



Office of
Immigrant Affairs
Nisha Agarwal
Commissioner

September 29, 2014

Testimony of Commissioner Nisha Agarwal,
NYC Mayor's Office of Immigrant Affairs

Before a joint hearing of the New York City Council

Committee on Immigration and Committee on Courts and Legal Services:

“Oversight — Crisis of Unaccompanied Immigrant Children: What is New York City Doing?”

Thank you to Speaker Mark-Viverito, Committee Chairs Menchaca and Lancman, Public Advocate James, and the members of the Committee on Immigration and Committee on Courts and Legal Services.

In my role as the Commissioner of the New York City Mayor's Office of Immigrant Affairs, I work on policies and programs to improve the lives of immigrant New Yorkers on behalf of Mayor de Blasio. My office does that work both out of the Mayor's Office directly as well as in concert with many of the City's agencies, including many who are here with me today: the Department of Education, Department of Health and Mental Hygiene, the Health and Hospitals Corporation, the Administration for Children's Services, the Department of Youth and Community Development, and the Department of Homeless Services.

Among the most important aspects of this work is to provide support to the most vulnerable immigrant residents of our city. This is a group that includes the fast-growing population of young people, largely from Central America, who recently arrived in the United States after fleeing terrible violence in their home countries and undertaking a dangerous journey to seek safety and reunification with family.

Mayor de Blasio and the entire Administration are firmly committed to supporting these children and their families and sponsors. I am pleased to be here to describe the work that the City's agencies have done, as you consider the role of the City government in responding to this crisis.

Children's journeys to NYC

The majority of the population of children that we are discussing today comes from Guatemala, Honduras, and El Salvador. The reasons for this recent uptick in the number of children leaving for the United States are complex. Based on my office's interactions with the academic community, advocacy groups, and the children and families themselves, it appears that the core reason is the deterioration of public safety in those nations, which is linked closely to the presence of violent gangs that have increasingly targeted children as victims of attacks and as unwilling recruits. This breakdown in basic safety in many parts of Guatemala, Honduras, and El Salvador has led some families to send their children to seek safety and to reunify with parents or other family members in the United States.

The journey itself is fraught with danger, with *coyotes* preying on desperate families and criminals and gangs along the way. In many cases, upon reaching the United States border, children seek out federal Customs and Border Protection agents to seek the protection of the American government.

Under federal law, children who arrive unaccompanied at the border from non-contiguous countries (that is, countries besides Mexico and Canada) must be taken into custody by the

federal government and given the opportunity to appear before an Immigration Judge to assess their eligibility for a variety of legal options to allow them to remain in the United States. Those options include asylum, Special Immigrant Juvenile Status (or SIJS, for children who have been abused, abandoned, or neglected), protection under the Convention Against Torture, and special visas for victims of crime and victims of trafficking. Legal service providers working in the field estimate that at least 40% of these children may be eligible to remain in the U.S.¹ More recent studies on this year's group of children have placed that number as high as 63%² or even higher.

Upon reaching the border, the children receive health screening and immunizations, and are moved to temporary housing facilities operated by the federal Department of Health and Human Services. The children are held in those facilities, which are located around the country, for an average of about 30 days before being placed with family members and family friends while their federal immigration cases and legal claims are adjudicated. Because that process can take a very long time, this is a population of children who are living with us in our communities for extended periods. Accordingly, it is the responsibility of our government to ensure that the best interests of the children are protected and to support them and their families.

Scope of the challenge

Of the tens of thousands of children who have arrived unaccompanied at the border so far this year, 4,799 were placed with family members or other sponsors in New York State through August 31—making New York the recipient of the second largest number of these children, behind only Texas. This number—as well as the thousands more we expect to arrive in the coming months and years and the children who arrived with a parent or other adult and have also been placed here—is a reflection of the large existing Central American communities across the state, particularly in parts of New York City and Long Island.

The Administration worked hard to acquire localized data on the placement of these children from federal government, which were made available in late August. These data show that the largest numbers of children in the state are in New York City, with about 1,550 arriving in the City the first eight months of this year alone. The largest numbers are in Queens, with 676 children this year; in Brooklyn, with 409; and in the Bronx, with 404; as well as 63 in Manhattan and fewer than 50 in Staten Island. Large numbers have also been placed in Nassau and Suffolk counties, with over 1,200 arriving in each, and several hundred children in the lower Hudson Valley.

¹ Olga Byrne and Elisa Miller, Vera Institute of Justice, *The Flow of Unaccompanied Children Through the Immigration System* (Mar. 2012).

² Letter from Jonathan D. Ryan, Refugee and Immigrant Center for Education and Legal Services (RAICES), to President Barack Obama (Jul. 18, 2014), available at <http://immigrationimpact.com/wp-content/uploads/2014/07/Letter-to-President-Obama-from-RAICES.pdf>.

The Department of Education has also performed analyses of administrative data to identify the neighborhoods in New York City with the largest numbers of these children, to help City agencies respond appropriately. Those neighborhoods are Flushing, Briarwood, Jamaica Hills, Richmond Hill, Elmhurst, Ozone Park, and Far Rockaway, in Queens; Bensonhurst, in Brooklyn; and Mott Haven, Hunts Point, Morrisania, Soundview, and Kingsbridge, in the Bronx.

New York City's response

As this crisis deepened earlier this year, the Administration convened a meeting of City agencies, coordinated by the Mayor's Office of Immigrant Affairs and including representatives from the Department of Education, the Department of Health and Mental Hygiene, the Administrative for Children's Services, and the Department of Youth and Community Development, among others. The agencies first worked to determine the needs of this population of children and to assess both the range of government services that the children needed access to and the mechanisms by which the city could connect the children to those services.

In the area of education, the Department of Education has worked to ensure that no barriers exist that would prevent school enrollment by undocumented children who may lack traditional evidence of identity and residency, to vindicate children's right to school enrollment guaranteed by the federal and state constitutions and Chancellor's Regulation A-101. Also, the Department of Youth and Community Development has worked to identify after-school and literacy programs.

In the areas of health and mental health, the Department of Health and Mental Hygiene is facilitating enrollment in Child Health Plus (CHP), a state-funded public health insurance program for which all residents are eligible regardless of immigration status. In this effort we have also worked with the state Department of Health to clarify CHP identity documentation rules for this population and to share expertise on the nuances of state and federal law regarding the eligibility of immigrant children to receive public health benefits. The Department of Health and Mental Hygiene and the DOE have also worked together and with the federal Office of Refugee Resettlement to prevent redundancies in the immunization process required for school enrollment.

The Health and Hospitals Corporation has worked to ensure that these children will have access to care in the form of primary and specialist pediatric health care services, and to identify appropriate methods of providing mental health trauma screening, given the high incidence of trauma and anxiety in these children. Dr. Bassett, the Commissioner of DOHMH, and Dr. Raju, the President of HHC, are finalizing a letter to be issued soon to the City's pediatricians to provide information about immunization, mental health screening, and available medical and behavioral health resources.

The Administration for Children's Services is ensuring the availability of child and family welfare services, with the Department of Homeless Services to identify homelessness prevention services available to families, and with other agencies to prepare them to provide appropriate services and referrals to these children.

Throughout this process the Administration has endeavored to connect all of these hard-to-reach children and families to the City's services. That is why New York City has, for the first time, placed government representatives at the federal Immigration Court to provide services directly to the children. Since September 10, representatives of the Department of Education and the Department of Health and Mental Hygiene have been working at the Immigration Court priority juvenile docket every day to connect the children appearing before the Court to the school system and to help them access health insurance. We began this unprecedented program in recognition of the immense challenges these children and their families face in integrating into the community while they struggle through the newly accelerated Immigration Court procedure.

From September 10, when DOE and DOHMH began this work at the Court, through this morning, about 400 children plus about 100 parents and relatives have passed through the Court, about 40% of whom are New York City residents. Agency representatives have provided assistance and referrals to all those with education and health needs. Initial DOHMH data show that about three-quarters lack health insurance, and we have provided information and referrals for CHP enrollment in those cases. For children living in New York City, the DOE has found that the majority are already enrolled or in the process of enrolling in school, and is providing assistance connecting children to appropriate English Language Learners programs and other resources. For children living outside of New York City, the DOE is assisting children connect to and navigate the enrollment processes in their school districts. The DOE and DOHMH employees at the Court are making remarkable efforts to assist all the children who come before them, both City residents as well as residents of other counties.

MOIA is also working closely with our agency partners to produce a Resource and Referral Guide and a public website to share information with families and providers about City government and non-governmental assistance in the areas of legal services, healthcare, mental health, education, and child and family welfare. This information will be available this week, and will be accessible online on the website of the Mayor's Office of Immigrant Affairs and via 311. We look forward to working with the City Council to help us distribute this information in their districts across the City.

In a similar vein to our effort to connect with this hard-to-reach population at the Immigration Court, the City will soon be launching community-based clinics to provide services directly to these children in the communities where they live. We have also been supporting non-profit-

organized community events for immigrant youth, including an event at P.S. 24 in Sunset Park yesterday.

The Administration and the agencies' work to support these unaccompanied children and their families is of a piece with our deep commitment to supporting all children in New York City—regardless of immigration status and background. This Administration has already overseen a historic expansion of services for all children and young adults, including the establishment of universal access to free pre-kindergarten, an expansion of middle school after-school programs, the creation of a new Community Schools program to match high-needs schools with community-based social services, and the creation of a new Center for Health Equity to reduce health disparities, among others. The City's work to help these newly arriving immigrants is entirely consistent with our overall approach to the advancement of young New Yorkers.

Legal assistance

Concerning the children's need for legal assistance, it is crucial to acknowledge the hugely valuable and difficult legal work undertaken by a number of legal services providers, community-based organizations, religious institutions, law firms, and volunteers to provide legal screening to all of the children who lack representation, and to work to connect them with attorneys who can take their cases before the federal Immigration Court and the state family courts. The Administration has been working closely with the legal providers, and they have done incredible work in difficult circumstances despite being stretched far beyond their normal capacity. Their ability to do this work going forward would be impossible without support from the City Council. I would like to thank Speaker Mark-Viverito, Chair Menchaca, the City Council, the Robin Hood Foundation, and New York Community Trust for recently awarding \$1.9 million in grants to an excellent group of nonprofit organizations to provide legal and other services to these children.

As I mentioned earlier, two-thirds or more of these children are eligible under federal immigration law to remain in the United States as a result of the persecution they would face upon return, the abuse they suffered, or the crimes committed against them. However, these children will be largely unable to avail themselves of their legal rights without the help of an experienced attorney. Based on our analysis of data in New York State deportation cases over the last ten years, 70% of represented children were successful in claiming legal relief to remain or in gaining prosecutorial discretion or having their proceedings terminated.³ That number plummets to just 18% for unrepresented children.⁴ The need for representation is great, and the

³ Mayor's Office of Immigrant Affairs analysis of federal data compiled by the Transactional Records Access Clearinghouse (TRAC), Syracuse University, *Juveniles—Immigration Court Deportation Proceedings* (Court Data through June 2014), available at <http://trac.syr.edu/phptools/immigration/juvenile/>.

⁴ *Id.*

Council and its private partners' new funding is an immensely important step towards meeting that need.

Conclusion

In closing, I simply want to recognize the incredible efforts by New York City's agencies, the City Council, as well as private funders, community-based organizations, legal service providers, healthcare providers, and others. In the face of a heartbreaking situation that has been politically charged in much of the rest of the country, we have appropriately recognized this as an issue of child protection and humanitarian need, and reacted accordingly.

These children need our help, and the de Blasio Administration and others are here to help them.



Department of Justice

STATEMENT OF

**ROBERT WEISEL
ASSISTANT CHIEF IMMIGRATION JUDGE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW**

BEFORE THE

**NEW YORK CITY COUNCIL
COMMITTEE ON IMMIGRATION
AND
COMMITTEE ON COURTS AND LEGAL SERVICES**

**HEARING ON
“CRISIS OF UNACCOMPANIED IMMIGRANT CHILDREN:
WHAT IS NEW YORK CITY DOING?”**

PRESENTED

SEPTEMBER 29, 2014

Good afternoon. My name is Robert Weisel and I am the Assistant Chief Immigration Judge who oversees the immigration courts in New York and New Jersey and I am one of the 27 immigration judges who hear cases in the New York City Immigration Court. Thank you for inviting me to testify today about the U.S. Department of Justice's Executive Office for Immigration Review's role in processing the immigration cases of unaccompanied children who appear in immigration court. Over the past several months, I have hosted presentations at the New York Immigration Court for members of the NYC Council, their staffs, the Speaker of the NYC council and her staff, members of the Mayor's Office, and the NY Secretary of State. When visiting our immigration court, our visitors have the chance to observe our priority unaccompanied children's dockets and, I hope, gain a better understanding of how EOIR's immigration courts operate.

There are currently approximately 408,000 pending immigration cases before immigration courts nationwide, about 55,000 of which are in New York City. Of those, approximately 6,500 were cases our staff coded with a juvenile identifier code. Statewide, there are another approximately 4,200 pending cases, about 100 of which are coded as juveniles.

Each of those cases starts when the Department of Homeland Security serves an individual with a charging document, called a Notice to Appear, and files that document with one of EOIR's 59 immigration courts. It is very important to note that EOIR, as part of the Department of Justice, is completely separate from DHS.

Removal proceedings begin with what is known as a master calendar hearing, and typically continue with an individual hearing, during which both parties present the merits of the case to the immigration judge.

The outcome of many removal proceedings depends on whether the individual is eligible for protection or relief from removal. Immigration law provides those options to individuals who meet specific criteria. In many removal proceedings, individuals admit that they are removable, but then apply for one or more forms of relief. In such cases, individuals must prove that they are eligible for a remedy that immigration law provides, to include asylum.

As you know, this country recently experienced a surge of individuals crossing the southern border. In response to the President's directive, EOIR has taken a series of recent steps to help address the influx of people crossing the southern border of the United States. These steps include making docket adjustments, reprioritizing the scheduling of certain case types, and refocusing EOIR's immigration court resources. EOIR's response to the evolving situation on the southern border will continue to adapt appropriately, and to concentrate on fair and expeditious hearings, with due process for all respondents who come before the court. We are providing timely and fair adjudication of the cases before the agency, and providing shorter wait times for a first hearing before an immigration judge for those in the defined priority groups. EOIR has redefined its priority case groups to focus primarily on those who crossed the southern border on or after May 1, 2014. As we prioritize the scheduling of cases of individuals who recently crossed the border, and continue to hear cases of those who are detained, the cases of individuals that do not fall into those priority categories will take longer to resolve.

Additionally, beginning July 18, 2014, EOIR realigned its dockets to ensure that each unaccompanied juvenile respondent identified by DHS receives a first master calendar hearing no less than 10 days and no more than 21 days from DHS's filing of a NTA. Beginning June 30, 2014, EOIR deployed seven immigration judges on detail to detained immigration court sites in Texas. Some of the New York City immigration judges are serving details to assist with the influx of priority cases.

The concept of the juvenile docket is not a new one. In 2003, EOIR initiated a Juvenile Docket at the New York City Immigration Court, to identify all respondents who are under 18 years of age and came to the United States without a parent or legal guardian. Legal services providers are present to interview the children and to undertake their representation where possible, or to assist in finding other *pro bono* representation for the children. This has evolved to the current system that is in place today, due to the growing numbers of unaccompanied juveniles in proceedings, the New York City Immigration Court now has four immigration judges dedicated to juvenile dockets. To date, we have scheduled and heard approximately 11,600 juvenile cases and still have approximately 6,500 children's cases pending. With the commencement of priority unaccompanied children cases, of which we have 1,300 pending, we continue to work with legal service providers.

We also have a Legal Orientation Program for Custodians of Unaccompanied Alien Children, or LOPC, in New York City. Since 2013, the LOPC has operated the LOPC National Call Center out of New York City to assist in making appointments for custodians at one of the LOPC provider locations, and to provide telephonic assistance to custodians who live outside the geographic areas in which LOPC is currently available. This telephonic assistance includes legal orientations on the immigration court process, as well as guidance in filing basic court forms, such as the change of address and motion to change venue.

EOIR recognizes the value attorneys' and accredited representatives' presence can bring to immigration court. In addition to increased efficiencies, a representative of record can provide for a more effective hearing as well. Various stakeholders, including public/private collaborations, have worked to increase representation rates for cases in the immigration courts. Though EOIR's 59 immigration courts all operate under the same laws and guidance, one thing that is unique about NYC is that, due to the large immigration bar in New York, there are more legal representatives available to assist respondents than in other immigration court locations. With the deployment of video teleconferencing, those representatives are able to assist respondents nationwide.

Further, there are several government initiatives that encourage legal access and work toward improving the effective and efficient adjudication of immigration proceedings. Two weeks ago, DOJ and the Corporation for National and Community Service announced grantees under "Justice AmeriCorps," a grant program that will enroll approximately 100 lawyers and paralegals as AmeriCorps members to provide legal services to children. EOIR also continues to operate the Recognition and Accreditation Program, which the agency established to provide low-income aliens with access to representation by individuals with adequate knowledge, information and experience in immigration and nationality law and procedure through reputable

nonprofit institutions. We hold informational events about this program several times per year, most recently last Friday, in hopes of building the capacity of this program.

For all of the positive representation happening nationwide, to include in New York City, I must also note that EOIR is actively involved in combating immigration services scams through our Fraud and Abuse Prevention Program. EOIR looks forward to continuing its partnership with the New York Attorney General Office's and others in law enforcement to continue the fight against *notario* fraud. We also recognize and appreciate the engagement of the New York City community, including the \$1.9 million initiative the City Council recently announced, in providing legal and other services to unaccompanied alien children in New York. We look forward to continuing to work with you to address the legal needs of the children.

CENTRAL AMERICAN LEGAL ASSISTANCE

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Statement of Anne Pilsbury, Director,
Central American Legal Assistance

To

Immigration Committee of City Council
September 29, 2014

We applaud the Council and this Committee's pro-active approach to the challenges posed by the large numbers of young immigrants crossing our southern border.

Central American Legal Assistance has been providing free legal assistance to this population for over 25 years, starting during the very dark days of the civil conflicts in El Salvador, Guatemala and Honduras – conflicts which have never really been resolved. The current wave of immigration has its roots in this past history of societal violence, acute lack of income equality, and corruption within the state.

Most philanthropic organizations, public and private, have run from the enormous task of funding legal help for these war weary migrants. This Council has made a welcome and long-overdue break with that resistance and we are grateful.

It is also very gratifying to see the Board of Education reaching out to the new children, even sending staff down to immigration courts to help orient them. If there were one thing more I would like to see it would be this: a serious effort at adding to the curriculum for our public schools a grade appropriate lesson on the reasons why people have to migrate. Our collective amnesia about our own and our neighbor's recent history is troubling and leads to xenophobia. As someone who has sat and talked to hundreds if not thousands of new migrants over the years, I can testify that people do not leave the sights and sounds of home for a "better life" or for what we call "the American dream". They are almost always forced out by life threatening violence and starvation. People can and do endure poverty; what they cannot endure is poverty plus violence. Sure,

they are grateful to us when they get here but the facile impression of most citizens that everyone comes just for material betterment is simply wrong.

I urge the Council and its staff to be wise about how funds are allocated for this work. Scarce public dollars should go where they will do the most good. 85% of the minors that crossed over by July of this year have been placed with a parent or relative in the U.S. (according to a recent *Boston Globe* article quoting immigration officials.) Often the juvenile is in removal proceedings alongside an adult relative who came with him or her. Our immigration officials are far more likely to remove the adult than the child. In fact there are legal impediments to removal orders against children under 14. Thus legal help is needed for both children and adults. These children need stable families to survive; if the adults are in danger of removal, the child is not safe in the long run either. You cannot focus just on the so-called unaccompanied children in this situation.

It is important to realize that there are 260,000 Salvadorans and Hondurans living in the U.S. with semi-legal status, Temporary Protected Status. (Pew Hispanic Trust report). We have a large Honduran population in upper Manhattan and of course a very large Salvadoran population in Queens, Long Island and parts of Brooklyn. Many of the recent arrivals are the children of a TPS parent, a parent who is legal to live and work here but who cannot petition for his or her child. We need to press the Obama Administration to at least agree not to prosecute removal cases against these children. So far they have been unwilling to agree to that.

Finally I want to acknowledge that not every child or every adult needs or will benefit by having a lawyer. Our federal immigration laws are very narrow. Only people with colorable claims in defense of their removal should get a lawyer. For those with no claim – those who truly did just come under a mistaken belief that our rules had changed – will not benefit by legal representation. In fact it would only speed up their departure. But a majority of the children and adults that we have screened at CALA in the last three or four months do have legitimate claims and we need help litigating them. Their claims for protection arise either as asylum claims (and related provisions) or for Family Court custody or guardianship proceedings. Both types of cases take time to pursue, especially asylum claims. Thus on-going financial support will be necessary.

We look forward to working with the Council and its staff in developing a model that uses funds wisely and meets the most pressing legal needs of this new population.

Testimony of The Legal Aid Society

On

Crisis of Unaccompanied Immigrant Children: What is New York City Doing?

Presented before

**The New York City Council's Committees on
Immigration and Courts and Legal Services**

Presented by:

Jojo Annobil, Attorney-in-Charge

The Legal Aid Society, Immigration Law Unit

September 29, 2014



**Before the New York City Council Committees
on Immigration and Courts and Legal Services
Testimony -presented on September 29, 2014**

Good afternoon, my name is Jojo Annobil. I am the Attorney-in-Charge of the Immigration Law Unit at The Legal Aid Society (the Society). Thank you for inviting the Society to participate in this hearing on the “Crisis of Unaccompanied Immigrant Children; What is New York City Doing?” We would like to thank the Speaker, Melissa Mark-Viverito, and members of the New York City Council for recognizing the humanitarian crisis involving unaccompanied minor children. We also commend the New York City Council for partnering with the Robin Hood Foundation and the New York Community Trust to provide critical funding to support high quality, free legal representation for vulnerable unaccompanied children in removal proceedings who cannot afford a lawyer or representative. We appreciate this opportunity to share the Society’s work representing unaccompanied minor children facing removal from the United States and concerted efforts by the Society and other legal advocates to protect the fundamental due process rights of unaccompanied children.

The Legal Aid Society

The Legal Aid Society, the nation’s oldest and largest not-for-profit legal services organization, is more than a law firm for low-income families and individuals who cannot afford to pay for counsel. It is an indispensable component of the legal, social and economic fabric of New York City – passionately advocating for low-income individuals and families across a variety of civil, criminal and juvenile rights matters, while also fighting for legal reform. The Society has performed this role in City, State and federal courts since 1876. With its annual caseload of more than 300,000 legal matters, the Society takes on more cases for more clients than any other legal services organization in the United States, and it brings a depth and breadth of perspective that is unmatched in the legal profession. The Society’s law reform social justice representation for clients also benefits some two million low-income families and individuals in New York City and the landmark rulings in many of these cases have a national impact. The Society accomplishes this with a full-time staff of nearly 1,900, including more than 1,100 lawyers working with over 700 social workers, investigators, paralegals and support and administrative staff through a network of borough, neighborhood, and courthouse offices in 26 locations in New York City. The Legal Aid Society operates three major practices — Civil, Criminal and Juvenile



Before the New York City Council Committees
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Rights — and receives volunteer help from law firms, corporate law departments and expert consultants that is coordinated by the Society's Pro Bono program. For the last annual reporting period, law firm attorneys and paraprofessionals donated over 90,000 hours of *pro bono* service to the Society's clients and the total valuation of *pro bono* services contributed to the Society was \$70 million.

The Society's Civil Practice provides comprehensive legal assistance in legal matters involving housing, foreclosure and homelessness; family law and domestic violence; income and economic security assistance (such as unemployment insurance benefits, federal disability benefits, food stamps, and public assistance); health law; immigration; HIV/AIDS and chronic diseases; elder law for senior citizens; low-wage worker problems; tax law; consumer law; education law; community development opportunities to help clients move out of poverty; prisoners' rights, and reentry and reintegration matters for clients returning to the community from correctional facilities. Typically, clients seek assistance from the Civil Practice after exhausting all other avenues for assistance. The Society's Civil Practice is the safety net when all other safety nets fail. During the past year, our Civil Practice worked on more than 46,000 individual cases and legal matters benefiting more than 116,000 low-income children and adults, with an additional two million low-income New Yorkers benefiting from our law reform and class action litigation.

Immigration Law Unit

For more than 138 years, the Society has provided legal assistance to immigrants. Since the 1980's the Society has operated an Immigration Law Unit (ILU) which is nationally recognized, and provides low-income New Yorkers with free, comprehensive, and high caliber immigration services ranging from deportation defense to adjustment of status to legal permanent residence and citizenship applications. The ILU is currently comprised of an Attorney-in-Charge, two supervising attorneys, twenty-five staff attorneys, six paralegal case handlers [three of whom are Board of Immigration Appeals (BIA) partial accredited representatives], and one social worker. The Unit specializes in the intersection between immigration and criminal law. In addition to comprehensive immigration representation, the Unit works collaboratively with all of the

Society's practice areas to serve our diverse immigrant clients through an integrated service model, providing clients with assistance with public benefits, health care and family law, employment and tax matters, and other issues faced by low-wage earners. Unit staff represents immigrants before U.S. Citizenship and Immigration Services (USCIS), immigration judges in removal proceedings, and the Board of Immigration Appeals, as well as in family courts in ten counties and in federal court on habeas corpus petitions and petitions for review. In 2013, the Unit provided direct legal representation and/or comprehensive advice in over 4,000 client matters.

Representing Undocumented and Unaccompanied Children

In 2002, the Immigration Law Unit and the Society's Juvenile Rights Practice, the primary provider of legal representation to children in New York City, launched the Immigrant Youth Representation Project (located within the Immigration Law Unit) to respond to the special needs of undocumented youth in New York City. Since its inception, the Youth Project has, through direct and *pro bono* representation, training, outreach, and policy advocacy, achieved tremendous success in assisting undocumented immigrant youth residing in New York City to obtain Special Immigrant Juvenile Status (SIJS) or other immigration benefits. SIJS is a unique form of relief because it requires knowledge of immigration and family law.

In August 2003, The Legal Aid Society in collaboration with the New York Immigration Court administrator, Immigration Court judges, and the U.S. Immigration and Customs Enforcement (ICE) Office of the Chief Counsel, who prosecute these cases, developed a special hearing session known as the Juvenile Docket geared exclusively for unaccompanied minor children (i.e. young persons under 18 who, at the time of entry, are unaccompanied by a parent, guardian, or adult) in removal proceedings before the New York Immigration Court. The Juvenile Docket provides unaccompanied minor children in removal proceedings access to professional free legal assistance and representation to navigate the complexities of immigration proceedings. The docket also provides a more child-friendly courtroom environment in an otherwise hostile court setting.

Fewer than thirteen children were scheduled bi-monthly on the Juvenile Docket in 2003 with only one attorney from The Legal Aid Society staffing the docket. Since then the total number of children appearing monthly has increased to approximately ninety and the number of monthly dockets has increased to include legal advocates from the American Immigration Lawyers Association (New York Chapter), Catholic Charities of the Archdiocese of New York, The Door, and Safe Passage Project. Between 2010-2012, the New York Immigration Court scheduled 600-700 new cases of unaccompanied juveniles in a given year. In 2013, the court scheduled over 1,000 new cases. As of May 2014, there were approximately 6,000 cases involving unaccompanied minor children pending before the New York immigration court; while some have counsel, most do not. Significantly, due to the exponential increase in the number of children appearing on the Juvenile Dockets, some children's cases are being assigned to judges presiding over adult dockets where there is no system in place to address the unique needs of children and little hope of obtaining free legal representation.

New York City and Immigrants

New York City has always been cognizant of the needs of its vibrant but vulnerable immigrant population. The New York City Council's adoption of Local Law 6, which required the Administration for Children's Services (ACS) to develop a comprehensive plan to ensure that undocumented immigrant youth are identified and referred to legal services providers to assist them to seek Special Immigrant Juvenile Status (SIJS) or other immigration benefits, demonstrates a long standing commitment to New York City immigrant youth. The issue of unaccompanied minor children seeking refuge in the United States is not a new phenomenon and the New York City Council's historic decision to provide legal representation to this vulnerable population will be transformational.

Unaccompanied Minor children in New York:

The federal government estimates that approximately five to six thousand unaccompanied minor children would be placed on the newly established "Surge Docket" at the New York Immigration

court in the coming months. These children reside in New York City, surrounding counties and other communities in the state. These unaccompanied minor children, all under 18 years of age, are fleeing from gangs, severe domestic violence, drug trafficking, and other human rights abuses. Others are coming to reunite with family. They are fleeing their native countries, El Salvador, Honduras and Guatemala, because these governments are unable to protect these children. Historically, America has always opened its doors to people in need. Yet, in this instance the federal government is seeking to expedite the removal of these children to their home countries where they face persecution and likely death.

Since August 13, 2014, the New York Immigration Court has scheduled daily Surge dockets for unaccompanied minor children and adults with children. Significantly, despite the complexity of immigration laws, there is no right to appointed counsel even for children. Unaccompanied minor children in immigration proceedings are susceptible to being overwhelmed and confused by immigration court proceedings because of their age, competence, language abilities and cultural differences. With no right to appointed counsel, it is virtually impossible for most children to successfully pursue legitimate legal grounds to remain in this country. It is well established that access to counsel makes a dramatic difference in success in immigration proceedings. Between 2005 and 2014, approximately 1 out of 10 unrepresented unaccompanied minor children in removal proceedings obtained relief from removal. In contrast, 47% of unaccompanied minors with counsel obtained relief from removal.¹ Additionally, the need for social and mental health services is intensified as many of these children not only experienced the trauma of traveling alone only to be detained, but are fleeing physical and mental abuse in their home countries.

Responding to the Surge Docket

On August 8, 2014 the Juvenile Docket providers, the American Immigration Lawyers Association (New York Chapter) Catholic Charities of the Archdiocese of New York, The Door, The Legal Aid Society and Safe Passage Project, faced with the prospect of thousands of

¹ *New Data on Unaccompanied Children in Immigration Court* (Transactional Records Access Clearinghouse: 8 September 2014), <http://trac.syr.edu/immigration/reports/359>

unaccompanied minor children appearing in immigration court without a lawyer to protect their fundamental due process rights or have an opportunity to avail themselves of statutory protections formed the Immigrant Children Advocates' Relief Effort (ICARE). The mission of ICARE is to provide a comprehensive and coordinated response to this humanitarian crisis. Since August 13, 2014, when the first Surge docket was scheduled at the New York immigration court, ICARE partners, together with other legal services providers, law students, New York City law firms, and community advocates and non-lawyers, have provided Know Your Rights presentations, individualized screenings, information about health, mental health and educational services and referrals for legal representation.

The ICARE partnership has achieved tremendous success during the past eight weeks and we are extremely proud to share those accomplishments with committee members.

- To date, 1,077 unaccompanied minor children have been scheduled to appear before the New York immigration court
- A majority of the children appearing on the Surge docket are from El Salvador, Honduras and Guatemala
- Approximately 900 unaccompanied minor children and their parents and custodians have attended daily "Know Your Rights" presentations to be able to meaningfully participate in the removal process
- ICARE volunteers have carefully screened approximately 400 unaccompanied minor children appearing in court without an attorney for possible forms of relief
- Approximately 51% of children appearing on the docket have retained counsel
- Approximately 60% of children screened by ICARE volunteers are eligible for a range of statutory protections including asylum, for those fleeing past and future persecution; Special Immigrant Juvenile Status (SIJS) for children who have been abused, neglected, or abandoned; U or T visas for those who have been victims of certain crimes or human trafficking and receive the favorable exercise of prosecutorial discretion by the government and administrative closure. Family-based remedies are also often available



Before the New York City Council Committees
on Immigration and Courts and Legal Services
Testimony -presented on September 29, 2014

- Three (3) of the children screened by ICARE volunteers proved to be United States citizens who never should have been detained or sent to court at all. Yet, the likelihood that the children would have successfully raised this defense absent counsel is slim.
- Approximately 200 clients have missed their first master calendar hearing and in a majority of the cases upon application by attorneys, immigration judges have adjourned the proceedings for the child or adult to appear.
- About 12 children over 16 years have been ordered removed in absentia. In all these cases, attorneys made strenuous objections to the removal orders because it was not clear that the respondents had received notice of their hearing dates.
- A significant number of children screened by ICARE are enrolled in school and also have health care benefits.
- The New York City Department of Education officials, on site at the immigration court, have provided parents and custodians with information on enrolling their children or custodians in special education and bilingual programs.

Funding Provided by New York City Council, Robin Hood Foundation and New York community Trust

Recent funding provided by the New York City Council, the Robin Hood Foundation and New York Community Trust will allow for capacity building, increased staffing and legal representation. The funding will also facilitate access to social, mental health, and medical services for the unprecedented number of unaccompanied minor children on both the Juvenile and Surge Dockets. The number of providers on the Juvenile Docket will increase from five to eight to include our new partners: Make the Road New York, Central American Legal Assistance and ATLAS DIY. All the providers will be able to scale up by hiring fourteen new attorneys, three paralegals and two social workers as well as utilize existing experienced staff and *pro bono* resources to make a difference in the lives of these children. The infusion of funding will allow the providers to provide Know Your Rights presentations to an estimated 4,000 children scheduled to appear on the Surge and Juvenile Dockets, individualized screening for 2,000 children without attorneys – and many more of their accompanying siblings and adult family

members - and direct representation through staff attorneys and through close mentoring of *pro bono* attorneys and law school clinics to approximately 1,040 unaccompanied minor children who may be eligible for SIJS, Asylum or T or U visas.

The providers will also leverage the additional staffing to recruit, train, and supervise *pro bono* attorneys and law students in New York State to represent children on the Juvenile and Surge Dockets; train and support 18-B panel attorneys for children who represent children appearing in Family Court without representation; and strengthen collaborations with the Mayor's Office for Immigrant Affairs and other New York City agencies to link children and parents to critical services including education, health and other social service needs.

Current Representation Gap

We would also like to take this opportunity to highlight another vulnerable population- women and children - who have since October 2013 also made the tortuous journey to the United States fleeing to protect themselves from physical, verbal and sexual abuse at the hands of their partners. Many likewise seek protection of their children from violent gangs. Guatemala for example ranks third in the world for the murder of women according to statistics cited by the center for Strategic and International Studies. The mothers in removal proceedings are as young as 17 years and the children are as young as six months. It is important to note that the six month old babies are in removal proceedings and are expected, under immigration law, to stand alone and represent themselves, if their young mothers cannot afford to pay for a lawyer. For many of these women, entering the United States is the only way to survive and begin to get assistance and to start the healing process.

These women and children have several urgent needs, namely, legal representation, social and mental health services and advocacy regarding their wearing of ankle bracelet monitors. Since August 15th, 2014, the Executive Office for Immigration Review has scheduled three hundred and seventy of these women and their children for removal proceedings on the Juvenile Docket. Many of the mothers we have interviewed could be eligible for relief from removal through asylum. The Board of Immigration Appeals recently ruled that women who are victims of severe

domestic violence in their home countries can be eligible for asylum in the United States. Children accompanying their mothers could be derivatives on their mother's asylum application or could qualify independently for Special Immigrant Juvenile Status (SIJS). Assisting these families to avail themselves of asylum would also enable them to obtain employment authorization while their asylum cases are pending. Employment authorization helps them take care of their families.

However, there are currently no systems in place to address the legal, social and mental health needs of the newly arrived mothers and children. People who have undergone such levels of trauma need mental health assistance. Currently, the only avenue for free lawyers on the non-detained docket is the Immigration Representation Project (IRP) collaboration between Catholic Charities of the Archdiocese of New York, Human Rights First, The Legal Aid Society and the Hebrew Immigrant Aid Society. Together the partners screen clients one week each month for possible representation. Prior to August 2014, the IRP partners, with funding from the New York Community Trust, were screening approximately 60 to 75 cases per month. Since August 2014, the project has seen an increase in the number of immigrants without counsel seeking representation. Without counsel many of these women cannot avail themselves of statutory protections and would be returned to their home countries. Further, if these women do not file their asylum claims within one year, this form of relief will be lost forever.

Moreover, many of these women who have suffered traumatic experiences need social and mental health assistance. However, they do not qualify for healthcare assistance. Even if they did, there is a shortage of Spanish speaking mental health providers in New York City. Spanish speaking women and children are often placed on long waiting lists until a service provider becomes available. We should not forget these women and children.



Before the New York City Council Committees
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Testimony -presented on September 29, 2014

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Again, we thank the Council for this historic funding and for your long-standing support for the Society's essential criminal defense and civil legal services programs. We welcome any further questions that you may have.

Submitted by,

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Testimony of Robert McCreanor
Before the New York City Council Committee on Immigration
On the Crisis of Unaccompanied Immigrant Children
September 29, 2014

Good afternoon, Chairman Menchaca and members of the Committee on Immigration, and Chairman Lancman and the members of the Committee on Courts and Legal Services. I am the Director of Legal Services of Catholic Migration Services (CMS). CMS is a non-profit affiliate of the Diocese of Brooklyn which, for over forty years, has served the needs of immigrants and refugees in Brooklyn and Queens. Under the leadership of our Bishop Nicholas DiMarzio and the CEO of Catholic Migration Services, Father Patrick Keating, our organization provides critical legal assistance to thousands of low and moderate income immigrants every year in the Diocese of Brooklyn and Queens. CMS is a vital institutional resource for immigrant communities from Sunset Park to Sunnyside to Corona and beyond.

Today, I wish to share with you some brief observations from my work as a Catholic Migration Services lawyer representing immigrants in New York City. I should first acknowledge that the public interest mission of our legal services programming is driven by a fundamental commitment to Catholic social teaching, the cornerstone of which is the innate and sacred dignity of human life. This principle guides our understanding of and response to migration including our legal services programming. We believe that every person has an inherent right to find opportunities in their homelands but also the right to migrate to support themselves and their families.

Refugees and asylum seekers, including the undocumented, especially must be afforded protection. They are among the most vulnerable members on the world stage. And among the most vulnerable and fragile members of this population are the children; many of them alone, many of them fleeing fear and violence. As Catholics, we must mobilize our efforts to protect them, guide them and allow them to prosper.

While the Catholic Church has long been both an advocate and source of aid for the displaced and migrant populations on the global stage, it has also been at the forefront of this mission right here in New York City. Since 1971, the Diocese of Brooklyn and Queens has welcomed newcomers through comprehensive legal and

educational services offered without regard to religion, national origin or immigration status. In the past four decades, the dedicated attorneys and counselors of Catholic Migration Services have helped tens of thousands to become U.S. citizens, reunite with family members, adjust status, obtain political asylum and fight deportation and removal. We have also worked to promote dignified housing and employment conditions for immigrants in our Diocese through innovative lawyering, community organizing and advocacy.

I believe it is important to recognize faith based institutions' and, in particular, the Catholic Church's crucial role in maintaining New York's historic status as a welcoming haven for immigrants through the provision of services to those in need. The affiliated agencies of the Church, such as Catholic Migration Services, are uniquely well positioned to serve immigrant communities. There are more than 230 Catholic parishes in Brooklyn and Queens, almost all of which include substantial immigrant populations. In my work as a Catholic Migration Services lawyer, I have participated in and organized countless legal clinics, information sessions and community meetings in Church basements, auditoriums and parish halls. By creating these local points of access for legal services, we reach tens of thousands of immigrants annually including children who would otherwise be forced to navigate complicated bureaucracies to find help. On a daily basis, our office is contacted by pastors, religious brothers and sisters and lay leaders who wish to refer unaccompanied minors to us for legal assistance. From our perspective, it is clear that the immediate need is tremendous and that the Church remains uniquely important as a resource for immigrants in New York City.

Our doors are open to everyone and we are proud to participate in the current collaborative efforts of New York's legal services community to address the needs of unaccompanied minors in a coordinated fashion. We applaud the City Council's support for the provision of non-profit legal services to child migrants and look forward to continued partnership with you and our colleagues in the legal services profession.

Thank you.

Testimony Submitted to the New York City Council
Committee on Immigration

Re: Oversight: *Crisis of Unaccompanied Immigrant Children:
What is New York City Doing?*

Legal
Services NYC

Monday, September 29, 2014, 1:00 p.m.

Good afternoon. My name is Stephanie Taylor and I am a supervising attorney with the Queens Legal Services Immigrants' Rights Project. My office is part of Legal Services NYC (LSNYC), the largest provider of civil legal services for the poor in the country. We have offices in every borough and each office serves thousands of immigrants every year. We provide legal services and advocacy protecting and expanding immigrants' rights in areas such as employment, housing, family and income support. Our immigration lawyers assist immigrants facing complex barriers to naturalization, including individuals with criminal justice history, the elderly, disabled, victims of domestic violence, trafficking and workplace crimes. We welcome this opportunity to present testimony regarding the unaccompanied immigrant children issue we are facing today.

First, LSNYC commends the Council on recently the groundbreaking public-private partnership providing almost 2 million dollars in legal aid to address the recent influx of traumatized children fleeing Central America. This is a great start in working with these children. As we all know, legal representation in immigration court often means the difference of getting deported or obtaining lawful status.

Our office and our colleagues at various organizations have had the opportunity to meet and work with many of these children. We have heard **unbelievable** stories of violence. Many children have reported being targeted by gangs, forced into gangs, forced to kill, they have seen family members and friends die in front of them, they have made the horrific journey from their families and their homes, through the desert, often times with no food and no water, often times being assaulted, too often being sexually assaulted. Those who have been fortunate enough to survive that journey arrive here only to find themselves imprisoned and put into removal proceedings. (*Note: Examples of our clients' experiences are attached to my testimony*).

The juvenile clients with whom we work with require extensive services beyond straight legal remedies. In our experience, our juvenile clients also continue to need our services even when their

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Raun J. Rasmussen, Executive Director
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 LSC

immigration issues are resolved, as they experience difficulties accessing education, stable housing, healthcare and other necessities of a stable life. Finally, our clients need both attorneys and social workers who are experienced in and mindful of how trauma affects the brain, and how it affects behavior. I'm grateful that I work in an organization which has the capacity, the knowledge and the compassion to assist such traumatized newcomers to our country with comprehensive and appropriate services.

Recommendations

LSNYC has identified a few areas which we recommend the Committee consider as part of the initiative to expand legal services to unaccompanied minors. Specifically, we suggest the Committee ensure that program services include:

1. Culturally- and linguistically-competent, trauma-informed legal representation (in immigration court, and possibly family court) for all unaccompanied minors;
2. Dedicated funding towards integrated legal and social services specifically geared towards working with this population, specializing in PTSD;
3. Ensuring that the expedited removal proceedings allows enough time for competent legal representation by creating a mechanism to review and assess the experiences and outcomes for the juvenile clients;
4. A uniform, citywide "Know Your Rights" presentation at schools, hospitals and community centers serving high populations of unaccompanied young immigrants in an effort to inform those children who are not in removal proceedings;

Too often the legal system fails to address critical social needs, particularly with traumatized populations. I want to commend the mayor's office on working to connect these children to the Department of Education (DOE) and the Department of Health and Mental Hygiene (DOHMH). It is imperative that those connections are made. But, what about the trauma these children have experienced and will experience through the immigration proceedings?

These traumatized children feeling horrific conditions that you and I cannot even fathom need holistic, comprehensive, trauma-informed, culturally- and linguistically-competent interdisciplinary services. They need competent legal assistance, yes, but they need so much more. They need attorneys, social workers and case workers who can provide them with a full range of services. Providing an attorney at immigration court is not going to be enough. LSNYC, like many of our sister organizations, is prepared to provide broader education on strategies and skills in working with trauma-impacted juvenile populations.

LSNYC Client Experiences

The following are two examples of unaccompanied minors who were represented by LS-NYC attorneys and who ultimately prevailed in their cases. I have changed names to protect identities:

- Idalmy is a young, single mother who fled violence (including domestic violence) in Guatemala to come to the U.S. to be reunited with her mother. She was forced to leave her young child behind because she believed that her daughter would die on the treacherous journey to the U.S. Upon arrival, Idalmy was apprehended by CBP and placed into removal proceedings. Fortunately, she was allowed to reunite with her mother in New York. Her mother, Maria, a domestic violence survivor herself, happened to be working with our office on family law issues, and we had identified that she was eligible for the U Visa. Of course, once Idalmy arrived, our interdisciplinary team reassessed the case: attorneys assisted Maria and Idalmy on immigration and family law remedies, and social workers provided both women with services and referrals addressing the various needs each woman had. Our social workers specialize in trauma-informed care, as well as in working with domestic violence and trafficking survivors, and were able to provide culturally- and linguistically-competent counseling, assistance in enrolling in ESL and GED classes, assistance with submitting a DV-priority based NYCHA application, amongst other services. I'm happy to report that Maria and Idalmy's U visa case was recently approved. Idalmy received U-3 status, and will obtain her green card in approximately 3 years. Both women continue to benefit from counseling
- Another client LSNYC is working with, Cristina, was horrifically abused by her parents in her home country, in addition to witnessing violence and poverty. Our interdisciplinary team identified that she needed counseling regarding the severe childhood abuse that she experienced, and that she was eligible for Special Immigrant Juvenile Status. With LSNYC's services, Cristina has already obtained I-360 SIJS status, and we are still assisting her in obtaining her green card and with further counseling and services.
- We also have a number of clients who have petitioned for their children to enter with U-3 status (as derivatives of U-visa grantees). However, there have been many occasions when those children were not able to wait to enter legally—the conditions they were living in were too life-threatening that their caretakers sent them across the desert, at the hands of *coyotes* and minutemen, because that was the safer option.

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In closing, the need for comprehensive legal and social services for these traumatized children is both great and unmet. Despite our organization's desire to represent as many individuals as possible, our resources are limited and our offices cannot represent every client who needs assistance. Accordingly, we would like to encourage the Committee to consider allocating funding to legal services and social services providers to afford appropriate representation and assistance to all of these children. The result would be more just city for all of us.

We thank the Committee for scheduling this hearing and for affording our organization the opportunity to present this testimony.

Respectfully Submitted,

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**AMERICAN IMMIGRATION LAWYERS ASSOCIATION
NEW YORK CHAPTER
2013-2014**

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September 29, 2014

The New York City Council
250 Broadway
New York, NY 10007

Re: Hearing On the Crisis of Unaccompanied Immigrant Children

Dear City Council Members:

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

AILA has over 13,000 members nationwide, with more than 1,500 members in New York whose practices span the entire scope of immigration law. Because of our knowledge, experience and expertise in immigration law – including the provision of legal services to immigrant youth and those seeking protection in the United States, often on a *pro bono* basis – we are in a strong position to discuss and assist with the legal representation of unaccompanied immigrant children.

AILA's New York Chapter applauds the assistance the New York City Council is providing to unaccompanied immigrant children who have fled extreme violence, severe poverty and other horrifying conditions in Central America (specifically, in El Salvador, Guatemala and Honduras). We stand alongside the groups testifying today to demand the fair and just treatment of every migrant seeking asylum or other immigration relief in the United States, and to register our outrage at the Obama Administration's shameful and appalling treatment of refugee children and their mothers, including the trampling of their legal rights by the Department of Homeland Security and related immigration enforcement agencies. We call upon the City Council to continue to welcome and protect these vulnerable individuals

by ensuring that they have the support they need as they begin their lives in New York.

Since 2009 AILA-NY's Pro Bono Committee has managed a juvenile docket of children in deportation proceedings in New York City. At least once per month, our members volunteer their time to go to immigration court, interview the children and try to match them with a pro bono lawyer. Over the past two years, as more youth have fled increasingly dangerous and unstable situations in their home countries, we have seen a dramatic increase in the number of children on the docket. As a result, AILA-NY has increased our efforts to mobilize our membership and partner with other legal service providers to meet the growing need.

This challenge has grown exponentially greater over the past few months, as the Obama Administration has summarily taken away the due process rights of children – including toddlers and infants – entering the US by denying them the right of counsel and deporting them back to their home countries as quickly as possible and with as little oversight as possible. Those kids fortunate enough to be released from immigration detention – including those presently and soon to be in New York – face a court system overwhelmingly stacked against them. In order to “send a message” to Central Americans that the United States does not have an open door policy for migrant children, the Obama Administration has made it clear that it will do everything it can to ignore its federal and international obligations to offer asylum to those with a credible fear of persecution in their home countries, and other relief to those who qualify. From the inhumane treatment of imprisoned children and their mothers in remote locations to the evisceration of legal protections to the countless obstacles facing lawyers and others who are attempting to assist the children to the heartless and cruel callousness of rapidly deporting children back to violent and often deadly environments without giving them a meaningful (or often, any) opportunity to request the immigration relief to which many are entitled, it is no exaggeration to call this one of the most shameful episodes in the history of the United States.

Throughout the country, unaccompanied immigrant children are being placed on a fast track to deportation through the creation of “priority” or “surge” dockets (often referred to as “rocket dockets”). Here in New York, AILA-NY and other juvenile docket providers recently founded ICARE (Immigrant Children's Advocates Relief Efforts) to ensure that these children receive the legal assistance they deserve and have a meaningful opportunity to fight their cases.¹ Together with our partners, we have begun the herculean effort of managing the exploding caseloads by screening the children and

¹ Approximately 60% of children on the surge docket are unrepresented by counsel.



**AMERICAN IMMIGRATION LAWYERS ASSOCIATION
NEW YORK CHAPTER
2013-2014**

attempting to find them an attorney, whether through local non-profits and legal service providers, or through AILA-NY's membership.²

Since the stakes are so high – deportation can mean kidnapping, rape or death – it is absolutely critical that every child receives high quality legal services from a knowledgeable attorney, ideally on a pro bono basis. We thank the City Council for providing more than half of a \$1.9 million grant that will help fund additional attorneys and staff at legal service providers, thereby enabling more children to be represented on a long-term basis. We also commend the City Council and the Mayor's office for providing holistic and comprehensive assistance in a variety of non-legal areas, including education, health care and housing.

Although the \$1.9 million grant will go a long way toward providing unrepresented immigrant children with lawyers, it is still not nearly enough to ensure that all kids have their own lawyer throughout the deportation process.³ This is especially critical in light of the Obama Administration's intransience and deport-at-all-costs mentality toward migrant kids, since only one in ten children who does not have a lawyer is successful in fighting their deportation – even though many (if not most) would likely qualify for some of relief like Special Immigrant Juvenile Status, visas for victims of human trafficking or asylum.


In addition to requesting additional funding, we are also asking the Council to do everything it can to highlight the growing need for pro bono lawyers – including those who do not practice immigration law but who might be moved by this humanitarian crisis to volunteer their time and resources. We also urge the Council to highlight and bear witness to the injustice of the federal government's treatment of unaccompanied migrant youth, including inviting them to share their stories and allowing them to testify at a future hearing.

Beyond providing funding and conducting outreach to increase the pool of pro bono lawyers to assist unaccompanied children in immigration court, AILA-NY urges the City Council to do everything in its power – from passing resolutions to organizing press conferences to working with allies and other city governments across the country – to call upon the Obama Administration to: stop the mass jailing of refugee children and mothers in Artesia, New Mexico and elsewhere; immediately shut down the Artesia

detention center and all others that are holding women and children; stop all plans to build new immigration prisons for families; cease doing business with private prison companies that profit off the continued jailing of immigrants; remove ankle bracelets from mothers with children (since the overwhelming majority of them attend their court hearings); restore due process to the immigration system; end the shameful practice of denying bond or appealing bond decisions to asylum seekers from Central America; ensure that everyone seeking asylum in the United States receives a fair, objective and impartial credible fear hearing; and commit the necessary resources to addressing the reasons why these desperate children are forced to flee to the United States in the first place.

The City Council should be applauded for fighting *for* – and not *against* – the most vulnerable among us. AILA-NY reaffirms our commitment to standing behind these children and helping them in their fight for justice – and for their lives. We remain committed to offering our resources and expertise to the City Council as it continues its vital work to ensure that all immigrants – and especially those unaccompanied children fleeing life-threatening conditions in their home countries – are welcomed, protected and provided with whatever support they need to live safe and productive lives.

Thank you for your consideration.


Neena Dutta
AILA New York Chapter Chair

² In addition to our local efforts in NY, our national advocacy partner – AILA’s American Immigration Council – has filed lawsuits against the Departments of Justice and Homeland Security to end the shameful detention and treatment of immigrant women and children in Artesia, New Mexico (an extremely remote location far from any support, including legal service providers) and to force the government to provide an attorney at no cost for every child the government tries to deport. AILA members and paralegals from New York and elsewhere have also traveled to Artesia on a voluntary basis to help secure the legal rights of immigrant women and children.

³ New York has already received approximately 4,000 unaccompanied immigrant children since the start of the year, and that number is expected to double before the end of 2014.



The Committee for Hispanic Children and Families, Inc.

Testimony of Abraham Barranca

Policy Associate, The Committee for Hispanic Children and Families, Inc.

Before the New York City Council

Committee on Immigration

September 29, 2014

My name is Abraham Barranca and I am the Policy Associate at The Committee for Hispanic Children and Families, Inc. (CHCF). I thank Committee Chair Menchaca, Council Member Daniel Dromm, as well as the other members of the Committee on Immigration for giving me the opportunity to testify today.

Since 1982, CHCF has combined education and advocacy to expand opportunities for children and families and strengthen the voice of the Latino community. Believing that the most effective way to support Latino families is by building upon their existing strengths and fostering self-sufficiency, CHCF provides services through Youth Development programs, an Early Care & Education Institute, and the Family Policy Center. CHCF's model is innovative in its effective inclusion of cultural and linguistic competencies to effect change. CHCF's grassroots focus makes it one of the few Latino organizations in NYC that combine direct service with policy work that amplifies Latino voices at the local, state and national levels.

By year's end, up to 90,000 unaccompanied children will have crossed the United States-Mexico border to flee violence, persecution and death threats in their countries of origin, mainly Honduras, Guatemala and El Salvador.¹ In addition, from January through August 31, 2014, U.S. Customs and Border Protection (CBP) apprehended as many as 14,702 unaccompanied children from Mexico.² Mexican children are not protected under the Trafficking Victims Protection

¹ Statement by Secretary of Homeland Security Jeh Johnson Before the Senate Committee on Appropriations. United States Department of Homeland Security. Web. July 10, 2014. Accessed September 10, 2014 by Abraham Barranca at <http://www.dhs.gov/news/2014/07/10/statement-secretary-homeland-security-jeh-johnson-senate-committee-appropriations>.

² U.S. Customs and Border Patrol. Southwest Border Sectors: Family Unit and Unaccompanied Alien Children (0-17) apprehensions FY 14 through August, compared to the same time period for FY 13. Retrieved by Abraham Barranca September 29, 2014 from <http://www.cbp.gov/sites/default/files/documents/SWB%20Family%20and%20UAC%20Apps%20thru%208-31.pdf>.

Reauthorization Act (TVPRRA)—and therefore treated differently than children from Central America—because Mexico is a contiguous country bordering the United States.³

Numbers from the Administration for Children and Families (ACF) for unaccompanied children from Honduras, El Salvador and Guatemala placed in different states for the end of August 2014 show that 4,799 children were released to guardians or sponsors in New York State: 1,552 children in New York City, 2,508 in Long Island and 517 children in Orange, Rockland and Westchester counties.⁴ It is expected that New York State will be home to up to 7,000 children in similar circumstances.⁵ The perils from which they have fled and the trials they endure in the United States have burdened them with a host of emotional and physical traumas. Because these children must be enrolled in school by law, the New York City Department of Education (DOE) is the city institution best situated to provide educational services to them, with other State agencies playing important roles in ensuring these children get the social, health and support services they need.

Thankfully, New York City has been at the forefront of humanitarian efforts around the country to get children into safe living situations and learning in school. Earlier this year, the Mayor's Office of Immigrant Affairs (MOIA) coordinated an interagency task force, including the Administration for Children's Services (ACS), the DOE, the Department of Health and Mental Hygiene (DHMH), the Department of Health and Human Services (HHS) and other participants, while including CBOs such as the NYS Office of New Americans and the New York Immigration Coalition, to create a plan for buttressing children's educational transitions with support services. The Office of the Public Advocate has been representing children, and calling on lawyers to help represent unaccompanied children, *pro bono* in federal immigration proceedings. Unaccompanied children now living in New York State are eligible for the Child Health Plus insurance program and NYC has placed government representatives at the federal immigration court to connect children with services from the outset of their immigration proceedings. The Mayor's office has worked with the DHMH and the DOE to streamline the immunization process for migrant children, so that they can be enrolled in school quickly. They are working with the Health and Hospitals Corporation to make sure children have access to primary pediatric care and receive

³ These children are screened by CBP officers to determine whether they have an asylum claim; are victims of trafficking; or can make an independent decision to voluntarily return to their home country. If the child does not meet the criteria, he/she is returned to his/her home country. Retrieved Sept. 22, 2014 Catholic Legal Immigration Network from <https://cliniclegal.org/resources/protecting-vulnerable-unaccompanied-immigrant-children>

⁴ Unaccompanied Children Released to Sponsors by County. Administration for Children and Families Office of Refugee Resettlement. UAC release data from January 1st to July 31st. Retrieved by Abraham Barranca September 11, 2014 from <http://www.acf.hhs.gov/programs/orr/unaccompanied-children-released-to-sponsors-by-county>.

⁵ Associated Press. "Unaccompanied Immigrant Children Reaching New York." WNYC News. July 25, 2014. Retrieved by Abraham Barranca September 15, 2014 from <http://www.wnyc.org/story/unaccompanied-immigrant-children-reaching-new-york/>.

trauma screenings to assess their need for mental health or social services. The City has said it will be launching school-based clinics to provide direct services “at schools recognized as having a large number of newly arriving immigrant youth.”⁶

CHCF recommends that New York City take the following actions to provide services to and protect these children:

- (1) NYC should inquire about the generalized use of ankle bracelet monitors by Immigration and Customs Enforcement (ICE) on mothers and women in the “surge docket.” Although monitors are a better alternative than detention, these women are not criminals and pose no threat to the communities in which they reside;
- (2) NYC should request additional emergency funds from NYS and the federal government to enable the DOE to effectively enroll and serve unaccompanied children now residing in the five boroughs, and appropriately fund the efforts of MOIA and the other city agencies addressing social service needs among these children;
- (3) The DOE must oversee equitable provision of educational services to unaccompanied children by ensuring that they be placed in bilingual education programs to build on their existing assets; however, Students with Interrupted Formal Education (SIFE)—who will account for the majority of these students—should *not* be concentrated together and isolated from the general student population;
- (4) The DOE should collaborate with ACS and culturally and linguistically competent CBOs to get children the social and emotional supports they need;
- (5) NYC should seek out *pro bono* legal services for children and earmark more funding to provide for their legal representation; and,
- (6) The City Council should request that the federal ACF, which has kept track of and issued data on the number of children released to guardians in New York counties, provide more detailed information on children’s genders, countries of origin and education backgrounds so that NYS agencies and CBOs can make targeted accommodations for their needs.

Unaccompanied migrant children arriving in New York State come from a variety of backgrounds and living situations—some live with guardians to whom they have been released by federal authorities, while others may have slipped by border patrols and are living “in the shadows.” Unaccompanied children have varying levels of formal education, as those coming

⁶ New York State Assembly. Assembly Standing Committee on Social Services, Assembly Standing Committee on Children and Families, and Task Force on New Americans. “Public Hearing on New York State’s Role in Addressing the Influx of Migrant Youth from Central American Countries.” (Date: 9/16/2014). Video retrieved and transcribed by Abraham Barranca September 26, 2014 from http://nystateassembly.granicus.com/MediaPlayer.php?view_id=2&clip_id=1607.

from Central America and Mexico may not have attended school on a regular basis because they feared gang violence in and around school.

ICE must stop criminalizing detainees and those awaiting immigration hearings. ICE has overused ankle bracelets in New York, particularly on mothers and women pushed on to the “surge docket” of expedited removal hearings. In general, ankle bracelets are used to ensure appearances in criminal felony cases where a defendant is a risk of flight. Immigration proceedings are administrative hearings and therefore do not warrant unlimited use of tracking methods reserved for criminal defendants. Monitors should only be used after careful screening on a case-by-case basis.

By law, New York City must provide public education to all children. The New York City Chancellor’s Regulation A-101 stipulates:

“Children may not be refused admission to a public school because of race, color, creed, national origin, gender, gender identity, pregnancy, immigration/citizenship status, disability, sexual orientation, religion, or ethnicity.”⁷

NYC should petition the federal and State governments to release emergency funds immediately so that school districts with large numbers of unaccompanied children residing in them can take quick, effective action to get students in school.

Many children will be SIFE designees. Students with this New York State Education Department (NYSED) designation require significantly more educational supports and social service interventions, as they are an especially high-risk population.⁸ However, SIFE students should not be concentrated in one class, isolated from other students. It is also important that NYSED and the NYCDOE ensure that children are enrolled by their local schools and receive proper placements, and that schools or districts do not discourage them from enrolling. NYSED should conduct trainings of education and administrative staff in schools with significant numbers of unaccompanied children addressing bullying that may occur because of a child’s known immigration status.

⁷ NYC Department of Education. Regulation of the Chancellor. October 31, 2013. p. 1, § I.A.1. Retrieved September 19, 2014 by Abraham Barranca from <http://schools.nyc.gov/NR/rdonlyres/1CC25F63-74E8-41A6-8031-490F206F148D/0/A101.pdf>.

⁸ Definition of ELL students with Interrupted Formal Education (SIFE). New York State Education Department Bilingual Education and Foreign Language Studies: Frequently Asked Questions. Web Resource. Retrieved September 10, 2014 by Abraham Barranca from <http://www.p12.nysed.gov/biling/bilinged/faq.html#sife>.

Children need legal representation in order to make their cases for asylum. Immigration law does not provide for a right to counsel; however, many of the children facing deportation proceedings have valid claims as refugees and deserve legal representation as a human rights matter. Many organizations have been doing excellent work matching attorneys with children set to appear before immigration judges. Public Advocate Letitia James is working with legal assistance and community based organizations. NYC should interface with legal groups offering *pro bono* services to assign as many cases as possible. Schools can serve as community service hubs by connecting children who may be undocumented to legal service providers and CBOs.

Most of the legal service organizations representing children in proceedings are at capacity. There are not enough attorneys with expertise available. **The City Council and the Mayor should continue funding programs to ensure legal representation for children in deportation proceedings.** The \$1.9 million public-private partnership between the City, Robin Hood Foundation and the New York Community Trust—including \$1 million already in the City Council’s budget as part of the Immigrant Opportunities Initiative is an excellent start, but the City should seek more funding for this effort.

Children who have come to the United States unaccompanied will need social and health services. The Mayor’s initiative to enroll children in Child Health Plus and other available health services is an important step. Many children have experienced psychological traumas from the dangers of their journeys,⁹ subsequent detainment by border patrols, abuses while in detention and any mistreatment by guardians after their release. While many of these children have been released to loving and caring family members, others may be in unsafe living situations. For this reason, the City needs federal emergency funds to conduct home visits in child placements.

Additionally, **the number of teenage girls has increased significantly**, with many of those detained reporting being victims of sexual violence or threats of sexual violence.¹⁰ These young girls require counseling, victim support services and psychological services.

NYS and federal agencies need to collect and provide deeper data on children in NYS. So far, data provided by ACF gives overall numbers of children released by state and county.¹¹ It does

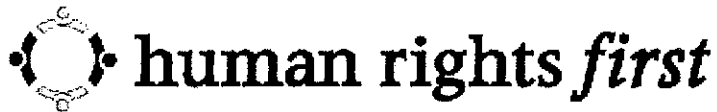
⁹ Child Migrants Make Perilous Journey by Train to the U.S. NBC News. July 9, 2014. Retrieved by Abraham Barranca September 11, 2014 from <http://www.nbcnews.com/storyline/immigration-border-crisis/child-migrants-make-perilous-journey-train-u-s-n151946>.

¹⁰ Jens Manuel Krogstad, Ana Gonzalez-Barrera And Mark Hugo Lopez. “At the border, a sharp rise in unaccompanied girls fleeing Honduras.” Pew Research Center. July 25, 2014. Retrieved by Abraham Barranca September 11, 2014 from <http://www.pewresearch.org/fact-tank/2014/07/25/at-the-border-a-sharp-rise-in-unaccompanied-girls-fleeing-honduras/>.

not group these children by gender or country of origin, limiting the utility of the information for State and City agencies, CBOs and other service providers.

We are facing a humanitarian crisis and we must uphold human rights principles and respect for human dignity. New York City has been one of the most progressive municipalities in the country in welcoming and addressing the social service needs of children placed at risk, and we urge the City Council and Mayor de Blasio to keep our city's status as an example of equity, social justice, protection of human rights and respect for humanitarian international law. Thank you.

¹¹ Unaccompanied Children Released to Sponsors by County. Administration for Children and Families Office of Refugee Resettlement. UAC release data from January 1st to July 31st. Retrieved by Abraham Barranca September 4, 2014 from <http://www.acf.hhs.gov/programs/orr/unaccompanied-children-released-to-sponsors-by-county>.



American ideals. Universal values.

Contact: Lori Adams – (212) 845-5241 – adamsl@humanrightsfirst.org

**TESTIMONY OF LORI ADAMS, MANAGING ATTORNEY,
HUMAN RIGHTS FIRST**

**NEW YORK CITY COUNCIL
COMMITTEE ON IMMIGRATION**

**OVERSIGHT HEARING – CRISIS OF UNACCOMPANIED IMMIGRANT
CHILDREN: WHAT IS NEW YORK CITY DOING?**

September 29, 2014

My name is Lori Adams, and I am the Managing Attorney in the Refugee Protection Program at Human Rights First. I submit these comments on behalf of Human Rights First, and thank the City Council for the opportunity to testify.

First, I would like to commend the City Council for its new initiative to provide counsel for many of the unaccompanied immigrant children who have recently arrived in New York City after fleeing violence in Central America. The Unaccompanied Minor Children Initiative will help large numbers of frightened children who 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 he or she is successful in her immigration case. Studies have shown that asylum seekers without legal representation to help prove the merits of their claims have little hope of being granted asylum protection and are at risk of being sent back to countries where they are in danger. Those who try to navigate the asylum system without counsel are up to six times more likely to have their claims rejected, and many of those who are unsuccessful in their asylum claims remain separated from their families abroad, some of whom may also be in danger and would otherwise have been eligible to join their relative here in the United States if the asylum claim had been granted.

Many of the immigrant children who will be helped by the city's new initiative will be eligible for asylum because they fled dangerous situations, including gang-related violence and violence within their homes, to come to the United States for safety. Others have been abused, abandoned, or neglected by a parent in their home country and will be

eligible for a special type of green card on that basis. We are grateful for the City Council's leadership and hope that the Unaccompanied Minor Children Initiative will inspire other cities with large populations of recently-arrived immigrant children to support the groups providing legal services to immigrant children in those cities too.

I would also like to thank the City Council for its recent initiative to place representatives of the city in the New York Immigration Court, and in the various legal clinics that have been taking place around the city, to help these children enroll in school and to sign up for health services.

Now I would like to bring the City Council's attention to the mothers with young children who are also on fast-moving dockets in the New York Immigration Court. At the same time that thousands of unaccompanied immigrant children fled to the U.S. and began making their way to New York City, thousands of mothers with very young children did the same. Many of these women suffered domestic violence and/or gang-related violence in Central America and they fled with their young children to save their lives. Many of these women will have asylum claims of a type that are difficult to present to a judge without a good lawyer. If they are granted asylum, their young children will be granted asylum as derivatives. The recent focus on the unaccompanied immigrant children makes sense, and the City's efforts to help them are commendable. Now it is time to help the women and young children who fled the same countries for similar reasons, and are just as desperately in need of pro bono legal representation.

My understanding is that the city's Unaccompanied Minor Children Initiative does not provide legal representation for unaccompanied immigrant children who live outside of the five boroughs, even if their cases are venued in the New York Immigration Court. Many of the children on the new court dockets are living on Long Island or in upstate New York. This is another population that needs assistance.

Human Rights First has a long history of providing asylum-seekers of all kinds and children in need of protection with pro bono legal representation. We run one of the largest pro bono legal representation programs in this country to bring volunteer lawyers together with indigent refugees and children in need of protection to represent them in their immigration court proceedings. Our unique approach—which combines helping asylum seekers and other immigrants gain protection and legal status while also pressing 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, we have historically won over 90% of our cases, many of which are venued in the New York Immigration Court.

Human Rights First is also part of the Immigrant Representation Project (IRP), which is a collaborative effort to provide pro bono representation to asylum-seekers, children with claims for Special Immigrant Juvenile Status, and others in the New York Immigration

Court. Since 1992, the IRP has operated through a partnership between four groups—Human Rights First, The Legal Aid Society, Catholic Charities, and the Hebrew Immigrant Aid Society—to provide comprehensive screenings of individuals in removal proceedings and then to provide free legal representation to a number of those individuals. This is the longest-running screening project of its kind in the country. Since 2011, Human Rights First has also been running the Asylum Representation Project (ARP), which has increased the number of asylum-seekers in proceedings at the New York Immigration Court who benefit from our *pro bono* mentoring model.

Human Rights First uses a *pro bono* mentoring model in which our in-house asylum experts vet cases, match asylum clients with volunteer lawyers at the large law firms, and then train and mentor the volunteer lawyers in that representation. Our focus on asylum and related forms of protection-based immigration helps us to stay at the cutting edge of this area of law and to maintain our very high success rate in those cases. We are confident that law firms in this city will continue to demonstrate support for our immigrant neighbors by providing *pro bono* legal representation to those who are indigent when that representation is supported by careful vetting of cases and experienced immigration attorneys who can mentor the *pro bono* attorneys in that representation.

Through our existing screening programs at the New York Immigration Court, Human Rights First and our IRP partner provides *pro bono* legal representation to many women with children, including those fleeing violence in Central America. The IRP collaborative also takes on some cases of unaccompanied children who live outside the five boroughs and have their cases at the immigration court downtown. However, both populations at the New York Immigration Court have increased dramatically in recent months. We encourage foundations and others with capacity to fund legal representation for immigrants, to keep in mind the immigrant children who reside outside of the city and the women with their young children who live right here and are in desperate need of our help. We also hope that the New York City initiatives encourage other municipalities to follow your lead with respect to those living outside of the five boroughs.

We are grateful to the New York City Council and its Committee on Immigration for the opportunity to testify about the city's response to the needs of recently-arrived unaccompanied immigrant children and we look forward to further discussion on this important topic.

Thank you.

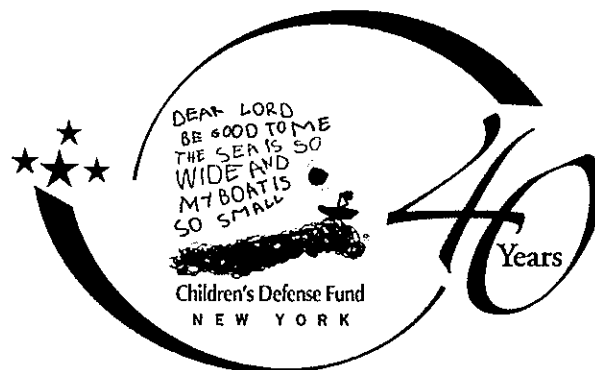
Testimony of the Children's Defense Fund – New York

“Crisis of Unaccompanied Immigrant Children: What is New York City Doing?”

Before the Committees on Immigration, and Courts and
Legal Services

New York City Council
September 29, 2014

Lorraine Gonzalez - Camastra
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Good Afternoon. My name is Lorraine Gonzalez-Camastra. I am the Director of Health Policy at the Children's Defense Fund – New York (CDF-NY). Thank you to Councilmember Menchaca, Councilmember Lancman, and to the other members of the Committees on Immigration and Courts and Legal Services, for the opportunity to share testimony regarding unaccompanied immigrant children who have arrived in New York City.

The Children's Defense Fund (CDF) Leave No Child Behind® mission is to ensure every child a *healthy start, a head start, a fair start, a safe start and a moral start* in life, and successful passage to adulthood with the help of caring families and communities. It is with this mission in mind that CDF-NY brings a holistic approach to advocating for children at each stage of their youth. Across New York State, we act as a resource and partner for children, families and organizations, and are recognized as an authority in the endeavor to protect children and strengthen families. Our unique approach to improving conditions for children combines research, public education, policy development, community organizing and advocacy activities, making us an innovative leader for New York's children in the areas of health, education, juvenile justice and early childhood development.

As requested, my testimony today will address current circumstances for unaccompanied immigrant children in New York City, as well as provide recommendations for supporting this population in our city moving forward.

As of now, regardless of immigration status, all children in New York City are eligible for:

- free or low-cost health insurance;
- free or low-cost access to primary care and specialty care via the City's HHC Options program;
- public school enrollment; and
- participation in City-funded after-school and literacy programs

CDF-NY applauds City Council and its partners for launching the "Unaccompanied Minor Children Initiative" last week to fund free legal representation for unaccompanied minors in NYC. We acknowledge that these children and youth deserve quality representation at immigration hearings from specialized counsel who can adequately represent their legal needs and secure a safe and hopeful future for them and their families.

Additionally, CDF-NY acknowledges and thanks Mayor Bill de Blasio and Commissioner of Immigrant Affairs, Nisha Agarwal, for recently stationing City representatives at 26 Federal Plaza, the federal immigration court, to directly address the needs of unaccompanied children undergoing deportation proceedings, and in schools to facilitate school and health care enrollment for unaccompanied children.

It is at this moment, in which two initiatives on behalf of unaccompanied children debut that CDF-NY offers recommendations in the following areas to maximize the potential of New York City to support these children and youth. City Council, and the Committees on Immigration and Courts and Legal Services in particular, have an incredible opportunity to exercise their oversight

and funding capacities to support efforts to connect unaccompanied minors to existing social service supports. We, at CDF-NY, are motivated to support your work.

RECOMMENDATIONS:

The following are specific recommendations for ensuring optimal support for unaccompanied children and youth in New York City.

The Mayor's Office of Immigrant Affairs has announced that it will conduct targeted outreach in neighborhoods and schools, as well as at the Federal Immigration Court, to support unaccompanied children's enrollment in available health insurance programs. It is our understanding that through legal assistance provided by City Council's "Unaccompanied Minor Children Initiative," unaccompanied children may also receive counseling related to health insurance enrollment.

We, at CDF-NY, believe federal immigration court to be an effective gateway for educating unaccompanied minors and their family members and/or sponsors on eligibility and qualification for health insurance. Through our experience as a state-wide leader in developing effective methods for enrolling children in health coverage, we urge the Committee on Immigration to:

- ensure a coordinated pathway for all of children and youth at the federal court, involving an intake process that merges assessments for legal service needs with coordinated education and health insurance enrollment services;
- guarantee that culturally and linguistically-competent health insurance counselors are able to educate youth and their guardians about health coverage options and, in turn, provide enrollment support; and
- warrant that these health insurance counselors appropriately connect unaccompanied children to community liaisons stationed in neighborhoods for follow up on enrollment and health care access.

Beyond the acquisition of health insurance coverage, unaccompanied minors need to become aware of health care providers in their respective communities that offer pediatric care. While it is well-documented that unaccompanied minors benefit from post-release services that can connect them to health and educational supports, it is not guaranteed that such services are awarded to all children and sponsors by agencies funded via the Health and Human Service Administration and Office of Refugee and Resettlement.¹ Without such support, many families sponsoring unaccompanied minors are left with the daunting task of navigating a complex healthcare system.

Therefore, in keeping with the use of federal court as a gateway for connecting unaccompanied minors to social service supports, a list of New York City community health care access points – at a minimum, consisting of culturally and linguistically-competent primary care and behavioral health care providers - should be given to all families arriving to court for hearings. This step should be integrated in the coordinate intake process recommended earlier. Incorporated in this list should be Article 28 and 31 sites located in City public schools.

Also, since children may also engage in health insurance enrollment and system navigation with the support of legal counsel provided through the Unaccompanied Minor Child Initiative, resources and training should be provided to all City-contracted legal representatives on how to connect unaccompanied children to culturally and linguistically-competent health care.

In addition to ensuring that every child in New York is enrolled in health insurance, CDF-NY prioritizes ensuring that the care they receive is comprehensive, of optimal quality, and child-specific. Reaching these goals is complicated for unaccompanied children. We encourage members of both committees here today to prioritize these goals, and work towards reaching them. More specifically, we ask City Council to:

- support the development of a mechanism to assess the needs of unaccompanied children/youth in terms of health-related and social service supports so that baseline data can inform future development of resources for this population;
- finance trauma-informed approaches to care via trainings for existing City-sponsored providers in communities and schools; and
- prioritize and support pipeline programs for racial/ethnic minority children/youth to enter health and legal service professions that would enhance cultural and linguistic competence in these fields.

Finally, CDF-NY is committed to addressing policies and practices that unlawfully discriminate against children based on poor socioeconomic status, ethnicity, and race; in turn, funneling them to pathways of school truancy, which lead to arrest, conviction, or incarceration. Through our national Cradle to Prison Pipeline® Campaign, CDF-NY works to replace school discipline policies and practices that push children out of schools with social and emotional supports that encourage a positive school climate and improve educational and social outcomes for children. In addition, we call for age-appropriate responses to youth who become court-involved and seek to limit criminal penalties.

This work in mind, we are concerned about increased pressures on unaccompanied immigrant youth that may force them out of school and into the criminal justice system. Especially given the heavy collateral consequences associated with criminal justice involvement for immigrants seeking legal status, we ask City Council to supply all City-contracted service providers assisting unaccompanied children with training and/or resource materials on:

- schools and community-based organizations that specialize in supporting the academic progress of immigrant children;
- the collateral consequences of criminal justice involvement for unaccompanied youth;
- available Safe Harbor protections and services for trafficked youth charged with sex-related offenses; and
- a list of community organizations and agencies that can provide school suspension and criminal justice representation.

In summary, CDF-NY is hopeful that members of City Council exercise their authorities to:

- ensure a coordinated pathway for all unaccompanied children to enroll in the education and health insurance programs available to them;
- guarantee that culturally and linguistically-competent health insurance counselors are available to unaccompanied children;
- develop a mechanism for assessing the health and social needs of unaccompanied children/youth, so that those needs are appropriately met;
- support pipeline programs for racial/ethnic minority children/youth to enter health and legal service professions to enhance cultural and linguistic competence in these fields;
- finance trauma-informed approaches to care via trainings for existing City-sponsored providers in communities and schools; and
- provide training and key resources to all legal and other City-sponsored service providers working directly with unaccompanied children to ensure that they stay in school and out of the criminal justice system.

CDF-NY looks forward to working with the NY City Council to reach these goals, and we are grateful for the work this Committee will do to protect and support unaccompanied children in our City. Thank you for the opportunity to testify.

¹ <http://www.usccb.org/about/children-and-migration/upload/LIRS-and-USCCB-Post-Release-Services-FAQs-Final.pdf>



We are honored for this opportunity to present before the distinguished Committee on Immigration at this oversight hearing entitled "Crisis of Unaccompanied Immigrant Children: What is New York City Doing?" My name is Deborah Lee and I am a Senior Staff Attorney with Sanctuary for Families' Immigration Intervention Project. Sanctuary is the largest nonprofit in New York devoted exclusively to serving victims of gender-based violence, including domestic violence and sex trafficking. In the last year alone, we served 10,500 clients directly and reached approximately 20,000 individuals through outreach, training and public events. Approximately 70% of our clients are foreign-born, hailing from 109 different countries. Our staff is fluent in 33 languages and our agency provides a wide range of integrated programs for our clients, including legal, clinical, emergency

shelter, and economic empowerment programs, to help each client in her journey to safety, stability and self-sufficiency. Sanctuary for Families' Immigration Intervention Project's staff of 19 full-time employees provides immigration legal remedies to victims of gender-based violence and sex trafficking, amongst them vulnerable unaccompanied immigrant children who have been a part of the recent immigrant surge to the United States.

As this committee is well aware, since 2012, there has been a steady rise in the number of unaccompanied immigrant children from Central America entering the United States through the southern border with Mexico. Starting last year, the number rose dramatically and, since October 2013, over 66,000 children have been apprehended by immigration authorities entering the United States. Many of these children are under 15 years old. A growing percentage is girls and

young mothers fleeing intimate partner and familial violence, trafficking and gender-based violence. Over 4,000 children—half of whom are young girls—are now living in New York State and in expedited deportation proceedings in Immigration Court.

Before further detailing how Sanctuary for Families is responding, I want to recognize innovative efforts New York City has already made to respond to this increase in unaccompanied children. The City Council, Speaker Melissa Mark-Viverito, the Robin Hood Foundation and the New York Community Trust should be lauded for their recent allocation of \$1.9 million dollars to help legal service providers in their assistance to children in Immigration Court proceedings. In addition, Mayor de Blasio and Commissioner of Immigrant Affairs Nisha Agarwal have led the way in creating a taskforce of governmental and non-governmental entities

throughout the city to address the entire range of educational, health and social services needs of these children.

Sanctuary for Families is deeply committed to protecting unaccompanied children. We have represented hundreds of immigrant child victims of domestic violence and trafficking, both girls and boys, including those who have recently arrived to the United States, those in foster care, and homeless youth. Sanctuary has developed an expertise in providing comprehensive legal and supportive services to these young victims.

Many of the unaccompanied children we serve have reported histories of severe trauma, sexual exploitation, and other forms of gender-based violence which may qualify them for legal protection to remain in the United States, including Special Immigrant Juvenile status (SIJS), asylum, and trafficking protections.

Sanctuary is uniquely positioned to address the implication of gender in this current crisis. For example, when the media discusses gang violence as a factor pushing children to flee to the United States, I urge each of you to think about such a child being a young girl, often the member of society most victimized. The girls we met with told us they not only feared being recruited but also being repeatedly raped by gang members and being forced into an intimate relationship with a gang member. These girls have well-founded fears of being prostituted by gangs.

This is the case of Carmen, a 17 year old Honduran girl who I am representing. Carmen's father abandoned her when she was an infant. Her mother subjected her to vicious abuse. Outside her home, Carmen suffered even more. Local gang members began stalking her, telling her that if she refused to

join she would be raped and prostituted. Carmen was raped and later miscarried.

At Sanctuary, we are particularly concerned about girls like Carmen. We also represent Maria. Only 12 years old and from Honduras, Maria was abused by her father, a gang member himself. He punched Maria, threw her down a flight of stairs, and threatened her with a knife. Terrified, Maria feared worse abuse if she told her mother, who had fled to New York when Maria was 7.

Sanctuary helps girls like Carmen and Maria. We provide free, high-quality legal services. Our services are comprehensive, and include representation in immigration and family law proceedings. We are also collaborating with dozens of large law firms in New York City to ensure pro bono legal representation to unaccompanied immigrant children in SIJS and asylum matters.

Legal screenings and representation in Immigration Court are not enough to help these traumatized children. Therefore Sanctuary has engaged its clinical, case management, and economic empowerment programs to address the complex non-legal needs of these children. At Sanctuary we know that only through coordinated services can we truly transform the lives of our clients. We don't stop at a client's legal victory; we are committed to help our clients become empowered members of our community.

To ensure this, we urge the City Council to:

- Prioritize increasing funding for city agencies and schools serving unaccompanied immigrant children to collaborate with both non-profit legal and social service providers;

- Implement coordinated outreach and education programs on trauma, domestic violence and trafficking; and
- Increase funding to service providers assisting unaccompanied immigrant children and, in particular, those who have been trafficked or are at severe risk of being trafficked.

New Yorkers from all walks of life -- leaders, advocates, attorneys, and community members -- have embraced these children as individuals in desperate need of support.

Sanctuary for Families is proud to be a part of this coalition.

Thank you again to the City Council for this opportunity to present.

Addressing Challenges Faced by Unaccompanied Immigrant Youth upon Arrival to the United States

Councilmembers, thank you for this opportunity to personally convey my deep gratitude for your support of immigrant youth in New York City. My name is Anthony Enriquez and for the past year I have served as the Chadbourne & Parke Fellow and staff attorney at the Door, a center for youth development in downtown Manhattan. For those of you who don't know the Door, I offer a brief introduction. Each year the Door serves over 11,000 young people from New York City and surrounding counties by providing comprehensive social services in order to foster young people's healthy development into self-sustaining adults. In one building on Broome Street between Varick and Sixth Avenue, for free, we provide health care, counseling, legal services, tutoring and college preparation, homeless and runaway youth services, arts programming, and meals. I encourage each of you to visit the Door and the young people who make up our community, to see and experience the sense of joy and possibility in a place where young people feel supported, loved, and accepted.

I come today with two objectives: first, and foremost, to thank you for your support of our work, and the young people we serve every day. I thank you for your willingness to fund legal services for the thousands of young immigrants arriving to New York, for the thousands of children who now have a fighting chance to call this great and brave place, New York City, their home. I thank you for honoring our city's best tradition of welcoming those who have been given little and have suffered much, and yet still have the strength to dream of something better.

Second, I am here to help you better understand the young people you are helping; to share with you the harrowing circumstances they faced both in their countries of origin and upon arriving to the United States. For the past year I have spoken for these young people as their attorney in removal proceedings at Immigration Court in New York City. When I started this work, in October of 2013, the Door staffed a bi-monthly juvenile docket in Immigration Court, a special calendar day of cases for young people who had come to the United States without a parent or guardian and who now faced deportation to the countries they were born in. Within two months, I had a caseload of over 75 clients, representing young people in every borough and in Nassau, Suffolk, and Westchester counties. And yet the number of children I have been able to represent is only a sliver of the total number of children who are eligible for relief from deportation. In some cases, sadly, I have had to turn away children because there simply weren't enough lawyers available to represent them. The Council's funding of our work is the first step toward insuring that unjust outcome is not repeated.

Understanding Who You are Helping

Since coming to work at the Door, I have met and interviewed hundreds of children in removal proceedings and worked with colleagues who, collectively, have done the same for thousands. No doubt many of you have heard from media reports over the summer that a majority of the children arrive from Guatemala, El Salvador, and Honduras. You may have heard that many are fleeing extreme poverty, gang violence, and governmental instability. You may also have heard, somewhat cynically, that many children expect some type of permit to stay in the United States upon arrival, thanks to a federal policy of sending children to humanitarian shelters rather than immediately deporting them. But if you take the time to actually listen to these children, you may be surprised to hear how what they tell you complicates and even contradicts the stories told in the nightly news.

The most immediate question you may have is: Why do the children come? Their answers are varied and frequently the children themselves are unable to articulate them in a first interview. But during these first interviews, many do speak of gang violence; almost all speak of a chance for better opportunities in the United States: better education or a chance to work hard and raise money to help support their families. But the law is mostly indifferent to the children's best intentions. So it may surprise you to learn that the vast majority of the children I work with qualify for relief from deportation not because they live in gang-ridden neighborhoods or because of weak economies in their home countries. Instead, these children have a right to stay here because they were abused, abandoned, or neglected by one or both of their parents. If they were to be returned to the place they once lived, they would again be trapped in a cycle of physical and emotional violence, with little hope for escape. Simply put, these children come here for survival, after having suffered at the hands of those who we expect would be their protectors. In that sense, my work has little to do with geopolitics or failed governments, but instead something much more intimate, understandable, and sadly, all-too-close to home: family and domestic violence. No one here would turn their back on a child from an apartment down the hall who knocked on her or his door seeking a safe place to sleep. I am so very grateful that in our city, the same can be said about a child from another country.

Rarely are the children immediately forthcoming about their stories of survival. Domestic and family abuse carries a stigma whether it happens in Manhattan, New York or Morazán, El Salvador. Just like native New Yorker children, many of these immigrant children blame themselves for their abuse. Many of them feel conflicted about sharing family secrets with outsiders. Most of them continue to deeply love their parents, even if they were mistreated by them. More often than not, it takes several meetings with a child to learn the truth about their lives in their countries of origin. And this is unsurprising. Would you share such intimate

information with a stranger upon meeting him? All of this should serve as an important reminder that children, especially traumatized ones, do not belong in expedited removal proceedings. They need time to develop a relationship of trust and candor with an attorney. They need much more than the three short weeks these children on expedited dockets have been given to find an attorney, learn to trust them, and begin to mount a case to stay.

Challenges Faced by “Luis” and “Kenia”

I'd like to take this opportunity to share some of the stories of the children who will be helped by your generosity and courage. Given the private nature of many of their legal claims, I've changed their names. First, let me tell you about Luis. Luis is sixteen years old and from Guatemala. He grew up speaking the indigenous language Kachiquel, using Spanish as a second language for communication outside the home. Luis's father has a terrible alcohol problem and spent much of the money he earned from working in agriculture on his addiction. So Luis's parents pulled him out of school from the age of eleven to send him to work fulltime with his father in the fields. They gave him a machete that was longer than his small arms and he proceeded to hack into his own legs by accident, more than once. Still, they sent him to work. They sent him to work in the rain and he developed a chronic lung infection. Sometimes, Luis tried to hide from his parents in order to avoid working in the fields. So his father beat him, leaving his back and legs covered in bruises. When he was fifteen, Luis ran away to join an older brother in New York.

You should also know the story of Kenia, fourteen years old, from El Salvador. Her father beat her so severely as a baby that he broke her left foot. It is now permanently misshapen. Kenia's father carried a gun regularly, and frequently threatened to shoot Kenia, her siblings, and her mother when he was angry with them. One of Kenia's earliest memories is of her father breaking her mother's nose. When Kenia was twelve, her mother fled to the United States to escape her father's abuse; Kenia's older siblings followed. Kenia was sent to live with an uncle in El Salvador. But Kenia's uncle was murdered when she was thirteen she was left without a caretaker. Faced with returning to her father's house, this time without her mother's protection, she ran, by herself, to the United States to reunite with her mother.

I met both Luis and Kenia at their first appearances in Immigration Court. Luis was withdrawn and quiet. Kenia cried when I asked her who she had lived with in El Salvador. And yet despite their age, both of them had a quiet kind of courage and maturity, the toughened resilience that children develop when they are forced to become their own caretakers at a very young age. Some of you, like me, may have seen that in your own parents or grandparents, who grew up in a different age, in a harder time; some of you may have lived that experience yourself, and will know exactly what I'm talking about.

Today, a year after having met both Luis and Kenia, I can say that both have blossomed. Luis, who once came to my office and spoke haltingly and timidly, unsure if it was acceptable to speak out against his abusers, now wears a fresh pair of sneakers and the sharpest, tightest fade from his Brooklyn barber. Kenia, who cried whenever we spoke, uncertain of her fate here in the United States, now smiles when she tells me how her older brother teases her and how much she enjoys her high school history class, because she gets to learn about other cultures. Ironically, though they are both a year older than when I met them, they are just now learning that they finally have the freedom to be children.

Kenia tells me she wants to be a lawyer someday, so that she can help other children like herself who grew up in abusive households. Luis has started playing the drums in a choir at church under the tutelage of a pastor who has become his legal guardian. He says that he feels better when he plays music and sees people smiling. Several of the young people I work with have told me their future career goals: accountant, lawyer, teacher, counselor. I am struck by how many of them want to give back when they have been given so little.

Children in Immigration Detention

Luis and Kenia are both applying for their green cards. They are the success stories. But their path has not been easy. Like all of the children I meet in Immigration Court, Luis and Kenia were arrested by Customs and Border Protection after crossing into the United States. And we have come to learn that for far too many of these children, their first contact with our government is traumatizing. In 1997 a group of legal service providers and civil rights organizations sued the federal government over allegations of widespread and egregious mistreatment of immigrant minors in federal custody. Rather than face a lengthy public trial, the parties settled. The *Flores* settlement, as it has come to be known, is a legally binding promise by the federal government to treat all minors within its custody with “dignity, respect, and special concern for their particular vulnerability as minors.”

The *Flores* settlement establishes a floor of acceptable treatment. One of the minimum standards established is that the federal government must transfer custody of unaccompanied children to a humanitarian shelter within three days of their arrest. Instead, children have told us stories of being kept in cells for up to two weeks. The cells are so cold that the children—all of them—call them the “freezers.” They tell us that they are stripped of their jackets and denied blankets to keep them warm, and threatened with temperature reductions in their already frigid cells when they ask when they will be released. They tell us of sleeping standing against walls or splayed on concrete floors, piled atop each other. A thirteen-year-old girl who was sexually assaulted on her journey to the United States told me how the children must use an open-stall bathroom in front of

dozens of onlookers, without even a curtain to shield them. One boy told me he was strip searched. I spoke earlier about the rumor that children were coming to the United States because they expected an automatic permit. In fact, several of the children I have worked with first told federal officials that they were over 18 because there are instead widespread rumors that children are treated even worse than adult immigrants. They feared they would be forced to remain in detention until they were majority age if the authorities found out they were minors. One boy was placed in a cell with adults after he told an officer that he was eighteen. Fearful, he later pled with the officer to believe that he was sixteen. The officer refused to listen to him until a nurse finally interceded on his behalf. The officer then placed the boy in solitary confinement, where he wept for hours, because no one bothered to tell him they were preparing his transfer to a shelter and he thought they were leaving him there indefinitely.

Advocating for Children

Earlier I said that I speak today with two objectives: to thank you for your support and to give you a better picture of these children's struggles. Now I have a third. I ask that you join us in speaking out for these children, to your constituents, to your partners in city and state government, and to your own representatives on the federal level.

What a tremendous opportunity we now have to nurture and guide these children. What a tremendous opportunity we now have to enrich our own home and community by welcoming them here and making sure they have the chance to earn success through their hard work. Can we work with Albany and county government officials to convince them that the legal representation program we are undertaking in New York City should be a model throughout the state? After all, what's the difference between a child in need in the Bronx and a child in need in Nassau, Suffolk, Orange, or Sullivan County?

What more, beyond legal services, can we do to ensure that these children have the resources they need to heal from so many traumas? How can we help them claim their own childhood? Many young people come to New York after years of interrupted formal schooling. Like Luis, whom I spoke of earlier, these children were drafted into labor early in their lives in order to supplement family budgets. These children need more than English and math classes. They need an education on what it means to be a child. They need an orientation on the role of education in professional development, on opportunities for earning a livelihood beyond working in delis and restaurants—honorable work that many of us, including me, have performed before. But only one of many opportunities available to them, opportunities they likely do not even know exist upon first arriving to New York. Can our schools be staffed with culturally and linguistically competent professionals? Can we make Spanish-language counseling and mental health services accessible for those who need them? Can we teach these children, many of whom come with the

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City Council Hearing, September 29, 2014

Oversight: Crisis of Unaccompanied Immigrant Children: What is New York City Doing?

expectation of sending home money to take care of their families, that here they have a right to be children, to explore and learn and fulfill a potential they didn't know existed because they were never told so by a supportive adult?

Finally, can we speak respectfully, but publicly, about the detention of children in harmful and traumatizing conditions? Can we ask that these children be treated not as threats to national security but as children, in need of refuge and a safe, warm place to sleep after exhausting journeys and years of strife and suffering? We not only can, but must. We must learn of and speak about the practices carried out against these children, practices carried out in our names by our elected officials.

I close by once again thanking this Council for its bravery, its compassion, and its faith in our country's promise as a haven for others.

New York City Council
Hearing on Unaccompanied Minors
September 29, 2014
Testimony of Professor Lenni Benson, Director Safe Passage Project
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Respuestas Pro Bono a las Necesidades de los Jóvenes Inmigrantes Frente a la Deportación

Concejal Menchaca y miembros del comité, Me siento muy agradecida de vivir en Nueva York y de tener el honor de presentar esta declaración a este comité. Profesores de derecho y abogados de todo el país han estado observando el liderazgo del Consejo de la ciudad de Nueva York y su apoyo sin precedentes a la representación legal de los residentes de Nueva York que enfrentan la expulsión o deportación. El portavoz Mark-Viverito, líderes del Consejo y otros líderes del gobierno como la Comisionada Nisha Agarwal y su equipo, y la defensora pública Leticia James, han dedicado muchas horas a aprender acerca de las necesidades de los niños detenidos por el Departamento de Seguridad Nacional y puestos en procedimientos de expulsión. Les Agradezco esta oportunidad para darle las gracias por su tiempo y energía y, por supuesto, para ahora pedirles que escuchen mientras describo algunos de los desafíos que enfrentan estos niños.

Sé que muchos de ustedes aquí hoy presentes se han tomado el tiempo de ir y observar los procedimientos de expulsión que se realizan a unas pocas cuadras hacia el Norte en el 26 Federal Plaza. Ustedes han estado en las mismas complejas líneas de seguridad y han tomado el ascensor hasta el piso doce y han observado a niños muy pequeños y sus patrocinadores que vienen a las audiencias de deportación. Hace unas semanas, estaba guiando algunos miembros del personal del Consejo y vimos como respetuosamente un joven le pregunto al tribunal si debería volver aun que no pudiera encontrar a un abogado. El juez de inmigración, dijo, "Sí, usted debe volver así usted encuentre un abogado o no. Usted tiene derecho a un abogado, pero el gobierno no se lo va a proporcionar. "El juez continuó:" "¿Has hablado con la gente que esta afuera, son de una organización que tratará de ayudarle a encontrar un abogado. " Safe Passage Project comenzó ha ayudar a niños en proceso de deportación por esta misma razón. Somos parte de una coalición de varios proveedores que afrontamos este reto para tratar de llenar el vacío creado por la falta de un defensor publico para los niños en un proceso de deportación en nuestro sistema legal. Durante muchos años, The Legal Aid Society, The Door, Catholic Charities, The New York Chapter of the American Immigration Lawyers Association and Safe Passage Project, han estado ofreciendo regularmente consultas legales gratis y sirviendo como "amigos" de los niños en las audiencias iniciales llamadas "Master Calendars. "Todos los niños que no son

representado por un abogado privado o un grupo sin fines de lucro, como Kids in Need of Defense, fueron recibidos y entrevistados por nuestros voluntarios, y fueron ayudados en los eventos de la audiencia inicial. Ningún niño debería tener que sentarse en una corte en una audiencia de deportación en su contra, solos.

Sin embargo, el trabajo en los expedientes de menores por organizaciones como Safe Passage y las demás organizaciones no es suficiente para ayudar a todos los niños que enfrentan su deportación. Sabíamos que muchos niños estaban siendo escuchados en cortes con otros jueces y nos costó mucho encontrar la manera de extender nuestra ayuda a estos niños. Y cuando el número de niños detenidos y colocados en proceso de deportación creció este verano pasado, la Corte de Inmigración nos dijo que Washington había ordenado que las audiencias para todos los niños se programarían 21 días después de la fecha en que el DHS presentó los cargos ante la corte. Adultos con niños aprehendidos este verano también fueron programado en una agenda prioritaria, pero el tribunal tenía hasta 28 días para programar esos casos. La coalición de proveedores con experiencia organizo y afronto estos nuevos "expedientes prioritarios". Reclutamos ayuda y el apoyo de la comunidad legal gratuita y proveedores de inmigración experimentados como Central American Legal Assistance, The City Bar Justice Fund, Make The Road, and VOLS. Juntos llamamos nuestra colaboración ICARE: Immigrant Children Advocates' Relief Effort. Comenzamos el 13 de agosto y continuamos hoy. Todos los niños o adultos con niños en estos nuevos expedientes priorizados han sido recibidos y entrevistados por los miembros de nuestra coalición. Hemos ofrecido ayuda e información sobre cómo encontrar un abogado; referencias para la salud y apoyo psicológico; hemos ofrecido información sobre las posibilidades de calificar para estatus de inmigración como el asilo o estatus especial de inmigrante juvenil. Con su liderazgo y su ayuda hemos sido capaces de referir a las personas a los representantes del Departamento de Educación para ayudar a los niños se matriculan en las escuelas de Nueva York y para inscribirse en Health Plus Seguro de Salud Infantil.

Este es un excelente comienzo, pero ahora comienza el trabajo realmente difícil. Cada uno de los niños que hemos visto necesita representación legal. Safe Passage Project está diseñado como un modelo de íntima colaboración y entrenamiento para abogados que están trabajando gratuitamente. Después de que nuestros voluntarios y estudiantes de derecho han entrevistado a los niños, preparamos memorandos de evaluación detallada sobre la estrategia legal de un abogado pro bono pueda seguir para ayudar a conseguir estatus legal en los Estados Unidos. Encontramos que cerca del 90% de los niños califican para algún tipo de remedio legal migratorio. En aproximadamente el 60% de los casos creemos que los niños pueden calificar para Estatus Especial de Inmigrante Juvenil. 40% califica para asilo. Muchos niños califican para ambos. Otros han sido víctimas del tráfico humano o víctimas de crímenes en los Estados Unidos que puede justificar su protección y su estatus legal en el país. Finalmente, incluso si ninguno de estas formas de remedio legales están disponibles, un niño merece la oportunidad de pedirle al gobierno a considerar una petición de discreción de la fiscalía-para solicitar una suspensión de los esfuerzos de expulsión y para permitir que el niño se quede en el país, al menos temporalmente, debido a las dificultades que ha enfrentado y su situación familiar específica. Pero todas estas formas de remedios

legales requieren investigación jurídica, elaboración de declaraciones bajo juramento, aplicaciones y búsqueda de evidencia de apoyo. En muchos casos, el niño debe desplazarse en al menos otros dos foros, sistemas judiciales, o componentes del DHS antes de la solicitud puede ser completada. En mi opinión profesional, basada en treinta años de experiencia, ningún niño y pocos adultos pueden navegar de manera competente los procedimientos de solicitud por su propia cuenta. La necesidad de un abogado es imprescindible. El abogado hace que la promesa de los derechos humanos y la protección humanitarias sean una realidad.

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### **NAVEGACIÓN POR EL LABERINTO LEGAL: UN EJEMPLO DE UN CASO**

Para ayudarles a entender los procedimientos legales involucrados en el caso de la inmigración de un niño típico permítanme compartir una historia de uno de nuestros clientes a quien llamaré "Angelica." Nos reunimos con Angélica, una inteligente y burbujeante niña de 8 años en una de nuestra agenda para ayudar a menores. Había sido detenido en la frontera en el sur y estuvo en el poder del gobierno federal en un refugio para los niños. Angelica es hondureña. Su madre la había dejado al cuidado de su abuela y la familia no había tenido contacto regular con el padre de Angélica. La abuela hizo lo mejor que pudo para cuidar a Angelica, pero estaba enferma y temía por la seguridad de Angelica si ella salía a caminar sola a la escuela o jugar. La mayoría del tiempo, Angelica se quedaba adentro de su casa. Cuando hablamos con ella, nos pidió papel. Angelica vio una libreta grande y saltó para mostrarnos que ella "ama, ama, ama la matemática." Ella rápidamente resolvió un problema de división en la libreta y nos dijo "Quiero ir a la escuela y aprender más."

Cuando ella se encontraba en detención, la madre de Angélica tenía miedo de pedir su liberación y le pidió a una hermana que patrocinara a su hija. Esta hermana, la tía de Angélica "Mercy" accedió a hacerlo. Mercy se convirtió en patrocinadora de Angélica y como lo requiere la ley la llevó a su audiencia de deportación. Angelica y Mercy inmediatamente después de conocerse se adoraban. La madre de Angélica no había estado en casa mucho cuando ella era joven y poco después de su liberación a su tía, la madre abandonó a la familia de nuevo. Llama por teléfono de vez en cuando, pero no vive con Angélica o Mercy en una forma regular. Cuando nos reunimos con Mercy y Angélica y les explicamos que íbamos a ayudarlas para que Mercy se convirtiera en el guardián legal de Angélica, ambas sonrieron, agradecidas. Mercy nos dijo que ella había tratado de convertirse en la guardián legal de Angélica, pero que el proceso le había parecido abrumador.

### **Representación Pro Bono en el Master Calendar en el proceso de deportación:**

The Safe Passage Project contrató a una abogada con experiencia gratuita, Janet Porro, para ayudar a la familia a preparar la solicitud de guardián legal de Angelica. Hemos reclutado a un estudiante de derecho que habla en español para trabajar con el equipo legal. Parte de nuestro modelo es pedir a los estudiantes a comprometerse con el trabajo legal de la misma

manera que reclutamos a abogados gratuitos como la Sra. Porro, la abogada gratuita que guiara a la tía Mercy y preparara a la joven Angélica para aplicar para una petición de Guardián legal en la Corte de Familia de Brooklyn. La Sra. Porro nunca había manejado asuntos de inmigración antes. Ella estaba dispuesta a tomar este caso debido a la participación del estudiante de derecho y la tutoría y apoyo de el Safe Passage Project. Asistí a la Sra. Porro a registrarse como un abogado de la Corte de Inmigración y quedé junto a ella como ella hizo su primera presencia ante el juez Rohan. La Sra. Porro buscó una continuidad con el propósito de asegurar Estatus Especial de Inmigrante Juvenil para Angélica. Según le explicó al juez Rohan, estaría ayudándole a la tía de Angélica, Mercy para presentar un procedimiento de tutela en la Corte de Familia de Brooklyn y luego buscaría una orden especial de la corte que necesita para calificar a Angelica bajo protección federal. Juez Rohan concedió un aplazamiento seis meses y el caso de la inmigración aplazada. El primer paso está completo, ahora la familia tiene que navegar por los procedimientos de los tribunales de familia del estado.

#### **Representación Pro Bono en el tribunal de Familia:**

Una petición de tutela puede implicar muchas etapas en el tribunal de familia, potencialmente, el más difícil es conseguir los documentos iniciales que hay que presentar y el proceso de servicio a los padres del niño. La ley del estado de Nueva York también requiere una verificación de antecedentes de cada persona que vive en el hogar con el posible guardián y con el niño. Los adultos tienen que registrar sus huellas digitales y especificar cada dirección que han utilizado en los últimos 28 años. Adultos que no viven con documentos de inmigración en los Estados Unidos a menudo tienen miedo en esta etapa de el procedimiento de tutela. Ellos tienen miedo de que las huellas digitales o documentos presentados puedan ser usados en una investigación del DHS. La Tía Mercy tenía estatus migratorio y no tuvo miedo de ir hacia adelante, pero hay otros hogares donde un abogado pro bono tiene que explicar pacientemente que en Nueva York, estas solicitudes y peticiones no se han convertido en detenciones o referencias a las agencias de inmigración.

Varias semanas después de la audiencia inicial, llegó el día de Angélica y Mercy de tener su audiencia de tutela ante el tribunal, Angélica estaba muy preparada. Ella había hecho un cuaderno de todas sus pruebas de matemáticas y exámenes de ortografía y quería demostrarle al juez las buenas notas que saco en la escuela. El juez de la corte de familia anunció que la declaración jurada de Angelica presentada con la petición de tutela era suficiente, pero Angélica dijo que realmente quería hablar. El juez dejó testificar y Angelica dijo a la corte de lo mucho que amaba a su tía. Ella le dijo a la corte que se sentía tan segura y feliz ahora que estaba en los Estados Unidos y que le encanta ir a la escuela y le encanta volver a su casa y compartir su día con su tía Mercy. Cuando terminó, todos en la sala del tribunal tenía lágrimas en sus ojos, incluso el alguacil de la corte. El juez le concedió a la tía Mercy el título de guardián legal sobre Angélica y concedió la petición de la señora Porro de constataciones Especial de Menores de Inmigración. El tribunal consideró que Angelica cumplido con todos los criterios requeridos, esta es una elaboración de la orden de la Corte:

1. Angelica es menor de 21 años de edad.
2. Angelica es soltera.
3. Angelica depende de la corte de familia y la tutela fue emitida para cometer a Angelica al cuidado de su tía.
4. Uno o ambos padres habían abandonado, maltratado o descuidado a Angelica. En este caso, el abandono de su padre se estableció plenamente.
4. No estaba en el mejor interés de Angélica de volver a Honduras por que ningún adulto es capaz de cuidar de ella, protegerla, y ella no se le había permitido asistir regularmente a la escuela.

Fue un día muy feliz en la Corte de Familia, pero Angélica en realidad sólo había terminado una parte de su viaje hacia el estatus legal.

#### **Representación Pro Bono enfrente a la agencia de Ciudadanía y Inmigración (USCIS):**

Después de que el tribunal de familia emitió los resultados de orden especial, la señora Porro preparo una petición de visa para Angelica. Esta forma de gobierno I-360 se utiliza para calificar al niño para el Estatus Especial de Inmigrante Juvenil. Debido a que Angélica ya estaba en proceso de deportación, las regulaciones federales requieren que la petición se presente ante el USCIS. El periodo de adjudicación típico de esta petición es aproximadamente de cuatro a seis meses. La adjudicación se realiza completamente por correo y a la Sra. Porro le toco proveer a USCIS con documentación suplementaria para probar de que Angelica cumplía con los requerimientos de la visa.

#### **Regreso a la corte de Inmigración:**

Mientras se adjudicó la petición de visa, la señora Porro se presentó ante el Juez Rohan en la corte de inmigración para informarle sobre el estado del caso. Ella estuvo acompañada por Angélica porque estaba en vacaciones de verano; Juez Rohan había estado dispuesto a renunciar a la asistencia de Angélica, una vez la señora Porro entró en el caso. En esta audiencia, Angélica fue preparada y le presento de nuevo al Juez Rohan una carpeta llena de certificados de asistencia, pruebas de matemáticas, pruebas de ortografía y reportes de libros. El fiscal del gobierno también revisó la carpeta y se la devolvió a Angelica. La Sra. Porro hizo una petición para poner fin a los procedimientos de expulsión y le proporcionó al gobierno con el comprobante de la presentación de la petición de visa de inmigrante para el especial estatus juvenil. El fiscal y el juez estuvieron de acuerdo, y el Juez Rohan concedió la petición.

Today, the government is opposing motions to terminate until the USCIS has officially approved the visa petition. Thus children like Angelica may have to return to court for additional hearings. Further the DHS reluctance to terminate causes more court congestion. The Judge has to save a spot on her docket for this case and cannot add another juvenile –

creating pressures throughout the court system. And these delays are not benign for the youth. The delay can cause very real harm for a graduation-age teenager who may be unable to apply for federal financial aid for higher education prior to graduation because of the delay in adjudicating her visa petition.]

[Hoy en día, el gobierno se opone a las mociones de suspender hasta que la USCIS haya aprobado oficialmente la petición de visa. Por lo tanto los niños como Angelica tendrán que regresar a la corte para audiencias adicionales. Aún más la resistencia de DHS para terminar estos casos causan mas congestión en los tribunales. El juez tiene que guardar un puesto en su agenda para este caso y no puede añadir otros juveniles - creando presiones en todo el sistema judicial. Y estos retrasos no son benignos para la juventud. El retraso puede causar un daño muy real para un adolescente en edad de graduación que pueden ser incapaces de solicitar ayuda financiera federal para la educación superior antes de la graduación debido a la demora en la adjudicación de su solicitud de visa.]

#### **Adjudicación de la petición de la visa y nueva aplicación ante USCIS:**

Ahora que la señora Porro había terminado con éxito los procedimientos de deportación, ella fue capaz de preparar las peticiones finales y las aplicaciones para Angélica. Este proceso se llama ajuste de estatus. Para muchos inmigrantes que están en la proceso de deportación este procedimiento no está disponible debido a que entraron en el país de forma irregular. Sin embargo, el Congreso autorizó expresamente excepciones para los niños solicitantes de especial estatus juvenil inmigrante. Para completar esta etapa de la aplicación, la señora Porro, Angélica y Mercy tuvieron que preparar los datos biográficos, un examen médico para Angelica, un formulario de preguntas largas, obtener fotos y certificado de nacimiento original de Angélica. La familia también solicitó una excepción de la tasa de presentación de casi \$ 1.000. Varias semanas más tarde, todos los documentos y aplicaciones se ensamblaron y la aplicación de ajuste de estatus fue presentada. Ahora, la familia tuvo que esperar a una entrevista de ajuste de estatus para ser programado antes de la USCIS.

Aproximadamente cuatro meses después, el día de la entrevista vino, Angelica se pegó a su método probado y verdadero de proporcionar a su carpeta de certificados de logros, la tía Mercy despegó otro día en el trabajo para viajar con Angélica y la señora Porro a la entrevista de ajuste. Después de una entrevista de treinta minutos el oficial de USCIS anunció, "Felicidades Angelica, hoy usted es un residente permanente de los Estados Unidos."

De principio a fin el proceso tomó aproximadamente 14 meses, tres audiencias en la corte de inmigración, tres apariciones en la corte de familia, varios documentos presentados ante el USCIS, y al menos tres carpetas encantadoras de papeles de la escuela que presento la inconsolable Angelica.

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Soy una profesora de derecho de tiempo completo que enseña cursos de derecho tradicionales para los estudiantes de primer año y cursos de división superior en derecho administrativo y ley de inmigración. He sido una académica y una abogada de la ley de inmigración por más de treinta años. Me convertí en una profesora después de doce años de práctica de inmigración porque quería mejorar la educación y las habilidades de los abogados que trabajan en este campo y porque yo quería tener una voz en la política y el desarrollo de la ley. Pero en todos estos años y después de decenas de artículos, libros, informes, discursos y presentaciones, la obra más importante y valioso que lo que hago es mi propio trabajo pro bono - la creación y gestión del Safe Passage Project.

el proyecto de Safe Passage ha capacitado y guiado a estudiantes y abogados para servir como 'Amigos' de la Corte para cientos de niños. Después preparamos una evaluación y una estrategia para cada caso y trabajamos diligentemente reclutando y entrenando a un abogado que trabaje gratuitamente. Desde agosto de 2012 hemos visto más de 340 niños y hemos ayudado a la transición a estos niños a la representación en 268 casos; y seguimos reclutar a los abogados de los casos restantes. Entre el 13 de agosto y hoy hemos asistido detección y asesoramiento en los expedientes priorizados y hemos visto a más de 150 niños.

Afortunadamente muchos abogados se han decidido ser voluntarios. En julio, agosto y principios de septiembre cerca de 800 abogados han asistido a nuestros cursos de formación gratuitos. Entre el 15 de septiembre y hoy llevamos a cabo más entrenamientos libres y hemos asistido a mas de 1.000 abogados.[Nos habíamos presentado en las empresas nacionales de abogados que ofrecieron los programas de capacitación a sus colegas de otros estados y ciudades.] Tenemos firmes compromisos pro bono de muchos más abogados y empresas. Sin embargo, confiando en pro bono por sí sola no va a satisfacer las necesidades legales de esta población vulnerable.

Trabajo gratuito en este campo requiere una estrecha tutoría no sólo para manejar la complejidad de las interacciones entre el derecho de familia y la ley de inmigración; también hay habilidades especiales que se necesitan en el trabajo con la juventud y sobre todo con los jóvenes que se han enfrentado trauma físico real y trauma psicológico en sus países de origen o en sus viajes. Además, incluso para los niños que encuentran un hogar estable en los Estados Unidos, la integración en nuestro sistema educativo y la adaptación a las nuevas reglas del hogar puede causar mucho estrés para estos jóvenes. Los adolescentes mayores pueden sentir una presión tremenda para buscar trabajo o para abandonar la escuela para mantenerse.

Su apoyo financiero nos permitirá y a otras organizaciones comenzar de forma proactiva la representación de estos niños en la fase más temprana. Para ayudar a reclutar, entrenar y guiar a un abogado gratuito a través de los aros legales y obstáculos. Su apoyo también nos permitirá desarrollar programas especiales como el que estamos ofreciendo esta tarde sobre cómo los abogados y estudiantes de derecho pueden entender las demandas especiales de trabajo con víctimas de trauma.

Su apoyo significa el mundo para estos niños y creará capacidad en toda nuestra gran ciudad porque vamos a estar entrenando una generación de abogados y estudiantes a entender estas leyes complejas. Su apoyo es una inversión real y significativa a los derechos humanos.

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### **Que mas puede hacer el Consejo municipal?**

Otros que testifiquen hoy pueden proporcionar más información sobre las necesidades especiales de estos niños y jóvenes vulnerables. Voy a añadir un poco más a mi descripción de la necesidad de apoyo en nuestros tribunales de familia.

Como ya he mencionado, muchos de estos niños son colocados con "padrinos" después de ser liberado de la custodia federal y aprensión por el Departamento de Seguridad Nacional. Ser patrocinador federal no tiene ninguna significación jurídica distinta del adulto, se obliga a aplicar al joven a la corte de inmigración. El patrocinio no es una tutela, no es un contrato, no confiere automáticamente obligaciones legales o derechos en el adulto.

Casi todos estos niños no viven en hogares con ambos padres aquí en los Estados Unidos. Se colocan con los abuelos, tías, tíos, primos, hermanos mayores, amigos de la familia y, en algunos casos con un solo padre. Los niños necesitan de estos patrocinadores informales para obtener órdenes de tutela del Estado no sólo por el proceso de inmigración, sino porque nuestro sistema federal anticipa que nuestros expertos en nuestros tribunales de protección del niño - nuestros nuevos tribunales de familia o en algunos condados del norte del estado de nuestras divisiones familiares - tendrán la experiencia para asegurar que los niños son colocados con adultos que los apoyen y sean apropiados para cuidar del menor. Incluso en los casos en que los niños se colocan con un padre natural, puede ser fundamental para la integración, la salud de ese niño y la seguridad de que el padre natural asegure una orden de la corte de familia de haberla nombrado como único custodio o él como guardián. Hay muchos ejemplos de por qué un padre o un familiar necesita estas órdenes de custodia o tutela, pero algunos de los más urgentes son la posibilidad de inscribir al niño en el seguro de salud; la posibilidad de inscribir al niño en la escuela puede requerir prueba de que el niño viva en el hogar; la posibilidad de solicitar un pasaporte sin firmas de ambos padres; etc, pero aún más importante, nuestros abogados gratuitos lo han visto una y otra vez, la alegría que viene en la cara del niño inmigrante problemas cuando el corte oficialmente los nombres de un padre como único custodio o guardián como el protector de los niños. Estos niños, en gran parte de sus vidas no han tenido a un adulto que los cuide y este dispuesto a proteger y guiarlos. Hay un enorme poder emocional y psicológico a la concesión de la tutela de los tribunales de familia. Por lo general es un día de lágrimas de alegría.

Pero como ya he explicado que hay una razón secundaria más allá de la necesidad de atención y la planificación para estos niños, y es que nuestro gobierno federal ha delegado a los tribunales de dependencia del Estado o los tribunales de familia, el poder de hacer

constataciones de hecho sobre las necesidades de los niños inmigrantes. El estatuto federal pide que el tribunal haga constataciones que establecen los elementos de seguimiento: el niño es menor de 21 años, soltera, y ha sido abusado o abandonado o descuidado por uno o ambos padres y no es en el mejor interés del menor a ser devueltos a su país de nacimiento o de residencia, debido a que la falta de protección de los padres.

Si el tribunal de familia o juez de dependencia juvenil hace que estos hallazgos, se permite entonces el niño para solicitar un estatus de inmigrante especial. Esta situación especial le permite al niño hacer la transición de una persona frente a la deportación de un residente permanente legal.

Abogados voluntarios del Proyecto Safe Passage han representado a los niños en todos los tribunales de familia en la ciudad de Nueva York, en Nassau, en Suffolk, en Rockland, en Westchester, en Dutchess, en Putnam, en Orange e incluso hemos ayudado a los jóvenes en otros condados Norte y el Oeste. A medida que nuestra reputación de tutoría y formación ha crecido regularmente recibimos llamadas de los abogados y las iglesias e individuos en todo el estado. Muchos quieren saber acerca de los procedimientos de los tribunales de familia, los plazos y las mejores prácticas antes de que estos tribunales de familia.

Otros que testifiquen hoy probablemente explicaran la necesidad de más recursos para los abogados de inmigración entrenados para ayudar a los niños a navegar los tribunales de familia. Estoy de acuerdo con ellos. Pero también creo que tenemos un gran recurso en nuestros tribunales de familia, los paneles de nuestros hijos y nuestros abogados de derecho de familia calificados que necesitan más apoyo y capacitación para atender adecuadamente a estos niños que tiene que navegar por las brechas entre la inmigración y la ley de bienestar infantil.

Desde hace varios años ha sido el presidente del Comité de Inmigración Bar City y en calidad de tal he convocado un subcomité activa de los abogados que se cruzan en estos campos y especialidades. Juntos, nuestros abogados City Bar han ofrecido capacitaciones gratuitas en los tribunales de familia para los abogados del panel. También hemos estado construyendo diálogos con la Oficina de Administración de Tribunales y con muchos jueces administrativos y de gestión. El 6 de octubre de 2014, junto con el profesor Liebmann, me reuniré con el comité de la corte de familia para discutir las necesidades de la corte y las formas en que podemos tratar de satisfacer las necesidades de estos jóvenes inmigrantes.

financiación de las organizaciones no lucrativas a través del DYCD para ayudar a las familias necesitadas en los tribunales y a través de nuestra administración para niños. Espero que hoy podamos comenzar un proceso de evaluación de las cargas de trabajo de los tribunales de familia y que se puedan expandir de nuevo. Puede haber muchas maneras de que los fondos y entrenamiento adicionales pueden mejorar el acceso a la justicia civil, que no sólo son necesarios para que estas familias encuentren la estabilidad, pero son una parte integral del proceso de inmigración para muchos jóvenes.

He compartido varias ideas para la Asamblea del Estado en el testimonio que presenté el 16 de septiembre, pero tal vez la ciudad puede tomar la iniciativa y crear un modelo que podría ser emulada en otras regiones del estado. Por ejemplo, la Ciudad podría crear hotline donde a través de miembros pro se, el publico pueda obtener respuestas a sus preguntas sobre la presentación de peticiones de tutela y custodia. Una línea telefónica de asesoramiento técnico legal a otros abogados si la barra privada o abogados gratuitos, sería muy valiosa.

Tal vez la Ciudad podría financiar un modelo pro se de oficina, como la oficina Pro Se oficina de la corte federal que ayuda a los más de 30% de los peticionarios federales a lidiar con normas de procedimiento complejas para que sus quejas y peticiones tengan una esperanza de que pasen el escritorio del secretario de la corte.

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En conclusión, le doy las gracias por esta oportunidad de ayudar a iluminar algunos de los problemas que enfrentan los jóvenes inmigrantes y para compartir algunas ideas sobre el apoyo a nuestros tribunales de familia. Estoy muy feliz de servir como un recurso para el consejo y la ciudad, cuando explore estos asuntos aún más.

Una vez más, le damos las gracias por su liderazgo en este campo. Les puedo asegurar que los esfuerzos que está haciendo para proporcionar recursos jurídicos y tutoría gratuita transformarán muchas, muchas vidas.

Respetuosamente:

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LENNI BENSON



[Pro Bono Responses to the Needs of Immigrant Youth Facing Deportation]

New York City Council
Hearing on Unaccompanied Minors
September 29, 2014
Testimony of Professor Lenni Benson, Director Safe Passage Project
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Pro Bono Responses to the Needs of Immigrant Youth Facing Deportation

Council member Menchaca and committee members, how very grateful I am to live in New York and to have the honor to present this testimony to this committee. Law professors and advocates across the country have been watching the leadership of the New York City Council and its unprecedented support for legal representation for New York residents facing removal or deportation. Speaker Mark-Viverito, Council leaders and other government leaders such as Commissioner Nisha Agarwal and her staff, and Public Advocate Leticia James, have dedicated many hours to learning about the needs of children apprehended by the Department of Homeland Security and placed into removal proceedings. I appreciate this opportunity to thank you for your time and energy and, of course, to now ask you to listen as I describe some of the challenges these children face.

I know that many of you here today have taken the time to come and observe the removal proceedings being held just a few blocks North at 26 Federal Plaza. You have stood in the same complex security lines and taken the elevator to the twelfth floor and observed the very young children and sponsors coming to the removal hearings. A few weeks ago, I was guiding some of the Council Staff and we watched as a young boy respectfully asked the court if he should come back if he cannot find an attorney. The Immigration Judge said, "Yes, you must come back whether you find an attorney or not. You have a right to an attorney but the government will not provide one for you." The Judge continued, "Have you talked to the people outside, they are from an organization that will try to help you find an attorney." Our Safe Passage Project was the organization outside that day. We began helping children in removal proceedings for just this reason. We are part of a coalition of several providers who stepped up to try to fill a void created by the lack of a public defender system for children in removal proceedings. For many years, The Legal Aid Society, The Door, Catholic Charities, The New York Chapter of the American Immigration Lawyers Association and Safe Passage Project have been regularly offering free legal consultations and serving as the child's "friend" at the initial hearings called "Master Calendars." Every child not represented by private counsel or a nonprofit such as Kids in Need of Defense was greeted by our volunteers, interviewed and helped through the initial hearing. Children should not have to sit at a defense table alone.

But that regular juvenile docket work by Safe Passage and the other organizations was not sufficient to help all the children facing deportation. We knew that many children were being heard on other judge's dockets and we all struggled to find ways to extend our help to these children. And when the number of children apprehended and placed into removal grew this past summer, the Immigration Court told us that Washington had ordered that all children be scheduled within 21 days of the date the DHS lodged the charges with the court. Adults with children apprehended this summer were also to be scheduled on a priority docket but the court had up to 28 days to schedule those cases. The coalition of the experienced providers organized and stepped up to cover these new "Priority or Surge dockets". We recruited aid and support from the pro bono community and the experienced immigration providers such as Central American Legal Assistance, The City Bar Justice Fund, Make The Road, and VOLS. Together we called our collaboration ICARE: Immigrant Children Advocates' Relief Effort. We began August 13 and continue today. Every child or adult with children on these new fast-tracked dockets has been greeted and interviewed by members of our coalition. We have offered help and information on finding counsel; referrals for health and psychological support; we have offered information about the possibilities of qualifying for immigration status such as asylum or special immigrant juvenile status. With your leadership and help we have been able to refer people to representatives of the Department of Education to help children enroll in New York City schools and to enroll in Child Health Plus Health Insurance.

This is an excellent beginning but now the truly hard work begins. Each of children we have seen needs representation. Safe Passage Project is designed as a model of pro bono representation where we provide closely mentoring to the pro bono counsel. After our volunteers and law students have interviewed a child, we prepare a detailed assessment memoranda about the legal strategy a pro bono attorney can pursue to assist the child secure status in the United States. We find that close to 90% of the children qualify for some form of immigration relief. In approximately 60% of the cases we believe the children can qualify for Special Immigrant Juvenile Status. 40% qualify for asylum. Many children qualify for both. Others have been victims of trafficking or victims of crimes within the United States that may qualify them for protection and visas. Finally, even if none of these forms of relief are available, a child deserves the opportunity to ask for the government to consider a request for prosecutorial discretion—to request a suspension of the removal efforts and to allow the child to remain, at least temporarily due to the specific hardships and equities in the child's family situation. But all of these forms of relief require legal research, drafting of affidavits, applications and finding supporting evidence. In many the child must navigate at least two other forums, court systems or components of the DHS before the application can be completed. In my professional opinion, based on thirty years of experience, no child and few adults can competently navigate the application procedures on their own. The need for counsel is imperative. Counsel makes the promise of human rights and humanitarian protections a reality.

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## NAVIGATING THE LEGAL MAZE: A CASE EXAMPLE

To help you understand the legal procedures involved in a typical child's immigration case let me share a story of one of our clients whom I will call "Angelica." We met Angelica, a smart and bubbly 8 year old at one of our regular juvenile docket screenings. She had been apprehended at the Southern Border and held by the federal government in a shelter for children. Angelica is Honduran. Her mother had left her in the care of her grandmother and the family had not had regular contact with Angelica's father. The grandmother did the best she could to care for Angelica but she was ill and she feared for Angelica's safety if she let her go outside to walk to school alone or to play. Mostly, Angelica was made to stay at home. When we talked with her she asked for paper. She saw a big notepad and jumped up to show us that she "loves, loves, loves Math." She quickly sketched out a division problem on the note pad. "I want to go to school and learn more."

When she was in detention, Angelica's mother was afraid to ask for her release and begged a sister to sponsor her daughter. This sister, Angelica's Aunt "Mercy" agreed to do so. Mercy became Angelica's sponsor and as required brought her to her removal hearing. Angelica and Mercy immediately adored each other. Angelica's mother had not been home very much when she was young and shortly after her release to her Aunt, the mother left the family again. Phoning once in awhile but not living with Angelica or Mercy on a regular basis. When we met Mercy and Angelica and explained that we would help Mercy become Angelica's lawful guardian, both of them smiled thankfully. Mercy told us that she had tried to learn how to become Angelica's guardian but that the process seemed overwhelming.

### **Pro Bono Representation at the Master Calendar in Removal Proceedings:**

Safe Passage Project recruited an experienced pro bono attorney, Janet Porro, to help the family prepare the guardianship application. We recruited a Spanish speaking law student to work with the legal team. Part of our model is to ask students to commit to the legal work in the same way that we find pro bono counsel. Ms. Porro, the pro bono counsel guided, Aunt Mercy and prepared young Angelica for a guardianship petition in Brooklyn's Family Court. Ms. Porro had never handled any immigration matters before. She was willing to take on this case because of the involvement of the law student and supportive mentoring of the Safe Passage Project. I assisted Ms. Porro to register as an attorney with the Immigration Court and stood by her as she made her first appearance before Judge Rohan. She sought a continuance for the purpose of securing Special Immigrant Juvenile Status for Angelica. As she explained to Judge Rohan, she would be assisting Angelica's Aunt

Mercy to file a guardianship proceeding in Brooklyn Family Court and then she would seek a special order from that court needed to qualify Angelica for federal protections. Judge Rohan granted a six-month continuance and the immigration case adjourned. Step One is complete, now the family must navigate the state family court procedures.

### **Pro Bono Representation at the State Family Court:**

A guardianship petition can involve many stages in the family court but potentially the most difficult is getting the initial documents filed and then serving process on the child's parents. New York State law also involves a background check on every person living in the household with the potential guardian and the child. Adults have to be fingerprinted and to list every address they have used in the past 28 years. Adults who are not living with immigration documents in the United States are often afraid at this stage of a guardianship proceeding. They are fearful that the fingerprinting or document filings might result in a DHS investigation. Aunt Mercy had immigration status and was not afraid to go forward, but there are other households where pro bono counsel has to patiently explain that in New York, these applications and petitions have not resulted in arrests or referrals to immigration.

Many weeks after the initial filing, the day came for Angelica and Mercy to have their guardianship hearing before the court, Angelica was very prepared. She had made a binder of all her math tests and spelling tests and wanted to show the judge how well she was doing in school. The family court judge announced that Angelica's affidavit submitted with the guardianship petition was sufficient but Angelica said she really wanted to speak. The Judge let her testify and Angelica told the court how much she loved her Aunt. She told the court how safe and happy she was now in the United States and that she loved going to school and loved coming home and sharing her day with her Aunt Mercy. When she finished, everyone in the courtroom had tears in their eyes, even the court's bailiff. The judge granted Aunt Mercy guardianship over Angelica and went on to grant Ms. Porro's motion for Special Immigration Juvenile Findings. The court found that Angelica met all of the required criteria—this is an elaboration of the Court's order:

1. Angelica is under 21 years of age.
2. Angelica is unmarried.
3. Angelica is dependent on the family court and a guardianship was issued committing Angelica to the care of her Aunt.
4. One or both parents had abandoned, abused or neglected Angelica. In this case, abandonment by her father was fully established.
4. It was not in Angelica's best interest to return to Honduras as no adult was able to care for her, protect her, and she had not been allowed to regularly attend school.

It was a very happy day in Family Court but Angelica had really only completed a part of her journey toward status.

### **Pro Bono Representation before the U.S. Citizenship and Immigration Service (USCIS):**

After the family court issued the Special Findings Order, Ms. Porro prepared a visa petition for Angelica. This government form I-360 is used to qualify the child for Special Immigrant Juvenile Status. Because Angelica was already in removal proceedings, the federal regulations require that the petition is filed with the USCIS. The typical adjudication period for this petition is approximately four to six months. The adjudication is done completely by mail and Ms. Porro had to provide the USCIS with supporting documentation to prove that Angelica met the visa requirements.

### **Return to the Immigration Court:**

While the visa petition was being adjudicated, Ms. Porro appeared before Judge Rohan in immigration court to report on the status of the case. She was accompanied by Angelica because it was summer vacation; Judge Rohan had been willing to waive Angelica's attendance once Ms. Porro entered the case. At this hearing Angelica was prepared again and presented Judge Rohan with a folder full of certificates of attendance, math quizzes, spelling tests and book reports. The government prosecutor also reviewed the folder and returned it to Angelica. Ms. Porro made a motion to terminate the removal proceedings and provided the government with proof of the filing of the visa petition for special immigrant juvenile status. The prosecutor agreed and Judge Rohan granted the motion.

[Today, the government is opposing motions to terminate until the USCIS has officially approved the visa petition. Thus children like Angelica may have to return to court for additional hearings. Further the DHS reluctance to terminate causes more court congestion. The Judge has to save a spot on her docket for this case and cannot add another juvenile - creating pressures throughout the court system. And these delays are not benign for the youth. The delay can cause very real harm for a graduation-age teenager who may be unable to apply for federal financial aid for higher education prior to graduation because of the delay in adjudicating her visa petition.]

### **Adjudication of the Visa Petition and a New Application Before USCIS:**

Now that Ms. Porro had successfully ended the removal proceedings, she was able to prepare the final petitions and applications for Angelica. This process is called adjustment of status. For many immigrants who are in removal this procedure is unavailable because they entered the country irregularly. However, Congress specifically authorizes waivers for children seeking special immigrant juvenile status. To complete this stage of the application, Ms. Porro, Angelica and Mercy had to prepare biographical data, a medical exam for Angelica, a lengthy questionnaire form, obtain photos and Angelica's original birth certificate. The family also sought a waiver of the nearly \$1,000 filing fee. Several weeks later, all the documents and applications were assembled and the adjustment of status

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application was filed. Now the family had to wait for an adjustment of status interview to be scheduled before the USCIS.

Approximately four months later, the interview day came, Angelica stuck to her tried and true method of providing her folder of certificates of achievement, Aunt Mercy took off another day from work to travel with Angelica and Ms. Porro to the adjustment interview. After a thirty minute interview, the USCIS officer announced, "Congratulations Angelica, today you are a permanent resident of the United States."

From start to finish the process took approximately 14 months, three hearings at the immigration court, three appearances at the family court, two filings with the USCIS, and at least three lovely binders of school papers presented by the irrepressible Angelica.

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I am a full time law professor who teaches traditional law courses to first year students and upper division courses in administrative and immigration law. I have been a scholar and attorney of immigration law for over thirty years. And I became a professor after twelve years of immigration practice because I wanted to improve the education and skills of attorneys who worked in this field and because I wanted to have a voice in the policy and development of the law. But in all those years and after dozens of articles, books, amicus briefs, speeches and presentations, the most important and valuable work that I do is my own pro bono work – the creation and management of The Safe Passage Project.

Safe Passage Project has trained and mentored students and attorneys to serve as Friend of the Court for hundreds of children. We then go on to prepare an assessment and strategy for every case and work diligently to recruit and train pro bono counsel. Since August of 2012 we have seen over 340 children and help transition these children to representation in 268 cases; we continue to recruit counsel for the remaining cases. Between August 13 and today we have assisted screening and counseling at the surge dockets and have seen over 150 children.

Happily many attorneys are coming forward to volunteer. In July, August and the beginning of September nearly 800 attorneys have attended our free trainings. Between September 15 and today we conducted more free trainings and more than 1,000 attorneys attended or listened remotely to these trainings. [At several of these trainings we presented at national law firms who offered the training programs to their colleagues in other states and cities.] We have firm pro bono commitments from many more attorneys and firms. Yet relying on pro bono alone will not meet the legal needs of this vulnerable population.

Pro Bono work in this field requires close mentoring not only to handle the complexity of the interactions between family law and immigration law; there are also special skills needed in working with youth and particularly with young people who have faced real

physical and psychological trauma in their countries of origin or on their journeys. Further, even for the children who find a stable home in the United States, the integration to our education system and adapting to the new rules of the household can cause a lot of stress for these young people. Older teens may feel tremendous pressure to seek work or to drop out of school to support themselves.

Your financial support will enable us and other organizations to proactively begin the representation of these children as early a stage as possible. To help recruit, train and mentor pro bono counsel through the legal hoops and hurdles. Your support will also allow us to develop special programs like the one we are offering this evening on how attorneys and law students can understand the special demands of working with victims of trauma.

Your support means the world for these children and will build capacity throughout our great city because we will be training a generation of attorneys and students to understand these complex laws. Your support is a real and meaningful investment in human rights.

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### **Is there more the City Council can do?**

Others testifying today may provide more background into the special needs of these vulnerable children and youth. I am going to add a bit more to my description of the need for support in our family courts.

As I mentioned, many of these children are placed with "sponsors" after being released from federal custody and apprehension by the Department of Homeland Security. Being a federal sponsor has no legal significance other than the adult agrees to bring the young person to immigration court. The sponsorship is not a guardianship, it is not a contract, it does not automatically confer legal obligations or rights upon the adult.

Almost all of these children do not live in two parent households here in the United States. They are placed with grandparents, aunts, uncles, cousins, older siblings, friends of the family and in some cases with a single parent. The children need for these informal sponsor to obtain state guardianship orders not just because of the immigration process but because our federal system anticipates that our experts in our child protection courts – our new Family courts or in some upstate counties our Family divisions – will have the expertise to ensure that the children are placed with supportive and appropriate adults. Even in cases where children are placed with a natural parent, it may be critical to that child's integration, health and safety that the natural parent secure a family court order naming her as sole custodian or him as guardian. There are many examples of why a parent or relative needs



these orders of custody or guardianship but some of the most pressing are the ability to enroll the child in health care insurance; the ability to enroll the child in school may require proof of the child residing in the home; the ability to apply for a passport without both parent's signatures; etc. But even more importantly, our pro bono lawyers have seen time and time again, the joy that comes into the face of the trouble immigrant child when the court officially names a parent as sole custodian or a guardian as the protector of the child. These children have, largely not have the care and stability of adults who are publically committing to protect and guide them. There is a tremendous emotional and psychological power to the granting of the guardianship in family court. It is usually a day of joyous tears.

But as I explained there is a secondary reason beyond the need for care and planning for these children, and that is that our federal government has delegated to the state dependency courts or family courts, the power to make factual findings about the needs of immigrant children. The federal statute asks that the court make findings that establish the follow elements: the child is under 21, unmarried, and has been abused or abandoned or neglected by one or both parents and it is not in the best interest of that child to be returned to his or her country of birth or residence due to that lack of parental protection.

If the family court or juvenile dependency judge makes these findings, the child is then allowed to petition for a special immigrant status. This special status allows the child to transition from someone facing deportation to a lawful permanent resident.

Safe Passage Project volunteer attorneys have represented children in all the family courts in the city of New York, in Nassau, in Suffolk, in Rockland, in Westchester, in Dutchess, in Putnam, in Orange and we even have assisted young people in other counties North and West. As our reputation for mentoring and training has grown we regularly receive calls from lawyers and churches and individuals across the state. Many want to know about family court procedures, timing, and best practices before these family courts.

Others testifying today are likely to explain the need for more resources for trained immigration attorneys able to help the children navigate the family courts. I agree. But I also believe we have a great resource in our family courts, our children's panels and our skilled family law attorneys who need more support and training to adequately serve this the child who has to navigate the gaps between immigration and child welfare law.

I have for a number of years been the chair of the City Bar Immigration Committee and in that capacity have convened an active subcommittee of attorneys who cross these fields and specialties. Together, our City Bar lawyers have offered free trainings in the family courts for the panel attorneys. We have also been building dialogues with the Office of Court Administration and with many administrative and managing judges. On October 6, 2014, together with Professor Liebmann, I will meet with the family court committee to discuss the court's needs and ways that we can try to meet the needs of these immigrant youth.

Recently the State Legislature expanded funding for the family courts creating new judgeships and expanding funds for the entire system. The City of New York makes a

difference in these courts by funding nonprofits through the DYCD to help families in need in the courts and through our Administration for Children. I hope that today we can begin a process of evaluating the work loads of the family courts and expand again. There may be many ways that additional funds and training can improve access to civil justice that not only are needed for these families seeking stability but also are an integrated part of the immigration process for many young people.

I have shared several ideas for the State Assembly in testimony I presented on September 16 but perhaps the City can take the lead and create a model that could be emulated in other regions of the state. For example, the City might create hotline where pro se members of the public could get questions answered about filing guardianship and custody petitions. A hotline for legal technical advice to other attorneys whether the private bar or pro bono attorneys, would be very valuable.

Perhaps the City could fund a model pro se office, such as the federal court Pro Se office which helps the more than 30% of federal petitioners grapple with complex procedural rules so that their complaints and petitions have a hope of making it past the court clerk's desk.

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In conclusion, I thank you for this opportunity to help illuminate some of the issues facing immigrant youth and to share a few ideas about supporting our family courts. I am very happy to serve as a resource for the council and the city as it explores these matters further.

Once again, we thank you for your leadership in this arena. I can assure you that the efforts you are making to provide legal resources and pro bono mentorship will transform many, many lives.

Respectfully submitted:

Lenni B. Benson

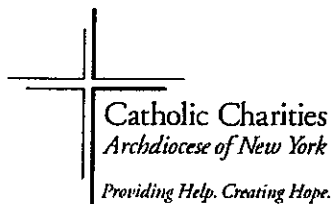
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Testimony of Professor Lenni Benson, Director, Safe Passage Project
September 29, 2014



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**NEW YORK CITY COUNCIL
COMMITTEES ON IMMIGRATION AND
ON COURTS AND LEGAL SERVICES**

**PUBLIC HEARING ON: "CRISIS OF UNACCOMPANIED IMMIGRANT
CHILDREN: WHAT IS NEW YORK CITY DOING?"**

**TESTIMONY BY MSGR. KEVIN SULLIVAN, EXECUTIVE DIRECTOR
CATHOLIC CHARITIES, ARCHDIOCESE OF NEW YORK**

SEPTEMBER 29, 2014

INTRODUCTION AND OVERVIEW

Good afternoon, Chairman Menchaca and members of the Committee on Immigration, and Chairman Lancman and the members of the Committee on Courts and Legal Services. I am Msgr. Kevin Sullivan, Executive Director of Catholic Charities, Archdiocese of New York. I am pleased to speak about the work of Catholic Charities with unaccompanied minors and about why the arrival of these children presents challenges and opportunities for us as a nation and as a city.

Before I begin, I wish to extend the deep gratitude of Catholic Charities and of its partners—whom you will hear from today—for the swift support this Council gave last week to legal service providers on the juvenile dockets at the immigration court. This is a critical first step in improving the lives of over 1,000 vulnerable children. And it is an innovative first step that bringing together public and private resources. We thank you.

CATHOLIC CHARITIES BACKGROUND

Let me also say a few words about Catholic Charities and its Immigrant and Refugee Services. For nearly 100 years the Catholics Charities of the Archdiocese of New York has worked to help immigrants and refugees fleeing persecution and abuse to find a safe haven in the United States, reunite with their families legally, obtain proper work authorization, apply for naturalization, learn English and civics, and better integrate into the US workforce. Because of the extent of its work with immigrants and refugees, Catholic Charities recently

merged five important programs, which recently relocated as a new Division at 80 Maiden Lane. They are: Immigration Legal Services, the Unaccompanied Minors Program, Refugee Resettlement Services, the multilingual New Americans Hotline (formerly the New York State Immigration Hotline), and the International Center, which offers over 45 courses in english and culture at any given moment. Beyond its work with immigrants, Catholic Charities engages a broad range of services that, through a federation of over 90 agencies, include:

- Protecting and Nurturing Children & Youth
- Feeding the Hungry and Sheltering the Homeless
- Strengthening Families and Resolving Crises, and
- Supporting the Physically and Emotionally Challenged

OVERVIEW

Children who arrive in the United States alone are referred to as “unaccompanied children” or “unaccompanied minors”. The terms—UAC or UAM—are defined in the law as a child who has no lawful immigration status in the United States, is under 18 years old, and with respect to whom there is no parent or legal guardian in the United States who is available to provide care and physical custody.

The most important procedural law affecting unaccompanied children is the Trafficking Victims Protection Act, which was signed into law in 2000 to address human trafficking problems. It was reauthorized in 2003, 2005, 2008, and 2013. It is now referred to as the TVPRA. Under 2008 provisions, the TVPRA requires that heightened protections be given to children from non-contiguous countries so as to screen them as potential victims of human trafficking. Thus, once apprehended and processed at the border by Customs and Border Protection, children from non-contiguous countries are placed into the custody and care of the the federal Office of Refugee Resettlement, a division of the Department of Health and Human Services. Children from Mexico for example, are interviewed by CBP and, absent indications of trafficking, are summarily returned. Notably, the TVPRA requires HHS to ensure “to the greatest extent practicable” that unaccompanied children in HHS custody have counsel.

Unaccompanied minors may qualify for protection or reunification under a variety of immigration laws, but the most common are Asylum, Special Immigrant Juvenile status, U-Visa status, and T-Visa status. Children arriving today are not eligible for Temporary Protected Status or for Deferred Action for Childhood Arrivals.

THE INFLUX OF CHILDREN

Our collective witness of children fleeing their home country to find refuge and reunification in the United States is a first-of-its kind in our nation's history. For this very reason, it calls for special care and attention, for a set of new legal and human services responses. We know that many tens of thousands of children will be seeking protection in the United States this coming year alone; estimates put the number of children who will be apprehended at the border at over 75,000, including children from Mexico. This fiscal year, beginning in October 2013 and through August 2014, well over 57,000 children will have been apprehended and temporarily relocated to one of many shelters in the United States, sixteen of which are in New York State and which Catholic Charities' legal team serves each day. The majority of children (85%), according to the UNHCR and consistent with our own data, are reunifying with a relative. Almost 11% -- well over 6,000 -- will resettle in New York State, second only to Texas.

There is no simple answer to the question why children are fleeing in these numbers. Reports point to a host of factors that have produced a combined force. Crime, gang violence, poverty, domestic violence and neglect, the need to find stability and the desire for reunification with family or relatives abroad. Recently, smugglers have falsely marketed legal safe haven in America. This is a problem, but neither this nor any other factor necessarily can be pointed to as the single cause. And, certain facts are undeniable: most, more than 75% of children, come from Honduras, El Salvador, and Guatemala, which are, respectively the first, fourth, and fifth countries with the highest murder rate in the world. Children from Mexico, once the largest group, now make up less than a quarter of the total. A small number come from 43 other countries. Not coincidentally, in 2009, the year when murder and crime rates in those countries began to increase, the rate of child migration to the United States also began a proportional and dramatic rise. The UNCHR and our own analysis confirms that, conservatively, almost two-thirds of children have strong claims for protection under international and domestic law. Like millions of refugees in history, these children flee their home countries because of threats to their physical and existential well-being. They come to the United States because it is a place of safety where many have an existing connection.

The unaccompanied minors, and their families, are among the most vulnerable and needy migrants and refugees that we have ever encountered. Many have suffered physical and sexual violence and abuse at home or on the journey here. Many have experienced severe social, physical, and material deprivations as a result of poverty and disintegrating governmental structures overcome by organized crime. Recent articles, such as *Young Carlos*

in NY Magazine two weeks ago, recount horrors children have experienced in their young lives. Their families in the United States, often, have minimal resources and status in the United States. A generation of children, many of whom have the potential to become productive citizens of New York, are at risk of becoming lost to us.

CATHOLIC CHARITIES' WORK WITH UNACCOMPANIED MINORS

Since 1979 Catholic Charities has helped Unaccompanied Minors seeking refuge or reunification with a family member in the United States. Whether resettling Chinese children through its Unaccompanied Refugee Minors program, adjusting the status of children under laws for Cuban, Haitian, and Central American refugee families, resettling victims of trafficking from Africa, Asia, and Eastern Europe, processing Deferred Action for Childhood Arrivals, or assisting persecuted, abandoned, and abused children with Special Immigrant Juvenile status and asylum relief, Catholic Charities has been a constant and leading advocate ensuring their protection and welfare.

Today, Catholic Charities is one of the largest providers of services to unaccompanied children in the United States, with the capacity to marshal a significant response that helps the maximum number of children in the broadest geographic zone. Catholic Charities has been developing this program for almost a decade. Starting in 2006 the agency began working with the Office of Refugee Resettlement (ORR) and private partners to provide legal and human services to about 100 children in one shelter; this year, Catholic Charities will assist over 4,000 children in over a dozen shelters, covering nearly 1,000 beds in the Lower Hudson Valley, New York City, and Long Island. This is where 95% of children in federal custody in New York State are sheltered.

But this is only a part of the children who find themselves in New York. Most children who relocate in New York State—who are released by the federal government to a parent or custodian here—have been transferred from shelters in other states: California, Texas, Virginia, Michigan. We have heard that over 3,300 children were released in New York State during the first six months of this calendar year. How many more children will come in the next months and how many more are already here is not clear but we know it to be many thousands. And, this much we know too: 1/3 of children released in New York State go to reunify with a parent or custodian in New York City. As has always been true, New York City is, again, a place to which the hopeful and the vulnerable go because they know they will find family and community and a future.

For this reason, because children's needs are human needs and extend beyond legal status alone, Catholic Charities has committed itself to providing a comprehensive range of services to unaccompanied children on a large scale. This includes know-your-rights presentations, consultations, and legal representation to kids in detention, legal representation at the "surge" juvenile dockets, in-person and telephonic orientations to parents and custodians in communities throughout the New York region, post-release case management follow-up, coordinated medical-legal clinical support, and English instruction and cultural orientation.

Our Programs

Assist Children in Detention. Catholic Charities' team of lawyers, paralegals, and caseworkers provide crucial legal and support services to children, whose ages range from seven to seventeen, while they are detained in temporary, federal shelter care and are awaiting reunification with a relative or transfer to foster care. The team travels to over a dozen privately-owned regional facilities with a collective near 1,000 bed capacity and gives the kids age-appropriate and tailored presentations on their legal rights, on what they can expect in the deportation process, and on how to begin to prepare for release and reunification. It is expected that in the coming year Catholic Charities will encounter over 4,000 children in this way. The presentations are a first step towards making children more comfortable with the judicial and detention processes. The team then meets with each child and conducts an in-depth legal consultation to determine what relief under the immigration laws is available. At the same time, case managers provide follow-up support to help children transition out of shelter care and offer young girls and mothers a short education program on recognizing gender violence and abuse. These are critical tools children will need to help them better integrate.

Provide Immigration Court Defense. Catholic Charities' legal services program provides quality, no-fee deportation defense to children who are in immigration court proceedings. These services are offered to families in the New York City region and in seven upper counties in the Lower Hudson Valley. In response to the recent influx of children crossing the border, the agency has increased services in two important areas. First, beginning in August 2014 and through ORR, Catholic Charities has committed to offer free legal representation to *any* child released from a New York shelter to a sponsor in the New York area, including Long Island. This could potentially mean as many as 600 children in the coming year. Second, as this Council well knows, beginning in August 2014 and in response to federal policy mandating that court proceedings of children be expedited, the agency joined with New York City non-profit partners to create ICARE, which covers initial, daily court appearance and screening for every child—regardless of what state she is released from—who is ordered before a judge on a juvenile docket.

Assist Parents and Custodians with Information. Recognizing the need for quality, immediate, and broadly available information for families and caregivers, Catholic Charities offers the following:

- The national *LOPC* (Legal Orientation for Parents and Custodians) *Children's Call Center*, [1-888-996-3848](tel:1-888-996-3848) (9am-8pm weekdays), with a staff of counselors who provide general information in over 200 languages about court, resources, and rights to any caregiver or unaccompanied child in the United States.
- Caseworkers provide three weekly live *LOPC Know-Your-Rights* at its offices, which are attended by over 70 families each month. Since August 2014, Catholic Charities has temporarily shifted its operations to the immigration court, where it presents twice-daily LOPC orientations to caregivers and children on the expedited juvenile dockets. These LOPC sessions have proven to be a powerful and successful tool for educating, orienting, and reassuring vulnerable families who want to help their children navigate the legal process.
- The *New York State New Americans Hotline*, [1-800-566-7636](tel:1-800-566-7636) (9AM-8PM weekdays, 200 languages), a statewide information and referral line operated by CATHOLIC CHARITIES through New York State's Office for New Americans. The Hotline is a resource for non-citizens throughout New York State, providing free, multilingual, confidential, and reliable information on immigration benefits and available services. The Hotline answers about 23,000 calls each year and performs the important function of protecting immigrants from fraud.

Help Families and Children Reunify and Resettle. Catholic Charities understands that the migration of vulnerable people requires the coordination of legal support with human and social support. It does this through a few important initiatives:

The *Safe Passages Family Reunification* program coordinates a team of caseworkers and social workers who assist in the release and reunification of children with family members by providing guidance to custodians of children with special needs. Over the first six months of release, the team ensures the child's basic needs are being met, including assistance with school enrollment, counseling and low-cost/free medical services, complying with immigration court hearings and appointments, and community orientation and referrals to local resources.

A second program, *Terra Firma*, is a medical-legal partnership run by CCCS in conjunction with the Children's Health Fund, where *legal* services create a starting-point for rebuilding young lives and are bolstered by free pediatric care, individual

therapy, and a psychosocial support group for unaccompanied children to share personal stories of trauma, acculturation, and resilience with others just like them. *Terra Firma* also provides social services and supports, including academic tutoring, English classes, resume-building, housing assistance, emergency food, and cultural integration programs. *Terra Firma* also collaborates with South Bronx United, a community-based non-profit organization that uses soccer as a tool for social change to promote educational achievement, health and wellness, and character development. This medical-legal partnership provides a safety net for unaccompanied minors so that fewer fall through the cracks or end up detained, deported, or worse. It is a first-of-its kind in the United States and is recognized by the National Center for Medical-Legal Partnerships.

Help With English and Cultural Integration. Catholic Charities' *International Center* is a center—a “home away from home” as described by some—of learning and integration for New York’s newcomers, including children and young adults. The International Center is staffed by over 200 volunteers and offers over 40 weekly classes and courses in ESL and U.S. culture, including one-on-one conversation partnerships. The Center serves over 1,000 newcomers each year. Young people, including documented and undocumented alike, receive these services, as they are given the help they need to overcome cultural and linguistic barriers and build their capacity to better participate in civic and economic life.

THE NEED

Catholic Charities’ work and the work of its many colleagues and partners is just a beginning and the immediate need for increased, critical legal and human services and supports cannot be overstated. We call for:

- \$7.92M per year for comprehensive case management and transitional support follow-up for 2,200 children and their families
- Baseline support for legal services for children, to ensure that cases are followed through to completion, which may require 24 or more months
- Support for expanded legal representation and orientation for children and parents/custodians who may not meet the “Unaccompanied Alien Child” definition (children who entered with a parent)
- Developing and supporting legal-medical partnerships and clinics, such as *Terra Firma*

CONCLUSION

The arrival of Unaccompanied Minors/Children is not a recent phenomenon, but the scale of the present migration is unprecedented. Catholic Charities has a longstanding, comprehensive knowledge of the humanitarian plight faced by immigrants, including unaccompanied minor children. For more than a century we have served newcomers from more than 100 countries of all religions with legal, educational and social services.

We look forward to continuing this work and partnering with the New York City Council to address this humanitarian crisis.

New York City Council Hearing on Unaccompanied Minors
Testimony of the New York Immigration Coalition
September 29, 2014

Dear City Council Members:

Thank you for the opportunity to testify before you today. The New York Immigration Coalition is an umbrella advocacy organization that represents nearly 200 members and partners. Since early this summer, when numbers released by the Federal Government highlighted the sudden spike in children's arrivals from El Salvador, Honduras, and Guatemala, the NYIC has worked to convene stakeholders across the city and the state to identify and respond to the needs of not only these children, but the communities that receive them. To date, New York has received the second highest number of children in the country – nearly 5,000 since October, 2013, a quarter of which have come to New York City.

Since convening our first working group meeting in early July 2014, the NYIC has hosted regular meetings of providers who serve one or more of the four broad categories of needs identified by our working group: legal, health, educational, and social services. We have also advocated at the city, state, and federal level for better resources to be allocated to these children. Finally, in partnership with community based organizations, city and state agencies, and legal service providers, we began holding bi-monthly Youth Assistance Fairs in July. These events, which take place in the communities with the largest amount of unaccompanied children, offer legal screenings along with representatives from schools, health care providers – including mental health – and a wealth of social services such as English classes, recreational opportunities, guidance and support for victims of trauma, etc. Finally, the NYIC has been tapped by the Federal government to launch a special Justice AmeriCorps program to have several attorneys and paralegals placed at key organizations serving these children.

Throughout this work, the NYIC has identified several key areas where New York City could and should respond.

First and foremost, these children need lawyers. We commend the City Council for partnering with private foundations and making a substantial investment in legal representation for 1,000 of the children over the next year. However, now that the immediate need has been met, we must ensure that on going systems are put in place to continue to support the children and the lawyers who represent them. The average length of an immigration court case in New York City is 582 days, according to the Transactional Records Access Clearinghouse, but in reality most cases where an application for relief has been filed take three to four years. Moreover, up to eighty percent of these children may qualify for relief, which will allow them to remain in the United States indefinitely. This means that systems must be put in place to continue providing continuing legal representation for the children, and also linking the children to already-existing social, educational, and medical services.

Unrestricted, civil defense services for immigrants have been historically underfunded, leaving the most vulnerable immigrants who come to our city – refugee children – defenseless against an archaic, overly-complicated deportation system. The immigration reform bill that passed the Senate in 2013 included mandatory representation for children in deportation proceedings. Attorney General Eric Holder has himself come out in support of mandated representation of youth in removal proceedings. Faced with the lack of action by Washington, New York City must take the lead and fulfill that broken promise.

Second, the City must assure that funding is provided to schools and other services to integrate these children into their communities. Schools play a critical role in the life and development of any child, but in the cases of recently arrived unaccompanied minors, their function is invaluable. Only school staff, including teachers, guidance counselors, and other staff will see each child every day and can track their progress, their adjustment into a new county and a new home, and identify issues such as abuse or trafficking. Therefore, schools must be given the proper tools to support these children, who have suffered trauma and hardships much beyond what they are used to seeing.

Third, in addition to education, it is critical to meet these children's physical, mental, and oral health needs. Pediatricians can play a key role in serving as a medical home that will coordinate various types of physician and behavioral health services. They should receive guidance in identifying and referring minors to appropriate services. Most children are immunized while in the custody of the Office for Refugee Resettlement. However, there have been reports of immunization records getting lost or not being attached to release documents, making it hard for children to enroll in school.

Moreover, most children and their families are not aware of the different resources available to them for health services and coverage. Thus, an aggressive outreach campaign is necessary to ensure that children take advantage of their ability to enroll in Child Health Plus. In addition, access to behavioral health services addressing trauma will be especially important for this population, who maybe more likely to have post-traumatic stress disorder.

Finally, social support for both the children and their families will be critical. Though most children are reunited with family members, this often does not mean a happy ending. The children are sometimes unexpected additions to overburdened, struggling households. Even when the reuniting guardian is a parent, there can be feelings of resentment, abandonment, and other issues. There are increasing reports of children being pushed out of homes or running away, of being held out of school to work and bring in a supplemental income, and of suicidal ideations or other signs of deep depression. The City must create networks designed to promote the welfare of these children and families so that they do not become a lost generation, but instead grow from their difficult beginnings to contributing members of our communities.

The NYIC believes that the City Council can play a key role in this effort. With sufficient resources, we can make sure that these children will not be wards of the state, but instead become the dynamic, thriving immigrant achievers that have enriched New York State from its birth – and the Council can play a signal role in ensuring that these resources are there. And just as importantly, the City Council can also make a public statement that New York is a welcoming state, that opens its arms to newcomers and is not afraid of welcoming the stranger, and that the promise that Lady Liberty extends to the world remains alive and well today for these children.

Respectfully,

Elizabeth Plum
Director of Special Projects



Testimony of Kathrine M. Russell
Before
New York City Council's Committee on Immigration
Regarding
the role of Holistic Public Defense and the New York Immigrant Family Unity Project in
assisting unaccompanied immigrant children

September 29, 2014

Thank you for this opportunity to testify today. I'm Kathrine Russell, Immigrant Youth Project Attorney at Brooklyn Defender Services (BDS). As you probably know, BDS provides holistic criminal defense services to Brooklyn residents, and thanks to the City Council's visionary leadership, we also help to provide universal representation for detained New Yorkers in immigration proceedings through the New York Immigrant Family Unity Project (NYIFUP).

I have worked with unaccompanied minors ever since graduating from law school in 2008. I first spent three years on the U.S.-Mexico border in Harlingen, Texas, working with hundreds of young people detained by the Office of Refugee Resettlement (ORR). Prior to joining BDS, I was a Pro Bono Coordinator at Kids in Need of Defense (KIND) here in New York, a national organization working to train and mentor attorneys at large law firms to represent children in immigration proceedings.

At Brooklyn Defender Services, I am able to bring this experience to help some of the most vulnerable unaccompanied children in New York—those who did not initially have the benefit of a caring sponsor or a zealous pro bono attorney. These are the children who “fall through the cracks,” the ones who never show up to immigration court because they have no one to take them or because they are afraid, the ones who do not go to school because they need to work to survive, the ones who are truly “unaccompanied” in every sense of the word. Unfortunately, we encounter these children, some of whom have now grown into very young adults, not through ORR, not through their schools, and not through the immigration court, but through the criminal justice system, where they are facing immediate deportation despite only very minor arrests.

I would like to tell you the story of “Antonio,” an example of the critical difference that immigration attorneys within a public defender system can make for immigrant youth who might not otherwise receive services:

Antonio is a young man who just turned 19 years old in August. When Antonio was just 15 years old, he left his home in the mountains of Sololá, Guatemala after enduring years of horrific verbal and physical abuse by his father. Antonio had to start working with his father in carpentry when he was only 10 years old, and his father would often hurt him when he could not perform the work with the same skill as an adult. After 6th grade, Antonio’s father made him drop out of school so that he could work full-time to support the family.

When Antonio entered the U.S. in 2011, he, like the thousands of children being released to New York today, was caught by Border Patrol and detained in the custody of ORR in south Texas. He was released to a sponsor, his maternal aunt in Brooklyn, but neither Antonio nor his aunt understood that he had to go to immigration court, and unbeknownst to him, he was ordered removed *in absentia* a month after his 16th birthday. Antonio also never went to school because like many Guatemalan young people, he felt a responsibility to work in the United States in order to support his younger siblings in Guatemala, who were still enduring abuse at the hands of their father. From ages 15-18 he worked without employment authorization in construction in New York and New Jersey.

When Antonio was eighteen, he was arrested by police after trying to break up a fight between two of his friends over a cell phone. When Antonio was arrested and placed at Riker’s Island, he learned that he would not be able to be released even if his extended family could pay bail, because of the deportation order from age 16 that he did not know he had. While at Riker’s, Antonio broke down in tears, telling us that he considered suicide because gang members in the jail were harassing him, and because he was so desperately scared about returning to Guatemala. Even after Antonio pled guilty to disorderly conduct, a non-criminal violation, he was immediately transferred to ICE custody in New Jersey. My colleagues and I are working zealously for Antonio to be released so that he can finally pursue Special Immigrant Juvenile Status and begin studying for his GED.

BDS applauds the groundbreaking actions of the City Council to provide legal representation to unaccompanied minors before the “Juvenile and “Surge” immigration court dockets, and we also applaud the Mayor’s Office of Immigrant Affairs for working to connect these young people with information about health care and school enrollment.

To go back to our client, Antonio, unfortunately he is an example of a young person who is particularly vulnerable and who would have been difficult to reach, if at all, through the immigration court system. He is a stark reminder that the children who are receiving *in absentia* deportation orders at the new “rocket dockets” will not simply disappear, but will be living lives even further in the shadows here in New York. He also reminds us that while all unaccompanied children eventually turn 18, that does not mean that their vulnerabilities disappear. In fact, the U.S. government and the New York state courts recognize that neglected and abandoned young adults like Antonio are deserving of special protection through Special Immigrant Juvenile Status up until not their 18th, but their 21st birthdays. BDS attorneys, through my project as well as through NYIFUP, work hard on behalf of vulnerable youth over 18, including many in ICE and criminal custody, who may be eligible for long-term immigration benefits like Special Immigrant Juvenile Status, asylum, and U-visas. Earlier this year, for example, one of our NYIFUP attorneys filed an application for Special Immigrant Juvenile Status for Edgar, a 20 year-old young man from Mexico, who had entered the U.S. as an unaccompanied child at age 14. BDS was also able to affirmatively file for Special Immigrant Juvenile Status for Edgar’s younger sister Dulce, age 19. All of these young people are now on their way to earning their green cards and hopefully someday becoming U.S. citizens.

BDS thanks the Council for its attention to the recent surge of unaccompanied children being released to the New York area, and we thank the Council for its continued commitment to promoting access to justice for all immigrant New Yorkers. We ask the Council to be mindful of the need for legal counsel for these young immigrants at all stages of their lives here in the U.S.—not only immediately following their release from ORR custody, but for the years thereafter, when they may find themselves again facing deportation, now as vulnerable young adults who have already started to build lives in the U.S.

I hope we have conveyed to you the tremendous importance of providing continuing services for child immigrants, and a continuum of access to justice for immigrants of all ages, through innovative programs like NYIFUP and holistic public defense. Thank you for your time.

VOLS



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Marcia Horowitz

Judith S. Kaye

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Oversight: Crisis of Unaccompanied Immigrant Children: What is New York City Doing?

NEW YORK CITY COUNCIL COMMITTEE ON IMMIGRATION TESTIMONY BY VOLUNTEERS OF LEGAL SERVICE

Monday September 29, 2014 at 1:00pm

My name is Elizabeta Markuci and I am an immigration lawyer and the Director of the Dream Not Deferred Immigration Project at Volunteers of Legal Service (VOLS).

VOLS has been partnering with leading law firms across the city for the past thirty years to provide pro bono opportunities serving a variety of populations, including incarcerated mothers, people who have been denied unemployment benefits, the elderly, and children who face civil legal issues that affect their health or education.

The Dream Not Deferred project grew out of our immigration work with the VOLS School-based Children's Project, when at our monthly legal clinics, we discovered students whose families had never actively sought legal assistance, and had a viable form of immigration relief.

Our project serves immigrant students in high schools who are pursuing higher education and legal employment. This project is designed to: (1) identify high school students who need legal assistance to obtain, or retain, lawful immigration status; (2) recruit, train and mentor pro bono lawyers to provide legal services to students with viable immigration relief; and (3) provide "know your rights" information to immigrant students, including those currently unable to regulate their immigration status.

Bill Lienhard
Executive Director

Sara Effron
Associate Director

Dave Fillingame
*Director,
Unemployment Insurance
Advocacy Project*

Alexander H. Ryley
*Director,
Elderly Project*

Elizabeta Markuci
*Director,
Immigration Project*



VOLS works in collaboration with guidance counselors, college advisers and other school staff on outreach efforts to create awareness about the challenges immigrant students face, and to build trust with students and families to encourage them to seek legal assistance. My organization has already been receiving requests for help at our legal clinics, from both unaccompanied children, and mothers who were recently apprehended at the border with their children, and subsequently released in New York.

Currently, I, along with Eve Stotland of The Door, serve as the Immigration Subcommittee co-chairs, of the New York City Bar Pro Bono Committee. Earlier this month, the Chair of the ABCNY Pro Bono committee, Brenna DeVaney, pro bono counsel at Skadden, Arps convened a meeting with local non-profit providers, in order to gain insight as how our committee can best work with the non-profit groups to utilize the resources of some of the city's major law firms and corporation counsel to support the current efforts of those serving this vulnerable population, including collecting MetroCard donations. The committee will continue to partner and collaborate with those groups leading the work to provide the best representation possible to these young people.

But I also come to this hearing with a different perspective, after spending three years as the co-chair of the New York Chapter of AILA and volunteering my time every month to recruit, train and mentor volunteer lawyers to screen and/ or represent unaccompanied minors. In my previous experience in this role, I have observed a need to not simply recruit volunteers, but how critical it is to vet volunteers. Many people may want to help, but over time become daunted by the practical challenges of representing a young person with little income, some of whom may not be able to afford paying for a process server or the other costs associated with bringing forth a legal claim. Although we have heard that a surprisingly high number of youth have come to their first master calendar hearing represented by private counsel, it is not uncommon that over time the legal fees become too great a burden, and the youth may find that they can no longer afford counsel, and therefore will seek free legal assistance later in the process. Some may also be unknowingly seeking the assistance of notarios or unscrupulous practitioners and it may be beneficial for the City to create better resources or edit the existing materials to educate youth and families about their rights to adequate representation.

I am also keenly aware of the extensive resources required to train and provide on-going mentoring for new lawyers that are not familiar with either immigration or family law, and I recommend that any city funding allocations take into account the limited pool of



experienced lawyers who can serve as mentors for the inexperienced lawyers who are willing to step up and volunteer to represent unaccompanied children facing expedited removal proceedings.

Furthermore, as the Director of a project that has seen law firms provide extraordinary representation for immigrant youth and their families, I am also keenly aware of the limitations of pro bono in serving this population given the unexpected obstacles that can arise that threaten the legal services being provided but are not legal in nature.

Organizations that support youth in a more holistic manner, providing counseling or access to social workers should be prioritized in terms of funding allocation.

In addition, the City should look more closely at how schools can serve as a conduit for youth to obtain critical legal services. Although we have seen some efforts in hosting large scale one-time clinics at schools, in my experience, there are many individuals who need services who do not come forward about their legal issues right away or feel comfortable coming to these kinds of events.

The city can encourage other kinds of events that could benefit this population. In our project, outreach efforts that have resulted in people coming forward to seek legal assistance have taken many forms, including general presentations for all students during “respect for all week” in Bushwick, Brooklyn, and Know Your Rights presentations at parent association meetings in Washington Heights.

However, many students may take time to confide in someone that they need help. Training for school staff who interact daily with the young people who have been enrolled in schools across the city may play a critical role in identifying those who need help.

More importantly, the City must invest in more support staff, such as social workers and parent coordinators, who do not only help identify students who need help, but can provide meaningful support for traumatized youth, which in turn results in more successful legal outcomes.

I offer the following example: Ivan is a young man who was referred to our program through his school social worker. His mother and grandmother had died and his father had abandoned him. He found his way to New York and was living with a family friend, who had been appointed his guardian by the Family Court through the assistance of an



18b attorney. The information provided to the court was not accurate.

The pro bono lawyers who were working on Ivan's case did an excellent job correcting the family court record, preparing a motion and memorandum of law for submission to the court. But they were at a loss when Ivan's guardian's wife became pregnant and no longer wanted Ivan in the household, jeopardizing his case before it was completed. His high school social worker supported him in seeking part-time work to help pay the rent for a room across the hall from his guardian.

There are many examples of the school staff I have had the pleasure to work with going above and beyond to support their students, and I hope the city will provide them with the funding to continue and expand their amazing work.

Ivan is not the only young person who was at risk of homelessness and the dearth of shelters for youth in the city made his situation more precarious. The city should think about more housing for youth whose bonds with distant relatives or family friends are tenuous at best.

Finally, it is with pride that I can say that I too am an immigrant and resident of New York City, as it is often regarded as a city at the vanguard of what a vibrant immigrant community can and should be.

I have been impressed to see the efforts that have been made by the city to embrace these new, young residents of our city. I wish to bring to your attention that in addition to the efforts and attention for the unaccompanied children, there has been little attention or resource allocation to the mothers with children who have also been apprehended and subsequently released in New York and are trying to also navigate a foreign land and complex legal system with virtually no information or support. I hope we can convene again to further discuss this issue as well.

In your role as leaders in the governing of this city, you have a voice in shaping the conversations about this issue and I am hopeful that you will use that voice to take more broadly the need for comprehensive immigration reform and to continue to promote the benefits of welcoming immigrants to this country, and challenge the restrictionist immigration policies that may influence the desperate decisions young people make to try to come here in this manner.

Thank you for providing me with the opportunity to share my insights with you.

Testimony by the New York Legal Assistance Group (NYLAG)

Before the New York City Council Committee on Immigration

Oversight – Crisis of Unaccompanied Immigrant Children: What is New York Doing?

September 29, 2014

Chair Menchaca, Councilmembers, and staff, good afternoon and thank you for the opportunity to speak about the New York Legal Assistance Group's response to the crisis of unaccompanied immigrant children. My name is Irina Matiychenko. I am the Director of the Immigrant Protection Unit at NYLAG.

Founded in 1990, NYLAG is one of the largest providers of free civil legal services to low-income New Yorkers. This past year, our staff of more than 250 professionals served over 76,000 people. NYLAG has always been at the forefront of responding to legal and humanitarian crises. We were the first legal services nonprofit to respond to the September 11th terrorist attacks, assisting hundreds of victims and their families. We were also one of the first organizations to help members of the Haitian community in New York following the devastating earthquake in Haiti. And most recently, we provided immediate legal assistance to more than 10,000 victims of Superstorm Sandy.

New York is now witnessing an unprecedented humanitarian crisis in the form of unaccompanied children fleeing extortion, rape, gang violence and murder in Central America. And NYLAG is again responding swiftly to help the victims. In August, we launched a large-scale initiative to provide legal representation for immigrant minors, as an expansion of NYLAG's robust immigration law practice. We are proud to be a part of the legal nonprofit community in New York City that has galvanized so quickly in response to this crisis. For a number of weeks following its establishment, NYLAG attorneys volunteered at the surge docket. I commend my colleagues – the surge docket providers – for their outstanding coordination in ensuring unaccompanied children are screened when they appear at immigration court. I applaud the City Council's recent decision to fund this work. It is well deserved. Although NYLAG was

not funded through this initiative, this does not stop us from serving the cause we believe is most worthwhile – protecting children who are literally running for their lives.

NYLAG partnered with the New York Immigration Coalition to create a program that complements the court model, without duplicating the work of the surge docket providers. Our community-based, large scale legal clinics are held at schools, churches and other safe spaces. Children screened at these clinics do not require additional screening when they are called for their Master Hearings at immigration court. NYLAG also assists those who have been served with Notices to Appear, but who do not yet have court dates. This early intervention by qualified legal counsel is extremely important to prevent potentially serious consequences that could jeopardize these children's chances for legal relief. In just one example from a recent clinic, we saw a brother and sister who entered the United States in July, were apprehended at the border and do not yet have a court date scheduled in New York. Both have very strong potential relief through Special Immigrant Juvenile Status (SIJS). However, the sister celebrated her 20th birthday two days ago. In order for her to reap the benefits of SIJS, she must file her case prior to her 21st birthday. We took this family's case on for full representation because without immediate assistance she may lose her chance to receive legitimate, permanent immigration status in the United States. This is a prime example of how early intervention provides invaluable proactive legal assistance to these children during a critical window of opportunity.

At these clinics, NYLAG screens not only unaccompanied minors, but also their family members, for potential immigration relief. Most of the children do not speak English and the vast majority of them are unable to understand the complexity and intricacy of U.S. immigration laws even in their native Spanish. They may not even be aware that they have pending court cases, and may not appear at a scheduled hearing, which often leads to very serious consequences. For example, at one of our clinics we checked one child's Alien Registration Number in the system, and discovered that the Master Calendar Hearing for this family (a mother and two children) was scheduled in two days in Texas. This case required our immediate intervention – we filed a Motion to Change Venue with the Court in Texas by overnight mail. Our motion was granted, over the phone, the very next day. Thanks to our efforts, this young family avoided removal and now has the time and opportunity to build their legal cases for relief.

Our clinics are staffed jointly by NYLAG legal personnel and a large number of pro bono attorneys and volunteers. By leveraging the expertise of the City's legal community NYLAG has been able to provide services to significant numbers of unaccompanied children – and do it effectively and efficiently. We advise children and their families about potential immigration relief, provide information about how to keep track of upcoming court dates, and make them aware of immigration fraud and unscrupulous practitioners – all in their native language, both verbally and in writing. NYLAG tracks every client in a database and triages their cases based on multiple factors, including urgency, type of relief, and strength of claim. Following the clinic, we pick up many of these cases for direct representation, and provide referrals to those we are not able to accept due to limited resources. To date we have accepted 40 of the most challenging and complicated cases, including asylum based on domestic violence, asylum based on gang violence, and SIJS based on parental abandonment. It is unfortunate that lack of funding does not allow us to provide direct representation to all those who are eligible for relief and desperately need it. In the cases we have accepted, we are relying solely on our attorneys' dedication to this cause, and their willingness to spend long hours working overtime to help these clients.

In the course of the last three clinics we have seen and screened more than 500 unaccompanied children and their family members. Of these, only ONE individual had already been seen at the surge docket. At our August clinic in the Bronx, for example, we saw 132 unaccompanied children from Honduras, many of whom were already in removal, and 131 of whom were found have viable relief options. Despite our best efforts, more than 200 children were unable to be screened due to overwhelming demand.

Fighting for children's right to counsel in immigration court proceedings is a primary objective for NYLAG and we are working at it on several fronts. We have reached out to members of Congress to gain their support for a proposed refugee program that would alleviate the effects of the border crisis, and bring relief to our overburdened immigration courts. We are also looking into potential class action to complement the work that is being done by our colleagues both in New York and in other states. To this end, we have been carefully documenting all procedural violations we see as children come over the border.

As one the City's largest and most innovative immigration legal service providers, NYLAG is committed to continuing its work to screen and represent unaccompanied children.

We truly appreciate the opportunity to testify before this committee, and we look forward to continuing to partner with the New York City Council to ensure that all unaccompanied immigrant minors receive the access to justice they deserve.

Attached to this testimony are copies of the packet of information distributed to each attendee of NYLAG's clinics for unaccompanied minors, as well as the screening packet used by NYLAG and pro bono staff at these clinics.



Attendee Packet

- Scope of Services in Spanish;
- Results Sheet in Spanish/English;
- Explanation of Forms of Relief in Spanish/English;
- EOIR Hotline Phone Number/Instructions in Spanish/English;
- UPIL sheet in Spanish/English;
- List of Referrals

NYIAC Feria Para Jovenes Inmigrantes

Información del Solicitante:

Nombre: _____

Dirección: _____

Teléfono: _____

ALCANCE DE LOS SERVICIOS Y AUTORIZACIÓN

Los servicios prestados en este taller y el alcance de la relación cliente abogado se limitan a la consulta y asistencia con los documentos proporcionados en dicho taller. No se crea ninguna relación permanente abogado-cliente a través de la prestación de estos servicios. Toda la información que se provea durante el curso de dichos servicios permanecerá confidencial con excepción a lo explicado aquí debajo. Durante la consulta y asistencia en el taller, los clientes son responsables de dar información precisa y verídica, incluyendo información en lo relativo a antecedentes penales. Estos servicios son proporcionados gratuitamente.

- Se me ha aconsejado sobre las consecuencias de aplicar para beneficios para los cuales puede que no sea elegible en este momento. _____
- He estado advertido sobre las consecuencias de proveer información falsa o documentos fraudulentos al Departamento de Homeland Security. _____
- Se me ha advertido que si en el futuro busco otra ayuda para mi caso de inmigración, se me sugiere que solamente hable con Representantes Acreditados por el BIA o abogados que posean licencia para practicar la ley con el fin de evitar fraude de inmigración. _____
- Autorizo a NYLAG a compartir mi nombre, información de contacto, y una descripción de mi(s) opción(es) posible(s) con los abogados o servicios legales para poder referir el caso. No se garantiza que se me otorgue abogado o agencia. _____
- El abogado voluntario o la firma del Abogado Voluntario pueden llegar a tener un conflicto de interés asesorándome en este momento o dicho conflicto puede incurrir en el futuro. A menos que el Abogado Voluntario tenga conocimiento real en este momento sobre un posible conflicto de interés con la firma del Abogado Voluntario o con si mismo, estoy de acuerdo a renunciar a todo conflicto que pueda aparecer sobre los temas discutidos aquí en el día de hoy, ya sea actualmente o en el futuro. _____

Lo anterior es entendido y reconocido

Firma _____

Fecha _____

IMMIGRANT YOUTH FAIR

Nombre: _____

He tenido una consulta con un abogado de inmigración, un asistente legal bajo la supervisión de un abogado, o un voluntario calificado en el Immigrant Youth Fair, el 28 de Septiembre, 2014 en el 427 38th Street, Brooklyn, NY 11232, y está persona ha determinado que es posible que puedo cualificar por un beneficio de inmigración incluyendo pero no limitado a:

- ☐ Asilo
- ☐ Special Immigration Juveniles Status
- ☐ Visa T
- ☐ Visa U
- ☐ Petición de la Familia
- ☐ VAWA
- ☐ Otro beneficio: _____

IMMIGRANT **YOUTH FAIR**

Name: _____

I have been screened by an immigration attorney, or supervised paralegal, or trained volunteer at the Immigrant Youth Fair that was held on September 28, 2014 at PS 24 at 427 38 Street, Brooklyn, NY, 11232, and I have been found potentially eligible for immigration relief, including but not limited to:

- ☐ Asylum
- ☐ Special Immigration Juveniles Status
- ☐ T - visa
- ☐ U – visa
- ☐ Family Petition
- ☐ VAWA
- ☐ Other: _____

NYLAG'S Proyecto de Justicia para Menores no Acompañados
Formas de Remedios de Inmigración

INTRODUCCIÓN

Estas son las descripciones de opciones inmigratorias que puedan estar disponibles para usted o miembros de su familia. Esto no es un consejo legal para usted; es información general acerca de las opciones más comunes de inmigración. Muchas de estas opciones tienen restricciones estrictas de edad y de fechas límites, y todas requieren que su identidad sea conocida al gobierno, si ya no es el caso. Por lo tanto es lo ideal buscar representación legal antes de aplicar a cualquier forma de alivio.

ESTATUS ESPECIAL PARA JÓVENES INMIGRANTES (SIJS) – una defensa para niños o jóvenes que han sido abandonados o abusados por uno o ambos de sus padres.

También es posible cualificar para SIJS si uno o ambos padres han fallecido.

¿Quién es elegible?

1. Jóvenes menores de 21 años;
2. No casados;
3. Quienes no pueden vivir con *uno o ambos padres* por razones de abuso, negligencia, abandono o muerte;
4. La corte de familia tiene que decidir que no es lo mejor para el menor regresar a su país de origen, Y;
5. Una juez de la corte de familia debe tomar la decisión si la custodia del menor será del estado o de un guardián legal.

¿Cuál es el proceso?

1. Usted debe obtener una “orden de evidencia especial” de una corte de familia- esto significa que la corte de familia ha encontrado que usted cumple los requisitos #1-5 mencionados anteriormente!
2. Usted debe enviar las formas de inmigración SIJS I-360 <http://www.uscis.gov/i-360>. Es mejor hacer este proceso con un abogado porque hay diferentes formularios que pueden ser enviadas en fases diferentes del caso.

¿Cuáles son los beneficios de SIJS?

Si a usted recibe SIJS, usted recibirá una “tarjeta verde” y se convertirá en un residente permanente. Usted podrá convertirse en ciudadano estadounidense después de tener la residencia permanente por cinco años – pero asegúrese de no tener problemas con la policía durante ese tiempo.

¿Hay consecuencias?

Un menor con SIJS no podrá JAMAS ayudar a su(s) padre(s) biológico(s) o su(s) guardián(es) a obtener tarjetas verdes.

ACTO DE VIOLENCIA EN CONTRA DE LAS MUJERES (VAWA) – una aplicación para víctimas de violencia a manos de un esposo/a o padre/madre ciudadano/a estadounidense o residente permanente.

¿Quién es elegible?

1. Un menor o esposo/a de un ciudadano estadounidense o residente permanente que haya sido abusado por tal familiar.
2. Un padre/madre abusado por un ciudadano estadounidense.
3. Un hijo/a menor de un padre/madre que haya sido abusado por su esposo/a estadounidense o residente permanente - el menor no tiene que haber sufrido abuso.

¿Cuál es el proceso?

Usted debe demostrar que:

1. El familiar que cometió el abuso es/fue un ciudadano/a estadounidense o alguien con la ‘tarjeta verde’.
2. Usted ha convivido con el familiar que cometió el abuso durante algún tiempo, ya sea dentro o fuera de los Estados Unidos;
3. Usted es una persona de “buen carácter moral”, lo que significa que usted no tiene un record criminal, Y;
4. El abusador le hacía daño de manera extrema – puede ser un daño física u otro(s) forma(s) de abuso.

¿Cuáles con los beneficios de VAWA?

Si usted recibe VAWA, obtendrá un permiso de trabajo y varios beneficios públicos. Usted podrá eventualmente aplicar para su residencia permanente (una “tarjeta verde”), y después de tres años, se puede aplicar para la ciudadanía.

NYLAG's Justice for Unaccompanied Minors Project
Forms of Immigration Relief

INTRODUCTION

These are descriptions of immigration options that may be available to you or members of your family. This is not legal advice for you; it is general information about the most commonly pursued immigration options. Many of these options have strict age restrictions and time-sensitive deadlines, and they all involve making yourself known to the government, if you are not already. It is therefore ideal to find legal representation before applying for any form of relief.

SPECIAL IMMIGRANT JUVENILE STATUS (SIJS) – a defense for children who have been abandoned or abused by one or both of their parents.

It is also possible for a child to qualify for SIJS if one or both of their parents have died.

Who is eligible?

1. Children who are under 21;
2. Unmarried;
3. Who cannot be with *one or both parents* because of abuse, neglect, abandonment or death;
4. The family court must find that it is not in the child's best interest to go back to their home country, AND;
5. A family court judge must make a decision as to the child's custody to the state or to a guardian.

What's the process?

1. You must get a "special findings order" from family court – this means that the family court has found you meet requirements #1-5 above!
2. You must submit the immigration form I-360 <http://www.uscis.gov/i-360>. It is best to do this process with a lawyer because there are different forms that may be submitted at different stages of the case.

What are the benefits of SIJS?

If you are granted SIJS, you will receive a "green card" and become a legal permanent resident. You may be eligible to become a U.S. citizen after having your green card for five years – but make sure you do not get in trouble with the police during that time!

Any consequences?

A child granted SIJS can NEVER help either parent(s) or guardian(s) to get their green cards.

VIOLENCE AGAINST WOMEN ACT (VAWA) – an application for those who are victims of violence by U.S. citizen or permanent resident parents or spouses

Who is eligible?

1. A child or spouse of a U.S. citizen or permanent resident who was abused by that relative.
2. An abused parent of a U.S. citizen.
3. A child of a parent who was abused by a U.S. citizen or permanent resident spouse – the child did not have to be abused.

What's the process?

You must prove:

1. The abusive family member is/was a U.S. citizen or "green card" holder;
2. That you lived with the abusive family member at some point in time in or out of the US;
3. That you are a person of "good moral character," which basically means that you do not have a criminal record, and;
4. That the abusive family member hurt you very badly – this might mean physical harm or other forms of abuse.

What are the benefits of VAWA?

If you receive VAWA, you get work authorization and may receive some public benefits. You can eventually or simultaneously apply for permanent residency (a "green card"), and after three years, for citizenship.

ASILO – una defensa para alguien con temor de regresar a su país de origen porque alguien le hizo daño o podrá hacerle daño en el futuro, por una razón particular y específica.

¿Quién es elegible?

- ~~1. Si tiene miedo de regresar a su país porque:~~
2. Alguien le hizo daño, amenazó, o persiguió en el pasado; O lo hará daño, amenazará, o perseguirá en el futuro por razón de:
 - a. raza, religión, opinión política, nacionalidad, o alguna característica relacionada con un grupo, Y;
3. El daño que usted sufrió o tiene miedo de sufrir viene de parte del gobierno de su país de origen o de personas en su país de origen que su gobierno no puede o podrá controlar.

Ejemplos: Personas en su país de origen le han causado daño a usted o amenazó a usted por las actividades políticas de usted o su familia, acciones o creencias; su religión; su raza o idioma; o su pertenencia a cierto grupo en su comunidad; su orientación sexual; su género; su rechazo a servicio militar o participar en una pandilla.

En algunos casos, se puede recibir asilo basado en violencia entre miembros familiares (como entre su mamá y su papá o entre sus padres y usted).

¿Cuál es el proceso?

1. Por lo general, usted debe aplicar para asilo dentro del primer año de haber llegado a los Estados Unidos
 1. Apliqué usando la forma de inmigración I-589; <http://www.uscis.gov/i-589>
 2. Como menor de 18 años, usted puede aplicar después de un año de entrar a los Estados Unidos, PERO debe demostrar una buena razón por no haber aplicado antes del fecha límite de un año!
2. También, si usted es menor de 18 años, debe aplicar directamente al Servicios de Inmigración y Ciudadanía Estadounidense (USCIS), incluso si o no esté en la corte de inmigración.
3. Hay ciertas reglas al aplicar para asilo:
 1. No debe haber cometido un crimen muy malo.
 2. No debe haber daño, amenazado o perseguido a otras personas.
 3. No debe haber vivido en otro país donde se sintió seguro antes de venir a los Estados Unidos.

¿Cuáles son los beneficios de asilo?

Si recibe asilo, obtendrá un permiso de trabajo; puede incluir a su esposo/a o hijo/a(s) en su aplicación, o puede hacer una petición para que ellos puedan venir a los Estados Unidos; y usted puede recibir algunos beneficios públicos. Usted puede aplicar para la residencia ("tarjeta verde") después de un año, y después de cinco años como residente permanente, puede aplicar a la ciudadanía.

IMPORTANTE: Este tipo de remedio es muy complicado. Si usted cree que puede cualificar para asilo, le aconsejamos que consulte con un abogado de inmigración con mucha experiencia antes de mandar la aplicación.

ESTATUS U NO-INMIGRANTE- "VISA U" – una defensa para alguien quien ha sido víctima de un crimen en los Estados Unidos, y que ha hecho una denuncia a la policía acerca del crimen. Los menores pueden cualificar también si sus padres han sido víctimas de un crimen y se han reportado el crimen.

¿Quién es elegible?

1. Una persona que ha sido víctima de uno de los siguientes crímenes:
Violación; tortura; tráfico ; incesto; violencia domestica; acoso sexual; contacto sexual abusivo; prostitución; explotación sexual; mutilación genital femenina; víctima de encarcelamiento; esclavitud; esclavitud o servicio involuntario; tráfico de esclavitud; secuestro; restricción criminal ilegal; encarcelamiento falso; chantaje; extorsión; homicidio; asesinato; algunos tipos de acoso; y otros crímenes específicos.
2. La víctima del crimen tiene información acerca del crimen, Y;
3. Esta dispuesto a ayudar a las autoridades a investigar o castigar aquellos que cometieron el crimen.

¿Cuál es el proceso?

La víctima debe reportar el crimen y obtener un formulario completa de las autoridades o investigadores diciendo que usted estuvo dispuesto a cooperar con la investigación. Los Servicios de Protección a Menores también puede certificar la colaboración de la víctima si tiene jurisdicción.

¿Cuáles son los beneficios de Estatus U No -Inmigrante/ "U visa"?

Los beneficios de la U visa comienzan como un estatus temporal que le permite quedarse en los Estados Unidos por cuatro (4) años con su permiso de trabajo; se puede beneficiar a la víctima y a ciertos parientes; puede recibir algunos beneficios públicos; y después de tres (3) años bajo este estatus, usted puede aplicar para la residencia permanente ("tarjeta verde") y después de cinco años como residente permanente, puede aplicar para la ciudadanía.

ASYLUM – a defense for someone who is afraid to go back to their country because someone has hurt them, or will hurt them in the future, for a particular, specific reason

Who is eligible?

1. If you are afraid to go home because
2. someone has hurt, threatened or persecuted you in the past; OR will hurt, threaten, or persecute you in the future because of your:
 - a. race, religion, political opinion, nationality, or some other group of characteristics, and;
3. The harm you suffered or you fear suffering comes from your home country's government or people that your home country's government cannot or will not control.

Examples: people in your country have harmed or threatened to harm you because of you or your family's political activities, actions or beliefs; your religion; your race or the language you speak; or because you belong to a certain group in your community; your sexual orientation; your gender; your refusal to be a soldier or join a gang.

In some cases, asylum may be granted based on violence between family members (like between mom and dad or from your parents to you).

What's the process?

1. Generally, you must apply for asylum within one year of arriving in the U.S.
 - a. Apply using immigration form I-589; <http://www.uscis.gov/i-589>
 - b. As a child under 18 years old, you may apply after one year of your entry to the U.S, BUT you have to show good reasons for why you did not apply before the one year passed!
2. Also, for children who are under 18 years old, you apply directly to the United States Citizenship & Immigration Services (USCIS), whether you are in immigration court or not!
3. There are certain rules to applying for asylum:
 - a. You cannot have committed a really bad crime
 - b. You cannot have hurt, threatened or persecuted other people
 - c. You cannot have lived in another country where you felt safe before coming to the U.S.

What are the benefits of Asylum?

If you receive asylum, you get work authorization; you can include your spouse or children in your application, or petition for them to come to the US; and you may receive some public benefits. You can apply for residency (a "green card") after one year, and after five years as a permanent resident, for citizenship.

IMPORTANT NOTE: This form of relief is very complicated. If you think you qualify for asylum, we strongly encourage you to consult with an experienced immigration lawyer before applying.

U NONIMMIGRANT STATUS a.k.a. "U VISA" – a defense for someone who has been a victim of a crime *in the U.S.*, and who has made a complaint to the police about that crime. Children may qualify if their parents were victim(s) of a crime and reported it.

Who is eligible?

1. A person who was the victim of one of the following crimes:

Rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; female genital mutilation; hostage victim; peonage; involuntary servitude/slavery; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; certain kinds of assault; and a few other specific crimes
2. the victim of the crime has information about the criminal activity, and;
3. has been willing to help/is willing to help the authorities investigate or punish those who committed the crime.

What's the process?

The victim must report the crime and have a form filled out by the investigating or punishing authority stating they were willing to help resolve the crime. Child Protective Services may also certify the victim's helpfulness if it has jurisdiction.

What are the benefits of U Nonimmigrant Status/"U Visa"?

U Visa benefits begin as a temporary status that allows you to stay in the US for four years with work authorization; it can be given to the victim and certain family members; you may receive some public benefits; and after three years in this status, the U visa-holder can apply for permanent residency (a "green card") and after five years as a permanent resident, citizenship.

ESTATUS T NO-INMIGRANTE, "VISA T" – una defensa para alguien que ha sido presionado o manipulado a entrar a los Estados Unidos o quedarse en los Estados Unidos y luego estaba forzado a trabajar en contra de su voluntad.

¿Quién es elegible?

1. La persona debe estar físicamente en los Estados Unidos;
2. Deben ser la víctima de una forma grave de tráfico:
 1. Por fuerza, fraude o coerción;
 2. La persona ha sido tomada como esclavo; forzado a trabajar para pagar una deuda; tratado como propiedad; u otros actos graves e inhumanos;
3. Quienes acordaron a ayudar con la investigación persecución del tráfico; Y;
 1. ¡Este requisito no aplican a los menores!
4. Sufrirá dificultades extremas si fuera deportado.

Ejemplos: Forzado a trabajar para pagar deuda de viaje; forzado a tener sexo por dinero, por fraude o por ser obligado; forzado a tener sexo cuando era menor; ser capturado contra su voluntad, transportado, o vendido por labor o servicios; ser un esclavo sexual.

¿Cuál es el proceso?

1. Tiene que demostrar los requisitos #1-4, y;
2. La víctima del tráfico puede establecer certificación por: reportar el crimen una oficial de la ley; ofrecer prueba que inmigración ha ayudado a la persona para quedarse en los Estados Unidos como una víctima de tráfico; u otra evidencia fuerte, verdad, y que se puede probar.

IMPORTANTE: A menudo es difícil para víctimas de tráfico a escapar de su situación; es posible que usted no piensa que sea víctima; es posible que usted trabaje por horas muy largos, cada día de la semana, and vive donde trabaja; puede tener miedo a decirle a alguien lo que ha sido forzado a hacer; puede deber una deuda a sus traficantes; y puede tener mucho miedo de hablar sobre lo que está pasando porque su familia ha sido amenazado por los traficantes.

Si usted ha sido una víctima del tráfico, puede tener beneficios permanentes de inmigración – sugerimos fuertemente que usted tenga una consulta con una practicante de inmigración sobre lo que paso a usted.

¿Cuáles son los beneficios de Estatus T No -Inmigrante/ "T visa"?

Los beneficios de la T visa comienzan como un estatus temporal que le permite quedarse en los Estados Unidos por cuatro años con su permiso de trabajo; se puede beneficiar a la víctima y a ciertos parientes; puede recibir algunos beneficios públicos; y después de tres (3) años bajo este estatus, la persona con la T-Visa puede aplicar para la residencia permanente ("tarjeta verde") y después de cinco años como residente permanente, puede aplicar para la ciudadanía.

VISAS A PARTE DE FAMILIA – para las personas que tienen miembros ciertos de la familia quienes son ciudadanos estadounidenses o residentes permanentes (tiene una 'tarjeta verde') que puede ser elegible para aplicar para visas a parta de familia para obtener estatus legal.

¿Quién es elegible?

1. Parientes inmediatos – personas que son el esposo, hijo/a que tiene menos de 21 años y no está casado, o un padre/madre de un ciudadano estadounidense (si el hijo o la hija tiene 21 años o más); o,
2. Parientes de Categoría Preferencia – a menudo esas categorías tiene tiempo de espera (aproximadamente 2-22 años) antes de que la persona sería elegible para aplicar para la residencia permanente, o "tarjeta verde".
Durante este tiempo de espera, es posible que no puede quedarse en los Estados Unidos:
 - a. Esposos e hijos (bajos de 21 años) de un residente estadounidense/alguien que tiene una 'tarjeta verde'
 - b. Hijos o hijas (solteros/as) de residentes estadounidenses/ personas que tiene una 'tarjeta verde'
 - c. Hijos o hijas (casados) de ciudadanos estadounidenses
 - d. Hermanos o hermanas de ciudadanos adultos estadounidenses

Esos son las únicas relaciones familiares que inmigración permite ahora para inmigrar legalmente al E.E.U.U.

¿Cuál es el proceso?

1. El padre o esposo/a quien es ciudadano o quien tiene la 'tarjeta verde' tiene que demostrar su estatus de ciudadano o residente y también demostrar la relación necesario con la solicitante;
2. El miembro de la familia quien es ciudadano o quien tiene la 'tarjeta verde' y la solicitante tiene que mandar algunos formularios a inmigración;
3. El miembro de la familia quien es ciudadano o quien tiene la 'tarjeta verde' tiene que estar disponible a ayudar la solicitante durante el proceso por asistir entrevistas con inmigración y tiene que ser una fuente de apoyo financiero si sería necesario.

T NONIMMIGRANT STATUS a.k.a. "T VISA" – a defense for someone who has been pressured or tricked into coming to or staying in the U.S. and is then forced to work here even if they do not want to work.

Who is eligible?

1. The person must be physically present in the U.S.;
2. They must be the victim of a severe form of trafficking:
 - a. By force, fraud or coercion;
 - b. Because the person has been taken as a slave; forced to work off a debt owed; or treated as property; or other severe, inhumane acts;
3. Who agreed to help in the investigation or prosecution of the trafficking, and;
 - a. Children are EXEMPT from this requirement!
4. You would suffer extreme hardship involving serious harm if deported.

Examples: forced to work to pay a travel debt; forced sex for money, fraud or by being coerced; forced sex as a child; being taken against your will, transported, or sold for labor or services; being a sex slave.

What's the process?

1. You must be able to show requirements #1-4, and;
2. The trafficking victim may provide certification by: reporting the crime to law enforcement; providing proof that immigration has helped to keep the person in the US as a trafficking victim, or strong, truthful, provable other evidence.

IMPORTANT NOTE: Trafficking victims are often unable to escape their situations: you may not think you are a victim; you may often work very long hours, every day of the week, and live where you work; you may be scared to tell anyone what you have been forced to do; you may owe a debt to your traffickers; and you may be really scared to talk about what is happening because your family members have been threatened by the traffickers.

If you have been the victim of trafficking, you may have permanent immigration benefits available to you – we strongly encourage you to consult with an immigration practitioner about what happened to you.

What are the benefits of T Nonimmigrant Status/"T Visa"?

T visa benefits begin as a temporary visa that allows you to stay in the US for four years with work authorization; it can be issued to the victim and certain family members; you may receive some public benefits; and after three (3) years in this status, the T visa-holder can apply for permanent residence (a "green card") and after five years, citizenship.

FAMILY VISAS –for people who have certain U.S. citizen or permanent resident ("green card" holder) family members who may be eligible to apply for family visas to obtain lawful status

Who is eligible?

1. Immediate Relatives – individuals who are the spouse, unmarried child under 21, or parent (if the son or daughter is 21 years or older) of a U.S. citizen, or;
2. Preference Category relatives – these categories often have wait times (approximately 2-22 years) before the person will be eligible to apply for a "green card," or residence. During the wait time, you may not be able to stay in the U.S.:
 - a. Spouses and children (under 21 years old) of "green card" holder/U.S. residents
 - b. Unmarried sons and daughters of "green card" holder/U.S. residents
 - c. Married sons and daughters of U.S. citizens
 - d. Brothers and Sisters of Adult U.S. citizens

These are the only family-based relationships currently permitted to immigrate legally into the U.S.

What's the process?

1. The U.S. citizen or "green card" holder parent or spouse must prove his or her citizen or resident status and must prove the required family relationship with the applicant;
2. The U.S. citizen or "green card" holder family member and applicant must submit several forms to immigration;
3. The U.S. citizen or "green card" holder family member must be willing to help the applicant through the process by attending immigration interviews and be willing to be a source of financial support if necessary.

COMO VERIFICAR EL ESTATUS DE SU CASO CON LA CORTE DE INMIGRACION

Nombre _____

Número de Registro Extranjero/A# _____

**NOTA: TODAS PERSONAS PUEDEN LLAMAR LA LINEA DIRECTA DE LA CORTE DE INMIGRACION.
ES UN SERVICIO AUTOMADA Y LA LLAMADO NO AFECTARA EL ESTATUS DE TU CASO.**

1. Llame 1-800-898-7180
2. Presione 1 (para Inglés) o 2 (para Español)
3. Presione 1 de nuevo
4. Escriba su Número de Registro Extranjero/A#
5. Si lo escribiste correctamente, presione 1
6. Si lo escribiste incorrectamente, presione 2 y escriba el número de nuevo
7. Si recibe su mensaje diciendo que todavía su caso no está reportado en la corte, significa que no le han dado una fecha para aparecer en la corte, pero hay posibilidad que en el futuro le asignaran una fecha. Debes de continuar de llamar el número de la corte por lo menos una vez por semana.
8. Si el mensaje de dice la fecha de su apariencia, el mensaje deletreara su nombre
9. Después que su nombre se deletrea, presione 1 para obtener la fecha y tiempo de su apariencia y el nombre del juez.
 - Recuerda y Escriba:
 - La fecha y tiempo de tu apariencia
 - La dirección del corte de inmigración y
 - El nombre del juez que está asignado a su caso
 - ¡Presione 1 si necesitas repetir el mensaje!
10. Si crees que un juez haya tomado una decisión en su caso, presione 3 en debe de 1 después que su nombre este deletreado y el mensaje te dará información sobre la decisión. Si hay información sobre una decisión, contacta a un abogado inmediatamente.

**¡ES MUY IMPORTANTE QUE ESTE PRESENTE EN TODADAS LAS APARIENCIAS Y CITAS CON LA
CORTE DE INMIGRACION – AUNQUE NO TENGA ABOGADO!
SI NO APARECES, EL JUEZ PUEDE IMPLEMENTAR UNA ORDEN DE DEPORTACION!**

HOW TO CHECK THE STATUS OF YOUR CASE WITH THE IMMIGRATION COURT

Name _____

Alien/A# _____

**PLEASE NOTE THAT ANYONE MAY CALL THE IMMIGRATION COURT HOTLINE. IT IS AN
AUTOMATED SERVICE AND YOU WILL NOT HARM YOURSELF OR YOUR CASE IN ANY WAY
BY CALLING.**

1. Call 1-800-898-7180
2. Press 1 (for English) or 2 (for Spanish)
3. Press 1 again
4. Type in your Alien/A number (see above)
5. If you typed correctly, press 1
6. If you did not type correctly, press 2 and re-enter your number
7. If you get a message stating that your case has not yet been filed with the court, that means that you have not been assigned a specific court date, but you may be given one in the future. Therefore, you should continue checking the hotline at least every week.
8. If you do have a case with a date, the letters of your name will be read
9. After your name is spelled, press 1 for the date and time of your hearing and the name of your judge
 - Write down three very important things:
 - the date and time of your next hearing;
 - the address of the court, and;
 - the name of the judge for your case
 - If you need to hear the information again, keep pressing 1!!
10. If you believe that a judge has already made a decision on your case, press 3 instead of 1 after your name is spelled and you will be given case decision information. If a decision was made, contact an immigration attorney immediately!

IT IS VERY IMPORTANT YOU ATTEND EACH AND EVERY COURT HEARING AND ALL APPOINTMENTS WITH IMMIGRATION – EVEN IF YOU DO NOT HAVE AN ATTORNEY! IF YOU MISS YOUR COURT APPOINTMENT THE JUDGE COULD GIVE YOU A DEPORTATION ORDER!!!

¡NO SEAS VICTIMA DE FRAUDE DE INMIGRACION!

RECONOCE TUS DERECHOS DE REPRESENTACION LEGAL Y DE ABOGADO

¿Quién te puede ayudar?

- Abogado licenciado o paralegales y estudiantes de derechos
- BIA Representante Acreditado (personas que tienen permiso de gobierno para implementar las leyes de inmigración)

¿Quién no te puede ayudar?

- ¡CUIDADO – En los Estados Unidos, no todos notarios son abogados! No contrates un notario sin saber primero si es abogado.
- Sea cauteloso de obtener aviso legal de notarios, agentes de propiedades inmobiliarias, paralegales trabajando independiente de un abogado, organizaciones que no tienen acreditación de BIA, agentes de iglesia y otras personas.

Ayuda general que puedes recibir de cualquier persona:

- Traducción de documentos
- Notarización de documentos
- Referencias/remisiones (sin cobrar dinero)
- Ayuda obteniendo documentos necesarios
- Arreglos para fotos, huellas digitales o exámenes de médico
- Contestando preguntas en sus aplicaciones de inmigración

Ayuda que solo un abogado o BIA representante acreditado le puede dar:

- Aviso sobre qué clase de aplicaciones usted puede entregar o para que cualificaciones eres elegible
- Aviso sobre qué contestaciones puedes poner en aplicaciones de inmigración
- Representación legal frente una agencia de inmigración (incluyendo la corte de inmigración o citas con un oficial de inmigración)
- Ayuda con una entrevista de inmigración o una apariencia frente la corte de inmigración

CIUDADO – existen personas que te ofrecerán ayuda legal solo para robar su dinero. Cuando consultas un abogado siempre pidas información sobre cual ley existe que pueda ayudar ganar su caso o que se pueda representar frente un juez.

Si crees que has sido víctima de representación ilegal o de manera fraudulenta, llame a **Office for New Americans Hotline - 1-800-566-7636** para reportar el crimen confidencialmente. Hay posibilidad de restituir dinero perdido y a cambio ayudar a otras personas evitar fraude.

Otros consejos cuando contrates a un abogado o representante legal:

- Tienes el derecho de pedir una copia de los documentos de su caso a su abogado o representante legal
- Siempre pida un recibo y esté seguro de firmar un contrato o retenedor con la persona que te está ayudando
- Este seguro que la información en todos los documentos y aplicaciones es factual y correcto. Nunca filme documentos o páginas blancas.
- Puedes verificar el estatus de tu caso de inmigración aquí: <https://egov.uscis.gov/cris/Dashboard/CaseStatus.do> o llame al 1-800-375-5283.
- Para reportar una queja acerca de su abogado, puedes llamar:
 - o (718) 923-6300, para abogados en Brooklyn, Staten Island o Queens
 - o (212) 401-0800, para abogados en Manhattan y el Bronx

DON'T BE A VICTIM OF IMMIGRATION FRAUD!

KNOW YOUR RIGHTS WHEN IT COMES TO ATTORNEYS AND NON-ATTORNEYS

Who can help you?

- Licensed lawyers or their paralegals and law students
- BIA Accredited Representatives (people who have been given permission by the government to practice immigration law)

Who cannot help you?

- BE CAREFUL – in the U.S., not every notario, or notary, is a lawyer! So do not hire a notario unless he or she is also a lawyer.
- Be very wary of getting legal help from notaries (“notarios”), real estate brokers, independent paralegals, non-profits who do not have BIA Accreditation, religious lay people, and anyone not in the list above.

What anyone can help you with:

- Translation of documents
- Notarizing forms and documents
- Making referrals (without charging a fee)
- Helping you obtain documents
- Arranging for photographs, fingerprints, and medical exams
- Writing down answers to questions on immigration applications

What only lawyers and BIA Accredited Representatives can do:

- Telling you what immigration application you can file or what you are eligible for
- Telling you what answers you should put on an immigration application
- Representing you before any immigration agency (including the immigration court or an immigration officer)
- Helping you prepare for an interview with immigration or an immigration court hearing
- Calling themselves anything that makes you believe they are an attorney or qualified to do any of the above

BE CAREFUL – there are people who will take your money but won't help you. When you talk to a lawyer, always ask them to explain to you which law will help you to “fight your case,” or convince the judge that you can stay in the U.S.

If you believe that you have been given legal assistance or advice by someone who should not have done so, please call the **Office for New Americans Hotline at 1-800-566-7636** to confidentially report this crime. You may be able to get the money you paid them back and you will certainly help others avoid being taken advantage of in a similar manner.

Some other pointers for dealing with attorneys and non-attorneys:

- You have the right to get a copy of your file from your legal representative
- Always get a receipt and sign a formal contract or retainer with whoever is helping you
- Be sure that the information on any form you sign is true and correct and do not sign blank forms
- You can check the status of your immigration case here <https://egov.uscis.gov/cris/Dashboard/CaseStatus.do> or here 1-800-375-5283.
- To file a complaint against an attorney, you may call:
 - o (718) 923-6300, for attorneys in Brooklyn, Staten Island, or Queens
 - o (212) 401-0800, for attorneys in Manhattan and the Bronx

PRO BONO IMMIGRATION LEGAL SERVICE PROVIDERS

NEW YORK CITY

Office for New Americans

Hotline: 1-800-566-7636

Spanish speaking operators available

BROOKLYN

Brooklyn Defender Services

177 Livingston Street
7th Floor
Brooklyn, NY 11201
Tel: (718) 254-0700
Fax (718) 254-0897

Hours of Operation:
Monday through Friday 9:00am to 5:00pm
Closed on Saturdays, Sundays and all court
holidays.
www.bds.org

Catholic Migration Services

1258 65th Street
Brooklyn, NY 11219
Tel: (718) 236-3000

Additional Information:

- ONLY serves Brooklyn and Queens
County residents

- Represents individuals seeking asylum and
all other forms of relief, including VAWA,
212(c), U & T visas, and cancellation of
removal

Central American Legal Assistance

240 Hooper Street
Brooklyn, New York, 11211
Tel: (718) 486-6800
Fax: (718) 486-5287

Hours of operation:
Monday through Friday 9:00am to 5:00pm
Hours of intake:
Monday through Friday 9:30am to 4:30pm
www.centralamericanlegal.info

Areas of immigration legal services

- Asylum
- Deportation/removal defense
- Temporary protected status
- NACARA

Safe Horizon Immigration Law Project

50 Court St Room 800
Brooklyn NY 11201
Tel: (718) 943-8632
Fax: (718) 943-8646

Hours of operation:
Monday through Friday 9:00am to 5:00pm
Hours of intake:
BY APPOINTMENT ONLY
www.safehorizon.org

Areas of immigration legal services

- VAWA's and U's
- Naturalization
- Adjustments
- Family petitions
- Consular processing
- Defense of removal
- Asylum
- SIJS

Sanctuary For Families

350 Jay Street, 15th Floor
Brooklyn, NY 11201
Tel: (212) 349 6009 ext. 246

Hours of operation:
Monday through Friday 9:00am to 3:00pm
www.sanctuaryforfamilies.org

Make the Road New York

301 Grove Street
Brooklyn, New York 11237
Tel: (718) 418-7690
Fax: (718) 418-9635
www.maketheroad.org/

BRONX

The Bronx Defenders

360 East 161st Street
Bronx NY, 10451
Tel: (718) 838-7878
Fax: (718) 665-0100
www.bronxdefenders.org

Youth Ministries for Peace and Justice

1384 Stratford Avenue
Bronx New York 10472
Tel: (718) 328-5622
Fax: (718) 328-5630

Hours of operation:
Monday through Friday 9:00am to 5:00pm
Hours of intake:
Monday through Friday 9:00am to 5:00pm
www.ympj.org

Areas of immigration legal services

- Naturalization
- VAWA
- Adjustment of status
- Consular processing
- Detention Referral
- Asylum Referral
- Special Immigrant Juvenile Status

QUEENS

Sanctuary for Families

126-02 82nd Avenue
Kew Gardens, NY 11415
Tel: (718) 575-4500

Hours of operation:
Monday through Friday 9:00am to 3:00pm
www.sanctuaryforfamilies.org

Catholic Migration Office

47-01 Queens Blvd
Sunnyside, NY 11104
Tel: (347) 472-3500
Fax: (718) 392-5170

Hours of Operation:
Monday through Friday 9:00am to 5:00pm
Hours of intake:
Every Friday 9:30am to 4:00pm
BY APPOINTMENT ONLY
www.catholicmigration.org

Areas of immigration legal services:

- VAWA
- Naturalization
- Adjustment of status
- Consular processing
- Asylum
- Perm, non-immigrant worker
- Student Visa's

Limitations of service:

- Will not represent detainees
- Will represent people in removal proceedings
- Must reside within 50 states
- Will represent people with criminal history but with our discretion
- Does not matter about legal status
- We charge nominal fee

Make the Road New York

92-10 Roosevelt Avenue
Jackson Heights, New York 11372
Tel: (718) 565-8500
Fax: (718) 565-0646
www.maketheroad.org/

MANHATTAN

African Services Committee

429 W. 127 Street
New York, NY 10027
Tel: (212) 222-3882
Fax: (212) 222-7067

Hours of operation:
Monday through Friday 9:00am to 5:00pm
(Schedule varies)
Hours of intake: SCHEDULE VARIES
PLEASE CALL IN ADVANCE.
www.africanservices.org

Areas of immigration legal services

- Adjustment of status
- Visa extension
- Medical visa application
- Asylum
- Withholding
- CAT
- Cancellation of removal
- VAWA
- U and T visa
- Removal defense
- Naturalization
- We represent detained asylum seekers.

African Hope Committee, Inc

441 Convent Avenue, Suite 4D
New York, NY. 10031
Tel: (212) 862-9010
Fax (212) 862-1949

Hours of operation:
Monday through Friday 9:30am to 5:30pm
Hours of intake: 12:00pm-6:00pm
www.afriquehope.org

Areas of immigration legal services

- Family and Employment Based Immigration
- Detention and Deportation
- Naturalization and Citizenship
- Asylum
- Lawful Permanent Residency/Green-Card
- Consular Visa
- VAWA
- Deferred Action

Catholic Charities Community Services Archdiocese of New York

1011 First Avenue, 12th Floor
New York, NY 10022
Tel: (212) 419-3700
Fax: (212) 751-3197

Hours of Operation:
Monday through Friday 9:00am to 5:00pm
Intake for Citizenship:
Tuesdays 1:30 pm--5:30pm
Intake for General Immigration:
Thursdays 8:30 am--11 am
www.catholiccharitiesusa.org

Areas of immigration legal services

- Most immigration matters

Limitations of service:

- Does not handle employment-based immigration
- Does not handle affirmative asylum applications
- Does not handle removal cases involving criminal convictions.
- Generally does not represent detainees or people with serious criminal convictions.

City Bar Justice Center

42 W 44th Street
New York, NY 10036
Refugee Assistance Project
(212) 382-6626
Immigration Women and Children Project
(212) 382- 4711
Fax: (212) 354-7438

Hours of operation:
Monday through Friday 9:00am to 5:00pm
Hours of intake:
Monday through Friday 9:00am to 5:00pm
www.nycbar.org/citybarjusticecenter/

Areas of immigration legal services for The Refugee Assistance Project

- Clients who are seeking asylum
- Assists with filing relative petitions and obtaining asylum related benefits (employment authorization, refugee travel documents, and LPR)

Areas of immigration legal services for The Immigrant Women and Children Project

- Assists survivors of violence, abuse, and human trafficking in legalizing their immigration status (VAWA, U and T visas)
- Assists in filing for benefits associated with these visas.

Limitations of service:

- Neither project represents people in removal proceedings or prisoners
- Clients must reside in the NYC Metropolitan area.

Human Rights First

333 7th Avenue, 13th Floor
New York, NY 10001
Tel: (212) 845-5200
Detention Hotline: (212) 629-6170
(open 2-5pm Monday –Friday)
Fax: (212) 845-5299
www.humanrightsfirst.org

Additional Information:

-Represents individuals seeking asylum
-Languages: Spanish, French, others as needed

-Represents detained and non-detained individuals before the New York and New Jersey Immigration Courts

Kids In Need of Defense (KIND)

New York City Office
c/o Weil, Gotshal & Manges LLP
767 Fifth Ave.
New York, NY 10153
Tel: (646) 728-4104
www.supportkind.org/en/

Sanctuary for Families

67 Wall Street
New York, NY 10005
Tel: (212) 349-6009
Fax: (212) 349-6810

Hours of operation:
Monday through Friday 9:00am to 3:00pm
www.sanctuaryforfamilies.org

The Door A Center of Alternatives, Inc. /Legal Services Center

555 Broome Street (between 6th Avenue & Varick)
New York, NY, 10013
Mailing Address:
555 Broome St
New York, NY, 10013

Tel: (212) 941-9090
Fax: (212) 941-9579
Hours of operation:
Monday through Friday 9:00am--9:00pm
Hours of intake: BY APPOINTMENT ONLY

Areas of immigration legal services

- U-visa
- T-visa
- DACA
- Family-based petitions
- SIJS

The Legal Aid Society-Immigration Law Unit

199 Water Street, 3rd Floor
New York, NY 10038
Tel: (212) 577-3300
www.legal-aid.org

The New York Legal Assistance Group – Immigrant Protection Unit

7 Hanover Square, 18th Floor
New York, NY 10004
Tel: (212) 613-5000

Hours of Operation:
Monday through Friday 9:00am to 5:00pm
www.nylag.org

Areas of immigration legal services

- Family and Employment Based Immigration
- Deportation and Removal
- Naturalization and Citizenship
- Asylum
- Lawful Permanent Residency/Green-Card
- Consular Visa
- VAWA
- Special Immigrant Juvenile Status
- Deferred Action

STATEN ISLAND

Make the Road New York

278 Colony Avenue
Staten Island, NY 10306
Tel: (718) 987-5503

161 Port Richmond Avenue
Staten Island, New York 10302
Tel: (718) 727-1222
Fax: (718) 981-8077
www.maketheroad.org/

LONG ISLAND

NASSAU COUNTY

Education and Assistance Corp. (EAC)

50 Clinton Street
Hempstead, NY 11550
Tel 516-539-0150
Fax 516-539-0160
www.eacinc.org

La Fuerza Unida

1 School Street Suite 320
Glen Cove NY 11542
Tel: (516) 759-0788
<http://lfuinc.org/home.html>

Nassau County Hispanic Foundation, Inc. – Immigration Law Service

233 Seventh Street, 3rd Floor
Garden City, NY 11530
Tel: (516) 742-0067

SUFFOLK COUNTY

Catholic Charities Diocese of Rockville Center Immigration Offices

143 Schleigel Boulevard
Amityville, NY 11701
Tel : (631) 789-5210
www.catholiccharities.cc

Make the Road New York

1090 Suffolk Avenue
Brentwood, NY 11717
Tel: (631) 231-2220
Fax: (631) 231-2229
www.maketheroad.org/

NYLAG

NEW YORK LEGAL ASSISTANCE GROUP

J.U.M.P.
JUSTICE FOR UNACCOMPANIED
MINORS PROJECT



NYLAG
NEW YORK LEGAL ASSISTANCE GROUP

NYLAG packet

- Pre-screen sheet English/Spanish;
- Scope of Services in English;
- Screening Tool in English;
- Follow up questions for asylum and SIJS English/Spanish;
- 2 Notes pages



Name: _____ Complete Address: _____

Email: _____

Phone Number: _____ Alt. Ph. #(s)/relation: _____

Date of Birth: _____ Age Today: _____

Country of Origin: _____ Date of Entry/Arrival in the United States: _____

Age at Entry: _____ Alien (A) Number: _____

Current Total Family Size here in the U.S. (including parents, brothers, sisters, etc): _____

Current Total Family Annual Income (approximately): _____ Health Insurance? ☐ Yes ☐ No

1. When you arrived in the US, were you traveling with one or both of your parents? ☐ Yes ☐ No
 - If YES, which or both? _____
 - If NO, who were you traveling with (other relative or alone)? _____
2. How did you enter the U.S. (across the border, with visa, etc.)? _____
3. Have you left the U.S. since you entered? ☐ Yes ☐ No
 - If yes, when and for how long? _____
4. Have you ever used false documents or lied to an immigration official? ☐ Yes ☐ No
 - If yes, when and why? _____
5. Were you stopped at the border by Immigration officials? ☐ Yes ☐ No
 - If yes, were you detained? ☐ Yes ☐ No
 - For how long? _____
 - Did you sign anything or were you fingerprinted? ☐ Yes ☐ No
 - Were you screened for immigration relief options while in custody? ☐ Yes ☐ No
 - If yes, what did they tell you? _____
 - Upon your release were you given any documents? ☐ Yes ☐ No
 - Who were you released to (specify parent, relative, etc.)? _____
 - Have you moved since release? ☐ Yes ☐ No
 - If yes, why/with who? _____
6. Have you ever been stopped by any other United States official? ☐ Yes ☐ No
 - If yes, who? _____ When? _____
7. Are you under an Order of Supervision (ankle bracelet; ISAP check in; etc)? ☐ Yes ☐ No
 - If yes, have you attended all check-ins? ☐ Yes ☐ No
 - If no, why? _____
 - If yes, when is your next check-in? _____
8. Have any of your important documents been taken (passport, birth certificate, etc.)? ☐ Yes ☐ No
 - If yes, what document and who took it? _____
9. Have you been to Immigration Court? ☐ Yes ☐ No
 - If yes, where did you go to Immigration Court (list all cities)? _____
 - If yes, were you screened for immigration relief at the courthouse? ☐ Yes ☐ No
 - If you were screened at the courthouse, were you given any type of documentation by the screeners? ☐ Yes ☐ No
 - If yes, what did they give you? _____
 - Has any attorney appeared with you in immigration court? ☐ Yes ☐ No
 - If yes, who? _____

Nombre: _____

Dirección (calle, ciudad, estado, código postal): _____

Teléfono: _____ Teléfono alternativa/relación: _____

Correro Electronico: _____

Fecha de Nacimiento: _____ Edad, a partir de hoy: _____

País de origen: _____ Fecha de entrada/llegada a los Estados Unidos: _____

Edad, a partir de entrada: _____

Número de Registro como Extranjero (Número A): _____

Tamaño de familia en los Estados Unidos (incluyendo padres, hermanos, hermanas, etc): _____

Ganancias Anual de familia (aproximadamente): _____ Seguro Médico? ☐ Sí ☐ No

1. Cuando llegastes a los Estados Unidos, ¿viejastes juntos con ambos padres o solo con un padre? ☐ Sí ☐ No
 - Si la respuesta es sí, ¿cual padre(s)? _____
 - Si No, ¿con quién llegaste (otro familiar o solo)? _____
2. ¿Como entraste a los Estados Unidos (crusando el border, con visa, etc.)? _____
3. ¿Has viejado fuera los Estados Unidos desde su llegada? ☐ Sí ☐ No
 - Si la respuesta es sí, ¿cuando y duración de viaje? _____
4. ¿Has falsificado documentos legales o mentido a un oficial de inmigración? ☐ Sí ☐ No
 - Si la respuesta es sí, ¿cuando y porque? _____
5. Cuando entró a los Estados Unidos, ¿fue Usted atrapado por un agente de inmigración? ☐ Sí ☐ No
 - Si la respuesta es sí, ¿fue Usted detenido? ☐ Sí ☐ No
 - ¿Cuanto tiempo? _____
 - ¿Firmaste documentos legales en este tiempo o procesaron tus huellas? ☐ Sí ☐ No
 - Cuando en custodia, ¿habló con alguien sobre sus remedios posibles de inmigración? ☐ Sí ☐ No
 - Si la respuesta es sí, ¿que información le dieron? _____
 - Si la respuesta es sí, ¿recibiste documentos después de su liberación? ☐ Sí ☐ No
 - ¿Después de detención, con quien te dejaron ir? (padre, familiar, etc.)? _____
 - ¿Desde su tiempo fuera de detención, se has mudado? ☐ Sí ☐ No
 - Si la respuesta es sí, ¿porque y con quien? _____
6. ¿Fuera de detención, has tenidos encuentros con la policía o otros oficiales? ☐ Sí ☐ No
 - Si la respuesta es sí, ¿con quien y cuando? _____
7. ¿Estas bajo orden de supervisión (pulsera de tobillo policial; sita de ISAP; etc)? ☐ Sí ☐ No
 - Si la respuesta es sí, ¿fuiste a todas las citas? ☐ Sí ☐ No
 - Si no, ¿porque? _____
 - Si la respuesta es sí, ¿cuando es su proxima cita? _____
8. ¿Un oficial te a cojido documentos importantes? (pasaporte, certificado de nacimiento, etc.)? ☐ Sí ☐ No
 - Si la respuesta es sí, ¿cual documento? Quien lo cojió? _____
9. ¿Usted ha estado en la corte de inmigración? ☐ Sí ☐ No
 - Si la respuesta es sí, ¿en que ciudad fuese a la corte de inmigración? (incluye todas las ciudades) _____
 - Si la respuesta es sí, ¿Tuviste una entrevista con alguien en la corte sobre sus remedios posibles de inmigración? ☐ Sí ☐ No
 - Si usted habló con alguien sobre sus remedios posibles de inmigración, ¿Recibiste algún documento de la persona quien conducto la entrevista? _____
 - ¿Ha aparecido un abogado en la corte con Ud. como su representante? ☐ Sí ☐ No
 - Si la respuesta es sí, ¿quien? _____

NYIAC IMMIGRANT YOUTH FAIR

Participant Information

Name: _____

Address: _____

Phone: _____

LIMITED SCOPE OF SERVICES & AUTHORIZATION

Services provided at this clinic and the scope of the attorney-client relationship are limited to consultation and assistance with applications provided at the clinic. No ongoing attorney-client relationship is created by the provision of these services, though all information provided during the course of these services shall remain confidential with the exception noted below. During the clinic's consultation and assistance, clients are responsible for giving accurate, truthful information, including information on criminal background.

- I have been advised of the consequences of applying for immigration benefits for which I may not be eligible at this time. _____
- I have been warned of the consequences of providing false information or false documents to the Department of Homeland Security. _____
- I have been advised that if in the future I seek further assistance with my immigration case, it is suggested that I only speak with BIA Accredited Representatives or attorneys licensed to practice law in order to avoid immigration fraud. _____
- I authorize NYLAG to share my name, contact information, and a description of my potential immigration relief option(s) with other attorneys or legal service providers in order to make a referral. Placement with another attorney or agency is not guaranteed. _____
- The Volunteer Attorney or the Volunteer Attorney's law firm may have an existing conflict of interest in providing advice to me at this time or such a conflict may arise in the future. Unless the Volunteer Attorney has actual knowledge at this time that providing advice to me at this time involves a conflict of interest for the Volunteer Attorney or the Volunteer Attorney's law firm, I agree to waive any such conflict arising out of the matters discussed here today whether presently or in the future. _____

THE ABOVE IS UNDERSTOOD AND ACKNOWLEDGED.

Signature

Date

FOR SUPERVISOR USE ONLY:RELIEF CODE: ☐STRONG SIJS: ☐STRONG ASYLUM: ☐

OTHER RELIEF (U/T; Family-based; etc.): _____

WEAK SIJS: ☐WEAK ASYLUM: ☐Prosecutorial Discretion/Compelling Factors: ☐SIJS: ☐ Abuse ☐ Abandonment ☐ NeglectASYLUM: ☐ Past Persecution?☐ WFF of future?

By whom? _____

Ground(s)? _____

Guardian? _____

Persecutor(s)? _____

Procedural Issues: ☐ COV? Next Court Date/Place: _____☐ Change of address?

CASE NOTES:

SCREENER NAME & ORGANIZATION/FIRM: _____

SCREENER TELEPHONE NUMBER/EMAIL: _____

*****ANSWER EACH AND EVERY QUESTION PLEASE – write “N/A” or “doesn’t know” if applicable*******HOME COUNTRY** (these questions help determine eligibility for SIJS, Asylum, & T nonimmigrant relief)

1. Who raised you? _____

2. If not mom, where was she/what was your relationship with her like? _____

3. If not dad, where was he/what was your relationship with him like? _____

4. Were you enrolled in school in your home country? ☐ YES ☐ NO If YES, what grade did you reach? _____

If NO, why not? _____

Did you ever stop going to school before you were 18? _____

☐ YES ☐ NO

If YES, why? How old were you? Did you go back to school? _____

5. Did you work in your home country? _____

☐ YES ☐ NO

If YES, what type of work? _____

How old were you when you started working? _____

Hours per week? _____

6. Outside of the U.S., have you ever been given a ticket, arrested or charged with a crime? _____☐ YES ☐ NO

If YES, what and when? _____

7. In your home country, was there ever any violence in your house? _____

☐ YES ☐ NO

If YES, did your parents hit you? _____

☐ YES ☐ NO

Did they hit your brother(s) and/or sister(s)? _____

☐ YES ☐ NO

8. Did you ever see or hear either parent hurt the other? _____

☐ YES ☐ NO

If YES, what happened? _____

9. Did you ever see one of your caretakers of parents drunk or using drugs? _____

☐ YES ☐ NO

If YES, which/what type and how often? _____

10. Do you or any of your family members have any medical/mental health/other special needs? _____

☐ YES ☐ NO**TRAVEL TO THE U.S.** (potential T or U Nonimmigrant Status/Due Process/Procedural Relief)

11. How did the people helping you come to the U.S. treat you? _____

12. Did anything happen on your trip to the U.S. that scared you? _____

☐ YES ☐ NO

If YES, what? _____

13. Did you, or anyone in your family, pay anybody to bring you to the US? _____

☐ YES ☐ NO

Last updated 9.24.14

- If YES, does your family still owe them money? ☐ YES ☐ NO
- Have you ever had to work to pay off this or any other debt? ☐ YES ☐ NO
14. Do you still owe a debt for the journey that you must repay? ☐ YES ☐ NO
- If YES, to whom? _____
15. Has anyone ever taken any of your important documents? ☐ YES ☐ NO
16. Were you or your family ever threatened with physical or sexual harm/abuse? ☐ YES ☐ NO
17. Were you ever forced or tricked to do anything that you did not want to do?
i.e. forced work; have sex; take or sell drugs; acts of violence? ☐ YES ☐ NO
18. Have you ever been forced to work long hours where you were not allowed to leave? ☐ YES ☐ NO
19. Has anyone (family or other) ever touched you in a way that has made you feel uncomfortable? ☐ YES ☐ NO
- If YES, who and how? _____

LIFE IN THE U.S. (potential SIJS; Asylum; VAWA; U/T; FB relief) *REMIND CHILD ABOUT CONFIDENTIALITY**

20. Do you live with:
- Both biological parents? ☐ One biological parent? ☐ Someone who is not your biological parent? ☐
- Who? _____ How long have you lived with them? _____
- What, if any relation, do they have to you? _____
- Anyone else in the house? ☐ YES ☐ NO
- If YES, who? _____
21. Do you have any other relatives/adults you trust who live nearby? ☐ YES ☐ NO
- If YES, who/relationship? _____
22. Do you have any family members (children or siblings 21 years or older, or parents)
who are United States Citizens or Lawful Permanent Residents ("green card" holders)? ☐ YES ☐ NO
23. Does your mother or father have TPS or any kind of immigration status? ☐ YES ☐ NO
- If YES, who and what status? _____
24. Do you have a step-parent? ☐ YES ☐ NO
- If YES, what is their immigration status? _____
25. Do you feel safe in your current living situation? ☐ YES ☐ NO
- If NO, why? _____
26. Are you currently in school? ☐ YES ☐ NO
- School
Name/Grade: _____
27. Are you currently working? ☐ YES ☐ NO
- If YES, how (work permit, fake social security number, "off the books")? _____
- Are you getting paid? ☐ YES ☐ NO How much? _____
28. Has anyone ever petitioned for immigration papers for you? ☐ YES ☐ NO
29. Inside the U.S., have you ever been given a ticket, arrested or charged with a crime? ☐ YES ☐ NO
- If YES, what and when? _____
30. Have you (or your parents, brothers/sisters, or children) ever been the victim of a crime in the U.S.? ☐ YES ☐ NO
- If YES, did you/they report it? ☐ YES ☐ NO
31. Have you ever been physically harmed or threatened in the U.S.? ☐ YES ☐ NO
- If YES, did you know the person who harmed/threatened you? ☐ YES ☐ NO

Last updated 9.24.14

If YES, who was it? _____

Did you tell any adult or official about this incident? _____

☐ YES ☐ NO

If YES, who? (police officer, parent, other?) _____

32. Have you ever been present when someone else in your family was being abused? _____

☐ YES ☐ NO

If YES, who? _____

By whom? _____

In or out of the US? _____

33. Is there anyone that you are afraid of right now in the U.S.? _____

☐ YES ☐ NO

34. Do you want to stay in the US? _____

☐ YES ☐ NO ☐ NOT SURE

Why? _____

ASYLUM SPECIFIC

35. Why did you leave your country? _____

36. Are you afraid to go back to your country? _____

☐ YES ☐ NO

If YES, why? _____

37. Do you identify as lesbian, gay, bisexual, transgender, or queer(LGBTQ)? _____

☐ YES ☐ NO

38. Do other people identify you as LGBTQ? _____

☐ YES ☐ NO

39. Have you, and/or any of your family, ever belonged to any organizations? _____

☐ YES ☐ NO

i.e.: gangs; political; government; police

If YES, which? _____

40. Do you belong to any religious group that is that is discriminated against in your home country? _____

☐ YES ☐ NO

If YES, which group? _____

Why/how are they discriminated against? _____

41. Have you ever heard gunshots? _____

☐ YES ☐ NO

If YES, how often/what happened? _____

42. Were you ever in a gang? _____

☐ YES ☐ NO

43. Are you afraid of gangs? _____

☐ YES ☐ NO

If YES, has a gang tried to recruit you? _____

☐ YES ☐ NO

Why did the gang target you? _____

Has a gang tried to recruit any of your family members? _____

☐ YES ☐ NO

Why did the gang target them? _____

Has a gang member tried to hurt you? _____

☐ YES ☐ NO

If YES, what happened? _____

Did gangs prevent you from going to school? _____

☐ YES ☐ NO

If YES, what happened? _____

Has anyone in your family been killed or hurt by a gang member? _____

☐ YES ☐ NO

If YES, who/what happened? _____

Have you ever seen or heard anyone get hurt by a gang member? _____

☐ YES ☐ NO

If YES, what happened? _____

44. Did gangs ever demand money ("war price" or "renta") from you or a family member? _____

☐ YES ☐ NO

If YES, did you/they pay? _____

☐ YES ☐ NO

45. Did you or any of your family members ever report gang activities/crimes to anyone? _____

☐ YES ☐ NO

If YES, who, and what was reported? _____

46. Did anyone ever make you feel uncomfortable or scared in your home country? _____

☐ YES ☐ NO

If YES, who made you feel uncomfortable or scared? _____

How did they do it? _____

If YES, why do you believe they targeted you? _____

47. Has anyone in your family ever hurt you? _____

☐ YES ☐ NO

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If YES, who? _____

What happened? _____

Did you ever report it to anyone (police; priest; doctor; etc.)? _____

☐ YES ☐ NO

If YES, who? _____

Do you have any documents (medical/police records, etc.) relating to this? _____

☐ YES ☐ NO

If YES, what? _____

48. Did you ever receive death threats in your home country? _____

☐ YES ☐ NO

If YES, who threatened you and why? _____

SIJS SPECIFIC

49. How old are you today? _____

50. Are you currently married? _____

☐ YES ☐ NO

If NO, have you ever been married? _____

☐ YES ☐ NO

51. If you do not live with one or both of your parents:

Do you know where your parent(s) is/are located? _____

☐ YES ☐ NO

If YES, where do they live (address)? _____

If NO, does someone in your family know where they are? _____

☐ YES ☐ NO

52. Are either of your parents deceased? _____

☐ YES ☐ NO

53. Who do you want to live with/why? _____

54. How is your relationship with your bio mom now? _____

55. How is your relationship with your bio dad now? _____

56. When was the last time you saw your mother? _____

57. When was the last time you saw your father? _____

58. Was there ever a period of time longer than 6 months that you did not see your mother or father? ☐ YES ☐ NO

If YES, when? and for how long did you not see them in total? _____

59. When was the last time you spoke to your mother or father? _____

60. Are one or both of your parents unable or unwilling to care for you? _____

☐ YES ☐ NO

Who and why? _____

61. Have you ever been to Family Court? _____

☐ YES ☐ NO

62. Have you ever had any contact with Administration for Child Services? _____

☐ YES ☐ NO

63. Have you ever been in juvenile court for a criminal case? _____

☐ YES ☐ NO

OTHER PROCEDURAL RELIEF

64. Was a notice of rights given when detained? _____

☐ YES ☐ NO

65. Are the allegations in the NTA correct (country of origin, charge, time of entry)? _____

☐ YES ☐ NO

If NO, what is incorrect? _____

66. How was the NTA served on the child? _____

If hand delivered to child, by whom? _____

67. Does the NTA specify the time and place of the hearing? _____

☐ YES ☐ NO

68. Did the child sign? _____

☐ YES ☐ NO

If NO, who? _____

69. Does the NTA have an original signature of an officer who served/has authority to issue an NTA? _____

☐ YES ☐ NO

Last updated 9.24.14

Follow –Up Questions for Potential Domestic Violence (DV) Asylum Claims

- 1. Have you been the victim of abuse by your legal spouse or domestic partner?**
 - a. If YES, how were you abused?
 - i. Did you experience physical abuse or threats of physical abuse?
 - ii. Did you ever seek or receive medical services for injuries caused by abuse?
 - iii. How often were you abused?
 - iv. How long were you in a relationship with your abuser?
- 2. What is your relationship with your abuser?**
 - a. Are you legally married to your abuser?
 - b. Are you divorced from your abuser?
 - c. Do you have children in common with your abuser?
 - d. Did you ever live with your abuser and for how long?
- 3. Did you ever seek police protection?**
 - a. If YES, when?
 - b. If YES, How did police respond?
 - i. Did police issue a report?
 - ii. Did police arrest your abuser?
 - iii. Did police do anything to help you?
 - c. If NO, why not?
 - i. Is your abuser a police officer, government official, or gang member?
 - ii. Do you know other victims/survivors who reported to the police but did not receive help?
 - iii. Do you know other victims/survivors who reported to the police and were subsequently harmed by their abusers or the police?
 - iv. Did your abuser threaten to harm or kill you if you reported to the police?
- 4. Did you ever seek protection from the court/legal system?**
 - a. If YES, what type of protection did you seek?
 - i. Court order of protection?
 - ii. Criminal charges against your abuser?
 - iii. Custody of your children?
 - iv. Divorce?
- 5. Did you ever try to physically leave your abuser?**
 - a. If YES, did your abuser find you or your children after you left?
 - i. If YES, what did abuser do when he found you or your children?
 - b. If YES, did abuser continue to harm you or your children after you left him?
 - i. Did he continue to follow or stalk you or your children?
 - ii. Did he continue to physically harm or threaten to harm you or your children?
- 6. Did anyone in your community (including your family or neighbors) know about the abuse?**
 - a. How did the community member react to the abuse?

Follow –Up Questions for Potential Domestic Violence (DV) Asylum Claims

- 1. ¿Ha sido Ud. víctima de abuso alguna vez por parte de su esposo legal o pareja?**
 - a. Si "SI", como fue abusado?
 - i. ¿Sufrió abuso físico o amenazas de abuso físico?
 - ii. ¿Buscó o recibió servicios médicos para las heridas del abuso?
 - iii. ¿Con que frecuencia fue abusado?
 - iv. ¿Por cuanto tiempo estaba en una relación con el abusador?
- 2. ¿Cuál es la relación con el abusador?**
 - a. ¿Está casado legalmente con el abusador
 - b. ¿Está divorciado?
 - c. ¿Tiene hijos biológicos con el abusador?
 - d. ¿Vivió con el abusador, y si "SI", por cuánto tiempo?
- 3. ¿Buscó Ud. protección de la policía alguna vez?**
 - a. Si "SI", ¿Cuándo?
 - b. Si "SI", ¿Cómo respondió la policía?
 - i. ¿Había una denuncia del incidente?
 - ii. ¿Arrestaron/detuvieron el abusador?
 - iii. ¿Ayudó la policía en alguna manera?
 - c. Si "NO", ¿Por qué?
 - i. ¿Es el abusador un miembro de la policía/una pandilla/oficial del gobierno?
 - ii. ¿Conoce Ud. a otras víctimas/sobrevivientes que reportaron a la policía pero nunca recibían ayuda?
 - iii. ¿Conoce Ud. a otras víctimas/sobrevivientes que reportaron a la policía pero sufrieron más violencia por parte de la policía o del abusador?
 - iv. ¿Le amenazaría el abusador a Ud. Si reportara los incidentes a la policía?
- 4. ¿Buscó Ud. protección del sistema judicial?**
 - a. Si "SI", que tipo de protección buscó?
 - i. ¿Un orden de protección desde el tribunal?
 - ii. ¿Cargos criminales contra el abusador?
 - iii. ¿La custodia de sus hijos?
 - iv. ¿El divorcio?
- 5. ¿Trato de abandonar/dejar a su abusador?**
 - a. Si "SI", ¿Le encontró su abusador a Ud. o a sus hijos después de que Ud. le dejó?
 - i. Si "SI", ¿Qué paso cuando les encontró?
 - b. Si "SI", ¿Continuaba a hacerle daño a Ud. o a sus hijos después de que Ud. le dejó?
 - i. ¿Continuaba seguirle o acosarle, o a sus hijos?
 - ii. ¿Continuaba hacerle daño o amenazarle, o a sus hijos?
- 6. ¿Sabía alguien en la comunidad (incluyendo la familia o los vecinos) del abuso?**
 - a. ¿Cómo reaccionó esta persona al abuso?

Follow –Up Questions for Potential Gang Based Asylum Claims

- 1) Have you been targeted by a specific gang for recruitment and resisted it?**
 - a. If yes, which gang?
 - b. Have the same gang members physically harmed (or kidnapped or killed) or threatened any family members?
 - c. Have the same gang members demanded money or other forms of payment from any family members as a “war price” or in exchange for not being physically harmed?
- 2) Have multiple members of your family been recruited, harmed, or targeted by gangs?**
 - a. If yes, which family members?
 - b. If yes, how were the family members harmed or targeted?
 - i. Were they physically harmed or threatened?
 - ii. Was the family member kidnapped or killed?
 - iii. Was the family member forced to pay money in exchange for not being physically harmed or attacked?
- 3) Was your family home, store, or property destroyed by gang members because you or other members of your family would not join the gang?**
 - a. If yes, please specify which family members refused to join the gang.
 - b. If yes, how was your family property destroyed or harmed?
- 4) Have you ever assisted the police, another law enforcement agency, or a judge in the criminal investigation and/or prosecution of a gang member or activity?**
 - a. If YES, when?
 - b. If YES, how?
 - i. Did you attempt to speak to a police officer or detective?
 - ii. Did you make a police or other law enforcement agency report?
 - iii. Did you agree to testify in a trial?
 - iv. Did you testify in a trial?
 - c. Do members of the community know that you cooperated with law enforcement against a gang?
 - i. If YES, how?
- 5) Have you ever witnessed a crime committed by gang members?**
 - a. If YES, what type of crime did you witness?
 - b. If YES, do members of the gang know you are witness?
 - i. If YES, have members of the gang threatened or harmed you because you were a witness?
 - c. If YES, does anyone else (family members, friends, pastor, neighbor) know you were a witness to crime committed by gang member/s.
- 6) Why do you believe the gang is targeting you for recruitment?**
 - a. Because you are or are perceived to be LGBTQ?
 - b. Because you are or are perceived to be an orphan?
 - c. Because you are or are perceived to be homeless or living on the street?
 - d. Because you are or are perceived to be a member of an indigenous group?
 - e. Because of another actual or perceived reason?
- 7) Have you participated in any anti-gang activity?**
 - a. Do you belong to a group that opposes joining gangs and/or gang activity?
 - i. Church group?
 - ii. Student group?
 - iii. Political group?

Follow –Up Questions for Potential Gang Based Asylum Claims

- 1. ¿Le persiguió una pandilla específica para reclutamiento? ¿le resistió a la pandilla?**
 - a. Si, "SI", ¿Cuál pandilla?
 - b. ¿Han hecho daño (matado o secuestrado, por ejemplo) o han amenazado a su familia?
 - c. ¿Le exigieron que Ud. (o su familia) pagara dinero para que no le hicieran daño? ¿Le extorsionaron? ¿Había otro tipo de pago?
- 2. ¿Hay otros miembros de la familia que fueron reclutado, perseguido, amenazado, o herido por las pandillas?**
 - a. Si "SI", ¿cuáles familiares?
 - b. Si "SI", ¿en que forma fueron amenazado o herido?
 - i. ¿Físicamente?
 - ii. ¿Fue alguien secuestrado o matado?
 - iii. ¿Extorsionado/forzado a pagar dinero para no ser herido/atacado?
- 3. ¿Había daño a su hogar, su propiedad o su negocio porque Ud. o alguien en la familia rechazaron a las pandillas?**
 - a. Si "SI", ¿Cuáles familiares rechazaron a la pandilla?
 - b. Si "SI", ¿Cómo dañaron a su propiedad?
- 4. ¿Ha ayudado Ud. a la policía/otro cuerpo policial/al juez en una investigación criminal y/o la prosecución de un pandillero?**
 - a. Si "SI", ¿Cuándo?
 - b. Si "SI", ¿Cómo?
 - i. ¿Trató de hablar con una policía o investigador?
 - ii. ¿Hizo un reporte a la policía/ otro cuerpo policial?
 - iii. ¿se consintió a testificar en el juicio?
 - iv. ¿testificó en un juicio?
 - c. ¿Saben otros miembros de la comunidad que Ud. ha cooperado con la policía contra la pandilla?
 - i. Si "SI", ¿Cómo?
- 5. Ha sido testigo de un crimen cometido por los pandilleros?**
 - a. Si "SI", ¿Qué tipo de crimen?
 - b. Si "SI", ¿Sabe la pandilla que Ud. era testigo?
 - i. Si "SI", ¿le han amenazado o han dañado a Ud. o a su familia por ser testigo?
 - c. Si "SI", ¿Saben otras miembros de la comunidad (e.g., familiares, amigos, pastores, vecinos) que Ud. era testigo?
- 6. ¿Por qué cree Ud. que las pandillas han tratado de reclutarle?**
 - a. ¿Es (o parece ser) miembro de la comunidad LGBTQ?
 - b. ¿Es (o parece ser) huérfano?
 - c. ¿Es (o parece ser) sin hogar o vive por las calles?
 - d. ¿Es (o parece ser) miembro de una comunidad indígena?
 - e. ¿otra razón?
- 7. ¿Ha participado Ud. en activismo contra las pandillas?**
 - a. ¿Pertenece a un grupo que opone las pandillas?
 - i. ¿Grupo de iglesia?
 - ii. ¿Grupo de estudiantes?
 - iii. ¿Grupo político?

Follow-Up Questions for Potential SIJS Claims

1. If alleging abandonment:

- a. What period of time in your life, in any did you have contact with your mother/father?
- b. How often were you in contact with them?
- c. When did this stop?
- d. To your knowledge, when is the last time they tried to see you? call you? contact you in any way?
- e. To your knowledge, if they wanted to see you or contact you, would they know how to find you?
- f. To your knowledge, when is the last time your mother/father gave you or your other parent any financial support for you?

2. If alleging neglect:

- a. If you have you ever been touched in a way, by anyone that made you uncomfortable?
- b. Who?
- c. Did you tell your parents?
- d. What if anything did they do?

3. If alleging abuse:

- a. When was the first time your parents touched you in a way that hurt you?
 - i. Physically?
 - ii. Sexually?
- b. What happened?
- c. How old were you the first time?
- d. How old were you the last time?
- e. How often did this occur?
- f. What if any injuries did you have as a result of this? physical or emotional?
- g. Did you ever tell anyone?
- h. Did you ever get medical treatment?
- i. What is the worst thing either of your parents have ever done to you?

4. Miscellaneous:

- a. Are you or your children the subject of any custody/visitation orders?
 - i. If YES- from where?
- b. To your knowledge, do your parent(s) know you are in the United States now?
 - i. Why or why not?
- c. Do you believe your parents agree to have you remain with the person who you are living with now?
- d. Do you have anyone in your home country that could bring papers to your parents, if necessary, about what is happening here in the United States?

Follow-Up Questions for Potential SIJS Claims

1. Si Afirmando Abandono:

- a. ¿En cuál periodo de tiempo, si hay, has tenido contacto con tu madre/padre?
- b. ¿Con que frecuencia estabas en contacto con ellos?
- c. ¿Cuándo terminó el contacto?
- d. ¿En tu conocimiento, cuando fue la última vez que ellos trataron de verte, llamarte, o contactarte en cualquier manera?
- e. ¿En tu conocimiento, si ellos querían verte o contactarte, sabrían encontrarte?
- f. ¿En tu conocimiento, cuando fue la última vez que tu madre/padre te dio algún tipo de apoyo financiero?

2. Si Afirmando Negligencia

- a. ¿Alguien te ha tocado inapropiadamente alguna vez? Te sentiste incómodo?
- b. ¿Quién?
- c. ¿Dijiste a tus padres?
- d. ¿Si "sí", que hicieron/hicieron algo?

3. Si Afirmando Abuso

- a. ¿Cuándo fue la primera vez que tus padres te tocaron en una manera que te hizo daño?
 - i. ¿Físicamente?
 - ii. ¿Sexualmente?
- b. ¿Qué pasó?
- c. ¿Cuántos años tuviste la primera vez?
- d. ¿Cuántos años tuviste la última vez?
- e. ¿Con que frecuencia ocurrían los incidentes?
- f. ¿Habían/Cuales heridas obtuviste como resultado? ¿Físicos o emocionales?
- g. ¿Dijiste a alguien lo que pasó?
- h. ¿Recibiste tratamiento medical alguna vez?
- i. ¿Cuál es la cosa más peor que te han hecho tus padres?

4. Varios

- a. ¿Estás tú (o están tus hijos) debajo de un orden de custodia/visitación? Si "SI", ¿De dónde?
- b. ¿En tu conocimiento, saben tus padres que estas en los Estados Unidos ahora mismo? Si "NO", ¿Por qué?
- c. ¿Crees que tus padres han accedido a que te quedes con el pariente con que vives ahora?
- d. ¿Conoces a alguien en tu país que pueda dar documentos a tus padres, y si es necesario, noticias de lo que está pasando aquí en los Estados Unidos?

Good Afternoon. Thank you for scheduling time to discuss this important issue. My name is Meredith Fortin, and I am the Director of the Immigration Legal Program at Lutheran Social Services of New York. Over the past year and a half, our legal office has seen first-hand the dramatic rise of Unaccompanied Minors in court proceedings in New York City, and we are encouraged that the City is interested in responding to the problem. Today I would like to discuss our perception of the need, and share our hope that the City Council’s most recent investment will be expanded and also maintained over the coming years.

Since 1995, Lutheran Social Services of NY (LSSNY) has been providing free and low-cost direct legal immigration services to under-served populations in the New York City metropolitan area. LSSNY provides representation and legal advice to individuals and families seeking immigration relief through asylum, family-based immigration petitions, Temporary Protected Status, Deferred Action for Childhood Arrivals, and VAWA and Special Immigrant Juvenile Status petitions. Our attorneys represent clients before the immigration courts, the Department of Homeland Security, and the New York Family Courts. Over the past year and a half, LSSNY has seen a steady increase in the number of Unaccompanied Minors who are seeking legal assistance, and the demands placed on our office to respond to that need have, in some ways, limited our ability to take on other types of complex immigration work.

As this Council knows, in 2014 New York State has received the second-highest number of Unaccompanied Minors in the country, behind only Texas.¹ Our organization has seen the influx of these young people from a variety of perspectives. LSSNY currently has a contract with the Office of Refugee Resettlement (ORR) to provide shelter and temporary foster care to unaccompanied minors, and also provides post-release follow-up services to a subset of those children who are particularly vulnerable. In addition, our Immigration Legal Office is co-located with an LSSNY fingerprinting site, where the potential sponsors of these minors come to be fingerprinted for background checks and where they receive paperwork counseling and cultural orientation. Over the summer, nearly 500 potential sponsors came through our office for fingerprinting services, and many of those parents and guardians returned to seek legal assistance after the children had arrived.

In our legal office, there is currently a two-month wait for a consultation. The percentage of our total consultations related to unaccompanied minor cases has skyrocketed this summer. In the month of June, one third of all consultations done by the office were for minors who had recently crossed the border. In September, nearly 70% of our consultations were with these unaccompanied minors. LSSNY does not have the capacity to serve even a fraction of these potential clients, and soaring demand means that the office must pick our cases very carefully, evaluating those with the best chance of success. Unfortunately, many minors who have viable immigration claims are not finding representation. Sadly, we are aware that when we refer children to other area offices, many of them are unlikely to receive assistance as those offices are

¹ Office of Refugee Resettlement, “Unaccompanied Children release data from January 1st to August 31st”, available at <http://www.acf.hhs.gov/programs/orr/programs/ucs/state-by-state-uc-placed-sponsors>

facing a similar backlog. This lack of legal representation often results in removal orders, because the children's cases are usually far too complex to be handled pro se.²

For example, many of these children will be eligible for a program referred to as Special Immigrant Juvenile Status (SIJS), an immigration remedy that allows children who have been abused, abandoned, or neglected by one of their parents to obtain green cards and eventually become citizens of the United States. However, applying for SIJS involves making appearances in Family Court, Immigration Court, and before the US Citizenship and Immigration Service, a complex process that an individual without an attorney could hardly be expected to navigate. Other children who have been targeted by gangs or who have suffered other extreme violence may be eligible for asylum, an application which, again, is rarely granted when pursued without representation.³

Both forms of relief are time- and resource-intensive, and some cases can take several years to be resolved. SIJS cases require that the attorneys prepare their clients and their parents or guardians for sometimes extensive testimony in Family Court, while often also appearing in Immigration Court. All of this takes place even before the true application for legal status begins. Asylum cases, particularly those of the type that these children present with, are highly complex, difficult to prove, and can be subject to extensive delays in Immigration Court which can last for years.

LSSNY currently represents minors in all aspects of their SIJS cases, and also trains and mentors pro bono counsel to provide this service. Our office also has extensive experience providing asylum representation. However, the nature of these types of the cases means that we are limited in the number we can accept. Every week, we turn away potential clients with viable cases because we cannot responsibly add to our current caseload.

Given the nature and extent of the need, our office is encouraged to see the recent increase in funding for legal services for these children. We would like to impress upon the City Council, however, that this need will likely continue for years to come, and that the system and these families will be best-served by a substantial, long-term investment in funding for high-quality legal representation.

² A study in 2011 by the 2010 New York Immigrant Representation Study, initiated by Judge Robert Katzmann of the Second Circuit Court of Appeals, found that legal representation was a key factor in the success rate of immigration cases. The study found that from 2000 to 2010, while only 13 percent of non-detained immigrants who did not have representation won their cases, those non-detained immigrants who were represented experienced a 74 percent success rate.

³ TRAC Immigration, "Asylum Denial Rate Reaches All-Time Low," September 2, 2010. Finding that growing percentage of asylum grants was connected to increases in representation, and that in FY 2010, "only 11 percent of those without legal representation were granted asylum; with legal representation the odds rose to 54." Available at <http://trac.syr.edu/immigration/reports/240/>. See also Gram Slattery, "What Does it Take to Win Asylum?", Christian Science Monitor, July 14, 2014, available at <http://www.csmonitor.com/USA/DC-Decoder/2014/0715/Child-migrants-101-What-does-it-take-to-win-US-asylum-video> (



Make the Road New York Testimony

Oversight Hearing on Recently Arrived Central American Children and Families
September 29, 2014

My name is Nick Katz and I am an Immigration Attorney with Make the Road New York (Make the Road). Make the Road is a community-based organization that builds the power of immigrant Latino and low-income communities to achieve dignity and justice through organizing, policy innovation, transformative education, and survival services. MRNY is the largest participatory grassroots immigrant organization in New York City with over 15,000 members and vibrant community centers in the immigrant neighborhoods of Bushwick, Brooklyn; Jackson Heights, Queens; Port Richmond and Midland Beach, Staten Island and Brentwood, Long Island. MRNY works to address some of the most pressing issues facing New York's immigrant communities: Education Justice, Workplace Justice, Civil Rights, Environmental and Housing Justice, LGBTQ Justice, and Youth Justice. We also provide a comprehensive range of services, integrating adult education, workforce development and legal and support services in a holistic approach that increases economic securing and stability. Our immigration services include naturalization, deportation defense, affirmative immigration applications, and we also specialize in assisting immigrant youth with removal defense, Special Immigrant Juvenile Status (SIJS) cases and Deferred Action for Childhood Arrivals (DACA).

Thank you for inviting me here today to talk about this important topic. There are currently more than 4,000 recently arrived children from Central America in the New York City area. Many of these children are fleeing life-threatening situations in their home countries, as conditions in much of Latin America have reached crisis levels. They have come to our City and surrounding areas looking for what all young people deserve: an opportunity to live free from fear and build a better future for themselves.

Some of these children have been lucky enough to be placed with relatives or others who have opened their homes. Others are living in temporary shelters, waiting to be reunited with someone who can care for them. All of them need support services, including immediate legal representation, physical and mental health support, education and other survival services.

New York City has aggressively responded to this emerging situation, creating a welcoming environment for these young people by connecting them with education and health services and forming an intergovernmental working group, coordinated by the Mayor's Office of Immigrant Affairs (MOIA).

Last week, this Council took that effort to the next level by agreeing to provide \$1.9 million, in collaboration with the Robin Hood Foundation and New York Community Trust, to provide desperately needed legal services to these young people.

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We sincerely thank the City Council for recognizing the desperate need and stepping up to provide this funding. In recent months Make the Road has taken on the removal cases of many unaccompanied minors who have sought legal assistance directly from our offices. We have also been assisting recently arrived children and their families by helping to staff community Youth Fairs where new immigrants are screened for immigration relief, as well as connected with other services, and by supporting the juvenile docket providers in providing immigration consultations at immigration court. With this new funding source, we will be able to expand these efforts – assisting with screening children at Immigration Court and taking on additional cases for direct representation.

But there remains more to be done. Although we are building capacity to address the legal needs of unaccompanied children, there are other related populations that still need help. We have seen increasing numbers of young adults with children who have been apprehended at the border and placed in removal proceedings, with their children. These individuals are not counted in the numbers the government is releasing relating to unaccompanied minors, but are fleeing the same desperate conditions. Many times, these “adults” are really young mothers, bringing with them very young children – even babies – across the border, seeking refuge. After being processed, they are shackled with ankle bracelets by Immigration and Customs Enforcement (ICE) and forced to report regularly for “check-ins”. ICE monitors their every move through the bracelet and they face serious repercussions if they fail to keep the bracelet charged, move outside their permitted geographic area, or commit other violations of their condition of release. Their children, even the babies, are consistently being placed in removal proceedings themselves and both parents and children are in desperate need of legal representation.

The vast majority of the recently-arrived adults and children we encounter through our work are potentially eligible for immigration relief – often asylum or SIJS, among other forms of humanitarian relief. In order to actually receive that relief, however, all of these individuals must be connected with support services in the communities where they live. It is not enough to provide help at the courthouse. We must support outreach efforts to connect with recent entrants where they are living and ensure that they are linked with all of the services they need to transition safely and humanely.

These services for the recently arrived children include: access to quality health care and health insurance, referrals to psychologists trained to deal with the unique trauma that this population has experienced, and support services within the Department of Education to make sure that once they are enrolled in school, these particularly vulnerable children have the necessary structures in place to help them thrive. The sponsors who take these children in will also need assistance, as many of them are low-income, limited English proficient themselves. It is therefore critical that resources are directed towards outreach to sponsors and other proactive measures that ensure that sponsors and the children they are caring for are informed about and connected with available services.

We thank all of the members of the City Council for your proactive support of immigrants in general, and specifically for your clear desire to help these recently arrived young people. We hope that we can continue to work together to expand services for unaccompanied minors and their families, as well as for the many young mothers and their children who have sought refuge here in the United States.

FORESTDALE

FAMILY WHEN FAMILIES NEED US

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Testimony to the New York City Council Committee on Immigration

September 29, 2014

Good afternoon, my name is Rachel Tzimirotas and I am the Assistant Executive Director of Forestdale, Inc. located in Queens. Thank you for the opportunity to provide testimony before the Council's Committee on Immigration and the Committee on Courts and Legal Services this afternoon. We are all moved by the plight of unaccompanied minors, and heartened by the vigorous response of our city government and civil society.

The recently announced partnership between the City Council and private philanthropy to fund legal services for the unaccompanied minors is a tremendous first step. As we know, the needs of this population extend beyond the courtroom, and I would like to take this opportunity to discuss the role organizations like Forestdale must play in response.

New York City's child welfare organizations have deep experience with the challenges of immigration. Forestdale was founded in 1854 to serve the multitudes of orphans, many from impoverished immigrant families, living on the streets of New York City. Today, Forestdale serves over 1000 families every year through our four main programs: Foster Care, Preventive Services, the Fathering Initiative, and Teen Parents in Action. Our families have always been culturally diverse, a reflection of the larger city.

Queens finds itself at the center of the unaccompanied minor crisis. Over 1300 children who crossed the border earlier this year have come to New York City, and of these, 578 or roughly 44% are attending school in Queens.¹ The city has taken the vital step of connecting with these children through representatives in federal immigration court. However, the need for assistance navigating complex systems will continue long after the children have gone home with family members or other sponsors. Forestdale's partnerships with schools, religious organizations and civic leaders helps us reach and support families in crisis. Understanding how to access benefits is a challenge for anyone. In all of our programs, Forestdale's staff and volunteers help American-born and immigrant families navigate the education, health, job training, mental health, and youth services systems in our great city.

¹ Glazer, Jessica. "For Unaccompanied Minors, the School Year Begins With Uncertainty." Chalkbeat New York, Sept. 8 2014. <http://ny.chalkbeat.org/>

We also know the families will need expert support in areas such as Parenting Skills, Mental Health/Trauma Intervention, and Teen Parenting.

Parenting Skills include interventions that help caregivers provide a safe and nurturing home for their children. Some immigrant parents, particularly fathers, use traditional disciplinary techniques that are considered as abuse or neglect here. This is one of the issues we address in the Fathering Initiative, a 12-week course that helps fathers increase their emotional and material support for their children. Families with infants can benefit from such programs as Attachment and Biobehavioral Catch-Up, a home visiting program that strengthens bonds between high-risk babies and their caregivers.

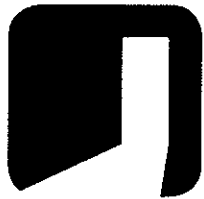
Mental Health/Trauma Intervention is critical for minors who have survived unspeakable violence and abuse, both in their home countries and in their journey to the US. At Forestdale, we are partnering with the New York University Child Study Center to implement Trauma Systems Therapy, a mental health intervention that recognizes children need holistic support from case managers, therapists, and above all their families to overcome the effects of trauma.

Finally, unaccompanied minors, particularly those from Latin America, are more likely to become parents while still in their teens.² Helping youth understand their bodies and prevent unplanned pregnancies is critical. At the same time, those who become parents need and deserve our support. Forestdale's Passport to Parenting program, a partnership with the multiservice agency Inwood House, focuses on strengthening these vulnerable families through group education, health services, and case management. We are working to raise private dollars for this program, but greater government support is also needed.

In closing, Forestdale is ready, willing and able to do our part to support unaccompanied minors, just as we strive to serve all children in our home borough. We are excited to already be part of DYCD's outreach program for immigrant youth eligible for Deferred Action for Child Arrivals status. We believe this work is only the beginning of the needed services and in partnership with the Council and the Administration, we look forward to expanding our involvement in the months to come.

Thank you for allowing us this opportunity to speak and I am available to answer any questions you may have.

² "The Health of Immigrants in New York City." NYC Department of Health and Mental Hygiene, June 2006.



INTERNATIONALS NETWORK FOR PUBLIC SCHOOLS

Opening doors to the American Dream...

TESTIMONY BY

Elizabeth Olsson, Manager of Policy and Advocacy
Internationals Network for Public Schools

before the

New York City Council
Committee on Immigration

On "Crisis of Unaccompanied Immigrant Children: What is New York City Doing?"

September 29, 2014

Good Afternoon. My name is Elizabeth Olsson, and I am the Manager of Policy and Advocacy for Internationals Network for Public Schools. I would like to thank Chair Menchaca, as well as the members of the Immigration Committee for holding this public hearing on the city's role in responding to the surge of unaccompanied migrant refugee youth.

Internationals Network for Public Schools aims to ensure that recent immigrant English language learners have access to a quality public high school education that prepares them for college, career, and full participation in democratic society. Working closely with local education departments, schools, community based organizations, and partner organizations, Internationals Network designs, opens, and supports new high schools, as well as provides professional and leadership development, technical assistance, and other services to educators serving recently arrived immigrant English Language Learner high school students. Sustaining a strong national network of innovative public high schools, Internationals Network is led by a team of practitioners that work with 19 International High Schools and small learning communities nationwide; 15 of these schools are located in New York.

Unaccompanied Minors Students in International High Schools

Several of our New York City schools are now experiencing dramatic increases of unaccompanied minor students. Based on preliminary information we've received from our schools so far, we estimate that there are currently well over 150 unaccompanied minors throughout our network, and this number continues to grow as new students continue to enroll. Schools in the Bronx, Queens, and Brooklyn have seen the biggest surge of this population. I'd like to share the stories of some of these students to highlight the variety of complex issues these unaccompanied minor students face:

- One 15-year-old student in Queens is a victim of trafficking. He owes a \$15,000 debt to a coyote who has threatened to take his family's land in Guatemala, or worse, if he doesn't repay it. The student is living in housing arranged by the coyote and works for the coyote in order to pay back this debt and to pay for rent.

- The mother of one student attending school in the Bronx explained to school staff that her other son had been murdered in her home country, and she couldn't leave this son to be killed too. Various students have seen family members murdered right in front of them.
- Many of the unaccompanied minor students in our schools have experienced gaps in their education because traveling to school in their home country was too dangerous. Though many have reunited with their mothers or other relatives or family friends, they often live in unstable housing situations, with families doubling and tripling up in apartments.

Addressing the Needs of Unaccompanied Minor Students and the Schools They Attend

Unaccompanied minor students have a variety of needs that must be addressed in order for them to be able to succeed academically. All students are in need of legal services. Students who have experienced interrupted formal education are in need of targeted academic supports, such as intensive one-on-one or small group tutoring. Those who suffer from psychological trauma due to the violence they have experienced or from extreme stress due to unstable living situations and a lack of uncertainty about their future are in need of socio-emotional supports, including mental health services.

Unaccompanied minors are expected to be concentrated in schools located in neighborhoods heavily populated by Central American families. These schools may need additional resources in order to ensure that these students receive the supports and services they need to meet New York State's rigorous academic standards. Some schools with large unaccompanied minor populations may need additional resources to provide intensive instructional support to struggling students outside of regular school hours. Some may need additional school social workers and/or guidance counselors to provide on-site services, such as group counseling sessions, and to connect students and families with external service providers, including legal service providers and mental health providers that can provide more intensive psychological supports to those who need it.

Recommendations

In order to ensure that unaccompanied minor students and the schools that serve them receive the supports they need, City Council should consider:

- 1. Allocating grants to schools with significant unaccompanied minor populations**
Schools with large unaccompanied minor populations may need additional resources to ensure these students have access to the academic, legal, and socio-emotional supports they require to succeed academically.
- 2. Advocating for more state and federal funds to distribute to these schools**
Additional state and federal funds can help New York City ensure that its schools have the services and supports they need to adequately serve these students.

The New York City Council
The Committee on Immigration

CHAIR, CARLOS MENCHACA



PUBLIC HEARING:

Oversight hearing, "*Crisis of Unaccompanied Immigrant Children: What is New York City Doing?*"

Chambers at City Hall
September 29, 2014
1 PM

**the children's
village**

Testimony of

Jeremy C. Kohomban, PhD

**President and CEO, The Children's Village
President, Harlem Dowling West Side Center**



Good afternoon, I am Jeremy Kohomban, President and CEO of The Children's Village and President of Harlem Dowling.

The Children's Village and Harlem Dowling have served children and families in New York City since the early 1800s. Today, we serve over 15,000 children and families annually. We also serve in the Netherlands, Iraq and Australia.

Since 2004, The Children's Village has worked with the Federal Office of Refugee Resettlement (ORR) to serve unaccompanied immigrant minors. We were the first charity in New York to shelter immigrant children. We provide more than 200 beds including staff secure beds for children considered a flight-risk, mother baby homes, long-term foster care where children live with foster families and we have a team of experts who review homes and develop home studies across the eastern seaboard. Our continuum of care also includes extensive post-release services for certain families after the children leave our shelters.

Over the past decade, we have served children from 41 countries, the majority of whom come from Mexico, Guatemala, Honduras and El Salvador. In the last year, we served over 1,500 children. Children typically spend less than 25 days in our residential programs. 90% of the children we served in the past year were safely reunited with a family member living in the United States.

The Children's Village has benefited from the leadership and support of New York City, which has been exemplary in serving these children. The NYC Administration for Children's Services (ACS) and our State Office of Children and Family Services (OCFS) provided guidance and support when we first developed our program in 2004. ACS and OCFS has remained a steadfast and dependable partner as we expanded our services to accommodate the unanticipated influx of children this past summer. With facilities in New York City and surrounding Counties, The Children's Village also benefited from the support of our local commissioners. Without their leadership, our capacity to serve would be greatly diminished.

At the Federal level, Director Eskinder Negash and his competent and compassionate team at ORR have given us every support necessary. We were never disappointed. Not even once!

New York has been the early leader in all efforts pertaining to the care, safety and reunification of these children. As a State, we were proactive, sensitive and we successfully leveraged our tremendous infrastructure and human capacity to respond to the crisis.

Based on ten years of caring for immigrant children at The Children's Village, I would like to make 3 brief points about the children, their families, and the gaps that we have identified in communities.

1. The overwhelming majority of the children we have served since 2012 were reunited with a family member. Despite the dangerous and difficult journey, and the personal losses some of these children experienced, they are optimistic, grateful to the United States, and capable of integrating safely into our communities.

The journey these children make to reach safety and reunite with their families is terribly dangerous. The children are often in the custody of unscrupulous gang members who pocket expensive transport fees and who are quick to recruit children into their criminal networks. Physical and sexual assaults are not uncommon either. We must find a solution that deters these vulnerable children from making such a horrific journey.

2. The family members we meet are hard-working and law-abiding. As generations of new immigrants into the United States have always done, many of these family members work two or more full-time jobs. They have made innumerable sacrifices to live, work, and support their families living both in the US and back in their country of origin. Many are undocumented - they live and work in the shadows and they live in fear.

I am cognizant and I agree that upholding the law is fundamental to the success of our democracy. I recognize that how we handle illegal immigration can only be solved at a Federal level. I also know that immigration reform and a guest visa program are difficult to discuss in this political environment. However, we must continue to push for a pragmatic solution that prevents exploitation of hard-working people and allows families to be together safely. If we don't, people will do what most good people do - they will go to any length to be with their children, making the next border crisis inevitable.

3. Finally, our most difficult and pressing challenge: now that the children are here, we must make sure that they are safe, in-school, and engaged in community. We don't want the fear of deportation or the uncertainty of the judicial process to force these children into an existence hiding on the margins of society where they are vulnerable to exploitation. To achieve this, we need to mobilize our community organizations. We must provide outreach and support that is culturally and linguistically appropriate and neighborhood-based. Organizations like the New York Immigration Coalition have begun the mobilization effort and we need your continued leadership to fund a sustained effort.

Thank you for the opportunity to testify about this important issue.

**NEW YORK CITY COUNCIL
COMMITTEES ON IMMIGRATION AND
ON COURTS AND LEGAL SERVICES**

**PUBLIC HEARING ON: "CRISIS OF UNACCOMPANIED IMMIGRANT
CHILDREN: WHAT IS NEW YORK CITY DOING?"**

**TESTIMONY BY TESTIMONY BY ELVIS GARCIA CALLEJAS
CATHOLIC CHARITIES, ARCHDIOCESE OF NEW YORK**

SEPTEMBER 29, 2014

INTRODUCTION AND OVERVIEW

Good afternoon, Chairman Menchaca and members of the Committee on Immigration, and Chairman Lancman and the members of the Committee on Courts and Legal Services. I am Elvis Garcia Callejas, a Case Manager at Catholic Charities Community Services, Archdiocese of New York. I am pleased to speak about the Catholic Charities' work providing legal orientations for unaccompanied minors and their caregivers, and a personal perspective on why this and other programs are crucial for this very vulnerable population.

**CATHOLIC CHARITIES' LEGAL ORIENTATION
PROGRAM FOR CUSTODIANS**

Since 2011 Catholic Charities, in partnership and with the support of the Executive Office of Immigration Review has provided information sessions to the caregivers of unaccompanied children, through the Legal Orientation Program for Custodians ("LOPC"). The LOPC presentations include discussion of the immigration system and court procedures; an overview of the different legal reliefs available to many of the children and, often, the adult custodians; and an explanation of the custodians' rights and responsibilities with respect to their children. Catholic Charities is the only in-person LOPC provider in New York State.

The audience for these presentations are the parents and other relatives, or family friends, with whom minors are reunified upon release from Office of Refugee Resettlement shelters. Many of the custodians are unfamiliar with their rights and responsibilities, with the federal

immigration system, with state and local school systems, and with available support services, and a majority have not lived with their children in many years. The LOPC presentations are intended to orient the custodians with respect to their new responsibilities and to reassure them about their roles as custodians and the legal process ahead.

In addition to providing legal and related information, LOPC presenters distribute lists of legal service providers and information and contacts for schooling, healthcare, counseling, food pantries, and other services. The presenters assist some custodians in completing Change of Address and Change of Venue forms, and also help some children with school or healthcare enrollment.

The presentations are held at the Catholic Charities office at 80 Maiden Lane, in lower Manhattan, and at some of the juvenile immigration court dockets. Three or more group presentations are scheduled each week, in the daytime as well as in the evening. More than 70 families attend LOPC presentations each month. Custodians from as far away as Connecticut and upstate New York make the trip to Manhattan for the opportunity to hear from a live, informative individual.

Response to the Expedited Juvenile Dockets

Since August 2014, Catholic Charities has given an LOPC presentation at each expedited juvenile docket. All caregivers and children are invited to attend before the hearings begin. The immigration court provides space and time for the presentations. After the presentation, custodians and minors are encouraged to ask questions, which many do. Catholic Charities has worked closely with the other ICARE providers to ensure that the LOPC and legal screenings do not interfere with each other.

More than 450 custodians have attended one of these court presentations. Catholic Charities has committed to presenting at each of the expedited juvenile dockets, as the LOPC sessions have proven to be a powerful and successful tool for educating and orienting both the caregivers and children.

The Importance of Legal Information and Social Services

As a former unaccompanied minor, I know first-hand the importance of LOPC, both for the information provided and for the clear explanation of a complex immigration system.

I arrived from Honduras when I was 15 years old, having traveled alone by foot and on trains through Mexico. When I arrived in the United States, and even after I had left the Office of Refugee Resettlement shelter and was living with an American family, I was very confused

about and overwhelmed by the immigration process. Fortunately, I had a public interest lawyer to help me with the family court proceeding in Texas, and another free lawyer who helped me to get immigration status in Chicago. I would not have been able to pursue my case on my own, without a lawyer, which I tell the families that I meet through LOPC.

I also understand why so many of the children come to the United States. My life in Honduras was surrounded by violence and poverty. When I was eight years old, I began working full-time on public buses in order to help support my family. My siblings, friends and I did what we could to avoid being confronted by gang members. When I returned to Honduras after living in the United States for some time, I realized how accustomed I had been during my childhood to seeing dead bodies.

Unlike many of the minors that I encounter through the LOPC work, I had no family in the United States. I was incredibly lucky to have been sponsored by a wonderful American family, who helped me restart my education, become a United States citizen and eventually graduate from college. With Catholic Charities, I am able to assist children and their families so that they might have the same opportunities.

Testimony of
Marissa Ram, Attorney,
Safe Horizon Anti-Trafficking Program

**Oversight – Crisis of Unaccompanied Immigrant Children:
What is New York City Doing?**

Committee on Immigration
Hon. Carlos Menchaca, Chair

September 29, 2014
City Hall

Introduction

Thank you, Chair Menchaca and members of the Committee, for the opportunity to testify before you today about addressing the needs of New York City's unaccompanied immigrant children. My name is Marissa Ram, and I am an attorney at Safe Horizon. Safe Horizon is the nation's leading victim assistance organization and New York City's largest provider of services to victims of crime and abuse, as well as these victims' families and communities. Safe Horizon applauds the \$1.9 million public-private partnership between the New York City Council, the Robin Hood Foundation, and the New York Community Trust that will provide key funding to legal organizations to support a coordinated response to the overwhelming need for high quality, free legal representation and access to social, mental health, and medical services for more than a thousand unaccompanied minor children appearing on the Juvenile and Surge Dockets at the New York Immigration Court.

Safe Horizon's Anti-Trafficking Program is the largest such program on the East Coast. We offer intensive case management and legal services to survivors of trafficking, work on legislative advocacy at the federal, state, and local levels, and provide comprehensive training to our partners in government, law enforcement, medical care and social services.

In our experience, proper screening for trafficking and identification of victims remains extremely challenging. Despite prosecutorial discretion, youth and other victims of human trafficking are consistently deported without crucial screening and services that would have identified them as victims – at times right back into the hands of their traffickers.

The high rates of violence, impunity, and poverty render Central American children extremely vulnerable to human trafficking, including recruitment into forced prostitution and forced labor, particularly as drug mules for cartels. We know from our work that older teenagers

are particularly vulnerable to gang-related recruitment and violence. Traffickers and their associates have networks throughout Central America – certain police officers even serve as informants for the gangs and cartels. Youth that refuse gang recruitment are severely beaten, raped, murdered, or “disappeared away.” Many of these unaccompanied immigrant youth face life-threatening consequences upon deportation back to their countries of origin. In August of this year, at least five of the children the United States recently deported back to Honduras were murdered by gangs within days of their return.

Funding Comprehensive Social and Legal Services

The young people we work with have experienced life-threatening dangers in their home countries, separation from family members, abuse, neglect, abandonment, and victimization through human trafficking and child labor. They report being mugged, raped, or otherwise abused on the journey from Central America to the United States. Our colleagues at partner organizations in states at the southern US border inform us that little to no screening for trafficking takes place in border detention centers. As a result, the government initiates removal proceedings against children that would have actually qualified for immigration relief had proper screening mechanisms been in place to make a legal referral.

In our experience working with exploited and trafficked youth, we have found that it takes time to build a trusting relationship, and that youth typically do not disclose trafficking, exploitation, or other traumatic circumstances for many months or even years. Youth who are questioned immediately after being apprehended at the border are disoriented, terrified of strangers, extremely traumatized, and have little to no understanding of the legal process. The full story of a young person’s abuse or exploitation generally emerges long after their initial screening by border patrol and only when their immediate needs have been already stabilized and

the young person feels a sense of safety. Consequently, it is crucial that all government personnel, service providers, child advocates, and volunteers interacting with unaccompanied youth in New York City receive comprehensive education on labor and sex trafficking of foreign national youth, in order to provide quality services and make appropriate legal referrals, and thereby prevent youth from being sent back to life-threatening conditions.

As a Safe Horizon attorney that works exclusively with youth who are vulnerable to trafficking or exploitation, I am concerned about the lack of age-appropriate, culturally competent, trauma-centered screening at all levels of the legal process. While most of my clients are teenagers, I have recently been referred a four-year old from Central America who has a current removal order. She and her mother fled their home country after a hired assassin came to the family home. Since there is no right to a lawyer in immigration court, even for children, this four-year girl would be expected to go to court alone, represent herself, and face off against a highly trained federal immigration attorney. The surge in unaccompanied immigrant children fleeing life threatening conditions in Central America will not decrease anytime soon. Ongoing funding is still desperately needed to support social service providers that encounter these young people, as well as legal advocates and programs with the highly specialized skills and experience needed to represent these children and to train additional attorneys in complex, often intersecting areas of law.

Conclusion

New York State has seen the highest numbers of unaccompanied immigrant children this year, second only to Texas. One of the most pressing tasks is to find the adequate resources to provide our young clients with legal counsel in order to ensure due process at their appearances in the immigration and family courts. However, in order for a legal advocate to provide

meaningful representation for an unaccompanied immigrant child, the young person must first receive proper screening and identification. Safe Horizon applauds Mayor de Blasio's Office of Immigrant Affairs for spearheading efforts, including a Task Force, to address the needs of the more than 3,000 undocumented children and youths who have arrived in the city over the past few months. We are incredibly grateful to the New York City Council, the Robin Hood Foundation, and the New York Community Trust for the \$1.9 million public-private partnership that will direct much-needed funding to expand legal representation and crucial social services for unaccompanied immigrant children facing deportation. Ongoing funding is crucial to ensure age-appropriate, culturally competent, trauma-centered screening services, as well as effective legal representation in coming years.

Thank you again for inviting us to testify today. We are hopeful someday no unaccompanied immigrant child in New York City will be sent back to life-threatening conditions.



Testimony on Oversight: Crisis of Unaccompanied Immigrant Children: What is New York City Doing?

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

**Submitted by
Jessica Orozco, Esq.
Director of Immigration & Civic Engagement
Hispanic Federation**

September 29, 2014

Good afternoon, my name is Jessica Orozco and I am the Director of Immigration and Civic Engagement at the Hispanic Federation (HF). Chairman Menchaca and members of the Council's Committee on Immigration, on behalf of HF, I thank you for bringing us together today and affording us the opportunity to express additional ways in which New York City can address the needs of our unaccompanied migrant children.

HF is the premier Latino membership organization in the nation dedicated to promoting the social, political and economic wellbeing of the Hispanic Community. We represent 100 local community-based organizations that empower and advance the aspirations and needs of the Hispanic community by improving educational achievement, increasing financial stability, strengthening Latino nonprofits, promoting healthy communities, and giving voice to our community.

Hispanic Federation has a long track record of providing immigration services through various initiatives, including the New York State's Office for New Americans. We also conduct pro-immigrant policy initiatives on the local, state and federal level. Just this month, HF held a forum on the unaccompanied migrant children crisis to discuss the root causes of the crisis and how leaders across the region can best respond to the ongoing and emerging needs of these children and their families. We would like to thank Speaker Mark-Viverito, Councilmember Menchaca, Public Advocate James and Commissioner Agarwal for their outstanding participation in the forum.

Many of the children arriving at our southern border have fled unspeakable violence: rape, murder, torture, extortion and forced gang recruitment. Many are refugees and are not only

fleeing to the United States, but to wherever they can go in search of safety and protection. They come for a variety of reasons, but increasingly they are fleeing life-threatening violence in their home countries. Brutal drug cartels and gangs in Central America are assaulting, raping and murdering children as young as six. One example of this violence was shared with HF participants at the aforementioned forum, where a woman told her story about how all of her children and grandchildren were killed due to gang violence. Only her 3 year old grandson has survived and she is trying everything she can to bring him to the U.S. where he can have a chance at a safe and successful life.

Hispanic Federation acknowledges the incredible way that New York City has been managing this crisis and wholeheartedly supports the administration's inter-agency task force created to provide essential resources to these children. We must continue to connect these children with social service providers that can enroll these children in school and help them obtain health insurance. But we must also ensure that this population has access to mental service providers. These children have gone through incredibly traumatic experiences – fleeing extreme violence, the stress of a dangerous journey across the border, being confined in a detention center – and are at risk for post-traumatic stress disorder (PTSD), depression and other psychological issues. Many of these children will need assistance in dealing with their experiences and transitioning into their new settings. It is important for us to make sure they receive such help. The Federation's network of Latino mental health service providers is ready to support the City in delivering these valuable services to children in need.

Those who are in the U.S. and who are able to remain here are the lucky ones who have escaped unimaginable violence. Now that they have found sanctuary, it is important to provide them with the resources necessary to maintain a good quality of life. We must continue conversations on what this population needs in terms of education and health care. Additionally, it is an economic imperative for us to provide these children with workforce development skills. These individuals cannot live productive lives if they know their families are struggling at home. It is crucial for these children to know that they are able to gain part-time employment and send money home to their struggling families. We must begin conversations on the realities that these children are living and address the fact that the lives of these children and their loved ones may be at risk because of debt due to "coyotes," or human smugglers. Since paying off these smugglers can be a matter of life and death to these children, we must begin a dialogue to address this issue.

These children come to the U.S. for sanctuary, and it is important that we make every attempt to provide them with whatever protection that we can. The first step is to make sure that these

individuals obtain legal representation during their removal proceedings. Hispanic Federation applauds the New York City Council for allocating \$1,000,000 to provide legal representation to children in removal proceedings. Many of these children qualify for various forms of relief from removal, such as asylum and special immigrant juvenile status. Only with the assistance of legal counsel and proper screening would these children know that they qualify for these forms of relief.

In addition, many New Yorkers may feel like they are able to relate to this population and provide these children with safe and secure homes. For this reason, information on becoming a foster parent for these children should be easily accessible for those who are interested. Information could be placed on NYC websites and disseminated to community-based organizations that work with child placement programs.

New Yorkers have also expressed interest in making either monetary or in-kind donations to these children, but do not know how to deliver such resources. Such information should be made widely available. Several key locations throughout the city could also serve as drop-off locations for donated goods. Individuals may also want to volunteer their time to provide assistance to these children, such as translation assistance, and should have information on such opportunities. It would be extremely helpful if New York City created a resource guide for those who wish to gain or provide assistance relating to unaccompanied minors.

This vulnerable population can find great help and reprieve in our great city, which has always been able to unify in times of need. Once again, Hispanic Federation applauds the great efforts that the City Council has taken to make sure these children are treated with respect and dignity.

**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: _____

Name: VICTOR CLOTER (PLEASE PRINT)

Address: _____

I represent: AFFECTED YOUTH

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: 9-29-2014

Name: RACHEL TZIMOROTAS (PLEASE PRINT)

Address: _____

I represent: FORESTDALE, INC.

Address: 67-35 112TH ST, QUEENS, NY 11375

**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: 9/29/2014

Name: Elizabeth PLUM (PLEASE PRINT) (replacing Steven Choi)

Address: _____

I represent: New York Immigration

Address: 137 W 25TH ST Koalition

NEW YORK, NY 10001

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: 9/29/2014

(PLEASE PRINT)

Name: Deborah Lee

Address: _____

I represent: Sanctuary for 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: _____

(PLEASE PRINT)

Name: Anne Pillsbury

Address: _____

I represent: Central American Legal Assistance

Address: 240 Hooper St. Brooklyn

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Dr. Jeremy Kohomtan

Address: _____

I represent: The Children's Village

Address: Harlem NY

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: Anthony Enriquez

Address: 121 Ave. of the Americas, NY, NY 10038

I represent: The Door, Legal Services Center

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: Nov 1997 (Client)

(PLEASE PRINT)

Name: Livan Garcia

Address: 199 Water Street

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: _____

(PLEASE PRINT)

Name: Livan Garcia (Legal Aid Client)

Address: 199 Water Street

I represent: Legal Aid Society

Address: _____

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Robert McCreanor

Address: Dir of Legal Services, Catholic Migration

I represent: Services of the Diocese of Brooklyn

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: Msr Kevin Sullivan - Exec Dir

Address: 1011 First Ave

I represent: Catholic Charities of the Archdiocese of N.Y.

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: 9/29/14

(PLEASE PRINT)

Name: Kathrine Russell

Address: 56 Eckford St, Brooklyn

I represent: Brooklyn Defender Services

Address: 180 Livingston St, Brooklyn

◆ 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: Elvis Garcia

Address: 400 85th St, NY NY

I represent: Catholic Charities of the

Address: Archdiocese of 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: 9-29-14

(PLEASE PRINT)

Name: Nicholas Katz

Address: 92-10 Roosevelt Av, Jackson Heights, NY 11372

I represent: Make the Good New York

Address: 92-10 Roosevelt Av, Jackson Heights, NY 11372

**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: 9/29/2014

(PLEASE PRINT)

Name: Elizabetha Markuci

Address: 33 W. 88th St #5 NY NY

I represent: Volunteers of Legal Service

Address: 281 Park Avenue South

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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: 9/29/14

(PLEASE PRINT)

Name: NEENA DUTTA

Address: 11 - BROADWAY

I represent: AMERICAN IMMIGRATION LAWYERS

Address: ASSOCIATION (AILA)

**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: 09/29/2014

(PLEASE PRINT)

Name: IRINA MATYCHENKO

Address: 7 HANOVER SQ. 18th FL. NY NY 10002

I represent: NEW YORK LEGAL AID. GRO

Address: see above

**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: Meredith Fortin

Address: 450 Graham Avenue Brooklyn NY

I represent: Lutheran Social Services of NY

Address: 308 W. 46th St NY NY

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: 9/29/14

(PLEASE PRINT)

Name: Lorraine Gonzalez Camastro

Address: 64-57 Wothole St, #21, Rego Park, NY 11374

I represent: Children's Defense Fund - NY

Address: 15 Maiden Ln, Ste 1200, NY, NY 10038

**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: Lenni Benson Safe Passage Project

Address: 185 W Broadway NY NY 10013

I represent: Safe Passage Project

Address: Same

**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: LORI ADAMS

Address: _____

I represent: HUMAN RIGHTS FIRST

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: Mibdy Baez

Address: _____

I represent: Department of Education

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: SCOTT Bloom

Address: _____

I represent: DOE AND DOHMH

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: SUSAN M. CoField

Address: _____

I represent: NYC DOE

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: 9/29/14

(PLEASE PRINT)

Name: Nisha Agarwal, Commissioner, MOIA

Address: _____

I represent: Mayor's office of Immigrant Affairs

Address: 253 Broadway, 14th Fl.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 1701

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Elizabeth Olsson

Address: 50 Broadway, Suite 2200, NY, NY

I represent: International's Network for Public

Address: Schools

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 1701

☒ in favor ☐ in opposition

Date: 9/29/2014

(PLEASE PRINT)

Name: Abraham A. Barranca

Address: 110 William Street, Suite 1802

I represent: The Committee for Hispanic Children & Families

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: 9/29/14

(PLEASE PRINT)

Name: Joseph Burzynski
Address: Assistant Commish, TB Control
I represent: DOHMH
Address: 42-09 28th St Queens 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: 9/29/14

(PLEASE PRINT)

Name: Susan Blich
Address: Assistant Commish, STD
I represent: DOHMH
Address: 42-09 28th St Queens 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: 9/29/14

(PLEASE PRINT)

Name: Sonia Ansell
Address: Deputy Commish, Prevention + Primary Care
I represent: DOHMH
Address: 42-09 28th St Queens NY

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: 9/29/14

(PLEASE PRINT)

Name: Tanya Shah

Address: Assistant Commish, Primary CARE

I represent: DOHMH

Address: 42-09 28th St, Queens 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: _____

(PLEASE PRINT)

Name: Stephanie Taylor / ESCAMOT

Address: 40 W 115th St NY

I represent: _____

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: Pablo Gomez

Address: 1110 W 24th St Bronx

I represent: Hondureños contra el

Address: SIDA

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