Asian American Children and Families (CACF)**

Good afternoon, my name is Medha Ghosh, and I am the Health Policy Coordinator at CACF, the Coalition for Asian American Children and Families. Thank you very much to Chair Hanif and Chair Ung for holding this hearing and providing this opportunity to testify.

Founded in 1986, CACF is the nation's only pan-Asian children and families' advocacy organization and leads the fight for improved and equitable policies, systems, funding, and services to support those in need. The Asian American Pacific Islander (AAPI) population comprises nearly 18% of New York City. Many in our diverse communities face high levels of poverty, overcrowding, uninsurance, and linguistic isolation. Yet, the needs of the AAPI community are consistently overlooked, misunderstood, and uncounted. We are constantly fighting the harmful impacts of the model minority myth, which prevents our needs from being recognized and understood. Our communities, as well as the organizations that serve the community, too often lack the resources to provide critical services to the most marginalized AAPI New Yorkers. Working with over 70 member and partner organizations across the City to identify and speak out on the many common challenges our community faces, CACF is building a community too powerful to ignore.

CACF is in support of Intro Bill 0839-2022, as we believe establishing an Office of Refugee and Migrant Settlement would assist in ensuring that asylum seekers receive the care and services they need.

With the large influx of asylum seekers resettling to New York City in the past year, now more than ever, we must ensure that our healthcare system is linguistically accessible and culturally responsive for the Limited English Proficient (LEP) community, that includes asylum seekers.

Despite there being 76 language access policies targeting healthcare settings in New York, we have found that many LEP patients still report facing difficulties like being unable to find an interpreter that speaks their dialect or being unable to fill out paperwork because a translated version in their language does not exist. A lack of linguistically accessible services in healthcare settings can have grave consequences: more than half (52%) of adverse events that occurred to LEP patients in US hospitals were likely the result of communication errors, and nearly half of these events involved some form of physical harm.

As asylum seekers resettle to New York City, they carry with them an immense amount of trauma from the violent experience of being forced to leave their homes. It is crucial that the City

# CACF

## Coalition For Asian American Children+Families

works to ensure that asylum seekers can feel as safe as possible as they adjust to their life here. As they navigate the healthcare system, consistent access to quality language services is a necessary step to ensure their health concerns are fully heard and taken care of. This also includes mental health services, which must be both linguistically accessible and culturally responsive to asylum seekers' needs. For this to occur, our recommendations include:

- Investing in community-led and community-based language accessible and culturally responsive mental health resources.
- Prioritize the recruitment and retainment of multilingual mental healthcare professionals to ensure high quality care. Invest in a pipeline for people from marginalized communities to enter mental healthcare professions by funding programs that focus on addressing mental health disparities through increasing diversity in the mental health professions, including in our schools to ensure language accessible and culturally responsive mental health care for our students.

Overall, we see a need for more intentional collaboration between the City and community-based organizations to better identify language access and mental health services gaps in our communities and to find and implement solutions that will have a direct positive impact on the wellbeing of all our communities.

Thank you very much for your time.



Testimony of

The Coalition for Homeless Youth

on

Meeting the Needs of Asylum Seekers in New York City

Submitted to

The New York City Council  
Committees on Immigration and Governmental Operations

Verbal Testimony Given on April 28, 2023, by:  
Lauren Galloway, Advocacy Coordinator

Written Testimony Submitted: May 1, 2023

## Introduction

The Coalition for Homeless Youth (CHY) welcomes the opportunity to submit written testimony on Meeting the Needs of Asylum Seekers in New York City to the Committees on Immigration and Governmental Operations. We greatly appreciate the Council's support in highlighting the unique needs of unaccompanied migrant minors and youth in New York City.

As stated during the verbal testimony of CHY staff on April 28, 2023, we are submitting this written testimony to amplify the needs of the Department of Youth and Community Development (DYCD) Runaway and Homeless Youth (RHY) providers, and the unaccompanied migrant minors and youth that are seeking services and support at the RHY programs.

## Who are Runaway and Homeless Youth?

RHY are generally defined as unaccompanied young people who have run away or been forced to leave home and now reside in temporary situations, places not otherwise intended for habitation, or emergency shelters. The federal Runaway and Homeless Youth Act defines the population as being between 12-24 years of age. As of April 2017, New York State redefined RHY to be anyone under the age of 25 years<sup>1</sup>.

On a single night in 2022, 3,594 unaccompanied and parenting youth under age 25 were counted as experiencing homelessness in the NYC Point in Time (PIT) count.<sup>2</sup> In NYC Fiscal Year 2022, 3,027 RHY, were served in DYCD RHY residential programs, including 329 minors.<sup>3</sup> Another 28,119 RHY received non-residential services at a DYCD RHY drop-in center or through street-outreach<sup>4</sup>. In 2021, DHS reported a total of 4,051 unaccompanied or parenting youth between the ages of 18 and 25 entering either single adult or family shelters,<sup>5</sup> and the Department of Education (DOE) reported that during the 2019-2020 school year, almost 7,500 unaccompanied youth experiencing homelessness attended NYC public schools.<sup>6</sup>

Like all other segments of NYC's homeless population, RHY experience harm that disproportionately impacts their health and creates roadblocks to long-term wellness. This is more recently detailed in "*Opportunity Starts with a Home: New York City's Plan to Prevent and End Youth Homelessness (OSH)*."<sup>7</sup> The myriad of harms that confront RHY, include: increased mental health problems and trauma, substance use, exposure to victimization and criminal activity, and unsafe sex practices.<sup>8</sup> Youth of color and LGBTQ/TGNC youth are also vastly overrepresented in the RHY population<sup>9</sup>.

## Youth-Specific Shelters and Services Make a Measurable, Positive Difference

The Department of Youth and Community Development (DYCD) has been designated the county youth bureau for NYC and is responsible for serving RHY under the NYRHYA.<sup>10</sup> While many RHY also seek services within the DHS and HRA continuum of shelters, homeless youth, advocates, and RHY providers agree that the outcomes for many homeless youth improve with increased access to youth-specific shelters and services. This was proved in a groundbreaking white paper was released by the Center for Drug Use and HIV Research at NYU Rory Meyers College of Nursing in with the Coalition for Homeless Youth. One of the most significant findings of the study is that high quality RHY programs not only meet basic requirements, but "address higher order relational, psychological, and motivational needs... fostering a sense of resilience among RHY" and providing long-term benefits to a youth's functioning.<sup>11</sup> ***In short, well-funded,***

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<sup>1</sup> <https://www.nysenate.gov/legislation/laws/EXC/A19-H>

<sup>2</sup> [https://files.hudexchange.info/reports/published/CoC\\_PopSub\\_CoC\\_NY-600-2022\\_NY\\_2022.pdf](https://files.hudexchange.info/reports/published/CoC_PopSub_CoC_NY-600-2022_NY_2022.pdf)

<sup>3</sup> [https://www1.nyc.gov/assets/dycd/downloads/pdf/FY22\\_LL86\\_RHY\\_Demographics-and-Services\\_Report-final.pdf](https://www1.nyc.gov/assets/dycd/downloads/pdf/FY22_LL86_RHY_Demographics-and-Services_Report-final.pdf)

<sup>4</sup> Ibid

<sup>5</sup> <https://www1.nyc.gov/assets/home/downloads/pdf/press-releases/2022/NYC-Community-Plan-DIGITAL.pdf>

<sup>6</sup> Ibid

<sup>7</sup> Ibid

<sup>8</sup> Ibid

<sup>9</sup> Ibid

<sup>10</sup> New York State FY 2018-19 budget included amendments to the NYRHYA that expand the age range for RHY services and youth-centered beds to 25 years old. The amendments took effect January 1, 2018. (SFY 2018-19 Budget, Part M S2006-c/30060c; see [https://www.budget.ny.gov/pubs/press/2017/pressRelease17\\_enactedPassage.html](https://www.budget.ny.gov/pubs/press/2017/pressRelease17_enactedPassage.html)).

<sup>11</sup> Gwadz, M., Freeman, R., Cleland, C.M., Ritchie, A.S., Leonard, N.R., Hughes, C., Powlovich, J., & Schoenberg, J. (2017). Moving from crisis to independence: The characteristic, quality, and impact of specialized settings for runaway and homeless youth. New York: Center for Drug Use and HIV Research, NYU Rory Meyers College of Nursing. See page 16.

***high quality RHY programs make a positive impact on a youth's ability to stabilize and successfully transition from crisis to independence.*** While more research is needed to evaluate the long-term benefits of RHY services, understanding that these programs make a proven difference to the youth they serve gives further support to why we have continued pushing for more shelter beds and services for youth experiencing homelessness.

#### Addressing the Needs of Migrant Youth & Young Adults

Like many nonprofits in other sectors, RHY service providers, the majority of whom are funded by DYCD, have been seeing an influx of migrant youth arriving to their programs seeking shelter, housing and in need of services and support. CHY and its member providers are confused and concerned by the lack of system coordination the city has implemented to support the needs of migrant youth, as well as the RHY providers that are serving them.

This concern was only elevated, when the Administration neglected to even mention the needs (or existence) of unaccompanied migrant minors and youth in their recently released plan “*The Road Forward: A Blueprint to Address New York City’s Response to the Asylum Seeker Crisis.*”<sup>12</sup> As well as when CHY visited the Asylum Seeker Navigation Center in Midtown, to inquire – in person, as what policies were in place for when unaccompanied minors and youth presented, including any information that was being shared with about the RHY system, and staff their reported that there was no policy, nor was information being shared.

Providers already report hundreds of migrant youths accessing services in the RHY system, and despite working tirelessly to meet the needs of this growing population of young people, without additional funding or city support, some RHY providers have already been faced with having to implement long waitlists and having to turn youth away due to lack of capacity to serve them. Although this level of capacity strain is currently isolated at a number of programs, the entire sector is concerned that as the number of migrant youths presenting at their programs continues to grow, they will also be faced with having to turn youth away (both migrant and not), due to their lack of capacity to serve them.

The city must acknowledge and support the needs of the RHY-system now, before this becomes a system-wide crisis, by addressing the following system gaps and implementing the following supports and services in the RHY system:

#### **System Collaboration**

Runaway and homeless youth providers, most of whom are funded by DYCD, have been experiencing an influx in unaccompanied migrant minors and youth since August of 2022, however our calls to address their needs through policy and system collaboration have gone unanswered. Specifically, there is currently no updated policy or guidance attached to DYCD, the Administration for Children’s Services (ACS) or Health and Hospitals (H&H) about how to support unaccompanied migrant minors- most of whom meet the definition of destitute<sup>13</sup>.

- For DYCD programs, there has been no guidance issued.
- For ACS, there also is no clear updated guidance ([most updated guidance is from 2012](#)) attached to the influx of youth. In addition to issues in getting youth into the Children's Center, we have also heard repeatedly from mutual aid groups that when they try to refer youth directly to the Children's Center, they are being turned away without any follow-up about what they are supposed to do to get them to access services. **Also, in light of CHY learning that ACS (via DYCD) requesting information to share with ICE that is causing additional concerns within the RHY community.**
- For the HERRC's, there is no mention of what the policy is for youth to be referred to DYCD as opposed to DHS, or what the policy is for unaccompanied destitute minors. DYCD has also previously testified that they are not working on any coordination with H&H.

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<sup>12</sup> <https://www.nyc.gov/assets/home/downloads/pdf/press-releases/2023/asylum-seeker-blueprint.pdf>

<sup>13</sup> [https://ocfs.ny.gov/main/policies/external/ocfs\\_2018/ADM/18-OCFS-ADM-19.pdf](https://ocfs.ny.gov/main/policies/external/ocfs_2018/ADM/18-OCFS-ADM-19.pdf)

## **Data Collection**

Runaway and Homeless Youth Providers are feeling stuck and unsupported with how to support the needs of migrant youth. In order to flag concerns, we need data, and although CHY is collecting data through provider surveys, this does not replace the need to do so on a systems level. City agencies are not currently collecting data in a way that truly captures the numbers, despite CHY requesting the do so including recommendations to inform the collection.

## **Needed Programmatic Supports for RHY Programs**

In the absence of city coordination and guidance, CHY has been hosting regular convenings with RHY providers where they can support and learn from each other. However, the sole burden of coordination of this magnitude cannot be placed on the programs. It is time for the city to step-up and support.

Therefore, we are recommending that the city acknowledge and support the needs of the RHY-system now, by implementing these immediate and long-term recommendations:

### Immediate Needs

- Translation
  - DYCD needs to ensure that all their contracted programs have no-cost access to automated translation services through Language Line.
  - DYCD needs to make funding immediately available to their DYCD RHY contracted providers to cover the cost of on-site translation services.
- Transportation
  - The Department of Homeless Services (DHS) needs to create a simple process for DYCD programs to utilize Project Reconnect to support youth that want to reunify with family members outside of the city.
  - Health & Hospitals (H&H) needs to create a simple process for DYCD programs to utilize the transportation resources available through the Humanitarian Emergency Response and Relief Centers (HERRC) to reunify recently arrived migrant youth with family members outside of the city.
- Legal Supports
  - DYCD and the Mayor's Office of Immigrant Affairs (MOIA) need to share available legal resources with RHY providers.
  - DYCD needs to coordinate with a legal assistance agency that specializes in doing immigration law with youth to conduct training for the RHY community. This training should provide an overview of the various application processes and eligibility criteria.
  - DYCD and MOIA need to make immediate funding available to expand the and support the on-site legal support at RHY programs.
- Emergency Shelter
  - DHS needs to allow youth the option to be referred for placement in a non-youth specific DHS shelter through the DYCD to DHS referral process. Accommodating these requests should consider youth choice regarding location and population-specific sites.
- Housing Access
  - The Commissioner of the Department of Social Services (DSS) needs to eliminate the 90-day eligibility criteria for CityFHEPS vouchers.
  - The Administration needs to expand the eligibility for CityFHEPS to undocumented immigrants that otherwise are eligible.
  - The Administration and DYCD need to work to identify landlords that have vacant units to match youth with Emergency Housing Vouchers (EHV) to free up beds within the RHY shelters.

### Long-term Needs

- Translation
  - The Department of Youth & Community Development (DYCD) needs to issue funding to their DYCD RHY contracted providers to support pay increases for their current bi-lingual staff, and additional funding needs to be awarded to hire bi-lingual clinicians.

- Legal Supports
  - MOIA needs to partner with DYCD to fund legal support for runaway and homeless youth. This could be facilitated through a contract amendment with a current legal provider who has the capacity to expand their work to include recurring legal clinics at the RHY programs.
- Emergency Shelter
  - DHS needs to fund additional youth-specific shelters in their system. The current three available have proven inadequate to meet the need.
  - DHS needs to create young adult specific mental health shelters as well as young adult specific Safe Havens and stabilization sites. NYC currently does not have a youth specific mental health shelter, which directly leads to chronic street homelessness amongst young adults with mental health needs.
  - DYCD needs to fund additional beds for young adults (21-24yo). The current 60 beds available remain full on a nightly basis, leaving young adults who do not feel safe in the DHS system to stay on the streets or in the 24hr youth drop-in centers.
  - DYCD needs to fund Crisis as well as Transitional Independent Living Programs that specialize in working with youth with more significant mental health needs.

We also call on council to echo CHY's support of the New York State's Access to Representation Act<sup>14</sup>, which will support migrant youth with legal services, and well as our objection to Federal policies, that are harmful to asylum seekers at the US/Mexico border, such as Title 42<sup>15</sup>.

We look forward to working with council to address the issues outline in our testimony, and have also attached our most recent (unanswered) letter to DYCD regarding this matter.

*For questions please contact:*

**Jamie Powlovich**

Coalition for Homeless Youth, [jamie@nychy.org](mailto:jamie@nychy.org), (347) 772-2352

#### The Coalition for Homeless Youth

Founded in 1978 as the Empire State Coalition of Youth and Family Services, The Coalition for Homeless Youth (CHY) is a consortium of 65 agencies whose mission is, as a membership organization, to use its collective voice to promote the safety, health, and future of runaway, homeless and street involved youth through advocacy, authentic collaboration with youth and young adults (YYA) with lived expertise and training and technical assistance.

CHY is primarily an advocacy organization, leveraging the expertise and experience of its membership as well as YYA with the lived experience of homelessness to shape the landscape for runaway and homeless youth across New York State. This is achieved by increasing public awareness, coalition building, policy work and public advocacy campaigns for pertinent legislation and funding. Notably, in 2015, CHY was instrumental in the advocacy efforts that resulted in the doubling of the State budget for runaway and homeless youth services. CHY's advocacy also contributed to the development of NYS statutory and regulatory changes that became effective in 2018, permitting localities across the State to extend length of stay and increase age of youth served by RHY programs in their communities. Most recently, we passed state legislation this session that will grant decisionally capable runaway and homeless minors the ability to consent to their own health care, including gender-affirming care. As well as NYC legislation that we maintain gives both homeless youth and youth aging out of foster care access to city-sponsored housing vouchers.

An additional area of focus for CHY is the strengthening of service delivery for runaway and homeless youth, primarily through the provision of specialized trainings and technical support. Until 2019, CHY held the state contract to provide annual web-based trainings, on diverse topic areas, to providers across the state, reaching hundreds of professionals working with homeless and runaway youth. Since 2019, CHY has continued to

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<sup>14</sup> <https://www.nysenate.gov/legislation/bills/2021/S81>

<sup>15</sup> <https://www.ecfr.gov/current/title-42>

provide training and technical assistance on a smaller scale due to funding restrictions; however, resuming this service remains a top priority for our membership.

Lastly, and most importantly, as a coalition and voice for a community that is often overlooked, underrepresented and under-resourced, CHY prides itself on ensuring that the majority of our staff have the lived experience of youth homelessness. Our commitment to giving power to those with lived experience is also prioritized through our support of the New York City Youth Action Board (YAB), as well as our annual Youth Advocacy Fellowship Program and new Homeless Youth Peer Navigation Pilot. These initiatives not only expand the way that CHY is authentically collaborating with YYA who have the lived experience of homelessness, but it also awards us the ability to work together with YYA, to give them the tools and supports needed so that they can effectively create change.



Also known as, *Empire State Coalition*

January 30, 2023

Keith Howard, Commissioner  
Department of Youth and Community Development  
Via Email Transmission

**Re: Follow-up to DYCD's 12/23/22 Response Re: Supporting the Needs of Migrant Youth and Young Adults**

Dear Commissioner Keith Howard,

Thank you for responding to our letter regarding supporting the needs of migrant youth and young adults. This letter is in response to the letter you sent on December 23rd, 2022, which outlined the Department of Youth and Community Development (DYCD) work thus far to meet the needs of migrant youth and young adults outlined in our initial letter sent November 21st, 2022. On behalf of the NYC-based members of the Coalition for Homeless Youth (CHY), we would like to thank you for the updates and information that you provided; however, we maintain DYCD has still not satisfied our concerns, and that there continues to be a lack of satisfactory coordination and guidance by DYCD in response to our initial recommendations.

Without implementing the necessary changes needed to support migrant youth and young adults coming into the city, and more specifically those seeking services and support in the DYCD Runaway and Homeless Youth (RHY) system, we believe the needs of both migrant young people and the providers, will continue to worsen, and grow. Below we are highlighting our recommendations further to get a clear understanding of what the city is currently doing for migrant's support and needs.

We would appreciate the city addressing the following questions and realities to further understand how our recommendations will be addressed.

**Translation Services**

- DYCD's Response

*As the city welcomes future New Yorkers from every corner of the globe, it is more important than ever that DYCD and our sister agencies reach the communities we serve in the languages that they speak or write. DYCD's Language Line contract offers translation services to the public who are reaching out with inquiries about available city services. From a parent who requests a Spanish-language application to providers requiring translation services for their participants, Community Connect is available at 1-800-246-4646. DYCD is also exploring additional tools to help meet the needs of the population and our community partners.*

- Follow-up Questions/Concerns

Providers maintain that they do not have streamlined access to Language Line.

- How can providers access translation services through Language Line?
- DYCD needs to issue guidance to their RHY providers outlining step by step instructions on access and use of translation services through Language Line.

**Transportation**

- DYCD's Response

*RHY partners are currently accessing the "Home Free Program" offered by Greyhound, in conjunction with the National Runaway Safeline. This was shared with DYCD-funded providers during the October meeting, to remind them that this resource is available for their young people. DYCD is also looking into whether additional resources, similar to Project Reconnect, can enhance transportation options, and we look forward to sharing*



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*more information.*

- Follow-up Questions/Concerns

During CHY's ongoing communication with DYCD staff about the migrant crisis, we have made it clear that although the "Home Free Program," which is administered by our partners at the National Runaway Safeline, continues to be a resource for some young people (both migrant and not), that due to the eligibility requirements for the program, it is unable to meet the needs of many youth, specifically migrant young people. More specifically, the Home Free Program can only be used one time and by people who have legal guardians. Therefore, youth and young adults under the age of 18 cannot access the Home Free Program if they are not being transported to a place with a legal guardian, which leaves out most migrant youth and young adults, who are over 18yo and/or in the country unaccompanied.

- Has DYCD created a simple process for DYCD programs to utilize the Department of Homeless Services (DHS) Project Reconnect program to support youth that want to reunify with family members outside of the city, who are not eligible for the Home Free Program?
- Has DYCD created a simple process for RHY programs to utilize the transportation resources available through the Humanitarian Emergency Response and Relief Centers (HERRC) to reunify recently arrived migrant youth with family members outside of the city?

#### **Legal Supports**

- DYCD's Response

*Although the City has increased funding over the past few years, the influx of migrants this year has increased demand for legal services. To help RHY access available services, DYCD partnered with the Department of Homeless Services (DHS) to help eligible migrants make appointments at the City's Navigation Center, connecting them to health and mental health care, school enrollment, immigration legal services, and IDNYC enrollment. Our team is in regular communication with the Mayor's Office of Immigrant Affairs (MOIA), to ensure that runaway and homeless youth have the most recent information about what is available. DYCD will continue to explore additional resources.*

*Additionally, DYCD hosted a presentation for our staff by David Miranda of Covenant House New York about RHY legal services, to bring us up to date on the challenges faced by migrants, and how we can best support our partners. We continue to explore other opportunities for staff to learn about the legal hurdles confronting asylum seekers.*

- Follow-up Questions/Concerns

This remains an urgent need. Providers report that no legal service appointments have been able to be obtained at the City's Navigation Centers, therefore we feel that no adequate solution or support has been offered by DYCD.

- Although we appreciate DYCD scheduling for Covenant House staff to facilitate training about RHY legal services, this training did not meet the need outlined in our initial letter. Therefore, our recommendations stand:
  - DYCD and the Mayor's Office of Immigrant Affairs (MOIA) need to share available legal resources with RHY providers. This must include resources that providers can refer migrant youth to that have immediate (within one month) availability to support.
  - DYCD needs to coordinate with a legal assistance agency that specializes in doing immigration law with youth to conduct training for the RHY community. This training should provide an overview of the various application processes and eligibility criteria. CHY is happy to supply a list of training facilitators that providers feel would be most appropriate to conduct this training.



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- DYCD and MOIA need to make immediate funding available to expand and support the on-site legal services at RHY programs.

### **System Coordination**

- DYCD's Response

*DYCD and the Administration for Children's Services (ACS) are in regular communication to coordinate placement and services for any minors that present in DYCD-funded RHY programs, including unaccompanied migrant youth. Providers rely on our support, and we appreciate immediate outreach to a Program Manager or either of the RHY Program Directors, on behalf of any young person who needs help.*

*At this time, our goal is to ensure that there is support for migrant youth at the eight DYCD-funded Drop-In Centers, acknowledging that so far this year, Manhattan has experienced the highest volume of contact. Rather than identify a single point of connection, there will be uniform access to resources at any site, including mental health services, clothing, hygiene products, and other basic needs.*

- Follow-up Questions/Concerns

- Regarding unaccompanied migrant minors:
  - As per DYCD staff, ACS is sharing sensitive information regarding certain unaccompanied youth with ICE. This is not only extremely concerning, but we feel is also a violation of Executive Order 41.
  - DYCD needs to author a policy that outlines their coordination with ACS, that includes what information will be shared with Federal agencies and why and make it available to providers.
- Because DYCD has elected not to partner with H&H to work with HERRC sites to provide a streamline of supportive services offered, the onus is falling on the providers, which is unacceptable. Without having clear processes in place, it is impossible to ensure consistent care and service access for migrant youth arriving from the border.
- Can you please expand on how DYCD is providing uniform connection to the 8 DYCD Drop-in Centers?
- Providers report a lack of communication from DYCD regarding HERRC resources, services and policies, and no knowledge of what information the HERRCs are sharing. Considering this information, how is DYCD supporting uniform access to the DYCD RHY Drop-in Centers?

### **Emergency Shelter**

- DYCD Response

*Thank you for expressing the needs for additional housing models to support youth with mental health challenges. DYCD has initiated conversations with stakeholders, including DSS and the Department of Homeless Services (DHS), to understand residential program models to serve young adults with mental illness challenges. We plan to connect with shelter providers, health care experts, and youth with lived experiences to hear about their perspectives on what makes a high-quality model.*

- Follow-up Questions/Concerns

- Why is a DYCD shelter that specializes in serving youth with significant mental health needs not being created?
- What number of shelter beds are being reported for migrant youth?
- How are migrant youth at the HERRC, Port Authority and DHS receiving information on how to access DYCD RHY shelter beds?
- What is the DYCD process for when the RHY system is at capacity, and migrant youth, including minors, present needing placement?



Also known as, *Empire State Coalition*

## Housing Access

- DYCD's Response

*We appreciate your advocacy for additional permanent housing resources to support young adults. We have had tremendous results from our access to EHV and CityFHEPS vouchers for RHY and will continue to seek opportunities for homeless youth to secure housing. DYCD and the Public Engagement Unit (PEU) are planning how to better coordinate the City's investments in outreach to landlords, to facilitate access to housing for voucher-eligible youth.*

*DYCD's investments in Housing Navigators, Peer Navigators, Financial Literacy, and Mental Health Hubs offer services to support young people to maintain permanent housing resources. The Housing Navigator position has been effective, and we look forward to exploring the opportunity to extend this role into the next fiscal year through the city budget process.*

*In addition, the Mayor's Blueprint for Housing and Homelessness directed a review of housing options available across all shelter systems that will ensure that the broadest possible array of options can be offered within current laws, City rules, and funding.*

*Federal law does not permit the city to pay ongoing rental assistance to undocumented individuals, without a state law expressly authorizing such assistance; however, the administration supports two bills in Albany that address this issue.*

- Follow-up Questions/Concerns

- What voucher access will youth in the DYCD RHY system have access to after the current allocation of EHV vouchers and CityFHEPS vouchers are exhausted?
- What is DYCD doing to advocate for ongoing CityFHEPS access for youth in the DYCD RHY system?
- How is DYCD working with DSS to ensure youth & young adults have access to vouchers without entering DHS shelter?
- Is DYCD advocating for additional funding in FY24 to meet the needs of migrant youth, and will the DYCD providers have access to any Federal funding allocated to NYC to support the needs of migrant youth?

We look forward to your response, and meeting with you in the near future about this urgent situation.

Respectfully,

A handwritten signature in black ink, appearing to read 'Jamie', is written over a light blue horizontal line.

Jamie Powlovich (She/Her/Hers)  
Executive Director

Cc:

Nina Aledort, Deputy Commissioner of the Office of Children & Family Services  
Susan Haskell, Deputy Commissioner of Youth Services, DYCD  
Ahisa Badi, Senior Advisor, Office of the Deputy Mayor of Health and Human Services  
Michael Nolan, Chief Strategy Officer for Deputy Mayor Strategic Policy Initiatives  
Tracey Thorne, Director Runaway and Homeless Youth Services, DYCD  
Opportunity Starts with a Home Management Team

**Written Testimony on [Intro. 569-A](#) to the New York City Council Chambers at the joint hearing held by the Committees on Immigration and Government Operations.**

**Presented by Darly Corniel, Director of Education, Consortium for Worker Education on April 28, 2023**

Thank you for the opportunity to testify before the committee today. The Consortium for Worker Education (CWE), the training arm of the NYC Central Labor Council, supports the Immigrant Worker Bill of Rights.

The CWE commends Council Member Hanif for moving legislation that lifts up and provides dignity and respect to our most vulnerable workers. CWE intention is to be a partner in the implementation of this bill **and ensure that it benefits immigrant communities.** This bill is critical for our immigrant communities as it affirms the educational work that CWE and our partners are doing around immigrant rights. The bill will deeply impact the recent influx of asylum seekers and recently arrived migrants bused to NYC from other states.

CWE created the ***Immigration Protection Group (IPG)***, a collective of partners offering a vast array of immigration services in 2018 as a response to the anti-immigrant executive orders put in place by the Trump administration. The IPG strategizes how to address the needs of our immigrant communities, shares resources and bridges gaps in worker training. Our partners include *Make the Road New York (MTR)*, who will be testifying today, *New York Communities for Change*, *ANSOB Center for Refugees*, *Center for the Integration and Advancement of New Americans (CIANA)*, and the *Yemeni American Merchants Association (YAMA)*, among others. Our focus would be to ensure that Int. 569-A is implemented with feedback from our partners and it becomes an essential part of our core curricula. To further ensure the success of the bill we recommend:

- Informational posters (ads) about the bill should be placed in public transportation in several languages,
- The Bill explicitly details workers' rights to unionize and to ensure that immigrant workers are aware that organizing and concerted activity efforts are legally protected no matter their immigration status. **Workers are increasingly recognizing their power and unionizing across the country, and employers are responding by using threats and intimidation to undermine these organizing efforts. This behavior violates the National Labor Relations Act (NLRA), and**
- There should be references as to how the bill will be enforced and how workers are protected by it. For instance, workers have the right to report their employer's lack of compliance with the bill without fear of retaliation.

Our recommendations to Int. 569-A are based upon the work we support with our partners. For example, through the CWE's "**Know Your Rights program**," our partner MTR has provided training to workers that allowed them to understand how to avoid on-the-job harassment and prevent detention, and how "high road" employers can be supportive of their workforce. CWE has also sponsored training on how to include immigrant rights into collective bargaining agreements and provided much needed services to the immigrant workforce and their union representatives. With the help of the City, State, and Federal governments, as well as unions and community groups, we addressed how to upskill training, increase language ability, advance computer literacy, secure immigrants' rights, and assist immigrants to gain driver's licenses and find pathways to gainful employment. CWE also coordinates the

training of labor union representatives with the tools to acquire the leadership skills they need on-the-job to uphold the rights of all workers. CWE will continue these efforts and expand into the changes provided by the Immigrant Bill of Rights.

Our partners deliver services to immigrant communities throughout New York City, focusing on “immigrant–dense,” low-income, and high-rate unemployment neighborhoods. We offer training sessions that focus on worker rights under Federal, State, and City laws; rapidly evolving immigration topics such as new immigration policies and administrative decisions that require more direct advocacy to the immigrant population; and practical training such as ESL education.

CWE’s *Astoria Worker Project* (AWP) is a community-centered approach to workforce development. The AWP is a new initiative to build a center for workers in Western Queens - offering worker cooperative programming and services to benefit the immigrant communities therein. Through the AWP, CWE is currently administering focus groups with local nonprofits to understand how we can best address these workers’ outstanding needs. The Int. 569-A bill will inform and support the focus groups by giving us guidelines to incorporate into program delivery regarding the immigrants’ rights stated in the bill.

CWE is most appreciative of the essential support from the New York City Council in building workforce program opportunities and funding these programs. We look forward to working with the Council and the Immigration Committee in creating a more just and equitable work environment for all workers regardless of immigration status as we serve residents of all 51 Council Districts through our citywide council founded **Jobs to Build On (JtBO)**, **Worker Service Centers (WSC)**, and **Know Your Rights (KYR)** programs.



## TESTIMONY

### NYC Council Committee on Immigration, Jointly with the Committee on Governmental Operations “[Oversight – Meeting the Needs of Asylum Seekers in NYC](#)”

April 28, 2023

Submitted by: Human Services Council of New York (HSC)

#### RESPONSE TO PROPOSED LOCAL LAWS AND RESOLUTIONS

**The Council’s proposed local laws and resolutions to better serve people seeking asylum in NYC are encouraging. However, these proposals require dedicated funding and community partnerships for effective implementation. We urge the City to invest in long-term, community-driven human services.**

As outlined in past testimonies, these include multi-year investments in legal services, housing, care coordination, health services, and more offered by an exhausted human services infrastructure. HSC has witnessed the impact on that infrastructure as a membership organization of 170 nonprofit human services providers in NYC.

Broadly, the proposed local laws have the potential to meet some needs outlined in past testimonies by HSC and our partners. However, ongoing challenges in funding and partnering with community organizations are concerning, and this must be concurrently addressed for the proposals to meet the needs of people seeking asylum. We recommend that:

- For Int 0909-2023 and Int 0790-2022 to enhance the IDNYC application process: Additionally address capacity issues with administering this service (which cause significant delays and other barriers), including by exploring expanded capacity via funded partnerships with community organizations.
- For Int 0839-2022 for an Office of Refugee and Migrant Settlement: Commit to designing and operating it in shared power with community organizations via equitable investment in long-term human services.
- For Int. 0569-2022 for an immigrant workers’ bill of rights: Resource community organizations and collectives focused on workforce development and labor rights to design and distribute the bill of rights.

The proposed resolutions also have potential to broadly meet the needs of past testimonies, such as: *Res 0556-2023*, Access to Representation Act, establishing rights to legal counsel in immigration court; and *Res 0307-2022*, *Res 0459-2023*, and *T2023-3436* removing some employment authorization status barriers (clearing the backlog, lessening employer abuses, and extending access to work pre-authorization to migrants from Cuba, Haiti, Nicaragua, and Venezuela). We recommend that:

- For Res 0532-2023 and Res 0365-2022 calling for federal and state resources for people seeking asylum: Center multi-year investment in community human services in the request/deployment of resources.
- For Res 0364-2022, Children’s Safe Welcome Act of 2022: Ensure significant expansion of access to guardians for unaccompanied minors.
- For Res 0381-2022 condemning the human trafficking of migrants: Accompany this resolution with a funded public education campaign in partnership with community organizations, for New Yorkers to better understand their newest neighbors, mitigate stigma/discrimination, and galvanize resources.

**Partners identified that the primary gap in these proposals regarded significantly expanded urgent and long-term funding for legal services and mental health services.** Providers struggle to refer people seeking asylum to pro-bono legal representation and sustained mental health support. It is unclear if the proposals will address these issues, but it must be prioritized in requests for additional resources. Also, several proposals hinge on the capacity for City agencies and Mayoral offices to execute, but we are concerned with the City’s challenges to hire and maintain talent to provide human services after its recent poor track record and ongoing vacancies.

## SUPPORTING FINDINGS

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**HSC has engaged over 80 human services providers and 200 workers from community-based, citywide, and national organizations.** In a January 2023 [report](#) by HSC, providers saw service to people seeking asylum as a natural extension of their mission. They offered critical care to communities that were: 86% non-English/ESL speakers; 75% low-income; 68% under/unemployed; 58% unstably housed/un-housed; >50% older adults, youth, or parents with infants; and 47% seeking mental health support. **Most human services organizations served people seeking asylum on their own initiative, using their own funds, and their own networks:**

- 96% provided services entirely or partially out of pocket, extending resources without known reimbursement.
- 40% were asked by government to provide services, but <13% were offered complete funding for that service.
- 17% reporting that challenges to scaling up were due to pre-existing unpaid contract work with government.
- 29% worked with governmental service hubs, but most mentioned hubs intentionally/organically formed around local nonprofits, congregations, businesses, or mutual aid groups.

The City that prides itself on being a sanctuary still struggles to equitably share resources with community leaders and providers who make that sanctuary possible. Many organizations are concerned that they will be unable to sustain services in the under-resourced landscape navigated to-date. Findings reflect a wider trend in a sector facing forced cuts and [closures](#) of critical human services programs after long-term systemic inequities in resource distribution in NYC—such as [government-sanctioned poverty wages](#) and delayed payment.

## RELATED ADVOCACY

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People seeking sanctuary in NYC should receive compassionate, dignified, and continuous services while fighting to recover from the traumas of unfathomable journeys to the U.S. and forced migration within the country. Many face long roads ahead in aspiring for a new home. The Executive Budget shows us who City leadership values, and currently it does not include everyday New Yorkers and the human services organizations serving them. Budget rhetoric from the highest offices of NYC government also continue to blame people who seek asylum and other refuge for often pre-existing City issues—fanning xenophobia and other forms of hatred in NYC.

The City must codify genuine partnerships with community-based organizations advocating for and working with migrating communities into all proposed legislation and resolutions. Additional advocacy is needed to:

**- Reform the City Executive Budget (and any budget related to the above proposals) to prioritize direct, sustained funding for comprehensive human services developed by and for community organizations.<sup>i</sup>**

- Leverage emergency procurement models for community partners from past crises (e.g., COVID-19), and secure multi-year fund renewals accessible to community-based organizations.<sup>ii</sup>
- Pay the full cost of services to organizations (not only salaries), prioritize just pay, and allow for flexible deliverables and upfront payment to encourage innovation and efficiency in services.
- Designate additional resources for hiring interpreter/translation services for non-English speakers and people with disabilities, in all needed languages and at equitable pay rates.
- Disclose all contracting and spending in the City's response to date, including to and from: City departments; Mayoral offices, City corporations like [H+H](#) and [EDC](#), and nonprofits.

**- Ensure that resources requested from State and Federal agencies prioritize expanded funding for legal services, care coordination, transitional and long-term housing, employment support, health and mental health services, and other human services.**

- Legal Services: Work with legal services providers to accurately identify full funding for emergency, triaged legal needs and additional multi-year legal representation.
- Care Coordination:
  - Extend navigation services into sustained care management; resource comprehensive training across navigators; expand [satellite sites](#) with community providers to host/locate more sites.
  - Fund people-centered data management infrastructure unified across programs, prioritizing strong protections for clients who fear enforcement (review models from [other jurisdictions](#)).
  - Work with NYS to fund a sustained food assistance program, as in other jurisdictions.
- Mental Health Services: Fund an expansive, community-based network of mental health providers offering trauma-informed, culturally, and linguistically appropriate, acute and long-term counseling.
- Housing: Expand funds for community organizations, congregations, and networks offering housing, investing in long-term housing solutions that support migrating families (e.g., stabilization beds).
- Employment:
  - Expand funding for sustained, accessible workforce development trainings, and other support such as donated technology and transportation that lift barriers to employment.
  - Fund access to, and outreach for, childcare via community/faith-based organizations.
  - Create pathways for new communities to start their own businesses and access City and State contracting, including through access to NYS Licensing Act regardless of immigration status.

## CONCLUSION

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NYC has long expressed pride in its identity as a sanctuary city—a refuge for all migrants. The city has the infrastructure within the human services sector to fully address the needs of its residents. This can only happen when human services organizations and community networks are seen as equal partners, and funded as ones by City, State, and Federal governments. The proposed local laws and resolutions can support a compassionate and comprehensive welcome to our newest neighbors if implemented in true partnership with migrating communities, and with meaningful investment in community human services infrastructures in NYC. This approach not only helps our newest neighbors: it strengthens support systems that New Yorkers already need.

## CONTACT

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<sup>i</sup> The City should use collaboration development models with partners, as it [has previously shared](#).

<sup>ii</sup> NYC made an emergency procurement declaration in July 2022, requested by DHS pursuant to Section 315 of the NYC Charter and Section 3-06 of the Procurement Policy Board Rules. An Emergency Executive Order was announced in October 2022.



*Testimony before New York City Council  
Committee on Immigration  
regarding Resolution 364, Children's Safe Welcome Act  
April 28<sup>th</sup>, 2023  
Testimony submitted by Sierra Kraft*

Good afternoon, thank you to the Committee on Immigration for inviting testimony. My name is Sierra Kraft, and I am the Executive Director at ICARE. ICARE is a coalition of legal services organizations that provides free representation to unaccompanied immigrant children facing deportation in New York City with the ultimate goal of universal access to counsel.

Since 2014, support from City Council has made it possible for the ICARE coalition to stand alongside over 11,000 young immigrants, defend them from deportation, and empower them to become leaders of tomorrow. Legal representation has been truly lifechanging in the lives of many young New Yorkers.

I'm writing behalf of the coalition to express our support for Resolution 364, the Children's Safe Welcome Act. This bill represents a critical opportunity to prioritize the well-being and best interests of children both in federal immigration custody and ensuring they can thrive once released. The U.S. immigration system was designed with only adults in mind. While children in other government systems have an established set of safeguards, including legal support when needed, immigrant children have only a patchwork of modest and rudimentary protections. These gaps have profoundly harmed thousands of children for decades.

Over the past decade, immigrant children – both unaccompanied children and children arriving with parents or legal guardians – have continued to arrive at the southern border of the United States, despite changes in presidential administrations and increasingly punitive policies intended to deter migration. These children are some of the world's most vulnerable groups. Many of the children we represent, are escaping extreme violence and trauma in their home countries in search of safety protection in the United States. Yet too often after surviving their dangerous journey, children routinely experience significant harm while in U.S. government



custody. It is past time to ensure that children in our care are protected from such dangers and offered the resources and supports they need to thrive.

A few key provisions in the bill include:

- Guaranteeing legal representation for unaccompanied children at every stage of removal proceedings;
- Prohibiting family separations, with extremely narrow exceptions related to safety;
- Prohibiting the use of family detention facilities, without exception;
- Phasing out large congregate care facilities and prioritizes family-based placements for unaccompanied children;
- Limiting the use of influx facilities;
- Requiring children to be placed in the least restrictive environment and limiting the placement of children in harmful restrictive facilities;
- Codifying minimum child welfare protections such as health and safety standards, state licensing requirements, and the best interests of the child standard;
- Increasing health and safety standards for children and families in Customs and Border Protection facilities;
- Prioritizing the swift release of unaccompanied children with disabilities and access to services in the community;
- Establishing an Ombudsperson to monitor and oversee compliance with this Act.

As a coalition composed of lawyers, social workers, human rights advocates and child welfare specialists, we urge City Council to seize this opportunity call on Congress and the President to enact the Children’s Safe Welcome Act which prioritizes children’s best interests, transforming how the United States ensures the safety of immigrant children in government custody. Thank you for ensuring we live our values as a sanctuary city. No child should have to face immigration court alone.

In Community,

Sierra Kraft  
Executive Director  
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April 28, 2023

**Testimony before the Committee on Immigration and the Committee on Governmental Affairs**

Immigrant ARC (I-ARC) is pleased to offer this testimony in support of the New York City Council joint resolution urging the passage of the Access to Representation Act or ARA (A170/S999). Thank you to Council Members Hudson and Hanif, along with the Public Advocate Jumaane Williams for introducing the joint resolution, and to the Committee on Immigration and the Committee on Governmental Affairs for calling this important hearing.

I-ARC is a community of legal advocates and an immigration law training and policy institute, working together to fight for New York's immigrant communities. Our mission is to increase access to counsel and access to justice for immigrant New Yorkers. Established by a core of lawyers after the "No Ban JFK" effort to respond to the January 2017 Muslim travel ban, I-ARC, is a collaborative of over 80 immigration legal service providers in New York that came - and continue to come - together through goodwill and necessity, bringing legal service providers together to serve a maximum number of people. The collaborative has been a part of many major immigrant justice headlines in the last six years such as helping those recently arrived due to the evacuation in Afghanistan, assisting those relocating because of the current war in Ukraine and supporting recent arrivals from the southern border, including those being bussed to NYC's Port Authority bus station from places like Texas and Arizona. Our goal is to inject much-needed dedicated resources to support our member organizations' ability to meet the ever-growing legal services needs of immigrant New Yorkers, and to ultimately create a continuum of access to civil legal help for immigrant New Yorkers.

**We urge the city council to pass a joint resolution in support of the ARA, a first in the nation law, which will create a right to counsel in immigration deportation proceedings.**

I-ARC has been closely involved with the ARA since the start. Our Executive Director, Camille Mackler, first called for the introduction of a standalone state-based right to counsel bill in 2019 at the New York State Bar Association's summer delegate meeting. Ms. Mackler helped draft the first version of the bill, which was initially introduced in early 2020, and continued to work with it when I-ARC was still part of the New York Immigration Coalition. Today, we are on the steering committee and active participants of the CARE for Immigrant Families coalition. This coalition has been advocating for both the passage of the ARA, and increased funding for immigration legal services at the State level to address the crisis of representation that immigrants face each day. It's now estimated that there is a backlog of almost 200,000 cases in New York immigration courts, and an estimated 77,000 of those cases are unrepresented. The backlog of cases pending in our local immigration courts is because our State remains a top destination for newcomers and long-term immigrants alike, the increased enforcement policies under the Trump administration, and delays in immigration court created by the pandemic.

Today, there is still no guaranteed right to counsel in immigration proceedings in the United States, despite the fact that immigrants in deportation proceedings face serious consequences such as family separation or deportation to a country where they may face persecution, abuse, or death. Having a lawyer makes a staggering difference in an immigration case. Studies show that immigrants with attorneys are 3.5 times more likely to be granted bond (enabling release from detention) and, if they are in detention, are 10.5 times more likely to not

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be deported than those without representation. For those who are not in detention, 60 percent of immigrants with lawyers win their cases compared to 17 percent of those without a lawyer.

In 2017 the American Bar Association (ABA) called on the federal government to create a system of appointed counsel for indigent individuals facing deportation in immigration court, but added that in lieu of a federal system that States and localities should step up to provide these services. In 2019 the New York State Bar Association (NYSBA) issued a resolution mirroring the stance of the ABA, and calling on the New York State Legislature to take action.

New York City has led the way in providing access to legal help for its immigrant communities. The New York City Council particularly has actively promoted and participated in efforts to provide immigrants in New York with access to counsel in deportation proceedings by funding initiatives including the New York Immigrant Family Unity Project (NYIFUP), the nation's first public defender system for immigrants facing deportation, the Immigrant Children Advocates Response Effort (ICARE), the Immigrant Opportunity Initiative (IOI), and others. Current services are at capacity and new needs, including those of Afghan and Ukrainian refugees, newly arrived asylum seekers from the Southern Border, and ongoing challenges faced by immigrant communities cannot be met. This means thousands of New Yorkers seeking help are turned away each month.

In addition to acknowledging - and addressing - the serious due process concerns posed by our current immigration system, the ARA is also critical to the efforts to build up the capacity of service providers. Currently, State-based funding must be renewed on a yearly basis, with no guarantees of being included in each successive budget. In the past, programs have been defunded, and during the Pandemic we came very close to losing all state-based support for immigration legal services. Providers are often unwilling to take on additional immigration cases - which usually take 3-5 years to complete - if they are not assured, they will have the funding to see a case through. For the same reasons, it can be hard to recruit and retain good lawyers and support staff. Moreover, the ARA contains a clause requiring the creation of an advisory council to help shape the implementation of the bill. This will help develop innovative service delivery programs that reach a maximum number of people in a sustainable way.

When passed, the Access to Representation Act will be a first in the nation law that will establish a right to counsel in immigration court. It will also provide a stable funding base and an implementation mechanism that will lead directly to increased capacity with long-term growth.

Given the difference in outcomes for immigrants who have representation and those who don't it's clear that without counsel many immigrants will not be able to adequately prepare their cases and have them adjudicated on the merits. This presents a fixable due process issue that the State should address.

Immigrant New Yorkers have waited long enough. We ask the New York City Council to once again be a leader in the movement to establish a right to counsel for immigrants in deportation proceedings and pass this joint resolution.

Good afternoon Councilmembers, my name is Hyewon Byeon, and I am a Law clerk with Korean Community Services of Metropolitan New York Inc. (“KCS”) Immigration and Legal Services Department. Thank you very much to the New York City Council Committee on Immigration for holding this hearing and providing the opportunity to testify.

Around September 2022, KCS established Immigration and Legal Services Department.

KCS has transformed the legal service program from a small office filling out a few kinds of immigration applications to a full house offering various legal services. KCS hired an Attorney, a Law Clerk, and a Case Coordinator for its immigration service program.

This transformation has changed the breadth and depth of legal services, reputable still affordable, provided to Korean immigrants as well as other non-Korean community members in need of such services.

Before creating Immigration and Legal Services Department in September 2022, the Immigration Department assisted Korean immigrants in filling out two immigration forms, Form N-400 (Application for Naturalization) and Form I-90 (Application to Replace Permanent Resident Card, “Green Card”).

Currently, the Department files more than twenty five immigration forms such as I-130 (Petition for Alien Relative), I-485 (Application to Register Permanent Residence or Adjust Status), I-765 (Application for Employment Authorization) for the community.

In addition to the expansion of its immigration service, the Department started providing legal services in other areas. It offers initial consultations to the community members in the areas such as Domestic Relations (Divorce, Custody), Contract (Employment, Business, Housing), Property (Housing, Landlord-Tenant), Bankruptcy (Individual), Will & Trust, Health Care Proxy, Employment (Wage Claim, Discrimination), Criminal Defense.

As a result, the number of legal services provided to the community by the Immigration and Legal Services Department increased by 302%. Since last September 2022 until now, we have offered in-person approximately 200 cases. Aside from in-person services, Department assists Korean immigrants or non-Korean community members via phone or email. During the same period, the Department provided 800 phone consultations.

We also make services in partnership with community-based organizations and conduct regular information legal forums and workshops. We have been holding more than 20 presentations on immigration policy and rights, will & trust, and anti-bias.

As I mentioned earlier, our team showed many achievements in a short time. We will expand more immigration & legal services and partnerships with government agencies and many CBOs. And we will work together with the broader community to build a better society at large.

Thank you very much for your attention.



## KCS Testimony for City Council Committee on Immigration

Date: 04.28.2023  
 Objective: Testify in Support for KCS’s Immigration Department  
 Location: Zoom (Virtual)  
 Organization: Korean Community Services of Metropolitan New York, Inc. (KCS)

**Testimony:**

Hello Committee Members. My name is Josh Bentley and I am a Grants and Advocacy Coordinator at Korean Community Services of Metropolitan New York, Inc. (KCS). Founded in 1973, Korean Community Services of Metropolitan New York, Inc. (KCS) is the oldest and largest Korean nonprofit organization assisting under-served communities across the New York City area. Our mission is to be a nexus of service for these communities, helping them maintain their health and wellbeing.

Our services reach across the five boroughs and are centered around the areas of education, public health, workforce, immigration, mental health and aging. As our organization has grown, adapted, and evolved, so has our programming and the departments that provide said services.

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As of 2022, a new addition to our organization is our Immigration Department. With the direction of our in-house attorney and legal aides, we are able to serve our clients in the areas of immigration and naturalization, domestic relations, bankruptcy, and employment.

In Fiscal Year 2023, our Immigration Department served 187 community members in in-person legal services. In the same Fiscal Year, the Department served 588 community members in legal consultations over-the-phone or virtually. Our Immigration Department is expected to grow exponentially and reach more and more community members as it evolves.

Recently, our Immigration and Legal team were able to aid two community members in moments of personal crisis. One was a man from North Korea, looking to settle into New York City and live an independent life. The other was a mother who had lost contact with her family in Los Angeles and had not seen them in twenty years. Our Immigration team worked tirelessly to see that both these clients were cared for.

The unfortunate reality is that our Immigration Department has not received funding in the past. This has severely limited our ability to serve our community and compensate our dedicated staff. Furthermore, as a result of onboarding of on-site staff attorneys who can provide direct services, KCS is poised to hit the ground running to begin addressing the significant legal challenges and needs of our community members.

I am here to ask that the Committee on Immigration please consider supporting our Immigration Department through the Discretionary budget, as we know you all understand and value the

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NEW YORK, INC.

뉴욕한인봉사센터

importance of serving our immigrant communities. Your support will ensure that our team can grow, reach more clients in need of legal assistance, and thrive in the coming years.

Thank you.

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**Testimony before the  
New York City Council Committee on Immigration  
Regarding  
T2023-3208, Oversight – Meeting the Needs of Asylum Seekers in New York City  
And Int. No. 569-A, An Immigrant Workers’ Bill of Rights**

April 28, 2023

Presented By

Marissa Zanfardino (Manhattan Legal Services)

This testimony is submitted on behalf of Legal Services NYC (LSNYC). LSNYC welcomes the opportunity to provide commentary on this important addition to the legislation and is thankful for the invitation to make this submission.

LSNYC is an anti-poverty organization that seeks justice for low-income New Yorkers as one of the principal law firms for low-income people in New York City. As the largest civil legal services program in the country with community-based offices and numerous outreach sites located throughout the city’s five boroughs, LSNYC has a singular overriding mission: to provide expert legal assistance that improves the lives and communities of low-income New Yorkers. For more than fifty years, we have helped our clients meet basic human needs and challenged the systemic injustices that keep them poor. We ensure low-income New Yorkers have access to housing, health care, food, and subsistence income providing help that benefited 115,000 New Yorkers and their family members. LSNYC provides free immigration legal services to thousands in New York City every year, including representing asylum-seekers in immigration court. We now comment on the needs of asylum-seekers in New York City.

Manhattan Legal Services is a constituent corporation of LSNYC. Recognizing the need to provide crucial services to vulnerable immigrant workers, we created the Domestic Workers Project to enforce and advance the rights of domestic workers in New York City. The Project has helped clients who are nannies, housecleaners, and home health aides, facing employment issues such as wage theft, discrimination, and retaliation. The Project has also conducted community outreach to both educate domestic workers on their legal rights and hear from domestic workers about the employment issues most pressing to them. We are submitting this written testimony based on our experiences representing numerous clients with the goal of expanding the employment rights of immigrant workers.

## **T2023-3208, Oversight – Meeting the Needs of Asylum Seekers in New York City**

### **Immigration Court Representation Is Critical**

Providing support for immigration court representation is critical for asylum-seekers. Many asylum-seekers in New York City qualify for asylum because they are fleeing persecution. It is not easy, though, for them to obtain the asylum protection that they qualify for because the immigration system makes it difficult. Asylum-seekers must complete detailed forms and make complex legal arguments. It is also hard to gather evidence to prove what they suffered. Many asylum-seekers are so traumatized that it is difficult for them to talk about what they suffered and to remember details about what happened. Because of the impact of trauma on memory, traumatized victims often make inconsistent statements. It takes expertise to convince immigration judges that inconsistent statements and memory gaps are because of the impact of trauma so the judges should still believe that the asylum-seeker is being truthful. Having a winnable asylum claim is not enough – asylum-seekers must gather evidence, prepare to testify, and make legal arguments to win. Having a lawyer or advocate dramatically increases their chances of winning the asylum protection that they deserve.

### ***Pro Se* Legal Services Provide Limited Help**

Workshops to help asylum-seekers to begin the application process without a lawyer do not fully prepare them to win asylum. There are many steps to winning asylum, and while *pro se* assistance helps asylum-seekers understand what the asylum application requires, it is not well-suited to developing legal arguments, gathering evidence, and addressing the impact of trauma on memory. Lawyers, paralegals, and especially social workers play very important roles to help people win asylum.

The immigration system places several obstacles to winning asylum. One is a general requirement to file for asylum within one year of coming to the United States. This puts pressure on asylum-seekers to rush to prepare and file their asylum applications. However, another obstacle is that immigration judges might not believe that an asylum-seeker is telling the truth based on an inconsistent statement the asylum-seeker makes at any point, including in an asylum application. This puts pressure on asylum-seekers to take their time to prepare their asylum applications. If a traumatized asylum-seeker rushes to write down a confused and imperfect statements in the asylum application, an immigration judge could later penalize the asylum-seeker for making an incomplete or inconsistent statement. Ideally, asylum-seekers would get the benefit of lawyers, paralegals, and social workers to help with remembering traumatic events before they file their asylum applications.

### **Current Immigration Needs Are Much Larger Than Current Funding Can Provide**

The immigration needs of New York City communities are much larger than current funding can provide. The funding that New York City has spent so far has been extremely

helpful for a wide range of immigrants, including adults, children, crime victims, trafficking victims, people who qualify to become United States citizens, and relatives of United States citizens. We have seen that the need greatly outpaced what the funding supported. This was true even before the increase in asylum-seekers in the past year.

### **New and Changing Asylum Obstacles Have Inspired New Efforts to Help Asylum-Seekers Nationally**

LSNYC has responded to new, changing asylum obstacles by helping advocates around the country to address the new problems. By sharing our analysis, LSNYC is improving the legal services that immigration advocates across New York City and throughout the country give to asylum-seekers.

One example has been the continuing problem that asylum-seekers who do not have an immigration court case seek asylum by requesting an interview with the asylum office. However, there is a large backlog at the asylum offices and in a controversial move several years ago, the government decided to give interview slots to the people who applied most recently. Under this policy, the people who asked for an asylum interview the longest time ago would be the last ones scheduled for an interview. If the backlog continues to grow, the ones who have been waiting the longest would never get an asylum interview.

LSNYC worked with the law firm Kramer Levin to file lawsuits in federal court to seek asylum interviews for several transgender woman on Staten Island who had waited over three years for their asylum interviews. The government set asylum interviews for each of them. Building off of our success, we helped the American Immigration Lawyers Association and the American Immigration Council update a practice advisory in November 2022 to sue for long-awaited asylum interviews. We also helped give trainings on this topic both to New York City based lawyers with the New York Chapter of the American Immigration Lawyers Association (AILA) and to lawyers around the country with AILA's Federal Court Litigation Section.

Another new obstacle for asylum-seekers is the asylum processing rules that the federal government began using in May 2022 for some asylum-seekers who crossed the border near certain ports and were headed to certain cities. The asylum processing rules allow asylum-seekers very little time to prepare their cases. LSNYC spearheaded an advisory with tips for defending immigrants under the new rule. We released the first edition of the advisory in December 2022 and over 120 lawyers around the country have asked for a copy.

In addition, LSNYC's Justice Learning Center co-sponsored a large webinar with the latest tips on defending asylum-seekers under this rule. We held it on April 20, 2023 and over 200 lawyers around the country attended it, with more planning to watch the recording when it is available.

We look forward to continuing to support asylum-seekers across the country by developing advanced legal strategies to defend them and then sharing our insights with hundreds of lawyers around the country.

### **Int. 569-A Will Help Expand Knowledge of Legal Protections to Further Ensure That Immigrant Workers Feel Empowered to Assert Their Rights**

Current Federal, State, and City laws already place requirements on employers to provide certain notices to employees. When executed, these notices of legal rights provide essential knowledge of employment protections for workers. Employers can and should bear the burden of informing employees of their legal protections. A lack of knowledge of such crucial legal protections can lead to the exploitation of an already vulnerable workforce.

Many domestic workers are overworked and underpaid, and in combination with a lack of requisite knowledge of their protections under the law, many are exploited further. There are over 200,000 domestic workers in New York City.<sup>1</sup> In New York City, the great majority of domestic workers are immigrant women of color.<sup>2</sup> According to U.S. Census data, 94 percent are women, 78 percent were born outside of the United States, 38 percent are Latinx, 27 percent are Black, and 18 percent are Asian.<sup>3</sup> Because of the demographics of this workforce, low wages and poor job quality exacerbate broader racial and gender inequities. While domestic workers play an essential role in New York City's economy, they remain some of New York's most vulnerable workforce. Domestic workers are rarely paid a livable wage and often suffer more vulnerability due to the fact that their employers are often single families within private homes. This employee-employer relationship is often not recognized as one by employers, leaving domestic workers without the crucial protections that the law provides.

Although the current protections for immigrant workers have increased many of our clients' ability to assert their employment rights, many immigrant domestic workers are unaware that certain protections apply to them. This is especially true for domestic workers employed by families in private homes. We have heard from domestic workers who are unaware of their rights to minimum wage, payment for every hour worked, and overtime pay, or their right to a workplace free from discrimination, including discrimination based on immigration status. Domestic workers are subject to a complex maze of laws, resulting in the routine loss of rightful compensation and employment

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<sup>1</sup> NYC Dep't of Consumer Affairs, *Lifting Up Paid Care Work*, (March 2018), <https://www.nyc.gov/assets/dca/downloads/pdf/workers/Lifting-up-Paid-Care-Work.pdf>.

<sup>2</sup> Nat'l Domestic Workers Alliance, *Domestic Work is an engine of New York City's Economy*, (2021) <https://www.domesticworkers.org/membership/chapters/we-dream-in-black-new-york-chapter/nyc-care-campaign/new-york-city-domestic-work-factsheet/#:~:text=94%25%20of%20New%20York%20City,%2C%20and%2018%25%20Asian>.

<sup>3</sup> NYC Dep't of Consumer Affairs, *Lifting Up Paid Care Work*, (March 2018), <https://www.nyc.gov/assets/dca/downloads/pdf/workers/Lifting-up-Paid-Care-Work.pdf>.

rights. Int 569-A's requirement to provide notice of rights to immigrant workers could provide crucial access to the law's protections, empowering many domestic workers to assert such rights. Knowledge of the law could decrease wage theft, discrimination, and retaliation often faced by domestic workers.

While current laws do have certain notice requirements for employers, our experiences with our clients have demonstrated that many employers of domestic workers already do not follow notice requirements outlined in Federal, State, and New York City law. For example, New York Labor Law requires employers to provide employees with written notice of wage rates at the time they are hired, including their overtime rate of pay, as well as a wage statement with every payment of wages. In practice, the majority, if not all, of our domestic worker clients have never received these required notices. Many domestic workers are employed by families, and not companies, who routinely mischaracterize the nature of the employer-employee relationship. Many families who employ domestic workers do not see themselves as employers, despite actively engaging in employer-employee relationships with the domestic workers they employ. Given the nature of the domestic work industry, many employment rights are not followed within employers' homes, including crucial notice requirements. It is likely that a good number of those who employ domestic workers will not follow Int. 569-A's notice requirement. Based on our experience, there appears to be a significant need for public education and outreach to employers of domestic workers, so that they are aware that they are in fact employers and understand their obligations under the law.

Given the vulnerability of domestic workers in New York City, Int. 569-A's requirements could provide crucial knowledge of immigrant workers' rights. Such knowledge could empower domestic workers to assert their rights. Domestic workers provide crucial work to many families and to New York's economy. This work is often for long hours and is emotionally taxing, given the nature of caring for children and elderly New Yorkers within their employer's homes. Raising awareness of legal protections for this workforce could have the ability to decrease the exploitation of domestic workers.

We thank the City Council for addressing this important issue.

Respectfully submitted,

/s

Marissa Zanfardino

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646-442-3189

LSNYC | Manhattan Legal Services



Make the Road New York  
Testimony to NYC Council – Committee of the Whole  
April 28, 2023

My name is Harold A. Solis, and I am a Co-Legal Director at Make the Road New York. On behalf of our 25,000+ members and staff, we thank the Committee for the opportunity to testify today about the needs of asylum seekers who have arrived in New York City and the city’s response. The last time we appeared before the Council, we reiterated that New York must continue to serve as a welcoming city for all immigrants, which includes ensuring that individuals can access and participate in our society regardless of their immigration status. Today—as the Council navigates the challenges posed by the systematic barriers that have long denigrated our people to a second-tier system of federal rights and privileges and as it continues to chart a path forward on how to support our city’s newest asylum seekers in the most humane manner possible—we urge the Council to continue to hold fast to that tenet.

**ABOUT MAKE THE ROAD NEW YORK**

Make the Road New York (MRNY) is the largest grassroots immigrant organization in New York City, with a membership of over 25,000 low-income New Yorkers. We have 25 plus years of experience organizing in and serving New York’s communities of color, immigrant and working class families. Across all of our five sites, we provide essential health, legal, education and survival services, while also continuing to organize our communities to innovate policies that will improve their lives.

My testimony today will mostly focus on some of the pieces of legislation that the committee is considering today. But given today’s topic—namely, how the City can meet the needs of asylum seekers—I wanted to reiterate the need for a substantial investment in immigration legal services. Our organization, along with many of our other allies and partners, have been working around the clock to assist the City’s newest migrants, often with little to no additional funding and while maintaining representation of thousands of existing clients. To ensure our communities have what they need to protect themselves against deportation, now and into the future, it is critical that the city substantially increase funding (at least \$50 million) for legal immigration services.

**MRNY SUPPORTS THE PROPOSED RESOLUTIONS CALLING FOR A FEDERAL RESPONSE THAT PRIORITIZES THE NEEDS AND HUMANITY OF ASYLUM SEEKERS**

We submit this testimony to express our adamant support for Proposed Resolutions 307, 364, 365, 381, and 532A. At the heart of these Resolutions is the simple but undeniable premise that a person, be it an adult or a child, seeking refuge should not be penalized for doing so. Yet, as things stand now, federal laws and policies feature several obstacles that, in effect, do just that. Resolution 307A rightfully calls on the federal government to prioritize the adjudication of applications for employment authorization for individuals seeking asylum. It is incomprehensible and inhumane to delay a person's ability to earn a living for themselves simply because of administrative bureaucracy. Resolutions 365, and 532A are common sense requests that call on the state and federal government to operate from a place of care and compassion by ensuring our city has the resources it needs to ensure our community's asylum seekers are treated with the care and compassion they require. Relatedly, Resolution 381, correctly calls on the federal government, as the level of government with primacy over national immigration policy, to investigate states that have taken advantage of immigrants near the southern border by relocating them across the country under false pretenses. Finally, Resolution 364, which calls on Congress to pass the Children's Safe Welcome Act of 2022, a landmark bill that would finally codify standards to ensure the safety and well-being our migrant children, carries with it a moral force that should be obvious to anyone who has seen the manner in which our immigration system permits children to languish in unsafe conditions.

**MRNY SUPPORTS PROPOSED BILL 569  
(IMMIGRANT WORKER BILL OF RIGHTS)**

As an organization that works at the intersection of immigration and labor laws, we applaud the thinking that has gone into Proposed Bill 569. We understand that this bill would create and require employers to publish an immigrant workers' bill of rights, which would feature a list of protections afforded to immigrant workers under local and federal law. In our experience, immigrant workers are routinely subjected to labor violations, like wage theft and unlawful discrimination, and subjected to exploitative conditions and unsafe workplaces. This bill is a step in the right direction of ensuring that immigrants are better informed of their rights and protections. But without adequate resources for the city agencies charged with enforcing these protections, including the Department for Consumer and Worker Protection and the New York Human Rights Commission, these basic protections will only be rights on paper, especially for the most vulnerable workers. Recent cuts have hindered the agencies' ability to effectively enforce basic workplace rights and critical municipal laws. We strongly support this bill.

**MRNY SUPPORT PROPOSED BILL 909 (IMPROVING THE ADMINISTRATION OF  
THE IDNYC PROGRAM) & PROPOSED BILL 790A (EXPANDING ACCESS TO  
IDNYC)**

The City's IDNYC program was a landmark moment for our communities. It offered New Yorkers, regardless of immigration status, an opportunity to possess a form of government-issued identification that, in turn, allowed them to better access some of the programs and services our City has to offer. Proposed Bills 909 and 790A would build off that success in important ways. Proposed Bill 909 would offer a combination of programmatic improvements by, for example, allowing same-day and walk-in appointments, which would go a long way towards ensuring more equitable access to this vital City program. And as a measure of due process, the Bill would create an appellate process for situations where an individual is denied an IDNYC card. Proposed Bill 790A, if passed, would work in tandem with Bill 909 by expanding the kind of evidence that an individual can present to support their application for an IDNYC card. We welcome in particular the Bill's explicit recognition of documentation issued by federal immigration authorities as a form of evidence, since we know from experience that many immigrants who have been processed by the federal government have also undergone identity-related checks before receiving those documents. Likewise, as an organization that works with community members on a regular basis, we also support the Bill's inclusion of attestations from legal and social services organizations as alternative forms of evidence.

Taken together, these Proposed Bills would enhance the IDNYC application process, and the City would be sending a message of inclusivity and respect to all New Yorkers, regardless of their immigration status.

**MRNY SUPPORTS RESOLUTION 556 (SUPPORTING THE ACCESS TO REPRESENTATION ACT)**

Finally, we urge the Council to pass Resolution 556, which calls on the State Legislature to pass and the Governor to sign the Access to Representation Act (ARA, S999/A170). New York City's support for the Access to Representation Act is critical. The legislation will enable the statewide legal services infrastructure to ensure that teams of immigration legal service providers have the training, staffing, and resources needed to support immigrant communities in the long-term. Along with New York City's continued leadership and ongoing investments in immigration legal services, it will ensure a solid framework for long-term stability in the provision of legal services for newly arriving immigrants and long-term neighbors at risk of deportation.

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In sum, we applaud the City Council for taking up these proposals and urge their passage.



## **WRITTEN TESTIMONY ON**

**THE PROPOSED LOCAL LAW INTRO 839; INTRO 532;  
RESOLUTION 364; RESOLUTION 365; AND  
RESOLUTION 566 IN SUPPORT OF THE ACCESS TO  
REPRESENTATION ACT (A.170/S.999)**

### **PRESENTED BEFORE:**

**THE NEW YORK CITY COUNCIL COMMITTEE ON IMMIGRATION  
JOINTLY WITH THE COMMITTEE ON GOVERNMENTAL OPERATIONS**

### **PRESENTED BY:**

**ERNIE COLLETTE  
SUPERVISING ATTORNEY  
IMMIGRATION LAW PROJECT  
MOBILIZATION FOR JUSTICE, INC.**

### **HEARING DATE:**

**APRIL 28, 2023**

Mobilization for Justice (MFJ) submits this written testimony to the New York City Council Committee on Immigration, jointly with the Committee on Governmental Operations, (City Council) in support of the passage of Local Law Intro 839, to establish an Office of Refugee and Migrant Settlement, in coordination with the Mayor's Office of Immigrant Affairs (MOIA), Intro 532, Resolution 365, and Resolution 566 in support of the Access to Representation Act (A.170/S.999), which would provide a right to legal counsel in immigration court proceedings.

MFJ's mission is to achieve justice for all. MFJ prioritizes the needs of people who are low-income, disenfranchised, or have disabilities as they struggle to overcome the effects of social injustice and systemic racism. We provide the highest-quality free, direct civil legal assistance, conduct community education and build partnerships, engage in policy advocacy, and bring impact litigation. We assist more than 14,000 New Yorkers each year, benefiting over 24,000.

MFJ's Immigration Law Project (ILP) provides free legal advice, assistance and representation to low-income immigrant New Yorkers and their families. We work directly with community-based organizations to develop clinics that meet the needs of low-income immigrant communities to provide family- and humanitarian-based immigration assistance. Our services include assisting Special Immigrant Juvenile Status children obtain Special Findings Orders in Family Court, representing individuals and families in both affirmative and defensive litigation to obtain Adjustment of Status, Citizenship, Green Card Replacement, U-visa, T-visa, Temporary Protected Status, and Asylum. We provide application assistance and interview advocacy for immigrant families and children at United States Citizenship and Immigration Services (USCIS) offices and represent families in affirmative and defensive matters in New York Immigration Courts (EOIR).

While we applaud the City Council for working on measures aimed at assisting recently arrived immigrants in New York City, I'd like to draw attention to how these measures impact pressing client needs that my staff and I encounter daily.

We agree in principle with Local Law Intro 839 to amend the New York City Charter to establish an Office of Refugee and Migrant Settlement. This office will provide resources to migrants and their families, which is a priority given the ever-increasing numbers of migrants who reside in our shelter system. Notwithstanding, the bill's proposal must provide "long-term" access to resources, specifically with the proposed office's mission to connect individuals to appropriate legal services.

Connecting individuals to non-profits, pro-se application preparation projects, and pro bono law firm relief clinics, to provide immediate, short-term application assistance is necessary, especially for one-year filing deadlines for Asylum relief. However, in practice, we now see frequent requests from prospective clients in need of long-term representation. Many individuals are in removal proceedings with upcoming hearing dates and require counsel for complex asylum representation. With many organizations throughout the city at capacity, the challenges that we face are multi-faceted and the proposals should likewise be multi-faceted, balancing the

needs of recent arrivals with the needs of immigrants with long-term legal matters, which may take years to adjudicate and require continuous updates and preparation.

As Intro 532 mentions, our clients face adjudication backlogs of up to 4 years or more, and there are currently 50,000 individuals in the city shelter systems. Resolution 365 states that 20,000 Asylum seekers have already arrived in New York City in the past several months, while Intro 532 anticipates that that New York City may receive up to an additional 50,000 asylum seekers in the upcoming months. If even 20% of the anticipated asylum seekers have credible claims, this would mean a historic and unprecedented number of claims for relief at USCIS asylum offices and EOIR that will require the attention attorneys to review, prepare, and represent during the adjudicative process.

Asylum representation is an incredibly complex area of law which requires significant time and resources to properly ensure affirmative results for our clients, many whom, as addressed in Resolution 364, include either unaccompanied or accompanied children. These prospective clients, who have faced severe persecution, resultant trauma, are attempting to not only seek representation, but also, as mentioned by the City Council, access to housing, education, medical care, and food. This does not even consider the other humanitarian-and-family-based needs of our current clients which also require time and investment to ensure proper representation.

We applaud the City Council for Resolution 556 which supports the Access to Representation Act (A.170/S.999), which would provide a right to legal counsel in immigration court proceedings. As mentioned in the Resolution, less than 3 % of pro-se immigrants are successful in defending their own case in Immigration Court, while those with representation are 10 times more likely to win their case.

Any future pathways offered by the abovementioned bill should be accompanied by direct support by the City Council to increase funds and create programs that will allow for more representation, as the demand for these services will only continue to grow.

***For any questions about this testimony, please feel free to contact Ernie Collette at [ecollette@mfilegal.org](mailto:ecollette@mfilegal.org) or 212-417-3824.***



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**Testimony of Arielle Wisbaum, Immigration Staff Attorney, New York Lawyers for the Public Interest Before the New York City Council's Committees on Immigration and Governmental Operations**

**April 28, 2023, Oversight Hearing:  
Meeting the Needs of Asylum Seekers in New York City**

My name is Arielle Wisbaum, and I am an immigration staff attorney at New York Lawyers for the Public Interest (NYLPI). I work in NYLPI's UndocuCare TGNCI+ program, a program striving to ensure that immigrant New Yorkers who are transgender, gender-nonconforming, intersex (TGNCI), or who are living with HIV can [obtain and sustain access to gender-affirming healthcare, HIV care](#), and housing through immigration legal advocacy.<sup>1</sup> At the outset, we want to thank the City Council for its leadership in defending the human rights of immigrants, including through funding the Immigrant Health Initiative. I also want to thank you for the opportunity to present testimony about some of the barriers that the community members we work with are experiencing, and how New York City can better respond to their needs. Our testimony today is informed by our clients' experiences.

A significant number of the immigrant New Yorkers we work with are seeking asylum and have survived extraordinary violence and persecution in their lives merely for expressing their true gender or sexuality—for existing. Those in need of gender-affirming healthcare in their home countries often did not have the opportunity to seek this crucial care due to safety concerns, or it was simply unavailable to them; and those in need of HIV medication frequently encountered discriminatory denials of healthcare, exacerbating their medical conditions. The violence these asylum seekers have endured in their lives often leaves them with trauma related symptoms such as posttraumatic stress disorder (PTSD), Major Depressive Disorder (MDD), and severe Anxiety. For these reasons, immediate access to healthcare for asylum seekers, including mental healthcare, is a necessity. However, several barriers currently stand in the way of asylum seekers needing this care, including staffing and training issues at New York City's Department of Social Services/Human Resources Administration (HRA), and lack of immigration legal representation.

NYLPI supports several of the bills on today's agenda, including Int. 790, Documentation establishing proof of identity for an NYCID, Int. 909, Enhancing the IDNYC application process, and Resolution 556 in support of the Access to Representation Act. Today, I

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<sup>1</sup> The Center for Urban Pedagogy and New York Lawyers for the Public Interest, *Healthcare is For You!*, <https://www.nylpi.org/undocare-cup-resource-launch-healthcare-is-for-you/>.

am here to address why NYLPI stands in support of the aforementioned mentioned bills and Resolution, and to highlight the immediate need to strengthen New York City’s Department of Social Services/Human Resources Administration (HRA) to better meet the needs of asylum seekers.

**The City Must Invest More Resources In HRA, Which Currently Lacks Sufficient Capacity and Training to Meet The Needs Of Asylum Seekers**

New York City’s Local Department of Social Services/Human Resources Administration (HRA) helps more than three million New Yorkers annually through the administration of more than twelve major public assistance programs, including Medicaid for those living with a disability and New York City’s HIV/AIDS Services Administration (HASA). This is a significant task, and yet, time and time again, HRA has demonstrated itself ill-prepared to properly administer such programs for immigrant New Yorkers. **HRA’s staffing issues and diversion tactics, both of which create barriers to accessing vital services, can be addressed with enhanced training for HRA employees, and increased funding that ensures sufficient staffing.**

Immigrant New Yorkers who are “Permanently Residing Under Color of Law” (“PRUCOL”) may qualify for New York State-funded benefits such as state Medicaid and Safety Net Assistance.<sup>2</sup> However, between January 2022 and April 2023 alone, a significant number of asylum seekers that NYLPI represents or has conducted immigration screenings for have encountered wrongful denials of benefits that they already qualify for, including denials of New York State Medicaid,<sup>3</sup> and Public Assistance via HASA—a program which includes rental assistance for people living with HIV.

The laws around public benefits and immigration are highly complex and hard to reconcile, understandably making it difficult for immigrant New Yorkers to understand what benefits they are eligible for and how to obtain them. Exacerbating this issue is the fact that HRA employees reviewing benefits applications may engage in the process of "diversion," whereby a city employee illegally discourages or deters immigrant New Yorkers from applying, even in ways so subtle as to ask for a green card or social security number when such documents are not required.<sup>4</sup>

Since January 2023 alone, NYLPI has taken note of several diversion practices by HRA employees and has advocated for immigrant New Yorkers in these circumstances. Even for

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<sup>2</sup> 18 N.Y.C.R.R. § 360-3.2(j)(ii); § 370.2(c)(6)(vii).

<sup>3</sup> NYLPI appreciates the Council’s resolution in support of the Coverage For All bill, which would give all low-income New Yorkers access to basic health insurance regardless of immigration status and which would create substantial cost savings and economic benefits for New York City and State.

<sup>4</sup> See also New York Lawyers for the Public Interest. “FAQ: Health Insurance and Immigration Status,” NYLPI, <https://www.nylpi.org/wp-content/uploads/2022/12/FAQ-Health-Insurance-and-Immigration-Status-in-New-York.pdf>.

asylum seekers who can already demonstrate their PRUCOL eligibility, these diversion practices have included:

1. Requiring that asylum seekers be granted a change of the immigration court's venue prior to approval of benefits – not a determinant of PRUCOL eligibility;
2. Requesting a social security number – not a determinate of PRUCOL eligibility;
3. Requiring proof that an asylum application has been filed, even where an asylum seeker may already be PRUCOL-eligible via a different immigration status, such as humanitarian parole;
4. Requiring an evaluation and written "PRUCOL letter" from an immigration attorney that states whether the asylum seekers is PRUCOL-eligible, despite clear instructions that the adjudication of benefits must be based on documentation from a federal immigration agency.

Further, in the last two months alone, NYLPI has represented two asylum seekers who, although already able to establish PRUCOL eligibility, have been denied a HASA caseworker. They were told this denial was due to staffing issues.

Such staffing issues and diversion tactics are harmful, exacerbate the trauma asylum seekers face, and are contrary to local law. For transgender and gender-nonconforming asylum seekers who may qualify for HASA, wrongful denials of Medicaid and HASA assistance delay crucial gender-affirming care and unnecessarily prolong stays in the Department of Homeless Services' shelter system, which although committed to improving, at this time, continues to lack gender-affirming spaces and fails to protect transgender and gender-nonconforming people from hate crimes. It is also crucial to foresee how the same diversion tactics and staffing issues may apply to the implementation of Int. 790, regarding the administration of IDNYC. **The City must ensure that HRA is sufficiently staffed and its employees are properly trained so that asylum seekers do not continue to experience harmful barriers to accessing vital services.**

**NYLPI Applauds the Council's Support for the Access to Representation Act, And In Addition, Supports Increased Funding For Full Legal Representation For Asylum Seekers in New York City**

As the Council noted in Resolution 556 in Support of the Access to Representation Act (A.170/S.999), immigrants in New York immigration court without legal representation have a three percent success rate in defending their right to remain in the United States. The influx of asylum seekers in New York has exacerbated the demand for legal service providers amidst a growing backlog of immigration court cases.

While NYLPI supports and has participated in the development of pro se clinics serving asylum seekers so that they can preserve crucial deadlines in their cases, we acknowledge that pro se clinics are merely a *temporary* solution. Eventually, the asylum seekers who are now receiving pro se assistance will need full representation. **This need can only be met through the**

## **passage of the Access to Representation Act and increased funding for immigration legal services providers in New York City.**

The issue of access to representation is often particularly dire for transgender and gender nonconforming (TGNC) asylum seekers. Asylum officers and immigration judges may be particularly hostile towards or require more education about asylum claims for TGNC folks. Further, TGNC people are more vulnerable to trafficking, physical and emotional violence, and assaults by police forces. They may have experienced sexual assault and abuse from a young age that can result in PTSD, or general memory lapses due to trauma's effect on the brain.<sup>5</sup> One of our clients, Ms. J, had several seemingly inconsistent statements during her Credible Fear Interview (CFI) (an initial stage of the asylum process) that nearly led the asylum officer to deny her credibility. After Ms. J was released from detention on parole and retained NYLPI for legal services, we found that potential inconsistencies in her CFI were due to trauma-related memory lapse and the asylum officer's lack of cultural competency working with transgender asylum seekers. Moving forward, trauma science through expert testimony and psychological evaluations were crucial components of Ms. J's asylum case in immigration court. With limited access to counsel and expert testimony to diligently explain inconsistencies in the record, immigration judges and ICE counsel would likely use such inconsistencies as an opportunity to deny the asylum case. More recently, in the 2nd circuit, immigration judges have increasingly scrutinized the credibility of asylum seekers.<sup>6</sup> Full legal representation, expert testimony and psychological evaluations are often critical to ensure thorough and adequate legal advocacy for asylum seekers, especially for those affected by trauma-related memory lapse.

### **NYLPI Supports Int. Nos. 790 and 909, Bills Which Will Facilitate Access To Gender-Affirming Identification Documents For TGNCI Asylum Seekers**

Informed by our clients' experiences, NYLPI supports legislation that will reduce barriers to accessing the New York City Identification Card (IDNYC). Unfortunately, many asylum seekers have their identification documents, such as passports and national ID cards, confiscated by Immigration and Customs Enforcement (ICE) upon entry to the United States. This leaves asylum seekers without any form of identification, serving as a barrier to necessary life activities, such as accessing benefits, housing, opening bank accounts, and receiving prescriptions. The IDNYC could serve as a solution; however, current requirements to obtain an IDNYC ask for some of the very documents that ICE has confiscated. Asylum seekers are then left in a Catch-22 through which they need an ID to get an ID. Int. 790, which allows asylum seekers to use additional documents to establish identity, such as those issued by immigration authorities, will help resolve this issue.

For transgender and gender-nonconforming asylum seekers, the IDNYC may be the first gender-affirming identification document that they receive. Thankfully, New York is a self-attestation state, meaning that one may choose their correct gender marker on identification

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<sup>5</sup> See Belinda Graham et al., *Overgeneral memories in asylum seekers and refugees*, 45 J. Behav. Ther. & Exp. Psychiat. 375-380 (2014).

<sup>6</sup> See, e.g., *Liang v Garland*, 10 F.4th 106 (2d. Cir. 2021) (holding that a small omission can lead to an adverse credibility finding).

documents issued by state or local governments without additional barriers such as doctors' evaluations. Additionally, because IDNYC offers the non-binary gender marker "X", it is often the first gender-affirming ID that gender-nonconforming and non-binary asylum seekers may acquire.

Reducing barriers to obtaining an IDNYC through systemic improvements proposed to enhance the application process, developing additional trainings, creating more opportunities for appointments, and allowing for additional valid proofs of identity for folks to qualify are crucial for asylum seekers arriving to New York City. Such improvements will facilitate access to vital benefits, gender-affirming healthcare and other services for TGNCI immigrant New Yorkers. **Here, we reiterate that adequate staffing and thorough training of HRA employees will be crucial to the implementation of Int. Nos. 790 and 909 so that asylum seekers do not face additional barriers to obtaining the IDNYC.**

### **Conclusion**

Once again, we thank the Committees on Immigration and Governmental Operations for convening this critical oversight hearing. We appreciate the opportunity to present testimony today on behalf of our clients who are seeking asylum and deserve access to vital services like healthcare and housing.

We hope the issues we have identified above will help inform the committees' advocacy in the coming months, and we welcome the opportunity to discuss the barriers we have identified and the recommendations we have included in this testimony. We look forward to continuing our work to improve immigrant New Yorkers' access to healthcare for new arrivals and long-time New Yorkers alike. **Health is a human right.**

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*NYLPI has fought for more than 40 years to protect civil rights and achieve lived equality for communities in need. Led by community priorities, we pursue health, immigrant, disability, and environmental justice. NYLPI combines the power of law, organizing, and the private bar to make lasting change where it's needed most.*

*NYLPI's Health Justice Program brings a racial equity and immigrant justice focus to health care advocacy, including ongoing work addressing the human rights crisis in immigration detention and advocating for healthcare for all New Yorkers.*

**Testimony by the New York Legal Assistance Group (NYLAG)  
before the NYC Council Committee on the Whole regarding:**

*Oversight: Meeting the Needs of Asylum Seekers in New York City*

**April 28, 2023**

Chair Hanif, Council Members, and staff, good afternoon and thank you for the opportunity to speak on meeting the needs of asylum seekers in New York City. My name is Allison Cutler, and I am a supervising attorney in 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, and community education. NYLAG serves immigrants, seniors, the homebound, families facing foreclosure, renters facing eviction, low-income consumers, those in need of government assistance, children in need of special education, domestic violence victims, 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 Committee on Immigration regarding how to meet the needs of asylum seekers in New York City. NYLAG is proud to operate in a City that values its immigrant citizens and supports asylum seekers by providing them with holistic, wraparound services and innovative programs that serve as a model to the nation. NYLAG along with other legal service providers have engaged with newly arrived asylum seekers through our various community-based sites, at our central offices, by sending staff on a voluntary basis to the newly opened Asylum Resource Navigation Center, and through our latest partnership with the Pro Se Plus Project (PSPP). PSPP is a collaboration of African Communities Together, Catholic Migration Services, Central American Legal Assistance, Masa, New York Legal Assistance Group, UnLocal and others to help recently

arrived immigrant New Yorkers access pro se legal assistance, advocate for themselves, and understand their rights and obligations. With its innovative approach, PSPP teaches asylum seekers how to represent themselves and helps to ensure that important deadlines are not missed by providing pro se application assistance and filing. PSPP conducts legal screenings and consultations, delivers educational presentations to migrants and community supporters, provides advice and counsel, and organizes pro se assistance clinics to help recent arrivals meet requirements in a complicated and ever-changing immigration legal landscape. Through our work, we have identified the following needs and ask that the City Council support asylum seekers in the following ways.

### **Stop the Criminalization of Asylum Seekers in New York City**

The federal government has responded to the recent humanitarian crisis with increased enforcement funneling asylum seekers who arrive at the border into deportation proceedings and Immigration and Customs Enforcement (ICE) surveillance programs, systems that were already at their saturation point. Contrast this to Afghans and Ukrainians fleeing war and persecution in their home countries who are paroled into the country without being placed in deportation proceedings or ICE surveillance programs. This over enforcement has a disparate impact on Latin American asylum seekers arriving at the border and criminalizes families who have done nothing more than request safety and protection, which the United States is obligated to provide under applicable treaty and law.

Furthermore, this criminalization has also resulted in a breakdown of existing ICE surveillance programs and further exacerbated the inability of the Immigration Court to process and schedule hearings, violating migrant New Yorkers' Due Process right to a full and fair hearing. For months, New York City has seen extremely long lines to "check in" with ICE that begin during the early morning hours and result in officials capping entry into the building. Individuals are turned away and refused entry despite appearing punctually for their ICE and Immigration Court appointment times because they did not arrive two to three hours beforehand to form a line and wait outside in the dark and sometimes blistering cold. Through the Rapid Response Legal Collaborative, NYLAG, Make the Road and

Unlocal serve post-removal order individuals. Through this collaborative, we have already seen the effects that these enforcement choices have had on the due process rights of New Yorkers. For example, we have already represented a number of people who were ordered deported without the opportunity to present their claim for asylum due to these administrative failures of the courts to provide proper notice of hearings and the people being turned away from federal buildings and then ordered deported for failing to appear at their hearings. We have also been seeing individuals who do not appear in the Immigration Court system for months and sometimes years after they have completed one year in the country, a critical deadline in the asylum-seeking process. Not appearing in the Immigration Court's system directly affects their ability to apply for asylum as both the court and United States Citizenship and Immigration Services (USCIS) will refuse to accept their applications, depriving them of their ability to obtain employment authorization and a path to a permanent status and economic independence.

We recommend that City Council pass a resolution to demand the federal government stop the criminalization of migrant New Yorkers and reduce ICE surveillance for asylum seekers and demand that ICE issue two-year parole to all migrants at the Southern Border.

### **Call on Congress and the Administration to Create More Paths to Employment Authorization**

Because of the administration's choice to criminalize newly arriving immigrants, the vast majority of newly arrived migrant New Yorkers are not eligible to apply for a work authorization document (EAD) upon their arrival in New York. While individuals with parole can apply for work authorization, for many newly arrived migrant New Yorkers, the grant of parole is less than three months – too short to apply for work authorization. This means that tens of thousands of New York residents cannot apply for work authorization unless they apply for asylum; a cumbersome process that can take many months to result in work authorization.

## **Call on Congress to Make Asylum Seekers Eligible for Work Authorization as Soon as They Apply for Asylum**

Currently, asylum seekers are eligible to apply for an EAD 150 days after their asylum application is received by USCIS or the Immigration Court and a formal receipt has been issued.<sup>1</sup> This waiting period to *file* the EAD application is regulatory. There is an additional issue with long delays in adjudication once the application is filed. In the past, asylum seekers obtained an EAD approximately one to two months after filing their applications for employment authorization. However, historic backlogs have resulted in EAD applications taking anywhere between ten to fourteen months. Due to these backlogs and EAD eligibility waiting periods, migrants who apply for asylum today will wait at least two years before finally achieving the ability to lawfully work. Removing this waiting period and dedicating more USCIS resources to processing EADs will significantly reduce backlogs and allow asylum seekers to obtain EADs sooner and place them on the path to financial independence. This will not only ease the burden the city's limited public resources and social service programs, but will also empower migrants as they transition into a new country with dignity and respect.

We commend the City Council's commitment to migrants achieving economic self-sufficiency and urge City Council to call on Congress to remove this waiting period to allow migrants to apply for employment authorization immediately upon filing for asylum and on USCIS to quickly clear the backlogs of EAD applications.

### **Call on the Administration to Grant at Two-Year Parole and Re-Parole Migrants**

The federal administration's response to the influx of Afghan and Ukrainian migrants escaping humanitarian crises in their home countries stands in stark contrast to their response to Latin and South American migrants requesting asylum at the border. Afghan and Ukrainian migrants have been being

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<sup>1</sup> The regulations allow immigrants with a filed and receipted I-589 asylum application to apply for work authorization after 150 days; however, the application for work authorization will not be adjudicated until 180 days have passed. *See* 8 C.F.R. § 274a.12(c)(8). In practice, the application is often not adjudicated for many months after filing delaying the receipt of the employment authorization document for a year or more after the asylum application is filed.

granted periods of humanitarian parole for two years when they arrived at the U.S. Southern Border or at an airport; other migrants, predominately Latin and South American migrants are issued parole for 60 days (but sometimes as little as two weeks). Humanitarian parole is a temporary status that provides access to vital public assistance programs and the ability to obtain work authorization for the duration of that status while they apply for another form of permanent relief such as asylum. As detailed above, Latin American migrants are then cut off from social safety nets and public assistance with no means to lawfully gain employment for at least two years given the 5-month waiting period to apply for an EAD after applying for asylum and the severe USCIS backlogs in EAD applications. The refugee resettlement process in the United States is founded on the principle of providing asylum seekers a path to safety and self-sufficiency. The treatment of Latin American migrants directly conflicts with this fundamental value by disempowering asylum seekers and forcing them to remain dependent on limited city resources and non-profit organizations or to seek employment in the shadows leaving them even more vulnerable to civil rights and wage and theft violations.

Our recommendation is for City Council to call on the federal government to two-year parole to asylum seekers who arrive at the border and to extend parole to those within the United States. This parole power is extremely flexible and is already being utilized in existing programs for those seeking refuge outside the United States. The federal administration has the discretionary authority to extend these existing parole programs to asylum seekers who are already inside the country, as they have done for Ukrainians who entered in March and April of 2022 at the Southern Border whose parole was recently extended. Re-paroling and/or extending existing parole status for recently arrived migrants would mean that they would become immediately eligible for employment authorization without having to take the step of applying for asylum first and waiting months for EAD eligibility. This would generate money for USCIS as an EAD based on parole status requires a fee unlike an EAD filed by an asylum applicant, which is free. This in effect would allow USCIS and Immigration Court to dedicate more resources to existing claims and EAD applications to clear processing time backlogs.

We ask that the City Council pass a resolution requesting that the federal government exercise its discretionary authority to grant parole and re-extend parole for asylum seekers who recently arrived at the border.

### **Pass a Resolution to Call For the Re-Designation of Venezuelan Temporary Protected Status**

This current crisis is largely a failure of the federal government to develop humane policies for processing vulnerable migrants and there is no simple fix. However, the policy decision to subject all newly arrived migrants at the border to surveillance and removal proceedings has overwhelmed already strained systems within the federal government and will result in tens of thousands of migrants who will not be able to apply for asylum or request immigration status. Venezuela is currently the source of the second largest external displacement crisis in the world.<sup>2</sup> Most of the recently arrived migrants are from Venezuela, a country that was recognized as a dangerous and untenable place to which migrants should not be forced to return to when it was initially designated for TPS on March 9, 2021. A re-designation of Temporary Protected Status for Venezuela would allow many of these recent arrivals to apply for employment authorization documents and would at least pause, if not end, their removal proceedings. This Administration designated Ukraine and Afghanistan (and re-designated Haiti) for TPS and that has significantly reduced the legal burden on those populations and has given populations the ability to quickly obtain identity documents and benefits. The City Council should pass a resolution to push the Biden Administration to re-designate TPS for Venezuelans.

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<sup>2</sup> Emergency Appeal Venezuela Situation, The United Nations High Commissioner for Refugee <https://www.unhcr.org/emergencies/venezuela-situation> (Jan. 2023).

## **Pass a Resolution to Urge USCIS to Expedite the Processing of Employment Authorization Documents**

Even if the federal government has increased pathways to employment authorization to immigrant New York residents, it must also put in place the processes to increase the rate at which employment authorization documents are processed. As noted above, even after an individual has filed for asylum, and waited the requisite 150 days to file for an employment authorization, they will likely wait for many months, sometimes over a year, to receive their employment authorization. Similarly, Haitian TPS applicants who are eligible for employment authorization, may wait many months, sometimes over a year, to receive work authorization. The creation of pathways to employment authorization is meaningless without the infrastructure necessary at USCIS to promptly process applications for employment authorization.

## **Provide Increased Funding for Immigration Legal Services and Community Based Organizations Working Directly With Newly Arrived Migrants**

As a collective, PSPP has been working all over the city to share information and resources, and to empower community members to apply for asylum *pro se*. However, the need for legal assistance and other support to this community is immense. For example, as immigration legal service providers, we know that *pro se* assistance must be coupled with funding for full representation, as the need for representation in immigration court persists, particularly for vulnerable individuals, such as children, and those who may need particular protections in their proceedings.

I want to once again take the opportunity to thank Chair Hanif and the members of the Committee for their exceptional leadership and commitment to overseeing issues related to meeting the needs of asylum seekers 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,

New York Legal Assistance Group



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**Testimony of the New York Civil Liberties Union  
to  
The New York City Council Committees on  
Immigration and Governmental Operations  
regarding  
Meeting the Needs of Asylum Seekers in New York City**

**April 28, 2022**

The New York Civil Liberties Union (NYCLU) respectfully submits the following testimony with regard to the New York City Council Committees on Immigration and Governmental Operations regarding New York City's efforts to meet the needs of asylum seekers.

**I. Introduction.**

The NYCLU, an affiliate of the American Civil Liberties Union (ACLU), is a not-for-profit, non-partisan organization with eight offices throughout New York State and more than 180,000 members and supporters. The NYCLU's mission is to promote and protect the fundamental rights, principles, and values embodied in the Bill of Rights of the U.S. Constitution and the New York Constitution. We thank the City Council for holding this hearing and for the opportunity to submit testimony.

Since last fall, recent immigrants seeking asylum have continued to make their way to the city through a variety of channels. That large numbers of new Americans would make New York City their home should not be seen as unusual or surprising. New York has long been a magnet for immigrants from across the world in search of new opportunities and a diverse, welcoming environment to raise their families. The city has historically embraced its status as a hub of global migration and enacted laws and policies intended to support and protect immigrant communities.

It is therefore deeply unfortunate that some in city government have regarded recently arrived immigrants not in terms of what they add to our communities, but as a drain on city resources. We were disappointed to hear Mayor Adams, in his

budget address earlier this week, emphasize the costs associated with meeting the needs of new New Yorkers as an excuse for cuts to other city services.<sup>1</sup> Falsely framing support for asylum seekers as a zero-sum proposition that must come at the expense of other public services is shameful and divisive, and not in keeping with the city's tradition of welcoming immigrants.

Today's hearing focuses on the necessarily broad topic of how the city is meeting the needs of asylum seekers. The Council has examined these issues in two prior hearings held since last fall, and the NYCLU has previously offered thoughts and recommendations regarding the city's response. Our testimony today focuses on three pieces of legislation before the committee.

## **II. Intros. 790-A and 909: Improvements to the IDNYC program.**

Two bills before the committee are aimed at making improvements to the IDNYC program. IDNYC has given more than 1.4 million New Yorkers access to a municipal identification card since it was launched in 2015, with demand surging since last year.<sup>2</sup> The NYCLU has consistently advocated for safeguards to ensure that the personal information of IDNYC cardholders and applicants is protected from disclosure, and has cautioned against efforts to equip the identification cards with unnecessary technologies that allow for tracking.<sup>3</sup> Yet we recognize that a properly managed IDNYC program with strong privacy protections offers many New Yorkers, and immigrant New Yorkers in particular, an accessible way to obtain a critical identification document. While New York has offered driver's licenses regardless of immigration status since 2019, the state does not currently offer non-driver identification cards under the same criteria, underscoring the continued importance of the municipal identification program.

Intro. 790-A aims to reduce possible barriers to obtaining an IDNYC card by making additions to the list of documents that applicants can use to prove their identity in order to obtain a card. The NYCLU supports making the IDNYC program as accessible as possible. Many recently arrived immigrants have endured arduous journeys to get to New York City and may have had their belongings and

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<sup>1</sup> Marcia Kramer, *Mayor Eric Adams released largest budget cuts in New York City's history; Library hours spared*, CBS New York (April 26, 2023), <https://www.cbsnews.com/newyork/news/mayor-eric-adams-set-to-unveil-latest-budget-proposal-library-hours-spared/>.

<sup>2</sup> Gabriel Poblete, *Next Stop for Asylum Seekers Newly Arrived in New York: Get IDNYC Card*, The City (Aug. 8, 2022),

<sup>3</sup> See, e.g., NYCLU, *Testimony on Oversight of the New York City Identification Program*, Feb. 11, 2019, <https://www.nyclu.org/en/publications/testimony-oversight-new-york-city-identification-program>.

personal documents stolen or confiscated by immigration authorities.<sup>4</sup> Adding more ways for people to prove their identity, such as by allowing for attestations from legal services organizations, will undoubtedly help more people securely obtain an IDNYC card. Nonetheless, as the city expands the types of documents that it accepts from applicants – including documents related to a person’s criminal legal system record – it must scrupulously abide by policies to not retain an individual’s identity documents and destroy any documents it does retain as required by law.<sup>5</sup> The Council should simultaneously revisit the confidentiality provisions codified into law with respect to the IDNYC program and consider ways to strengthen them.

Intro. 909 would require the Human Resources Administration (HRA) to provide more training to staff and assessments of the IDNYC program, and establish an appeals process of application denials. We support these measures.

### **III. Intro. 569: Creating an immigrant workers’ bill of rights.**

Many of the recently arrived immigrants to New York City have come to the city in search of employment. Long waits for work authorization have made it hard for many new arrivals to find work and provide for their families.<sup>6</sup> The precarious position that many recently arrived immigrants makes them targets for exploitation by unscrupulous employers. It is imperative that immigrant workers, at minimum, be informed of their rights under the law with respect to employment and working conditions.

Intro. 569 would require the Office of Labor Standards to develop a written notice of an employee’s rights, including their rights with respect to workplace encounters with immigration authorities, which employers would be required to distribute to workers. This is a sensible, if limited, measure that would help newly arrived immigrants understand how employment-related laws apply to them. In implementing such a law, the office should consult not only with the Mayor’s Office of Immigrant Affairs (MOIA) and the Commission on Human Rights, but with

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<sup>4</sup> Camilo Montoya-Galvez, Andy Court, Julie Holstein, and Anabelle Hanflig, *Accounts of migrants’ documents being confiscated by border officials prompt federal review*, CBS News (Nov. 7, 2022), <https://www.cbsnews.com/news/immigration-migrants-documents-confiscated-border-officials/>.

<sup>5</sup> NYC Exec. Order No. 751 (Dec. 2, 2019), *available at* <https://www.nyc.gov/assets/idnyc/downloads/pdf/HRA-EO-No-E751.pdf>; NYC Admin. Code § 3-115(e).

<sup>6</sup> Melissa Russo, *NY Migrants Wait Months for Work Authorization Cards, Preventing Them from Getting Jobs*, NBC New York (March 17, 2023), <https://www.nbcnewyork.com/investigations/migrant-crisis/migrants-forced-to-wait-months-for-work-authorization-cards-keeping-them-out-of-work/4159474/>.

community organizations and legal services providers who are most familiar with the issues experienced by immigrant workers.

#### **IV. Conclusion.**

The City Council must continue to use its oversight authority to monitor the city's response to new arrivals of immigrants and asylum seekers and hold the city administration accountable. We appreciate the Council's commitment to improving the lives of immigrant New Yorkers.

# Rethink Food

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**The New York City Council  
Immigration & Governmental Operations Committee Oversight Hearing: Meeting the  
Needs of Asylum Seekers in New York City  
Friday, April 28th, 2023, 1 P.M.**

TO: Committee on Immigration & the Committee on Governmental Operations  
FROM: Kathleen DiPerna, Rethink Food NYC, Inc.  
DATE: Friday, April 28th, 2023

Good Afternoon Committee Chairs Ung and Hanif, Committee Members, Council, and Staff,

Thank you for the opportunity to testify today on Rethink Food's efforts to support New York City and the work we as an organization are doing to help support the migrant crisis.

My name is Kathleen DiPerna, and I am the Director of Government Relations at Rethink Food, a New York City-based nonprofit with the mission to create a more sustainable and equitable food system - one in which every New Yorker has access to dignified, culturally responsive, and nutritious meals. Currently, we operate in 32 council districts across all 5 boroughs. Support and partnership with the Council and Administration will be critical to ensuring that Rethink can continue to operate its models that address food insecurity, sustainability, and local economic development, in addition to supporting our new neighbors arriving in the City.

Rethink Food was founded in 2017 by our CEO, Matt Jozwiak, who saw firsthand how much good food from restaurants goes underutilized. He started the Rethink Food Commissary kitchen by transforming excess food from restaurants, corporate kitchens, and grocery stores into meals delivered to community-based organizations, otherwise known as CBOs. This model concurrently tackles food waste and food insecurity. Today the kitchen prepares an average of 8,000 meals per week and distributes to 12 CBOs in Queens, Brooklyn, and Manhattan.

Our work has evolved to include other solutions to address food insecurity - the Rethink Certified restaurant program. Launched at the height of the COVID-19 pandemic, with food insecurity escalating and restaurants facing widespread closures, Rethink leveraged its experience to partner with restaurants to prepare meals for communities experiencing food insecurity. In exchange, we provide grants to support food, operating, and staffing costs. We have a unique opportunity to distribute meals to vulnerable communities and help restaurants stay open and retain staff. In 2022, Rethink and its partners delivered nearly 2 million meals to 75+ CBOs, and invested \$8.6 million dollars into 46 restaurants - 75% of which were minority and or women-owned.

In addition to applying our model to help address the ever-persistent challenge of food insecurity New Yorkers face, we have used our model historically to respond to other emergencies and challenges that arise: the COVID-19 pandemic, the Twin Parks fire,

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gas/water outages at NYCHA facilities, and more recently the migrant crisis. Rethink first started responding to this specific population in August of 2022 after a community call for meals for asylum seekers arriving at Port Authority. Our response grew in providing more meals, as migrants settled across the 5 boroughs, where our existing CBOs continue to see an increase in migrants at their food distributions. Since August, Rethink has distributed more than 90,000 meals across the city primarily in Brooklyn, Queens and Manhattan, in partnership with 11 restaurants and 12 CBOs and have spent over \$360,000. Rethink continues to receive feedback from our network of CBO partners that they have an increased need of meals, especially with many asylum seekers coming to their programs. In 2023 to date, we have received requests for more than 4,300 additional meals per week, which equates to about a 10% increase in our current meal delivery programming.

Additionally, Rethink sits amongst the NYC Food Policy Alliance, a group of food systems stakeholders looking to build a more sustainable and equitable food system and its existing network of community-based organizations— many of whom are responding to the migrant crisis through their existing programs. While these organizations continue to operate their programs, a consistent theme we all face is how to help this population build self-sustaining lives here in New York City so that they are not as reliant on emergency services. A part of that conversation is that asylum seekers have a legal path to employment and SNAP benefits access to be able to purchase food.

We applaud this group of Council Members that have introduced various pieces of legislation to help protect the safety, provide necessary support services, and speed up work authorization for the migrants, in addition to the Mayor's most recent urging of the Biden Administration to provide expedited, emergency paths to work authorization. Also, we encourage the Council and Administration to support Food For All (A05933), State legislation introduced to the Assembly by Assemblymember Jessica Gonzalez-Rojas to establish a task force to examine, evaluate and determine the feasibility of establishing a state-funded version of SNAP for undocumented New Yorkers, and continue to advocate for legal employment for the migrants so they can support themselves and their families. Rethink sits at the intersection of the hospitality industry, an industry that is struggling to find a consistent workforce, and providing to the migrant population, many of which are searching for jobs but need legal employment.

Thank you for the opportunity to testify before you today. We look forward to continuing the conversation on how in partnership with the Council and the Administration, we work together to ensure that the most vulnerable New Yorkers have access to healthy, dignified, and culturally responsive food as they arrive and build a new life in this City.

Respectfully Submitted,

Kathleen DiPerna



New York City Council  
Committee on Immigration  
Committee on Governmental Operations  
Oversight - Meeting the Needs of Asylum Seekers in New York City  
April 28, 2023

This written testimony supplements the remarks delivered by Seeking Asylum & Finding Empowerment (SAFE) at the hearing. After reviewing the legislation on the agenda, SAFE is submitting the following comments.

Int. 569-A

To help combat discrimination based on immigration and citizenship status, require the bill of rights to include language about immigrants who are authorized to work in the United States. Out of xenophobia or ignorance, many employers discriminate against work-authorized immigrants, illegally insisting that they will only hire U.S. citizens or lawful permanent residents. Due to their tenuous position in this country, the victims are often hesitant to step forward. United States Citizenship and Immigration Services (USCIS) has published an informative sheet on employee rights whose principles should be included in any bill of rights.<sup>1</sup>

Int. 790-A

IDNYC has struggled to fulfill its main purpose, namely to ensure identification cards are available to as many New Yorkers as possible, including immigrants. This is in large part due to problems with the list of documents required to prove the identity of IDNYC applicants. The Human Resources Administration has promulgated rules that do not reflect the reality of the documents being issued to certain immigrants, especially those without visas who are paroled or released into the United States. Many individuals reaching New York City are now in this position. For example, the current agency-promulgated rule lists “I-94 Form with Photo and Fingerprint.” However, I-94 forms are not issued with photos. In addition, the federal government at the border confiscates passports, which are often the only form of photo

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<sup>1</sup> <https://www.uscis.gov/i-9-central/employee-rights-and-resources/employee-rights>

identification certain immigrants have. The federal government then issues documents, including detention identification, Notices to Appear in Immigration Court, and other documents under their names. If the federal government is satisfied with the identity of these immigrants, then the IDNYC program should be as well. The following categories should be added to the list:

Photocopy of the passport biographical data page when a foreign passport has been confiscated by the U.S. government (specifying that this is an acceptable form of photo identification)

I-94 Form issued by the U.S. Department of Homeland Security, with or without photo, including paper I-94 Form; paper I-94A Form; Global Entry I-94 Form; electronic I-94 Form or I-94 Form website printout; paper Interim Notice Authorizing Parole issued by the Department of Homeland Security in lieu of an I-94; I-94W Form; or I-95 Form

Any physical or digital document approving travel under the Electronic System for Travel Authorization (ESTA)

Seaman's Service Book

In addition, the bill should add "detention release papers" to the provision in the bill about detention identification.

SAFE is concerned about the uniform administration of the IDNYC program across all sites, so we suggest this bill add a provision requiring that all sites or other methods of application submission accept all the documents listed in the statute and rule.

Int. 839

SAFE supports the creation of an office of refugee and migrant settlement, but it should be within a Department of Immigrant Affairs, not the Mayor's office. SAFE encourages the reintroduction and passage of Int. 1636 of 2019 with text creating an office of refugee and migrant settlement or, alternatively, the passage of a reintroduced Int. 1636 and then an amended Int. 839. The bill should also be amended to task this office with ensuring the training of all relevant city workers that interface with migrants, especially at HRA. SAFE's community members have struggled to obtain the benefits they are legally eligible for because frontline workers and supervisors often do not understand the intersection of immigration and public benefits law.

Int. 909

The number of permanent and pop-up application locations has appreciably decreased under this Mayor. Obtaining an appointment in a timely manner at a convenient location is nearly impossible now. SAFE asks that much stronger language be included to prevent the decimation of this vital program under an unfriendly administration. The bill should describe the "quarterly

assessment” in much more detail, requiring the reporting of a range of measures on the running of the program. For example, walk-ins appointments are purportedly available “based on capacity,” but in reality, it seems very few, if any, walk-in appointments are available. IDNYC administrators should be required to report on the number of walk-in appointments both requested and granted, among other data.

Res. 307-A

The delay in the issuance of employment authorization documents (EADs) is a massive problem for asylum seekers struggling to find work to support themselves and many times their families. There are several places in the text of this resolution that need clarification or correction.

Perhaps beyond the scope of this resolution but worth mentioning is the challenge that immigrants face in navigating the system to submit their asylum applications and then begin the EAD clock. The resolution should definitely mention the arcane 180-day asylum EAD clock, and how problems correcting the clock impact asylum seekers applying for work authorization.

The text says that USCIS “is required to process employment authorization documents for asylum seekers within 30 days” but should specify that this is for initial applicants. In addition, asylum seekers must wait 150 days after filing their asylum applications to apply for EADs. The text should mention the role of the *Rosario* class action settlement<sup>2</sup>, which in SAFE’s experience still does not help get EADs issued within 30 days.

The text refers to “processing times for I-765 applications in fiscal year 2002” but this is out of date.

The resolution should mention problems with renewal EAD applications, which nearly all asylum seekers need to submit due to the long delays in processing asylum applications. SAFE has received reports that employers looking to hire new employees or ensure continuing employment authorization for current employees refuse to accept employment authorization documents (EAD) other than the plastic card (Form I-766). USCIS has been taking an extremely long time to process renewal applications and has explicitly allowed for an automatic extension, up to 540 days at this point, for applicants who properly file to renew. The receipt then serves as proof for employees, but sometimes employers reject this.

The resolution should mention the rapidly changing regulations in this area, especially the havoc wreaked by the Trump administration, and its impact on asylum seekers wanting to work.

Finally, the resolution should ask for broader changes, including eliminating the asylum EAD clock and indeed the 180-day wait time before asylum seekers can receive their initial EADs.

Res. 364

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<sup>2</sup><https://www.uscis.gov/laws-and-policy/other-resources/class-action-settlement-notice-and-agreements/rosario-class-action>

Although the U.S. Senate bill referred to appears not to have been reintroduced in the current session, SAFE does support the goals underlying the Council resolution and the Senate bill.

#### Res. 365

Federal Office of Refugee Resettlement (ORR) resources are only available to refugees and asylees. As the resolution points out, asylum seekers are not eligible. The problem is that it takes many years for asylum seekers to win their cases. It is not unheard of for an “affirmative” asylum seeker, meaning not in removal proceedings, to wait more than seven years just to have an initial interview at the asylum office. Asylum seekers who are in Immigrant Court and have “defensive” cases can wait even longer. The period when asylum seekers are most vulnerable is the beginning of the process, especially before they are eligible to apply for work authorization. (Some are not even eligible to apply for work authorization.). Unlike refugees, who are identified overseas and settled by the federal government immediately upon arriving, asylum seekers must make their own ways to the United States and can live for many years before being granted asylum. Once asylum seekers become asylees and hence eligible for ORR help, they often do not need it as they have been living for years in the United States without ORR assistance. The resolution, therefore, should be amended to call for federal resources for asylum seekers.

#### Res. 381

This resolution is too sparse to tackle the issue as laid out in its ambitious title “condemning the human trafficking of migrants.” It gives an extremely limited and hence skewed view of the issue. SAFE encourages the redrafting of this resolution to give a more accurate picture. Such a resolution should address, in addition to the recent actions of certain rightwing governors, New York City’s complicity in the issue, either by looking the other way, when, for example, unaccompanied minors are involved, or by effectively helping perpetuate human trafficking through the over-policing of the most vulnerable communities, which aids traffickers by driving survivors into the shadows. Even more important than passing a resolution, the City Council should ensure that legislation is passed, especially around law enforcement’s response to this issue, and that robust funding is included in the budget to tackle the scourge of human trafficking.

#### Res. 459

New York should have as little to do with the problematic E-Verify program as possible, so SAFE welcomes this resolution.

#### Res. 532

As with Res. 381, this resolution needs to provide wider context to the issue and address the ongoing failures, which started well before this current “crisis” narrative, of both the New York City and New York State governments. SAFE rejects the corporate media’s framing of the issue since we have worked for years with asylum seekers who have struggled to settle in New York,

whose leaders like to tout that we are a city of immigrants but rarely make meaningful systemic changes that would most positively impact the lives of asylum seekers. The Council should look introspectively before calling upon any other level of government for assistance. Last year, before the “crisis,” the Council defunded or refused to fund programs helping the most vulnerable New Yorkers, including asylum seekers. The Council first needs to refocus its own priorities before asking the state for emergency funding.

Res. 556

The state legislation at the heart of this resolution is critical to the still unacceptably high number of immigrants who lack a lawyer or accredited representative when facing removal proceedings. It should be made clear that currently NYIFUP represents *certain* indigent immigrants in removal proceedings. The following provision, especially the meaning of “carved out of,” is unclear: “A.170/S.999 will expand representation carved out of the New York Immigrant Family Unity Project [NYIFUP] by including immigrants with criminal histories.” SAFE suggests slightly amending this to make it clear that NYIFUP only focuses on immigrants from certain backgrounds (in the past, that seemed to be those from Latin America and the Caribbean, and with interaction with the carceral system) and that the state legislation would finally cover, for example, immigrants from China, who make up, by far, the largest group in New York Immigration Court yet receive virtually no assistance from NYIFUP.

T2036-3436

The resolution should be expanded to all humanitarian parolees. The problem is that parole only lasts for a period, often for a year. However, by the time parolees apply for and receive their work permits, their parole has expired or is about to expire. As for concerns with work authorization for other asylum seekers, SAFE has commented above on how Res. 307 should be amended.

Testimony of  
The Door – A Center of Alternatives, Inc.  
On  
Meeting the Needs of Asylum Seekers in  
New York City

Presented before:  
Committee on Immigration and Committee on  
Governmental Operations

Presented by:  
Salina Guzman, LMSW  
Maya Street Sachs, LMSW  
Immigrant Youth Social Workers  
The Door's Legal Services Center

April 28<sup>th</sup>, 2023

We want to begin by thanking the Committee on Immigration and the Committee on Governmental Operations for convening this hearing today. Please accept this written testimony in support of Int 0790-2022 and Int 0909-2023. We are Immigrant Youth Advocates at The Door's Legal Services Center and are happy to provide further information on the importance of the changes that these two bills will make to the IDNYC process, which will positively affect asylum seekers and other underserved populations in this city.

For some context, 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 11,000 young people, many of them immigrants, between the ages of twelve and twenty-four. 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. 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. The comprehensive, wraparound services model of The Door is extremely successful, and we urge New York City to approach its delivery of services to young migrants in a similar fashion.

### **The Current Needs of Migrant Youth in New York City**

Over the past several years, The Door has witnessed a steady increase of immigrant youth seeking supportive services, both legal and non-legal. While we have done, and continue to do our best, to find creative ways to use our limited resources to meet the increasing needs of these young people, our staff is consistently at capacity and cannot keep up. Over the past several months, the amount of immigrant youth seeking services has skyrocketed to crisis levels.

While serving thousands of NYC's young people a year, we are well aware of both the fruitful resources that this city has to offer, while also bearing witness to when these resources need improvement.

A form of identification is one of the most common concrete needs among our clients. Our clients are more often than not minors so a form of identification from their home country is usually not an option. The IDNYC program was created in 2015 to fill in this gap – to provide all New Yorkers, regardless of immigration status, with the opportunity to obtain an identification card. However, the program continues to fail the undocumented community here in NYC by creating boundaries to many applicants who do not have enough points.<sup>1</sup> This once again leaves this population with no government issued ID while they wait out their legal cases here in the United States. This means that

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<sup>1</sup> Applicants need 3 “points” to prove their identity and 1 “point” to prove their residence. The list of documents that will give an applicant a point is long but exclusionary.

our clients do not have any identification to show to the police, to prove their age/residency, to receive vaccines, to take their regents/SAT/TASC exams, to open a bank account, amongst many other advantages.

### **Documentation Establishing Proof of Identity for a New York City Identity Card**

As a part of our role as Social Workers working alongside attorneys for immigrant youth, we are often helping our clients obtain an IDNYC. We work with our clients to compile all of the documentation they *do* have, help them make the appointment online, and accompany them to their appointment. Compiling enough documents for proof of identity can prove difficult, and we are often faced with barriers as we try to get to 3 points. Each case is a puzzle, as we try to put together an application packet. Most recently, I accompanied a client to his appointment with his birth certificate from Honduras (1 point), his school ID (1 point), and his I-797 Approval Notice from USCIS (2 points). With 4 points for proof of identity, we went to his appointment enthusiastic that we would be successful. Upon arriving at the appointment, with a point **more** than required, we were denied because his school ID was from the previous school year. He had stopped going to school since the previous school year and wasn't able to get an updated one. Although he still had 3 points, we were turned away because his school ID was the only one with a photo. We presented the IDNYC employee with the client's ID from The Door, the organization that we work at and can confirm is original, an ID that has our client's full name AND photo - but was told that it was not accepted.

The above experience is incredibly common. We often make IDNYC referrals and accompany clients to appointments while crossing our fingers and hoping for the best. It leads to a stressful, offensive, and even scary experience for our clients who are so often denied other opportunities that New Yorkers with status take for granted. We feel strongly that adding documentation to the list of acceptable documents for proof of identity (i.e., documents issued by federal immigration authorities, a street vendor's license, a record of arrest and prosecution, prison ID, and an identification or letter from a legal services or social services organization) would greatly improve this process for our undocumented clients, and in turn, allow even more New Yorkers to benefit from this program.

### **Enhancing the IDNYC Application Process**

Our clients have more going on than the average young person in New York City. They have the average stressors of school or GED classes, interpersonal relationships, and wondering what their future will hold. However, in addition to these, they may be working to support their family, worrying about their legal case and the next court date they have, fearful that their deportation, or the deportation of loved ones is imminent, all while dealing with the trauma they may have faced in their home country or on the journey to the United States. The IDNYC program was presented as a way to make our client's lives a little bit easier. The current way the program runs, does not yet align with this goal.

When searching for an appointment, there are rarely any available, even when expanding the search to all five boroughs at any time or date. Our clients have the benefit of having a social worker who can search weekly or even daily, refreshing the page often, to see if there is an appointment anywhere in the city available. Many undocumented immigrants do not have the privilege of all of this time to refresh a page online or call 311 and wait to speak with someone. More appointments should be available to meet the needs of the approximately 3.1 immigrants living in our city.

A same-day walk-in option will allow immigrant New Yorkers to have some control and flexibility in obtaining this form of identification. Our clients' lives/schedules change often – New Yorkers lives/schedules change often. The IDNYC process should reflect the ever-changing nature of the lives of New Yorkers. Specific to our clients, schedules shift quickly in service jobs, and it is often hard for people to know ahead when they will have a day off, not to mention the familial responsibilities they may have, as well as legal meetings/court dates they may be required to attend. To be able to take care of getting an ID for themselves in a last-minute manner aligns more with the needs and lifestyles of our clients. Same-day walk-ins are necessary for the IDNYC program.

Actual IDNYC appointments can often be incredibly confusing. There is different information on the online document calculator than on the IDNYC Applicant Document Guide which rightfully causes confusion with staff members at the IDNYC offices. There also seems to be confusion as to whether documents need to be original or not, as well as what an original birth certificate even looks like. We have accompanied a client to an IDNYC appointment with their original Honduran birth certificate in hand, only to have the staff member swear that the birth certificate was not an original. Staff members also often question the use of a Notice to Appear (I-862 Form) as a point for proof of identity. Staff will say that the document must be original, while we will need to explain to the employee that our clients are not given the original (Border Patrol keeps the original and gives migrants a copy).

All IDNYC employees should be receiving trainings on the details of the program but also on what certain documents look like, and when originals are possible to obtain and when they are not. This would make the appointments run more smoothly and take less time for all of those involved.

Thank you, committee members, for your tireless and persistent efforts to address the challenges of immigrant populations in NYC and thank you for the opportunity to testify before you today.

**TESTIMONY BEFORE NEW YORK CITY COUNCIL'S  
COMMITTEES ON IMMIGRATION AND GOVERNMENTAL OPERATIONS**

**Presented on April 28, 2023**

My name is Deborah Lee, and I am the Attorney-in-Charge of the Immigration Law Unit at The Legal Aid Society (LAS). Originally founded in 1876 to provide comprehensive services to New York City's immigrant community, LAS is the nation's oldest and largest non-profit legal service provider of legal help for vulnerable low-income children and adults. LAS is organized into three practice areas: Civil, Juvenile Rights and Criminal Defense. Each year, the Society's staff provides free legal services in over 300,000 legal matters involving indigent families and individuals in all five boroughs of New York City. LAS's experience and knowledge make it uniquely qualified to address the issues presently before the Council.

Since the 1980s, LAS has maintained a robust citywide Immigration Law Unit (ILU), which provides legal representation to vulnerable New Yorkers seeking relief for themselves and their families. We assist those in detention and fighting unlawful deportations and represent low-income individuals in gaining and maintaining lawful status. Combining this representation with affirmative litigation work, we strive to ensure that families are able to stay together and stabilize their living situations. Over the most recent year, ILU assisted in 7,018 individual legal matters benefiting 16,960 New Yorkers citywide. In this testimony, we comment on the resolutions and bills being considered jointly by the Committees on Immigration and on Governmental Relations.

**I. Comments on Proposed Bills and Resolutions**

**A. Proposed Int No. 569-A - A Local Law to amend the administrative code of the city of New York, in relation to an immigrant workers' bill of rights.**

LAS applauds Proposed Int. No. 569-A generally. For section 3.f., regarding civil penalties, LAS encourages the City Council and the Administration to ensure that appropriate funding be provided to the designated city agency involved here. Civil penalties and the workers' rights they are intended to protect will be meaningless if the designated agency has no support from the City to enforce those rights. Further, in this same section, LAS requests that it be clarified to state that any penalty recovered is meant to go to the worker, rather than to the City. Finally, we suggest that

you add to the end of the section the following language: “The worker also has a private right of action to recover this penalty in any court of competent jurisdiction.”

**B. Proposed Int 790-A** - A Local Law to amend the administrative code of the city of New York, in relation to documentation establishing proof of identity for a New York city identity card.

LAS also supports Proposed Int 790-A. However, we note that noncitizens’ names are frequently misspelled on U.S. Department of Homeland Security (DHS) and Immigration Court documentation. Clerical errors by federal government officials are exceedingly difficult to rectify. Because of the difficulty in correcting these federal immigration documents, a recent arrival seeking a New York city identity card might have difficulty establishing their identity because of discrepancies between their federal immigration documents and other identity documents, such as a birth certificate.

Also, despite this bill’s amending Section 1. Paragraph (1) of subdivision d of section 3-115 of the Administrative Code, LAS notes several references to foreign identity documents that an asylum seeker may not currently possess. In order to obtain this New York city identity card, an asylum seeker may feel compelled to obtain such a foreign document once in the United States. However, to the extent noncitizens are seeking asylum or related fear-based forms of relief, they should not renew their passport or obtain other foreign documentation from their home country’s consulate. Such actions may be deemed to be availing oneself of the protection of their home country government, thereby weakening their immigration legal claim of fearing return to their home country. We urge the Council to make conforming amendments to help limit the chances of this occurring in the process of applying for a New York city identity card.

**C. Int 839** - A Local Law to amend the New York city charter, in relation to establishing an office of refugee and migrant settlement.

While LAS supports better coordination amongst city agencies and services, we are curious how the proposed new Office of Refugee and Migrant Settlement would differ from the Mayor’s Office of Immigrant Affairs (MOIA) and the Administration’s recently formed Office of Asylum Seeker Operations. If different, LAS would like to know how each of these different offices would work in coordination with each other as well as with other city agencies.

LAS is concerned that relegating programming of essential city services for immigrants away from existing relevant agencies will create an unregulated shadow system of services for immigrants and effectively absolve existing city agencies from accommodating the needs of immigrants. This is something LAS has seen in the shelter context with the Humanitarian Emergency Response and Relief Centers (HERRCs), which are not operated by the Department of Homeless Services. While the current situation of recent arrivals is unprecedented, LAS encourages the city to hold each of its already-existing city agencies accountable to respecting the rights and needs of recent arrivals. If the urgent need is for coordination, it is not clear that creating another city agency would resolve this. Perhaps, instead, existing city agencies need to develop greater facility in coordinating among themselves while addressing the needs of recently arrived immigrants.

D. **Int 909** - A Local Law to amend the administrative code of the city of New York, in relation to enhancing the IDNYC application process.

LAS applauds Int 909. We recommend that the quarterly assessments include the publishing of denial rates and reasons for denials. We also recommend including a process for soliciting regular feedback from community-based organizations regarding which aspects of the program are working well and which ones could benefit from improvements.

E. **Proposed Res 307-A** - Resolution calling on United States Citizenship and Immigration Services to quickly clear the backlog of I-765 applications for employment authorization

LAS has no objection to this resolution.

F. **Res 364 - Resolution** Calling on the United States Congress to pass and the President to sign S. 4529, the “Children’s Safe Welcome Act of 2022,” which would establish standards to ensure the safety and well-being of migrant children in government custody is prioritized, employing best practices in all stages of our immigration system involving unaccompanied and accompanied children who seek asylum in the United States.

LAS continues to be concerned about unaccompanied minors and, more generally, about migrant children and youth. We support this resolution and the City Council’s support of S. 4529. We believe that the safety and well-being of children should be the standard for engaging with them throughout the traumatic immigration legal process.

## 1. Runaway and Homeless Youth

To this end, LAS reiterates its December 20, 2022 testimony before the Committee on the Whole. New York City Department of Youth and Community Development (DYCD) runaway and homeless youth (RHY) service providers and mutual aid volunteers have seen unprecedented numbers of migrant youth.<sup>1</sup> To our knowledge, there is currently no referral process in place at the navigation centers for youth to go to DYCD shelters, or any other policies and procedures for supporting this population. RHY service providers continue to encounter lack of access to 1) adequate translation services, 2) funding for transportation to support family reunification, 3) adequate immigration legal services, and 4) permanent housing and employment.

## 2. Special Immigrant Juveniles

To further respond to the immigration legal needs of immigrant youth who have recently arrived in New York City, LAS respectfully requests support to target those eligible for Special Immigrant Juvenile status (SIJS) and to develop larger impact reforms to the New York City Family Courts for all those seeking SIJS.

SIJS is a time-sensitive immigration benefit that allows immigrant youth to apply for lawful permanent residency<sup>1</sup>, and in some cases may result in an interim period of Deferred Action status, with concomitant eligibility for employment authorization. A young person is eligible for SIJS if they are:

- a. Under 21;
- b. Unmarried;
- c. Dependent upon a state juvenile court;
- d. Unable to reunify with one *or* both parents due to abuse, abandonment or neglect; and
- e. It is in their best interest not to be returned to their home country.

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<sup>1</sup> See <https://gothamist.com/news/as-unaccompanied-minors-arrive-in-nyc-shelters-and-volunteers-scramble-to-help>.

SIJS is a unique form of immigration relief in that it requires a state “juvenile” court to issue the above factual determinations regarding the immigrant youth. In New York, the Family Court is the state court forum in which this happens.

Unfortunately, the New York City Family Courts continue to be hampered by the repercussions of COVID-19. Most saliently, there is currently very delayed docketing of newly filed petitions, with first appearances generally set for several months after filing. As a result, although it is possible to file a petition in Family Court, cases are taking longer than ever to be adjudicated. This extended wait time both impacts the length of time that SIJS-eligible youth must wait to petition U.S. Citizenship and Immigration Services’ (USCIS) for SIJS and later for permanent residency, and increases the length of time that the removal proceeding stays active in immigration court. These delays are prejudicial to our young clients. A report by the NYC Bar Association and the Fund for Modern Courts has detailed the Family Courts' inept response to COVID-19, as well as the widespread challenges faced by those seeking Family Court intervention in the midst of COVID-19.<sup>2</sup>

Based on our significant experience serving young people and their families, LAS believes that a substantial percentage of the children and young people under 21 who have recently arrived in New York City and who are currently housed in emergency shelters may be SIJS eligible. However, for a SIJS-eligible youth who has recently arrived in New York City to obtain SIJS, someone must initiate a Family Court proceeding in the Family Court of the borough where the child resides. Most frequently, this takes the form of either a Petition for Appointment as Guardian of the Person of a SIJS-eligible youth or a Petition for Custody of that youth.

Until now, SIJS-eligible youth have generally required the assistance of counsel throughout the entire Family Court process. Counsel files the relevant petition and supporting documents to initiate a Family Court proceeding, obtains service of process upon the respondent parent(s), files the motion for the requisite SIJS findings, and elicits evidence from witnesses to establish the factual bases for the requested findings. However, the need for counsel to represent these individual youths in Family Court far exceeds the available attorneys with such specialized expertise.

Given this problem of the need for lawyers far outpacing the number of available attorneys, LAS proposes establishing a pilot program in collaboration with stakeholders to:

- Screen for SIJS eligibility anyone under 21 years of age living in New York City shelters;
- Help families with SIJS-eligible children to file *pro se* petitions with the relevant Family Courts;
- Educate those who file a *pro se* petition in Family Court about the process, including relevant steps, including but not limited to how to serve process upon a respondent parent or seek to waive service, and how ask for the appointment of free counsel; and
- Enhance the training of the 18B/Attorney for the Child panels in the 1<sup>st</sup> and 2<sup>nd</sup> Appellate Divisions (which together cover all of New York City Family Courts) on the intricacies of SIJS and how to obtain orders from the Family Courts that would be sufficient before USCIS.

Concurrently, this pilot program will aim to engage with New York City Family Courts administrators to create pilot dedicated docketing systems to address the increased need for SIJS orders from the Family Courts due to the influx of this SIJS-eligible population.

In addition to benefiting the SIJS-eligible child, SIJS can benefit the whole family. In recent months, U.S. Immigration and Customs Enforcement (ICE) attorneys have begun utilizing their powers of prosecutorial discretion to dismiss immigration court proceedings against entire family units in the name of family unity when the children have been granted SIJS. While this does not equate to final relief for the parents, once the immigration court case is dismissed, the parents can continue to pursue any applicable relief, e.g., asylum, affirmatively outside of the immigration court context. This is tremendously beneficial to the parents.

LAS is uniquely positioned to take the lead on these much-needed reforms. Since 2003, LAS' Immigrant Youth Project has assisted hundreds of undocumented immigrant youth in New York City who are in foster care, adoption, custody, or guardianship proceedings, to obtain SIJS and other immigration benefits. In addition to providing direct legal services, our staff provide regular

training to immigrant-serving advocates from community-based organizations, State and local agencies, and judicial and legislative staff.

LAS has a documented history of engaging in this very kind of impact reform for those seeking SIJS. To cite but one example, in June 2018, LAS and Latham & Watkins LLP successfully filed a class action lawsuit in federal District Court in Manhattan, *R.F.M. v. Nielsen*, challenging USCIS's erroneous interpretation of the SIJS statute and New York Family Law that intended to eliminate SIJS for youth who are over 18 but under the federal statutory age limit of 21.<sup>2</sup> The resulting class of plaintiffs included over 6,600 young New Yorkers seeking SIJS status. In May 2022, the compliance phase of the litigation ended, meaning that the case has finally concluded. Beyond the sheer number of impacted young people, *R.F.M.* was significant because it enshrined the principle that the state juvenile courts (in New York, the Family Courts), not USCIS, are the arbiters of state law in this area. *R.F.M.* also resulted in significant and favorable changes to the USCIS Policy Manual.<sup>3</sup>

G. **Res 365 - Resolution** calling on the United States Department of Health and Human Services to prioritize refugee settlement resources to New York City.

LAS has no objection to this resolution. While refugee resettlement resources are certainly needed in New York City, we note that to be eligible for such resources, migrants must first apply for asylum and be granted asylum status.<sup>4</sup> The process may take several years, from the time of filing an asylum application to the eventual granting of asylum status. In that interim period, the individual would be ineligible for refugee resettlement resources.

H. **Res 381 - Resolution** condemning the human trafficking of migrants.

LAS applauds this resolution's condemnation of Texas, Arizona, and Florida's governors' pernicious act of bussing vulnerable migrants to our city and other sanctuary cities. However, it is not entirely certain that they have committed human trafficking as legally defined.

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<sup>2</sup> *R.F.M. v. Nielsen*, No. 18-CV-5068, 2019 WL 1219425 (S.D.N.Y. Mar. 15, 2019).

<sup>3</sup> U.S. Citizenship and Immigration Services. "Updated Procedures for Asylum Applications Filed by Unaccompanied Alien Children." May 31, 2019. <https://www.wsj.com/articles/lawsuit-claims-some-young-immigrants-treated-unfairly-under-new-policy-1528380693>

<sup>4</sup> See [https://www.acf.hhs.gov/sites/default/files/documents/orr/orr\\_asylee\\_fact\\_sheet.pdf](https://www.acf.hhs.gov/sites/default/files/documents/orr/orr_asylee_fact_sheet.pdf).

The United States passed [the Victims of Trafficking and Violence Protection Act of 2000 \(TVPA\)](#)<sup>5</sup> to address human trafficking in U.S. domestic law, and has signed and ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (known as the “[Palermo Protocol](#)”)<sup>6</sup> with the reservation that all obligations in the protocol be consistent with existing domestic laws. Under the Palermo Protocol, human trafficking is defined more broadly than the TVPA, which is limited to sex and labor trafficking, to include “the recruitment, transportation, transfer, harbouring [sic] or receipt of persons, by means of ...other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.” The Protocol makes no mention of political exploitation as a purpose of human trafficking, but it also does not preclude other forms of trafficking beyond sex and labor exploitation. Here, the governors are exploiting vulnerable migrants, including children, “for profit,” although their payout is in political capital rather than legal tender.

Whether or not these governors are engaging directly in human trafficking, their abhorrent actions increase the vulnerability of these individuals to being trafficked, as nefarious employers and individuals may seize upon these recent arrivals to our city. Across LAS’s practice areas, we have increasingly been encountering individuals who have been exploited for sex and/or labor. Despite our City’s best efforts to combat human trafficking, we are deeply concerned that many of these vulnerable recent arrival asylum seekers might also be similarly victimized because they were bussed to a city where they have no familial or community connections and may be linguistically isolated, financially and housing insecure, unfamiliar with labor practices, and desperately afraid to be returned to their home country.

- I. **Res 459 - Resolution** calling upon the New York State Legislature to pass, and the Governor to sign, A.7273/S.3063 prohibiting municipalities from requiring all employers to check prospective employees’ work authorization status by using the

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<sup>5</sup> Trafficking Victims Protection Act, 22 U.S.C § 7106 (2006) [hereinafter TVPA]. The Trafficking Victims Protection Act of 2000 is one of three sections within the Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386, div. A, § 101, 114 Stat. 1464, 1466 (2000) (codified as amended at 15 U.S.C. § 7101 (2005)).

<sup>6</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Nov. 15, 2000, 2237 U.N.T.S. 319 [hereinafter Palermo Protocol]

federal electronic verification system and prohibiting employers from checking the employment authorization status of an existing employee or an applicant who has not been offered employment.

We note that under Immigration and Nationality Act (INA) §§ 274A(a)(1) and (2), it is unlawful to hire an undocumented individual and to continue to employ them. Employers who hire and/or retain an undocumented individual face sanctions under INA § 274A(e)(4). While laudable, the provision of Resolution 459 “prohibiting employers from checking the employment authorization status of an existing employee or an applicant who has not been offered employment” would seem to be in direct conflict with the INA, and would thus be vulnerable to a challenge on grounds of federal preemption.

- J. **Proposed Res 532-A – Resolution** calling on Governor Hochul to declare an emergency under Section 2-B of New York State Executive Law to direct funds, administrative resources and services to aid asylum seekers forcibly transported to the city by the governors of other states.

LAS has no objection to this resolution.

- K. **Res 0556-2023** – Resolution calling on the New York State Legislature to pass and the Governor to sign A.170/S.999, also known as the Access to Representation Act, which establishes the right to legal counsel in immigration court proceedings and provides for the administration thereof.

LAS supports this resolution and A.170/S.999 but notes that priority for legal representation must be for New Yorkers who are detained and at imminent risk of being removed from this country.

The entire Immigration Court system short-changes immigrants every day and in multiple ways – they do not appoint counsel for those who cannot afford an attorney, legally defective documents are routinely used to attack immigrants’ immigration applications and to assist in ordering them removed from this country, and impossibly high legal burdens are shifted to immigrants to establish their legal claims to remain in this country. The stakes are highest for New Yorkers who are in federal immigration custody, many of whom are long-term residents here. They face separation from their families forever if they are deported and must endure inhumane conditions while detained.

City Council's support over the years for the New York Immigrant Family Unity Project (NYIFUP) has been unwavering and critically needed. Along with The Bronx Defenders and Brooklyn Defender Services, LAS created the first universal representation model of immigration legal services in Immigration Court nationally. There is much to learn from NYIFUP providers' experiences and must preserve this commitment to detained New Yorkers.

## **II. Additional Considerations**

As I noted in my oral testimony at today's hearing, LAS remains concerned about the myriad and complex needs of recent arrivals to New York. While we recognize that the City hopes that *pro se* application assistance clinics will help large numbers of people to file for asylum within the statutory one year filing deadline, the logistical reality is that, for the over 50,000 recent arrivals to New York City in the last year, tens of thousands will not be reached by this limited scope triage model. While full representation immigration legal services are the best way to ensure a successful immigration outcome, providers do not have the current capacity to meet the demand.

Given the limited *pro se* and full representation resources available and the formidable scale of the need, these recent arrivals would benefit most immediately from more education about their rights and remedies. This includes information not only about their immigration matters, including Immigration Court hearings and ICE check-ins, but also about their rights as workers, given that many of them are already working – albeit without authorization – and are being exploited and trafficked. We need to organize better together to disseminate information to recent arrivals.

LAS also knows that creative legal strategies are needed in this moment and wants to utilize impact litigation and federal advocacy to protect due process rights for recent arrivals. Currently, we are concerned about:

- DHS failing to provide notice of the one-year filing deadline.
  - Under 8 U.S.C. § 1158(a)(2), individuals must apply for asylum within one year of their last arrival in the United States, with limited exceptions.
  - A prior class action lawsuit, *Mendez Rojas v. Johnson*, 305 F.Supp.3d 1176 (W.D. Wash. 2018), challenged DHS's failure to provide adequate notice of the one-year filing deadline to certain asylum seekers who were in DHS custody shortly after

arriving in the United States. Under the parties' final settlement agreement, DHS agreed to accept as timely filed any asylum application from a class member filed on or before April 22, 2022, and revised its Notice to Appear (NTA) form to provide notice of the deadline to asylum seekers moving forward.

- However, anecdotal evidence suggests that many recently arrived immigrants have not received information about the one-year filing deadline, especially if they have not been issued an NTA. Furthermore, because of the cut-off date in *Mendez Rojas*, recently arrived immigrants who did not file an asylum application on or before April 2022 will not be able to claim class membership excusing them from the one-year deadline. Therefore, a new lawsuit on behalf of recently arrived immigrants may be necessary to protect their asylum eligibility.
- USCIS failing to accept jurisdiction over asylum applications for individuals not yet in Immigration Court proceedings.
  - Under federal regulations, USCIS has jurisdiction over asylum applications filed by individuals who are not in removal proceedings. In order to initiate removal proceedings against an individual, DHS must file a NTA with the immigration court; issuance of an NTA is insufficient.
  - Based on anecdotal evidence, many recently arrived immigrants have NTAs that were issued by DHS but not yet filed in immigration court. These individuals cannot file asylum applications with immigration court. However, USCIS has also refused to accept jurisdiction over asylum applications in these situations. LAS is investigating the possibility of challenging USCIS's failure to accept jurisdiction over asylum applications by individuals whose NTAs have not been filed in immigration court.
- ICE failing to provide a transparent process for pro se individuals to change their addresses and reschedule their check-ins.
  - LAS has received anecdotal information from service providers working with recent arrivals that ICE has not provided information or a clear process for pro se individuals to change their addresses on file after moving to New York. As a result, many recent arrivals have missed their check-ins scheduled by ICE in other states.

- In addition to missing their ICE reporting requirements, recent arrivals who are unable to change their address with ICE risk missing their immigration court hearings and are likely to receive *in absentia* removal orders. Thus, impact litigation challenging recent arrivals' inability to change their addresses with ICE could protect their due process rights and prevent their removal before they have had full and fair access to immigration court proceedings.

Impact litigation and federal advocacy could lead these agencies to reform their current practices.

The LAS Federal Practice, housed within our ILU, was one of the first federal litigation projects formed within an immigration legal services organization. The Federal Practice litigates innovative federal court interventions on behalf of individual noncitizens harmed by the unlawful actions of federal immigration agencies. The Practice achieves broader legal reform by developing favorable case law in the federal courts, advocating for policy changes, and providing technical assistance to other advocates, including facilitating a working group for Second Circuit immigration practitioners and another working group for habeas practitioners. The Federal Practice has emerged as a litigation powerhouse in recent years, obtaining victories on behalf of asylum-seekers and other persecuted individuals wrongly denied relief.<sup>7</sup> The Federal Practice has been a national leader on constitutional challenges to the wrongful detention of noncitizens in immigration jails, obtaining a landmark Second Circuit victory on procedural protections at immigration bond hearings and litigating novel challenges to immigration detention in federal district court.<sup>8</sup> And it

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<sup>7</sup> See, e.g., *Akre v. Garland*, 955 Fed. Appx. 59 (Mem.) (2d Cir. 2021) (vacating agency decision denying relief to asylum applicant from Cote D'Ivoire, where agency erroneously concluded that applicant could internally relocate within the country); *Alexandre v. Garland*, 851 Fed. Appx. 233 (2d Cir. 2021) (vacating agency decision denying relief to asylum applicant where immigration judge had improperly made adverse credibility finding based on national-origin stereotypes); *M.A. v. Garland*, 2021 WL 2878926 (2d. Cir. 2021) (vacating agency decision that applied overly stringent requirements for relief under the Convention Against Torture); *Zavala Almendades v. Garland*, 853 Fed. Appx. 727 (Mem.) (2d Cir. 2021) (vacating decision where agency misused our client's asylum application to help ICE meet its burden of proof); *Roe v. United States*, Case No. 18-cv-2644 (VSB), 2019 WL 1227940, at \*1 (S.D.N.Y. Mar. 15, 2019) (denying government's motion to dismiss FTCA claim arising from the unlawful removal of noncitizen seeking relief under the Convention Against Torture); see also *Garcia-Aranda v. Garland*, 53 F.4th 752, 754 (2d Cir. 2022) (as amicus) (vacating agency's denial of Convention Against Torture relief, where agency failed to properly analyze whether any government official would acquiescence to the noncitizen's likely torture).

<sup>8</sup> *Velasco Lopez v. Decker*, 978 F.3d 842 (2d Cir. 2020) (holding that when the government seeks to detain a noncitizen under 8 U.S.C. § 1226(a) for a prolonged period of time, the government must justify such detention by clear and convincing evidence); *Coronel v. Decker*, 449 F. Supp. 3d 274 (S.D.N.Y. 2020) (one of the first district court decisions in the nation ordering the immediate release of groups of immigration detainees at the beginning of

has secured the reversal of arbitrary denials of SIJS petitions through innovative APA actions brought on behalf of individual immigrant youth.<sup>9</sup> The Federal Practice was central to our efforts to respond to the needs of New York’s noncitizen communities during the Trump administration, and we have steadily grown our litigation and advocacy efforts on a variety of fronts, including but not limited to targeting policies and practices that affect detained individuals who have been transferred from nearby to remote ICE detention centers.

Our immigration team works closely with LAS’s in-house class action experts to litigate class-wide challenges to the government’s arbitrary and capricious policies. In addition to *R.F.M. v. Nielsen* mentioned previously, in *Make the Road v. Cuccinelli*,<sup>104</sup> LAS took on the Trump Administration’s public charge rules in litigation that made its way to the U.S. Supreme Court. An estimated 23 million noncitizens and citizens in immigrant families currently access benefits and would have been forced to disenroll or face long-term consequences to their ability to pursue permanent residence or citizenship without this litigation. Also, in the summer of 2018, when the Trump Administration was forcibly and cruelly separating small children from their parents, LAS filed *N.T.C. v. ICE*, a successful class action lawsuit on behalf all separated children being held in Office of Refugee Resettlement shelters in New York.<sup>115</sup> And in *Doe v. ICE*, LAS challenged ICE’s practice of arresting noncitizens appearing in New York civil, criminal, family, and housing courts.<sup>126</sup>

### III. Conclusion

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the COVID-19 pandemic); *O.F.C. v. Decker*, 2022 WL 4448728, at \*8 (S.D.N.Y. 2022) (clarifying that noncitizens need not undertake time-consuming administrative appeals before vindicating their constitutional rights to a fair bond hearing); *L.M.U. v. Decker*, Case No. 21-cv-3978-PGG (S.D.N.Y.) (through a novel civil complaint challenging the Varick Street Immigration Court’s policy of requiring detained individuals to seek habeas relief in federal court prior to receiving the benefits of *Velasco Lopez*, obtained direct release of asylum-seeking youth); *Fernandez Aguirre v. Barr*, 1:19-cv-07048-VEC, 2019 WL 4511933 (S.D.N.Y. Sep. 18, 2019) (one of the only district court decisions in the Southern District of New York to order the immediate release of a noncitizen in removal proceedings because an immigration judge failed to provide him with a constitutionally-adequate bond hearing).

<sup>9</sup> See *Flores Zabaleta v. Nielsen*, 367 F. Supp. 3d 208 (S.D.N.Y. 2019); *Jagatay v. U.S Dep’t of Homeland Security*, No. 20-cv-11071-PKC (S.D.N.Y.).

<sup>10</sup> *Make the Road et al. v. Cuccinelli et al.*, Case 1:19-cv-07993-GBD (S.D.N.Y.).

<sup>11</sup> *N.T.C. et al. v. U.S. Immigration and Customs Enforcement et al.*, Case 1: 18-cv-06428-JMF (S.D.N.Y.).

<sup>12</sup> *Doe et al. v. U.S. Immigration and Customs Enforcement et al.*, Case 1: 19-cv-8892-AJN (S.D.N.Y.).

LAS recognizes the City Council's commitment to New York's immigrant communities, and appreciates the intent behind this package of bills and resolutions. The challenges we face are daunting in their scale and complexity. We look forward to partnering with the Council and the Administration in working towards viable solutions.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Deborah Lee", with a long horizontal flourish extending to the right.

Deborah Lee  
Attorney-in-Charge  
Immigration Law Unit  
The Legal Aid Society



April 26, 2023

New York City Council Committee on Immigration

Meeting the Needs of Asylum Seekers in New York City

Good morning, Chairperson Hanif and members of the City Council Committee on Immigration. My name is Tom Harris, and I am the President of the Times Square Alliance, the business improvement district that exists to make Times Square clean, safe, and desirable for all.



In recent months, our district has welcomed over 5,000 asylees to the Times Square neighborhood living in several hotels the city converted into temporary housing. The Times Square Alliance is committed to welcoming these families into our community and easing their transition into their new temporary home here in Times Square. We have been working closely with the hotel property owners, neighborhood stakeholders, and our New York City agency partners, on all operational logistics to facilitate a smooth transition to our district. The Alliance appreciates the City's efforts to help asylum seekers find shelter and to manage the wider migrant crisis.

Among the migrants sheltered in our neighborhood are hundreds of migrant children soon to be released from school for summer break. As a central business district with only a very small residential population, we are concerned about the lack of recreational resources available to these children near where they are living, particularly during after school and weekend hours. With that in mind, we are taking proactive measures to promote youth engagement this summer; in the coming months, we are excited to partner with Street Lab and bring fun and age-appropriate programming directly to migrant children living in our neighborhood.

We fully support the Council's efforts to highlight the needs of these newest New Yorkers, and we would ask that the council consider summer youth engagement as among the primary needs of migrant families, particularly for those housed in areas that are primarily non-residential. We would welcome the opportunity to partner with the council and with city agencies to ensure that migrant children have rewarding experiences available near their homes.

Our city will only grow stronger by addressing the immediate and long-term needs of asylum seekers and we thank you for highlighting this issue.

Thank you for your time and consideration.

A handwritten signature in black ink, appearing to read 'Tom Harris', with a horizontal line extending to the right.

Tom Harris  
President  
Times Square Alliance



Community Immigration  
Legal Services & Education

## **Testimony submitted to the Joint Committee on Immigration, New York City Council Friday, April 28, 2023, 1:00pm**

Good afternoon. My name is Terry Lawson and I am the Executive Director of [UnLocal](#), and we provide community education, outreach, and legal representation to New York City's undocumented immigrant communities. I am also the co-founder and steering committee member of the Bronx Immigration Partnership. I am here to update the Council on the work of the Pro Se Plus Project, which I have testified about previously.

The Pro Se Plus Project or PSPP is a collaboration of UnLocal, Catholic Migration Services, Central American Legal Assistance, Masa, New York Legal Assistance Group, Venezuelans and Immigrants Aid, and African Communities Together. We launched PSPP in January to help recently arrived migrants access pro se legal assistance, advocate for themselves, and understand their rights and obligations. We help fill gaps while we and others advocate for increased funding to provide full representation to every asylum seeker across the city and state. We teach asylum seekers how to represent themselves and help to ensure that important deadlines are not missed. By helping asylum seekers file their applications *pro se* and with the assistance of community supporters, we make it possible for more people to access lawful

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Community Immigration  
Legal Services & Education

employment authorization, which ensures a more robust workforce in New York City and allows people to exit the shelter system more quickly. We conduct legal screenings and consultations, deliver educational presentations to migrants and community supporters, provide advice and counsel, and organize *pro se* assistance clinics to help recent arrivals meet requirements in a complicated and ever-changing immigration legal landscape.

Since PSPP began in December, we have provided 36 presentations to community members, reaching over 2000 attendees, and 12 trainings for advocates, reaching over 970 participants. We have screened over 700 people for relief, provided consultations to over 600 people, and hosted 4 *pro se* asylum assistance clinics, filing over 88 *pro se* asylum applications through those clinics. We recognize that this is just the tip of the iceberg, that there is much work left to be done, and we invite the City Council to partner with us and others to meet the need.

Lastly, I want to urge the Council to exercise caution regarding the collection and maintenance of immigration-related data for those seeking immigration legal services, including dates of entry and one-year filing deadlines, by City agencies. While we share the Council's concern about the rapidly approaching one-year filing deadlines for those seeking asylum, we strongly encourage the Council to support initiatives that fund immigration legal services

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providers to collect this information in connection with the provision of full immigration legal representation, to avoid sensitive data being collected and maintained by government agencies.

We look forward to an opportunity to meet further with the Council to discuss the programs discussed here and to work together to work better for immigrant New Yorkers. Thank you.

Terry Lawson  
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April 25, 2023

The Honorable Shahana Hanif  
Chair, Committee on Immigration  
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**Testimony of the Vera Institute of Justice in Support of Res. No. 556, calling for New York State to pass the Access to Representation Act (A170/S999), Establishing a Right to Representation for People Facing Deportation**

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

Dear Chairperson Hanif,

**On behalf of the Vera Institute of Justice (Vera), I write to urge the New York City Council to pass Resolution Number 556, calling upon the New York State Legislature to pass and the governor to sign the Access to Representation Act (ARA, S999/A170).** The ARA would establish a right to legal representation for people in New York at risk of deportation, promoting family unity, economic stability, and strong communities for immigrants and all New Yorkers. We further urge the New York City Council to continue—and increase—funding for existing immigration legal services programs funded by New York City regardless of the passage of the ARA, including the New York Immigrant Family Unity Project (NYIFUP), the Immigrant Children Advocates Response Effort (ICARE), the Immigrant Opportunity Initiative (IOI), and others.

Vera works to end mass incarceration, protect immigrants' rights, ensure dignity for people behind bars, and build safe, thriving communities. One of our core priorities is to advance universal representation to ensure that no immigrant is forced to face the prospect of detention and deportation without a trained legal advocate at their side.

As cynical politicians treat immigrants seeking refuge as political pawns, and the federal government continues to threaten families with detention and deportation, New York can lead the way by passing the ARA. Immigrants facing deportation are at risk of permanent separation from their families and forced return to dangerous or deadly conditions in another country, yet they are not guaranteed a lawyer if they cannot afford one. Having legal representation makes a huge difference: detained immigrants with representation win their cases at over 10 times the rate of those who don't have legal help.<sup>1</sup> For non-detained people, 60 percent with lawyers win their cases compared to 17 percent of those without a lawyer.<sup>2</sup>

At home, this investment is overwhelmingly popular: 99 percent of New York City residents support government-funded lawyers for people in immigration court.<sup>3</sup> On a national level, passing the ARA will advance federal momentum for the Fairness to Freedom Act, which will

enact a national right to representation for people at risk of deportation, continuing New York's long record of leadership on this issue.<sup>4</sup>

New York City and New York State's existing investments in immigration legal services promote safety and family unity for immigrant New Yorkers. For example, the New York Immigrant Family Unity Project (NYIFUP), funded by New York City and New York State's Liberty Defense Project, is a pioneering legal services program that began in New York City in 2013 and has provided representation to immigrants in detention across New York State since 2017.<sup>5</sup> This program reunites families, secures safety for people in unsafe detention conditions, and promotes stability in communities harmed by federal immigration enforcement.

These investments in immigration legal and social services have brought critical benefits to the city and state. More than one in three children statewide have an immigrant parent. In New York City, more than half of children have an immigrant parent.<sup>6</sup> Across the state, more than one quarter of the workforce is foreign-born and in New York City, it rises to 44 percent.<sup>7</sup> New York State immigrants own more than 280,000 businesses and have an estimated \$130 billion in annual spending power. In New York City, immigrants own nearly half of all small businesses and have an estimated \$77 billion in annual spending power.<sup>8</sup>

Today, the programs that have enabled this prosperity are stretched to the limit, unable to meet needs across the state. New York City and State funding for NYIFUP and other critically important immigration legal services programs is insufficient: more than 70,000 people in New York State are currently fighting for their lives in immigration court alone.<sup>9</sup> Investing in immigration policies that enable more community members to remain at home, on the job, and with their families benefits our economy and makes our state safer—not just for immigrants but for everyone.<sup>10</sup>

New York City's support for the ARA is critical. The legislation will enable the statewide legal services infrastructure to ensure that teams of immigration legal service providers have the training, staffing, and resources needed to support immigrant communities in the long-term. Along with New York City's continued leadership and ongoing investments in immigration legal services, it will ensure a solid framework for long-term stability in the provision of legal services for newly arriving immigrants and long-term neighbors at risk of deportation. It will begin a responsible, six-year process of expanding legal services to ensure that no New Yorker has to navigate complex immigration proceedings without legal representation.

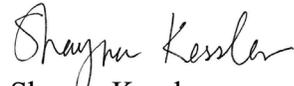
Harmful federal immigration policies continue to destabilize New York families and communities. As we see other states treat immigrants with cruelty and the federal government continues failing to enact immigration reform, immigrant New Yorkers remain at risk of immigration detention and deportation. New York must meet this moment by centering human dignity and recognizing that immigrants are essential to the fabric of our city and our state.

**By supporting the passage of the Access to Representation Act, New York can advance a new vision of justice for immigrant communities.** This work will continue the city's and state's record of supporting immigration legal services investments that serve immigrants and all New Yorkers, while leading the nation with a powerful example of promising immigration

policy that promotes safety, family unity, and economic stability. In addition, we urge New York City to continue and strengthen its own pioneering immigration legal services programs while supporting this promising advancement for immigrant New Yorkers.

For additional information, please contact Shayna Kessler at [skessler@vera.org](mailto:skessler@vera.org) or (917) 828-1753.

Sincerely,



Shayna Kessler  
State Advocacy Manager  
Vera Institute of Justice

cc: Commissioner Manuel Castro, Mayor's Office of Immigrant Affairs  
Council Member Crystal Hudson  
Council Member Carmen De La Rosa  
Council Member Pierina Ana Sanchez  
Council Member Sandra Ung  
Council Member Shekar Krishnan  
Council Member Rita Joseph  
Council Member Francisco Moya

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<sup>1</sup> Ingrid V. Eagly and Steven Shafer, "A National Study of Access to Counsel in Immigration Court," *University of Pennsylvania Law Review* 164, no. 1 (December 2015), 9, [perma.cc/7J65-CZCM](https://perma.cc/7J65-CZCM).

<sup>2</sup> Ingrid V. Eagly and Steven Shafer, *Access to Counsel in Immigration Court*, (Washington, DC: American Immigration Council, 2016), [perma.cc/A5Q7-9GNQ](https://perma.cc/A5Q7-9GNQ).

<sup>3</sup> Vera, *Public Support in New York State for Government-Funded Attorneys in Immigration Court*, (New York: Vera, 2020), [perma.cc/5ARY-BUDV](https://perma.cc/5ARY-BUDV).

<sup>4</sup> Vera, "Fairness to Freedom: The Campaign for Universal Representation," accessed April 20, 2023, [vera.org/fairness-to-freedom](https://vera.org/fairness-to-freedom).

<sup>5</sup> Vera, "New York Immigrant Family Unity Project," accessed April 20, 2023, [vera.org/ending-mass-incarceration/reducing-incarceration/detention-of-immigrants/new-york-immigrant-family-unity-project](https://vera.org/ending-mass-incarceration/reducing-incarceration/detention-of-immigrants/new-york-immigrant-family-unity-project).

<sup>6</sup> For New York State, see Vera, *Profile of the Foreign Born Population in the State of New York* (New York: Vera Institute of Justice, 2022), [perma.cc/URJ5-MCG3](https://perma.cc/URJ5-MCG3). For New York City, see United States Census Bureau, "Age and Nativity of Own Children under 18 Year ins Families and Subfamilies by Nativity of Parents," 2021 American Community Survey (ACS) 5-Year Estimates, accessed April 21, 2023, [data.census.gov/table?q=children&tid=ACSDT5Y2021.B05009](https://data.census.gov/table?q=children&tid=ACSDT5Y2021.B05009).

<sup>7</sup> For New York State, see Vera Institute of Justice, *Profile of the Foreign Born Population in the State of New York* (New York: Vera Institute of Justice, 2022), [perma.cc/URJ5-MCG3](https://perma.cc/URJ5-MCG3). For New York City, see United State Census Bureau, "Selected Characteristics of the Native and Foreign-Born Populations," 2021 American Community Survey (ACS) 5-Year Estimates, accessed April 21, 2023, [data.census.gov/table?q=foreign+born&tid=ACSST5Y2021.S0501](https://data.census.gov/table?q=foreign+born&tid=ACSST5Y2021.S0501).

<sup>8</sup> NYC Small Business Services, *Unlocking Potential: Empowering New York City's Immigrant Entrepreneurs* (New York: NYC Dept. of Small Businesses, 2015), [perma.cc/8KM3-44P6](https://perma.cc/8KM3-44P6); Vera, *Profile of the Foreign Born Population in the State of New York* (New York: Vera, 2022), [perma.cc/URJ5-MCG3](https://perma.cc/URJ5-MCG3); and "Map the Impact," American Immigration Council, accessed April 21, 2023, [data.americanimmigrationcouncil.org/map-the-impact](https://data.americanimmigrationcouncil.org/map-the-impact).

<sup>9</sup> See Transactional Records Access Clearinghouse (TRAC), "New Proceedings Filed in Immigration Court," database, data through March 2023, accessed April 20, 2023, [trac.syr.edu/phptools/immigration/ntanew](https://trac.syr.edu/phptools/immigration/ntanew). Search parameters: Immigration Court State, "New York," Outcome, "pending," Represented. Information is refreshed monthly and may change as new data is added.

<sup>10</sup> Tom K. Wong, "The Effects of Sanctuary Policies on Crime and the Economy," Center for American Progress, January 16, 2017, [perma.cc/FEL7-R87K](https://perma.cc/FEL7-R87K); and Randy Capps, Heather Koball, Andrea Campetella, et al., *Implications of Immigration Enforcement Activities for the Well-Being of Children in Immigrant Families: A Review of the Literature* (Washington, DC: Urban Institute and Migration Policy Institute, 2015), <https://perma.cc/Z8V9-H6MK>.

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Dr. Henry Love

Address: \_\_\_\_\_

I represent: Women In Need (Win.)

Address: 1 State St 10004

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 9094790 Res. No. 556

in favor  in opposition

Date: 09/28/2023

(PLEASE PRINT)

Name: Arielle Wisbaum

Address: 151 W. 30th St., Fl 11, New York NY 10001

I represent: New York Lawyers for the Public Interest

Address: NYLPI

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Harold Solis

Address: Grove Street, Brooklyn, NY 11237

I represent: Make the Road NY

Address: Same as above

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 909 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 4/28/2023

(PLEASE PRINT)

Name: NOELY REYES - VIANCY ROMERO

Address: 8th Ave Brooklyn, NY 11220

I represent: Mixteca Organization

Address: 245 23rd Brooklyn, NY 11215

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 4.28.23

(PLEASE PRINT)

Name: Lauren Gallaway

Address: \_\_\_\_\_

I represent: Coalition for homeless youth

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 04/28/23

(PLEASE PRINT)

Name: Gina Michu

Address: \_\_\_\_\_

I represent: Coalition for Homeless Youth

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 4/28/2023

(PLEASE PRINT)

Name: Ernie Collette

Address: \_\_\_\_\_

I represent: Mobilization For Justice

Address: 100 William Street, 6th FL, NY, NY 10032

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 569-A Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: BERNADETTE JENTSCH

Address: 100 William St. 6th Floor, NY, NY 10038

I represent: MOBILIZATION FOR JUSTICE, INC (MFI)

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 569-A Res. No. \_\_\_\_\_

in favor  in opposition

Date: 4/28/23

(PLEASE PRINT)

Name: DARBY CORNIEL

Address: 305 7th AVE 3rd FL NY NY 10001

I represent: CONSORTION FOR WORKER EDUCATION (CWE)

Address: 305 7th AV. 3rd FL NY-NY 10001

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Albert Gamarra

Address: IDNYC

I represent: Assistant Deputy Commissioner

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Carlos Ortiz

Address: \_\_\_\_\_

I represent: Assistant Commissioner

Address: DOW

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Jasniya Sanchez, Deputy Chief of Staff

Address: 453 Broadway NY 10005

I represent: NYC Immigrant Affairs

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. 556

in favor     in opposition

Date: 4/28/23

(PLEASE PRINT)

Name: Shayna Kessler

Address: \_\_\_\_\_

I represent: Vera Institute of Justice

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor     in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Funmi Akinlawon

Address: 907 Kilmer Lane, Valley Stream, NY 11581

I represent: Immigrant ARC

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms