

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON IMMIGRATION

Jointly with

COMMITTEE ON COURTS AND
LEGAL SERVICES

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September 29, 2014

Start: 1:26 p.m.

Recess: 5:30 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: Carlos Menchaca
Chairperson

Rory I. Lancman
Chairperson

COUNCIL MEMBERS:

Mathieu Eugene
Daniel Dromm
Peter A. Koo
Rafael L. Espinal, Jr.
Ben Kallos
Vanessa L. Gibson

A P P E A R A N C E S (CONTINUED)

Robert Weisel
New York Immigration Court Judge

Elvis Garcia Callejas
Catholic Charities Community Services of
Archdiocese New York

Levon Garcia

Nisha Agarwal
Commissioner for the Mayor's Office of Immigrant
Affairs

Monsignor Kevin Sullivan
Catholic Charities

Robert McCreanor
Catholic Migration

JoJo Annobil
Legal Aid Society

Anthony Enriquez
The Door

Anne Pilsbury
Central American Legal Assistance

Lenni Benson
Safe Passage

Milady Baez
Department of English Language Learners and
Student Support

A P P E A R A N C E S (CONTINUED)

Tanya Shah

Assistant Commissioner New York City Department
of Health and Mental Health

Jeremy Kohomban

Children's Village in Harlem Dowling

Victor Clauder

Elizabeth Olsson

Internationals Network for Public Schools

Deborah Lee

Sanctuary for Families Immigration Intervention
Project

Betsy Plum

New York Immigration Coalition

Katherine Russell

Brooklyn Defenders Services

Stephanie Taylor

Immigrants' Rights Projects

Irina Matiychenko

Immigrant Protection at New York Legal
Assistance Group

Elizabeta Markuci

Immigration Project at Volunteers of Legal
Services

A P P E A R A N C E S (CONTINUED)

Abraham Barranca
Committee for Hispanic Children

Meredith Fortin
Lutheran Social Services

Rachel Tzimororatas
Forestdale, Inc.

Nicholas Katz
Make the Road New York

Pablo Gomez

Lori Adams
Human Rights First

Lorraine Gonzalez-Camastra
Children's Defense Fund New York

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2 CHAIRPERSON MENCHACA: Hello everyone.

3 I'd like to start this Immigration hearing. Buenos
4 tardes. I'm Carlos Menchaca, Chair of the New York
5 City Council's Committee on Immigration. I want to
6 welcome Council Speaker Melissa Mark-Viverito to the
7 hearing, thank her for her leadership and for efforts
8 to address the humanitarian crisis being faced by
9 many unaccompanied immigrant children. I also want
10 to thank Council Member Lancman for Co-Chairing this
11 hearing and congratulate him on being appointed as
12 Chair of the recently formed Committee on Courts and
13 Legal Services. I look forward to continuing to work
14 closely with the Speaker and Chairman in addressing
15 the myriad of need of these children. I also want to
16 acknowledge my colleagues who are here today, Council
17 Member Gibson, Council Member Kallos, Council Member
18 Koo, Council Member Eugene, and Council Member
19 Espinal. Thank you for being here, and we'll be
20 joined by other members as the hearing moves through.
21 Buenos tardes. Mi nombre es Carlos Menchaca.

22 [speaking Spanish] Melissa Mark-Viverito [speaking
23 Spanish] Rory Lancman [speaking Spanish]. Today's
24 hearing is tremendously important to us and is
25 another opportunity to understand and address the

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2 unique needs of immigrants in our community, in our
3 country, in our city. When I had my first hearing as
4 Chair of the Committee in the February, I made a
5 pledge to do everything I could to learn about the
6 obstacles immigrants are facings and help craft
7 solutions to help overcome them. At that time, we
8 were examining the Council's funded pilot project,
9 New York Immigrant Family Unity Project. That was the
10 nation's first government funded universal
11 representation public defender program to offer legal
12 defense to those facing deportation in the city's
13 immigration courts. I'm very proud to have played a
14 role in groundbreaking this pilot programming, and in
15 working with the council colleagues under the
16 leadership of our Speaker and our Finance Chair,
17 Julissa Ferreras, in allocating the 4.9 million
18 dollars in this year's budget to expand the program
19 and provide the legal representation to those who
20 need it. However, today, we are faced with a complex
21 crisis, one that has reached an undeniable tipping
22 point. Tragically, nearly 3,000 unaccompanied
23 immigrant children who came to the United States and
24 to New York City seeking a better life have found
25 themselves in Immigration Court without legal

2 representation facing the possibility of being
3 deported to countries they risk their lives to flee
4 from for reasons like violence, climate change, or to
5 reconnect with family members that are living in
6 United States. We have families from within and from
7 outside our district that are coming and approaching
8 our office with questions about the complex process
9 that they find themselves in. They have questions
10 about how interacting with Immigration Court will
11 affect their status and that the status of their
12 loved ones. There needs to be clarity around this
13 process and I'm hopeful that this council funding
14 will help in bringing more awareness to these
15 families. While I am happy to say that once again
16 the city is coming together to address the needs of
17 these children, there is so much more that we can do
18 and that we must do. In addition to the efforts of
19 the Council and various community organizations and
20 not for profits, I want to acknowledge the efforts of
21 the Mayor's Office of Immigrant Affairs for creating
22 an interagency task force to address a variety of
23 social needs of the unaccompanied immigrant children
24 such as education and healthcare, but today we are
25 calling on the Administration to continue to explore

creative ways that they can focus and refocus priorities and potentially increase resources in much the way the City Council has done to ensure that wrap around services are expanded into the neediest communities who are incredibly difficult to reach. I also want to acknowledge the leadership of our city's Public Advocate Tish James, who early on called for legal community to come together to help these children in Immigration Court. She herself has been part of this process in getting trained and representing these children. After observing the plight of these children in Immigration Court, the Speaker of the City Council, Melissa Mark-Viverito and the Council recently announced one million of City Council funds and 900,000 dollars of private funds that have been allocated to legal services providing the needs for these children. And again, while I applaud the efforts that have been taken so far, this is a crisis that requires continued collaboration and commitment of public and private entities. This afternoon, I look forward to getting a better understanding of the extent of the problems these children are facing, learning about the efforts that those committed in helping them and what

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2 additional efforts need to be taken to help these
3 children realize their dream of a better life, a
4 safer life. Before hearing those directly impacted
5 by the crisis in immigration, Judge Robert Weisel,
6 Chair Lancman and Speaker Melissa Mark-Viverito will
7 have some open remarks, but before I turn it over to
8 them, due to the large number of people that want to
9 testify today, we will be limiting everyone's
10 testimony to three minutes and will provide
11 translation services as I mentioned. [speaking
12 Spanish] With that, I would like to thank everyone
13 for attending this afternoon's hearing, and I will
14 hand it over to Chair Lancman.

15 CHAIRPERSON LANCMAN: Good afternoon.
16 Thank you, Chairman Menchaca and Madam Speaker for
17 giving the Courts and Legal Services Committee the
18 opportunity to participate in this important hearing.
19 And in deed, what could be more important than
20 ensuring that young children, most under the age of
21 13, most here without their parents, most here after
22 a long and dangerous journey have their legal rights
23 protected by a fair and efficient adjudication system
24 where they are represented by experienced, competent
25 council. And I emphasize, these children have legal

2 rights. The law provides various grounds for these
3 children to remain in the United States. They may
4 claim asylum if they have a reasonable belief that
5 they are being persecuted for their race, religion,
6 ethnicity, nationality, political opinion or
7 membership in a social group. They may claim special
8 immigrants juvenile status if they have been
9 abandoned, abused or neglected by their parents and
10 have no one to care for them at home. They may claim
11 U-Visa [sic] derivative status if they, their parents
12 or siblings are the victims of a crime committed in
13 the United States. They may claim T-Visa [sic]
14 status if they are victims of human trafficking
15 and/or subsequent indentured servitude or
16 prostitution to pay off their debt to the trafficker.
17 And children with family members who are US citizens
18 or parents who are green card holders can be
19 sponsored by their family members or parents. This
20 Council has made extraordinary exertions to ensure
21 that these legal rights are not mere empty promises,
22 but are in fact, fully vindicated. The New York
23 Immigrant Family Unity Project begun last year and
24 expanded this year creates a right to counsel for
25 detained immigrant New Yorkers facing deportation

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2 proceedings. Other Council initiatives provide legal
3 assistance to immigrants seeking US citizenship and
4 protection from domestic violence. And just last
5 week, Speaker Melissa Mark-Viverito and Chairman
6 Carlos Menchaca announced the Council's newest
7 initiative, an additional 1.9 million dollars in
8 public private partnership to provide additional
9 legal representation to unaccompanied immigrant
10 children. We will hear today from some of the
11 providers of these legal services as well as the
12 Federal Executive Office of Immigration Review and
13 the Administration. I look forward to examining how
14 effective have been our efforts to ensure that these
15 children have a full and fair opportunity to press
16 their valid legal claims. Thank you.

17 CHAIRPERSON MENCHACA: Thank you, Chair.
18 And now we're going to hear from our Speaker, Melissa
19 Mark-Viverito.

20 SPEAKER MARK-VIVERITO: Want to thank
21 both Chairs Menchaca and Lancman for holding this
22 very important hearing and I want to say good
23 afternoon to everyone that is in this room. We see a
24 lot of friendly faces, a lot of people that will
25 testify to the important actions that we are taking

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2 as a city to address this very challenging situation.

3 So, again, thank you for holding this hearing on

4 equal access to justice of unaccompanied immigrant

5 minors. As Councilman Menchaca mentioned, the

6 Council has created a new committee on Courts and

7 Legal Services in an effort to promote innovation and

8 discuss ways to provide marginalized populations with

9 legal representation. So I'm happy to have this new

10 committee be part of this crucial hearing, and this

11 topic is a good example of how this new committee

12 chaired by Council Member Lancman will add to access

13 to justice conversations moving forward. Today, we

14 will shed light on a humanitarian crisis facing our

15 country. It is heartbreaking to hear about the

16 apprehension and detention of unaccompanied minors at

17 our southern border. We've all seen the reports of a

18 recent and substantial surge in the number of child

19 refugees fleeing violence, human trafficking, poverty

20 and human rights abuses in Central America. In fiscal

21 year 2012, 14,000 unaccompanied children arrived at

22 the border, double the amount of previous years. In

23 fiscal year 2013, this number climbed to 23,000, and

24 since 2013, over 63,000 unaccompanied minors have

25 been apprehended at the border. These numbers are

2 staggering, but I've said consistently that we have a
3 moral obligation to address this and to work and
4 provide services to these children. We've seen some
5 of the ugliness at the border, how these children are
6 dehumanized, are criminalized. It's just really
7 something that I don't think this country should be
8 proud of and that we should not in any way support.
9 So in the absence of any sort of true leadership at
10 the federal level, it leaves cities just like New
11 York City and others to figure it out for ourselves,
12 and so we took a very bold step to fill in the void,
13 and that is why we're having this hearing today.
14 Recently, the federal government announced that it
15 would accelerate the removal process for these
16 children. On August 13th this year the Immigration
17 Court commenced a daily docket for these cases. I
18 visited, as did Carlos and others, I visited a search
19 docket personally, and it is to say the least
20 distressing. I think actually Chair Lancman went this
21 morning. Traumatized children standing before a
22 judge without a lawyer. Their most urgent need is
23 legal representation without which these children may
24 be forced to return to dangerous and unstable
25 conditions. But the Council has taken action. On

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2 Tuesday, September 23rd, I announced that the Council
3 will provide one million dollars to fund a new
4 program, the Unaccompanied Minor Children Initiative,
5 which Council Member Menchaca mentioned. This
6 initiative will focus primarily on increasing access
7 to legal counsel for children in removal proceedings,
8 where there is the most critical and urgent need.

9 The organizations funded will build on the current
10 model of direct representation, leverage high quality
11 pro-bono representation and integrate social services
12 to lessen the growing back log of children appearing
13 on the search dockets to assure due process for
14 minors who are struggling to maneuver the immigration
15 system alone. I want to thank all of the legal
16 service providers. I know many are in this room,
17 advocates as well for the hard and exemplary work
18 that you do in our community each and every day.
19 They play an instrumental part in protecting the
20 city's unaccompanied immigrant children. We look
21 forward to hearing more from them on what they have
22 to say, and I thank and I welcome the Judge who is
23 here with us today. Thank you very much for your
24 efforts as well, and we'll hear, I know we're going
25 to hear from you in a moment. Thank you, Chair.

2 CHAIRPERSON MENCHACA: Thank you,
3 Speaker. And without further ado, we're going to ask
4 Judge Weisel to speak and before we do that we're
5 going to ask you to affirm for an oath. And we have--
6 -great. So we're going to have some folks join you.
7 Okay. Levon Garcia [sp?] from Legal and so the--a
8 Legal Aide Client, Levon Garcia, Elvis Garcia [sp?]
9 and Robert--oh, sorry, we got the Judge up here too.
10 If you can join the Judge up here at the desk. Thank
11 you. Okay. We're going to begin with Judge Weisel.

12 JUDGE WEISEL: Good afternoon. My name
13 is Robert Weisel, and I am the Assistant Chief
14 Immigration Judge who oversees the Immigration Courts
15 in New York and New Jersey, and I am one of the 27
16 Immigration Judges who hear cases in New York City
17 Immigration Court. Thank you for inviting me to
18 testify today about the United States Department of
19 Justice's Executive Office for Immigration Review's
20 role in processing the immigration case of
21 unaccompanied children who appear in Immigration
22 Court. Over the past several months I have hosted
23 presentations at the New York Immigration Court for
24 members of the New York City Council, their staffs,
25 the Speaker of the New York City Council and her

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2 staff, members of the Mayor's Office, and the New
3 York Secretary of State. When visiting our
4 Immigration Court, our visitors have the chance to
5 observe our priority unaccompanied childrens dockets,
6 and I hope gained a better understanding of how
7 EOIR's Immigration Courts operate. There are
8 currently approximately 408,000 pending immigration
9 cases before the Immigration Courts nationwide.
10 About 55,000 of which are in New York City. Of
11 those, approximately 6,500 were cases our staff coded
12 with a juvenile identifier code. Statewide, there
13 are another approximately 4,200 pending cases at
14 about 100 of which are coded as juveniles. Each of
15 these cases starts when the Department of Homeland
16 Security serves an individual with a charging
17 document called a Notice to Appear, and files that
18 document with one of EOIR's 59 Immigration Courts.
19 It is very important to note that EOIR is part of the
20 Department of Justice is completely separate from the
21 Department of Homeland Security. Removal proceedings
22 begin with what is known as a Master Calendar
23 Hearing, and typically continue with an individual
24 hearing during which both parties present the merits
25 of the case to the Immigration Judge. The outcome of

2 many removal proceedings depends on whether the
3 individual is eligible for protection or relief from
4 removal. Immigration law provides these options to
5 individuals who meet specific criteria. In many
6 removal proceedings, individuals admit that they are
7 removable, but then apply for one or more forms of
8 relief. In such cases, individuals must prove that
9 they are eligible for a remedy that immigration law
10 provides to include asylum. As you know, this
11 country recently experienced a surge of individuals
12 crossing the southern border. It responds to the
13 President's directive. EOIR has taken a series of
14 recent steps to help address the influx of people
15 crossing the southern border of the United States.
16 These steps include making docket adjustments,
17 reprioritizing the schedule of certain case types,
18 and refocusing EOIR's immigration court resources.
19 EOIR's response to the evolving situation on the
20 southern border will continue to adapt appropriately
21 and to concentrate on fair and expeditious hearings
22 with due process for all respondents who come before
23 the court. We are providing timely and fair
24 adjudication of the cases before the agency, and
25 providing shorter wait times for a first hearing

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2 before an immigration judge for those in the defined
3 priority groups. EOIR has redefined its priority
4 case groups to focus primarily on those who cross the
5 southern border on or after May 1st, 2014. As we
6 prioritize the scheduling of cases of individuals who
7 recently crossed the border, and continue to hear
8 cases of those who are detained. The cases of
9 individuals that do not fall into those priority
10 categories will take longer to resolve. Additionally,
11 beginning on July 18th, 2014, EOIR realigned its
12 dockets to ensure that each unaccompanied juvenile
13 respondent identified by DHS receives a first Master
14 Calendar Hearing no less than 10 days and no more
15 than 21 days from the DHS's filing of notice to
16 appear. Beginning June 30th, 2014, EOIR additionally
17 deployed seven Immigrations Judges on detail to
18 detained immigration port sites in Texas. Some of
19 the New York City Immigration Judges are actually
20 serving details to assist with the influx of priority
21 cases. The concept of the juvenile docket is not a
22 new one. In 2003, the EOIR initiated a juvenile
23 docket at the New York City Immigration Court to
24 identify all respondents who are under 18 years of
25 age and came to the United States without a parent or

2 legal guardian. Legal services providers are present
3 to interview the children and to undertake their
4 representation where possible, or to assist in
5 finding other pro-bono representation for the
6 children. This has evolved to the current system
7 that is in place today due to the growing numbers of
8 unaccompanied juveniles in proceedings. The New York
9 City Immigration Court now has four Immigration
10 Judges dedicated to those juvenile dockets. To date,
11 we have scheduled and heard approximately 11,600
12 juvenile cases and still have approximately 6,500
13 children's cases pending. With the commencement of
14 priority unaccompanied children's cases of which we
15 have approximately 1,130 pending, we continue to work
16 with legal service providers. We also have a legal
17 orientation program for custodians of unaccompanied
18 children or LOPC in New York City. Since 2013, the
19 LOPC has operated the LOPC National Call Center out
20 of New York City to assist in making appointments for
21 custodians at one of the LOPC provider locations, and
22 to provide telephonic assistance to custodians who
23 live outside the geographic areas in which LOPC is
24 currently available. This telephonic assistance
25 includes legal orientation on the Immigration Court

2 process as well as guidance in filing basic court
3 forms, such as the change of address and motions to
4 change venue. EOIR recognizes the value attorneys
5 and credited representatives presence can bring to
6 Immigration Courts. In addition the increase
7 deficiencies, a representative of record can provide
8 for a more effective hearing as well. Various
9 stakeholders including public/private collaborations
10 have worked to increase representation rates of the
11 cases in the Immigration Courts. Though EOIR's 59
12 Immigration Courts all operate under the same laws
13 and guidance, one thing that is unique about New York
14 City is that due to the large immigration bar in New
15 York, there are more legal representatives available
16 to assist respondents than in other immigration
17 locations, Immigration Court locations. And with the
18 deployment of video teleconferencing, those
19 representatives are able to assist respondents
20 nationwide. Further, there are several government
21 initiatives that encourage legal access and work
22 toward improving the effective and efficient
23 adjudication of immigration proceedings. Two weeks
24 ago, the Department of Justice and the Corporation
25 for national and community service announced grantees

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2 under justice AmeriCorps, a grant program that will
3 enroll approximately 100 lawyers and paralegals as
4 AmeriCorps members to provide legal services to
5 children. EOIR also continues to operate the
6 recognition and accreditation program which the
7 agency established to provide low income aliens with
8 access to representation by individuals with adequate
9 knowledge, information and experience in immigration
10 and nationality law and procedure through nonprofit
11 institutions. We hold informational events about
12 this program several times per year, and most
13 recently last Friday, that was on September 26th, we
14 held an informational event in the hopes of building
15 the capacity of that program. That's through webinar.
16 For all of the positive representation happening
17 nationwide to include in New York City I must also
18 note that EOIR is actively involved in combatting
19 immigration services scams through our fraud and
20 abuse prevention program. EOIR looks forward to
21 continuing its partnership with the New York Attorney
22 General's Offices and other in law enforcement to
23 continue the fight against Notario fraud. We also
24 recognize and appreciate the engagement of the New
25 York City community, including the 1.9 million dollar

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2 initiative, the City Council recently announced in
3 providing legal and other services to unaccompanied
4 alien children in New York. We look forward to
5 continuing to work with you to address the legal
6 needs of the children, and I thank the Council for
7 your invitation.

8 CHAIRPERSON MENCHACA: Thank you so much.
9 And we're going to be putting the clock, so if you
10 all can make sure that we put it at three minutes,
11 the Sergeant at Arms, and we can have Elvis Garcia
12 next. Make sure that the red button is on. Thank
13 you.

14 ELVIS GARCIA CALLEJAS: Good afternoon
15 Chairman Menchaca and members of the Committee on
16 Immigration. Good afternoon, Chairman Lancman and
17 members of the Committee on Court and Legal Services.
18 My name is Elvis Garcia Callejas and I am a case
19 manager at Catholic Charities Community Services of
20 the Archdiocese of New York. I am pleased to speak
21 about the Catholic, about the services Catholic
22 churches provides to the Legal Services for
23 Custodians to the unaccompanied minors and their
24 caregivers here in New York and to provide you with a
25 personal perspective on why this and other programs

2 are so important to this very vulnerable community.

3 Since 2011 Catholic churches in partnership and with

4 the support of the Executive Office of Immigration

5 Review has provided a lot of informative sessions to

6 the caregivers and unaccompanied minors through the

7 Legal Orientation Program for Custodians, LOPC. The

8 LOPC is a presentation that includes discussions of

9 the immigration system, the court procedures and a

10 review of the different legal relief available to

11 many of the children and some of the adult

12 custodians, an explanation of the custodian's rights

13 and responsibility with respect to their children.

14 Catholic Charities is the only person in LOPC

15 providing in the New York State. The audience for

16 this presentation are the parents and other relative

17 or a family friend with whom minors are unified after

18 they have been released from ORR, or Office of

19 Resettlement--Office of Refugee and Resettlement

20 Shelters. Many of the custodians are unfamiliar with

21 their rights and their responsibilities with the

22 federal immigration system or with the state and

23 local school system, or with the different services

24 available to them. A majority have not lived with

25 their children for many years. The LOPC presentation

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2 tend to orient the custodians with respect to their
3 new responsibilities and to reassure them about their
4 roles as custodians and the legal process ahead. In
5 addition to providing legal and relate information,
6 LOPC presented a list of legal services providers and
7 information in contact for schooling and healthcare
8 counseling, food pantries and other services. The
9 presenters assist with custodian completing change of
10 venue, change of address which are forms that we use
11 to relocate court hearings from one state to another
12 state. Until now [sic] that presentation were held at
13 Catholic Charities Office of 80 Maiden [sic] Lane in
14 lower Manhattan and some juvenile immigration court
15 dockets. Three or more group presentation are
16 scheduled each week in the daytime and evening. More
17 than 70 families attended the LOPC presentation each
18 month. Custodians from far away as Connecticut and
19 Upstate New York make their trip to Manhattan for the
20 opportunity to have an informative individual
21 presentation. Since August 2014, Catholic Charities
22 has given an LOPC presentation at each expedited
23 juvenile docket. All caregivers and children are
24 invited to attend the presentation before the hearing
25 begin. The Immigration Courts provides space and

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2 time for that presentation. After the presentation,

3 custodians and minors are encouraged to ask

4 questions, which many of them do. Catholic Charities

5 has worked with closely with other I Care's [sic]

6 providers to make sure that the presentations and the

7 screenings are not interfered with each other. More

8 than 500 custodians, one of them core presentation,

9 Catholic has committed to presenting at each of the

10 expedited dockets. The LOPC session has proven to be

11 powerful and successful tool for educating and

12 orientating roles [sic] that caregivers and the

13 children. As a former unaccompanied minor, I know

14 firsthand the importance of the LOPC was for the

15 information provided and for the clear explanation of

16 a complex immigration system. I arrived from

17 Honduras when I was 15 years old, having traveled

18 alone by foot and on tough terrain [sic] through

19 Mexico. When arrived to the United States and even

20 after I have left the Office of Refugee Resettlement

21 Shelter and I was living with an American family, I

22 was very confused and overwhelmed by the immigration

23 process. Fortunately I had a public interest

24 attorney to help me with a family court proceeding in

25 Texas, and another free lawyer who helped me to get

2 immigration status in Chicago, Illinois. I will not
3 have been able to pursue my case on my own without
4 the help of an attorney. That's what I tell a lot of
5 the--that's what I said at the LOPC presentation to
6 the custodians of the minors. I also understand why
7 so many of the children are leaving their countries.
8 My life in Honduras was surrounded by violence and
9 poverty. When I was eight, eight years old I began
10 working full time on public [sic] basis in order to
11 help support my family. My sibling, my friends and I
12 did whatever we could to avoid being confronted by
13 gang members. When I returned to Honduras after
14 living for some time in the US, I realized how
15 accustomed I had been during my childhood to seeing
16 dead bodies unlike many of the minors that I
17 encountered to the LOPC work. I had no family in the
18 United States when I came here. I was incredibly
19 lucky to have been sponsored by a wonderful American
20 family who helped me restore my education, become a
21 United States citizen and eventually graduate from
22 college. I want to thank you Catholic Charity for
23 giving me the opportunity to work for them and to
24 provide these services to the unaccompanied minors
25 growing up, and I want to thank the Executive Office

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2 of Immigraiton Review for providing all of this
3 support. Thank you.

4 CHAIRPERSON MENCHACA: Thank you so much
5 for that testimony and sharing your personal story,
6 too. This really helps, this helps us understand at
7 that personal level what you went through. Thank you
8 so much. Senior [sic] Garcia?

9 LEVON GARCIA: [speaking Spanish]

10 TRANSLATOR: My name is Levon Garcia
11 [sic].

12 LEVON GARCIA: [speaking Spanish]

13 TRANSLATOR: I am 22 years old.

14 LEVON GARCIA: [speaking Spanish]

15 TRANSLATOR: I came to you as 16 years
16 old to New York City, when I was 16.

17 LEVON GARCIA: [speaking Spanish]

18 CHAIRPERSON MENCHACA: Can you speak into
19 the mic, too, actually, if we could bring both mics.
20 Sorry to interrupt. I just want to make sure that
21 this in the record.

22 TRANSLATOR: Okay.

23 LEVON GARCIA: [speaking Spanish]

24 TRANSLATOR: I came running away from the
25 problems from Guatemala.

2 LEVON GARCIA: [speaking Spanish]

3 TRANSLATOR: Like gang, threat and abuse.

4 LEVON GARCIA: [speaking Spanish]

5 TRANSLATOR: I've been since the second
6 day I came to the United States, I was working in
7 cleaning and maintenance.

8 LEVON GARCIA: [speaking Spanish]

9 TRANSLATOR: I couldn't study because my
10 father didn't let me.

11 LEVON GARCIA: [speaking Spanish]

12 TRANSLATOR: He had me locked up.

13 LEVON GARCIA: [speaking Spanish]

14 TRANSLATOR: I bought my food with the
15 money that I saved, and I send money away to my
16 mother in Guatemala to help her with home stores
17 [sic].

18 LEVON GARCIA: [speaking Spanish]

19 TRANSLATOR: So she could buy food for
20 herself and my brothers.

21 LEVON GARCIA: [speaking Spanish]

22 TRANSLATOR: Then my father came back to
23 Guatemala. My father treated real bad my mother, and
24 then my father left and I was the one who supported
25 my family.

2 LEVON GARCIA: [speaking Spanish]

3 TRANSLATOR: Gang members killed my
4 father in front of my little sister and my sister.
5 My sister is already has--is 11 years old and she
6 came to United States when she was nine years,
7 running away from the members, from the gang members
8 who killed my father.

9 LEVON GARCIA: [speaking Spanish]

10 TRANSLATOR: When my sister was nine
11 years old she came to the United States, but they
12 stop her. They call me to see if I could go for her,
13 but I was a little bit afraid. I was afraid because I
14 didn't have papers, but I decided to go, and then I
15 went even though I didn't have any documents, legal
16 documents, but I went to court and in court I met
17 Christina.

18 LEVON GARCIA: [speaking Spanish]

19 TRANSLATOR: I met Christina through my
20 sister. I didn't know that I could obtain my
21 documents without--I didn't know that I could obtain
22 my document without trying to have my documents until
23 I met Christina. She told me that I could obtain my
24 documents, and thank the Lord, we worked for the
25 documents.

2 LEVON GARCIA: [speaking Spanish]

3 TRANSLATOR: Christina explained to me
4 that she could have the juvenile visa, that I could
5 have the juvenile visa since I came to the United
6 States when I was 16 years old and because I didn't
7 have any father and mother and because I was abused
8 by my father. She explained to me that eligible to
9 obtain the visa and my sister is also eligible to
10 obtain the visa because we are daughters from the
11 same father and mother and because she was underage.

12 LEVON GARCIA: [speaking Spanish]

13 TRANSLATOR: Christina explained to me
14 that when I got-- I'm sorry. Christina started with
15 my case when I was 20 years old, and she also started
16 my sister's case. Thank God I have my green card.
17 Then she proceeded with my sister's case, and now my
18 sister has her juvenile visa and we are counseling
19 the deportation case.

20 LEVON GARCIA: [speaking Spanish]

21 TRANSLATOR: My mother is with her lawyer
22 in Immigration Court. That day that we met
23 Christina, she counseled us to go to the help center
24 for immigrants where my mother is.

25 LEVON GARCIA: [speaking Spanish]

2 TRANSLATOR: Now that I have my residence
3 or green card, my life has changed completely. I feel
4 better. I feel secure. I'm not afraid of obtaining
5 my document for my sister and my daughters going to
6 the school or going to the hospital.

7 LEVON GARCIA: [speaking Spanish]

8 TRANSLATOR: I'm not afraid of going out
9 or going to work or looking for work. Having my
10 sister and my mother with me, I feel more secure.

11 LEVON GARCIA: [speaking Spanish]

12 TRANSLATOR: Over here, with my sister, I
13 feel that she has a better future, also that she can
14 go to school and have a profession and she have a
15 better life for herself. I feel secure with my life
16 and much better because I can keep working and I keep
17 moving ahead with my daughter and my family.

18 LEVON GARCIA: [speaking Spanish]

19 TRANSLATOR: I'm still supporting my
20 family because my mother is sick. I would like to go
21 back to school eventually. I wouldn't know
22 Christina, my life would have been worse or the same
23 as before without documents and living afraid.

24 LEVON GARCIA: [speaking Spanish]

2 TRANSLATOR: The same way my life has
3 changed once I obtained my documents, I would like
4 for other people in the same condition that I was to
5 obtain their document so their life also would change
6 for the better and to improve the quality of their
7 family and move ahead the same way I did.

8 LEVON GARCIA: Thank you.

9 CHAIRPERSON MENCHACA: Muchas gracias
10 [speaking Spanish] Muchas gracias. And so thank
11 you. This was the first panel. [speaking Spanish]
12 We have questions for you all, and so we're going to-
13 -I'm going to start off the questions, and then I'm
14 going to bring it back to the colleagues. I'll ask a
15 couple and then I'll come back to fill in some of the
16 things that we're going to be needing for the court.
17 I'm not going to ask all the good questions. But the
18 first question that kind of highlighted some of the
19 work that is needed in the courts, is I want to
20 really point to fraud in the Notarios that are out in
21 the community and really understand if this is
22 something the court is looking at as well in the
23 midst of not only the crisis, but the increased
24 docket and the increased number of judges. Can you
25

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2 talk a little bit about what you're doing to kind of
3 combat that?

4 ROBERT WEISEL: Well, certainly. I'll be
5 very happy to. EIOR's Fraud Prevention Program makes
6 referrals for investigation of immigration fraud,
7 complaints that have--

8 CHAIRPERSON MENCHACA: Can you get closer
9 to the mic? Just pull it closer to you. Thank you.

10 ROBERT WEISEL: The EOIR Fraud Prevention
11 Program is quite robust. We have a disciplinary
12 council in False Church, Virginia. She's part of the
13 Office of the General Counsel in headquarters at the
14 Executive Office for Immigration Review. Judges may
15 refer cases where there is a suspicion of fraud or
16 deceit to this particular individual who is an
17 attorney, and the Executive Office for Immigration
18 Review conducts an investigation. And as far as
19 attorneys are concerned, what we do is we investigate
20 instances where there may be allegations or
21 suspicions of criminal, unethical or unprofessional
22 conduct, and that's not only at the Immigration
23 Court, but also appearances before the Board of
24 Immigration Appeals as well. We also assist federal
25 and state law enforcement agencies in investigating

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2 and prosecuting immigration related fraud and the
3 complaints and request for assistance. The Fraud
4 Prevention Program receives each year involve fraud
5 perpetrated against the government as well as the
6 unauthorized practice of immigration law. So there
7 are a variety of ways in which fraud can be
8 perpetrated. So the judges know that when they have
9 a suspicion they can refer individuals or cases to
10 the Disciplinary Council in Washington.

11 CHAIRPERSON MENCHACA: Thank you, and
12 it'll be important for us to kind of get that
13 feedback as things change. This is new to the docket
14 with the new judges and making sure, like you said,
15 that they are trained to understand that this is a
16 component of it. In the same line of questioning for
17 the kind of quality of service and quality of justice
18 system, with the increased speed and the expedient
19 nature of this process, including a kind of web
20 casting teleconference component, and I want you to
21 address that directly, but how does this potentially
22 or does this potentially compromise the process
23 itself or due process?

24 ROBERT WEISEL: I think that's a very
25 good question. I want to distinguish between our, the

2 court's obligation to put these cases on within 21
3 days of when we receive a notice to appear and then
4 what happens afterwards. What happens afterwards is
5 the regular court process. We do not speed the
6 process after the case is on the initial master
7 calendar. We, the judges who I have selected to
8 preside at the priority children's docket for
9 unaccompanied children, treat these cases just like
10 any other case, and what do I mean? We are required
11 and it is our intent to ensure that attorneys obtain
12 the necessary evidence that attorneys get the
13 necessary time to investigate a case. So
14 continuances are married up to those kinds of
15 requests. We do not rush those cases after the cases
16 get on that first Master Calendar. In fact, they're
17 treated no differently than any other case, and
18 continuances are given in accordance with each
19 judge's discretion, but we hear closely to what the
20 attorney is requesting in terms of the time that they
21 need. That's the key. What time, what kind of time
22 do they need to marshal the evidence, and the judges
23 consider those requests.

24 CHAIRPERSON MENCHACA: I'm going to hand
25 it over to you, the Speaker.

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2 SPEAKER MARK-VIVERITO: Thank you, Chair.
3 I have--Judge, thank you for being here.

4 ROBERT WEISEL: Thank you.

5 SPEAKER MARK-VIVERITO: I want to just
6 dissect a little bit in terms of the testimony of the
7 numbers that you provide.

8 ROBERT WEISEL: Sure.

9 SPEAKER MARK-VIVERITO: Particularly when
10 you're talking about the juvenile docket. So, on the
11 second page, I think the second paragraph.

12 ROBERT WEISEL: I know. I want to
13 correct the record. Are you talking about the 1,300?

14 SPEAKER MARK-VIVERITO: Right, because
15 you talk about, you said--I know you said 1,100 or
16 whatever, but yeah.

17 ROBERT WEISEL: Right.

18 SPEAKER MARK-VIVERITO: I picked up on
19 that. You said that to date we have scheduled and
20 heard approximately 11,600 juvenile cases, still have
21 approximately 6,500 children's cases pending.

22 ROBERT WEISEL: Right.

23 SPEAKER MARK-VIVERITO: Right. Now,
24 those are not all unaccompanied minors situations,
25 right?

2 ROBERT WEISEL: No.

3 SPEAKER MARK-VIVERITO: Right.

4 ROBERT WEISEL: What that represents is
5 the pending case load for the juvenile dockets.

6 SPEAKER MARK-VIVERITO: Right.

7 ROBERT WEISEL: The four juvenile judges.

8 SPEAKER MARK-VIVERITO: Right.

9 ROBERT WEISEL: With a pending case load
10 of 11,600.

11 SPEAKER MARK-VIVERITO: Right. So and
12 then so the 1,300 is specifically just the number of
13 unaccompanied minor cases, which are now being
14 prioritized.

15 ROBERT WEISEL: Those are the ones that
16 are being prioritized.

17 SPEAKER MARK-VIVERITO: Correct. Okay,
18 so I just wanted to make sure, make that distinction
19 because you have cases that are on the docket that
20 are regarding young people or youth but it's not
21 specifically an unaccompanied minor case per say.

22 ROBERT WEISEL: Right, it's not a
23 priority docket. Those are part of those four
24 juvenile dockets that have existed for several years.

2 SPEAKER MARK-VIVERITO: Right. And this
3 is for your workload. There's also another docket at
4 the upstate level right? Or is that included in this
5 number?

6 ROBERT WEISEL: Well, let me take a look.
7 I think that the number of cases--I'll go back to the
8 beginning. Right, statewide, there are another
9 approximately 4,200 pending cases.

10 SPEAKER MARK-VIVERITO: Okay.

11 ROBERT WEISEL: We have a court in
12 Buffalo, New York.

13 SPEAKER MARK-VIVERITO: Right.

14 ROBERT WEISEL: So that may account for
15 the 4,200. The 4,200 is in addition to the cases
16 that we have in the city of New York.

17 SPEAKER MARK-VIVERITO: Right. So I just
18 wanted to just make that distinction. Now, would you
19 be able to say what percentage of the cases that are
20 on the docket or that have been heard to some extent?
21 Like, what are we talking about in terms of
22 percentage that don't have any type of legal
23 representation?

24 ROBERT WEISEL: I don't have that number,
25 but I'm sure that we can get those figures, that data

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2 for you. As a matter of fact, we have a website that
3 I can give you. It's PAO, which is, .EOIR@qsdoj.gov.
4 And they would be able to give you that data.

5 SPEAKER MARK-VIVERITO: Okay. And I'm
6 sure when we get to the advocates, I'm sure that they
7 give us, but in terms of, you know, the rationale for
8 us coming together and putting these additional
9 resources was to try to get to as many of the cases
10 as possible at the city level and provide every child
11 with some type of, you know, with representation.

12 Okay, I think those were--I just wanted to clarify on
13 those numbers. And then, if I could ask Mr. Garcia a
14 question. First of all, thank you for your
15 testimony. It's impactful as it is with Ms. Garcia,
16 right? So I wanted to thank you for that. I'm not
17 sure if you can answer this, maybe. I know there's
18 other reps from Catholic Charities coming up as well,
19 but you were talking about your particular situation,
20 that you were sponsored by an American Family.

21 ELVIS GARCIA CALLEJAS: That's correct.

22 SPEAKER MARK-VIVERITO: Right. Do we
23 have a sense of these children, what percentage are
24 actually being sponsored by someone other than a
25 family member, and what percentage are being

2 sponsored by maybe extended family? Do we have a
3 sense of that?

4 ELVIS GARCIA CALLEJAS: I do not have
5 that number right now, but I'm sure the next league,
6 the other organization will have, will provide you
7 with that information.

8 SPEAKER MARK-VIVERITO: Right, because I
9 mean that's an interesting in terms of to know that
10 in some cases they are here with ex--they are here
11 with extended family, but not all of them are. They
12 could be in a sponsorship situation, right, like you
13 in terms of your case was similar to that.

14 ELVIS GARCIA CALLEJAS: That's right. I
15 ended up with an American family who sponsored me and
16 some other children and that being foster care too.

17 SPEAKER MARK-VIVERITO: And you didn't
18 mention this and I am curious, how's your family,
19 your parents?

20 ELVIS GARCIA CALLEJAS: Well, it's a
21 very--my city's a very dangerous city and their
22 situation is still very--it's a very difficult
23 situation.

24 SPEAKER MARK-VIVERITO: No, I just was
25 curious. Thank you very much for--I know these are

2 not easy to put yourselves out there like that and
3 share your experiences, but it really is significant
4 and it helps give us context to what we're doing and
5 the importance of it, and I think putting a human
6 face to it is important, so that is very much
7 appreciated. [speaking Spanish] Thank you very
8 much.

9 ELVIS GARCIA CALLEJAS: Thank you.

10 CHAIRPERSON MENCHACA: Chair Lancman?

11 CHAIRPERSON LANCMAN: Judge, good
12 afternoon.

13 ROBERT WEISEL: Good afternoon
14 Councilman.

15 CHAIRPERSON LANCMAN: As was mentioned
16 earlier and I had the chance to speak with you before
17 we started the hearing, I had the opportunity to
18 visit the court this morning and was very impressed
19 with what I saw, both in terms of the way the court
20 has organized its proceedings. Judge Mary Cheng
21 [sp?], I sat in her court room for about 45 minutes,
22 and saw her handle a number of cases efficiently and
23 with empathy. And then I was also with some lawyers
24 from Legal Aid and Catholic Charities, and I could
25 see how committed they are. But as the Speaker said

2 in her opening remarks, you could also see for the
3 children involved what a distressing situation it is.
4 And I could only imagine what it must be for them
5 after all that they have gone through to get to that
6 point, but from what I saw, the court is handling it
7 as well as can be. Let me ask you some particular
8 questions about the legal obstacles that some of
9 these kids are facing. The 1,300 children that are
10 in the surge docket, is that correct, 1,300?

11 ROBERT WEISEL: Yes.

12 CHAIRPERSON LANCMAN: How many of their
13 cases have been heard or at least, you know, have
14 appeared on the Master Calendar?

15 ROBERT WEISEL: Well, as I said
16 initially, we are committed to putting these cases on
17 within 21 days of when the Department of Homeland
18 Security files the charging document. So many of
19 these people have--many of these children have been
20 heard at a initial Master Calendar starting in
21 August, and this is going to be continuing. The
22 immigration judges who I've selected to preside at
23 the priority docket, so doing Master Calendars in the
24 morning and the afternoon, we are doing about 30
25 cases in the morning and 30 cases in the afternoon,

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2 and this is all they do. So and the reason why we're
3 doing this is to ensure not only that the cases get
4 on the calendar within 21 days, but that afterwards,
5 these judges are committed just to doing these cases.
6 So they're committed to giving reasonable
7 continuances, so that they can find counsel, and also
8 it's done in such a way that the LOPC integrates with
9 us as well. So, as I said in my remarks, other cases
10 are being, are not being done because we're
11 prioritizing these priority cases. So, I can't give
12 you an exact number, but I would be happy to provide
13 that to the council later on.

14 CHAIRPERSON LANCMAN: Alright. Have you
15 been able to get a sense of what percentage of kids
16 are asserting which claims? Like, how many asylum
17 claims are being asserted and how many U-Visa, and
18 how many T-Visa and how many--

19 ROBERT WEISEL: [interposing] That's a
20 good--

21 CHAIRPERSON LANCMAN: juvenile status?

22 ROBERT WEISEL: Right, that's a good
23 question too. At this point I would say that we
24 can't determine that because we're at the very
25 beginning stages of this process. To reassert

2 affirmative relief it would be, you know, in may
3 cases, it's a good idea to have an attorney. So,
4 these children may be entitled to different forms of
5 affirmative relief under the immigration and
6 nationality act, but where we are in the process is
7 very--is at the very beginning. So, at this point,
8 we can't--I don't think that we can establish the
9 different kinds of relief, but there are different
10 kinds of relief that potentially they may be entitled
11 to, and that's why we're committed to structuring the
12 calendar in such a way that these children are given
13 the opportunity not only to obtain counsel, but also
14 to give those attorneys the opportunity to
15 investigate to see what kind of relief they're
16 entitled to.

17 CHAIRPERSON LANCMAN: And I would assume
18 that it's also too early to give any kind of real
19 sense or estimation of how many kids are ultimately
20 able to retain counsel. I mean, just from my
21 observation today. Most of the kids showed up
22 without counsel.

23 ROBERT WEISEL: Right.

24 CHAIRPERSON LANCMAN: They were all
25 approached by a Legal Services attorney, whether it's

2 Legal Aid or Catholic Charities or whomever. Those
3 without an attorney were given an adjournment or
4 continuance. Do we know yet how many are coming back
5 at that first adjourn date and saying, "Hey, I still
6 don't have an attorney." I would guess that many
7 return without counsel and then the judges will in
8 all probably grant another continuance so that they
9 can obtain counsel. The LOPC, one of, part of their
10 role is to make referrals where appropriate. So, I
11 can't tell you how many children are without counsel
12 on the second Master Calendar, but I'm sure that data
13 can also be obtained as well.

14 CHAIRPERSON LANCMAN: The--and I did
15 notice that there was in several of the cases, the
16 court was very mindful that kids--they're kids, and
17 they're in school, and in a couple of circumstances,
18 accommodation was made that the kids themselves don't
19 need to return on the next date if it's not
20 necessary, as long as they had their guardian was
21 present. But something did happen this morning which
22 was a little awkward, and I'm not sure how this jives
23 with immigration law in terms of who can and can't be
24 a custodian of a child, but one child showed up, she
25 was by herself and was asked, "Well, where's your

2 guardian? Where's your parent?" And it was explained
3 through the interpreter that her guardian, and she
4 didn't use the term in the legal sense, but the
5 person who was responsible for her was outside and
6 was undocumented themselves and was uncomfortable
7 going into 26 Federal Plaza.

8 ROBERT WEISEL: Certainly.

9 CHAIRPERSON LANCMAN: And I know when I
10 went in, even with my big shiny City Councilman pin,
11 I had to show identification. So, is that a problem?
12 What can be done about it?

13 ROBERT WEISEL: Well, certainly we can't
14 force people to come into the court, but it's our
15 goal to ensure that the children have appropriate
16 guardians using that in a figurative sense, not a
17 legal sense, and appropriate sponsors. What we try
18 to do, we're obligated reporters. So you mention the
19 issue of school. So, the judges do grant--there are
20 situations routinely where the judges might tell the
21 child that they don't have to come back as long as
22 they are with a sponsor so that they can attend
23 school. So, we do that.

24 CHAIRPERSON LANCMAN: My last question
25 for you. You know, I had not realized and I think

2 most people don't realize that Family Court, State
3 Family Court, actually plays an important role--

4 ROBERT WEISEL: [interposing] It does.

5 CHAIRPERSON LANCMAN: in these
6 proceedings for the kids who are looking for the
7 juvenile immigrant status. Have you had any dialogue
8 or coordination with the State Family Court in terms
9 of if there's a surge in your docket that is going to
10 translate into a surge in their docket and whether or
11 not they are equipped in ramping up and if they are
12 or not, whether that's effecting your process?

13 ROBERT WEISEL: Right. That's a very
14 good question. I think the advantage that the New
15 York Immigration Court has is that we have experience
16 with the juvenile docket, and we've been doing this
17 for quite some time, and we have four juvenile judges
18 who've been doing this on a regular basis for a
19 while. Some of the judges have met with Family Court
20 judges to have a--to conduct a dialogue with them,
21 and that's done so that we all understand that this
22 is a combined process, and that while the Immigration
23 Court does not have legal authority or judicial
24 authority to establish the status of a guardian in
25 Family Court. The reason why we do or we have had

2 meetings with Family Court judges is to acquaint them
3 with the fact that our proceeding is in some way
4 dependent upon theirs, because the special immigrant
5 juvenile visa cannot be granted unless the family
6 court acts as well, and so the Family Court judges
7 understand that role and we've maintained a dialogue
8 with them over the years. So, and that's the
9 advantage that we have in having four permanent
10 juvenile dockets that we have maintained or
11 established relationships with them as well on a
12 professional basis.

13 CHAIRPERSON LANCMAN: Thanks. And just
14 one question for Mr. Garcia. The LOPC, you know,
15 when I was there this morning, the practice seems to
16 be that for the kids who are not represented by a
17 lawyer, they're invited to the ceremonial court room
18 where Legal Aid or one of the other legal service
19 providers gives a presentation about what's going on
20 and what you can do. Are you involved in any way in
21 giving presentations or arranging these educational
22 session at 26 Federal Plaza? Would that be practical
23 or would it be impractical for the reason I discussed
24 earlier that there are a lot of undocumented folks
25 that don't want to go into 26 Federal Plaza? But it

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2 is an opportunity where at some point or another
3 everyone's got to go through that building.

4 ELVIS GARCIA CAJELLAS: Yeah. We do
5 LOPC's at 26 Federal Plaza and we do other LOPC's
6 outside of Federal Plaza. So, for the people that do
7 not have the chance to assist one LOPC, they can have
8 the opportunity to attend to the LOPC in 26 Federal
9 Plaza, but we also see other custodians outside of 26
10 Federal Plaza when we have our LOPC at 80 Maiden
11 [sic] Lane in Lower Manhattan. I noticed that people
12 that have received the LOPC before they go to 26
13 Federal Plaza they feel less--they have less anxiety.
14 They know what's going on. They know that they're
15 not going to be deported on that first hearing, and
16 they look more comfortable. They feel safer in a way
17 then when they are at 26 Federal Plaza and they
18 haven't received the LOPC.

19 CHAIRPERSON LANCMAN: Okay. Thank you
20 very much.

21 CHAIRPERSON MENCHACA: We have a couple
22 more Council Members. We're going to put them on a
23 three minute clock for questions, and we'll go with
24 Council Member Espinal first.

25

2 COUNCIL MEMBER ESPINAL: Thank you,
3 Chairman. Question for the Judge, how crucial is it
4 for the individual for the child to have legal
5 representation when he sees a judge in court?

6 ROBERT WEISEL: Well, it's very, very
7 important because first of all, it's a child. A
8 child lacks capacity. Secondly, a child is
9 vulnerable. Thirdly, a child doesn't know anything
10 about the law. So, there's significant, significant
11 hurdles and impediments. So that's why having an
12 attorney is very, very important. It--an attorney
13 satisfies many, many different things. For example,
14 an attorney's is an obligated reporter I think an
15 attorney, as an officer of the court, if the attorney
16 suspects that there's abuse or trafficking, the
17 attorney is affirmatively obligated, I believe, to
18 report that. The attorney also works with the
19 sponsors to ensure that the child is going to school.

20 COUNCIL MEMBER ESPINAL: Can I just jump
21 in real quick then just because of the clock. But
22 would you say, with the majority of the children will
23 come see a judge, do they go in for the same
24 issues? Would they ask for--would they ask to stay
25

2 in the country just because of the same issues
3 they're experiencing at home?

4 ROBERT WEISEL: Well, as I said in my
5 remarks, there are maybe various forms of affirmative
6 relief, and as a matter of fact that is the principal
7 reason why a child should have an attorney, so that
8 the child can be represented, and if the child has a
9 legally definable form of affirmative relief, he'll
10 have an attorney of law who will be representing the
11 child and making the best case for why the child
12 should remain in the United States. So, asylum may be
13 one form of relief. A child may also be entitled to
14 obtain a visa through the Special Immigrant Juvenile
15 Visa Program, and that is a extended process, and
16 attorneys work in coordination with Family Court
17 attorneys to achieve that end as well. So, having an
18 attorney is crucial.

19 COUNCIL MEMBER ESPINAL: How often do you
20 see--how often are children represented by an
21 attorney when they visit Immigration Court?

22 ROBERT WEISEL: Well, I can't give you
23 the data. I don't know how many, but I am heartened
24 by the 1.9 million dollar initiative, and hopefully
25

2 we will be able to see more and more attorneys
3 represent kids in court.

4 CHAIRPERSON MENCHACA: Thank you, Council
5 Member Espinal, and I want to welcome to the hearing
6 Council Member Dromm, former Chair of the Immigration
7 Committee and a true partner for us all. Go ahead
8 and ask your question.

9 COUNCIL MEMBER DROMM: Thank you, Chair
10 Menchaca. I had an immigration, an education, excuse
11 me, committee hearing earlier, and of course, you
12 know I Chair that and I couldn't get over here before
13 then. I don't know if this issue has been addressed
14 before in the testimony. I was just trying to glimpse
15 through the papers, but what type of immigration
16 relief is available to the Majority of these
17 children?

18 ROBERT WEISEL: That's a difficult
19 question to ask, to answer, because each case turns
20 on its own facts, and until you see the case itself
21 and you can't determine what relief is available, but
22 the kinds of relief that I mentioned before,
23 typically are perhaps the kind of relief that a child
24 would be entitled to apply for like political asylum
25 and also that the Special Immigrant Juvenile Visa.

2 And then, ultimately, the child would become a lawful
3 permanent resident, but in the abstract, with all due
4 respect, I can't tell you until I see, I would see a
5 case itself.

6 COUNCIL MEMBER DROMM: So one of the
7 things that I'm interested in is the possibility of
8 relief on a basis of asylum, particularly for
9 lesbian, gay, bisexual and transgender youth who may
10 come into the country, and often times due to their
11 young age or because of the conditions within their
12 home countries, youth are not always aware that that
13 type of asylum is a possibility, and I kind of wanted
14 to point that out to you as the Assistant Chief
15 Administrative Judge also in the court system, but
16 also to kind of pose it to the advocates who will be
17 coming forth to present a testimony today. I had a
18 case where I had a 16 year old former student of mine
19 come into my office after having first been elected
20 to the City Council, and he closed the door behind
21 him and usually, being trained as a teacher I don't
22 like to ever have the door closed with a youthful
23 person behind me, because it's always two in a room,
24 you know, but I let it happen, and what he told me
25 was that he was bisexual at the time and that he had

2 been thrown out of his home and that he was seeking
3 asylum, and I was really pretty amazed by that, but
4 you know, and then the statute around asylum has to
5 be that you have to apply for asylum within the first
6 year, I believe, of seeking that type of relief, and
7 this young man had lived in the country for a number
8 of years. He was brought here when he was about four
9 years old, and he hadn't come out of the closet. So
10 he had a very difficult time dealing with his
11 sexuality and didn't know, and then there were a
12 whole host of issues around his having known prior to
13 the time when he was 16 years old and he didn't know
14 that he was gay. And I'm just wondering how cases
15 like that are handled in the court system. Is there
16 room for those youth who are just coming out to be
17 considered for asylum?

18 ROBERT WEISEL: Well, you mentioned
19 several factors that in fact under the law may
20 qualify for an exception to the one year filing
21 requirement, the person's age. The person may have a
22 disability, or some other type of impediment, or
23 there may be other factors under the law that would
24 prevent the person from timely filing an application.
25 So, those factors exist in the law, but chief among

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2 those is that if a person is under 18 years old, that
3 might actually qualify as an exception.

4 COUNCIL MEMBER DROMM: So, I visited 26
5 Federal Plaza a number of occasions in my former
6 role--I'm sorry, I'm probably over the time limit.
7 Just this last one.

8 CHAIRPERSON MENCHACA: Yeah, go ahead.

9 COUNCIL MEMBER DROMM: But there are
10 varying degrees of understanding, let me put it that
11 way, with immigration judges. In terms of one, their
12 experience even in the field, but certainly around
13 this issue. Is there anything that your
14 administration is doing to ensure that justice is
15 handed out evenly in regard to especially the plight
16 of LGBT youth?

17 ROBERT WEISEL: Sure, certainly. The US
18 Immigration Court, the Executive Office for
19 Immigration Review and the Immigration judges receive
20 training. We attend conferences, and at those
21 conferences, we receive lectures on the types of
22 issues that you mentioned to sensitize us to these
23 issues. So, this is an ongoing process for us
24 through the Department of Justice, and this is not
25 something that's new for the Immigration judges.

2 CHAIRPERSON MENCHACA: Thank you, Council
3 Member Dromm, for bringing that into focus for us
4 here as well and this affecting the LGBT community.
5 And we're going to hand it over now to Council Member
6 Gibson.

7 COUNCIL MEMBER GIBSON: Thank you very
8 much. Good afternoon everyone. Thank you, Chairs
9 Menchaca and Lancman and our Speaker for being here,
10 and thank you all for coming and your testimony. I
11 truly appreciate it. My question is for you, Judge,
12 I know that when we try to look at the faces of the
13 1,300 cases of unaccompanied minor children that you
14 described, for me it's important to understand the
15 ethnicity of the children. I know many of our minor
16 children come from Central America, South American
17 countries, but I'm interested to know because I have
18 a community of West African immigrants as well, and I
19 just wanted to find out, do you see a sense of
20 children coming from West Africa as well as many of
21 our Caribbean and West Island countries? Are you
22 seeing that diversity?

23 ROBERT WEISEL: Councilwoman Gibson, I
24 would have to get data for you.

25 COUNCIL MEMBER GIBSON: Okay.

2 ROBERT WEISEL: I'm not able to tell you
3 at this point the demographic diversity of the
4 children who appear on the priority docket, but
5 perhaps we do have data--

6 COUNCIL MEMBER GIBSON: [interposing]
7 Okay.

8 ROBERT WEISEL: that may in fact--

9 COUNCIL MEMBER GIBSON: And I mention
10 that because I've had several cases in my office that
11 have come to me in the Bronx. To what extent do you
12 see any cases where there are siblings that are here,
13 brother/sister, brother/brothers that are coming? Do
14 you see that a lot as well?

15 ROBERT WEISEL: Oh, certainly, certainly.
16 We have brothers and sisters. What is especially
17 touching is the age of the children. Some of these
18 kids are very young, very young, and it's
19 heartbreaking. What I try to do as the Chief
20 Immigration Judge is to set a standard and, you know,
21 it may be symbolic, but it's important. The judges
22 don't wear robes. The judges speak in a
23 conversational tone to the kids. My, our objective
24 is to lower the level of anxiety, lower the level of
25

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2 fear, because after all, symbolically, if you see
3 someone in a black robe, it's very scary.

4 COUNCIL MEMBER GIBSON: Intimidating,
5 right.

6 ROBERT WEISEL: And very intimidating.
7 So we try to take that out of the environment.

8 COUNCIL MEMBER GIBSON: Now, you said
9 young children, are we talking about younger than
10 five?

11 ROBERT WEISEL: Yes.

12 COUNCIL MEMBER GIBSON: Babies? Toddlers?

13 ROBERT WEISEL: I've seen younger than
14 five.

15 COUNCIL MEMBER GIBSON: More prevalent
16 than teenagers, pre-adolescent?

17 ROBERT WEISEL: I can't tell you exactly,
18 but to answer your question about younger than five,
19 yes, we have seen children younger than five, yes.

20 COUNCIL MEMBER GIBSON: Okay. So would
21 you say then in order to help a lot of these
22 children, since they're much younger, and that you
23 know, feeling scared to see judges in robes, are
24 there things that we could do from the Council to
25 offer more services so that you have people that are

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2 able to connect with children versus teenagers? Do
3 you think that would be helpful?

4 ROBERT WEISEL: Well, I think the LOPC
5 provides that necessary role. We've had Legal
6 Services providers performing this role for years,
7 and they've worked with children who are very young.
8 So, hopefully, we'll be able to expand that to
9 include more children. Our ceremonial court room is
10 where we have our LOPC and it looks like a daycare.
11 And I'm saying that positively.

12 COUNCIL MEMBER GIBSON: Comfortable
13 setting.

14 ROBERT WEISEL: Yeah, it looks like a
15 daycare in certain respects, and you know,
16 intentionally so. So, the LOPC meets there, and they
17 provide that necessary guidance for kids, and these
18 people have been trained to do this for an awfully
19 long time.

20 COUNCIL MEMBER GIBSON: Okay. And just
21 one final comment. I know my time is up. I really
22 want to applaud the efforts that you are doing
23 working with the Attorney General and many of our law
24 enforcement around many of our scam artists--

25 ROBERT WEISEL: Yes.

2 COUNCIL MEMBER GIBSON: that pose as
3 immigration service providers that really prey on
4 many vulnerable families and children. So I know
5 there's been legislation passed in Albany that would
6 raise some of the penalties on many of these
7 companies, so I applaud the work you're doing and
8 encourage you to continue doing that.

9 ROBERT WEISEL: Thank you. We will.

10 COUNCIL MEMBER GIBSON: Thank you.

11 ROBERT WEISEL: Thank you.

12 CHAIRPERSON MENCHACA: Thank you, and
13 before you leave, and I just want to thank all the
14 panel, I have one question for the judge and for Ms.
15 Garcia. Is there one thing that we're not doing
16 right now that we could be doing that you can just
17 highlight for us so we can start working on it?
18 [speaking Spanish] Judge, if you want to go first.

19 ROBERT WEISEL: Thank you. I have to
20 state on behalf of the court my sincere appreciation
21 for the work you have done for your interest. I am--
22 I was very happy that you came over to the court to
23 give me the opportunity to explain the process and
24 that also you were able to get a three dimensional
25 view of what's going on by the standing with the

2 Speaker and the sheer numbers of children. It really
3 is almost literally overwhelming. So, you're doing
4 quite a lot, and with that 1.9 million dollars, that
5 translates into a commitment for the future, and I
6 look forward to--we look forward to that bearing
7 fruit.

8 CHAIRPERSON MENCHACA: Thank you.

9 ROBERT WEISEL: Thank you.

10 CHAIRPERSON MENCHACA: And Seniora [sic]
11 Garcia, [speaking Spanish] ?

12 LEVON GARCIA: [speaking Spanish]

13 TRANSLATOR: You can help them. The
14 kids need help from the ages of five to six. In my
15 country, kids work and they ask for tips, whatever
16 you can do to help.

17 CHAIRPERSON MENCHACA: Muchas gracias
18 [speaking Spanish] Muchas gracias. Thank you so
19 much to the panel, and again, just thank you for your
20 testimony. We're going to bring the next panel up,
21 and this conversation will continue, of course. We
22 have a lot of work to do, and this is an incredibly
23 dynamic situation and crisis. So thanks again. The
24 next panel will be with the Administration
25 represented by Ms. Nisha Agarwal, Commissioner for

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2 the Mayor's Office of Immigrant Affairs, and I will
3 also just cue up the next panel. Just be ready to
4 come up after Ms. Agarwal speaks, and it's the Ms.--
5 these are all the legal service providers. So this
6 is Monsignor Sullivan, Catholic Charities, Robert
7 McCreanor from Catholic Migration, JoJo Annobil from
8 Legal Aid Society, Anthony Enriquez from The Door,
9 Anne Pilsbury from the Central American Legal
10 Assistance, Lenni Benson, Safe Passage, and we'll
11 have you all next after Ms. Nisha. And so, Ms. Nisha
12 Agarwall, can you please affirm for us? Do you
13 affirm to tell the truth, the whole truth, and
14 nothing but the truth in your testimony before this
15 committee and to respond honestly to the Council
16 Member's questions?

17 NISHA AGARWAL: Absolutely.

18 CHAIRPERSON MENCHACA: Thank you so much.
19 Okay, and we'll begin with you.

20 NISHA AGARWAL: Great. Thank you to
21 Speaker Mark-Viverito, Committee Chairs Menchaca and
22 Lancman, Public Advocate James and the members of the
23 Committee on Immigration and Committee on Courts and
24 Legal Services. In my role as the Commissioner of
25 the New York City Mayor's Office of Immigrant Affairs

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2 I work on policies and programs to improve the lives
3 of immigrant New Yorkers on behalf of Mayor de
4 Blasio. My office does that work both out of the
5 Mayor's office directly as well as in concert with
6 many of the city's agencies, including many who are
7 here with me today, the Department of Education, the
8 Department of Health and Mental Hygiene, the Health
9 and Hospitals Corporation, the Administration for
10 Children's Services, the Department of Youth and
11 Community Development, and the Department of Homeless
12 Services. Among the most important aspects of this
13 work is to provide support to the most vulnerable
14 immigrant residents of our city. This is a group
15 that includes the fast growing population of young
16 people, largely from Central America, who recently
17 arrived in the United States after fleeing terrible
18 violence in their home countries and undertaking a
19 dangerous journey to seek safety and reunification
20 with family. Mayor de Blasio and the entire
21 Administration are firmly committed to supporting
22 these children and their families and sponsors. I am
23 pleased to be here to describe the work that the
24 city's agencies have done as you consider the role of
25 city government in general in responding to this

2 crisis, and partly due to time constraints, I will
3 cover portions of the testimony focused on New York,
4 but the full testimony is provided to you in written
5 form. Of the tens of thousands of children who have
6 arrived unaccompanied at the border so far this year,
7 4,799 were placed with family members or other
8 sponsors in New York State through August 31st,
9 making New York the recipient of the second largest
10 number of these children behind only Texas. This
11 number, as well as the thousands more we expect to
12 arrive in the coming months and years and the
13 children who arrived with a parent or other adult and
14 have also been placed here is a reflection of the
15 large Central American communities across the state,
16 particularly in parts of New York City and Long
17 Island. The Administration worked hard to acquire
18 localized data on the placement of these children
19 through the federal government, which were made
20 available in late August. These data show that the
21 largest numbers of children in the state are in New
22 York City with about 1,550 arriving in the city the
23 first eight months of this year alone. The largest
24 numbers are in Queens and then in Brooklyn in the
25 Bronx, as well as in Manhattan, and fewer than 50 in

2 Staten Island. Large numbers have also been placed
3 in Nassau and Suffolk counties with over 1,200
4 arriving in each and several hundred children in the
5 lower Hudson Valley. As this crisis deepened earlier
6 this year, the Administration convened a meeting of
7 city agencies coordinated by the Mayor's Office of
8 Immigrant Affairs and including representatives from
9 DOE, DOHMH, ACS, DYCD among others. The agency's
10 first work to determine the needs of this population
11 of children and to assess both the range of
12 government service that the children needed access
13 to, and the mechanisms by which the city could
14 connect the children to these services. In the area
15 of education, the Department of Education has worked
16 to ensure that no barriers exist that would prevent
17 school enrollment by undocumented children who may
18 lack traditional evidence of identity and residency,
19 to vindicate children's rights to school enrollment
20 guaranteed by the federal and state constitutions and
21 the Chancellor's regulation A101. Also, the
22 Department of Youth and Community Development has
23 worked to identify afterschool and literacy programs.
24 In the areas of health and mental health, the
25 Department of Health of Mental Hygiene is

2 facilitating enrollment in Child Health Plus or CHP,
3 a state funded public insurance program for which all
4 residents are eligible regardless of immigration
5 status. The Health and Hospitals Corporation has
6 worked to ensure that these children will have access
7 to care in the form of primary and specialist
8 pediatric healthcare services and to identify
9 appropriate methods of providing mental health trauma
10 screening, given the high incidents of trauma and
11 anxiety for these children. Doctor Bassett, the
12 Commissioner of DOHMH and Doctor Raju, the President
13 of the HHC, are finalizing a letter to be issued soon
14 to the city's pediatricians to provide information
15 about immunization, mental health screening and
16 available medical and behavioral health resources.
17 The Administration for Children's Services is
18 ensuring the availability of child and family welfare
19 services with the Department of Homeless Services to
20 identify homelessness prevention services available
21 to families and with other agencies to prepare them
22 to provide appropriate services and referrals to
23 these children. Throughout this process, the
24 Administration has endeavored to connect all of these
25 hard to reach children and families to the city's

2 services. That is why New York City has for the
3 first time placed government representatives at the
4 federal immigration court to provide services
5 directly to the children. Since September 10th,
6 representatives of the DOE and DOHMH have been
7 working at the Immigration Court Priority Juvenile
8 Docket every day to connect the children appearing
9 before the court to the school system and to help
10 them access health insurance. We began this
11 unprecedented program in recognition of the immense
12 challenges these children and their families face in
13 integrating into the community while they struggle
14 through the newly accelerated Immigration Court
15 procedure. From September 10th, when DOE and DOHMH
16 began their work in the court through this morning,
17 about 400 children, plus about 100 parents and
18 relatives have passed through the court, about 40
19 percent of whom are New York City residents. Agency
20 representatives have provided assistance and
21 referrals to all those with education and health
22 needs. Initial DOHMH data show that about three
23 quarters lack health insurance, and we have provided
24 information and referrals for CHP enrollment in those
25 cases. For children living in New York City, the DOE

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2 has found that the majority are already enrolled in
3 the process or in the process of enrolling in school,
4 and is providing assistance connecting children to
5 the appropriate English language learners programs
6 and other resources. For children living outside of
7 New York City, the DOE is also assisting children to
8 connect and navigate the enrollment processes in
9 their school districts. The DOE and DOHMH employees
10 at the court are making truly remarkable efforts to
11 assist all the children who come before them, both
12 city residents as well as residents of other
13 counties. MOIA, my office, is also working closely
14 with our agency partners to produce a resource and
15 referral guide and a public website to share
16 information with families and providers about city
17 government and non-governmental assistance in the
18 area of legal services, healthcare, mental health,
19 education and child and family welfare. This
20 information will be available this week and will be
21 accessible online on the website of the Mayor's
22 Office of Immigrant Affairs, and VF311. We look
23 forward to working with the City Council to help
24 distribute this information in your districts across
25 the city. In a similar vein, to our effort to

2 connect with this hard to reach population at
3 Immigration Courts, the city will soon be launching
4 community based clinics to provide services directly
5 to these children in the communities where they live.

6 We have been supporting nonprofit community,
7 nonprofit organized community events for immigrant
8 youth, including an event at PS 24 in Sunset Park
9 yesterday. The Administration and the agency's work
10 to support these unaccompanied children and their
11 families is of a piece with our deep commitment to
12 supporting all children in New York City regardless
13 of immigration status and background. This
14 Administration has already overseen a historic
15 expansion of services for all children and young
16 adults including the establishment of universal
17 access to pre-kindergarten and expansion of middle
18 school afterschool programs, the creation of a new
19 community schools program to match high needs schools
20 with community based social services and the creation
21 of a new center for health equity to reduce health
22 disparities among others. The city's work to help
23 these newly arrived immigrants is entirely consistent
24 with our overall approach to advancement of young New
25 Yorkers. 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 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's been working closely with these legal services providers, and they have done incredible work in difficult circumstances, despite being stretched beyond, 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 and the Robin Hood Foundation of the New York Community Trust for recently awarding 1.9 million dollar in grants, take an excellent group of nonprofit organizations to provide legal and other services to these children. The need for representation is great, and the Council and its private partners new funding is an immensely important step toward meeting that need. In closing, I simply want to recognize the incredible efforts of

2 New York City's agencies, the City Council as well as
3 private funders, community based organizations, legal
4 service providers, and many others. In the face of a
5 heartbreaking situation that has been politically
6 charged in much of the rest of the country, we have
7 appropriately recognized this is an issue of child
8 protection and humanitarian need and reacted
9 accordingly. These children need our help and the de
10 Blasio Administration and others are here to help
11 them. Thank you.

12 CHAIRPERSON MENCHACA: Thank you,
13 Commissioner for that testimony, and we're going to
14 be having--we're going to have a round of questions
15 now, and what I wanted to start with, in the kind of
16 moment that we're in as a city in trying to
17 communicate about all the work that's happening, and
18 thank you for highlighting some of that. We're going
19 to kind of walk through some of that work. In this
20 interagency kind of task force that you've created,
21 can you tell us a little bit about that, how often it
22 meets, what kind of conversations are happening that
23 are important for us to know about and how can we be
24 helpful?

2 NISHA AGARWAL: Sure. So the task force
3 has been meeting periodically, I would say every few
4 weeks since the kind of initiation of this situation,
5 initially focused on identifying the sort of scale of
6 the issue in New York, and then really focusing now
7 on how to best coordinate services. And some of the
8 activities that I described, the city agencies being
9 involved and really came out as recommendations of
10 the work group, the immigration court and the
11 community based clinics in particular as well as the
12 resource and referral guide. So now, what we're
13 really focused on is ensuring implementation of those
14 efforts successfully.

15 CHAIRPERSON MENCHACA: And in the effort
16 for really this kind of wrap around services, can you
17 tell us a little bit about those outcomes, including
18 potential increase in new funding streams that can
19 augment some of that work that is needed. Clearly, we
20 keep on hearing from advocates that it's not enough
21 that we kind of reallocate the current resources, but
22 that we actually need to increase the number of
23 resources. So how, what are the out--what are the
24 kind of objectives of this task force, and does it
25

2 include increasing the actual number of dollars in
3 the world that we're talking about?

4 NISHA AGARWAL: So, at the moment we have
5 been able to meet the current need based on re-
6 allocating existing resources at DOE and DOHMH in
7 particular, but where the work is keeping a very
8 close eye on the evolving situation and we'll explore
9 if additional resources are needed moving into the
10 future absolutely.

11 CHAIRPERSON MENCHACA: Tell me your
12 involvement in--I was there this weekend in Sunset
13 Park, the New York Immigration Coalition amongst the
14 Mexican Consulate, the different departments. Tell us
15 about your role and how you kind of see this growing
16 and from your perspective.

17 NISHA AGARWAL: Our involvement, and it's
18 really the agencies that are here with me, the
19 involvement has been to provide essentially the same
20 kind of staff and support services as we're doing at
21 the immigration courts. So, the Department of
22 Education will be there to help with school
23 enrollment, English language learner resources.
24 Similarly, the DOHMH will be there to help connect,
25 to help insurance services, and we feel that it's

2 valuable to continue doing that, to have our agencies
3 in the community connecting not only to these
4 children, but also to their family members, and the
5 two places they are likely to be are one, the
6 Immigration Courts and two, of course, the
7 communities where they live. So that is certainly
8 the ongoing work that we plan to do, alongside
9 distributing the resource and referral guide that
10 we're developing.

11 CHAIRPERSON MENCHACA: Thank you. And
12 the success of that event was incredible, the
13 multiple agencies, the kind of coalition effort from
14 New York Immigration Coalition, but also the
15 different impacted communities, like the Chinese
16 community and the Latino community were definitely
17 present there. So we want to continue to grow that.

18 NISHA AGARWAL: Great. And I'll just say
19 that there was one similar event in Manhattan in July
20 and then in the Bronx in August, and also very, very
21 successful and well attended.

22 CHAIRPERSON MENCHACA: Great. We're
23 looking forward to expanding that. I'm going to hand
24 it over to the Speaker for her questions.

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2 SPEAKER MARK-VIVERITO: Thank you, Chair,
3 and thank you, Commissioner for being here. Maybe
4 you could share with us a little bit in the time that
5 you made the announcement of the resource tables
6 being in the Immigration Courts. Like, how has that
7 gone, the level of interaction? Are you the first
8 people that they contact, meaning the staff at the
9 tables, or is it first going to the providers that
10 are providing the orientation, and then they can--I
11 mean, maybe talk a little bit, and maybe how many
12 families or individuals you've been helping?

13 NISHA AGARWAL: Sure. So I'll actually
14 turn that over to the folks at DOE and DOHMH that are
15 on the ground to respond.

16 CHAIRPERSON MENCHACA: Can you introduce
17 yourselves before you speak?

18 MILADY BAEZ: Good afternoon. In terms
19 of the Department of Education, we have dedicated--

20 CHAIRPERSON MENCHACA: [interposing] Can
21 you introduce yourself, first? Sorry.

22 MILADY BAEZ: My name is Milady Baez and
23 I am the Senior Executive Director of the Department
24 of English Language Learners and Student Support.
25 So, the Department of Education has taken actions to

2 address some of the needs. In our Department, we
3 have dedicated members of our staff to be at the
4 Immigration Court in order to assist the minors as
5 well as their families with their legal rights and
6 different educational programs that they should be
7 enrolled in. We have been doing that for the past
8 three or four weeks, and we are planning to continue
9 with that kind of support.

10 SPEAKER MARK-VIVERITO: Are there other
11 representatives from other agencies at the referral
12 table?

13 TANYA SHAH: Yes, hello, my name is Tanya
14 Shah. I'm Assistant Commissioner with New York City
15 Department of Health and Mental Hygiene. We are also
16 stationed at the court. We are clearly visible upon
17 folks attending the hearings can stop on their way
18 in, on their way out. There is no mandate for them
19 to stop at the table, but we do try to make our
20 services visible and clear so that they can and
21 receive information specifically on health insurance
22 eligibility and services. We have DOHMH staff located
23 at those tables that are enrollers, as well as
24 outreach staff both in English and in Spanish. They
25 are given an appointment to sit down with an

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2 enroller, one of the DOHMH enrollers if they are a
3 New York City resident. We are seeing more than half
4 of the immigrants coming through are outside of New
5 York City, so we then partner them with an enrollment
6 navigator or enrollment assistor in their areas that
7 they may be coming from in Long Island.

8 SPEAKER MARK-VIVERITO: How many
9 individuals have you worked with?

10 NISHA AGARWAL: Approximately 400 since
11 September 10th.

12 SPEAKER MARK-VIVERITO: This is
13 relatively new initiative. And on a separate note,
14 just what is the level of interaction and
15 collaboration with the feds, you know, because I know
16 that there are some children that are being housed in
17 some sort of a shelter capacity in some way. Do we
18 know that? Is there a level of collaboration? Just
19 trying to understand the dynamic between the federal
20 government and then us as a city and where that
21 intersects.

22 NISHA AGARWAL: So, in the--initially,
23 when this situation emerged, the federal government
24 was requesting of localities, shelter space,
25 potential shelter space that they would fund, and we

2 at the Administration started exploring what the
3 options would be in New York, but then soon
4 thereafter, the federal government said they were not
5 looking for municipal space to shelter these
6 children. So to that extent, there are no federal
7 shelter facilities for the children in New York. To
8 our knowledge, there are some private or nonprofit
9 shelter facilities that are supported by the federal
10 government. We'd be happy to provide that
11 information to you afterwards in terms of where they
12 are. They're not necessarily made public, they're
13 private facilities.

14 CHAIRPERSON MENCHACA: Before I hand it
15 over to the other Council Members, I want to ask, how
16 long are you ready to be in these courts, in the
17 courts? And secondly, were there any other programs
18 that were cut and discontinued because you moved and
19 reallocated funding? I want to understand those two
20 dynamics.

21 NISHA AGARWAL: Sure. So we're preparing
22 to be in the Immigration Court for as long as these
23 priority dockets remain. And no, the city has not
24 had to cut resources from other programs in order to
25 be able to meet this need. It's actually been a need

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2 that we've been able to accomplish, DOE, DOH, others
3 within their existing budgets and staffing, but
4 again, we're keeping a close eye on this situation.

5 CHAIRPERSON MENCHACA: Thank you for
6 that. We're going to hand it over to Council Member
7 Dromm first. Three minute.

8 COUNCIL MEMBER DROMM: Thank you again,
9 and it's good to see you. Commissioner Agarwall, I
10 also wanted to follow up on questions I had asked the
11 judge prior to this, and my concern is around how
12 we're going to screen LBGT youth for possible relief
13 based on asylum. Have you--well, first, maybe if we
14 could just off by--with the 1.9 million, what
15 organizations are getting the money?

16 NISHA AGARWAL: That's a good question. I
17 believe it's, and I may get some of these wrong,
18 Legal Aid, Catholic Charities, Make the Road New
19 York, Central American Legal Assistance, and I'm
20 afraid I can't remember the other.

21 COUNCIL MEMBER DROMM: So has a criteria
22 been set for the screening of these youth for the use
23 of our money, and will there be any tracking done in
24 terms of the types of relief that they're seeking?

25

2 NISHA AGARWAL: So that's an excellent
3 question I actually don't know the answer to. I don't
4 know if other folks here from the Administration do.
5 It's possible the legal services providers would know
6 the answer to that question who are testifying later.

7 COUNCIL MEMBER DROMM: Okay. In terms of
8 our oversight over those organization in terms of the
9 Council dollars being used as well, I think one of
10 the things that I would particularly be interested
11 in, and we'll talk further about with Chair Menchaca,
12 is particularly looking at the LGBT component of it
13 and how many youth are applying for asylum under that
14 type of relief. Is there any effort by your office to
15 work in that direction or to explain or to support
16 education around that issue?

17 NISHA AGARWAL: Absolutely. So one thing
18 I should mention is that these funds will be sort of
19 distributed through the Human Resources
20 Administration. We're working closely with HRA on not
21 just this sort of pocket of immigration legal
22 services funding but also the Family Unity Program
23 and others. And so some of these comments around
24 screening and ensuring that we're properly tracking
25 how a number of different immigrant young people are

2 getting the services and who they are is really
3 useful feedback for us to take into our process,
4 certainly for this. And we'll be sure to do so and
5 continue to keep you apprise as we develop that.

6 COUNCIL MEMBER DROMM: So I thought I
7 heard in the Judge's testimony, if I'm not mistaken,
8 that he was talking about Special Immigrant Juvenile
9 Status as being a possible way to get relief. That's
10 possible for somebody who has just arrived here and
11 their parents are not necessarily here in this
12 country?

13 NISHA AGARWAL: Yes, my understanding is
14 that the way you establish Special Immigrant Juvenile
15 Status is by first being able to go to Family Court
16 and sort of being certified as having been abandoned,
17 abused or neglected. And if you're able to do that,
18 then you can file a petition for Special Immigrant
19 Juvenile Status. I'm not an immigration lawyer
20 myself, but that's my sort of understanding of the
21 process and it's been estimated in studies that
22 between 40 to 60 percent of these unaccompanied
23 children will be eligible for some form of legal
24 relief including SICH [sic].

2 COUNCIL MEMBER DROMM: And the children
3 that are currently here are in the custody of
4 relatives and/or foster care?

5 NISHA AGARWAL: They're in, largely in
6 the custody of relatives or other sponsors, not in
7 foster care.

8 COUNCIL MEMBER DROMM: Okay. Thank you
9 very much.

10 CHAIRPERSON MENCHACA: Thank you Council
11 Member Dromm. And Chair Lancman?

12 CHAIRPERSON LANCMAN: Good afternoon
13 Commissioner.

14 NISHA AGARWAL: Good afternoon.

15 CHAIRPERSON LANCMAN: So, one of the
16 things that I learned this morning on my visit was
17 the challenge that the legal services attorneys,
18 whether it's Legal Aid or The Door or Catholic
19 Charities or what have you have in gaining the trust
20 and understanding of the potential child client, and
21 not just for decency's sake, but in order to be able
22 to develop the facts that might assist the lawyer in
23 presenting a claim of abuse or neglect back in the
24 home country or trafficking or any of the basis which
25 might be traumatic and difficult for a child. I had

2 an opportunity to say hello to the Department of
3 Education and Department of Health folks who were
4 manning the table there. Has there been any
5 consideration about working with the Legal Services
6 attorneys to provide social workers or other
7 professionals who have the particular expertise of
8 relating to these children and being able to get them
9 to speak candidly about very very painful subjects,
10 but subjects which might be the ticket to their entry
11 or their being able to remain in the United States?

12 NISHA AGARWAL: Yeah, so there have
13 certainly been conversations about the need for
14 social workers, and I think it's a great suggestion
15 and as we think about what more we can do or what
16 other options there are to assist these children to
17 really engage the social work community in doing this
18 work. I think that's critical and, you know, I think
19 this is an opportunity to think about the Immigration
20 Court as a community court, where it's a point at
21 which many different services come together to assist
22 not just this population, but hopefully other
23 immigrant youth coming through the Immigration Courts
24 as well. So it's a wonderful suggestion.

2 CHAIRPERSON LANCMAN: And I don't know if
3 it's been asked or discussed in a different way, but
4 has there been any consideration to adding the Family
5 Court to the overall team that the Mayor has put
6 together to look at this issue holistically? Since
7 for what I can see, most of the kids will be
8 asserting a claim or at least more than any other
9 claim of special juvenile immigrant status, and those
10 go through Family Court, is there any way to bring
11 them into this conversation, this process?

12 NISHA AGARWAL: There absolutely is.
13 It's a very good suggestion, and I think we should
14 try to sit down with the State Family Courts to see
15 if there's ways to collaborate better on these cases.

16 CHAIRPERSON LANCMAN: Well, I have the
17 privilege of testifying tomorrow before Judge Litman
18 [sic]. The Speaker testified last week regarding his
19 annual series of hearings on legal services, and I'm
20 going to add that to my testimony.

21 NISHA AGARWAL: That would be great.

22 CHAIRPERSON LANCMAN: And grease the
23 wheels for you a little bit.

24 NISHA AGARWAL: Thank you.

25 CHAIRPERSON LANCMAN: Thank you.

2 CHAIRPERSON MENCHACA: Thank you, Chair,
3 for that. And some final questions as we move
4 forward. It's clear that the Department of Education
5 and the Department of Health have presence in these
6 courts. Question about ACS and some of the other
7 agencies, are you bringing any of those online to have
8 that kind of interaction? And then the second piece
9 to this is housing, and whether or not this task
10 force has had any conversations around housing plans
11 and what is your understanding of the kind of
12 Administration's response to housing?

13 NISHA AGARWAL: So, with respect to ACS,
14 ACS is providing information, not necessarily staff,
15 but information about family programs and
16 preventative services that are available to these
17 families and sponsors, many of whom are sort of
18 receiving these children, you know, somewhat
19 unexpectedly and so the ACS is definitely supporting
20 the initiative in that way. And then in terms of
21 housing so far, our understanding is that most of
22 these children are placed with sponsors who are
23 housed, but we're continuing, Department of Homeless
24 Services is engaged and continuing to observe the

2 situation to make sure if there are any housing needs
3 that we're prepared to be able to address them.

4 CHAIRPERSON MENCHACA: Okay. Thank you
5 for that. Any other questions from the Council
6 Members? Okay, thank you Commissioner so much for
7 being with us, and we'll follow up, and if we can get
8 the other panel to come on up. I'll repeat those
9 names again. If you can head over to the table,
10 Lenni Benson, Safe Passage Project, Anne Pilsbury,
11 Central American Legal Assistance, Anthony Enriquez,
12 The Door, JoJo Annobil from Legal Aid Society, Robert
13 McCreanor, Director of the Legal Services and
14 Catholic Migration, and Monsignor Sullivan from
15 Catholic Charities as well. If we can have you-- If
16 we can begin with JoJo, Legal Aid Society, please,
17 and then we'll go down the line. And make sure you
18 speak into the mic and make sure that the button's
19 opened. And the three minute clock will begin. Thank
20 you so much.

21 JOJO ANNOBIL: Okay, thank you. Good
22 afternoon, Chairs Menchaca and Lancman and Madam
23 Speaker, good afternoon to you as well. I'm from the
24 Legal Aid Society. My name is JoJo Annobil, and
25 first of all let me say a big thank you to the

2 Speaker and also to Chairman Menchaca for an
3 outstanding work in being able to recognize a
4 humanitarian crisis and being able to come to our aid
5 and to help us be able to help the children. The
6 humanitarian crisis we're facing is really complex.
7 It's layered. It's nuanced, but at its basic is the
8 safety of children. So for some years now, 10, 11
9 years now, a couple of us legal service providers
10 from the American Immigration Lawyers Association,
11 Legal Aid, Catholic Charities, The Door, and Safe
12 Passage have made it our business to make sure that
13 we can protect these children, and I just wanted to
14 go through a bit of what we've done with the
15 assistance of other legal service providers and some
16 law firm associates and some volunteers. What we've
17 done since October 13th, sorry, August 13th of this
18 year. Phased with a prospect of thousands of
19 children coming into our city and going into
20 immigration court with our lawyers we banded together
21 and came up with a immigrant children's advocacy
22 effort, relief effort, ICARE [sic], which basically
23 brought a lot of these legal service providers
24 together to be able to protect these children to be
25 able to go to court. And I'm proud to say that we

2 have been able to staff the juvenile docket, the Sage
3 [sic] docket every day since August 13th. Since
4 August 13th we've seen 1,077 unaccompanied minor
5 children have been scheduled to appear before the New
6 York Immigration Court. The majority of these
7 children are coming from El Salvador, Honduras and
8 Guatemala. Approximately 900 unaccompanied minor
9 children and their parents and custodians have
10 attended daily Know Your Rights presentations to be
11 able to meaningfully participate in the removal
12 process. I Care volunteers have carefully screened
13 approximately 400 unaccompanied minor children
14 appearing in court without a lawyer for possible
15 forms of relief. Approximately 51 percent of the
16 children have been on the docket have retained
17 counseling. Of the children that we have screened,
18 60 percent are eligible for a range of statutory
19 protections including asylum for those fleeing past
20 and future prosecution, persecution, Special
21 Immigrant Juvenile Status for children who have been
22 abused, neglected or abandoned, U and T-Visas, and we
23 also look in our personal [sic] discretion as a form
24 of relief. Three children that we've screened have
25 proven to be US citizens and should never have been

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2 detained or been placed in removal proceedings. In
3 one such case, we've been able to get the government
4 terminate proceedings against the child. About 12
5 children in the last 16 years have been ordered
6 removed in abstention [sic], and in all those cases
7 we made strenuous arguments in court why the judges
8 should not order them removed. We've also been able
9 to ensure that children are enrolled in school and
10 have health services and those who have even those
11 who are enrolled in school have gotten DOE to be able
12 to talk to them about being able to access special
13 Ed. facilities, facilities for immigrants with
14 special needs, and so we've done that. I thank you
15 again. My time is up, but if you have any questions
16 as to how we intend to use this money, I'm more than
17 happy to answer them. Thank you.

18 CHAIRPERSON MENCHACA: Thank you, and
19 we'll definitely go into that in the questions, and
20 if we could kind of build on that narrative and
21 really kind of talk about each of these
22 organization's work and kind of help build a full
23 picture, and again, really focusing on seeing if we
24 could kind of differentiate the different roles for
25 the organizations. And I know all of you are working

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2 on Legal Services, but from this panel, we can maybe
3 pull out the differences and the different unique
4 relationship that you're having with this docket.

5 LENNI BENSON: Do you want me to go next?

6 CHAIRPERSON MENCHACA: Yes.

7 LENNI BENSON: So, I'm Lenni Benson. I'm
8 a professor at New York Law School and for many years
9 now I've run something called the Safe Passage
10 Project. And we are partnering with the I Care
11 Coalition because we've been an experienced juvenile
12 provider. Our model's different. We come to the
13 court as law student, law professors and experienced
14 immigration attorneys, people that we've trained and
15 some recent new volunteers who are stepping forward.
16 We screen every child that appears on the surge
17 docket or the juvenile docket, and then we find pro-
18 bono representation for the children. So, rather
19 than being a direct service provider, we do what's
20 called Closely Mentored Pro-bono. So I've given you
21 a ten page typed testimony, and in it I think if you
22 have time later, you can reflect between pages three
23 and pages six, and that is the story of a child that
24 we were able to assist. And it tells you all the
25 steps of a Special Immigrant Juvenile Status case. I

2 know earlier several of the Council Members were
3 asking how do you get to Family Court, how long does
4 it take? All of that's described there. So, going
5 forward with the assistance of the money that the
6 Council's been able to identify and philanthropy has
7 come forward, we'll be able to expand our team.
8 Because I do this work pro-bono on top of my fulltime
9 job, now I'll be able to have some staff, and we will
10 continue to mobilize. The high points are to say, as
11 you, some Council Members asked, we do also work and
12 identify children who are gay, lesbian,
13 transgendered. That usually takes more time than a
14 fast screening at the court to build that kind of
15 trust. We also will be working with a lot of new
16 lawyers who are coming forward to volunteer, and just
17 in the last month and a half we've trained between,
18 well I know over 1,000. We hit over 1,000 people
19 making their first appearance at a training. And so
20 we're going to partner with the groups that you're
21 funding here and that you're supporting to continue
22 to add the pro-bono element, which cannot be a
23 complete solution, but can be a partnership.

24 CHAIRPERSON MENCHACA: Thank you for
25 that.

2 KEVIN SULLIVAN: Council Member, thank
3 you. Thank you, Chairman Lancman. I'm going to
4 build very much on what was said by the Commissioner
5 of Immigration Affairs, and the question that
6 Chairman Lancman gave. When I ask our attorneys at
7 Catholic Charities what is the thing that they want,
8 they tell me all the time they want social workers
9 and case workers. Because, while this is very much a
10 legal issue and the council should be tremendously
11 praised for the work you've done in expanding legal
12 services, and I want to compliment the Administration
13 on the information that it's providing down at
14 Federal Plaza on all of those things. What I also
15 want to talk now just very briefly about is we need
16 to go one step further. We need to go a step further
17 because information is great, but the trauma that
18 many of these children have suffered, meaning they
19 don't only need a list or a piece of paper. They
20 need somebody who can work with them, work with their
21 parents to make sure they do the things that they
22 want to do. That even though our Education
23 Department is very open to immigrants, but we got to
24 make sure they go to school. We got to make sure
25 that they do their homework. I know stories of 16

2 year olds who have been suicidal. A child came here
3 who couldn't hear, and through intensive amount of
4 work enrolling him in a special school for the deaf,
5 now he can communicate with his parents. That makes
6 social workers who are going to be able to do that.
7 We've partnered with Montefiore Hospital in a program
8 called Terra Firma to make sure that a combination of
9 legal, medical, psychiatric, social services
10 available so those kids can make a step forward. We
11 also have a Safe Passages program which also deals
12 with the social service needs of those families,
13 those kids. So my request and my presentation to you
14 today is the legal services are great. We're in the
15 midst of doing it. You've done a great job, but we
16 can't forget that there are more to an individual
17 than those legal services. And the other fact we
18 learned today that many of those kids, most of those
19 kids will have remedies that will permit them to stay
20 here in New York long term. So when we provide those
21 social services to make sure they're going to school,
22 they have good health, they learn English so that
23 they can work here, what we're doing is investing in
24 our future of New York City as an ongoing future

2 great metropolis. So pay attention to that in
3 addition to the legal services. Thank you.

4 CHAIRPERSON MENCHACA: Thank you for
5 that.

6 ANNE PILSBURY: Hi, I'm Anne Pilsbury,
7 Director of Central American Legal Assistance. We're
8 one of the direct providers. We've been representing
9 this population for over 25 years. We've been
10 representing adults as well as kids. So none of this
11 is new to us. It's just a greater number. Let me just
12 take the opportunity to just deal with a couple of
13 specific things that have come up that I want to make
14 sure everybody understands. First, the title
15 unaccompanied minor is a little confusing, because
16 most of the kids have been reunited with somebody, an
17 aunt, a parent, a brother, a sister. They're really
18 not floating around like we picture orphans. They
19 were designated as UAC's at the border, but they have
20 been reunited here with an adult, and very often, the
21 adult they came with and many of them did come with
22 adults, although maybe not a parent, is also in
23 proceedings. Now, I know the council's focus is in
24 funding legal services for the UAC's, but think about
25 it. We've got to be smart about how we use this

2 money. There are legal impediments to a deportation
3 order against someone who's under 14. There's a
4 problem with the validity of an MTA served on someone
5 under 14. It may make more sense to represent the
6 parent or the adult in the proceeding than just the
7 kid. So we do both, and I want the, you know, you
8 all to be aware that in many cases, protecting the
9 parent may be what's needed to protect the child.
10 Some of the kids are in proceedings by themselves.
11 Sometimes their adult person they came with is in
12 proceedings, but the cases aren't joined, and there's
13 a lot of tactical work that a lawyer has to make in
14 their head to decide whether it's good to join the
15 cases or not. So, the real need is for, obviously,
16 funding legal services, lawyers. The Know Your
17 Rights, the legal orientation work is important and
18 useful, but it's no good if there aren't lawyers on
19 the other side to pick these cases up. And the
20 numbers we're talking about here are huge. So, most
21 of your funding should go toward organizations that
22 already have the knowledge and the track record to
23 handle a lot of cases. Pro-bono attorneys are
24 wonderful, but they're doing their first or second
25 case and they can't handle a hard, a huge volume,

2 plus they have to be fluent in Spanish. So, we hope
3 you will, you know, heavy weight the funding towards
4 organizations that can pick up a lot of cases and do
5 them quickly. What Judge Weisel told you about
6 adjournments, keep in mind that we have a wonderful
7 bench here in New York. We really do. The Judges
8 are great, but they generally won't give more than
9 three adjournments. So this thing doesn't go on
10 forever. Most people have a claim, more than half, I
11 think we all agree. We've screened maybe 300 people
12 in the last three months. I would say the majority do
13 have a claim asylum or SIJ [sic], but there is a
14 significant minority that have no claim, and that did
15 just come because they heard some rumors about how
16 great it was, and you could get across the border.
17 It is not in their interest to be represented. If
18 you're going to have an in-absentia order, you're
19 better off being Pro-se [sic]. So we want to focus
20 on those people who have claims, and a full
21 representation model at this point, I don't think, is
22 the appropriate thing.

23 CHAIRPERSON MENCHACA: Thank you.

24 ANTHONY ENRIQUEZ: Council Members thank
25 you for this opportunity to personally convey our

2 deep gratitude for your support of immigrant youth in
3 New York City. My name is Anthony Enriquez, and for
4 the past years I've served as the Chadbourne and
5 Parke Fellow and Staff Attorney at The Door, a center
6 for youth development in downtown Manhattan. Each
7 year, The Door serves over 11,000 young people in New
8 York City and surrounding counties by providing
9 comprehensive social services including healthcare,
10 counseling, legal services, tutoring and college
11 prep, homeless and runaway youth services, free
12 meals, arts programming all for free and all in one
13 building on Broom [sic] between Varick and Sixth
14 Avenue. We invite you to please visit us. I come
15 today with two objectives. The first is to thank you
16 for your support of our work and the people we serve
17 every day. I thank you for your willingness to fund
18 legal services for the thousands of young immigrants
19 arriving to New York, for the thousands of children
20 who now have a fighting chance to call this city
21 their home. I thank you for honoring our city's best
22 tradition of welcoming those who have been given
23 little and have suffered much, and yet, still have
24 the strength to dream of something better. The Door
25 operates on a direct service model, which means we

2 ourselves screen the children at Immigration Court.

3 We meet them. We agree to represent them in all

4 either Immigration or Family Court proceedings, and

5 we really take them from that first appearance in

6 Immigration Court hopefully until they get some type

7 of relief, maybe even a green card. I wanted to take

8 a little bit of this time today to address the

9 children's first interactions with our government as

10 they come to the United States. Not many of us have

11 spoken about these issues. All the children I meet

12 in Immigration Court were arrested by the Customs and

13 Border Protection after crossing into the United

14 States. And we've come to learn that far too many of

15 these children, their first contact with our

16 government is traumatizing. There is a lawsuit, a

17 settlement that is supposed to rule how these

18 children are taught. It's called the Flores

19 Settlement, and the government has agreed to treat

20 them with dignity, respect and special concern for

21 their particular vulnerability as minors. That's a

22 quote. But from our hundreds of interviews, from my

23 personally hundreds of interviews with children and

24 from my colleagues who collectively have over

25 thousands of interviews with children, we've learned

2 that children have told us stories of being kept in
3 cells for up to two weeks of cells so cold that the
4 children call them the freezers, all of them
5 collectively. They tell us they are stripped of
6 their jackets, denied blankets to keep them warm,
7 threatened with temperature reductions in their cells
8 if they ask when they'll be released. They tell us
9 of sleeping against walls or displayed on concrete
10 floors piled on top of each other. A 13 year old
11 girl who was sexually assaulted on her journey to the
12 United States told me how the children must use an
13 open stall bathroom without even a curtain to shield
14 them. One told me he was stripped searched. And in
15 spite of the rumors that many of the--that have been
16 told in the press that the children might get a
17 permit if they're allowed to stay here, many of them
18 don't even tell authorities that they're under 18
19 when they arrive, because they're afraid they'll be
20 kept in detention until they reach majority age. So,
21 I'd like to ask for your help in advocating and
22 speaking publicly about these issues with our
23 partners in federal government to make sure that our
24 first contact with these children isn't re-
25 traumatizing, isn't something that's making their

2 journey even worse. That's really a space where
3 local leaders can step in and make a big difference.
4 Thank you.

5 CHAIRPERSON MENCHACA: Thank you for
6 sharing that, especially just the nature of the work
7 that needs to happen from the second that they
8 interact with our country. Thank you.

9 ROBERT MCCREANOR: Good afternoon. My
10 name is Rob McCreanor. I'm the Legal Director of
11 Catholic Migration Services. Catholic Migration
12 Service is a nonprofit affiliate of the diocese of
13 Brooklyn and Queens. For over 40 years we've served
14 the needs of immigrants and refugees in Brooklyn and
15 Queens. Our staff of attorneys and counselors helped
16 tens of thousands of people to become United States
17 citizens, to reunite with family members, to obtain
18 political asylum, and to fight deportation removal.
19 We also have developed new programs to promote
20 dignified housing and employment conditions for
21 immigrants throughout the diocese. We use innovative
22 lawyering and community organizing and advocacy to do
23 that. Today, I just want to focus on one particular
24 aspect of this discussion, and it's really in
25 response to something that Chairman Menchaca

2 mentioned was that in addressing this issue one
3 particular challenge is how to reach a population
4 that can be difficult to reach. How do we do that?
5 And I think when we consider that question, we have
6 to think about what are our resources in the
7 community, and I'd ask you today just to consider the
8 importance of faith based institutions, and from our
9 perspective at Catholic Migration Services I think
10 it's worth noting the Catholic Church's crucial role
11 in maintaining New York's historical status as a
12 welcoming haven for immigrants through the provision
13 of services to those in need. Affiliated agencies of
14 the church such as Catholic Migration Services and
15 our partners at Catholic Charities are uniquely well
16 positioned to serve immigrant communities. Just to
17 give you a sense of that, in Brooklyn and Queens
18 there are more than 230 Catholic parishes, almost all
19 of which include a substantial immigrant population.
20 In my work as a Catholic Migration Services lawyer
21 I've participated in and I've organized countless
22 legal clinics, information sessions and community
23 meetings in church basements, auditoriums, and parish
24 halls. By creating these local points of access for
25 legal services, we've reached tens of thousands of

2 immigrants annually, including the children who would
3 otherwise be forced to navigate complicated
4 bureaucracies to find help. On a daily basis, our
5 office is contacted by pastors, religious brothers
6 and sisters and lay leaders who wish to refer
7 unaccompanied minors to us for legal assistance.
8 From our perspective, it's clear that the immediate
9 need is tremendous and that the church remains a
10 uniquely important resource for immigrants in New
11 York City. Our doors are open to everyone. We're
12 proud to participate in the current collaborative
13 efforts of New York's legal services community to
14 address the needs of unaccompanied minors in a
15 coordinated fashion. We applaud the City Council's
16 support for the provision of nonprofit legal services
17 and we look forward to continued partnership with
18 you. Thank you.

19 CHAIRPERSON MENCHACA: Thank you. Looks
20 like that's everyone, right? So I want to start--I'm
21 going to start with JoJo and kind of walking us
22 through the kind of ramp up to the work that is now
23 here and kind of speak to the kind of coalition and
24 the uniqueness of, potentially the uniqueness of this
25 kind of coalition of legal service providers and

2 where the dollars kind of come in to inject it, how
3 helpful was that in it, and I think Ms. Pilsbury kind
4 of talked a little bit about the kind of pro-bono
5 component, but just to kind of hammer down how
6 important it is that the funding at this time was for
7 the work that is needed within this coalition of
8 service providers.

9 JOJO ANNOBIL: Okay, definitely. So
10 before August 13th almost all the juvenile docket
11 providers who were doing this had probably one
12 dedicated lawyer doing this kind of work and seeing
13 one, one each, and seeing probably about 100 cases on
14 our regular juvenile docket a month, collectively.
15 And out of those cases, we were only able to triage
16 those cases and couldn't take almost all of those
17 cases on for representation. What the funding would
18 allow us to do is this. One, it allows us to build
19 capacity. So in addition to the American Immigration
20 Lawyers Association, Legal Aid, Catholic Charities,
21 and The Door, we're able to welcome in Central
22 American legal assistance. We are able to welcome in
23 Atlas DIY. We're able to welcome Make the Road.
24 These partners are important to us because Make the
25 Road, for example, has a community based--is a

2 community based organization and lends that kind of
3 support to our group. Central American legal
4 assistance with the work they've done with Central
5 American residents bring the asylum component to this
6 whole collaboration. What we are hoping to do with
7 the collaboration is to work collectively, coordinate
8 efforts, be able to share resources. Collectively,
9 we are all hoping to hire about 14 new lawyers, three
10 paralegals, two social workers, which has been
11 mentioned before, and be able to do at least--
12 probably reach about 4,000 Know Your Rights
13 presentations, screen probably about 2,000 of these
14 children and take on for representation and also for
15 mentoring about 1,000 of these cases for the next
16 year. It's going to take a while for us to scale up,
17 but we also realize that we've already started doing
18 the work, and so there is some other work that we've
19 been able to refer to legal, to law school clinics.
20 We've taken on some of the cases ourselves. We've
21 also directed some of the custodians to start the
22 Family Court process. But collectively, we are
23 hoping that this is what makes us, makes it possible
24 for us to really have a coordinated effort to do
25 this. We have infrastructure, the experience is also

2 there. New York is leading this effort because we've
3 had calls from Connecticut, from New Jersey, because
4 there is nothing like that there. They don't have
5 the resources to be able to do that.

6 CHAIRPERSON MENCHACA: Thank you. And
7 something else that kind of came up after listening
8 to all the service providers is some models that we
9 see in other courts, and one kind of manifestation of
10 this kind of coalition effort that brings services
11 into communities is for example the justice center in
12 Red Hook, and is there any conversation within this
13 coalition to build another kind of model where we can
14 bring Immigration Court process, proceedings into our
15 communities and create that kind of a model in our
16 communities, in immigrant communities that kind of
17 mimic the work that the Red Hook Justice Center is
18 doing? Has that been in conversation with you all?

19 JOJO ANNOBIL: We haven't had that kind
20 of conversation, but we realize that it's also very
21 important for us to reach the immigrant communities,
22 because it's important to let people know that they
23 need to go to court, for example, and that if they
24 don't show up in court, they may be other removed in
25 their absence. And so there's also an effort, for

2 example, Anne talked about the women and children,
3 and there's a lot of advocacy that's going on in the
4 community to be able to advocate for them because
5 even with those, that population, there's this whole
6 idea that if you go to court you get a ankle
7 bracelet, right? And so some of the women don't want
8 to go to court, but there's a lot of information that
9 has to go on. In terms of the example you just gave
10 of the Red Hook, we are starting this coalition.
11 This is the first time we've been able to scale up
12 and so I'm sure when we start talking amongst
13 ourselves and discussing how best we do this work,
14 that is a part that we can do. We haven't done it
15 because we didn't have the resources to do that, but
16 I'm sure my partners will agree with me that it's
17 something that we will talking about.

18 : And I think that one of the advantages
19 of this type of funding, the, I guess, one of the
20 ironic fortunate circumstances of someone being in
21 removal proceedings, is that I'll meet frequently
22 young 14 year old girl for instance who has two or
23 three siblings at home that don't have status
24 themselves but are not in removal proceedings and
25 would never have come to a lawyer in the first place.

2 And at the end of this process, now all of those
3 children can have status. We can take on all of
4 their cases at once frequently. It's efficient for us
5 to do that. This is a really cost-effective model
6 for the city to be strengthening the legal status
7 basis of many people in its immigrant communities,
8 beyond just those who are called to removal
9 proceedings.

10 CHAIRPERSON MENCHACA: Thank you for kind
11 of explaining that. Almost there's an inherent
12 outreach component with the initial connection with
13 the unaccompanied minor in the courts. Thanks for
14 kind of highlighting that. And on the note of the
15 work that you're doing, can you tell us a little bit
16 about the cost analysis per case? I know we talked a
17 lot about that with the Family Unity Project, but for
18 these cases, what is the average cost per case for
19 the docket?

20 JOJO ANNOBIL: I believe the average
21 docket per case when we're looking at it runs
22 somewhere around 2,000 to 2,500, and when you look at
23 it in terms of dollars, it doesn't really tell you
24 the amount of work that goes into this. Because when
25 you're dealing with children, it takes a while for

2 you to build trust. It takes a while for the child
3 to open up and to be able to tell you their story,
4 and so these cases are not your run of the mill
5 straight forward cases where you find relief at your
6 first meeting with the client. So the cost is around
7 2,000, 2,500, but the amount of work that we do,
8 because some of these cases take at least about 18
9 months to completion. The number of times we have to
10 go to court, plus under this model it's even not
11 really talking about the cost for the passion in
12 doing the work, because we're also doing the
13 screening, right? We're doing screening of all these
14 children whether they have relief or not, and we
15 don't and can't give up on these children just
16 because at first screening there doesn't seem to be
17 relief available. We need to do a second follow-up
18 screening, which takes a while to do that. And so to
19 answer, simply to answer your question, between 2,000
20 and 2,500.

21 CHAIRPERSON MENCHACA: I'm going to hold
22 on my questions and hand it over to Chair Lancman for
23 his questions.

24

25

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2 CHAIRPERSON LANCMAN: Thank you. Good
3 afternoon everyone. Thank you for giving me the tour
4 this morning.

5 JOJO ANNOBIL: You're welcome.

6 CHAIRPERSON LANCMAN: I appreciate it.
7 Some--let me ask you about how well you feel the
8 Immigration Court is dealing the surge docket,
9 dealing with the issue of these children coming, even
10 if they are accompanied once they get here in New
11 York, are there things that you think that the court
12 should be doing differently?

13 ANNE PILSBURY: I think we all would
14 agree that the surge docket is inherently in conflict
15 with due process. We would like to not have it. we
16 understand the political reasons why we have it, and
17 we understand that Judge Weisel's been given his
18 marching orders so we have to live with it. But I
19 was very gratified to hear him say that they don't
20 intend to continue to accelerate after the person has
21 gotten representation and indicated their prayer for
22 relief, but what's happening is if they continue to
23 give these cases priority, it's pushing off the final
24 hearing for people who have waited two and three and
25 four years. So it's a huge problem. I don't know

2 what else they can do, but they're kind of stuck with
3 this.

4 ANTHONY ENRIQUEZ: I'll say there are--
5 there were former practices that maybe in a more
6 politically feasible environment. For instance, when
7 we apply for relief for some of these children, we
8 file an application with a different agency, not with
9 the Immigration Court, but with a different
10 government agency. The prior practice standardized
11 used to be that the court would then terminate the
12 removal proceedings so that the other agency would
13 have jurisdictions, complicated legal stuff, but
14 essentially, your application couldn't be decided
15 without the court for saying, okay, we're going to
16 stop these active proceedings right now. And that
17 practice isn't happening any more, and those are
18 cases that are just being needlessly prolonged, and
19 in fact the surge docket, those cases could be
20 transferred to the standardized slower juvenile
21 docket. That would give us all a bit more of space
22 to interview the children.

23 CHAIRPERSON LANCMAN: Well, let me ask
24 you about that, though, because I think I saw at least
25 one of the cases this morning which was

2 administratively terminated because an application
3 was before US CIS. And let me--we also say if the
4 surge docket is only for the initial hearing, you
5 know, between 10 and 21 days and then from there, the
6 case proceeds at the regular deliberate pace and
7 isn't expedited, what's the harm?

8 ANNE PILSBURY: I don't think that's
9 exactly right. I think the case, what he was saying
10 is the case goes on to a slower track after they've
11 gotten representation and filed a prayer for relief.
12 In other words, they've filed an asylum application
13 or they've gotten a SIJ finding, and then it gets on
14 a slower track, but getting to that step is the hard
15 part and that's where we need more lawyers, to get
16 people up to that. He's not saying after the first
17 master that it goes on a slower track.

18 CHAIRPERSON LANCMAN: So let me ask you
19 about the lawyers and the case load. I know you're
20 ramping up. I know the money from the Council hasn't
21 necessarily hit yet, what do you anticipate being the
22 case load that you see each of your lawyers handling
23 and is it appropriate. I know that some of your
24 models are different. You don't, you know, have
25 lawyers working for you full time the same way legal

2 aid might, but what are we looking at in terms of
3 workload?

4 ANNE PILSBURY: Just for our office,
5 over a period of a year, I think we had committed to
6 take on 50 additional asylum cases. Asylum cases are
7 very slow and labor intensive. So, you know, we
8 could possibly do more. We have probably 300 open
9 asylum cases a year in our office.

10 CHAIRPERSON LANCMAN: And so how many
11 lawyers would be assigned to that?

12 ANNE PILSBURY: Two at--well, we have
13 four lawyers now. We're getting two more tomorrow
14 thanks to the Robin Hood Foundation and the Immigrant
15 Justice Court, and then if we can get two more
16 through this then that would be six, right? No,
17 eight.

18 CHAIRPERSON LANCMAN: And are you
19 comfortable, and I'd like to hear from anyone else
20 who'd want to answer the question, are you
21 comfortable that that's a manageable case load, that
22 that's an appropriate case load where the lawyer
23 assigned can do the necessary due diligence to do a
24 good job?

2 ANNE PILSBURY: We're in a fortunate
3 position in that we've been dealing with this
4 population and the facts that generate their asylum
5 claims for many years. So we're able to--there's
6 some efficiency in our ability to handle Central
7 American asylum cases. The thing that slows it down
8 is a lot of the minor cases get referred to the
9 asylum office first and then they come back to court
10 if they don't get granted over there, and that's a
11 huge time sink. And I'm worried about that, that
12 that's going to slow us down. There's a lot of
13 unknowns in this. You need to be flexible.

14 CHAIRPERSON LANCMAN: Does anyone else
15 want to address the case load question?

16 JOJO ANNOBIL: The case load we're
17 looking is different agencies are doing different
18 case loads, so we are doing about 150 cases with
19 three lawyers and a paralegal and a social worker.
20 And what we're hoping to do in all this is build
21 efficiencies, efficiencies from the Family Court and
22 if we are doing Special Immigrant Juvenile Status, so
23 that we can either do some of the--file some of the
24 petitions in Family Court ourselves, or be able to
25 train 18B [sic] Family Court assigned counsel to be

2 able to do that piece, to take care of that piece in
3 Family Court, which would allow us sometimes for even
4 our paralegal to be able to do some of the
5 immigration US CIS work, because then that means
6 filing for surge and adjustment in before US CIS. So
7 it's a matter of being able to build an efficiencies.
8 That's why we've been talking about reaching out to
9 the Family Court as well, because if we can get those
10 petitions to be adjudicated very quickly rather than
11 now it could be six months, it could be nine months
12 to get there. Then we assure that we built enough
13 efficiencies to do this work. Plus, in being able to
14 get a social worker, it helps because before all this
15 my attorneys basically acted as the lawyer, the
16 social worker, the investigator, the paralegal, all
17 the works, right? So now at least instead of doing
18 that they can concentrate of doing some of these
19 complex cases and do the legal work and have a social
20 worker concentrate on social work. So if in doing
21 that, I think we're building enough efficiencies to
22 do these numbers of cases.

23 KEVIN SULLIVAN: Could I just complement
24 was JoJo said. When he quoted you that 20 to 2,500
25 dollar per case number, that's per year. Some of

2 these cases go on for 18 months or two years, and
3 part of the way if you fund it only for a year, you
4 can cover it for a year, but probably the true number
5 if you take the life of the case it's closer to 3,700
6 or 4,000 because they have tails on them. If you add
7 a social worker to it, it maybe can--then you have to
8 pay for that.

9 LENNI BENSON: Could I just talk about
10 Family Court?

11 CHAIRPERSON LANCMAN: Yeah, just use the
12 mic.

13 LENNI BENSON: So, hi, Professor Benson
14 again, Safe Passage Project. We do do this mentored
15 pro-bono, but as Anne talked about, if you're working
16 with someone who isn't already experienced, where you
17 get the efficiency with us is we're the elbow clerk,
18 basically, the pro-bono lawyer, and the idea is to
19 build capacity. I began the project in '06 mostly
20 with a handful of people that I knew well who I knew
21 could do both the navigation of Family Court and
22 Immigration Court. And our core of pro-bono lawyers
23 has grown. There are some outstanding pro-bono
24 lawyers who have six or eight cases themselves and
25 are expert in both jurisdictions in Family Court and

2 Immigration Court. But as I'm also the City Bar
3 Chair of the Immigration Committee, and for three
4 years it's been my number one priority on that
5 committee with outstanding subcommittee members to
6 also work with the family in the Family Courts
7 Committee, because this number of children has been
8 growing in our Family Courts. So on October 6th I've
9 been invited to speak to the State Office of Court
10 Administration and send my testimony, and the
11 particular topic is working with the panel attorneys,
12 the 18E's [sic], the lawyers for children. We've been
13 doing free trainings for them on their lunch hours
14 inside the family court, just pro-bono basis. You're
15 staffing and adding support to Legal Aid, to Catholic
16 Charities, to CALA, to The Door allows us to have a
17 little bit more capacity to also do our role, which
18 is to help educate and mentor more of the lawyers in
19 this community, and I don't know if the Family Courts
20 will be able to put these cases ahead of other
21 urgent, desperate cases. So in my testimony, what I
22 recommend is advocacy before the state, or think
23 about the city's budget and the support you already
24 put in Family Courts. I suggest perhaps the Pro-se
25 [sic] office that you might staff like you do lift

2 tables or other tables in the Family Court, but if
3 you actually work with the State Court Administration
4 to fund a legitimate Pro-se office, many of these
5 parents, or aunts, or uncles, or older brothers who
6 need to navigate the Family Court would get more
7 assistance than all of us can provide rapidly.

8 CHAIRPERSON LANCMAN: It was very
9 interesting to me to see the--it was a Catholic
10 Charities lawyer, she seemed to have a list of who
11 was on the hearing for today, and she was running
12 around just seeing who's represented and who's not.
13 There was no science or methodology to it other than
14 her, you know, running around and checking people on
15 a list and speaking with them. I see from the
16 spreadsheet that we have that a couple of the legal
17 services organizations are hiring social workers. I
18 wonder if it also might be a good allocation of
19 resources, and you know better than me, to hire
20 investigators. I would imagine that some of these
21 claims are very fact intensive, or am I mistaken? Is
22 it--listen, here's the crime rate in El Salvador.
23 These kids from El Salvador, that's our case.

24 ANNE PILSBURY: Yeah, we have access to a
25 lot of documentation of the problems in Central

2 America. I don't think a personal investigator would
3 add anything, and it'd be very dangerous for them to
4 go down there, anyway.

5 CHAIRPERSON LANCMAN: Does the state dep-

6 -

7 LENNI BENSON: [off mic] experts are
8 useful though.

9 ANNE PILSBURY: Yeah.

10 LENNI BENSON: In some asylum cases, the
11 asylum office or the judge will, as I think Anne or
12 others could say, will ask for a psychiatric
13 evaluation of the youth, because children's trauma
14 cases, what is persecution may be different, but in
15 others there are experts. Sometimes they'll do it
16 pro-bono, sometimes they like a modest fee for
17 testifying about the political opinion issues or
18 religious persecution. And so, my organization, for
19 example, which is completely pro-bono, has had to ask
20 experts to do their work pro-bono. If the city can
21 expand resources to have financial support for the
22 work we do, lawyers can make judgment calls just as
23 they do in other cases about the need for a
24 psychiatric evaluation or an expert opinion.

2 CHAIRPERSON LANCMAN: Have you had any
3 difficulties in getting interpreters, I assume not
4 for Spanish, but for indigenous languages that you
5 might encounter?

6 LENNI BENSON: There's a growing
7 population of children on this docket from the Mayan
8 indigenous cultures, and we have reached out to a
9 couple of language organizations, and they've offered
10 to do some pro-bono language assistance, but I did
11 talk with Commissioner Argarwal about maybe the city
12 could make language line available at times for
13 particularly children. I think Anne is probably our
14 resident expert on Central American Language, like
15 Ciche [sic] and Katwa [sic].

16 ANNE PILSBURY: Very few of the kids
17 don't also speak Spanish. So, I mean it's
18 occasionally it happens, but it's not a huge problem.

19 CHAIRPERSON LANCMAN: Yeah, and the
20 interactions that you have with the Executive Office
21 of Immigration Review? Sorry, the Mayor's Office.
22 The interaction that you have with the Mayor's Office
23 and their work at the court, has it been positive,
24 constructive? Are there other things that can be
25 done?

2 JOJO ANNOBIL: I think it's been very
3 constructive, because the first day we brought them
4 in, our idea was to have them in the ceremonial court
5 room, but the court basically approached us and said,
6 "Is there anywhere else we can put them?" And
7 actually made provision for them, provided a table,
8 provided the chairs. It builds trust with them
9 because they can now say that in their courthouse
10 they have someone from Department of Health and
11 Education taking care of these children and their
12 needs. So it's been helpful. What we've also tried
13 to do with those agencies is to have them stationed
14 in front of courtrooms so that the clients or the
15 children who have lawyers, when they're leaving the
16 courtroom, you will at least be able to give them
17 some information. So it's not just the client, the
18 children who do not have lawyers, but also even those
19 who have lawyers. We invite them so they give some
20 of the materials, because they are not usually
21 concentrated on that aspects, or even if they are,
22 they don't know where to go, but if it's available
23 we're making that available to them as well. So, it's
24 been very helpful.

2 ANTHONY ENRIQUEZ: I will also say that
3 on a personal level, over the summer when we heard
4 story after story of labeling these as crisis or as
5 national security threats, or just as something
6 that's really dangerous to the country, to have the
7 Mayor's Office step forward and so publicly and
8 proudly speak in the name of these children was
9 really a boon for us, I think, for the providers.
10 For me, personally, at least it really means
11 something that the city that I live in that I love
12 will stand up and take a stance on this, and I really
13 hope that you can continue to be public voices in
14 this struggle.

15 CHAIRPERSON LANCMAN: Thank you.

16 CHAIRPERSON MENCHACA: Thank you, Chair
17 Lancman, and I have a few follow up questions. My
18 first one on that note of how we are all engaging in
19 this conversation, did this coalition of
20 organizations reach out to the Mayor's Office for any
21 specific requests in funding? Did you ask for
22 funding from the Mayor's Office?

23 JOJO ANNOBIL: No, no we did not.

24 CHAIRPERSON MENCHACA: No? There was no
25 official request for extra funding for anything?

2 JOJO ANNOBIL: No.

3 CHAIRPERSON MENCHACA: Okay.

4 JOJO ANNOBIL: Should we?

5 [laughter]

6 CHAIRPERSON MENCHACA: We always start
7 with a question and let them say no, you know?

8 That's my personal and professional duty. The second
9 question, and maybe we can get some of the Catholic
10 Charities, Monsignor Sullivan, to answer the
11 questions about housing and talk to us a little bit
12 about what's happening on that front to give us a
13 little bit more insight into that service,
14 particularly, and the need for more and just clarity
15 about what's happening with, you know, especially any
16 minors that don't have family here. And I heard from
17 Ms. Pilsbury that most of them do already have
18 family, but I know you're engaged in this in a very
19 intimate way.

20 KEVIN SULLIVAN: Again, as you said,
21 Chairman, the overwhelming majority, the estimate is
22 80, 85 percent are settled with their relatives,
23 parents or friends. So it's--housing is not a major
24 problem, and ACS has also been very, very helpful
25 with those who have not. So housing is not the major

2 need for this population. It's certainly the major
3 problem for the rest of New Yorkers. That's--so we
4 do need the 200,000 new units of affordable housing
5 preserved and built, but for this population, that's
6 not the highest priority.

7 CHAIRPERSON MENCHACA: And for those that
8 are going to shelters, is there any kind of texture
9 that you can give us? Because it's not 100 percent
10 either, so even if there's 100 kids that are walking
11 into a shelter--

12 KEVIN SULLIVAN: Just for vocabulary, so
13 the first term that shelter is used is when the kids
14 are detained at the border, and then they're placed
15 in shelters in the New York area for about a month.
16 Then they're placed with their custodial parent. So
17 the shelters are pretty, you know, there are places
18 where the kids are cared for. They're educated.
19 They're provided the ability to--so they are
20 sheltered there, then they're placed with custodial
21 parents.

22 CHAIRPERSON MENCHACA: How effective and
23 how appropriate are these shelters for that interim
24 time?

2 KEVIN SULLIVAN: I visited two of them. I
3 think they're, the people there are very dedicated at
4 doing--they're doing a very, very good job. They're
5 sometimes dealing with trauma because the kids are
6 there, but it's reputable places. Jeremy's here from
7 Children's Village. He runs an incredibly wonderful
8 program, Blanket [sic] Hull [sic] and Selmer's [sic],
9 and a few places in New York City. I will tell you,
10 though, that the capacity of the shelters is one.
11 They number that are being used often times are much
12 less because it's a very volatile situation, but
13 generally, I think the shelters are a place where the
14 kids are safe. They're secure. They're cared for.
15 Again, I don't think that's a major part of problem.

16 CHAIRPERSON MENCHACA: Great. Thank you
17 so much for that. And a follow-up question to you in
18 really taking the connection to the LGBT community,
19 how is archdiocese screening for, you know, gender
20 identity and sexual orientation through the work
21 you're doing?

22 KEVIN SULLIVAN: What I can tell you is
23 that our attorneys are incredibly trained and
24 incredibly diligent to find every single possible way
25 that somebody who's coming for relief can get relief,

2 and whatever relief is available to them, they'll
3 make sure that that person's represented to the
4 greatest extent that they have.

5 CHAIRPERSON MENCHACA: Do you understand
6 or is there an understanding across the kind of gamut
7 faith leaders? Because I understand that faith
8 leaders and faith community is kind of big component
9 of the outreach. Do you feel like that's across the
10 board, is anyone else that can answer across the
11 board that this isn't a barrier for any young, any of
12 the unaccompanied minors?

13 KEVIN SULLIVAN: I can't speak for
14 everybody. It's not a barrier for us.

15 CHAIRPERSON MENCHACA: Thank you for
16 that. And so are there any other questions? Okay,
17 thank you so much for your time. This is an ongoing
18 conversation, and we look forward to continuing
19 working with you and getting that data as it kind of
20 trickles down through that experience, and know that
21 we're going to be in constant contact with you, not
22 just from the Immigration Committee but the entire
23 City Council.

24 KEVIN SULLIVAN: Thank you.
25

2 CHAIRPERSON MENCHACA: And the next
3 panel, and we're going to want to move through a lot
4 of this testimony so that we can get everybody that
5 wants to speak to speak. And the next is Effected
6 Youth, Victor Clauder [sp?], Elizabeth Olsson,
7 Deborah Lee from Sanctuary for Families, Elizabeth
8 Plum, the New York Immigration Coalition, and Doctor
9 Jeremy Kohomban. Thank you so much for that. And
10 the next panel, just so that you know you're after
11 this panel, we're going to have Stephanie Taylor,
12 Kahterine Russell, Elizabeta Markuci, Ms. Duta, and
13 Ms. Irina from the New York Legal Assistance Group.
14 Great. So you are next after this panel. Thank you
15 so much. If we can start with Dr. Jeremy first.
16 Thank you.

17 JEREMY KOHOMBAN: Good afternoon. Thank
18 you Committee Chairs and thank you committee. I will
19 be brief. I've got a one page testimony that gives
20 you more details, and I'm glad I'm here because I
21 think I can give you some context on the back, the
22 front end of this work. I am the President and CEO
23 of the Children's Village in Harlem Dowling. We have
24 been serving this community of children since 2004.
25 We're the largest provider in the northeast. In the

2 Greater New York City area we provide about 200 beds,
3 long term aftercare, and long term federal foster
4 care. So, a couple quick points. First, New York has
5 been a leader in serving this population for a long
6 time. It's only this year that we got in the news,
7 but this work has continued. This past year we served
8 about 1,500 children and to give you some context on
9 the work, we actually work with the families. We
10 identify the families for release. So the children
11 come through the border. They come into the custody
12 of the Federal Office of Refugee Resettlement. We
13 work with the Federal ORR team. We identify the
14 families. We release the families, and then we work
15 in our case predominantly with Monsignor Sullivan and
16 Catholic Charities to make sure that these children
17 have adequate legal representation. I'll make three
18 quick points. One, is that the overwhelming majority
19 of these children have been reunited with family.
20 Those that haven't can go into federal foster care.
21 These children are very capable of reintegrating into
22 our society, no question about it. These kids are
23 very optimistic. And despite what they've been
24 through, they're ready to be part of our community.
25 The families that we meet are overwhelming

optimistic. They work very hard like all new immigrants. They live in the shadows because many of them are undocumented, but they love their children and they do anything to make sure that their children are safe here in the United States. The biggest challenge that we face is making sure that these families are not afraid to identify themselves, and that's one place where I think the City Council and as a city we can continue to provide the right kind of support, because the key, once released from us, is that these families have the confidence to come before the court, and we think the way to address that is to work with community providers. These children live in segregated neighborhoods, as so many of our poor undocumented families do. We can easily identify these neighborhoods by census tract and make sure that we are working with those providers in those communities to make sure that these families identify themselves and that they're safe. Thank you.

CHAIRPERSON MENCHACA: Thank you.

VICTOR CLAUDER: [speaking Spanish]

CHAIRPERSON MENCHACA: [speaking Spanish]

VICTOR CLAUDER: [speaking Spanish]

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2 CHAIRPERSON MENCHACA: Okay. [speaking

3 Spanish]

4 VICTOR CLAUDER: [speaking Spanish]

5 CHAIRPERSON MENCHACA: Okay. [speaking

6 Spanish]

7 VICTOR CLAUDER: [speaking Spanish]

8 CHAIRPERSON MENCHACA: [speaking Spanish]

9 VICTOR CLAUDER: Mi nombre Victor

10 Clauder.

11 TRANSLATOR: My name is Victor Claude

12 [sic]. I am 16 years old.

13 VICTOR CLAUDER: [speaking Spanish]

14 TRANSLATOR: I come from Honduras from La

15 Colonias [sic] Empetazula [sic].

16 VICTOR CLAUDE: [speaking Spanish]

17 TRANSLATOR: I came over here because

18 several time they try to kill me.

19 VICTOR CLAUDER: [speaking Spanish]

20 TRANSLATOR: Because I didn't want to go

21 in--I didn't want to participate in the gangs.

22 VICTOR CLAUDER: [speaking Spanish]

23 TRANSLATOR: I have all my people over

24 here. I only have my brothers over there.

25 VICTOR CLAUDER: [speaking Spanish]

2 TRANSLATOR: I didn't have anywhere to
3 stay over there.

4 VICTOR CLAUDER: [speaking Spanish]

5 TRANSLATOR: I had to stop going to
6 school.

7 VICTOR CLAUDER: [speaking Spanish]

8 TRANSLATOR: Because several times they
9 went to school looking for me.

10 VICTOR CLAUDER: [speaking Spanish]

11 TRANSLATOR: They committed a massacre in
12 one of the rural towns that I was going through. They
13 killed six friends of mine.

14 VICTOR CLAUDER: [speaking Spanish]

15 TRANSLATOR: And they're still killing
16 people.

17 VICTOR CLAUDER: [speaking Spanish]

18 TRANSLATOR: And they're still killing
19 friends of mine.

20 VICTOR CLAUDER: [speaking Spanish]

21 TRANSLATOR: The last one they killed the
22 day before yesterday. I saw it in the news.

23 Gracias. Thank you.

24 CHAIRPERSON MENCHACA: Gracias por
25 testimonio.

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2 ELIZABETH OLSSON: Good afternoon. My
3 name is Elizabeth Olsen, and I'm the Manager of
4 Policy and Advocacy for Internationals Network for
5 Public Schools. I'd like to thank Chair Menchaca and
6 Chair Lancman for holding this hearing.

7 Internationals works to ensure that recent immigrant
8 English language learners have access to a quality
9 high school education that prepares them for college
10 and careers. We work with local education departments
11 to open new high schools serving this population and
12 provide professional development and technical
13 assistance to educators working with these students.

14 We work with a network of 19 international high
15 school and 15 of these are located in New York City.

16 Several of our New York City schools are now
17 experiencing dramatic increases of unaccompanied
18 minors. Based on preliminary information we receive
19 from our schools, we estimate that there are
20 currently well over 150 unaccompanied minors
21 throughout our New York City network and this number
22 continues to grow as new students continue to enroll.
23 The stories of these students highlight the variety
24 of complex issues unaccompanied minor students face.

25 One 15 year old student in queens is a victim of

trafficking. He owes a 15,000 dollar debt to a coyote who has threatened to take his family's land in Guatemala or worse if he doesn't repay it. We've heard from many a student that they have had family members murdered in their home country due to gang violence, and some of them have seen their family members murdered right in front of them. Many unaccompanied minor students have experienced gaps in their education because traveling to school in their home country was too dangerous, and many are in unstable housing situations with families often doubling and tripling up in apartments.

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

Unaccompanied minors are expected to be concentrated

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2 in schools located in neighborhoods heavily populated
3 by Central American families. These schools will
4 likely need additional resources in order to ensure
5 that these students receive the supports they need to
6 meet New York's rigorous academic standards. Some
7 schools may need additional resources to provide
8 instructional support to struggling students outside
9 of regular school hours. And some schools with very
10 large numbers of unaccompanied minors may need
11 additional social workers or guidance counselors to
12 provide both onsite services and to assist with
13 connecting students with external service providers
14 such as legal service providers and mental health
15 providers that can provide more intensive
16 psychological supports for students who need it. To
17 ensure that unaccompanied minor students and the
18 schools that serve them receive the supports they
19 need, New York City should consider allocating grants
20 to school with significant unaccompanied minor
21 populations to ensure that these students have access
22 to the academic, legal, and socio/emotional supports
23 they require to succeed academically, and should also
24 consider advocating for more state and federal funds
25 for these schools. Thank you.

2 CHAIRPERSON MENCHACA: Thank you for
3 those recommendations.

4 DEBORAH LEE: We are honored for this
5 opportunity to present before this distinguished
6 committee. My name is Deborah Lee, and I'm a Senior
7 Staff Attorney with Sanctuary for Families
8 Immigration Intervention Project. Sanctuary is the
9 largest nonprofit in New York devoted exclusively to
10 serving victims of gender based violence, including
11 domestic violence and sex trafficking. Our agency
12 provides a wide range of integrated programs for our
13 clients, including legal, clinical, emergency shelter
14 and economic empowerment programs to help each client
15 in his or her journey to safety, stability, and self-
16 sufficiency. As this committee is well aware, since
17 October 2013, over 66,000 children have been
18 apprehended by immigration authorities entering the
19 United States. Many of these children are under 15
20 years old, a growing percentage is girls and young
21 mothers fleeing intimate partner and familial
22 violence, trafficking and gender based violence.
23 Over 4,000 children, half of whom are young girls,
24 are now living in New York State and are in expedited
25 deportation proceedings in Immigration Court.

2 Sanctuary for Families is deeply committed to
3 protecting unaccompanied children. We have
4 represented hundreds of immigrant child victims of
5 domestic violence and trafficking, both boys and
6 girls, including those who have recently arrived to
7 the United States, those in foster care and homeless
8 youth. Sanctuary has developed an expertise in
9 providing comprehensive legal and supportive services
10 to these young victims. Sanctuary is uniquely
11 positioned to address the implication of gender in
12 this current crisis. For example, when the media
13 discusses gang violence as a factor pushing children
14 to the United States, I urge each of you to think
15 about such a child being a young girl, often the
16 member of society most victimized. The girls we have
17 met with have told us that they not only feared being
18 recruited, but also being repeatedly raped by gang
19 members and being forced into an intimate
20 relationship with a gang member. These girls have
21 well founded fears of being prostituted by gangs.
22 This is the case of Carmen, a 17 year old Honduran
23 girl who I am representing. Carmen's father
24 abandoned her when she was an infant. Her mother
25 subjected her to vicious abuse. Outside her home,

2 Carmen suffered even more. Local gang members began
3 stalking her, telling her that if she refused to join
4 she would be raped and prostituted. Carmen was raped
5 and later miscarried. At Sanctuary, we are
6 particularly concerned about girls like Carmen. We
7 also represent Maria, only 12 years old and from
8 Honduras. Maria was abused by her father, a gang
9 member himself. He punched Maria, threw her down a
10 flight of stairs and threatened her with a knife.
11 Terrified, Maria feared worse abuse if she had told
12 her mother who had fled to New York when Maria was
13 seven. Sanctuary helps girls like Carmen and Maria.
14 We provide free high quality legal services. Our
15 services are comprehensive and include representation
16 in Immigration Court and family law proceedings. We
17 are also collaborating with dozens of large law firms
18 in New York City to provide pro-bono legal
19 representation. But legal screenings and
20 representation in Immigration Court are not enough
21 for these traumatized children. Sanctuary has engaged
22 its clinical case management and economic empowerment
23 programs to address the complex non-legal needs of
24 these children. At Sanctuary, we know that only
25 through coordinated services can we truly transform

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2 the lives of our clients. We don't stop at a legal
3 victory. We are committed to our clients to become
4 more empowered members of our community. We have a
5 couple of recommendations--

6 CHAIRPERSON MENCHACA: [interposing]
7 Right, we have them at the testimony.

8 DEBORAH LEE: Sure.

9 CHAIRPERSON MENCHACA: We could pause
10 there.

11 DEBORAH LEE: Okay.

12 CHAIRPERSON MENCHACA: We'll definitely
13 review them and we can maybe kind of have a
14 collective conversation about those priorities.

15 DEBORAH LEE: Sure.

16 CHAIRPERSON MENCHACA: We want to make
17 sure we get through some of these panels so we can
18 get everybody's voice, and if we can have Betsy?

19 BETSY PLUM: Good afternoon. Thank you to
20 the members of the Legal Services Committee and the
21 Immigration Committee for today's hearing and for the
22 opportunity to testify. My name is Betsy Plum. I am
23 the director of Special Projects at the New York
24 Immigration Coalition, an umbrella policy and
25 advocacy organization. Since early this summer, when

numbers released by the federal government highlighted the sudden spike in child arrivals from Central America, we the NYC have worked to convene stakeholders to identify and respond to the needs of these children and the communities that receive them. We have hosted regular meetings of providers who serve one of about four broad categories of needs that we've identified, legal, health, education and other social services. We've held bimonthly youth assistance fairs, which take place in the communities with the largest amounts of unaccompanied children and offer legal screenings as well as educational health and social services. Victor Gregoria [sp?] and Pastor Omar are wonderful community members we've met through those events. Excuse me. These are meant to also complement the legal services going on in the court. That's really ground breaking work that's happened, but we're complementing it in the community and most recently we were tapped by the federal government to launch a special justice AmeriCorps program that will bring more attorneys and paralegals to key organizations serving the children. Throughout all of this work, we've come across about four main areas and four main recommendations. I

2 won't go into them because they're in detail in my
3 written testimony. They are that we need more
4 lawyers. This is just the beginning, this wonderful
5 investment that you have made, but it's the
6 beginning. We need to support our schools.
7 Elizabeth spoke wonderfully to that. Schools are
8 important for every child, particularly for these
9 children. We need to meet their physical, mental,
10 oral health needs, and let children know what
11 services and resources they are eligible for
12 currently today. And we need social supports. Many
13 are, as we've learned, reunited with their families.
14 This does not necessitate or mean a happy ending.
15 There are many times issues of abandonment,
16 resentment. They are joining many times already
17 overcrowded stressed, difficult, hard families and
18 family situations, so we need to protect against
19 this. We feel that the City Council can play a
20 signal role in making sure that resources are
21 available to these children. They can grow into the
22 dynamic thriving immigrants that have built New York
23 city from its birth, and at risk of being slightly
24 sentimental, I think we can send a great message that
25 the promise that lady liberty sends from our harbor

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2 is still very much alive and loud, clear, today to
3 the rest of the world. Thank you.

4 CHAIRPERSON MENCHACA: Thank you so much.
5 Did everyone, everyone that was going to speak,
6 speak? So I just want to say thank you and do we
7 have any questions? And I'm going to come back and
8 finish off the questions, but I'm going to hand it
9 over to Chair Lancman.

10 CHAIRPERSON LANCMAN: Good afternoon
11 everyone. This question is directed primarily to Ms.
12 Lee form Sanctuary for Families, correct?

13 DEBOARH LEE: Yes.

14 CHAIRPERSON LANCMAN: You mentioned in
15 your testimony Sanctuary is unique positioned to
16 address the implication of gender in this current
17 crisis. Could you just explain a little bit how that
18 plays out in the legal proceedings, the kind of
19 claims that are asserted and whether or not there's
20 any triage amongst legal services providers to direct
21 certain cases towards legal service provider like
22 Sanctuary for Families that might have a particular
23 expertise?

24 DEBORAH LEE: Yes, currently we are
25 working with many of the I Care Coalition, other

2 service providers who are still in this room who
3 identify gender as an issue with the unaccompanied
4 child, and we have received many referrals. I have
5 also received referrals from volunteering through I
6 Care, directly screening children myself, picking up
7 cases that way. We have--unfortunately, there's a
8 growing number of young girls who are coming to the
9 United States as part of this surge and with that
10 comes, you know, from our perspective, our
11 experiences, that there is, you know, a huge gender
12 issue that's going on. A lot of these girls are
13 talking about incidents of rape, rape within their
14 family, rape, you know, by gang members, and also of
15 course on their journey here to the United States
16 which can be extremely dangerous. But we're lucky to
17 have a thriving sort of advocate community and we
18 share referrals within each, you know, amongst each
19 other. So we're very grateful for that.

20 CHAIRPERSON LANCMAN: Have you encountered
21 any trafficking cases among the unaccompanied minors?

22 DEBORAH LEE: Yes, we have unfortunately.
23 The situation of Carmen that I mentioned. She was
24 raped by gang members. I think if she had not fled,
25 probably worse would have happened to her. She would

2 have probably been trafficked in Honduras. We do
3 have other children that we have met with that we're
4 providing services to who have been trafficked in
5 their home country as well and they're fleeing those
6 situations.

7 CHAIRPERSON LANCMAN: That, the
8 trafficking within their home countries, that
9 wouldn't establish a trafficking claim as a defense
10 to deportation in the United States, right? That
11 wouldn't qualify them for a T-Visa would it?

12 DEBORAH LEE: Well, I think there's
13 different issues, different legal issues that come
14 up, I think, with the different cases. So sometimes
15 in those situations we're exploring the Special
16 Immigrant Juvenile Status that we've talked about
17 before, asylum. Sometimes there's also intimate
18 partner violence that's going on. Sometimes gang
19 members or pimps who sort of start out perhaps trying
20 to engage in the intimate relationship with a young
21 girl, it sort of bleeds into full blown trafficking
22 situations. So those can be different basis for--it
23 sort of depends on the young person's specific
24 situation. There may be sort of legal strategies
25 that attorneys take to and personally one form of

2 relief versus another, but we are definitely hearing
3 situations that we're very concerned about. We're
4 also concerned, you know, as the New York Immigrant
5 Coalition have mentioned, you know, children who are
6 reunified with family members here after many years.
7 They've gone through significant trauma. Sometimes
8 they have not revealed that trauma to their own
9 family members. They're too ashamed about it, and
10 that's--that can make it really difficult, the re-
11 unification process.

12 CHAIRPERSON LANCMAN: DO you have any
13 experience with the Family Court in these cases and
14 whether or not the Family Courts are as attuned to
15 these issues and maybe even are looking out for them
16 because they maybe they--the run of the mill family
17 court case doesn't involve these issues or in much
18 the same way? I'm just curious whether Sanctuary has
19 done any training or advising or anything with the
20 Family Court judges who are receiving these SIJ
21 cases.

22 DEBORAH LEE: So I think with the SIJ
23 cases, we definitely been a part of sort of a
24 coalition of many other advocates, some of those I've
25 mentioned in terms of through the New York City Bar,

2 you know, helping to train court personnel as well as
3 18B attorneys in court to sort of highlight these
4 issues and sort of keep them at the forefront of
5 their mind. I think that much more work should be
6 done. I think with the surge there is a different
7 demographic also of children. You know, we've
8 talked about today, younger children coming, more
9 girls coming. These are going to raise different
10 issues, I think, that the Family Court should know
11 about and sort of understanding before they're here,
12 you know, as they're hearing these cases and they're
13 hearing a growing number of these cases. I think it's
14 a great opportunity to collaborate and sort of work
15 together with the family courts.

16 CHAIRPERSON LANCMAN: Well, thank you
17 very much.

18 CHAIRPERSON MENCHACA: Thank you, Chair
19 Lancman. And just to kind of dig in a little bit
20 deeper about the kind of trafficking conversation,
21 the--have there been any cases where the trafficking
22 has followed, and I think that's kind of the second
23 part to that question, into the United States, and
24 what does that look like? For both labor and--

2 DEBORAH LEE: Sure. I can definitely--I
3 mean, I can talk about one child who was reunited
4 with a family member here in the United States, and
5 it's somebody that she, you know, had not grown up
6 with, but it was a family member. And they went
7 through the process through ORR, and unfortunately,
8 it just, you know, sometimes situations fall through
9 the cracks or sometimes are not what they seem. And
10 that young girl was pimped out by her brother, and it
11 was a horrific situation and we luckily were
12 contacted by law enforcement actually to sort of help
13 intervene in that situation, but that's also
14 something that we're very concerned about and why
15 also we want to maintain strong relationships with
16 the other legal service providers who are coming into
17 contact with these children and they know very well
18 that, you know, things are falling through the
19 cracks.

20 CHAIRPERSON MENCHACA: And on that note,
21 do you feel like, in a way, that we're moving with
22 all the testimony you've heard today do you think
23 that in the direction that we're moving, are we
24 solving that gap and connecting when we need to at
25

2 the moment that we're needing to identify those
3 issues and those moments of crisis.

4 DEBORAH LEE: I think more needs to be
5 done as part of recommendations.

6 CHAIRPERSON MENCHACA: In your
7 recommendations, great. Can you point to one that
8 you want to kind of deliver as far as the trafficking
9 issue?

10 DEBORAH LEE: Yes, I mean, I think--I
11 mean, I think a lot of the legal service providers
12 that have testified already have talked about trauma
13 and I think there's all different kinds of trauma
14 that children have suffered. I think understanding
15 trauma more, understanding domestic violence,
16 understanding familial violence trends that may have
17 happened in their home country, and trying to help
18 empower young people, I think, is critical. I think
19 much more needs to be done. I think providing
20 attorney is a tremendous gift for a young person, but
21 I think there needs to be some understanding that
22 it's not just a green card. We really need to sort
23 of invest in these young people. They will be part of
24 our community, you know? They are a part of
25

2 community already. I think there needs to be a lot
3 more done.

4 CHAIRPERSON MENCHACA: Thank you for
5 that. And my final question is to Ms. Plum. If I
6 can get you back at the table. I just want to say
7 again, thank you this weekend, walking with you and
8 all the other providers that were offering this new
9 model of services in Sunset Park. I just want to say
10 publicly thank you for all their amazing work.

11 BETSY PLUM: Thank you for coming.

12 CHAIRPERSON MENCHACA: And the hundreds
13 of people that have gone through that not just in
14 Brooklyn but across the city are in a better place
15 because of that access and I know there's a lot of
16 stakeholders, but thank you so much for taking
17 leadership on that. And on that note, what have you
18 been able to do recently with this new interagency
19 taskforce working group the Mayor's created, what is
20 the relationship, what is your relationship to that
21 taskforce?

22 BETSY PLUM: Well, I would say that
23 taskforce has been incredibly helpful. I would be
24 remiss if I did not note that we have coordinated
25 these events, but the legal services have been

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2 provided by NYLAG and in the case of Long Island, I
3 know it's not as relevant, Make the Road, but they've
4 been great legal partners and the Mayor's Office of
5 Immigrant Affairs particularly, Sam Solomon who's
6 sitting in the front row has been an incredible
7 partner in linking us, bringing the city agencies,
8 Department of Education, Department of Health to
9 these events, helping to connect us, English language
10 learners, all of these wonderful-- as well as many
11 other community organizations, some we already know,
12 but every group brings their own expertise, their own
13 connections. When we all come together, work
14 together, and have one big event together it's all
15 the better, but the taskforce has been a wonderful
16 resource.

17 CHAIRPERSON MENCHACA: Thank you. And
18 were there any requests for funding that you put out
19 for kind of amplified work to the Mayor's Office?

20 BETSY PLUM: We have put in a few
21 different requests for funding, I think, to City
22 Council, not to the Mayor's Office, but we have put
23 in a few different requests as well to private
24 funders so that we can keep these events going. When
25 I went to the church that Gregoria represents and the

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2 pastor behind me in the Bronx, we had hundreds of
3 children that still needed services that we, along
4 with NYLAG had to turn away that day. So we want to
5 be able to continue to bring these services to the
6 communities and it is at sort of a shaky time right
7 now, and we'll try to do our best.

8 CHAIRPERSON MENCHACA: Great. And then
9 the final note. I remember reviewing the kind of
10 coalition effort package that included legal
11 services, but I think you also pointed out another
12 requirement, not requirement, but suggestion for
13 funding around leagues, soccer leagues? Can you tell
14 us a little bit about that, because that has some
15 roots in Sunset Park?

16 BETSY PLUM: Yeah, so of course, the idea
17 came from a great cooperative in Sunset Park called
18 Kickin' It. There are a number--this is also
19 something Catholic Charities has worked on. They
20 have a couple of different soccer leagues as well.
21 It's a really interesting idea in social services in
22 allowing these children to first be children, to be
23 kids, to get exercise, to get out of their
24 apartments, to meet new friends, but there's also the
25 idea of therapy that's involved in this. And

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2 bringing soccer leagues together just as one example,
3 bringing kids together in a forum that isn't quite so
4 obviously a support group, but to be able to share in
5 a fun activity, meet friends, and then ultimately be
6 able to connect and work through the trauma together.

7 CHAIRPERSON MENCHACA: Thank you so much.

8 And since that idea has come up we've been working
9 through that in the City Council to figure out how we
10 can be helpful and that really just kind of creates a
11 different light and different access point for these
12 kids, and that'd be great for us to continue to work
13 on that. And we have one more question from Chair
14 Lancman.

15 CHAIRPERSON LANCMAN: Thanks. Just for
16 the gentleman from the Children's Village, I see that
17 you testified or it's in your written testimony 90
18 percent of the children we served in the past year
19 were safely reunited with a family member living in
20 the United States. Could you just tell us a little
21 bit about the other 10 percent and what's their
22 circumstance?

23 JEREMY KOHOMBAN: That being a couple of
24 circumstances. In some cases, they were not
25 children. They were over the age of 18, so they were

2 returned to federal custody. In the others, they
3 needed a long term foster care option, and we provide
4 long term foster care through the federal government.
5 So these are children that may have simply made the
6 journey completely by themselves or along the way
7 decided that the family member they wanted to be with
8 was not the right destination. And a lot of the
9 forensic work that gets done by our staff, it's both
10 clinical and we also work with the consulates and the
11 embassies and the permanent representatives to the
12 United States, to the United Nations in trying to
13 build that case and understand the history. So if we
14 feel that there's risk that the child could be going
15 to the wrong family member or sponsor, we would deny
16 that request.

17 CHAIRPERSON LANCMAN: And so if a kid
18 ages out, becomes 18 while they're in your care,
19 they-- and they're not reunited with a family member,
20 they're put into a--what's their circumstance? What
21 happens to them?

22 JEREMY KOHOMBAN: It's a case by case
23 situation. I'm not an immigration attorney, but I can
24 tell you based on our experience that if they have a
25 valid claim, they could stay in one of the URN

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2 programs which are designed for young people who have
3 a case and a sense that eligibility for a green card
4 is more or less assured, so they can enter into such
5 a program and complete the application. If, on the
6 other hand, there is a suspicion of absolute fraud,
7 the federal government will intervene and take over
8 that case.

9 CHAIRPERSON LANCMAN: Okay, thank you.

10 CHAIRPERSON MENCHACA: Thank you to Chair
11 Lancman and thank you so much for the panel, and
12 again, we'll be in contact for any follow-up
13 questions and continue to engage us as we move
14 through the beginning of this new approach,
15 especially with the new legal, funding for the new
16 legal services. So our next panel, Ms. Katherine
17 Russell, Stephanie Taylor, the New York Legal
18 Assistance Group, Ms. Irina, Elizabeta Markuci,
19 Volunteers of Legal Service, Nina Duta--okay. The
20 next panel after this, just so you know that you are
21 next on cue, is Nicholas Katz from the Make the Road,
22 Abraham Barranca from the Committee for Hispanic
23 Children, Meredith Fortin, Lutheran Social Services
24 of New York, Rachel Tzimiroratas from Forestdale Inc.

25

2 You'll be the next panel after this one. Okay, we'll
3 start from the left there. Introduce yourself.

4 KATHERINE RUSSELL: Thank you for this
5 opportunity to testify today. I'm Katherine Russell,
6 Immigrant Youth Project Attorney at Brooklyn Defender
7 Services, or BDS. BDS provides holistic criminal
8 defense services to Brooklyn residents, and thanks to
9 the City Council's visionary leadership we also help
10 to provide universal representation for detained New
11 Yorkers in immigration proceedings through the New
12 York Immigrant Family Unity Project, or NYIFUP. At
13 BDS I'm able to bring over five years of experience
14 working with children in immigration proceedings to
15 help some of the most vulnerable unaccompanied
16 children in New York. These are the children who
17 fall through the cracks, the ones who never show up
18 to Immigration Court because they have no one to take
19 them or because they're afraid, the ones who don't go
20 to school because they need to work to survive, the
21 ones who are truly unaccompanied in every sense of
22 the word. Unfortunately, we encounter these children
23 through the criminal justice system. I'd like to
24 tell you the story of Antonio, an example of the
25 critical difference that immigration attorneys within

a public defender system can make for immigrant youth who might not otherwise receive services. Antonio just turned 19. When he was 15 he left his home in Guatemala after enduring years of horrific verbal and physical abuse by this father. When he entered the US in 2011, he like the thousands of children being released in New York today, was caught by Border Patrol, detained by ORR in south Texas. He was released to his 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 order to support his younger siblings in Guatemala. From ages 15 to 18 he worked without authorization in construction in New York and New Jersey. When Antonio was 18 he was arrested by police after trying to break up a fight between two of his friends over a cell phone. When he was 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. Even

after Antonio plead guilty to disorderly conduct, a non-criminal violation, he was immediately transferred to ICE custody. 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 Immigration Court. To go back to Antonio, however, unfortunately he's 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's a stark reminder that the children who are receiving an absentia deportation order at the surge dockets will not simply disappear, who will be living lives even further in the shadows. He also reminds us that while all children eventually turn 18, that does not mean that their vulnerability disappear. BDS attorneys through my project as well as through NIFUP work hard on behalf of vulnerable youth over 18, including many with complex time sensitive cases who are in ICE and criminal custody who may be eligible for long term immigration benefits like Special

2 Immigrant Juvenile Status. BDS thanks the Council
3 for its attention to the recent surge of
4 unaccompanied children being released to New York,
5 and we thank the Council for its continued commitment
6 to promoting access to justice for all immigrant New
7 Yorkers. We ask the Council to be mindful of the
8 need for legal counsel for these young immigrants at
9 all stages of their lives here in the US. Not only
10 immediately following their release from ORR custody,
11 but for the years thereafter, when they may find
12 themselves again facing deportation now as vulnerable
13 young adults who have already started to build lives
14 here in the US. I hope I've conveyed to you the
15 tremendous importance of providing continuing
16 services for child immigrants in a continuum of
17 access to justice for immigrants of all ages through
18 innovative programs like NYIFUP and holistic public
19 defense. Thank you for your time.

20 CHAIRPERSON MENCHACA: Thank you. Thank
21 you so much.

22 STEPHANIE TAYLOR: Good afternoon. My
23 name is Stephanie Taylor and I'm a Supervising
24 Attorney in our Family Law and Domestic Violence Unit
25 as well as our Immigrants' Rights Project. My office

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2 is part of Legal Services of NYC, the largest
3 provider of civil legal services for the poor in this
4 country. We have offices in every borough, and each
5 office serves thousands of immigrants each year. We
6 provide legal services and advocacy protecting and
7 expanding immigrants' rights in areas such as
8 employment, housing, family and income support. Our
9 immigration lawyers assist immigrants facing complex
10 barriers to naturalization including individuals with
11 criminal justice history, the elderly, disabled,
12 victims of domestic violence, trafficking and
13 workplace crimes. We welcome this opportunity to
14 present testimony regarding the unaccompanied
15 immigrant children issue we are facing today. First,
16 LSNYC commends the council on recently the
17 groundbreaking public/private partnership providing
18 almost two million dollars in legal aid to address
19 the recent influx of traumatized children fleeing
20 Central America. This is a great start in working
21 with these children. As we all know, legal
22 representation in Immigration Court often means the
23 difference of getting deported or obtaining legal, a
24 lawful status. Our office and our colleagues at
25 various organization have had the opportunity to meet

2 and work with many of these children. We have heard
3 unbelievable stories of violence. Many children have
4 reported being targeted by gangs, forced into gangs,
5 forced to kill. They have seen family members and
6 friends die in front of them. Then they have made
7 the horrific journey from their families and their
8 homes through the desert often times with no food or
9 no water, often times being assaulted, too often
10 being sexually assaulted. Those who have been
11 fortunate enough to survive that journey arrive here
12 only to find themselves imprisoned and put into
13 removal proceedings. The juvenile clients with whom
14 we work require extensive services beyond street
15 legal remedies. In our experience, our juvenile
16 clients also continue to need our services even when
17 their immigration issues are resolved as they
18 experience difficulties accessing education, stable
19 housing, healthcare, public assistance and other
20 necessities of a stable life. Our clients need both
21 attorneys and social workers who are experienced in
22 and mindful of how trauma effects the brain and how
23 it effects behavior. I'm grateful that I work in an
24 organization which has the capacity, the knowledge
25 and the compassion to assist such traumatized new

comers to our country with comprehensive and appropriate services. We have a few recommendations that we would like the committee to consider as part of the initiative to expand legal services to unaccompanied minors. Specifically, we're suggesting the following: Culturally and linguistically competent trauma informed legal representation and screening in Immigration Court and also possibly Family Court for such cases for all unaccompanied minors. Dedicated funding towards integrated legal and social services specifically geared towards working with this population, specializing in Post-Traumatic Stress Disorder. 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. And then a uniform citywide Know Your Rights presentation at schools, hospitals, and community centers serving high populations of these children in an effort to inform the children who are not actually in removal proceedings, because as we know, some of these children are not in the removal proceedings so they may not be accessing these services. The final thing

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2 I want to just say is just to speak to what the judge
3 was saying earlier, the collaboration with Family
4 Courts I think could be a bit better. I have met with
5 the supervising judge of Queens Family Court and I
6 understand they're totally overwhelmed and burdened
7 by the huge numbers of cases that are coming in. The
8 Guardianship Judge is only part time and she has a
9 very long delay to getting these cases before her in
10 Queens, Jude Pock. Thanks. Thank you very much.

11 CHAIRPERSON MENCHACA: Thank you for
12 that.

13 IRINA MATIYCHENKO: Good afternoon.
14 Thank you, City Council for your outstanding job, and
15 thank you for giving us a chance to testify today
16 about our involvement in the response to this crisis.
17 I'm sorry that I missed [sic] here yesterday, Sunset
18 Park, but actually it's what we are doing NYLAG. My
19 name Irina Matiychenko, and I'm the Director of
20 Immigrant Protection Unit of New York Legal
21 Assistance Group. NYLAG is one of the ledgers
22 provider of illegal services, and just next year they
23 serve 76,000 clients and most of them immigrants in
24 various immigration matters. And NYLAG has been
25 always at front line and it is pointing to all

2 humanitarian and legal crisis. And in this case we
3 also were first respond to launch program, project to
4 respond to this crisis of unaccompanied children.

5 And we are proud to be part of legal community who
6 responded so quickly to this project, and we working
7 first weeks after the establishing of search project.

8 We were working as volunteers, just helping screening
9 immigrants in Immigration Court, and thereafter

10 became a new project establishing large scale

11 community based cleaning where we actually, I think,

12 implemented the idea of Mayor de Blasio that wanted

13 to bring and brought together at Legal Services and

14 social services. But this is in context of Federal

15 Immigration Court, and we have actually we have done

16 this in context of our immigration cleaning [sic],

17 immigration cleaning that we handled with New York

18 Immigration Coalition. It brought social services

19 and it brought legal services, and our services does

20 not duplicate services that provided the surge docket

21 providers. And by the way, I wanted to say that

22 while working with surge docket providers that

23 firsthand knowledge of their outstanding job and

24 recommend them for their job and you for funding this

25 job. Also, NYLAG was not funded as part of this

initiative, but we cannot stay away and not provide services that are so needed. At our cleaning [sic] to provide legal screening, and as I said, we don't duplicate surge dockets providers. We are doing it differently, and I think that we have created very efficient program, project. In context of this project, we are screening all undocu--all unaccompanied minors and not only is the risk [sic] for I [sic] in Immigration Court and out of 500 children that were screened in context of this project, only one was already in Immigration Court. But what we are doing else in addition to screening those who are in Immigration Court, what is most importantly is I believe we provide early intervention. We screen people who have not have been apprehended at the border and who would be served a notice to appear, but their cases have not been filed as Immigration Court yet. And we found many cases as one of the example cases were two siblings, one of them was about to age out in terms of SIJ, and we immediately take this case for representation. We brought this case in Family Court for receiving SIJ benefits, and this way it prevented people from losing their chance to get immigration status in the

2 United States. Another example of our proactive
3 early intervention is again this checking not only
4 children but adults and what we found in many cases
5 that people expect most cases, the Spaniards, they
6 don't understand the complexity of immigration law
7 not only in English, of course, but in their language
8 as well, and as part our screening procedure we are
9 checking all A [sic] numbers in this Immigration
10 Court, and we found that in many cases people were
11 not aware of their immigration cases, removal cases.
12 Most of hearings were scheduled already, and in one
13 of those cases where my [sic] hearing was scheduled
14 in Texas, we brought case immediately to the office.
15 We filed the same day over night. We filed motion to
16 Transylvania [sic]. Next day we had hearing of one
17 [sic], this Immigration Judge from Texas, and this
18 motion was granted. And by doing this we saved
19 benefits from much [sic] that exist [sic] through
20 children. It's eligible. Has very strong claim for
21 asylum based on domestic violence and kids have
22 asylum claim as well as they can benefit from SIJ.

23 CHAIRPERSON MENCHACA: Thank you. Thank
24 you.

25 IRINA MATIYCHENKO: Another--

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2 CHAIRPERSON MENCHACA: So I'm going to
3 pause there because I want to make sure we get
4 through all the other testimonies, but also just
5 thank you so much for the work that NYLOG is doing.
6 Yesterday in Sunset Park we saw again the great
7 model, and we know that there are so many
8 stakeholders at the ground and it's been wonderful to
9 kind of think about how we do that work in our
10 communities, and your testimony today just kind of
11 shows that.

12 IRINA MATIYCHENKO: Thanks.

13 CHAIRPERSON MENCHACA: Thank you. Thank
14 you so much.

15 IRINA MATIYCHENKO: Thank you so much.
16 As of now you have screen laws [sic] in 500
17 unaccompanied children, and their families.

18 CHAIRPERSON MENCHACA: Okay, thank you so
19 much.

20 ELIZABETA MARKUCI: Thank you. My name
21 is Elizabeta Markuci. I am the Director of the
22 Immigration Project at Volunteers of Legal Service.
23 Thank you for allowing me to provide testimony today.
24 I come--I'm actually also a former Co-Chair of the
25 AILA Pro-bono Committee and I personally volunteered

my time every month for three years at the juvenile docket, and recruited, mentored and mentored lawyers, and Nita [sic] regrets that she had to leave. The project that I run at Volunteers of Legal Service, which has been around for 30 years working with major law firms across the city runs school-based legal clinics in different communities such as Bushwick, Washington Heights, and the Bronx, and we provide training for the staff. We do comprehensive one hour training for the school staff members to educate them on the kinds of issues facing immigrant youth and their families. Through that process we've obtained hundreds of referrals from teachers, social workers, guidance counselors that have youth that have approached them, and so far through these school based legal clinics I'm already getting cases from the docket, which luckily I've been involved in for several years before my term as the Co-Chair ended last fall. I'm going to skip through most of the testimony because I know we're really short on time, and I just wanted to focus on a couple of the issues or highlight issues in the testimony that I saw was a pressing issue to the committee members. The first is that I recommend that the education around fraud,

Notario fraud as well as the rights that an immigrant has when they have a lawyer, because some--they've observed that a lot of children are coming to their first appearance with attorney, but due to excessive pricing and other challenges when someone hires an attorney, not using best practices, other different obstacles that they face, the children that start to have attorneys during the course of representation lose those attorneys. So, I think that those numbers will drop as the cases go forward, and I think that the LOPC's should incorporate education on those issues so that people understand what their rights are so that all the youth in the proceedings and their family members are made aware of what they should be expecting from the lawyers representing them so that the quality of services that they're all getting whether it's from nonprofit providers or private council or pro-bono are much better than they have been or at least I've observed them to be. As much as I want to commend the efforts of everybody, there are so many gaps that are not being filled. The second piece is that I was really happy to see you ask questions about social workers. I think the resources that you could be looking at is to increase

2 the social works services provided in schools in
3 particular. That is a safe space where young people
4 do talk to adult figures, and especially if you
5 couple that with training for those social workers to
6 then connect them to the right resources, I think
7 that is a way to use funding in a way that increases
8 social services for all students in the education
9 system, but also can train them as well. And
10 finally, I think that those resources should include
11 reproductive, domestic violence and sexual health
12 education and access to services. We see a lot of
13 young women and other youth who have been victims of
14 gender bias but also need more information and
15 resources on reproductive health. I think those are
16 the ones I'm going to highlight for today.

17 CHAIRPERSON MENCHACA: Thank you for
18 that, and even those last recommendations were, I
19 think, part of the work that we're trying to do is
20 just identify all those resources--

21 ELIZABETA MARKUCI: [interposing] Right.

22 CHAIRPERSON MENCHACA: that need to come
23 into our community.

24 ELIZABETA MARKUCI: So, can I just add
25 one other thing? I do think that large scale clinics

2 is not an appropriate place to talk about trauma.

3 I've had colleagues of mine that have volunteered at
4 big clinics and were very uncomfortable with the lack
5 of privacy in those settings, and my experience
6 working with DV victims in the past or just youth
7 that have had very, very strong asylum cases based on
8 transgender, like coming out on those issues, it
9 takes a long time to do that, and it's just those
10 massive clinics are not really appropriate places to
11 do that kind of work. I know that makes it harder,
12 and we're trying to reach as many people as we can,
13 but just to be mindful about what we're trying to do
14 and how we can do it better.

15 CHAIRPERSON MENCHACA: Great. Thank you
16 so much for that. Are there any questions? Well,
17 thanks again so much for your testimony and the work
18 that you're doing on all levels from your
19 organization, including the volunteer work that is
20 out there. That work is so important and is an
21 integral part of this process, and we're excited that
22 you continue to bring that force from each of your
23 organizations. Thank you so much. And the next
24 panel we have Nicholas Katz from Make the Road.
25 Let's hear from Abraham Barranca, Committee for

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2 Hispanic Children, Meredith Forten, Lutheran Social
3 Services of New York, Rachel Tzimororatas, Forestdale
4 Inc., and then the last panel right after this is
5 Pablo Gomez, Lorraine Gonzalez-Camastra, and Lori
6 Adams from Human Rights First. You'll be called in
7 right after this panel, and that will conclude the
8 panels for this hearing. If we can start here from
9 the left.

10 NICHOLAS KATZ: My name is Nick Katz, and
11 I am an immigration attorney with Make the Road New
12 York. I'd like to thank you, Chairman Menchaca and
13 Chairman Lancman for inviting us here today to speak
14 about this incredibly important topic. Make the Road
15 is a community based organization that builds the
16 power of immigrant Latino and low income communities
17 to achieve dignity and justice through organizing,
18 policy innovation, transformative education and
19 survival services. Make the Road is the largest
20 participatory grassroots immigrant organization in
21 New York with over 15,000 members in vibrant
22 community centers in Jackson Heights, Queens,
23 Bushwick, Brooklyn, Port Richmond and Midland Beach,
24 Staten Island, and also in Brentwood on Long Island.
25 We provide a comprehensive range of services

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2 integrating adult education, workforce development
3 and legal and support services in a holistic approach
4 that increase economic security and stability. As
5 Make the Road has expanded our services to Care for
6 the recently entered children and their families.
7 We're heartened to see that New York City has
8 aggressively responded to the situation through the
9 creation of the working group that Commissioner
10 Agarwal is chairing and as well as the announcement
11 last week that the Council is providing enhanced
12 funding to Make the Road and other organizations to
13 help deal with this problem. I think in recent
14 months, Make the Road has taken on removal cases of
15 many unaccompanied minors who've sought legal
16 assistance directly from our offices. We've also been
17 working in the youth fairs that have been mentioned
18 here earlier, and we have been helping the juvenile
19 docket providers do screenings in the Immigration
20 Court, but there remains a lot of work to be done. I
21 think I want to highlight a couple of things. One
22 thing that is important is to realize that it's not
23 just the unaccompanied minors, but also other
24 populations that really need support here, right? I
25 think one group that hasn't been talked about very

2 much at this hearing are the adults with children
3 who've entered, right, that aren't included
4 necessarily in those numbers of unaccompanied minors.
5 Many times these adults are really young mothers,
6 maybe 19, 20 years old, and they're coming in with
7 young children, sometimes babies seeking refuge in
8 the United States fleeing violence, the same violence
9 that we've heard, you know, directly talked about by
10 some young people in the organizations that are
11 serving them. The Immigration and Customs enforcement
12 isn't making a distinction between the young women
13 and the children. I've seen an 18 month old baby that
14 has an appearance in Immigration Court, and often
15 times the young mothers themselves are shackled with
16 ankle bracelets. They're required to report directly
17 to ICE. They're not allowed to move outside of a
18 geographic area. They encounter some incredibly
19 difficult situations, and I think as we think about
20 helping the young people we have to think about that
21 population as well. The vast majority of the
22 recently arrived adults and children we encounter
23 through our work are potentially eligible for relief,
24 and you've heard about the most common forms, asylum,
25 SIJ, U-Visa, other forms of humanitarian relief. In

2 order to get the relief, however, all these
3 individuals have to be connected with support
4 services in their communities. I think doing the work
5 in the court is not enough. We have to engage
6 community based organizations to really connect with
7 these adults and children in the communities where
8 they live. I just want to end by saying that I think
9 the efforts within the Department of Education, the
10 Health and Human Services, all of the agencies that
11 are working in the court can be expanded, and I think
12 we need to make sure that the sponsors who take the
13 children in are connected with these services, and
14 that that support continues after they appear in
15 Immigration Court. Thank you very much for this
16 opportunity.

17 CHAIRPERSON MENCHACA: Thank you, Nick,
18 so much for that.

19 MEREDITH FORTIN: Good evening. My name
20 is Meredith Fortin, and I'm the Director of the
21 Immigration Legal Program at Lutheran Social Services
22 of New York. Over the past year and a half our legal
23 office has seen firsthand the dramatic rise of
24 unaccompanied minors in court proceedings in New York
25 City, and we're encouraged that the city is

2 interested in responding to the problem. Today I'd
3 like to discuss our perception of the need and share
4 our hope that the City Council's most recent
5 investment can be expanded and also maintained over
6 the coming years. Since 1995, Lutheran Social
7 Services has been providing free and low cost direct
8 legal immigration services to underserved populations
9 in New York City. LSSNY provides representation and
10 legal advice to individuals and families seeking
11 immigration relief through asylum, family based
12 immigration petitions, temporary protected status,
13 deferred action for childhood arrivals, and VAWA
14 [sic] and Special Immigrant Juvenile Status petitions
15 among others. Our attorney represent clients before
16 the immigration courts, USCIS and the New York State
17 Family Courts. Over the past year and a half we've
18 seen a steady increase in the number of unaccompanied
19 minors seeking legal assistance and the demands
20 placed on our office to respond to that need have in
21 many ways limited our ability to take on some of the
22 other complex matters that we've historically worked
23 with clients on. I don't want to repeat a lot of what
24 you've already heard today about the need, the
25 numbers of children who will be eligible for relief

2 through SIJ, asylum, U's and T's. I'd like to give
3 you a little bit of the perspective of the need from
4 an organization that's providing services not in
5 connection with the screenings happening at the
6 Immigration Courts. Despite the hard and good work
7 that's been done at the Immigration Courts on the
8 child's docket, on the surge docket as well, there's
9 still a huge number of people who need services and
10 aren't getting them. In our legal office there's
11 currently a two month wait for a consultation, and
12 over the summer the percentage of those consultations
13 related to unaccompanied minor cases have sky
14 rocketed. In the beginning of the summer we were
15 looking at about 30 percent of our consultations
16 related to unaccompanied minors. In September it's
17 over 70 percent. So this is slowly taking over more
18 and more of our workload, and it's more and more
19 difficult to respond to the need. We also see this
20 need through a couple of different other avenues.
21 LLSNY has a contract with the Office of Refugee
22 Resettlement to provide shelter and temporary foster
23 care to unaccompanied minors, and we also provide
24 post relief follow-up services to a subset of those
25 children who are more vulnerable. In addition, our

2 immigration legal office is co-located with a
3 fingerprinting office. That's fingerprinting for the
4 potential sponsors of these minors before they're
5 even released. So we see the need before the
6 children are relieved and in New York City in some
7 cases, and just over the past summer over 500 people
8 have come to our office to be fingerprinted to have
9 those background checks run, and in many cases they
10 then come back once the child has arrived and they
11 need an attorney. So, I just want to highlight the
12 fact that there's really good work being done. I
13 think the funding is a good initial step, but there
14 have been months and months of people going through
15 that screening and not being able to get the
16 services, and we're seeing that, and we will continue
17 to see that and the fallout from it. Thank you.

18 CHAIRPERSON MENCHACA: Thank you.

19 ABRAHAM BARRANCA: Good afternoon. Thank
20 you Chair Menchaca and, pardon me, and Chair Lancman
21 for the opportunity to testify today. I'm Abraham
22 Barranca. I am the policy associate at the Committee
23 for Hispanic Children and Families. Since 1982,
24 CHCF has combined education and advocacy to expand
25 opportunities for children and families in the Latino

2 community. We believe that the most effective way to
3 support Latino families is by building upon their
4 existing strengths and fostering self-sufficiency.

5 We run youth development programs in the Bronx and in
6 Brooklyn, train childcare providers throughout the
7 city, but primarily in the Bronx, and conduct policy
8 and advocacy efforts and outreach and interact with

9 immigrant communities in all of the work we do. We've
10 heard by years' end up to 90,000 unaccompanied

11 children will have crossed the US/Mexico border,
12 mainly from the three Central American countries that
13 have been brought up throughout this hearing,

14 Honduras, Guatemala and El Salvador. In addition,
15 something that hasn't been mentioned from January to
16 August 31st, Customs and Border Protection

17 apprehended as many as 14,700 unaccompanied children
18 from Mexico who are not protected under the

19 Trafficking Victims Protection Reauthorization Act,
20 which is--which provides grounds for asylum for many
21 of these Central American children, but does not

22 provide safe haven for children coming from Mexico
23 under similar circumstances. Numbers for

24 unaccompanied children from Honduras, El Salvador and
25 Guatemala through the end of August are now 4,799

2 released in New York State with about 1,500 in New
3 York City. Thankfully, as we've heard, New York City
4 has been at the forefront of these humanitarian
5 efforts around the country to get the children into
6 safe living situations. We heard about the Mayor's
7 Office of Immigrant Affairs taskforce. We have a few
8 recommendations for this committee and for the City
9 Council. One, that the New York Council should
10 inquire about the generalized use of ankle bracelets
11 that my colleague from Make the Road brought up that
12 are typically used for criminal offenders, but have
13 seen widespread use primarily for adults in these
14 proceedings, many of whom are mothers with children
15 that they have to tend to and daily charging of these
16 ankle bracelets and the restricted movement that this
17 provides for is a real restriction to their ability
18 to care for their children. Second, New York City
19 should request additional emergency funds from New
20 York State and the federal government for the
21 Department of Education to effectively educate
22 children enrolling. Many of these children will be
23 SIFE, students with interrupted formal education, who
24 need considerable additional supports. In addition to
25 be English language learners we've heard about the

traumas that they encounter. So the DOE could really benefit from additional funding to serve those children. In regards to the placement of the children within the Department of Education, we'd like to see that they be placed in bilingual education settings. However, they shouldn't be concentrated together and isolated from general student population in order to place them in bilingual settings. So, bilingual education is the best way to educate these children, but they shouldn't be segregated from the rest of the student populations. Fourth, the DOE should collaborate with ACS and culturally and linguistically competent CBO's to get children social and emotional supports they need. We've heard about the good work that the interagency taskforce is doing. I'd like to see that continue. The City Council's funding to the legal services is a good step, but as we heard it may require additional funding in the coming year if children's cases outlast the first year of funding. And finally, the City Council should request that the Federal Administration for Children and Families provide more detailed information on children's backgrounds, genders, countries of origin and

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2 education backgrounds, particularly for us for New
3 York State, but the country in general in segmented
4 by county. Right now ACF has only distributed
5 numbers by county, sort of wholesale without breaking
6 down that data for service providers in those
7 counties. Thank you.

8 RACHEL TZIMORORATAS: Good afternoon. My
9 name is Rachel Tzimororatas, and I'm the Assistant
10 Executive Director of Forestdale Inc. located in
11 Queens. Thank you for the opportunity to provide
12 testimony this afternoon. We're all moved by the
13 plight of unaccompanied minors and heartened by the
14 vigorous response of our city government and civil
15 society. The recently announced partnership between
16 the City Council and private philanthropy to fund
17 legal services for the unaccompanied minors is a
18 tremendous first step. As we know and as we've heard
19 numerous times this afternoon, the needs of this
20 population extend beyond the courtroom, and I'd like
21 to take this opportunity to discuss the role that
22 organizations like Forestdale must play in response.
23 New York City's Child Welfare Organizations have deep
24 experience with the challenges of immigration.
25 Forestdale was founded in 1854 to serve the

2 multitudes of orphans, many from impoverished
3 immigrant families living on the streets of New York
4 City. Today, Forestdale serves over 1,000 families
5 every year through our four main program, foster
6 care, preventive services, the fathering initiative
7 and teen parents in action. Queens finds itself at
8 the center of the unaccompanied minor crisis. Over
9 1,300 children who crossed the border earlier this
10 year have come to New York City, and of these, 578 or
11 roughly 44 percent are attending school in Queens.
12 The city has taken the vital step of connecting with
13 these children through representatives in Federal
14 Immigration Court. However, the need for assistance
15 navigating complex systems will continue long after
16 children have gone home with family members or other
17 sponsors. Forestdale's partnerships with schools,
18 religious organizations and civil leaders helps us
19 reach and support families in crisis. Understanding
20 how to access benefits is a challenge for anyone. In
21 all of our programs, Forestdale's staff and
22 volunteers help both American born and immigrant
23 families navigate the education, health, job
24 training, mental health and youth services systems in
25 our great city. We also know the families will need

2 expert support in areas such as parenting skills,
3 mental health, trauma intervention and teen
4 parenting. Parenting skills include interventions
5 that help caregivers provide a safe and nurturing
6 home for their children. This is one of the issues
7 we address in our fathering initiative, a 12 week
8 course that helps fathers increase their emotional
9 and material support for their children. Families
10 with infants can benefit from programs such as ABC, a
11 home visiting program that strengthens bonds between
12 high risk babies and their caregivers. Mental health
13 and trauma intervention is critical for minors who
14 have survived unspeakable violence and abuse, both in
15 their home countries and in their journey to the US.
16 At Forestdale, we are partnering with the New York
17 University Child Study Center to implement trauma
18 systems therapy, a mental health intervention that
19 recognizes children need holistic support from case
20 managers, therapists, and above all their families to
21 overcome the effects of trauma. Finally,
22 unaccompanied minors are very likely to become
23 parents while still in their teens. Helping youth
24 understand their bodies and prevent unplanned
25 pregnancies is critical. At the same time, those who

2 become parents need and deserve our support.

3 Forestdale's Passport to Parenting Program, a

4 partnership with Inwood House focus on strengthening

5 these vulnerable families through group education,

6 health services and case management. In closing,

7 Forestdale is ready, willing and able to do our part

8 to support unaccompanied minors just as we strive to

9 serve all children in our home bureau. We are

10 excited to already be part of DYCD's outreach program

11 for docket eligible youth. We believe this work is

12 only the beginning of the needed services, and in

13 partnership with the Council and the Administration,

14 we look forward to expanding our involvement in the

15 months to come. Thank you.

16 CHAIRPERSON MENCHACA: Thank you so much

17 for that, and all of you for giving that kind of

18 texture on the ground, the grassroots connection to

19 our communities, and as we move forward, the work

20 that you're playing is already important, but going

21 to be integrated as we kind of create that landscape

22 of support. So thanks again for your testimony.

23 We'll be following up with any further questions.

24 Thank you. And for our final panel, if we can have

25 you all come out to the table, Pablo Gomez, Lorraine

2 Camastra, Lori Adams. I just want to say thank you
3 again for your patience in walking, well actually,
4 sitting here listening to all the testimony. I know
5 it's been a--it's been an enlightening conversation,
6 but one that I think has given us a better insight.
7 So I just want to say thank you so much for the final
8 panel for staying here.

9 PABLO GOMEZ: Buenos tardes. Mi nombre es
10 Pablo Gomez. [speaking Spanish]

11 TRANSLATOR: Good afternoon, my name is
12 Pablo Gomez.

13 PABLO GOMEZ: [speaking Spanish]

14 TRANSLATOR: And I am from the community
15 from California--

16 CHAIRPERSON MENCHACA: [interposing] Can
17 you speak into the mic, too?

18 TRANSLATOR: I'm from the Honduran
19 community of California. Oh, I'm sorry, Honduras.

20 PABLO GOMEZ: [speaking Spanish]

21 TRANSLATOR: I'm here today because I'm
22 part of an organization in the Bronx of Honduran
23 people against AIDS.

24 PABLO GOMEZ: [speaking Spanish]
25

2 TRANSLATOR: And as you know, our
3 responsibility is to help inform people of what their
4 rights are.

5 PABLO GOMEZ: [speaking Spanish]

6 TRANSLATOR: And we found ourselves, our
7 people are confronted by this problem.

8 PABLO GOMEZ: [speaking Spanish]

9 TRANSLATOR: I'd like to talk about the
10 women who've come here with their children a few
11 months ago.

12 PABLO GOMEZ: [speaking Spanish]

13 TRANSLATOR: On these mothers, they're
14 placing a device on their ankle, an ankle bracelet.

15 PABLO GOMEZ: [speaking Spanish]

16 TRANSLATOR: This is creating a
17 psychological effect on these women and we are asking
18 that this is removed from their ankles.

19 PABLO GOMEZ: [speaking Spanish]

20 TRANSLATOR: This is also creating an
21 impact on the children because the children are
22 asking their mothers why this ankle bracelet is there
23 when they go out on the street. People understand
24 that those who are carrying an ankle bracelet are
25 criminals.

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2 PABLO GOMEZ: [speaking Spanish]

3 TRANSLATOR: This is my participation.

4 I'd like to thank you for your time.

5 CHAIRPERSON MENCHACA: Gracias.

6 LORRAINE GONZALEZ-CAMASTRA: Good

7 evening. My name is Lorraine Gonzales Camastra. I'm

8 the Director of Health Policy at the Children's

9 Defense Fund New York. Thank you to Council Member

10 Menchaca and Council Member Lancman and other members

11 of the committees for the opportunity to share

12 testimony with you today. The Children's Defense

13 Fund Leave No Child Behind mission is to ensure that

14 every child have a healthy head, fair, safe and moral

15 start in life and successful passage to adulthood

16 with the help of caring families and communities. My

17 testimony today will address current circumstances

18 for unaccompanied immigrant children in New York City

19 and provide recommendations for supporting this

20 population in our city moving forward. Children's

21 Defense Fund wants to applaud City Council and its

22 partners for launching the Unaccompanied Minor

23 Children Initiative last week, to fund free legal

24 representation for unaccompanied minors in New York

25 City. Additionally, Children's Defense Fund thanks

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2 Mayor Bill de Blasio and Commissioner Agarwal and the
3 city Administration for recently stationing city
4 representatives at 26 Federal Plaza to directly
5 address the needs of unaccompanied children
6 undergoing deportation proceedings in schools to
7 facilitate school and healthcare enrollment for these
8 children. It is at this moment in which two
9 initiatives on behalf of unaccompanied children debut
10 that the Children's Defense Fund offers
11 recommendations in the following areas to maximize
12 the potential of New York City to support these
13 children and youth. The following are specific
14 recommendations for ensuring optimal support for
15 unaccompanied children. We at Children's Defense
16 Fund believe that the Federal Immigration Court is an
17 effective gateway for educating unaccompanied minors
18 and their families and/or sponsors on eligibility and
19 qualification for health insurance. Through our
20 experience as a statewide leader in developing
21 effective methods for enrolling children in health
22 coverage, we urge the Committee on Immigration to:
23 One, ensure a coordinated pathway for all of children
24 and youth at the federal court involving an intake
25 process that merges assessments for legal service

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2 needs with coordinated education, health insurance
3 enrollment services. Two, guarantee that culturally
4 and linguistically competent health insurance
5 counselors are able to educate youth and their
6 guardians about health coverage options and in turn
7 provide enrollment support. Three, warrant that
8 these health insurance counselors appropriately
9 connect unaccompanied children to community liaisons
10 stationed in neighborhoods for follow up on
11 enrollment and healthcare access. Beyond the
12 acquisition of health insurance coverage,
13 unaccompanied minors need to become aware of
14 healthcare providers in their communities that offer
15 effective pediatric care. Therefore, in keeping with
16 the use of the federal court as a gateway for
17 connecting unaccompanied minors to social service
18 supports, a list of New York City community
19 healthcare access points at a minimum consisting of
20 culturally and linguistically competent primary care
21 and behavioral healthcare providers should be given
22 to all families arriving at court. This should
23 include article 28 and 31 sites located in city
24 public schools. And there is more testimony, but
25 I'll leave it for you to review.

2 CHAIRPERSON MENCHACA: Thank you. I have
3 one question after, but I'll come back to it. Thank
4 you.

5 LORI ADAMS: Thank you. My name is Lori
6 Adams. I'm the managing attorney at Human Rights
7 First here in New York. We're an international human
8 rights organization based in New York City and have
9 been involved in the protection of refugees and
10 asylees [sic], asylum seekers, since our founding in
11 1978. So, first I'd like to thank the city as
12 everyone has for the new initiative to support those
13 fleeing violence generally in Central America on the
14 new dockets of the New York Immigration Court.
15 Undoubtedly this will help many who are in
16 Immigration Court proceedings and have managed to
17 find their way to the courthouse and those who are
18 living in the five boroughs of New York City. Many
19 of those children may have such cases, and we do
20 handle such cases as well, but many of them will have
21 asylum cases. Those may be based on relations with
22 gangs or interactions with gangs based on violence
23 within their homes. These may be domestic violence
24 cases, and as we've, some people have touched upon,
25 these may also be LGBTQ cases, and all of those are

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2 cases that the juvenile docket providers are equipped
3 to screen. I do want to point out that Human Rights
4 First is part of the IRP collaborative at the
5 Immigration Court, and we also run the ARP. These are
6 two screening projects that are similar to the
7 juvenile docket, but which help all asylum seekers
8 and others who are in immigration court proceedings.
9 The IRP in particular is running collaboration with
10 Legal Aid, Catholic Charities and Hebrew [sic]
11 Immigrant Aid Society and has been running since 1992
12 in the court system. We have had the opportunity to
13 see the juvenile dockets and the new surge dockets in
14 action as they are running on the same days that we
15 are also doing those screenings in the same place.
16 They are running very well, which is great, but just
17 not to forget that there are other groups out there
18 as well, and that the collaborative of the
19 organizations working together in making appropriate
20 referrals is really--has really been great already
21 and will continue to be very helpful. We do hope
22 this city's initiatives will inspire other cities and
23 municipalities, including in Upstate New York and
24 Long Island to do something similar. There's a huge
25 need as we're seeing in our Houston, Texas office as

well for immigrants who are coming from the southern border and not starting out in the New York Immigration Court. I would also like to thank the city for the appearances in the screenings that are happening. I was at the Sunset Park event yesterday. It was very well done, and that was a chance as well to see the city in action. So very specifically, I would like to--and this is late in the day and I know we've touched on this a bit, but bring the city's attention to the needs of the young mothers with children in the court system. I understand this new funding will help unaccompanied minors, which is a huge population, but we are looking at tens of thousands of young mothers with children being placed on a different docket. I believe the court is now calling it the AWC, the Adults with Children docket. So there's just an enormous need there as well. Those tend to be asylum seekers with slightly different needs than the unaccompanied minors. This will generally not be SIJ cases, although they may be mothers with domestic violence cases with children who also have SIJ cases, and you're more likely to see those ankle bracelets and other advocacy that needs to be done for that, for those individuals to

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2 get those removed and to help the very young children
3 who are not yet school aged, but might be infants, to
4 get the services that they need as well. So, I just
5 want to thank the City. I do have more in my written
6 testimony, but would be more than happy to talk about
7 the asylum and the adults with children population in
8 particular.

9 CHAIRPERSON MENCHACA: Thank you. Again,
10 Lori, Ms. Lori Adams for that work that you're doing
11 and for the work that you pulled into for Sunset
12 Park's big clinic. And my question to you before I
13 actually move over to Ms. Gonzalez-Camasta, thanks
14 again for reiterating some of the work that needs to
15 happen with our, the adults with unaccompanied
16 minors, and if we can kind of continue to talk a
17 little bit about that. That's definitely been
18 percolating with us, and like anything that we start,
19 you know, we started this conversation this year with
20 Family Unity Project and the kind of lag or lack of
21 resources, legal resources, and we keep just
22 revealing new and new spaces where legal services are
23 needed, and one of the great things in partnering
24 with Chairman Lancman, we're going to, I think, work
25 in partnership to really understand and uncover that

2 necessity. So thanks so much and we'd like to talk to
3 you more about that after. And my question to Ms.
4 Camastra, on your--one of your recommendations was
5 speaking to the coordination of effort for the
6 pathway for these young kids. Has there been any
7 consideration to what that looks like specifically
8 with information sharing and any kind of privacy
9 concerns that might have come up in your, in the
10 advocacy work that you're thinking about?

11 LORRAINE GONZALES-CAMASTRA: Yeah. So,
12 while we haven't gotten into the weeds of specific or
13 the mire of specific recommendations for steps one,
14 two, three, we do understand that there is
15 confidentiality, you know, in terms of counsel
16 representing these children, and I think that someone
17 had made a suggestion earlier about the inclusion of
18 social workers, and I think that could be, if there
19 is some type of coordinated plan for intake for
20 everyone arriving to court to really have that first
21 encounter and that be the conduit for assessment for
22 services, and really carefully craft the questions to
23 ensure that, you know--you can ask a question without
24 there being the details of potentially a confidential
25 situation being disclosed, and then you can

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2 essentially just flag for a potential services. And
3 I think the ultimate goal is to really connect these
4 children to social service supports in communities,
5 and at that point it can get into more specifics.

6 CHAIRPERSON MENCHACA: Thank you for
7 that. [speaking Spanish]

8 PABLO GOMEZ: [speaking Spanish]

9 CHAIRPERSON MENCHACA: Okay. [speaking
10 Spanish]

11 PABLO GOMEZ: [speaking Spanish]

12 TRANSLATOR: Just briefly. He was
13 asking if the theme has changed. He's actually
14 responded that the theme has not changed, but the
15 amount of work has increased with this issue of
16 immigration.

17 CHAIRPERSON MENCHACA: And I was really
18 kind of pointing to organizations in our communities
19 that are doing something else, but are also kind of
20 responding to the crisis, and while they might have
21 been focused on one group or one organ--or one type
22 of interaction with family members, but now they're
23 taking this on as well. And so I think that's
24 another kind of situation that we need to think about
25 in our local nonprofits that are doing this kind of

2 work that we understand that they are kind of
3 responding and we want to understand that too and
4 what kind of barriers that they might have and
5 resources they might need and just being able to
6 articulate that to us as we think about funding, as
7 we think about coalition building, as we think about
8 bringing community organizations together. So that
9 was my question. Gracias. Question?

10 CHAIRPERSON LANCMAN: Just a
11 clarification. Who's ordering the wearing of the
12 bracelets? Is that the immigration judge? Is that
13 USCIS? Is that ICE? Who is that?

14 LORI ADAMS: Okay. I'll take this one.
15 So, this is not the immigration judge's decision.
16 The ankle bracelet, which is probably the wrong way
17 to describe this item. It is a large electronic
18 device that is attached to a person's ankle. It's a
19 monitoring device with a GPS technology and it's very
20 heavy and it tends to make ankles bleed and cause
21 scarring. It's a horrible device. It is being
22 considered an alternative to detention. So for those
23 who entered the US and were placed in immigration
24 detention upon arrival, when they are then released
25 from detention they may have this ankle device placed

on them. They then need to charge it at least once a day, some people twice a day depending on how long the batter lasts. And the word in Spanish that you heard for this really it's to the screaming sound that it makes when it runs out of charge. So, that device is something that is seen as an alternative to detention. So this is our, basically our immigration system prior to the appearance before the judge. Others are released from immigration detention and do not have this ankle device placed on them. They are then told to report to their deportation officer here in New York City. Sometimes when they go into report, even if they are showing up for all of those appearances, they are then placed--this device is placed on them anyway. I don't know if this is because it makes it easier in terms of the officers checking in on them, but we-- I have seen some people in my office. They've come in affirmatively to me as their cases are still not scheduled for their very first hearing in immigration court. So they're not going through the system that we've been talking about today, but they show up in my office and they've been out of detention and here in the US for months and they're wearing an ankle device just

2 because too much time has passed and their
3 deportation officer might think that they are going
4 to become a flight risk at some point. So we haven't
5 talked much about those cases that fall through the
6 cracks. Most times if they fall through the cracks
7 long enough, the detention authorities start to
8 wonder if they will become a flight risk and place
9 these devices on them later. Sorry for the long
10 answer. I hope that was helpful.

11 CHAIRPERSON LANCMAN: Thank you.

12 CHAIRPERSON MENCHACA: Thank you. And
13 just for clarification for the record, I just want to
14 correct something earlier with the translation that
15 the gentleman was from the Gatifornia [sic]
16 community. It's a native. It's a community of
17 Native African slaves brought over to Central America
18 centuries ago, and so I don't know if you want to
19 reintroduce him, and--

20 TRANSLATOR: Oh, okay. I heard
21 California. How do you--Falifornia?

22 CHAIRPERSON MENCHACA: Gatifornia.

23 PABLO GOMEZ: Gatifornia.

24 TRANSLATOR: Gatifornia, okay.

25 PABLO GOMEZ: [speaking Spanish]

2 TRANSLATOR: So he was just saying the
3 same thing. It's a community of former African
4 slaves and indigenous Indians from Venezuela.

5 CHAIRPERSON MENCHACA: Thank you so much
6 for that clarification. And we're done with this
7 panel and with the hearing, and I don't know if
8 there's any final words from our Chair Lancman. No?
9 Thank you again for your patience. We have learned a
10 lot more today and will continue to fight in this
11 aggressive response as a city, and so thank you for
12 all the work you're doing on the ground. We're going
13 to continue to reveal the work that is needed as we
14 move forward. Any questions, ideas, please send them
15 to me in the committee. We will be taking this kind
16 of testimony throughout, and we want to come back and
17 report on what's been happening through our community
18 organizations, but also our Mayor's Office and Public
19 Advocate Tish James. There's some many advocates
20 right now that are doing the work and so our work
21 here at the council is to aggregate that and be able
22 to respond. And thank you to Commissioner Agarwal
23 and her team that is really assembling a work that is
24 holistic, and we're going to continue to pressure,
25 because like I said before, we have to ask. We have

2 to ask for more, and we want to make sure that when
3 we do ask that we're integrated into the work you're
4 doing so that we can be asking for a very particular
5 kind of service increase and we need more funding
6 clearly, and we're going to be looking at this
7 closely to make sure that we're doing the right thing
8 throughout time. So, thank you so much, and this
9 hearing is now adjourned.

10 [gavel]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date October 8, 2014