

Health

Testimony

of

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Division of Family and Child Health
New York City Department of Health and Mental Hygiene**

before the

New York City Council Committee on Immigration

on

Oversight: How Does NYC Support Immigrant Parents of Children Ages 0-5 years?

**April 24, 2018
City Hall – Council Chambers
New York City**

Good afternoon Chair Menchaca and members of the Committee. I am Dr. Abigail Velikov, Senior Director of the Early Childhood Health and Development Unit of the Division of Family and Child Health at the New York City Department of Health and Mental Hygiene. On behalf of Commissioner Bassett and Deputy Commissioner George Askew, I want to thank you for the opportunity to testify on the many ways the Department supports expectant parents and families with children from birth to five years old.

Before I talk about the Department's programming, it is important to note that the Department serves **ALL** New Yorkers regardless of immigration or documentation status. We do not request any information concerning immigration status as a condition for participating in our programming, and our services are offered to families who meet the income and service eligibility requirements without any consideration of immigration status.

The Department aims to protect and promote the health of all New Yorkers, regardless of origin, education and primary language. Therefore, in a city where 40% of our population is foreign-born and 24% has limited English proficiency (LEP), providing language services representing the diversity of New Yorkers is vital to the Agency's mission and goals. Our comprehensive language access policy mandates that emergency communications, legal notices, and health bulletins are translated into any languages spoken by at least one percent of the NYC LEP population. All other communications are translated into any languages spoken by at least five percent of the eligible population, as determined by program or census data, and may be translated into additional languages if necessary. We also offer professional interpretation, including telephonic interpretation, in-person interpretation and American Sign Language interpretation. This policy ensures wide access to information and allows DOHMH to eliminate language barriers to its services.

The first five years of life are foundational for assuring lifelong physical, cognitive, economic and social emotional health and development. The impact of both the physical environment (home, early care and education settings, and neighborhoods) and socio-emotional environment (relationships that young children share with their primary caretakers and other adults in their lives) are critical to future health and wellbeing. In a city of numerous health and development disparities, our best hope of achieving overall health and development equity rests in early investments and supports – before a woman even begins to consider becoming pregnant.

One of the cornerstones of a truly comprehensive Public Health Department is the robust support and promotion of the health and development of young children. We know that investments made in the earliest years of life reap benefits beyond early health and development to life success and fiscal savings for all. The Department is committed to promotion of the health and development of Our Littlest New Yorkers. This commitment is evident, for example, in the Division of Family and Child Health, whose vision is that every child, woman and family in New York City recognizes their power and is given the opportunity to reach their full health and development potential.

The majority of programming for families of Our Littlest New Yorkers is offered through this Division, and other Divisions with relevant programming, including the Division of Mental Hygiene, Division of Environmental Health, and the Center for Health Equity, work closely with this Division to coordinate service delivery across the Department.

The Department offers a number of resources and avenues of support for parents and families, expectant parents and those who may become parents. The “Here for You” campaign, launched in 2017 on social media, television, subways and buses, encouraged parents and caregivers to call 311 or visit the Department’s web site to learn about the range of available City resources and services. Calls to 311 are routed to the Early Childhood Health and Development Unit who provides information and support specific to parents’ and caregivers’ needs. The campaign also promoted the Department’s programs for families with young children, including neighborhood-based parent groups, home visiting programs and the Early Intervention Program. Our neighborhood-based parent groups, called Parents Connect, were launched in 2017 in response to parent focus groups that indicated a desire for parents and caregivers to connect with one another and learn about early childhood health and development, including Department resources.

The Nurse-Family Partnership (NFP) program provides evidence-based support for first-time mothers through voluntary home visits by specially trained nurses to help improve pregnancy outcomes, child health and development and to provide Our Littlest New Yorkers with the best possible start in life. NFP is available to first-time mothers who meet income requirements, regardless of age or immigration status, and services are provided to families throughout the five boroughs. NFP also works with mothers in the foster care system, homeless shelters, and those involved in juvenile justice and are either incarcerated or recently released from Riker’s Island. The program serves over 2,500 unique clients annually. Thanks to funding from the City Council, we have been able to significantly expand the NFP and increase capacity by over 30 percent and reach additional families.

The Newborn Home Visiting Program (NHVP), another Health Department home visiting program, offers voluntary home visits to families in the South Bronx, East and Central Harlem, and North and Central Brooklyn with an infant birth to 2 months of age to facilitate the adjustment to parenthood; assure a safe living environment for families; provide maternal and infant health education on topics including child development and safe sleep; offer breastfeeding support; and identify health and social issues that require referral to community-based services. In 2015, the NHVP expanded its reach to provide visits to all families with an infant 0-2 months of age who reside in a Department of Homeless Services (DHS) shelter. This collaboration has enable more comprehensive and coordinated education and support to meet the needs of families in shelter, and we have been able to reach over 1,500 families residing in shelters since then. The program recruits participants at hospitals and receives a daily client listing of eligible families from DHS to serve families residing in homeless shelters.

The Early Intervention (EI) Program provides a broad array of services to children birth to three years old with or at risk of developmental delays or disabilities, and assists and empowers families to meet their children’s needs. Infants or toddlers suspected of having a developmental delay or disability can be referred to the EI program by a wide range of

individuals, including family members, doctors, social service workers, child care workers and staff at community organizations. EI services are provided to families citywide, regardless of immigration status, and include speech therapy, special instruction and physical and occupational therapy. The program serves over 30,000 children each year.

The Cribs for Kids program provides free cribs to families in need of a safe sleep space for their children. Outreach workers provide cribs to new parents in parts of the South Bronx, East and Central Harlem, and North and Central Brooklyn during home visits. Families in the Newborn Home Visiting Program and Nurse-Family Partnership also receive cribs and safe-sleep education.

The Healthy Start Brooklyn program, out of the Center for Health Equity's Brooklyn Health Action Center, provides a variety of support programs for new parents who live in the neighborhoods of Brownsville, East New York, Bedford Stuyvesant and Bushwick, including childbirth and parenting education, fitness classes, and resources on breastfeeding, perinatal depression, developmental delays and stress relief; group prenatal care through CenteringPregnancy; the In the Circle fathers' program; Healthy Families home visiting and doula services.

The Department has several initiatives to encourage breastfeeding and address the racial and ethnic disparities in breastfeeding rates. We offer breastfeeding education and pumps to new mothers through our home visiting programs; develop and distribute educational materials and information to providers and consumers about breastfeeding; work with community-based organizations to build local capacity to support breastfeeding; and offer trainings to local health care providers, hospital staff and field workers, including Certified Lactation Counselor, Train the Trainer, and Community Breastfeeding Educator courses. Last year, we also installed a lactation pod, a self-contained mobile unit that offers a comfortable and private space for breastfeeding or pumping, in each borough, including public locations such as the Bronx Zoo, the Brooklyn Children's Museum and the Staten Island Children's Museum.

As part of Latch On NYC, we work with hospitals to support mothers who choose to breastfeed, reduce formula supplementation to healthy breastfed infants during the hospital stay and discontinue distribution of promotional or free infant formula that can interfere with a mother's choice to breastfeed. The New York City Breastfeeding Hospital Collaborative works to increase the number of maternity facilities that achieve the World Health Organization and UNICEF "Baby-Friendly" designation, a special recognition for hospitals and birthing centers that offer an optimal level of care for infant care and feeding and mother/baby bonding. There are currently 16 Baby-Friendly designated maternity hospitals and birthing centers in New York City. The Brooklyn Breastfeeding Empowerment Zone (BFEZ) is a place-based initiative in North and Central Brooklyn run by our Center for Health Equity's Brooklyn Health Action Center. BFEZ trains and recognizes the power of community members to support breastfeeding parents and families, including male partners and family members, faith-based leaders, small businesses and other community members to ensure that every mother and baby has the opportunity to experience the health benefits of breastfeeding. Additionally, we engage local groups, faith-based organizations, employers and employees to adopt practices that protect,

promote, and support breastfeeding through our Breastfeeding-Friendly Spaces initiative and Know Your Rights workshops.

The Department works collaboratively with other City Agencies, including the Department of Education and the Administration for Children's Services, to coordinate service delivery for families and children. For example, DOE sent informational packets on NYC Well, the City's connection to free, confidential crisis counseling, mental health and substance misuse support, information, and referral, and available health resources home with students in effort to reach more families. We also participate on cross-agency workgroups, including the Children's Cabinet.

Thank you again for the opportunity to testify, and we look forward to continue working with the Council to connect New York City families to the comprehensive range of Department programming and services. I am happy to answer any questions you may have.



**The New York City Council
Committee on Immigration
April 24, 2018**

**Testimony by
New York City Administration for Children's Services
Lorelei Vargas, Deputy Commissioner
Division of Child and Family Well-Being**

"How Does NYC Support Immigrant Parents of Children Ages 0-5 Years?"

Good afternoon Chair Menchaca and members of the Committee on Immigration. I am Lorelei Vargas, Deputy Commissioner of the Division of Child and Family Well-Being for the New York City Administration for Children's Services (ACS). Thank you for this opportunity to discuss ACS' programs and initiatives that serve immigrant parents of children ages 0-5 years.

The Administration for Children's Services protects and promotes the safety and well-being of New York City's children, young people, families, and communities by providing child welfare, juvenile justice, and early care and education services throughout the City. Along with our community partners, ACS provides support and neighborhood-based services to all of New York City's families—including immigrant parents—to help ensure children grow up in safe, permanent homes with strong families. Many of ACS' programs and services are offered without regard to immigration status, and printed materials for our programs and services are largely available in a variety of languages, including our parents' rights literature, which is available in 11 languages. ACS's Office of Immigration Services and Language Access (OISLA) closely monitors all program areas within ACS for compliance with language access mandates and trains the agency's foster care providers to identify and refer all non-citizen children in care for legal services, in the interests of gaining Special Immigrant Juvenile Status or other forms of legal status when possible. In the past eight months OISLA has certified over 180 U- and T-Visas, some benefiting families with children ages 0 – 5,

ACS is dedicated to promoting the well-being of all New York City's children and families. Over the past year, the agency has significantly enhanced our work in preventive services to provide supports for families *before* a need for intervention arises. In September 2017, ACS created the Division of Child and Family Well-Being, making ACS the first child welfare agency in the country to spearhead a new "primary prevention" approach, which seeks to reach families proactively with services, resources and educational messages that can support healthy children, families and communities.

The Division of Child and Family Well-Being (CFWB) aims to engage families before they ever reach the child welfare system, with resources and services to help them thrive. CFWB focuses on the factors that contribute to family well-being—including health, education, employment, and culture—and uses place-based and population-based approaches to engage families and communities. CFWB's scope includes ACS's Community Partnerships Programs, Family Enrichment Centers, the Safe Sleep Initiative, the Medication Safety campaign, early care and education, and a new Office of Equity Strategies that works to identify strategies to reduce inequities, implicit bias, and other factors that contribute to disparate outcomes for the families and communities we serve.

Medication Safety Campaign

One of the first major initiatives of the new Division was the fall 2017 launch of ACS's Medication Safety campaign, an effort to help parents and caregivers ensure that

medications and potentially dangerous household items are stored out of children's reach. In addition to this information campaign, we have begun to distribute lock boxes and bags to families engaged with ACS and we will eventually share them across city agencies, as well as with programs that provide in-home services. Lock boxes and bags are easy and effective ways to keep medication accessible to parents, but out of children's reach. We are bringing our awareness campaign across the City, and literature will be available in multiple languages.

Safe Sleep Initiative

ACS's Safe Sleep Initiative was launched in 2015 with the goal of diminishing the occurrence of sleep-related infant injury deaths. In 2016, ACS partnered with the Department of Health and Mental Hygiene (DOHMH) to launch a public awareness campaign to educate parents and caregivers about the potentially fatal risks associated with unsafe sleep practices, and our sustained efforts have yielded encouraging results. Since the launch of ACS's Safe Sleep Initiative, there has been a significant reduction in the number of sleep-related infant injury deaths (SRIDs) reported to the Statewide Central Register of Child Abuse and Maltreatment (SCR) (*families known to ACS*). There was a 17% decrease in SRIDs reported to the SCR from 2015 to 2016.

In 2017, the ACS Safe Sleep team trained over 10,500 child welfare and healthcare professionals and prenatal patients, fatherhood groups, community and faith-based organizations, expectant and parenting teens, formerly-incarcerated mothers, public housing residents, and homeless families. This important work was conducted in

communities with the highest rates of sleep-related infant deaths. We are now developing a Safe Sleep Kit to pilot for dissemination to maternity patients at the City's eleven Health and Hospitals (H+H) facilities. As 15% of NYC's annual births (120,000) occur at H+H facilities, we anticipate reaching approximately 18,000 families.

EarlyLearn NYC

The foundation of the Division of Child and Family Well-Being is early care and education. CFWB currently administers one of the largest publicly-funded childcare systems in the country, with the capacity to serve almost 110,000 infants, toddlers, preschool, and school-aged children to age 13. ACS provides access to child care in two primary ways: we run a contracted system, called *EarlyLearn NYC*, which serves children between the ages of 6 weeks and five years and includes both state-funded Child Care programs and federally funded Head Start programs. We also fund vouchers that parents may use to purchase care in a variety of settings for children between the ages of six weeks and 13 years. Further, ACS serves children with special needs through age 18 and up to age 19 if they are a full time student in an educational or vocational activity. Our services enhance child development and assist eligible public assistance recipients, low-income working families and families that are receiving child welfare services.

While New York City residents may access a variety of services through ACS regardless of their citizenship or immigration status, such information is required in order to access some child care services through ACS. Children in families that receive

cash assistance must follow TANF eligibility rules, which require the parent to be a citizen. Families applying for non-mandated CCBG funded child care through vouchers and *EarlyLearn NYC* (except *EarlyLearn NYC* Head Start programs) must certify that all children to receive child care are citizens, nationals or persons with satisfactory immigration status, but are not required to note citizenship or immigration status of anyone else in the family. However, the application does require families to attest to understanding that information about the children noted in the application may be submitted to INS. Head Start programs do not require documentation of citizenship/immigration status, and DOE-funded pre-K seats are exempt from the citizenship/immigration status requirements.

ACS works in earnest to make sure that families understand citizenship and immigration status requirements to access our child care programs. To help ensure clarity, CFWB works with all of our child care providers so that they can clearly discuss these requirements with families, and we also created signs that clearly articulate immigration status requirements, which are posted conspicuously in our resource areas where families apply for child care. I am also excited to share that our child care application will officially be updated as of May 1. We worked collaboratively with MOIA to implement changes to our application to ensure that immigration information is collected only for the child in need of subsidized care and that the instructions were clear for parents and guardians.

While New York City has gone to great lengths to ensure that child care services are accessible to all families in the City, we firmly believe that immigration status should

not be a barrier to accessing quality child care and early education programs. We are proud that CFWB's *EarlyLearn NYC* program has become a pillar for promoting healthy childhood development, while also providing wraparound support to families—a hallmark of *EarlyLearn NYC*.

As you know, ACS's *EarlyLearn NYC* contracts will be transferred and integrated into the DOE's Division of Early Childhood Education in 2019 as part of the Mayor de Blasio's commitment to early education. This integration will build on the important work done by *EarlyLearn NYC* programs today, strengthening birth-to-five care and education in New York City and creating a more seamless experience for children and families into elementary school and beyond. The transfer of *EarlyLearn NYC* will also support the Mayor's 3K For All initiative, which will ultimately offer free, high-quality early education services to all three-year-olds in NYC.

As *EarlyLearn NYC* transfers to DOE, ACS will continue to administer the City's child care voucher system. We will continue our efforts to bolster the quality of care in this system, which serves 29,000 children under the age of 5, in collaboration with the Human Resources Administration (HRA), the DOHMH, and DOE, and we are committed to continued efforts to make child care available to some of the most vulnerable families in NYC.

Collaboration with DHS

As a City we all share a responsibility for protecting children and supporting families. To help further this mission ACS and the Department of Homeless Services

(DHS) executed a Memorandum of Understanding which enables ACS and DHS to share information between agencies about children and families in the shelter system and also requires shelter providers to issue vital information to families, such as information on availability of child care and safe sleep practices for infants. All staff at 162 shelters citywide have been trained on the new protocol.

Family Enrichment Centers

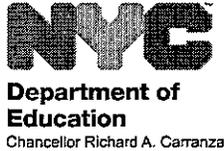
In the first half of 2018, ACS is helping launch an innovative new model for providing comprehensive, community-focused support to families, known as Family Enrichment Centers (FEC). FEC is a family-centered primary prevention strategy that is designed to reduce rates of child maltreatment and increase family stability and well-being. Everything about each Center—from the name, to the physical layout, to the services offered—is co-developed with families and the community. The FECs are open to all families in their communities and will provide a range of services that support healthy child development. Because the design of each center is community-driven, they are an important vehicle for helping all children and families to thrive. In communities with large immigrant populations, we expect our Family Enrichment Centers to mirror the needs of the community, and therefore to help immigrant parents to locate and access the resources they need to succeed. The first pilot Center is now open in the Hunts Point neighborhood of the Bronx, and two additional pilot Centers will be located in the Bronx and Brooklyn.

Community Partnerships

The Community Partnerships Program (CPP) is ACS' first funded community-based initiative committed to partnering with local communities in key aspects of the agency's work. The program embodies a commitment to the children, youth, and families of New York City—a commitment that is shared by both the City and local communities. Community Partnerships serve as ambassadors to the community, advocates for families, and advisors to ACS and the City. The Program focuses on community organizing, community education and capacity-building, recruiting and training community leaders, managing community coalitions or partnerships, and engaging children, youth, or families in social service programs. CPPs are vital to ACS work to build strong and meaningful relationships with the most vulnerable communities, including immigrant parents of young children.

Conclusion

In closing, I'd like to thank you for the opportunity to discuss some of the many ways ACS supports families in New York City. ACS is deeply committed to providing high quality programs and services to meet the needs of all families in the City, including immigrant populations. ACS is grateful for the support of the Council in this mission and we look forward to further cultivating our partnership with you to carry out this important work.



**Testimony of the NYC Department of Education
on How NYC Supports Immigrant Parents with Children Ages 0-5
Before the NYC Council Committee on Immigration**

April 24, 2018

Good afternoon Chairperson Menchaca and members of the City Council Immigration Committee here today. My name is Maite Junco, Senior Advisor to the Chancellor for Communications and External Affairs. In this role, I oversee the Office of Translation and Interpretation. Seated with me is John Tritt, Executive Director of Outreach in the DOE's Division of Early Childhood Education. Thank you for this opportunity to discuss the NYC Department of Education's (DOE) work to support our youngest learners and their families.

Before I talk about our services, I want to reiterate that all children have a right to attend public school, including 3-K and Pre-K, regardless of immigration status or national origin. We do not collect information on immigration status of students or their family members. We are fortunate to live in a City built by immigrants, and to have a school system that reflects this rich cultural and linguistic diversity. Our parents speak over 180 languages with 41% of them speaking a language other than English at home. The DOE offers a wide range of supports for immigrant Pre-K and 3-K parents and parents with limited English proficiency, including multilingual and culturally competent enrollment outreach and language services.

As part of this Administration's Equity and Excellence for All agenda, our schools are starting earlier—with free, full-day, high-quality education for three-year-olds and four-year-olds through 3-K for All and Pre-K for All. With your support, this school year approximately 68,000 children are enrolled in pre-K, more than three times the number of kids enrolled before the expansion. The Administration's 3-K for All initiative, launched last September in the South Bronx's District 7 and Brownsville's District 23 and expanding to four more districts this coming fall, is building on the success of Pre-K for All, and providing NYC children a continuum of early care and education. As you know, the Administration for Children's Services' EarlyLearn NYC contracts will be transferred and integrated into the DOE's Division of Early Childhood Education in 2019 as part of Mayor de Blasio's commitment to early education. This integration will build on the important work done by EarlyLearn NYC programs today, strengthening birth-to-five care and education in New York City and creating a more seamless experience for children and families into elementary school and beyond.

The Pre-K Outreach Team executes a thoughtful strategy, combining grass roots outreach, phone calls, and facilitated enrollment to support parents in the 3-K and Pre-K processes. To meet the needs of all families, the Outreach Team mobilizes existing DOE resources and leverages interagency partnerships to recruit and enroll children in 3-K and Pre-K in every community across the City. Specialists host events and trainings, phone bank, canvass, recruit volunteers, and lead visibility events. Enrollment specialists also develop and execute outreach strategies specific to each community, accounting for the context of the families they serve. Each year, the



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Outreach Team attends over 1,200 events across the City, including many organized by community-based organizations (CBOs).

Outreach Team staff members speak at least a dozen languages other than English, including: Spanish, Cantonese, Mandarin and Fujianese, Urdu, Hindi, Arabic, Russian, Haitian-Creole, and French. Many of the members of the team are immigrants themselves.

In addition, the Outreach Team works closely with immigration advocacy groups across the City, including Make the Road New York and the Hispanic Federation. Last fall, we collaborated with New York Immigration Coalition on the launch of a new program called Linking Immigrant Families to Early Childhood Education (LIFE) Project. The goal of the project is to improve immigrant families' access to pre-K and other early childhood programs. Four CBOs were selected to conduct direct outreach in target neighborhoods around the City, and develop recommendations to remove barriers to entry.

As part of our commitment to engage our diverse families, we have significantly expanded and improved language access services for the 41% percent of parents who speak a language other than English at home.

The DOE offers free access to over-the-phone interpretation services in over 200 languages for staff to communicate with 3-K and Pre-K for All families who speak a language other than English. Program staff can use the service when a parent or guardian calls or visits a school or program, or a program calls a parent or guardian. Social workers may also utilize this service in their work with families. Last school year, the use of over-the-phone interpretation services tripled to a record 52,850 calls, from 16,722 during the prior year.

To raise awareness of language access services across our schools, this school year and last we had a multilingual subway ad campaign that reminded parents that New York City public schools speak their language.

In the 2018–19 school year, we will offer a total of 63 pre-K Dual Language programs, an increase from the 30 current programs. The expansion of pre-K Dual Language classes in every borough is part of the City's effort to bring bilingual education to more students. Following the expansion, we will offer pre-K Dual Language in five languages: Spanish, Mandarin, and Italian, as well as the City's first-ever Bengali pre-K Dual Language program at the Ezra Jack Keats Pre-K Center in Queens and the first-ever Russian pre-K Dual Language program at P.S. 145 in Manhattan. Dual Language classes are comprised of 50 percent children whose home language is not English and 50 percent English-proficient students. Instruction is held in both languages with the goal of teaching students to be bilingual and biliterate. Students in pre-K Dual Language classes will be able to continue on the Dual Language track in Kindergarten and beyond.

To conclude, I want to remind the Committee that last year the Chancellor and the Commissioner of the Mayor's Office of Immigrant Affairs (MOIA) wrote to DOE families on various occasions reaffirming our commitment to protecting the right of every student in New York City to attend



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public school, regardless of immigration status. We also issued guidance to protect students and families if federal agents visit a school. We do not permit non-local law enforcement agents, including Immigration and Customs Enforcement officials, to enter schools, except when absolutely required by law, and we do not release student information unless absolutely required to by law. We partnered with MOIA to offer Know Your Rights workshops in schools for students, parents, and community members. This year, we sent a poster to all schools reminding students and families that New York is a City of immigrants, that every child has the right to a high-quality public education, and that we are committed to protecting that right. Public schools are at the center of our democracy, and New York City schools remain safe places for all students, families, and educators.

Ensuring that parents are partners in their child's education is a top priority and we will continue to improve and expand our services. Thank you for the opportunity to testify today, and I am happy to answer any questions you may have.

Contact : Mary Elizabeth Margolis at margolisME@humanrightsfirst.org

**TESTIMONY OF
LORI ADAMS, MANAGING ATTORNEY, AND JESSICA GORELICK, SOCIAL WORKER
HUMAN RIGHTS FIRST**

**NEW YORK CITY COUNCIL
COMMITTEE ON IMMIGRATION**

**OVERSIGHT HEARING:
HOW DOES NYC SUPPORT IMMIGRANT PARENTS OF CHILDREN AGES 0-5 YEARS?**

April 24, 2018

Lori Adams and Jessica Gorelick submit these comments on behalf of Human Rights First and thank the City Council for the opportunity to testify.

In late 2014, Human Rights First staff met Kenia and her three children, aged 3, 5, and 12 years old, while conducting screenings of potential clients on the Adults with Children (AWC) docket at the New York Immigration Court. They had fled Honduras due to familial violence and gang-related threats, traveling to the U.S. for protection. We quickly realized that they were in dire need of legal and social service support and accepted their asylum case through our integrated legal-social work program.

Without our support, Kenia and her children would have been left to defend themselves in immigration court because there is no right to government-funded counsel in immigration proceedings and their case did not qualify for any of the city-funded representation programs at that time. Our team jumped in and helped the family file their asylum application and thoroughly prepare their case on a pro bono basis. Due to extremely long wait times within our immigration system, this family did not see their day in court until August 2017. During their time waiting for their hearing, they faced tremendous psychosocial stressors including homelessness along with difficulties accessing food, clothing, medical care, and mental health services. Our team at Human Rights First addressed the myriad legal and social work issues in the case to serve this family in a holistic manner. They were granted asylum and are now a family of asylees and thriving New York City residents. Kenia is getting job training and developing a career plan, while the children are doing well in school and have adapted to their new lives as New Yorkers.

At the time that Human Rights First initially met with Kenia and her children, other legal service organizations were providing free legal help to unaccompanied minors with funding from the City Council, but cases like theirs—involving a mother with young children—were not eligible for those services.

Human Rights First commends the City Council for its initiative to provide legal representation and support for immigrant children in New York City, and for its decision to later expand to cover the cases of mothers and their children. The Unaccompanied Minors and Families Initiative, in particular, has made a tremendous difference for large numbers of immigrants who fled violence in their home countries and now live in the five boroughs of New York City by providing them with free legal representation in the New York Immigration Court. We all know that whether a person has legal representation is one of the most important factors in whether his or her immigration case is granted.

Human Rights First provides legal representation and social work support to immigrants like Kenia and her family every day. For the past 40 years, we have been running one of the largest pro bono legal representation programs in this country to bring volunteer lawyers together with immigrants in need of protection to represent them in immigration court proceedings. Our unique approach—which combines legal representation, psychosocial support, and advocacy for fair and humane national asylum and immigration laws and policies—has proven to be highly effective in saving lives and bringing about sustained and positive change in refugee protection and human rights. Working in close coordination with our dedicated pro bono attorneys at top law firms, and sometimes taking cases on for in-house representation, we win over 90% of our cases, many of which are venued in the New York Immigration Court.

Human Rights First has not, historically, accepted government funding. The groundbreaking work of the New York City Council in supporting legal service organizations to help immigrants in this city has convinced us to change our policy with regard to local and state funding. We would welcome the opportunity to expand our work through additional support from the city to provide life-saving legal and psychosocial services to more asylum-seekers and other vulnerable immigrants in New York.

Asylum seeking families face an array of unique challenges when arriving to New York City, particularly those with extremely young children. Our clients have frequently fled from extreme danger, many times crossing multiple countries and difficult terrain, to apply for

protection in the United States. Some arrive with little more than the clothes on their backs and must figure out how to survive, without knowledge of the U.S. legal system, without a source of income, sometimes without fluency in English, and often while just beginning to heal from the trauma that caused them to flee their country in the first place.

New York City has been a great supporter to many asylum-seeking families. Many of our clients become homeless during the long life of their asylum case. As New York City is a “right to shelter” city, our clients can seek shelter through the Department of Homeless Services. Human Rights First worked with a team of advocates from the Legal Aid Society, Safe Passage Project, and Feerick Center for Social Justice at Fordham University to collaborate with NYC Department of Social Services (DSS) and the Mayor’s Office on Immigrant Affairs (MOIA) to create a policy to identify and better serve asylum seeking and trafficking survivor homeless families. Through this process we provided multiple trainings to Prevention Assistance and Temporary Housing (PATH) staff, resulting in families more safely and easily accessing shelter and referrals for legal services from PATH to our organizations. This collaboration has been a boon in helping us all better serve our clients.

While there are many struggles that our asylum-seeking families face, an array of New York City and State policies exist to protect asylum seekers. Asylum seeking families are eligible for health insurance; Safety Net Assistance once receiving employment authorization; Women, Infants, and Children (WIC); care through the HIV / AIDS Services Administration (HASA); and educational services. Unfortunately, most of our clients and the vast majority of service providers, including those at city agencies, are not aware of this eligibility and many asylum seekers are left to suffer in silence.

It is crucial that all staff at New York City service providing agencies learn about the unique challenges and needs of asylum-seeking families. Our clients frequently come to us reporting that they have been told they should learn English or are not eligible for any supportive services as asylum seekers because they are “illegal.” We have had clients turned away from shelter even though they are homeless. We have had to intervene related to grave misunderstandings and lack of cultural competency of staff from Administration for Children’s Services (ACS) who all too often provide services in a punitive rather than educational and supportive manner. Our clients are nearly always told they are not eligible for Medicaid. We constantly have to provide advocacy and teach city employees about the New York City and State policies that protect our asylum-seeking clients while also imploring them to use a trauma-informed approach. We have been able to directly affect change for many of our clients, but we know there are thousands



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out there without advocates that are deprived of key services and facing retraumatization because of this lack of training.

The New York City Council has made incredible efforts to create a safe and welcoming environment for all immigrants arriving in New York City. We hope that the New York City Council will expand its efforts and provide greater services to and protection for asylum-seeking families as they seek safe haven in our community. We believe that an expansion of programming that offers free legal and social services to asylum seeking families along with greater education and training for city employees who interface regularly with this community will ultimately be beneficial to our larger community and strengthen the fabric of our city of immigrants.

We are grateful to the New York City Council and its Committee on Immigration for the opportunity to and we look forward to further discussion of this important topic. Thank you.



Advocates for Children of New York

Protecting every child's right to learn

Testimony to be Delivered to the New York City Council Immigration Committee

Re: Oversight: How Does NYC Support Immigrant Parents of Children Ages 0-5 years

April 24, 2018

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Thank you for the opportunity to discuss how New York City supports immigrant parents of children under five. My name is Betty Baez Melo, and I am an attorney and Project Director of the Early Childhood Education Project at Advocates for Children of New York. For more than 45 years, Advocates for Children has worked to ensure a high-quality education for New York students who face barriers to academic success, focusing on students from low-income backgrounds. Every year, we help thousands of families navigate the education system, starting from the time children are born.

We appreciate that the City is providing tens of thousands of children access to early childhood education programs, such as Pre-K, 3-K, and EarlyLearn. Research shows that participating in high-quality early childhood education programs is particularly beneficial for Dual Language Learners. The DOE has taken some positive steps to make Pre-K more inclusive to immigrant families, including by opening 33 new Dual Language Pre-K programs next year and offering phone interpretation services to all Pre-K and 3-K programs to allow staff to communicate with parents who speak a language other than English.

However, despite these efforts, immigrant families face barriers to accessing early childhood education. Depending on the funding source, certain programs inquire about children's immigration status, and parents can become worried and confused as they try to determine which programs their children qualify for based on their immigration status. Once enrolled, not all programs provide children and their parents adequate support in their language. The City should invest in additional Dual Language programs, as well as professional development for all 3-K, Pre-K, and EarlyLearn staff so that they can support Dual Language Learners and build strategies and supports for engaging families.



Through our casework, we have become very concerned about the barriers that immigrant families face in accessing preschool special education evaluations. For example, last year, we assisted the mother of a Pre-K student, whom we will call Ahmet. After Ahmet's teacher expressed concerns about his development in November, his mother requested that the DOE evaluate him for preschool special education services. The DOE responded by sending a list of approved evaluation agencies for the parent to contact.

Ahmet's mother began calling agencies in December. However, because the parent speaks Turkish and English, the evaluation agencies she called turned her away, stating that they could not conduct evaluations for children who speak languages other than English. The evaluation packet did not offer the parent any instructions for securing evaluations if agencies refused. Ahmet's mother asked the Pre-K program, as well as an agency focused on helping families of young children with disabilities, but they also did not know how to get evaluations for the child. The parent then reached out to the DOE. However, instead of arranging evaluations for the child, DOE staff told her that she should find a friend to serve as an interpreter for the evaluations. Besides the fact that the DOE has a legal obligation to provide interpretation and that a friend is unlikely to be a qualified interpreter, this parent did not have a bilingual friend who could accompany her to multiple evaluation appointments.

Finally, the parent reached out to AFC. After we intervened, the DOE began evaluations in mid-February with an interpreter, but needed additional time to complete the evaluations. Due to these delays, Ahmet did not receive special education services until May, essentially going the entire school year without the services he needed because his parent was an immigrant whose native language was a language other than English.

Ahmet's parent experienced these challenges even though she also speaks some English. Immigrant parents who speak only a language other than English face additional barriers. The DOE's preschool special education evaluation packet is available only in English, and the evaluation agencies families must call do not have access to a phone interpretation service. The DOE must address these challenges and ensure that they provide timely evaluations and services for preschoolers regardless of their families' home languages.

Thank you for the opportunity to speak to you today. I would be happy to answer any questions.



Testimony Before the New York City Council's Committee on Immigration

Presented on April 24, 2018

My name is Amy Pont and I am a Staff Attorney in the Immigration Law Unit within The Legal Aid Society's (the Society) Civil Practice.

Over more than 140 years, the Society has been a tireless advocate for marginalized New Yorkers. Our Civil Practice represents low-income individuals and families facing a range of civil legal issues, including those affecting immigration, housing and homelessness, health care, government benefits and disability benefits, family law and domestic violence, aging, HIV/AIDS, tax and consumer, education, and employment. Over the last fiscal year, the Civil Practice worked on nearly 48,500 individual cases and legal matters, benefitting almost 126,000 low-income children and adults. At the same time, the Society's law reform representation benefits millions of low-income families and individuals in New York City, and the landmark rulings in many of these cases have a statewide and national impact.

The Society welcomes the opportunity to present testimony on the issues facing immigrant adults with children aged five and below. In a year in which the federal government has espoused hostile anti-immigrant rhetoric and government policy has become increasingly exclusionary, the Society's Immigration Law Unit (ILU) has been steadfast in its commitment to ensuring that marginalized New Yorkers, including noncitizen parents of minor children, have access to quality immigration representation when they need it.

A. Immigrant Adults with Children (AWCs) and immigration representation

Immigrant Adults with Children (AWCs) represent an extremely vulnerable yet resilient immigrant population who have often experienced very emotionally traumatic situations. These stresses are exacerbated by the difficulties of having to provide for and raise young children under the constant threat of detention and removal, while simultaneously navigating an opaque legal and bureaucratic system. Cultural differences and language issues often further compound these difficulties, providing this population with a unique set of challenges.

The Legal Aid Society, together with its legal service partner organizations, acts as a vital buffer for families in these situations and is often a family's sole source of support. For our clients, accessing quality legal representation can often be the difference between their families being able to achieve the stability needed to move on with their lives, and facing separation and forced removal to a violent homeland. Our services include providing assistance with work authorizations, screening individuals for potential forms of immigration relief, and defending individuals facing removals. At the end of the last fiscal year (June 30, 2017), the Society had screened a total of 128 AWCs, and had filed 42 applications for asylum on their behalf.

There are a number of particular challenges in representing this population. A number of our clients have had difficulty in acquiring employment authorization documents (EADs) from United States Citizenship and Immigration Services (USCIS). After serving a Notice to Appear (NTA), which is the predicate notice for the commencement of removal proceedings, the Department of Homeland Security has in many AWC families' cases not yet filed the NTA with the New York Immigration Court, so these AWC families are unable to file their asylum applications with the Court, nor their subsequent applications for employment authorization. USCIS could accept affirmative asylum applications from these AWC families, but has chosen not to do so, in light of the NTA served – but not filed – by ICE. These family members' ability to find work is further hindered by the fact that the Department for Homeland Security (DHS) requires many AWC adults to wear ankle monitors for the first few months after arriving in the United States. These ankle monitors are large, heavy, uncomfortable and often require constant charging, making it difficult for AWC adults to travel to work and actually work. Additionally, many AWC adults must go to frequent check-ins with DHS or ISAP (a subcontractor with whom DHS contracts for check-ins) for check-ins, forcing them to miss work. AWC families with young children have a hard time finding affordable and trustworthy childcare, making finding and retaining work a seemingly insurmountable task. AWC adults living in shelters are foreclosed from many employment opportunities because they are required to be in the shelter by a certain time which precludes them from working during certain work hours. AWC families suffer from financial and material instability, which would be substantially mitigated if parents were able to procure gainful employment.

Representing AWCs is often very resource-intensive and time-consuming, as many of these cases require simultaneous representation on an asylum claim as well as navigating the family court process for minor children who qualify for Special Immigrant Juvenile Status

(SIJS). As discussed in a later section, AWCs often have a range of complex social needs that further complicate providers' ability to provide effective representation.

The following case story provides an example of some of the ways in which The Legal Aid Society provides support to AWC families:

Case story – Ms. B

Ms. B and her four young daughters fled Honduras for the United States after Ms. B received multiple death threats from the Mara Salvatrucha 13 (MS-13) gang. Ms. B met with an attorney at The Legal Aid Society, who determined that Ms. B and her younger sister had acquired United States citizenship at birth abroad in Honduras, to a U.S. citizen father. After months of gathering primary documentary evidence regarding her father's physical presence in the United States during the 1970s and 1980s, the Society's attorney filed an N-600 Application for Certificate of Citizenship with USCIS on Ms. B's behalf. The Society also filed an N-600 for Ms. B's younger sister. We have begun proceedings in family court for Ms. B's four daughters, all of whom are Special Immigrant Juvenile Status (SIJS) eligible. Additionally, the Society's Health Law Unit assisted Ms. B with obtaining Medicaid, which has allowed Ms. B to see a doctor and receive much-needed medical care. Finally, after becoming aware that Ms. B's mother had an eviction case in housing court, the Society also referred Ms. B's mother to our Housing Practice for assistance.

B. Social work and supportive services

While access to legal representation is an integral component of an AWC support strategy, it is only one aspect of providing comprehensive assistance to AWCs. AWCs are often extremely traumatized, with a range of complex needs that require broad supportive services and the specialized assistance of social workers in navigating the myriad of support and assistance programs. For our clients, receiving assistance with immigration issues provides help with only one of what are often multiple, other difficulties they are experiencing.

As a marginalized population, AWCs face a range of barriers to accessing public assistance and other programs. In addition, AWCs frequently originate from countries with under-developed healthcare systems, and have not been able to access medical services for themselves, or their children, for an extended period of time. Our clients often lack a familial or

social support network, and stable, affordable housing is frequently an issue. In tandem with their immigration legal issues, our clients regularly face eviction from their homes, and a number of our clients are currently raising their families while living in shelters. Further, AWCs have frequently experienced domestic violence or have witnessed extreme violence, and require the support of trauma specialists and the tailored services of those experienced in supporting survivors of domestic violence and other types of violence. These issues with accessing services are often exacerbated by clients' reticence to risk bringing attention to themselves and their families through using public services.

While the Society and other legal service providers are often able to provide assistance with these other issues, we currently have limited capacity to provide the comprehensive, broader support required by our AWC clients. The lack of effective access to health and mental health services, education, social, and supportive services for AWCs is a pervasive issue that creates severe complications in representation. More importantly, these issues provide a large obstacle to these immigrants' efforts to create a safe environment for themselves and their families and integrate fully into their new communities. The importance of the role of social workers in providing individualized support in navigating the maze of services and assistance programs for our clients is hard to overstate. Being able to access these broader supportive services is often a critical point in enabling AWCs to make the transition from focusing on meeting short-term needs to being able to engage in longer-term planning for their families' futures. Without social work support, AWC families face the daunting challenge of fighting deportation while attempting to find stable housing and provide necessities for their young children.

C. Advance Planning for Non-Citizen Parents

For non-citizen parents facing the possibility of removal by DHS, the prospect of being forcibly separated from their minor children is heartbreaking. These parents include long-term legal permanent residents; those with temporary status such as nonimmigrant visas, DACA, or TPS; and those without lawful status. The children themselves run the gamut from U.S. citizens, permanent residents, to those with temporary status and those who are undocumented.

We provide assistance with parents' advance planning for care and custody of their children. This may involve preparing forms such as a Designation of Person in Parental Relationship, to allow another adult to make health and educational decisions regarding the

child. We also assist with completing a NYC Department of Education emergency contact form, to ensure that in the event the parent is detained by ICE and unable to pick up the child from school, another adult can be contacted for the pickup, thus avoiding unnecessary involvement by the NYC Administration for Children's Services, which would otherwise have to be called. Where it seems warranted, we assist with execution of Powers of Attorney, to give a trusted adult authority over the parent's financial matters during their detention and after their deportation.

In the event the parent wishes to send the child abroad to live with grandparents or other extended family members in advance of the parent's deportation, or to join the parent after deportation, we developed a travel authorization form to allow a trusted adult to travel abroad with the child. Our travel authorization form complies with the requirements of the Hague Convention on Child Abduction.

We also counsel our clients about the possibility of a family court guardianship for the minor child, an option that should be approached with great restraint. Given the high standard for reversing a guardianship determination, in this context it should be considered an option of last resort. Nonetheless, it may be warranted in certain circumstances, particularly as a deportation becomes more imminent.

A copy of our advance planning factsheet is attached hereto.

D. Shelter Access for Asylees, Asylum Seekers, and Trafficking Survivors

The Society, along with advocates from Safe Passage Project, Human Rights First, New York Law School, and the Feerick Center for Social Justice at Fordham Law School, formed a coalition in early 2016 when it became apparent that asylum-seekers, asylees, and trafficking survivors with minor children were being put at risk by the Department of Homeless Services' (DHS) intake process for homeless families seeking shelter at Prevention Assistance and Temporary Housing (PATH). PATH is the intake office for all homeless families with minor children and pregnant women seeking shelter in New York City. In order to be eligible for shelter, the City investigates each family's two year housing history, demands identification documents, and determines whether the family has any other housing option besides shelter. It is a rigorous process that can be extremely difficult for families in crisis, but it was dangerous for asylum-seekers, asylees and trafficking survivors because the housing history investigation often involved PATH workers contacting individuals in the home country or individuals connected to

traffickers. As a result, many of these families were put in danger or refused to go to shelter, even when they had no other safe housing option.

The coalition spent approximately a year and a half working with the NYC Department of Social Services (DSS) and the Mayor's Office on Immigrant Affairs (MOIA) to develop a policy to protect these families and their children during the PATH process. The final policy was adopted in October 2016 and ensures that every family entering PATH is screened to determine if the policy should apply to them and, if it does apply, PATH workers are directed not to conduct any investigation into addresses related to the home country or the trafficker. The policy also allows for increased flexibility in the provision of identification documents. After the policy was adopted, the coalition conducted multiple trainings for PATH workers to ensure they understood the issues facing these families.

We continue to monitor the policy's implementation to ensure it offers the necessary protection for noncitizen families who need it.

E. "Public Charge" and restrictions on immigrants access to benefits

Among the many hostile actions the federal administration has engaged in since taking office is a plan to introduce new regulations that are anticipated to have a devastating impact on immigrant families, particularly children.

1. Background on Public Charge

It has long been a part of immigration law in the U.S. to ensure that non-citizens seeking to obtain Lawful Permanent Residence (also known as LPR or "green card" status) have the means to support themselves. Persons seeking to get LPR status can generally meet this burden by pointing to employment or having in place a sponsor who ensures that they will not fall into destitution. Persons who lack such support can be denied the ability to adjust based on the risk that they will become a "public charge," which means generally someone who is dependent on the government for subsistence. See 8 U.S.C. § 1182(a)(4). Historically, public charge has only been applied to prevent a very small percentage of non-citizens from adjusting, and use of non-cash government benefits and services such as Medicaid, CHIP, SNAP, WIC and housing assistance have never triggered public charge concerns.

However, starting when President Trump first took office, plans to expand dramatically who is at risk of public charge began to emerge. In January 2017, a draft executive order was leaked to the press. More recently, draft regulations have been leaked, and a final proposed rule

could be published for notice and comment any day now. What we know from these various versions of the draft proposed policy is that it will change the method of assessing who is likely to be a public charge by focusing on the receipt of a much broader range of public benefits, which would include for the first time, all forms of subsidized health insurance, SNAP and even tax credits such as the EITC. Also for the first time, the draft rule indicates that U.S. citizen (U.S.C.) children's receipt of any of these benefits will be counted against parents seeking to adjust. Whereas having an affidavit of support has historically been enough to overcome public charge concerns, under the draft proposed rule, an affidavit of support would be just one among many factors.

At this time the rules remain the same. Once the draft rule is published, parties will have an opportunity to comment, and the agency will ultimately release a final rule, which will then become effective. Although we do not know what the final rule will look like, we know that absent a change in the governing statutes, the rule will primarily affect family-based petitioners, and that certain, primarily humanitarian classifications, such as asylees, SIJ beneficiaries, VAWA self-petitioners, will remain exempt.

2. Fear in the Immigrant Community

Despite the fact that the rules have not yet changed, we are hearing reports from immigrant communities around New York and around the country that they are already feeling the impact of the draft policy, an impact exacerbated by the already heightened fears among immigrants. In "Foraging Food Assistance out of Fear," researchers from Columbia University's Center on Poverty and Social Policy report that nationwide there was a 4 percent enrollment decline in SNAP and WIC between 2016 and 2017 and a 10 percent decline in counties with large immigrant populations.¹ These declines are attributable at least in part to fear of these proposed changes. Many non-citizen parents who stand to lose the most if these rules get finalized are working in low-wage jobs, and receive benefits like SNAP and subsidized health-insurance for their citizen children so that their families can make do on limited income. The Columbia analysis projects that children living in poverty would increase by over half a million were non-citizen parents to give up non-cash food assistance benefits. *Id.* at 2. Even more children would be negatively impacted if families choose not to access SNAP and WIC benefits

¹ Accessible at:

https://static1.squarespace.com/static/5743308460b5e922a25a6dc7/t/5ac63aaf88251b8bef4532a4/1522940592522/Poverty+and+Social+Policy+Brief_2_2.pdf

for which their children are eligible. *Id.* at 3. At the Society, we have been fielding panicked calls from clients regarding whether they should apply for benefits, or even discontinue benefits to which they or their children are entitled.

3. **New York City Needs to Prepare**

New York City needs to be prepared for what appears to be an imminent policy change. We expect that the Council would agree that the City needs to prepare to (a) engage in advocacy, such as comment writing, to help stop this policy and consider other strategies; (b) provide outreach and access that would enable thousands of non-citizen households with immediate concerns about whether and how the new rules apply to them get the answers they need even before the new rules become final; and (c) provide alternative means of support for families who feel compelled to forego assistance so that they can pursue their dreams for life in this county. We respectfully encourage the Council to help ensure that the City is prepared by taking the following specific steps:

a. *Ensure Inter-agency communication and coordination.*

We respectfully urge the Council to use its oversight role to ensure that affected City agencies, such as HRA, HPD, DOH and others are working in coordination with one another and the Mayor's Office of Immigrant Affairs. We applaud the Council for having adopted Int. No. 1578, a charter amendment creating an interagency task force on immigrant affairs, and we know the Mayor's Office of Immigrant Affairs is planning for possible changes in Federal rules and law. We emphasize that mobilizing the agencies and the resources needed to deal with such a legal emergency situation will be an enormous job, akin to what has been required to deal with natural disasters and the emergencies they cause and the Council's oversight is needed.

b. *Request a Meeting with OMB's Office of Information and Regulatory Affairs.*

We also encourage the City of New York to request a meeting with Office of Management of Budget (OMB) pursuant to Executive Order (EO) 12866, 58 FR 51735 (Oct. 4, 1993), accessible at <https://www.archives.gov/files/federal-register/executive-orders/pdf/12866.pdf>. This EO enables interested parties to meet with the OMB Office of Information and Regulatory Affairs (OIRA) to provide input on the economic impact of pending rules. Tomorrow, on Wednesday, April 26, The Legal Aid Society will be in D.C. attending a meeting we arranged pursuant to EO 12866. We understand the Cities of Philadelphia and Chicago and others will also be having meetings in coming days. We encourage the City of New

York to do the same, especially given our City's historic role as a beacon for immigrants from around the world.

c. Monitor for the impact of these rule changes

Even before the rule gets finalized, the City can monitor for marked decreases in City-administered benefits and services by eligible, non-citizen New Yorkers and mandate that agencies adopt practices designed to prevent decreases based on non-need based factors.

d. Continue working with community partners.

Finally, we welcome the City's continued outreach to the local advocacy and immigrant services community partners so we can all work together to prepare for and address the consequences of this anticipated policy change. We at The Legal Aid Society certainly stand ready to engage with the Council and other parts of City government on these issues to offer technical expertise and discuss outreach and other advocacy strategies.

Respectfully submitted,

Amy Pont
Staff Attorney
Immigration Law Unit



ADVANCE PLANNING FOR NON-CITIZEN PARENTS

Disclaimer: This advisory has been created by The Legal Aid Society, Immigration Law Unit. This advisory is not legal advice, and does not substitute for the advice of an immigration expert.

If you are the parent of a minor child, you are not a U.S. citizen, and believe that you might be at risk for being removed (deported) from the U.S. in the future, there are certain steps you can take now to plan for the care and custody of your child.

School Emergency Contact

If your child is enrolled in school, you can name up to three people whom the school can contact if there is an emergency or if your child is sick. Add them to your child's "Blue Card" at school.

- Blue Card, NYC DOE <http://bit.ly/2p1GOXd>

Passport

Use this form to request a U.S. passport for your child, if he or she is a U.S. citizen. If he or she is under 18 years of age, the other parent will have to give their consent, or you must explain why the other parent's permission cannot be obtained or is not necessary.

- Form DS-11, U.S. Passport Application <http://bit.ly/2oUTa3A>
- Form DS-3053, Consent of Other Parent <http://bit.ly/2nAUNmY>

If your child is not a U.S. citizen, ask the appropriate foreign consulate for instructions on how to obtain a passport for your child.

Travel Permission

If you would like to authorize your minor child to travel abroad alone, or if you would like someone to accompany your minor child on a trip abroad, sign this authorization (each parent should sign one, or you must explain why the other parent's permission cannot be obtained or is not necessary). It must be signed in front of a notary public. Your child should travel with his or her original birth certificate and passport, as well as with copies of the documents listed on the Travel Permission form. Also, check the airline's requirements for unaccompanied children.

- Travel Permission <http://bit.ly/2p3HMzt>

Here are some of the airlines' unaccompanied minor travel policies:

- United Airlines <http://bit.ly/1UZKdw5>
- American Airlines <http://bit.ly/2a2mkWt>
- Delta Airlines <http://bit.ly/1f9erXy> (click on "Children traveling alone")
- Jet Blue <http://bit.ly/2oIh9Sz>
- Aero México <http://bit.ly/2ojXgyv> (click on "Children")

Designation of Person in Parental Relationship

Use this form to allow someone to make school decisions and health care decisions for your child. Sign in front of a notary public. You do not need an attorney for this.

- Designation of Person in Parental Relationship, in English <http://bit.ly/2o3HQhH>
- Designation of Person in Parental Relationship, in Spanish <http://bit.ly/2nB67iX>

Standby Guardianship Designation

This form is only for people with serious medical issues. It becomes effective only if a doctor certifies that you have become mentally incompetent; if you have become physically debilitated and you consent to the designation taking effect; or if you pass away. This can be filed with the Family Court, but that is not mandatory.

- Standby Guardianship Designation <http://bit.ly/2oYinKB>

Power of Attorney

Use this form to allow someone to handle property transactions for you. It must be signed in front of a notary public. You do not need an attorney for this. The Power of Attorney does not directly concern care or custody of children, but rather is limited to property matters such as your bank account, apartment lease, insurance matters, health care billing, and so on.

- Power of Attorney <http://bit.ly/2p3CRYw>

Guardianship or Custody Petition in Court

The Family Court or Surrogate's Court can issue orders regarding formal guardianship or custody of your child. **WARNING:** Although having an order of guardianship or custody can be very helpful in terms of establishing someone's rights regarding your child, there are many **risks** with going into court for custody, guardianship, or standby guardianship:

- The other parent must generally be notified of these sorts of court proceedings.
- The other parent can call immigration to come to court when you are going to be there! This is especially dangerous if you already have a final removal (deportation) order.
- The other parent may reappear after being absent from your child's life, and file their own petition regarding your child.
- In a court battle, the other parent will have greater rights to your child than the person that you hope will get custody or guardianship.
- Once a custody order is finalized, it can be very hard to get a court to change the order. So if you want to get custody back, you would need to show a substantial change in circumstances in your child's life; this can be difficult to show.
- The custodian may seek child support from you!

Speak with a qualified attorney before starting any sort of court proceedings regarding your child.

If you have any questions or need assistance, please call our Immigration Hotline at 844-955-3425.



Testimony to the New York City Council - Aracelis Lucero, Executive Director
How Does NYC Support Immigrant Parents of Children 0-5
April 24, 2018

Masa: Supporting and Lifting Up Immigrant Families through the Life Course

Masa partners with Mexican and Latino immigrant children, youth, and families in the South Bronx to develop strong learners and leaders who fully contribute to the broader community. We envision a community that is civically engaged, empowered, and educated.

To realize this vision, Masa combines direct service with advocacy for a stronger, more just community. We support children and families from 18 months through college and beyond, through each stage of their development; offer education programs and referrals to adults, with a focus on ensuring families are able to maintain stability; and build community power through organizing. Families are the key to our work's success, and so we take a two-generation approach: as we support children, we collaborate with parents to build their skills as learners and leaders.

Families with Children Ages 0-5 at Masa

Masa serves a population often characterized as “hard-to-reach.” Families at Masa are led by parents who are overwhelmingly undocumented. Nearly half of parents at Masa have less than a primary school education, over a quarter speak an indigenous language, such as Mixteco, and the majority have an annual income of \$30,000 or less.

Notably, at Masa, families with children ages 0-5 tend to contend with greater barriers than the general population of parents within the organization. These parents of young children tend to be more recently-arrived, and those more acutely experience the challenges of navigating unfamiliar systems in an unfamiliar language. Specifically, 24% of parents with children ages 0-5 at Masa arrived to the United States within the last 10 years, as compared to 17% of other parents. Not only that, while over a quarter of the general population of Masa parents reports speaking an indigenous language, that figure rises to 40% for parents of children ages 0-5. In addition, while families of children ages 0-5 at Masa report similar annual incomes to the general population of Masa parents, their average household size is bigger – closer to five members, as compared to four. As such, parents of young children at Masa are not merely contending with undocumented status, limited formal education, and limited economic resources. They also tend to be more relatively recently-arrived and more likely to speak an indigenous language, and they are striving to support comparatively large families with limited resources.

Areas for Support of Immigrant Parents of Young Children

Masa works closely with immigrant parents of children ages 0-5, having offered, among other early childhood programs, a socialization group for toddlers since 2012 coupled with regular parent workshops, a home visiting program for children ages 18-36 months and their parents in partnership with the Parent-Child Home Program since 2014, and *Abriendo Puertas*, an evidence-based parenting and leadership course for parents of children ages 0-5 since last year. As such, we have had ample opportunity to observe and discuss with parents areas in which greater support would open up opportunities for increased academic

preparation for their children, economic opportunity for themselves, and overall family stability. These areas are:

Lack of access to quality childcare

While the expansion of 3K is a step in the right direction, *access to high-quality childcare in the early years remains a major challenge for families in the Masa community.* We have seen parents languish on HeadStart waitlists for years, unable to enter an early childhood education program until Pre-K. As EarlyLearn is consolidated under the Department of Education, 3K is expanded, and Universal Pre-K continues to be refined, it is critical to ensure not only that sufficient seats are available, but also that programs are high-quality, culturally fluent, welcoming, and that enrollment processes are accessible for immigrant families with varied home languages and literacy levels.

The decrease in family-based childcare providers poses challenges for accessing childcare in the early years, particularly in the South Bronx. In *Bringing it All Home*, a 2016 report from the Center for New York City Affairs, Kendra Hurley and Janie Ziyi Shen explore how the launch of EarlyLearn in 2012 has prompted shifts in the local home-based childcare landscape. The report notes that home-based childcare is the “most common form of care for infants and toddlers receiving subsidized care [in New York City]” (Hurley and Ziyi Shen 2016: 8). At the same time, since the launch of EarlyLearn, the number of home-based childcare providers dropped from 2,062 to 1,782 in April 2016 (17). Hurley and Ziyi Shen found that these decreases were particularly precipitous in the South Bronx, where “some of the largest decreases in the number of providers occurred,” with many neighborhoods seeing the number of providers decrease by as much as 50% (17). When home-based childcare is such a common source of care for children under three, it is critical to ensure access, while also providing supports to improve the quality of the childcare environment so that immigrant families are also able to trust home-based childcare. Immigrant mothers at Masa often stay home to care for young children or rely on each other for childcare and other supports. Therefore, being able to rely on home-based childcare will open the door to other opportunities for immigrant families.

A need for more efforts to meaningfully engage immigrant parents in the early years

Across early childhood education programs, and particularly for those that serve children under the age of three, *nurturing genuine partnerships with parents of children ages 0-5 must be a priority for the City.* Home visiting and mommy-and-me programs, for example, not only support children, they build parents’ capacity and repertoire of tools. When trusted community brokers serve as home visitors, guides, or models in these programs, mothers who might not otherwise seek out support are connected with other resources, helping their families achieve greater stability. Similarly, center-based programs that adopt an inclusive, proactive approach to engaging parents will better serve children while ensuring families are connected with necessary resources. Overall, early education programs, when grounded in a two-generation approach, can serve as a pathway to integrate immigrant mothers – the backbones of their households – into civic life, as we have witnessed at Masa.

Lack of access to adult education and economic opportunities

What is the consequence of limited access to high-quality childcare for immigrant parents of children in the South Bronx? In short, immigrant women are hamstrung in their efforts to advance economically, with limited time to work outside the home. Both employment and educational opportunities, such as English

and High School Equivalency courses, are often out-of-reach for women who are caring for their children full-time.

Not only that, at Masa, parents of children ages 0-5 tend to be more recently-arrived and more likely to speak an indigenous language than the general population of parents in the community – and some 47% have a primary education or less in their country of origin. *It is therefore critical that immigrant parents of children ages 0-5 have access to adult education courses that offer opportunities to develop literacy in one's primary language, a critical step before learning English.*

Undocumented status is, of course, a central barrier for parents of children in this age group to traditional employment, workforce development, and training opportunities, leaving parents especially vulnerable to wage theft, exploitation, and abuse. *For New York City to effectively support undocumented immigrant parents of children ages 0-5, it must further invest in programs that support immigrant entrepreneurship, as well as provide more language-accessible trainings and opportunities in fields with many immigrant workers (construction, restaurants, cleaning, and street vending, for example).* For families of young children to be stable, parents must be able to gain an economic foothold through relatively stable employment, as well as to assert their labor rights even when contending with the extraordinary challenges of undocumented status.

Barriers to healthcare

While undocumented women are able to access Medicaid during and for up to one year after their pregnancy, *lack of access to culturally competent medical staff can foster isolating, unsupportive pregnancy and post-partum experiences.* Fostering greater access to doulas and/or home births, as well as more training for medical staff around strategies to support traditional practices from home countries would be a step toward ensuring New York City's youngest residents are beginning their lives as well-supported as possible.

Access to mental health care for undocumented adults is a persistent challenge in New York City, and one that is especially important for immigrant mothers of young children, who may be relatively new to the country, separated from kinship support systems, and thus isolated and especially vulnerable to post-partum depression. Increasing access to individual counseling, as well as group support, for immigrant parents of young children is vital for ensuring family well-being.

Navigating special education processes in the early years

Navigating the Early Intervention and Committee for Pre-School Special Education processes are a challenge for any parent, and its difficulties are compounded for parents who do not speak English. At Masa, where we have supported dozens of parents in navigating the EI process, we routinely see that almost no effort is made to support parents in understanding the process, evaluation results, services, how measures of progress, and, critically, how parents can further support their children in the home. Not only that, once services are established, parents report cases of therapists simply not showing up, asking parents to sign for services not rendered, and even conducting evaluations in odd places like a car because the evaluator could not find parking. Investing in pipelines for bilingual evaluators, speech therapists, and educators would be a major boon to the quality of special education services for children from immigrant families in New York City, as would centering family communication as a priority for both EI and CPSE staff.



The Committee for Hispanic Children and Families, Inc.

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NYC Council Committee on Immigration Oversight Hearing

Testimony Submitted by The Committee for Hispanic Children & Families, Inc. (CHCF)

April 24, 2018

Good afternoon, my name is Diana Noriega, Chief Program Officer with The Committee for Hispanic Children and Families, Inc. (CHCF). Thank you to the New York City Committee on Immigration for the opportunity to address you today about how New York City supports immigrant parents of children ages 0-5 years. We also thank you for your efforts to ensure that the City continues to invest in supports for new and expecting parents, including some of our most vulnerable residents: immigrants.

CHCF is a non-profit organization with a 35-year history of combining education, capacity-building, and advocacy to strengthen the support system and continuum of learning for children and youth. CHCF holds a unique position in the advocacy world. Our direct service experience with providers, parents, and children and youth in the early childcare and preK-12 sectors allows us to gather direct feedback that informs our policy and advocacy work. As a Child Care Resource and Referral (CCR&R) Agency and one of four organizations that make up the New York City CCR&R Consortium, we hold a unique perspective and the vantage point to address the challenges of access and opportunity for vulnerable populations, including immigrant families.

For this hearing, my comments will focus on four central asks:

1. Investment in Family child care providers and CCR&R's, who play an integral role in facilitating access to quality child care;
2. Engagement in the process of federal allocations of the Child Care Development Block Grant (CCDBG) and the development of the New York State Child Care Development Funding (CCDF) Plan to ensure funding is used with intentionality to support our vulnerable populations;
3. Investment in a two-generational program approach for immigrant families that reflects a commitment to holistically support immigrant and mixed-status families, with a focus on the opportunity to do so through the expansion of Pre-K services;
4. Ensure that cultural and linguistic competence is a central consideration in the expansion of high quality child care and family supports, making it an equitably accessible system for all.

I. Investment in Family child care providers and CCR&R's, who play an integral role in facilitating access to quality child care

Family child care providers:

As a supporter of the work family child care providers implement in our most vulnerable communities, CCR&Rs are uniquely positioned to ensure that family child care providers do what they do best. Family child care providers bear an enormous responsibility and wear a wide variety of hats. They ensure the safety of any society's most valuable asset: our children. They play an integral role in establishing children's developmental foundation and they contribute to a city's economic engine by allowing parents to participate in the workforce¹.

Family child care providers can give more individualized care to meet the needs of working families, are generally the most affordable childcare option, and offer greater flexibility in hours available for care. In addition, family child care helps foster emotionally secure interpersonal relationships for everyone involved. The providers are able to communicate each day with parents on a personal level and share information about the development of the child. Providers care for multi-aged groups of children allowing children to remain with one caregiver for many years which helps children develop a sense of trust and security. Multi-aged settings allow children to learn from one another and allow siblings to stay together. For the vulnerable families that are facing a multitude of challenges such as immigration status, language barriers, job and food insecurity, non-traditional work hours, unemployment, and homelessness (just to name a few), family child care providers offer stability and consistency in the midst of chaos.

Therefore, we know that family child care providers are best positioned to ensure vulnerable communities gain equitable access to supports and services across the city. However, a consistent inability of the State and City to work towards pay parity and investment in professional development and career ladders for this work force, and the additional threat posed to these local business owners with the expansion of universal pre-K and 3-K programming, which prioritizes center-based programs, could have a devastating impact on some of our most valuable community and economic supports.

Child Care Resource and Referral Agencies (CCR&Rs):

CCR&Rs provide guidance tailored to each family by phone, in person, and in other ways, such as the Internet. CCR&Rs support families to raise healthy children by talking with parents one-on-one in their home language. CCR&Rs understand the delicate balance of family life, particularly for families earning low incomes. CCR&Rs reach out to parents with trusted, local information that enables them to make informed choices, provide child care referrals and help families

¹ Villanueva, M. (2015). Unleashing the Economic Power of Family Child Care Providers. New York: The Committee for Hispanic Children and Families, Inc.

develop a child care plan, understanding that finding quality child care is just a first step to raising happy, healthy children.

CCR&Rs provide an entry point into the child care field, they help providers meet licensing requirements, they support providers by offering low-cost or free training in diverse topics like health and safety, child development, dual language and sound business practices. CCR&Rs also work with local and state governments and the private sector to leverage resources for building and maintaining the supply of quality child care. CCR&Rs improve the quality of child care by providing ongoing professional development opportunities to child care providers and staff in their home language. CCR&Rs have been integral players in the development of accreditation programs and quality rating and improvement systems, and they are advocates for families and the child care community.

CCR&R networks provide critical family supports to currently underserved parents and child care service providers across many states, including ours, and to strengthen the child care services so essential to the country's economic development. Children deserve appropriately-funded and professionally supported child care and early learning programs that promote their optimal development and learning.

For more than ten years, state funding for CCR&R agencies remained flat while costs steadily rose. During that period, CCR&Rs patched together funding from other sources, reduced staffing and froze salaries to support their critical mission of improving access to high quality child care. In New York State, for example, 2012 CCR&R funding was decreased by nearly \$850,000, even though the line item in the state budget remained unchanged at \$22.03 million. The cut in funding in 2012 jeopardized the capacity of the CCR&R network to connect families and communities to child care, while keeping New Yorkers working and building quality early learning experiences for children, New York's future workforce. These are common concerns across the country.

Ask: CHCF urges the NYC Council to work with the Mayor, ACS and DOE as they transition Early Care to the DOE to ensure a meaningful investment in our family child care providers. They should be invested in as the valuable community asset that they are and not be left out of the City's wonderful plans to expand pre-K.

CHCF also encourages the NYC Council to advocate for increased investments and a central role for CCR&Rs to continue providing consumer education on child care to help the most vulnerable parents and provide community-based trainings (in the home language of the provider) to strengthen the quality of child care across the city, state, and nation.

II. Engagement in the process of federal allocations of the Child Care Development Block Grant (CCDBG) and the development of the New York State Child Care Development Funding (CCDF) Plan to ensure funding is used with intentionality to support our vulnerable populations.

The Federal funding through the FY18 Omnibus bill contains \$5.226 billion for the Child Care Development Block Grant (CCDBG), which is an increase of \$2.37 billion for each of the next two years. This is an astounding 80% increase. The New York State Budget for FY 19 contained general language directing this increase in federal funding to be used in the following ways:

- Up to \$80 million to meet the health, safety and quality requirements of the Child Care Development Block Grant Reauthorization Act of 2014;
- At least \$10 million to local social services districts to expand the availability of subsidized child care; and
- Any additional funds may be used to implement new market-related payment rates.

The Office of Children and Family Services is currently drafting the Child Care Development Funding plan for New York, set to be released before May 1st. It is imperative that attention be paid to the strategic and timely use of these funds to ensure that quality of programming and equitable access to supports and services is expanded for New York's working families, especially our most vulnerable populations.

To create a meaningful and effective plan for these funds to benefit our youngest children and families, it is critical that the collaboration between CCR&Rs and the State increase.

CHCF additionally will be interested to see how New York City will move forward with implementing the use of these funds. We would like to see integrated data collection from HRA, ACS, and DOE to look at what immigrant access looks like across the City. We would ideally like to see set-aside money to incorporate a 2-generation approach to providing supports and services to young children and their families, and a set-aside and/or subsidy priority for exceptionally vulnerable populations as early child care is often the main point of contact for families with children 0-3.

Ask: There will be a public comment period following the release of the OCFS CCDF Plan for New York State. CHCF will be submitting testimony at the New York City hearing on May 1st and would be happy to share our recommendations with the Council. We also implore the NYC Council to actively follow this process at the state level and begin to consider meaningful implementation of these funds at the local level.

III. Investment in a two-generational program approach for vulnerable families that reflects a commitment to holistically support immigrant and mixed-status families, with a focus on the opportunity to do so through the expansion of 3K for All and Pre-K services.

New York City has the potential to implement meaningful programming to not only ensure access to supports and services for our most vulnerable populations, but to break the cycle of intergenerational poverty.

The Migration Policy Institute released a study in 2016 that called for an investment in simultaneous, two-generation programs that “weave together access to high-quality early learning opportunities for children with initiatives directed at their parents, including adult education, workforce training, parenting skills, and other supports that strengthen family stability and thereby improve the children’s chances of lifelong success.”²

MPI argues that “immigrant parents lead an increasingly large proportion of U.S. families with young children living in poverty, making them an important target of the two-generation field.”

Based on the American Community Survey 5-Year Estimates from 2012-2016, families with at least one immigrant parent made up 54% of all families with children under age 6 across New York City. 18.2% of immigrant families with children under age 5 are living in poverty, compared to 15.8% of native families. This number rises to 24.8% of families with children under 5 living in poverty, when one or more of the parents is an immigrant who is not a U.S. citizen.³ As MPI demonstrates with their national research on this population, just because this vulnerable population is more likely to live in poverty, immigrant parents with young children are nearly as likely to be employed as those who are native born.

MPI also points to the national trends in their analysis that “more than half of foreign-born parents were classified as Limited English Proficient (LEP) in the 2014 ACS estimates. Immigrant parents were also five times more likely than native-born parents to be without a high-school diploma or its equivalent.” There is a need for investing in the overall success of a family, rather than just focusing on granting access to child care. Two-generational programming could do just that.

MPI makes an important note of the current political climate and the impact that it has on preventing mixed status families from accessing public supports and services, especially for their U.S.-born children. 95% of New York City children under the age of 6 with at least one foreign born parent were born in the U.S. “Depending on a parent’s immigration status and date of arrival, many families, whether lawfully or unlawfully present, may be restricted from accessing programs.” There is a growing fear of the consequences for accessing services for eligible children.

CHCF’s Early Care & Education Institute serves over 1,000 family child care providers, 90% of whom are foreign born- and over 1,000 families city-wide on an annual basis. We understand

² Park, M., McHugh, M., and Katsiaficas, C. (2016). *Serving Immigrant Families Through Two-Generation Programs: Identifying Family Needs and Responsive Program Approaches*. The Migration Policy Institute: Washington, D.C.

³ U.S. Census Bureau American Community Survey 5-Year Estimates, 2012-2016. Accessed on U.S. Census Bureau American Fact Finder on April 19, 2018.

firsthand the need for the inclusion of family support while providing direct services to the infants and toddlers in the same household. This is an important access point to families and should be considered an opportunity to support and connect families to services and opportunities to rise.

Ask: We encourage the DOE to require as part of the 3K and Pre-K for All contracts this type of two-generational programming in its scope of work, and that CBO's in local communities with direct access to these families, be given priority in contract funding and rollout of services. We additionally recommend that licensed/registered Family Child Care Home-Based providers, whom are more likely to be culturally and linguistically reflective of the immigrant families across the City, be awarded 3K contracts to continue to provide high quality early education to children 0-3.

IV. Cultural and linguistic competence must be a central concern in efforts to expand high quality child care and make it an equitable system.

New York State is the third largest state with number of children in immigrant families. The current law also requires that States intentionally plan to meet the needs of the non-English speaking community, which unfortunately, because of other competing priorities, usually gets the least amount of attention and support. We all know that if we want to best meet the needs of the child, we need to work in partnership with their families. Across the board, language access is a problem even though there are very clear federal, state and local laws that guarantee language access.

Ask: As the Child Care Development Funding Plan is being developed; as New York City prepares to transition Early Learn and Pre-K over to the DOE; and the City Council begins to consider opportunities to ensure that our most vulnerable populations are being supported holistically - CHCF urges that all entities central to the leadership and coordination of these early child care systems are representative and inclusive of the linguistically and ethnically diverse populations throughout the state.

Conclusion

If New York wants to be a true sanctuary city for immigrant families, policy makers and city agencies must step up to ensure that our most vulnerable populations – particularly in this case, families with young children - are being holistically supported and that the resources that they depend on are appropriately invested in. We need to ensure:

1. Investment in Family child care providers and CCR&R's, who play an integral role in facilitating access to quality child care;
2. Engagement in the process of federal allocations of the Child Care Development Block Grant (CCDBG) and the development of the New York State Child Care Development

- Funding (CCDF) Plan to ensure funding is used with intentionality to support our vulnerable populations;
3. Investment in a two-generational program approach for immigrant families that reflects a commitment to holistically support immigrant and mixed-status families, with a focus on the opportunity to do so through the expansion of Pre-K services;
 4. Ensure that cultural and linguistic competence is a central consideration in the expansion of high quality child care and family supports, making it an equitably accessible system for all.

Thank you for the opportunity to speak today.

Contact for further information:

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CHCF Vision

CHCF envisions a future where Latino children, youth, and families have equitable access to opportunities to succeed, are empowered to realize their full potential, and are affirmed in their culture.

CHCF Mission

CHCF combines education, capacity-building and advocacy to strengthen the support system and continuum of learning for children and youth.

Program Statements

Early Care & Education

The Early Care and Education Institute (EC&EI) provides culturally-informed, bilingual professional development to Family Child Care educators, to strengthen the quality of early care and learning to children in New York City.

Youth Development

We partner with schools to promote youth leadership, provide academic enrichment through extended learning time, create safe spaces for mentoring and counseling, foster positive peer relationships and connections with adult role models, encourage healthy lifestyle choices, and link with the school day to complement and enhance academic priorities.

Policy & Advocacy

We advocate for improved policies and legislation around access to education from birth to adulthood, heightened public awareness of the social and institutional frameworks that hinder opportunity for Latino communities, and the empowerment of these communities to directly mobilize for change.

**Testimony of the New York Immigration Coalition
Oversight Hearing: “How Does NYC Support Immigrant Parents of Children
Ages 0-5 Years?”**

April 24, 2018

Thank you to the members of the Council for convening this hearing and to Chairman Menchaca for continually championing immigrant communities. I’m Kim Sykes, Director of Education Policy at the New York Immigration Coalition.

The NYIC is an umbrella policy and advocacy organization with over 200 members across New York State, and we aim to achieve a fairer and more just society that values the contributions of immigrants and extends opportunity to all. We fight to increase English language learners’ (ELLs’) and immigrant students’ access to a quality education at all levels, and to expand opportunity for their parents to be engaged.

Early childhood services that meet high quality standards have proven effective in building a foundation for young children’s future success and development. Further, immersing young children in another language is linked to increased linguistic skills and cognitive functionality more broadly,¹ making pre-K and 3K of particular importance for children learning a language other than English at home. In spite of these benefits, nationally, the children of immigrants are less likely to enroll in pre-K than their peers with parents born in the United States.²

In order to identify and address barriers to immigrant family enrollment in Pre-K and 3K here in New York City, the NYIC launched a pioneering initiative - Linking Immigrant Families to Early Childhood Education (LIFE). Starting in January 2018, we convened four member organizations - LSA Family Health Service working in East Harlem, Masa working primarily in the South Bronx, Fifth Avenue Committee working in Sunset Park in Brooklyn, and Cidadão Global from the Brazilian community in Queens. These groups are providing one-on-one support to families applying for Pre-K and 3K and identifying barriers immigrant families face along the way. These communities were selected in partnership with the NYC Department of Education, which has also provided training and technical support for the project in a positive collaboration. CBOs in the LIFE project have canvassed their neighborhoods, done workshops on how to use an email address, taken families on tours of programs, and held application clinics.

There is an enormous need for this type of support in immigrant communities. The LIFE Project has conducted outreach to over 20,000 people and helped more than 82 children apply to Pre-K and 3K to date. Critically, 2 of 3 families who completed an application reported that they would not have applied without the LIFE Project partner’s support.

Barriers

¹ <http://www.human.cornell.edu/hd/outreach-extension/upload/lust.pdf>

² http://www.urban.org/research/publication/supporting-immigrant-families-access-prekindergarten/view/full_report

Throughout the project, we have identified initial barriers families face to enrolling their children in Pre-K and 3-K programs. We're working on addressing these in partnership with the DOE's outreach team, which has welcomed our input, and look forward to coordinating more with other divisions of the DOE and ACS.

Immigration Status: The key barrier to enrollment for many families served by the project is fear of Immigration and Customs Enforcement (ICE).

- Many non-citizen families are fearful of the potential consequences of sharing information with or attending Pre-K or 3-K programs.
- In some cases this fear has been heightened by anticipated changes to the federal "public charge" rule, which is adding to a sense of persecution and confusion.
- It's important to know that there are settings in which families applying to PreK or 3K are asked about only their child's immigration status. The status question comes up when programs are braiding together funding streams, including federal child care funding that carries status restrictions. This factor increases families' anxiety and confusion.

Program Familiarity: Lack of familiarity with the US education system has meant the vast majority of families are either simply unaware of, unfamiliar with the details of, or skeptical of the quality/reliability of early education programs in general. Families were also confused about the difference between Head Start and Pre-K or 3K, for example.

Application Process: Families are challenged by the online application process and using the online tools like the Pre-K and 3K Finders given the access and digital literacy needed in this setting. Groups' support to navigating these tools has been invaluable.

Solutions

- Institutionalize Community Partnerships: Given these barriers, complexities, vitriolic national dialogue, and increased enforcement, the type of work done by community based organizations in the LIFE project is absolutely essential to helping immigrant families access early childhood programs. Looking forward, Council and the DOE should ensure that this type of deep collaboration with community based organizations that have expertise in engaging hard-to-reach communities is institutionalized and expanded to reach more communities.
- Communicate Protections: In the meantime, our project absolutely validates the need for plain language, accessible information that clearly describes protections for immigrant families in Pre-K and 3K. This, and any other information or tools geared towards immigrant communities should be developed in collaboration with immigrant community leaders.

Our project has absolutely validated the issues and recommendations outlined by Masa, a member of the LIFE Project, and Advocates for Children. We also enthusiastically support United Neighborhood Houses' recommendations around family literacy.

Thank you for the opportunity to testify about these critical issues. We would like to keep Council apprised of the findings of our LIFE project to contribute to our shared goal of ensuring that immigrant families can access quality early childhood programs in this difficult environment.



**Testimony at the New York City Council Committee on Immigration
Oversight - How Does NYC Support Immigrant Parents of
Children Ages 0-5 years?**

**Honorable Carlos Menchaca, Chair
April 24, 2018**

Thank you Chair Menchaca and the Members of the City Council for the opportunity to testify today. The mission of the Chinese-American Planning Council, Inc. (CPC) is to promote social and economic empowerment of Chinese American, immigrant, and low-income communities. CPC was founded in 1965 as a grassroots, community-based organization in response to the end of the Chinese Exclusion years and the passing of the Immigration Reform Act of 1965. Our services have expanded since our founding to include four key program areas: Childhood Development Services, Education & Career Services, Community Services, and Senior Services.

CPC is the largest Asian American social service organization in the U.S., providing vital resources to more than 60,000 people per year through more than 50 programs at over 30 sites across Manhattan, Brooklyn, and Queens. CPC employs over 700 staff whose comprehensive services are linguistically accessible, culturally sensitive, and highly effective in reaching low-income and immigrant individuals and families. To that end, we are grateful to testify about issues that impact the individuals and families we serve, and we are grateful to the Council for their leadership on these issues.

Today we present issues identified through our Early Childhood Education and our Asian Child Care Resource and Referral programs. We have found that our immigrant parents' major concerns fall under: Enrollment, Language Access and Cultural Competency, and Discrepancies in Community-Based Organization (CBO) vs Department of Education (DOE) sites.

Enrollment & Navigation

For immigrant parents, navigating the online enrollment portal is complicated and challenging, especially for newly arrived parents unfamiliar with the system and/or those with low digital literacy. At CPC, Day Care Directors and Staff have taken to arranging enrollment orientations to answer frequently asked questions and provide step by step guides for 3K, Pre-K, Kindergarten, and Gifted & Talented enrollment.

Even with these sessions, many parents still require one-on-one navigation of the DOE site. Some terminology and options are unfamiliar to immigrant parents, even when using the translation option. Staff often take additional time explaining zoning, eligibility, subsidized vs free care, and general site navigation, like how to update changes in address.

Paper forms present similar challenges due to the amount of information in the booklets. CPC staff often end up bookmarking and annotating booklets for parents to take home with them. The process can be long and complicated for parents who often rely on staff to translate, and furthermore, explain the options that best support their child.

At enrollment, areas of frequent concern and questions from our parents include:

- Choosing between subsidized and free-of-cost care options and the implications for their child's summer programming
- Types of documentation needed for enrollment (income verification, proof of address, etc.)
- Zoned schools, changes of address, and transfers

Lastly, enrollment is not automatic year after year. For parents uncomfortable with the enrollment system, this is a multi-year process. At CBO sites, parents are given verbal reminders of upcoming deadlines. At DOE sites, paper notices are sent home to remind parents of upcoming deadlines, working parents often lose track or do not read them. These paper notices are provided in English unless otherwise specified at



enrollment. This tends to be an option many of our parents miss due to the aforementioned navigation issues.

Language Access and Cultural Competency

Further adding to the complexity of enrollment is language access and convenience. On the enrollment website, translation links are inconsistent with the default English page's menu (see Attachment: Image Set 1). Some CPC staff speak Chinese language and dialects but are unable to read. For staff helping navigate the site for non-English speaking parents of multiple language backgrounds, this is a significant barrier because parents are unable to follow along based on what staff click on the English version. It is even more difficult when trying to assist non-English speaking parents who don't share language backgrounds with our staff and are relying on annotated step-by-step guides. Lastly, there are also multiple links to language translation on the enrollment site that lead to separately organized pages (see Attachment: Image Set 2).

Once enrolled, language access and translation continue to be a challenge. Many parents and teachers have complained that resources like the language hotline have long wait times. For parents at DOE sites, parent teacher conference times are often shorter than the wait time for a language line translator. As a result, parents cannot ask needed questions or understand important information about their child's education. Many parents do not want to transfer over due to concerns that teachers or aides won't have the linguistic or cultural competency to serve them.

Discrepancies in CBO vs DOE Sites

Parent interactions with teachers and teaching aides can be very different depending on the site. At DOE sites, parents have limited access to teachers without a prior appointment. Once scheduled, some of our parents still face communication issues due to the aforementioned language access. At CBO sites, many staff come from similar cultural and linguistic backgrounds as the families we serve. However, due to funding discrepancies, staff ratios at pick up time can vary. To remain compliant with DOH, there are sometimes not enough CBO staff on hand to both supervise children and meet with parents.

We also found that CBO sites are not listed on the second wave of 3PK expansion map. When this issue was brought to the DOE, we were told that it was a "technical issue." However, in the first wave of expansions, CBO sites were listed on the map. Some parents are concerned that their young children are not yet ready for a school environment. They are also concerned about placing younger children in sites where staff are not able to communicate in their preferred language. We would like to see CBO sites listed so that parents have a full breadth of choices.

CBO staff do not have wage parity with their DOE counterparts. Even with similar credentialing and experience, CBO staff are paid less and work longer hours (due to summer programming). We appreciate that the Council has included wage parity in its March recommendations. Because of the complex and diverse needs of our immigrant parents, retaining quality, culturally competent staff is critical to community based providers.

CPC appreciates the opportunity to testify on these issues that so greatly impact the communities we serve, and look forward to working with you on them.

If you have any questions, please contact Carlyn Cowen at ccowen@cpc-nyc.org

Attachment

Image Set 1: English site layout, Chinese translation layout

如何使用紐約市教育局的網站和Google翻譯功能
最近我們收到許多家長的查詢，關於如何將網站內容翻譯成中文。我們提供以下步驟，幫助您輕鬆完成翻譯。

- 紐約市成就 (Achieve NYC)
- 請點擊左側的「網站內容」連結。
 - 選擇您想翻譯的網頁。
 - 選擇您想翻譯的語言。
 - 選擇您想翻譯的網頁。

請「服務家長」出招
請家長在收到學校通知後，請家長在收到學校通知後，請家長在收到學校通知後...

歡迎
我們歡迎家長與學校合作，共同為孩子的學習提供最好的支持...

Image Set 2: Different translation layouts directed from the default English page

NYC Department of Education
 Chancellor Richard A. Carranza

Parents and Families | Students | Employees | Community and Partners

歡迎

家長繼續為紐約社區兒童的未來
 我們歡迎家長與學校合作，共同為學生提供最好的教育。我們歡迎家長與學校合作，共同為學生提供最好的教育。我們歡迎家長與學校合作，共同為學生提供最好的教育。

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 我們歡迎家長與學校合作，共同為學生提供最好的教育。我們歡迎家長與學校合作，共同為學生提供最好的教育。我們歡迎家長與學校合作，共同為學生提供最好的教育。

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NYC Department of Education
 Chancellor Richard A. Carranza

Parents and Families | Students | Employees | Community and Partners

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**NEW YORK
LAW SCHOOL**

TESTIMONY FOR A PUBLIC HEARING ON:

**HOW NYC SUPPORTS IMMIGRANT PARENTS
OF CHILDREN AGES 0-5 YEARS**

PRESENTED BEFORE:

THE NEW YORK CITY COUNCIL COMMITTEE ON IMMIGRATION
CARLOS MENCHACA, CHAIR

PRESENTED BY:

ERNIE COLLETTE
STAFF ATTORNEY
MOBILIZATION FOR JUSTICE, INC.

CLAIRE R. THOMAS
DIRECTOR, ASYLUM CLINIC
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APRIL 24, 2018

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I. Introduction

Mobilization for Justice envisions a society in which there is equal justice for all. Mobilization for Justice's mission is to achieve social justice, prioritizing the needs of people who are low-income, disenfranchised or have disabilities. We do this by providing the highest quality direct civil legal assistance, conducting community education and building partnerships, engaging in policy advocacy, and bringing impact litigation.

Mobilization for Justice began as the legal arm of Mobilization for Youth, a large community-based anti-poverty program founded in 1962. The legal unit was founded on the principle of equal access to justice through community-based legal representation of poor New Yorkers. In 1968, we began an independent organization, incorporated as MFY Legal Services, Inc. When the federal Office of Economic Opportunity began funding community-based legal services programs, our model became the prototype for hundreds of new programs. By our 25th anniversary in 1988, MFY Legal Services was recognized as a national leader in poverty law, having served tens of thousands of low-income New Yorkers and won numerous test cases. In 2017, we changed our name to Mobilization for Justice ("MFJ") to better reflect the expanded scope of our work while honoring our roots.

MFJ works to improve immigrant access to public benefits and to educate the immigrant and advocacy communities respectively. In this testimony, we will highlight several unmet social service needs of immigrant parents in New York City with young children. These needs center on access to public benefits, which differ depending on the type of immigration relief sought for both non-citizen parent and child. In addition, we wish to call to the City Council's attention to proposed federal rule changes that would expand the types of public benefits that would designate a recipient as a "public charge." If these proposed rule changes go into effect, they would disproportionately impact immigrant parents with young children.

New York Law School ("NYLS") was established in 1891 to offer a vibrant, diverse, and forward-thinking center of legal studies where students develop the knowledge, skills, and professional values to serve their clients and have successful careers advancing justice, building the economy, and serving the various needs of modern society.¹ NYLS believes that clinical and experiential learning is a critical part of legal education, and is committed to providing such courses for every student to be able to study and develop the skills of law practice.

The Asylum Clinic at New York Law School trains students to represent immigrant clients, both adults and children, fleeing persecution in their home countries and seeking safety in the United States. Under faculty supervision, students interview and counsel clients; conduct fact investigation and discovery; draft pleadings, correspondence, and motions; perform legal research and analysis; collaborate with social work professionals and country conditions experts; engage with interpreters; and appear with clients before the New York Immigration Court and at the Asylum Offices in Lyndhurst, New Jersey or Bethpage, New York.

¹ New York Law School's Mission and History, available at http://www.nyls.edu/about_the_school/mission_and_history/ (last accessed April 19, 2018).

II. Access to Public Benefits

Immigrant parents of young children may be low-income or indigent and may lack financial support, requiring access to basic health care, food security, and financial assistance benefits. U.S. citizen children, regardless of the immigrant status of their parents will be eligible to receive such benefits, assuming income and resource criteria are met. However, non-citizen children will face barriers to obtaining access to public benefits or entitlements programs due to their immigration status or lack thereof.

Non-citizen children can be derivatives on the immigration applications of their parent(s) or may be eligible to apply for their own form of immigration relief. However, access to state-funded public benefits depends on what form of immigration relief for which they apply and at what stage they are in that relief process. For example, asylum applicants² whose applications have been pending with the United States Citizenship and Immigration Services (USCIS) for over 150 days and who applied for an Employment Authorization Document (EAD) are currently eligible for Safety Net Assistance,³ a state-funded public assistance program that provides both a cash grant and shelter allowance to the recipient. This eligibility occurred as the result of litigation at the New York Supreme Court⁴ resulting in the Office of Temporary and Disability Assistance (OTDA) determining that PRUCOL status should be granted to asylum applicants with EAD cards for the purpose of cash assistance eligibility.⁵ This designation would apply to non-citizen children who are derivatives on a parent's asylum application, or to minor children who are principal asylum applicants.⁶ Furthermore, upon approval of the asylum application, asylees become automatically eligible for other federal and state benefits and maintain such eligibility after adjustment of status to becoming lawful permanent residents.

While we applaud OTDA on this determination, certain vulnerable immigrant groups remain left out of the PRUCOL definition. For example, Special Immigrant Juvenile Status (SIJS) is a form

² Asylum is form of protection granted to non-citizens already in the United States or at an international border who meet the international definition of a "refugee." The United Nations 1951 Convention and 1967 Protocols defines a refugee as a person who is unable or unwilling to return to his or her home country, and cannot obtain protection in that country, due to past persecution or a well-founded fear of being persecuted "on account of race, religion, nationality, membership in a particular social group, or political opinion." Congress incorporated this definition into U.S. immigration law in the Refugee Act of 1980. 8 U.S.C. § 1101(a)(42). *See also* American Immigration Council, Fact Sheet about Asylum in the United States, available at <https://www.americanimmigrationcouncil.org/research/asylum-united-states> (last accessed April 19, 2018).

³ GIS 17 TA/DC047, Asylum Applicants with Employment Authorization Recognized as Permanently Residing Under the Color of Law (PRUCOL) for Safety Net Assistance (SNA), Nov. 21, 2017, available at <https://otda.ny.gov/policy/gis/2017/17DC047.pdf> (last accessed April 19, 2018).

⁴ *Colaj v. Roberts, et al.*, 452243/2017, (NY Sup. 2017).

⁵ An immigrant "is considered by the Office of Temporary and Disability Assistance (OTDA) to be 'permanently residing under the color of law' (PRUCOL) if it has been officially determined by the United States Citizenship and Immigration Service (USCIS) that the alien is legitimately present in the United States (U.S.) and the USCIS is allowing the alien to reside in the country for an indefinite period of time. PRUCOL is not an immigration status, but a public benefit category used by OTDA for the purposes of Safety Net Assistance (SNA) eligibility." *See* GIS 17 TA/DC047, Asylum Applicants with Employment Authorization Recognized as Permanently Residing Under the Color of Law (PRUCOL) for Safety Net Assistance (SNA), available at <https://otda.ny.gov/policy/gis/2017/17DC047.pdf> (last accessed April 19, 2018).

⁶ Unmarried children under the age of 21 are able to be derivatives on a parent's asylum application. 8 U.S.C. §1101(a)(35) In addition, a child may file his or her own application for asylum, even if the child is a minor.

of immigration relief for children who are unable to reunify with one or both of their parents due to their parents' abuse, abandonment, neglect, or another similar basis under state law.⁷

Applicants must be under the age of 21 and unmarried. However, SIJS petitioners sometimes have their own children, who, if not U.S. citizens, are also eligible for SIJS or another form of immigration relief like asylum.

Currently, the only public benefit a SIJS petitioner can receive is Medicaid or, if under the age of 19, Child Health Plus.⁸ Because SIJS petitioners are not deemed PRUCOL by OTDA, SIJS petitioners cannot receive Safety Net Assistance. Furthermore, unlike asylees, who are granted all federal and state benefits upon approval of their asylum application, SIJS petitioners remain ineligible to receive federal and state benefits until after they become lawful permanent residents. Even in that case, eligibility for certain benefits are age-dependent and subject to federally mandated five-year time bars.⁹

In sum, children who are granted asylum are afforded access to basic public benefits, including public assistance, food stamps and Medicaid, among others. However, children who successfully petition for Special Immigrant Juvenile Status, are eligible to receive only Medicaid or health insurance for children through Child Health Plus. After adjusting status to that of lawful permanent residence, if the unaccompanied minor is 18 years of age or older, she would be barred from receiving public benefits like food stamps or public assistance for five years.

While some of these programs are financed either in part or in whole by federal funds, some state-funded forms of public assistance, through agency discretion, could provide immediate financial assistance to those non-citizen children of immigrant parents who fall through the cracks of existing welfare programs.

III. Public Charge Regulations

The Immigration and Nationality Act states that an individual seeking admission to the United States or seeking to adjust status to that of an individual lawfully admitted for permanent residence ("green card") is inadmissible if the individual, "at the time of application for

⁷ To be eligible for SIJS, the young person must meet the criteria codified in 8 U.S.C. § 1101(a)(27)(J) (2014). The basic elements are:

1. The young person must be under 21 years of age;
2. S/he must be unmarried;
3. S/he must be declared dependent upon the state—this means that a state court has taken jurisdiction over a petition addressing the needs of the young person;
4. Reunification with one or both of the young person's parents must no longer be a viable option due to abuse, abandonment, neglect, or other similar basis under state law; and
5. It is not in the best interests of the young person to return to his/her country of nationality or last habitual residence.

⁸ See Asylum and SIJS Qualification charts, pgs. 237-239, in Claire R. Thomas and Ernie Collette, *Unaccompanied and Excluded from Food Security: A Call for the Inclusion of Immigrant Youth Twenty Years after Welfare Reform* (September 20, 2017). Georgetown Immigration Law Review, Vol. 31, No. 197, 2017; NYLS Legal Studies Research Paper No. 3040215. Available at SSRN: <https://ssrn.com/abstract=3040215> (last accessed April 19, 2018).

⁹ Id. at pgs. 230-232.

admission or adjustment of status, is likely at any time to become a public charge."¹⁰ At present, according to the USCIS, "public charge" means "an individual who is likely to become primarily dependent on the government for subsistence, as demonstrated by either the receipt of public cash assistance for income maintenance or institutionalization for long-term care at government expense."¹¹ Being designated as likely to become a "public charge" has severe immigration implications, such as being a ground of inadmissibility, if not waived.¹²

Recently, a proposed rule change was sent to the federal Office of Management and Budget (OMB) to expand the types of public benefits that would designate a recipient as a "public charge." If, after the Notice and Comment period, these draft changes are implemented, the recipients of such non-cash assistance programs as the Supplemental Nutrition Assistance Program (SNAP, formerly known as Food Stamps), Medicaid, Women Infant Children (WIC), Child Health Plus (CHIP), Low Income Home Energy Assistance Program (LI-HEAP), and the Earned Income Tax Credit will face "public charge" grounds of inadmissibility.¹³ This would prevent many non-citizens from obtaining lawful permanent residence in the United States. The proposed rule looks not only at the public benefits received by the individual non-citizen who is applying for immigration relief, but also at the public benefits received by the household members of such individuals. As the City Council is aware, many families are comprised of mixed immigration status households.

Mixed-status households with immigrant parents and U.S. citizen children, who are lawfully entitled to receive the above-mentioned non-cash benefits, will be impacted by these proposed changes. Should the immigrant parents seek to adjust their immigration status, the benefits lawfully received by their U.S. citizen children may designate the parent as a "public charge." Thus, parents may decide not to seek benefits that would combat food insecurity or medical needs in order to prevent possible deportation and family separation. The result may be a large disenrollment of eligible household members from vital public assistance programs.

New York City has long promoted a stance of protecting immigrant families and households. The proposed regulations have far-reaching negative consequences. From more individuals foregoing regular Medicaid and relying on Emergency Medicaid services, to children and families dependent upon Free School Lunches and the generosity of soup kitchens and food pantries to feed their families, to less immigrant parents applying to adjust status to become "green card" holders.

We urge the City Council to closely monitor these proposed changes and prepare accordingly to ensure that no New Yorker is without vital services.

¹⁰ INA § 212(a)(4); 8 U.S.C. § 1182(a)(4). *See also* USCIS, Public Charge, available at <https://www.uscis.gov/greencard/public-charge> (last accessed April 19, 2018).

¹¹ 8 U.S.C. § 1182(a)(4). *See also* USCIS, Public Charge, available at <https://www.uscis.gov/greencard/public-charge> (last accessed April 19, 2018).

¹² *Id.*

¹³ Nick Miroff, Washington Post, *Trump Proposal Would Penalize Immigrants who use Tax Credits and Other Benefits*, March 28, 2018, available at: <https://wapo.st/2vGwjNH> (last accessed April 23, 2018).

IV. Conclusion

Mobilization for Justice and New York Law School thank the Committee on Immigration and its Chair, Councilman Carlos Menchaca, for holding a hearing on this important topic. We are committed to continuing to help the New York City Council improve immigrant access to public benefits. Even with the generous support of the New York City Council, we continue to witness strong evidence of unmet legal needs. There remains much work left to be done to ensure equal access to justice for the most vulnerable immigrant New Yorkers who, without access to public benefits, struggle to obtain and maintain the essentials of life.

FOR THE RECORD



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**Testimony of United Neighborhood Houses
Before the New York City Council Committee on Immigration
Honorable Carlos Menchaca, Chair
Oversight: How does NYC Support Parents of Immigrant Children 0-5**

Presented by Gregory Brender, Co-Director of Policy and Advocacy

March 23, 2018

Thank you Chair Menchaca and members of the Committee on Immigration for the opportunity to testify. My name is Gregory Brender and I am here on behalf of United Neighborhood Houses. United Neighborhood Houses (UNH) of New York is New York City's association of settlement houses and community centers. Rooted in the history and values of the settlement house movement begun over 100 years ago, UNH promotes and strengthens the neighborhood-based, multi-service approach to improving the lives of New Yorkers in need and the communities in which they live. UNH's membership includes 39 organizations employing 17,000 part- and full-time staff at over 670 sites across the five boroughs of New York City to provide high quality services and activities to over 750,000 New Yorkers each year. Immigrants make up a significant percentage of the individuals settlement houses serve in their programs, including nearly 14,000 immigrants participating in classes for English for Speakers of Other Languages (ESOL), legal services, and citizenship, newcomer, and refugee assistance. UNH members serve tens of thousands of children under five years old in early childhood education programs, mental health supports, child welfare preventive services and early intervention programs. Settlement houses are particularly adept at providing culturally and linguistically appropriate services for children.

Today I am here to discuss two steps that the City can take to strengthen services for parents of children 0-5 including immigrant families- 1) Implement **Salary Parity** in the early childhood education system and 2) Fund a New City Family Literacy Program.

Salary Disparities in Early Childhood Education

Background

Many immigrant families look to community based organizations to connect them to their new neighborhoods. These organizations, specifically settlement houses, are uniquely effective at providing services in a culturally appropriate manner with staff who speak multiple languages and understand the diverse cultures in their community.

It is often through an early childhood education program that immigrant families first build a relationship with a community base organization. This relationship can support the whole family and connect a parent, grandparent or older sibling to other neighborhood supports such as a job training program, after-school activities or a senior center.

However, these very early childhood programs are struggling in large part due to the inadequate government funded salaries for early childhood education in community organizations. .

Salary Disparities Impact Educational Programs

In 2016, United Neighborhood Houses and Campaign for Children released a report, *Losing the Best*, which used the City's own data to examine quality education and classroom environments in city-funded early childhood education programs including programs in community based organizations and programs in public schools. **The report found that on average, early childhood programs in community based organizations outperform public schools in nine out of ten metrics used by two well respected early childhood evaluation systems- ECERS which examines classroom environment, and CLASS which examines instruction.**

Yet these programs are the ones now concerned about their ability to keep their doors open and retain experienced teachers, directors and support staff. These staff, whose salaries are determined by the amount of funding that the City provides to its contracted providers, are much lower than the salaries of similarly qualified professionals in the public schools. And many are living in poverty and struggling to make ends meet.

The salary disparities are stark and grow over time. For example, a certified head teacher in a 3-year-old classroom in a community based organization has a starting salary of \$46,920 while a certified teacher in a public school starts at \$61,894. After time, these disparities grow wider. With eight years of experience, a public school teachers' annual salary will have grown to

slightly over \$81,042 while a teacher in a community based program will be earning just \$48,920.¹

Unsurprisingly, many staff leave community based programs for higher paying jobs with New York City Department of Education – and who can blame them. A child’s consistent interaction with a qualified educator is the most important part of early childhood education success. When we lose those educators, we hurt our chances of making a profound impact in children’s lives before they start school.

Moving Forward for Salary Parity in the FY 2019 Budget

High-quality early childhood education programs are a crucial support for immigrant parents. However, if the staff in community based organizations continue to earn lower salaries than their similarly qualified counterparts in public schools, the City will have a divided system with stark inequalities. The City must take immediate action to address salary disparities in early childhood education.

Family Literacy

Additionally, the City can ensure the educational success of the entire family by funding a new City Family Literacy Program. Grounded in evidence-based, holistic models that engage both children and caregivers in a collaborative and mutually reinforcing learning process, families leave better equipped to gain the skills they need to succeed. Although Family Literacy models vary, they represent a two-generation approach to programming which focuses equally and intentionally on services and opportunities for both a parent and their child to maximize the overall success of the family. According to the National Center for Families Learning, typical aspects of Family Literacy include: 1) Interactive literacy activities between parents and children, 2) Training for parents regarding how to be the primary teacher for their children and full partners in the education of their children, 3) Parent literacy training that leads to economic self-sufficiency, and 4) An age-appropriate education to prepare children for success in school and life.

When New York City last funded family literacy programs (before they were eliminated in a PEG), DYCD stated that:

¹ Salary Disparities in NYC’s Early Childhood Education Workforce. *Campaign for Children and Citizens’ Committee for Children of New York*, 2018. <https://www.cccnewyork.org/wp-content/uploads/2018/02/salary-parity-infographic-final.pdf>

“Programs have reported noteworthy improvements by both children and parents. As reported by their classroom teachers and parents, participating children are more motivated to learn, have greater self-confidence, and therefore do better academically. Parents have improved their literacy skills as well. Parents are more aware of the resources available to support their families and have increased their involvement in their children’s education and schools. They go to the library and read with their children, and they participate in school activities by working as volunteers and PTA meetings.”

Additional research into the benefits of two-generation and family literacy programs has indicated that:

- When parents are dedicated to their own education, they serve as positive role models for their children’s academic success.
- More sophisticated language skills in children have been linked to parent’s literacy skills and shared reading.
- Skills that parents learn through their own education can be applied to their children, leading to better educational outcomes.
- Family literacy programs increase job skills and employment opportunities for parents by incorporating vocational skills training into their programs.

To foster the development of existing and new family literacy programs, UNH urges a \$5m investment in a Family Literacy Program in FY2019. These funds could target community based organizations with a successful track record of providing at least one of the four core elements of family literacy. Such an investment would support learning opportunities for 450 families at 16 programs, plus an additional 8 capacity building grants to support organizations in conducting community needs assessments, program planning, development of partnerships, and staff training.

Thank you for the opportunity to testify. I am happy to take any questions.



PARENT-CHILD HOME PROGRAM

A PROVEN BEGINNING FOR SCHOOL SUCCESS SINCE 1965

Parent-Child Home Program Testimony Committees on Immigration

**Submitted by Parent-Child Home Program (PCHP)
in Partnership with the City's First Readers Initiative**

April 24, 2018

Good afternoon: My name is Cesar Zuniga and I am the Research and Evaluation Director for The Parent-Child Home Program (PCHP).

The Parent-Child Home Program's unique focus is on providing parents with the skills, knowledge, and materials they need to support school readiness skills in the home and helping to build home environments that build children's language, literacy, cognitive, and social-emotional skills. In doing this work, we are also helping parents learn what to look for in a child care setting, how to identify and access their children's next educational steps, and how to support their children's continued academic progress. Our partners in this work in New York City and elsewhere in the state include school districts, public libraries, social service agencies, literacy programs, and community-based organizations. Focusing on school readiness and early literacy support for families challenged by poverty, isolation, limited education, and language and literacy barriers, PCHP provided over 46,000 home visits and distributed over 23,000 books & educational toys in New York City last year with assistance from the NYC City Council support.

In 2017, 1910 families in total have graduated from Parent-Child Home Program after completing two cycles of twice-weekly home visits (92 visits). These families are based in 103 local communities across 14 States. In accordance with the overall population PCHP served, the largest ethnic group is Hispanic or Latino (42%), followed Black or African American (28%). Our families are from very diverse cultural backgrounds with 69% of the parents were born outside of the US. Mexico is the top country outside of the US. In total 52 languages are spoken across families and Spanish is actually the most commonly spoken language surpassing English. Comparing to the 14% of national average of families below Federal Poverty Line below \$24,600, 79% of the PCHP families have family income below FPL. Using the 100% FPL (double of the FPL at \$50,000), 94% of our families are considered low-income.

PCHP is pleased to be one part of the City's First Readers initiative. Working with our partners in this initiative, we are able to not only provide intensive early literacy support to 100 additional families challenged by poverty, isolation, and language and literacy barriers in communities including Astoria, Washington Heights, Sunset Park and Brownsville/East New York, but also to connect PCHP families with a continuum of other literacy services and activities in their

communities that are working together to ensure that children are reading on grade level by third grade.

Before children enter pre-k or kindergarten, low-income children, and low-income from non-native English-speaking families in New York City are likely to be cared for by family members or in informal settings. They are the least likely children to have access to the information, materials, and activities that will build their school readiness skills, and ensure the language and early literacy skills that they need to enter a classroom ready to be successful students. For these reasons, it is particularly important that in supporting the City's First Readers Initiative, we ensure that they and their families have access to the knowledge, skills, and materials that will support their school readiness.

PCHP provides critical learning tools, books and other educational and language-stimulating materials, to families with two- and three-year-olds. This is an age group that often has very limited access to literacy supports. The Program helps families build literacy enrich environment in their homes. They are visited twice a week in their homes by an early learning specialist, or home visitor, who introduces the materials to the family, and models for parents how to read, talk, and play with their children to build language and critical early literacy skills. PCHP staff also connects families to other social service supports when necessary and assist parents with registering their children for a pre-k or Head Start program

We look forward to working with the City Council to expand this critical continuum of services for young children and their families. Thank you so much for allowing me this time to present the Parent-Child Home Program and its work as part of the City's First Readers initiative.

Testimony of Camille Mackler
April 24, 2018 Hearing by the Immigration Committee
New York City Support of Immigrant Parents of Children Ages 0-5

Dear Chairman Menchaca,

Thank you for the opportunity to testify today before the City Council regarding New York City's support of immigrant parents of children ages 0-5 years old.

Although I frequently testify before you in my official capacity as an immigration attorney at the New York Immigration Coalition, today I am here in my personal capacity to recount for you the challenges I have faced in obtaining necessary evaluations and special education services for my bilingual daughter.

My daughter is 4.5 years old and currently attends a Universal Pre-K program at K280, which is part of PS 10 in Windsor Terrace, Brooklyn. Before enrolling in the UPK program, she attended a private day care from the time she was 11 weeks old to the time she was almost 4 years old. Relevant to the topic of this hearing, my daughter being raised bilingual, as I speak to her almost uniquely in French, my native language. This fall, she will start Kindergarten at PS 133, also in Brooklyn, in their dual-language French-English program.

My daughter began attending K280 in September of 2017. In mid-October of that year, her teacher – a 20-year veteran DOE teacher – called me in for a meeting. She was concerned about certain of my daughter's behaviors, namely her inability to focus or sit still, her apparent anxiety in many situations, and her propensity to run away and not obey instructions to stop. As a result of the meeting with the UPK teacher, my husband and I decided to have our daughter evaluated for special services.

On November 2, 2017 we submitted our request in person to the Committee on Pre-School Education (CPSE) for District 15. To date, we have yet to meet with the CPSE to discuss the only recently-completed evaluations and discuss what services my daughter may need to help her development. Currently, the first meeting is scheduled for next week, May 4th, but, as I will explain in more detail below, I will be forced to request additional testing so it may not be possible to put an Individualized Education Plan (IEP) in place before the end of the school year.

A few days after we dropped off the evaluation request, we received in the mail a list of evaluation sites and related paperwork along with instructions to select a site and contact them to set up the initial appointment. On November 15, 2017, I reached out to Kid Centric, an evaluation site located across the street from K280. I had initially tried to contact a site in Flushing, the only one that provided services in French in-house, but no person or voicemail box ever picked up the line. I completed and returned the paperwork Kid Centric requested on November 16th and was assured I would be contacted by an evaluator shortly. After three weeks and multiple follow ups by phone and email, we scheduled the first meeting for the first week of December.

The first meeting took place on December 6, 2017 and started the 60-day clock by which the evaluation must be completed and sent to the District CPSE. This meeting was also where we were first made aware that we would need to provide an interpreter for the educational and psychological evaluations. This interpreter could not be a family member. Since my French speaking friends all worked, and the evaluation had to happen on a school day, I asked if the center could assist in providing an interpreter, but they told me it was our responsibility. Fortunately, I am a member of several local parenting groups, including a French language group where I was able to find a parent willing to help out for 30 minutes.

Had I not had this resource or had no one been available, I would have had to hire and pay for a professional interpreter.

The educational evaluation took place on December 19th at my daughter's school, and the psychological evaluation took place in our home, with a friend of mine interpreting, on Sunday December 31st. Both the education evaluator and the psychologist told us that they felt my daughter should also receive speech and occupational evaluations given certain speech patterns and problems with fine motor skills that she exhibited in their presence. They told us that they would make this clear "to the District." At our initial meeting at Kid Centric with the education evaluator, we were also told that the two main evaluations would be education and psychological and that "the District" would have to approve any additional evaluations.

Accordingly, in early February, as the 60-day deadline approached I called the District CPSE to find out the status of my daughter's evaluation. In the original papers that I had been given, a CPSE administrator had filled in her name and phone number as the person to call with questions. Moreover, the Kid Centric evaluators had led me to believe that further decisions would be made by the District and would be out of their hands. Without giving my or my daughter's name, I explained to the person who answered the phone that I was calling to receive an update on the evaluation and when I could expect a meeting to discuss services she may qualify for. The District employee who answered the phone immediately became extremely defensive, assured me that my daughter's file had not crossed her desk (even though I hadn't given her a name) and told me to follow up with the evaluation site, which I did.

Almost immediately after I reached out to Kid Centric and pointed out the deadline that had passed, I was contacted by a speech evaluator and an occupational therapist, my first indication that my daughter had been approved for both evaluations. The speech evaluator called me and scheduled a time to come to our home on the following Friday. The occupational therapist sent me a text message to confirm my daughter would be in school on the day she planned to conduct the evaluation.

On the day of the speech evaluation I kept my daughter from school and stayed home from work. At about the time the evaluation was supposed to start, the evaluator called me to tell me she was running late and to confirm my interpreter was present. This was the first time I was told I needed to have an interpreter present for the speech evaluation as well. When I told her I had not arranged for one and was under the impression an interpreter would only be needed for the education and psychological evaluations, the speech evaluator told me she could not, "by law", evaluate my daughter without an interpreter and to call Kid Centric to see what they suggested.

When I spoke to the coordinator at Kid Centric, they were adamant that they had told us an interpreter would be required for the speech evaluation, which was contrary to my own recollection. More importantly, they told me that by law they could not evaluate my daughter without an interpreter, despite my protests that my daughter speaks very little French, that the interpreters in the first two evaluations had been asked to translate one or two sentences at most, and that regardless I was willing to waive the interpreter requirement. They also repeated that the obligation to provide the interpreter was on me. Ultimately, the speech evaluation took place February 17th after I was able to find a friend who could act as interpreter.

During the evaluations that we were able to witness (psychological and speech), it seemed to both my husband and I that the evaluators disregarded much of our daughter's behavior, which we found odd given that behavioral issues were what we had specifically asked be evaluated in the first place. For example, during one IQ test my daughter became distracted mid-way through repeating a pattern sequence. She then attempted to start the sequence over but the evaluator stopped her and determined that she had not been able to complete the task.

On March 13th, four months after beginning the evaluation process and one month after the final evaluation, I contacted Kid Centric again asking for an update. They responded the following day telling me they had mailed me a copy of the evaluation reports that had been sent to the district. I received them two days later, dated March 12th. The information in the evaluations was confusing to us. For example, in the educational evaluation our daughter was both found to be English-language dominant but, in the next paragraph, was labeled an English Language Learner. Because she was considered bilingual, the evaluation repeatedly noted that there were no standardized norms that could be used to evaluate my daughter's actual capabilities and that the assessment should therefore "be used with caution.

After receiving copies of the evaluation, and frustrated by the slow process that was clearing impeding my daughter's ability to learn along with her peers in school, my husband and I decided to investigate private options. Through my work we were connected to a parent advocate and, subsequently, a private neuropsychiatrist who helped us review the evaluations and determine a course of action for the meeting with the CPSE, now scheduled for May 4th. It was during these conversations that we were told for the first time that Kid Centric, in fact, had an obligation to provide the interpreter and that that should not have fallen on us. Other concerns were flagged regarding the evaluations, and we were counseled to request a Functional Behavior Analysis /Behavior Intervention Plan (FBA/BIP), which is apparently standard for a child with behavioral issues such as we noted in our original evaluation request to the CPSE. For now, we will also be moving forward with a private evaluation. Because our daughter was accepted into a dual language program, and it is important to us that she be able to learn how to speak, read, and write in my native language, we are hoping to find solutions that will support her appropriately while remaining in a general education setting.

Ultimately, it will have taken the better part of an entire school year to complete the evaluation process. I am eternally thankful to the city for providing my child with an additional year of schooling through Universal Pre-K. It is because of this year that my daughter's learning issues and needs were quickly identified by a trained educator, at a critical time in her learning development, and that I was able to put into motion the process of obtaining supportive services that will, at a minimum, be in place by the time she starts her formal education next year. But I am also horrified by how difficult it has been to access these services.

I am acutely aware of the numerous privileges and advantages I have had in this process. My daughter's needs, though inherent to her ability to learn and do well academically, are not as severe as other children's may be. She does not appear to have a learning disability, be on the autism spectrum, or have any number of debilitating physical issues that can interfere with education. In addition, I speak, read, and write English fluently, have a law degree from an American law school, and have years of professional experience working with city government agencies and advocating to them on specific

Testimony of Camille Mackler
April 24, 2018 Hearing by the Immigration Committee
New York City Support of Immigrant Parents of Children Ages 0-5

issues. I also have access to numerous local parenting listservs and parenting support opportunities in my neighborhood. I live only two subway stops away from Park Slope, a known family-friendly part of Brooklyn that attracts many parent-serving businesses. Through these resources, I have been able to educate myself somewhat on what to expect in the CPSE meeting, what my rights are, and what I should be asking for my daughter. I have heard from many parents who had to fight the District, sometimes hiring attorneys to sue the DOE, in order to get the services their children need. Because of my experiences, I am comfortable making those asks and standing my ground against administrators who may want to pay for less than my daughter is entitled to. And ultimately, because of jobs and our access to healthcare, my husband and I were able to make the decision to spend thousands of dollars on a private evaluation, possibly more on private services. If, ultimately, we are not satisfied with the outcome from the Department of Education, we have the ability to hire a lawyer to help us advocate through the Courts for the DOE to meet my child's needs, as is commonly done in District 15.

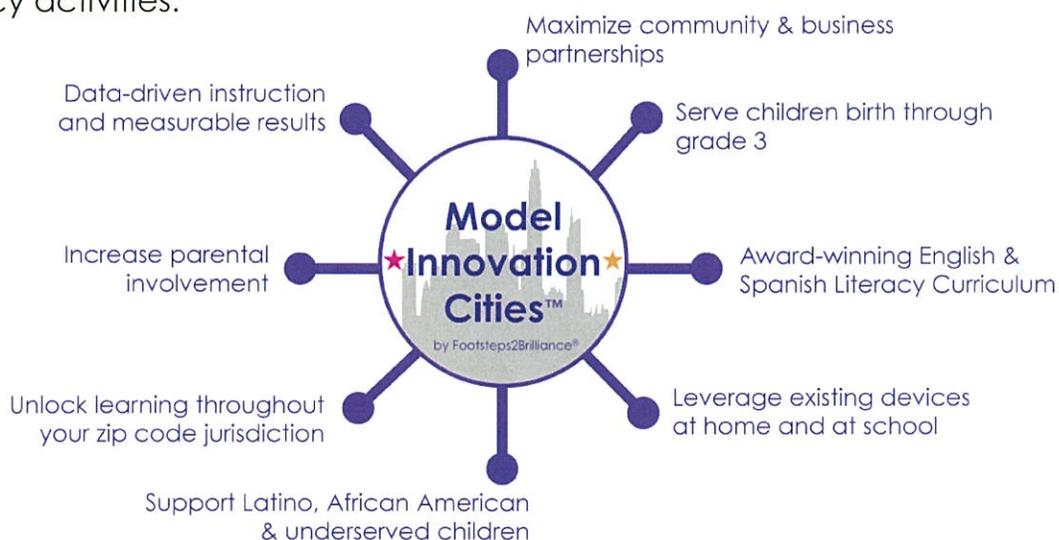
I have worked with immigrants for 15 years, and one of the most common stories we hear of why someone chose to come to the United States is that they wanted better opportunities for their children. Given all the difficulties I experienced getting my bi-lingual child the support she needs, I cannot imagine how daunting a prospect it must be to someone who does not speak the language well, does not understand the process, or is not comfortable challenging city government agencies. I hope that my sharing my story will help highlight some of the critical steps this City must take to ensure that all children can succeed and fulfill their potential within our public school system. I am available for follow up questions should they be of help to this committee as you undertake this important review.



Leveraging the Mobile Technology That Immigrant Parents Already Own To Scale A Citywide Literacy Initiative in NYC

On Tuesday, April 24, the Immigration Committee of the New York City Council is seeking knowledge of solutions that can help immigrant parents prepare their children for kindergarten readiness. We request a meeting with the Council to demonstrate an innovative mobile technology solution that would enable NYC to create a collective impact literacy initiative that would include all of the NYC agencies that are addressing these issues. Under this initiative, NYC would be able to leverage the mobile technology that 95% of parents own to distribute bilingual early literacy resources that allow parents to become their children's first teachers even if they are not native English speakers. This platform already has been used successfully within NYC public schools, and within over 80 cities throughout the nation.

Footsteps2Brilliance, Inc. has worked with the most innovative superintendents and mayors throughout the nation to create **Model Innovation Cities**, citywide literacy initiatives that use mobile technology to scale literacy apps and services in **English and Spanish** to every family within a city. Footsteps2Brilliance has provided over \$10 million in grants to these districts. Our students have read nearly 18,000,000 books, interacted with nearly 5,000,000,000 words and spent almost 1,000,000 hours in literacy activities.



For further information contact: Kathy Henderson, Regional Director, Greater New York Metro Area
(516) 840-7201 • KathyH@Footsteps2Brilliance.com www.Footsteps2Brilliance.com

Testimonials from NYC Schools

PS 63Q

ENL Students and their Families

PK Students and their Families

ENL Home languages: Spanish, Bangla, Cantonese, Chinese, Fulani, Mandarin, Pashto, Polish, Urdu.



Diane Marino,
Principal PS 63Q

"Footsteps2Brilliance is a blended program which enables educators to combine traditional teaching with technology. Parents can access the program through personal media devices to continue learning at home. This program is a support to our ENL students and their families."

Using Footsteps2Brilliance in our immigrant program supports our first and second grade immigrant students and/or ELLs. In our experience using the program, we have observed the following.

- **Provides early exposure to literacy by using an engaging format**
- **Interactive and user friendly, allowing access from any smart device makes it convenient for our parents and their children**
- **Our parents appreciate the school support and training offered by F2B representatives**
- Some of our Spanish-speaking newcomers benefit from the ability to switch between their L1 and L2
- Phonics and the related activities help our pre-readers develop phonemic awareness, which is especially important for newcomers
- Students who previously made no attempt to identify unknown words have begun to sound out words while reading aloud; they gain confidence by using the read aloud feature to confirm or correct their attempts
- Students take their time completing games and activities and strive for a perfect score; they are very excited when they hear F2Bs positive reinforcement, "good job!"
- First and second graders benefit from using the "Book Buddies" feature to build and monitor comprehension; we believe this is good preparation for state exams, i.e. NYSESLAT and the ELA, which begins in third grade
- Second grade students have opportunities to edit their books while conferencing with their teacher; students are rewarded and have a sense of pride when they print their own books
- **We have found that the students who continue to use F2B outside of school hours demonstrate use of the 3 levels within F2B. In addition to reading books and completing games and activities, they create books which range from only pictures to complete books with text and illustrations**
- **One student from Guyana shared her new nightly routine in which she reads at least one F2B book with her father before bed; other students also have extensive use outside of school hours; students whose parents attended parent trainings seem to use the program more often outside of school than those whose parents did not attend**
- The "Language Skills" and "Word Work" sections offer extensions to the linguistic objectives that accompany our daily instruction and content objectives, and aid students in developing English fluency

Linda Geneo, and Jesse Diaz, ENL teachers

For further information contact: Kathy Henderson, Regional Director, Greater New York Metro Area
(516) 840-7201 • KathyH@Footsteps2Brilliance.com www.Footsteps2Brilliance.com

Testimonials

PS 90Q

ENL Students and their Families

PK Students and their Families

ENL Home languages: Spanish, Urdu, Bengali

"Footsteps2Brilliance allows a child, on the first day they come to school, be engaged in reading, listening and writing. Parents love it because the children want to use it and it doesn't use up all the data."



Adrienne Ubertini
Principal PS 90Q

Footsteps2Brilliance has been a positive experience for my students as well as for our parents. The parents have expressed on many occasions how they are also learning English as their children use this program. The stories, activities and games are appropriate for second language learners. The program itself is easy to navigate. My kindergarten students are able to log in and go to the different categories according to their levels. The challenge shows in their reaction as they successfully complete each activity or level. These children are eager and curious to know and find what the next level will be. While this program is fun for the students, I have noticed advancement in the children's responses when speaking, reading and writing in English.

I hope the students will continue having access to help all of my second language learners.

Angela Sanguino, Kindergarten

Having Footsteps2brilliance has been a wonderful addition to my classroom. Using it as part of my daily curriculum has greatly improved the language skills of my ESL students. The students have expressed how much they enjoy it in school and at home. It is very user friendly and can be accessed from any phone or device. The students love the section where they can make a book and create their own stories. They also like the stories being read to them. After a while they start to read them on their own. I feel as a teacher it is very helpful to my English language learners. It is very rich in vocabulary and phonetic skills that all students need.

Carrie Serino, Grade 2 teacher

Testimonials

PS 337Q

PK Students and their Families

K Students and their Families

ENL Home languages: *Spanish, Bengali*

“This platform really engages the students into learning by integrating technology into reading and writing. The children love to play the games while learning new words and practicing fluency in English and Spanish. “

*Tracy Keane
Principal PS 337Q*

We have been using Footsteps2Brilliance in our classroom and our children really enjoy using the program. I have also heard from families that use it at home that they really enjoy the program and have seen growth with their children. Within the class we have used the interactive books as well as the interactive games. When using the games the students are all attentive and interested in learning. My co-teacher and I have noticed they have grown with their sight word recognition, as well as CVC recognition. The games puts them on their feet and make them have to think quickly, but helping them grow as learners at the same time. We also really enjoy the interactive stories. They are really fun to watch and they help students with tracking words as they read. It has taught some of our students that we read from left to right and to make sure we look at each word when reading the stories. I also enjoy how at the end of the books there are comprehension questions for the students to answer. So not only do they get to listen to a fun and interactive book, but then as teachers we get to see who was paying attention and what they are able to recall and remember from the stories. The interactive writing books are fun as well. It is nice to be able to create class books. We are really enjoying Footsteps2Brilliance and we love seeing the growth that our students are making using this program

Jennifer Darling, Kindergarten

Footsteps 2 Brilliance is both a positive and beneficial educational learning website that students have access to both in class and at home. My students have improved in their ability to recognize letters and letter sounds, listen to various stories and retell what happened using their comprehension skills, and show their understanding of numbers and counting. The interactive and engaging website motivates and inspires all the students within my class and makes learning fun. The children are always so excited to share with me what they read about, which songs they learned, and how well they can count their numbers. Footsteps2Brilliance specifically supported my ELL students and parents as it has continued to allow their listening, reading, and speaking skills to grow in English and their home language. Parents have expressed their enjoyment of Footsteps2Brilliance as it keeps their children engaged, and can see the progress their own children are making at home and school.

Amanda Ruggiero, PK teacher

**For further information contact: Kathy Henderson, Regional Director, Greater New York Metro Area
(516) 840-7201 • KathyH@Footsteps2Brilliance.com www.Footsteps2Brilliance.com**

Testimonials

PS 51Q

ENL Students and their Families

K Students and their Families

ENL Home languages: *Spanish, Urdu, Arabic, Punjabi, Russian, Bengali, Korean, Mandarin*

As a self contained Kindergarten ENL teacher, I was so excited that our school was chosen to use Footsteps2Brilliance as a pilot program. We have had workshops for parents to come to school with their electronic devices, and be trained on how to use the program and sign up for their family to have access to the program. Children are using the program at school and are excited to listen to and read books and songs. They are also excited to use the program at home with parents and siblings. They are answering questions on the texts they read and even creating their own books which they can print and read anywhere. We have been very fortunate to have the support of this company to train our teachers and parents. They have also been very supportive by helping parents download the program onto their devices so they can use it even when they are not in a wifi zone. I hope we will continue to use this program in the future and see much success from our students who are taking advantage of this program.

Chari Meisel, Kindergarten

PS 197Q

PK Students and their Families

K Students and their Families

ENL Home Languages: *Spanish, Haitian Creole, Arabic, Russian, Hindi, Mandarin*

Footsteps 2 Brilliance is a fun, engaging and interactive program that promotes student learning. My students enjoy listening and reading the different variety of stories especially the non-fiction texts. They are always excited to share what they have learned through the interactive book creator and word work activities. I find that this program reaches out to the different types of learners in my class. I especially liked how it targets each student's learning style. It starts off from emergent learners (level 1) to a fluent reader (level 3). In a nutshell, it's a fun and rigorous interactive program for my students.

Casey Akbar, Kindergarten



TESTIMONY OF:

BROOKLYN DEFENDER SERVICES

Presented before

The New York City Council

**Oversight Hearing – How Does NYC Support
Immigrant Parents of Children Ages 0-5 Years?**

April 24, 2018

Brooklyn Defender Services (BDS) is a full-service public defender office in Brooklyn, representing nearly 35,000 low-income New Yorkers each year who are arrested, charged with abuse or neglect of their children or face deportation. Since 2009, BDS has counseled, advised or represented more than 10,000 non-citizen clients on immigration-related matters.

New York City is the nation's leader in supporting immigrant communities, in large part because of the advocacy and funding provided by the City Council. Today we highlight three programs that receive City funding: the New York Immigrant Family Unity Project (NYIFUP), the Immigrant Opportunities Initiative (IOI), and Padilla advice in criminal and family cases. We urge the Council to continue funding these initiatives that are so critical to ensuring that parents of young children obtain the immigration legal advice that they need so that they can remain in their home and their communities.

NYIFUP is the nation's first public defender system for detained immigrants facing deportation. The project's primary stated goal is to preserve the unity of families. The data we obtained over the first four years of the program show that the program has indeed done just that. Since the program's inception, NYIFUP has represented more than 800 parents with over 1,800 children –

the vast majority of whom are children with legal status, primarily U.S. citizenship.¹ The VERA report includes numerous narratives of parents of young children that show the value of NYIFUP to immigrant families.

IOI provides critical funding for affordable immigration legal services, adult English classes, and worker services for low-income and immigrant New Yorkers. BDS relies on IOI funding to provide community education, legal screening, advice and full representation to low-income Brooklyn immigrant youth and adults borough wide. These services are provided in their pursuit of: affirmative immigration benefits such as citizenship, lawful permanent residence, asylum, Special Immigrant Juvenile Status, special trafficking and victims' visas, VAWA relief, TPS, and DACA, and in their defense against deportation in non-detained deportation proceedings. Similar to the NYIFUP program, IOI funding supports individuals in their efforts to legalize their status or to naturalize, which has the derivative effect of helping all family members.

Public defender offices also provide Padilla advice to non-citizen clients about the immigration consequences of criminal convictions and family court involvement. This advice is critical to help families avoid unnecessary consequences and to access high-quality immigration services. We serve people with criminal justice and/or family court involvement who may otherwise not qualify for free immigration legal services at traditional providers.

Finally, on April 25, 2018, Governor Cuomo issued an Executive Order on State Policy Concerning Immigrant Access to State Services and Buildings and announced that he is pushing for rapid response crews who will respond to the scene of an ICE arrest as soon as possible, where legal counsel will be provided for those arrested.² We urge the City Council to consider funding a similar program in the city, or to work with the Governor and his staff on the statewide implementation of immigration rapid response crews, to ensure that people arrested by ICE have legal counsel as soon as is feasible to help protect their rights.

For all of these reasons, along with the numerous client stories and examples cited in our budget testimony before this committee on March 26, 2018,³ we ask that you continue to support these invaluable programs.

Questions? Contact Andrea Nieves, Senior Policy Attorney, at anieves@bds.org or 718-254-0700 ext. 387.

¹ VERA Institute of Justice, *Evaluation of the New York Immigrant Family Unity Project: Assessing the Impact of Legal Representation on Family and Community Unity* (November 2017), available at <https://www.vera.org/publications/new-york-immigrant-family-unity-project-evaluation>.

² Henry Rosodd & Kristine Garcia, *Cuomo unveils plans to fight aggressive ICE raids*, pix11, April 25, 2018, available at <http://pix11.com/2018/04/25/cuomo-unveils-plans-to-fight-aggressive-ice-raids/>.

³ Brooklyn Defender Services, *Testimony of Nyasa Hickey, NYC Council Budget Hearing on Immigration*, March 26, 2018, available at <http://bds.org/wp-content/uploads/2018.03.26-BDS-budget-testimony-on-immigration-draft-Submitted.pdf>.



PROTOCOLS FOR IMMIGRATION CUSTOMS ENFORCEMENT (ICE) ACTIONS AND INQUIRIES

OUSD stands behind a commitment to do everything possible to ensure schools are safe and inclusive environments for all students and families regardless of immigration status as outlined in Board Resolution 1617-0089 Reaffirming District Facilities, Programs Are A Sanctuary for All Children and Adults. In accordance with this resolution, **OUSD has developed a series of protocols for staff to follow in the case of ICE actions or inquiries.** In addition to the protocols, OUSD encourages all stakeholders to follow the Dos and Don'ts if contacted by ICE.

IMMEDIATE ACTION ITEMS FOR SCHOOL COMMUNITY IF CONTACTED DIRECTLY BY ICE

Principal or Designated Secondary Responder: Review and follow the protocol outlined in this document including the back of this page.

Staff, Teachers, Parents and Students: Always refer an officer, agent or law enforcement personnel to the Principal of the school site or the designated secondary responder.

DO

1. **Stay on message.** In high stress situations, people are more likely to ramble or say something without thinking. Be polite and remain calm. By maintaining a positive demeanor, you can help de-escalate a contentious situation.
2. **Be prepared to repeat yourself.** A common tactic by law enforcement is to ask the same question over and over again, in hopes of eliciting their desired response.

DO NOT

1. **DO NOT**, under any circumstances, provide or offer any information about an individual student, family, or employee, regardless of the reason given for seeking the information unless directed to by the Legal Office.
2. **DO NOT** answer any questions about a student, family, or employee, regardless of how benign the question seems.
3. **DO NOT** panic. Remember to breathe and try to remain calm.

SCENARIO 1: ICE law enforcement present a warrant to the school site

- Call Chief Jeff Godown, Oakland School Police (510) 919-8210
 - If not available: Sergeant Antonio Fregoso, Oakland School Police (510) 224-8243
- Send copy of warrant to the Legal Department
 - Legal Office Phone (510) 879-8535
 - Amy Brandt, Attorney, Cell (415) 999-0647
- Provide ICE law enforcement personnel Board Policy 5145.13

SCENARIO 2: ICE law enforcement present a subpoena or legal document requesting information

- Call Chief Jeff Godown, Oakland School Police (510) 919-8210
 - If not available: Sergeant Antonio Fregoso, Oakland School Police (510) 224-8243
- Send copy of subpoena or document to the Legal Department
 - Legal Office Phone (510) 879-8535
 - Amy Brandt, Attorney, Cell (415) 999-0647
- Provide ICE law enforcement personnel Board Policy 5145.13

SCENARIO 3: ICE law enforcement requests information with no documentation, warrant, subpoena, or asks to detain a student

- Call Chief Jeff Godown, Oakland School Police (510) 919-8210
 - If not available: Sergeant Antonio Fregoso, Oakland School Police (510) 224-8243
- Contact the Office of the Superintendent, (510) 879-8200
- Provide ICE law enforcement personnel Board Policy 5145.13
- Additional Resources: Legal Office Phone (510) 879-8535

SCENARIO 4: Parent/student report that family member has been detained

In the first 5 minutes:

- Collect as many details as possible (exact location of detainment, names of anyone known to have been detained, contact info of their family members), then **call and email Eleni Wolfe-Roubatis at Centro Legal de la Raza**
 - (510) 437-9111 | eleni@centrolegal.org
- Ensure there is a trusted adult who can pick up the child/children of the detained parent.
- Inform your Network Superintendent; Your Network Supt will inform Task Force leads in Office of the Superintendent, Legal, ELLMA, Police Services, and Communications.
- Resources: Chief Jeff Godown, Oakland School Police (510) 919-8210; Legal Office Phone (510) 879-8535

SCENARIO 5: Community reports that ICE is in the area or raids have occurred

- Collect as many details as possible (exact location of raid or presence, names of anyone known to have been detained, contact info of their family members), then **call and email Eleni Wolfe-Roubatis at Centro Legal de la Raza**
 - (510) 437-9111 | eleni@centrolegal.org
- Inform your Network Superintendent; Your Network Supt will inform Task Force leads in Office of the Superintendent, Legal, ELLMA, Police Services, and Communications.
- Resources: Chief Jeff Godown, Oakland School Police (510) 919-8210; Legal Office Phone (510) 879-8535

Testimony re: Oversight - How Does NYC Support Immigrant Parents of Children Ages 0-5 years?

**Submitted to
NYC Council, Committee on Immigration**

**Submitted by
Marissa Muñoz
Senior Director of Education Policy
Hispanic Federation**

April 24, 2018

Good afternoon, my name is Marissa Muñoz and I am the Senior Director of Education Policy at the Hispanic Federation (HF). Chair Menchaca and committee members, thank you for the opportunity to testify on behalf of the Hispanic Federation and our network of 100 Latino community-based organizations.

The Hispanic Federation is a nationwide Latino membership organization founded to advance and empower the Latino community socially, politically, economically and academically. The Federation does that by supporting and strengthening Latino nonprofits, conducting public policy research and advocacy and offering our New York residents with an array of community programs in the areas of education, immigration, health, economic empowerment, disaster-relief and civic engagement.

Out of the many issues we work on, two are particularly transcendent: education and immigration. The reasons are clear. Education is the key to a community's social progress. And the importance of immigration to New York City cannot be overstated. Whether it was the Irish, Jews and Italians of the 19th century, the Dominicans and Chinese of the twentieth century or the Mexicans, South Asians and Russians of recent years, immigrants have contributed to New York's economy, culture and politics in ways that can often be difficult to understand or value for those who are new to our state.

More than 3 million immigrants live in New York City alone. They have taken once-forgotten neighborhoods and turned them into thriving—revenue-producing—communities. They work in every sector of the economy ranging from high finance on Wall Street to hairstyling in Washington Heights. There is no place where immigrants do not play a significant—if not always visible—role in the life of our city. Because of the singular and important role that immigrants play in New York, it is critical that we ask what our city is doing to support its immigrants, especially those with young children.

We live in a time of growing anti-immigrant sentiments, with an outwardly xenophobic federal administration that is focused on enacting policies that deport, punish and criminalize immigrant families across our nation. In the face of these assaults on our values and very own city, it is imperative that we do everything possible to protect, support and uplift our immigrant parents.

Since January 2017, federal data shows that New York City courthouses have experienced a 900% spike in ICE arrests. As a result, immigrants are less likely to attend court to handle both small and large issues, from a traffic ticket to domestic violence and family court disputes, putting them in further danger.

These fear tactics are penetrating the homes of hundreds of thousands of individuals living in New York City. Families that are made up of mixed legal status - U.S. citizen children, undocumented siblings and parents - can experience higher stressors compared to families with U.S. citizen parents. Children are instructed to keep quiet and lay low so as not to draw attention to the family. As a result, children are showing more signs of anxiety-related behavior out of fear that a family member may be deported. In addition, a child experiencing a detained or deported parent yields higher chances of post-traumatic stress disorder (PTSD) symptoms, detrimental to the stability of that child's development. This is especially devastating if the children of detained parents are not taken care of by a legal guardian, as Child Protective Services steps in and places them in emergency foster care. In 2011, an estimated 5,000 citizen children were in foster care due to a detained parent. Given the increase in immigration enforcement priorities, detentions, and deportations, we expect this number to rise since an estimated five million children live in the US with at least one undocumented immigrant parent or caregiver.

If a family member is detained, there are not only mental health implications, but economic implications as well. When a family member is detained or deported, the family can experience a 50 percent decrease in household income. This places strains on the ability to afford housing and necessities, and significantly increases the chances of that family being homeless or in temporary housing.

The city must ensure that homeless immigrant families are safe from ICE and other threats, and are provided legal services and resources, including healthcare, nutrition, and mental health services that support the child's full development. Given that Medicaid for immigrant families may be on the federal chopping block, the city must protect this program to ensure that immigrant mothers have the adequate prenatal and postnatal health care, and that their children have access to Medicaid or the Children's Health Insurance Program (CHIP). The healthcare of newborns and young children is essential to supporting their development and growth.

Over 100,000 students, approximately 10% of the New York City Department of Education population, is homeless or in temporary housing, and many of these children and youth are from immigrant or mixed-status families in shelters across the city. It has been demonstrated that children in homeless shelters or temporary housing have chronic school absenteeism and underperform academically compared to their peers. The city must provide additional academic and socio-emotional supports for these students to remain on a pathway to success.

Through its Pathways to Early Childhood program, the Hispanic Federation currently works to ensure that immigrant and non-English speaking families are provided with the knowledge and tools to support the cognitive and literacy development of their young children. Made possible by a partnership with New York City, the Hispanic Federation works with schools, community centers, and community organizations to deliver parent workshops to promote the extension of learning in the home, and strategies to promote literacy and active learning. Over 1,000 parents of young children

are served through this program annually. The programs are effective in creating healthy literacy practices inside the home that positively impact the child's cognitive development. The city must invest in providing more programs like these to immigrant rich communities across the city.

New York City strives to ensure that students are on that pathway from early childhood, with the expansion of the Pre-K for All program. Now, more than 70,000 children are enrolled in this program, and 3K for All is scaling up across the city. To address the diversity of this city, there are over 30 dual language Pre-K programs. The NYC DOE is effectively targeting multilingual speaking communities by marketing Pre-K for All in different languages across the city. However, the city needs to ensure city residents from immigrant and mixed-status families enroll their children in these programs.

Given the overall prejudice and discrimination that families encounter, schools must make more of an effort to create a welcoming environment for immigrant and mixed-status families, especially in 3-K and Pre-K. Schools must make a concerted effort to hire staff that speak the predominant language of the community. At the same time, schools must also work to create an inviting and inclusive culture, where families know they are safe and can support their child in these important developmental years.

Schools must also improve their efforts in serving as a resource for immigrant and mixed-status families, providing them with guidance and information related to legal support, and other key information, such as know your rights. This can be as simple as distributing a two-page guideline sheet for school staff or directing families to community-based organizations and institutions. The city should use the Oakland School District two-page set of guidelines (attached) and information as an example to creating their own. This information sheet includes information to help staff provide guidance and direct parents to the appropriate resources.

Outside of the school, there is an immense need for the city to increase its public education efforts informing people of their rights regarding immigration enforcement. For example, the city can place multilingual subway and bus ads in immigrant heavy neighborhoods or create PSAs to broadcast on multilingual radio and television stations. There is also a need for more information on what to do after an ICE encounter. As a progressive city with an economy that is heavily led and powered by immigrants, we must set the example, and ramp up efforts to ensure that this community has the knowledge to protect themselves.

To support public education campaign efforts, the city must invest in increased partnerships to support know your rights trainings led by community-based organizations are also needed. Immigrant families feel safe at church, in community centers, and with community-based organizations and the city can better utilize these organizations to perform trainings and provide services and other supports to help them navigate the legal system as well as access city resources.

The Hispanic Federation would like to thank you for inviting us to share this testimony with you today. It is critically important for the New York City Council to continue to lead efforts to ensure that immigrants have access to resources and additional supports that they need to sustain a quality of life in New York City.

**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: 4/24/2018

(PLEASE PRINT)

Name: Constance Lesold

Address: 4521 CHURCH AVE., BKLYN, NY 11203

I represent: Committee of 100 to MAKE THE BROOKLYN

Address: BOTANIC GARDEN FREE AGAIN

**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: The Rev. Dr. Chloe Breyer

Address: 4751 Riverside Dr. Bklyn 11203

I represent: The Interfaith Center of NY

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: # Nicole Ren

Address: 130 33rd St Brooklyn, NY 11232

I represent: Parent

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: APICHONG CHAN

Address: 2375 First AVE Apt 6G New York

I represent: Parent

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: DIANA NORIEGA

Address: _____

I represent: Committee for Hispanic Children & Families

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: 4/24/2018

(PLEASE PRINT)

Name: Cesar Zuniga

Address: 702 44th St

I represent: Parent-Child Home Program

Address: and CB 7

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: John Tritt (~~DOE~~)

Address: 253 Broadway

I represent: DOE

Address: Director of Outreach

**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: 4/24/17

(PLEASE PRINT)

Name: Mate Junco

Address: Senior Advisor to the Chancellor

I represent: DOE

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: Jessica Gorelick

Address: 75 Broad Street, 31st Floor, NYC 10004

I represent: Human Rights First

Address: same as above

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**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: Tammy Lin

Address: 1320 165th St, Brooklyn

I represent: Sunset Park Parents

Address: N/A

**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: 4-24-18

(PLEASE PRINT)

Name: Lorelei Vargas, Deputy Commissioner

Address: 150 William Street, NY, NY

I represent: NYC Administration for Children's Services

Address: 150 William Street, NY, NY

**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: 4/24/18

(PLEASE PRINT)

Name: Abigail Velikov

Address: NYC DOHMH

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Mary Cheng / Amy Torres

Address: 150 Elizabeth Street

I represent: Chinese-American Planning Council

Address: Education Panel

**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: Aracelis Lucero

Address: 2770 Third Ave 1st Fl Bx NY 10055

I represent: Masa-Mex Ed, Inc

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: 4/24/18

(PLEASE PRINT)

Name: Amy Pent (with Hasan shafiqullah)

Address: _____

I represent: The Legal Aid Society

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: 4-24-18

(PLEASE PRINT)
Name: HASAN SHAFIQULLAH (WITH AMY PONT)

Address: _____

I represent: LEGAL AID SOCIETY

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: 4/24/18

(PLEASE PRINT)
Name: KIM SYKES

Address: _____

I represent: NEW YORK IMMIGRATION COALITION

Address: 131 W. 33rd 610 NY NY 10001

**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: 4/24/18

(PLEASE PRINT)
Name: Betty Racz Melo

Address: _____

I represent: Advocates for Children of NY

Address: _____

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**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: 4/24/18

(PLEASE PRINT)

Name: Ernie Collette, Mobilization For Justice

Address: 100 William Street, 6th FL, NY, NY 10038

I represent: Mobilization For Justice

Address: (See Above)

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: 4/24/18

(PLEASE PRINT)

Name: Camille Mackler

Address: 131 W 33rd St #610, NY, NY

I represent: Myself

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: 4/24

(PLEASE PRINT)

Name: Casey Akbar

Address: 885 Hicksville Road Far Rockaway

I represent: Footsteps 2 Brilliance / PS 197

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: 4/24/13

(PLEASE PRINT)

Name: Claire R. THOMAS

Address: New York Law School, 185 West Broadway

I represent: New York Law School

Address: (same)

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