



**Mayor's Office of
Immigrant Affairs**
Nisha Agarwal
Commissioner

March 15, 2017

Testimony of Commissioner Nisha Agarwal

NYC Mayor's Office of Immigrant Affairs

Before a hearing of the New York City Council Committee on Immigration:

“Oversight – The Impact of New Immigration Enforcement Tactics on Access to Justice and
Services”

Thank you to Speaker Mark-Viverito, Chair Menchaca, Chair Espinal and the members of the Committee on Immigration. My name is Nisha Agarwal and I am the Commissioner of the Mayor's Office of Immigrant Affairs (MOIA). This testimony will provide an overview of MOIA's work with a number of our agency and community partners following recent announcements on immigration enforcement from the Federal government and subsequent levels of elevated concern and fear among immigrant New Yorkers. Our approach has been guided by Mayor de Blasio, who has affirmed our resolve to remain a safe and welcoming city for all New Yorkers and that we will not be directed by misguided policies in Washington that aim to harm immigrants, their families, and their children.

Background

Since coming into office, the President signed and put into effect three executive orders on immigration that have already had significant impact and could further impact New York City in different ways. The first two executive orders, regarding border security and enforcement in the interior, were signed on January 25, 2017. Amongst other changes, these orders provide new enforcement priorities for Immigration and Customs Enforcement (ICE) to follow and direct the federal government to take action against so-called "sanctuary cities." These enforcement priorities were further reiterated and detailed in guidance memoranda issued last month by the Secretary of the Department of Homeland Security, John F. Kelly. The third executive order, initially released January 27, 2017 and most recently replaced with a new order signed March 6, 2017, temporarily suspends entry to the United States of foreign nationals from several majority-Muslim countries and also suspends the refugee resettlement program for four months.

Impact on New Yorkers of Recent Immigration Announcements

These Federal developments have prompted great concern among immigrant communities, with significant impacts.

In recent weeks, we have noted reports of increased enforcement activity nationally and locally. Some of these reports have turned out to be rumors that were not substantiated. Other reports of specific enforcement activity have been verified. The immediate impact of these reports and rumors has been to create a significant level of fear and confusion among immigrant communities.

In addition, the initial implementation of the so-called "travel ban" led to a period of chaos at JFK airport for travelers and their families and loved ones, as well as among impacted stakeholders from communities to City agencies to employers in various industries.

We have accordingly seen a sharp increase in the need for accurate, reliable information, as well as a growth in demand for legal services. Recent conditions have also created an increased susceptibility to immigration fraud and exploitation amongst the City's immigrant community. Unscrupulous individuals have shown willingness to take advantage of immigrants' fear and uncertainty to provide unauthorized legal assistance, discourage the enforcement of their rights, and even in one widely reported case, extort them for money by posing as immigration enforcement agents.

The current environment therefore creates challenges for the City and a risk that members of the immigrant community, particularly undocumented families, may become less willing to engage with the City in ways that can put all of us at greater risk. For example, a misperception that immigration enforcement activities are being carried out by "the police" may discourage immigrant New Yorkers from reporting crime or working with law enforcement, eroding trust and impacting public safety.

The City's Response

Understanding this landscape of actions and their ramifications, the Administration has dedicated efforts towards a multifaceted response. MOIA has worked closely with the NYPD, other City agencies, the City Council, and community partners to respond and assist.

We have done this work in several ways:

First and foremost, an essential response has been information distribution and briefings. In this climate of confusion it has been of paramount importance to make sure that key stakeholders, local leaders, and directly impacted communities are armed with accurate information. We have worked to provide timely and reliable briefings for our sister agencies, faith leaders and communities, and CBO partners about the President's executive orders. We have also conducted outreach to affected communities and distributed various resources such as a comprehensive one-pager in collaboration with the Speaker, translated into ten distinct languages, outlining city services and resources available to New Yorkers regardless of status. This one-page fact sheet provides information on how to access free, trusted immigration legal help through ActionNYC, as well as IDNYC, the City's municipal ID program, and other core services. MOIA has also participated in over 200 hundred Know Your Rights forums since the inauguration, designed to engage directly with community members and answer any questions they may have. These forums are conducted in partnership with our agency colleagues, Council members in their districts as well as with state and federal elected partners, legal service providers, and CBOs and have been consistently well attended.

Through these methods, we have sought to communicate that City services, including education, health care, emergency food and shelter, and a range of others, are still broadly available to all, irrespective of immigration status. In addition, the City's robust privacy and confidentiality laws remain firmly in place, ensuring that no City officials including NYPD officers inquire about immigration status when New Yorkers seek help, except in narrow circumstances. In addition, we continue to have the strongest human rights laws in the country to protect individuals against any form of harassment, discrimination, or other crimes perpetrated on the basis of religion, national origin, immigration status, or race.

Second, MOIA has led coordination efforts to share information and take collective action on behalf of affected immigrants, demonstrating our continued commitment to serving and protecting immigrant communities even in the face of threats from the federal government. In response to initial implementation of the travel ban, we participated in a rapid response effort to coordinate on-the-ground support at JFK airport for families and travelers, working closely with volunteer attorneys and members of Congress to advocate with federal officials for the release of those detained and share information with family members and loved ones.

Third, we have partnered with City agencies to amplify their messages and affirmations on the City's commitment to all New Yorkers. This commitment has been reflected across City government. For example:

- Under the leadership of Commissioner O'Neill, the NYPD has publicly reinforced their commitment to neighborhood policing and maintaining strong ties with immigrant communities throughout the five boroughs. They have spoken out clearly and on multiple occasions that their role is not to enforce federal immigration law. In addition, the Police Department has also spoken out regularly on their work through the Hate Crimes Task Force to counter instances of discrimination and bias crime.
- The Chancellor of the Department of Education issued an open letter on January 30, 2017 to community members, affirming that schools remain open and accessible to all.
- The New York City Health + Hospitals Corporation issued a similar letter in December 2016 to members of its community.
- On December 1, 2016, the Department of Consumer Affairs (DCA), MOIA, and Make the Road New York, as well as elected officials, advocacy groups, and legal service providers shared information along the 7 line in Queens, the country's most diverse county, during the morning commute to educate New Yorkers about immigration services fraud and to "*PROTECT yourself, REPORT fraud, and SEEK help.*"



Bill de Blasio
Mayor

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- On February 8, 2017, DCA, the City Commission on Human Rights (CCHR) and MOIA held a #OneNewYork Day of Action: Protecting Our Muslim Communities to remind fellow New Yorkers, especially those hailing from Muslim communities, that the City is committed to protecting the rights of all New Yorkers where they live, work and shop, and also offers a variety of services to those in need, regardless of immigration status or ethnicity. Teams from the City, as well elected officials and volunteers from the Arab American Association of New York, Council on American-Islamic Relations – New York, Muslim Community Network, Council of Peoples Organization, Make The Road New York, New York Immigration Coalition, and other community partners, visited 12 subway stations to distribute information in multiple languages during the morning rush hour.
- Throughout December 2016 and January 2017, CCHR convened eight thematic listening sessions with leaders from community-based organizations focusing on workers' rights, LGBTQ rights, racial justice, immigrants' rights, and faith leaders to hear directly about the needs of their communities, create partnerships, and leverage resources. Also in December 2016, the Commission announced an expansion of its Infoline by reallocating existing resources to add additional operators who can help victims of discrimination file claims, inform them of protections under the NYC Human Rights Law, and refer questions on immigration matters to ActionNYC.
- MOIA, CCHR, DCA, and the Mayor's Community Affairs Unit led a Faith in Action weekend on March 3-5 in which we conducted outreach and information-sharing efforts at approximately 50 faith-based congregations across the city.

Finally, MOIA has worked to coordinate with our counterparts in mayoral offices nationwide through the Cities for Action coalition to share information about how federal-level changes are impacting our communities, share best practices, and work together to highlight the concerns and interests of local governments. Cities for Action has released strong statements in response to the executive orders, reiterating our continued commitment to immigrant communities and their integration and inclusion in our cities. Members of the coalition also joined forces with 34 cities and counties, representing 23 million people, to file an amicus brief in the *Darweesh v. Trump* case challenging the President's initial travel ban in a federal court in Brooklyn, supporting the legal effort to extend the hold that was placed on the initial travel ban.

Through these broad categories of response—info-sharing, briefing, outreach, coordination, advocacy—the Administration has aimed to provide a robust array of actions and resources in support of our immigrant communities, who are fundamental to the very fabric of our city.



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Conclusion

While this testimony presents a number of actions that the Administration has taken in response to a more enforcement-oriented environment for immigrants and the growing climate of fear, we recognize there are also many challenges left to face.

In the face of this uncertainty we will continue to monitor ICE activity and federal policy changes, to assess and measure their impact on New Yorkers and to provide trusted and reliable information to our colleagues and the communities we work with, and to avail ourselves of every tool at our disposal to protect all New Yorkers.

This is a city of immigrants. Indeed, around 60 percent of New Yorkers are immigrants or the children of immigrants. Our city is richer and stronger because of its diversity, not in spite of it, and we remain fundamentally committed to serving the immigrant communities that make the City so great.

We look forward to continuing this conversation with Council in the coming weeks and working with Council our Agency partners, advocates and others to do this important work.



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Gale A. Brewer, Borough President

Gale A. Brewer, Manhattan Borough President
Testimony for the Committee on Immigration
March 15, 2017

Good morning. My name is Gale A. Brewer and I am the Manhattan Borough President. Thank you to Chair Menchaca, and the Committee on Immigration for holding this very important hearing and for the opportunity to testify today.

Today's hearing is on the impact of new immigration enforcement tactics on immigrants' access to justice and city services. Since Election Day I have heard from countless constituents including my own interns, parents, community board members and school leaders who are all grappling with what a Trump presidency will mean for them, their families, and their loved ones. These calls invariably increased after President Trump issued immigration-related Executive Orders that ban entry from the seven, now six Muslim-majority countries, and streamline and speed up deportations.

Over the past four months my office has made a concerted effort to act as both a convener and facilitator to address discrimination and immigration related concerns. In partnership with the Office of the Public Advocate, we have held:

- Four bystander intervention trainings with Hollaback! so that faith leaders, community board members, and our staff know how to immediately respond if they witness biased interactions;
- A protest observer training with the New York Civil Liberties Union so that every-day citizens can act as defenders of the First Amendment; and
- An immigration teach-in with the CUNY School of Law, the Immigration Justice Corps, and Catholic Charities on the latest immigration related Executive Orders, how to prepare for ICE raids, defenses against deportation, and how to prevent immigration fraud. More than 90 staff members from elected officials' offices and community boards attended this teach-in.

As you all know, more needs to be done. Each of us has an obligation to ensure that New York City's over 4.5 million immigrants, and 575,000 undocumented residents know that they are welcome in this city, and their protection is a priority for all of us.

I commend the Mayor, the Speaker, and many of you here in the Council who have reaffirmed immigrant New Yorkers' right to this city, but it is not enough. This message must be repeated

and reiterated by every city agency, and backed up with adequate resources, so that all New Yorkers hear us loud and clear- Muslims are welcome here and immigrants are welcome here. Only then, will immigrant New Yorkers feel safe accessing essential city services.

Addressing the EO's Impact on Education:

The Department of Education must take immediate action to ensure immigrant students' emotional and physical safety in schools. Since Election Day, educators from across the city have reported that incidents of harassment in schools have skyrocketed, and many feel that they do not have the tools or resources to deal with uncomfortable topics, or incidents of bias.

First, it is essential that we invest in socio-emotional supports for our students. Over the past two years, the DOE has hired 100 Mental Health Consultants to provide mental health consulting services for school campuses. The DOE's increased reliance on mental health consultants to address students' mental health needs is concerning. Consultants are currently serving over 55,000 students or 1/3 of Manhattan public school students. With each consultant being tasked with serving ten campuses, sometimes a single consultant is serving up to 8,000 students. This is unacceptable. Especially in these trying times, the most useful resource a student in need can have is a person to talk to. I am calling on the DOE to move away from their consultant model, and provide each school with a dedicated on-site social worker.

It is also more important than ever for school-based staff to have the resources needed to respond to incidents of hate and discrimination in their classrooms. This is why at the end of this month; I am hosting (in partnership with the Public Advocate's office and the UFT) a bystander intervention training so that teachers are equipped with the tools to disrupt discriminatory speech and actions as they are happening. It is imperative that the DOE help scale this effort to all teachers across the city.

But it's important to note, while bystander intervention trainings will help address discriminatory speech and actions as they are happening, our priority should be to address the root causes of hate, and in order to do that, we must invest in culturally responsive education. This effort must be two-fold. First, the DOE should expand the Critically Conscious Educator Series, and train teachers, parent coordinators, principals and parents on systemic racism. Then we must ensure that the curricula used in classrooms reflects the social, cultural and ethnic backgrounds of students.

Initiatives focused on bystander intervention, systemic racism, and culturally responsive pedagogy will help students feel emotionally safe in our schools, but it is equally important that they feel physically safe. On January 30th, the Chancellor sent a letter to parents and guidance to school principals on what to do if ICE agents show up at schools, but over the past few weeks many principals have reached out to me to say that the DOE's guidance is insufficient. Principals have been told to let ICE into their school, and to act as the facilitator between ICE and the DOE's legal department. Putting school principals in this position is wholly irresponsible. In order for principals to be effective leaders, they must inspire trust and confidence, and tasking principals with letting ICE into school buildings erodes trust. I call on the DOE to bar ICE agents from schools. They should instead be sent directly to Senior Field Counsel.

Finally, the DOE should help schools create protocols around supporting students whose parents have been deported. These are trying times, and we must all work together to support our students and their families.

Addressing the EO's Impact on Law Enforcement:

Starting on Monday, February 6th, ICE engaged in a week of enforcement, arresting over 40 people across the city. This prompted hysteria, and false reports of ICE checkpoints and massive raids quickly spread. These reports of ICE raids have led to increased fear of local law enforcement.

While Commissioner O'Neill has been clear that the New York Police Department will not cooperate and collaborate with ICE in deportations, under broken-windows policing even misdemeanor offenses like fare-beating can result in arrests. If arrested, perpetrators are fingerprinted and these prints are entered into a database and shared with the FBI and ICE.

Last year, the City Council passed a package of bills that would allow NYPD officers to give out civil summonses for low level offenses like public drinking and littering. Instead of charging perpetrators with misdemeanors, it leaves the choice of civil summons vs. misdemeanor at the officer's discretion and to date the Department has not issued any corresponding guidelines.

Under the President's new immigration guidelines, an undocumented immigrant is now a priority for deportation even if they are just charged, not convicted of a criminal offense. Even more alarming, there are reports of ICE agents waiting outside Manhattan misdemeanor arraignment courts to take people into custody. This has been terrifying for undocumented New Yorkers.

In order to police effectively, and enhance public safety, trust is key. New Yorkers must trust our institutions and their commitment to keeping all of us safe. Undocumented citizens cannot live in fear that one small misstep will lead to their deportation. So I call on the NYPD to issue its updated guidelines on issuing civil summonses for low-level offenses.

The President's recent immigration related Executive Orders present unique challenges in how this city provides services to our most vulnerable constituents. We must listen to our constituents who will be impacted by these orders.

Thank you for the opportunity to testify. I look forward to working with you.



Testimony by New York Legal Assistance Group (NYLAG)

before the NYC Council Committee on Courts & Legal Services regarding:

The Impact of New Immigration Enforcement Tactics on Access to Justice and Services

March 15, 2017

Chair Menchaca, Council Members, and staff, good morning and thank you for the opportunity to speak to the Immigration Committee regarding the impact of new immigration enforcement tactics on access to justice and services. My name is Melissa Cartine, and I am a Staff Attorney in the LegalHealth Division of the New York Legal Assistance Group (NYLAG), and I am here with my colleague, Crystal Moncada, from the Immigrant Protection Unit. NYLAG is a nonprofit law office dedicated to providing free legal services in civil law matters to low-income New Yorkers. NYLAG serves immigrants, seniors, the homebound, families facing foreclosure, renters facing eviction, low-income consumers, those in need of government assistance, children in need of special education, domestic violence victims, persons with disabilities, patients with chronic illness or disease, low-wage workers, low-income members of the LGBTQ community, Holocaust survivors, veterans, as well as others in need of free legal services.

Since the Presidential election in November, undocumented immigrants in New York City have been understandably frightened by the amplified immigration enforcement tactics now being employed by the federal government, anti-immigrant rhetoric generally, and by rumors that inevitably spread in times of uncertainty. While reports of Immigration and Customs Enforcement (ICE) raids and detainments may be exaggerated at times, there is no question that enforcement has intensified due to the focus of the new Administration on deporting undocumented immigrants. NYLAG's community model means that the organization is on the ground in dozens of community-based organizations, hospitals, libraries, and other local agencies, where we have seen firsthand the

chilling effect that increased ICE enforcement (and rumors of such) has had on New York City's immigrant communities.

As a Staff Attorney for NYLAG's Immigrant Health Initiative, I work with immigrants in NYC Health + Hospitals facilities every day. Through this Council-funded Initiative, I provide legal assistance to immigrants with chronic and serious healthcare needs, helping them obtain immigration status in order to acquire the health insurance they need. By providing services that allow immigrants to achieve PRUCOL status through VAWA, U Visa, asylum, deferred action, or other forms of relief, NYLAG has greatly expanded the pool of immigrants who are on the path to citizenship and able to access needed healthcare. Since the election we have seen a dramatic increase in the calls we are receiving both from healthcare professionals concerned about their patients and from the patients themselves. All are seeking information and reassurance about the current enforcement and removal operations. Trainings offered by NYLAG's LegalHealth for healthcare professionals are scheduled almost daily. More troubling is the increase in undocumented immigrant patients who have shown deep reticence to sign up for Medicaid or other potentially life-saving healthcare programs for which they are qualified for fear that this will be used against them in a deportation case. Equally important, due to concerns of targeted enforcement, PRUCOL immigrants that have obtained health insurance coverage have expressed concerns about utilizing healthcare services to address chronic and serious conditions such as cancer as well as preventative conditions that could be treated by a primary healthcare provider. The ramifications of this scenario are evident; the City could be dealing with an imminent public health crisis. Taxpayers would likely bear the burden of this scenario, as PRUCOL immigrants with health insurance are likely to give in and seek medical treatment for a health condition in its later stages when it is more costly to treat rather than its early stages when it is preventable and less costly to treat. It is critical for the City to continue supporting programs such as the Immigrant Health Initiative, which put attorneys directly in contact

with those immigrants who are most in need of assistance, and may end up the targets of ICE enforcement.

Despite a significant rise in the level of fear in immigration communities, we are pleased to report that immigrants have continued to come to legal clinics in large numbers, including the Council's trusted Key to the City clinics, which NYLAG runs on a monthly basis with the New York Immigration Coalition. We have, however, seen a change in the atmosphere of these clinics, and in the kinds of questions being asked by the immigrants we meet. While appointments used to focus exclusively on the types of relief for which clients may be eligible, there is now a much stronger emphasis on safety planning for U.S. citizen children cases where a parent is deported. Immigrant parents have real fears that their families will be torn apart by new enforcement tactics. As always in situations of confusion in immigration, we have seen an increase in instances of immigration fraud, where a non-attorney promises to assist a desperate immigrant with their case, only to take their money and provide no real services. "Notarios" and other fraudulent providers can cause substantial harm to those who trust them, often leading their clients into deportation if a real attorney does not step in on time. It is important for the City Council and all levels of government to remain vigilant against fraudulent service providers and prosecute them to the fullest extent of the law.

We have also seen a substantial increase in the number of NYLAG clients who are under orders of supervision and whose cases are pending in immigration courts but who are afraid to go to ICE for required check-ins for fear of being placed in detention. These clients could lose their chances to pursue their valid claims for asylum due to these fears. Just two weeks ago, we met a father and his 12-year-old daughter at a clinic at Council Member Menchaca's office in Sunset Park who fled from violence in Honduras. They were apprehended at the border, released after they successfully passed a credible fear interview, and are now under supervision. NYLAG assessed the family and determined that they have a strong asylum claim, but the father told the attorney doing the

screening that they have missed several check-in appointments because they are afraid that they will be detained because they are currently undocumented.

Perhaps most distressing, immigrant survivors of intimate partner violence are more reticent to report abuse. Abusive partners commonly threaten to expose their victim's undocumented status if they attempt to access the justice system, leaving them and their children exposed to continued and escalating violence. We have seen several clients who no longer wished to pursue an order of protection in criminal court out of fear that they may be asked about their status. Others who are eligible for immigration relief based on their status as victims of violent crimes, including domestic violence, do not want to move ahead with their applications because they will be making themselves known to the government. If immigrant victims of violent crimes are afraid to speak out or cooperate with law enforcement, it will keep abusers from being brought to justice. Intimate partner violence and sexual assault are already highly underreported crime, and we will see the number of reports decrease drastically if survivors are even less inclined to report.

Implications of this choice will be far reaching: it will prevent survivors from obtaining lawful status, accessing benefits, and obtaining valid work authorization that will help lift their families out of poverty. Moreover, it will leave many parents of U.S. citizen and Legal Permanent Resident children vulnerable to separation from their children. Our office has been flooded with questions from clients in all our major areas of practice asking how to keep their families safe in the event a family member is placed in detention or deported.

While, unfortunately, the City cannot stop the federal government from targeting undocumented immigrants, we are grateful for the City's commitment to protecting them, and for keeping the NYPD from turning them over to federal authorities. We urge the City to put all necessary resources into protecting "sensitive locations," such as schools, healthcare facilities, and places of worship, and ensuring that federal enforcement agents are prevented from enforcement actions in these places. There are increasing questions about how sensitive locations will be treated

under the new federal Administration, particularly since the rules are somewhat vague regarding the perimeters of these locations. For instance, a hospital or school may be a sensitive location, but what happens if ICE officials begin arresting people just outside the boundaries of the hospital or school? We urge the City Council and the Mayor's Administration to remain vigilant in monitoring this to ensure that immigrants feel safe accessing needed services and ask that the City put into place protocols to reassure immigrants that they can safely send their children to school and keep needed medical appointments.

We also ask that the City create protocols to provide protection around courthouses and city buildings used by immigrants to access services, which are not considered sensitive locations. When reports of ICE agents in or outside courthouses become known to the community, we will see a drop in persons accessing relief. As advocates, we often send our clients to the city's Family Justice Centers for holistic services. The FJCs, located in city municipal buildings, may soon feel off limits to immigrants terrified of any encounters with authorities. It is important for the City to have protocols in place to handle any issues that come up in places not considered sensitive locations by the federal government, but that will keep immigrants from accessing services.

We think the best way for the City to calm the chilling effect that news reports, increased enforcement tactics, and rumors are having on immigrant communities, is for Council Members, who are known and respected in their districts, to ensure that they are reaching out to constituents on a regular basis to provide accurate, up-to-date, and culturally and linguistically appropriate information. While immigrants, particularly those that live in insular communities, can be skeptical of government, we have found that Council offices are known and trusted in their communities. Council district offices are located directly in their communities, and work closely and regularly with local community-based organizations and other agencies that provide services to immigrants. These offices are in a perfect position to work with legal, social, and other service providers to provide Know Your Rights presentations, community education workshops, and other events that connect

communities to critical information. NYLAG has already successfully partnered with several Council offices to provide information to their immigrant constituents, and a concerted effort to ensure there is adequate Know Your Rights programming in concert with all Council offices would allow service providers to reach many more people. NYLAG has also produced wallet-sized Know Your Rights brochures in multiple languages that immigrants can take with them after an event, which include valuable and practical information about their rights, what to do if they come in contact with ICE, and important contact information. Council offices can also work to ensure that immigrant communities understand where they can access safe services, whether through the City or through trusted community organizations.

Last, NYLAG encourages the City to consider a targeted public service campaign on television, in print, on public transportation, and in everyday places that people go, such as restaurants, supermarkets, laundromats, and pharmacies. This type of campaign has been successful for the City in spreading the word about programs for immigrants such as ActionNYC and NYCitizenship. By getting information to New York City's immigrants in places they are already frequent, and in languages with which they feel comfortable, the City will reach beyond those who access services through the Council and nonprofit service providers. The City must ensure that immigrants understand their risks, but also understand that they should feel comfortable accessing the myriad services available to them.

I want to thank Chair Menchaca and the Committee for holding this hearing on the important topic of ensuring that immigrants are able to access to justice and services in New York City. We look forward to continuing to work with the Council and the Mayor's Office to protect our diverse and vibrant immigrant communities.

Respectfully submitted,

New York Legal Assistance Group



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**STATEMENT OF
ALBERT FOX CAHN, ESQ.
LEGAL DIRECTOR
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**BEFORE THE
COMMITTEE ON IMMIGRATION
NEW YORK CITY COUNCIL**

**FOR A HEARING CONCERNING
OVERSIGHT - THE IMPACT OF NEW IMMIGRATION ENFORCEMENT TACTICS
ON ACCESS TO JUSTICE AND SERVICES.**

**PRESENTED
MARCH 15, 2017**

Good morning, my name is Albert Fox Cahn, and I'm the Legal Director for the New York Chapter of the Council on American-Islamic Relations ("CAIR-NY"). CAIR-NY is a leading civil rights advocacy organization for the Muslim community here in New York City and across New York State. Since his inauguration, President Trump has signed several executive orders that directly impact immigrant communities residing in, and traveling to, New York City.¹ In combination with the Department of Homeland Security's (DHS) new internal guidance, these orders implement an enforcement regime that is destabilizing to immigrant communities and their full participation in civic life.²

On March 6, 2017, President Trump signed the most recent immigration related executive order, which takes effect tomorrow, March 16.³ This latest order is a clear continuation of this administration's efforts to restrict entry from Muslim majority countries. CAIR-NY views it as nothing less than an effort to fulfil President Trump's campaign pledge of a "Muslim ban." This "Muslim ban 2.0" prohibits citizens of six Muslim majority countries from obtaining new or renewed U.S. visas for at least 90 days.⁴ In addition, the "Muslim ban" suspends the U.S. Refugee Admissions Program for 120 days, drastically reducing the number of refugees that can be resettled in 2017.⁵

We expect that federal courts will find this latest attempt at a "Muslim ban" is unconstitutional, as it violates Muslim Americans' constitutional rights and exceeds the president's power under the

¹ Enhancing Public Safety in the Interior of the United States, Exec. Order No. 13,768, 82 Fed. Reg. 8799 (Jan. 30, 2017); Border Security and Immigration Enforcement Improvements, Exec. Order No. 13,767, 82 Fed. Reg. 8793 (Jan. 30, 2017); Protecting the Nation From Foreign Terrorist Entry Into the United States, Exec. Order No. 13,780, 82 Fed. Reg. 13209 (Mar. 9, 2017).

² Enforcement of the Immigration Laws to Serve the National Interest (Feb. 20, 2017), <https://www.dhs.gov/publication/enforcement-immigration-laws-serve-national-interest> (last visited Mar 14, 2017); Implementing the President's Border Security and Immigration Enforcement Improvement Policies (Feb. 20, 2017), <https://www.dhs.gov/publication/implementing-presidents-border-security-and-immigration-enforcement-improvement-policies> (last visited Mar 14, 2017).

³ *Id.* at 13218.

⁴ *Id.* at 13209-13212. Impacted countries include Syria, Iran, Libya, Somalia, Sudan, and Yemen, but additional countries can be added at a later date.

⁵ *Id.* at 13215-13216 (reducing 2017 refugee admissions from 122,000 to 50,000).

Immigration and Nationality Act.⁶ This new order is more sophisticated than the administration's initial efforts, but it is born from the same discriminatory intent, and it will clearly have discriminatory effects on the Muslim community.

The "Muslim ban" targets countries that are majority Muslim, while failing to provide any evidence that citizens of those six countries pose a threat to national security.⁷ Moreover, the President's surrogates have made it clear this was intended to be a "Muslim ban," a factor that courts found relevant when assessing the constitutionality of an earlier executive order.⁸ Federal courts have also cited the President's own words, his promises to discriminate, in evaluating the constitutionality of executive orders.⁹ We hope and expect that the same will occur here.

Because of the "Muslim ban," CAIR-NY has seen a surge in calls from individuals who are unsure if they will be permitted to travel to the U.S. Prior to the Trump Administration, we already saw evidence that Muslim travellers were more likely to be subjected to secondary screening and invasive searches, but the horror stories of people being held and handcuffed for hours at the boarder have made many Muslim New Yorkers, including many U.S. Citizens, reluctant to travel abroad. Although the President cannot enact an executive order that blocks U.S. Citizens from traveling abroad, the fear and uncertainty he created does exactly that.

We have responded to the community's needs with an expanded offering of know your rights trainings across New York State. These trainings equip Muslim travellers with the tools to better navigate invasive Customs and Border Patrol (CBP) questioning, especially when CBP uses secondary inspection as an opportunity to question travellers about their political or religious beliefs. We also educate community members about a variety of other topics, including their rights if visited at home by law enforcement or Immigration and Customs Enforcement (ICE).

Unfortunately, our trainings cannot fully counter the growing climate of fear, fear that robs New Yorkers of the ability to go about their lives in peace. This is especially true for those New Yorkers who are undocumented. Unlike the Obama administration, which largely targeted New York immigration enforcement efforts at those convicted of committing a violent crime, the Trump

⁶ 8 U.S.C. 1152(a)(1)(A) ("[N]o person shall receive any preference or priority or be discriminated against in the issuance of an immigrant visa because of the person's race, sex, nationality, place of birth, or place of residence.")

⁷ Ron Nixon, *People From 7 Travel-Ban Nations Pose No Increased Terror Risk, Report Says*, NEW YORK TIMES, February 25, 2017, <https://www.nytimes.com/2017/02/25/us/politics/travel-ban-nations-terror-risk.html> (last visited Mar 14, 2017).

⁸ *Washington v. Trump*, 847 F.3d 1151 (9th Cir. 2017).

⁹ *Aziz v. Trump*, No. 1:17-CV-116-LMB/TCB, 2017 WL 580855 (E.D. Va. Feb. 13, 2017)

Administration treats individuals as removal priorities for merely being charged with a crime.¹⁰ Similarly, immigration officers have been given discretion to unilaterally label an individual “a risk to public safety or national security,” also prioritizing their deportation. The net result appears to be a system where nearly anyone who is out of status can be deported at the whim of an ICE official.

This broader enforcement framework makes many immigrant New Yorkers worry that they cannot access city services without risking deportation. Many parents are scared to visit their children’s schools, many crime victims are scared to go to the police, and many victims of discrimination are reluctant to assert their rights in court or before city agencies. New York State and New York City’s human rights laws provide a powerful bulwark against discrimination, but many immigrant New Yorkers are unwilling to assert those rights under the Trump Administration. We are able to reassure clients that city officials won’t ask about immigration status, but clients also ask us if ICE officials will target them when visiting schools, hospitals, or houses of worship. Sadly, under the Trump Administration’s new enforcement policies, we simply don’t know the answer.

This new enforcement paradigm creates opportunities for criminals and scam artists to target immigrant communities. We’ve seen a rise in extortion attempts, where criminals pretend to be ICE agents, shaking down victims for bribes at the threat of immediate deportation. We’ve seen reports of merchants who refuse to deliver merchandise and threaten to report their victims to immigration officials. While we assist some of these victims with reporting their experience to city officials, all too often the victims are too scared to do anything, fearful that the person who targeted them will make good on their threat to call ICE.

In light of this heart-breaking trend, we urge the city to expand its resources for direct legal service providers who can help respond to the impact of the Trump Administration’s enforcement efforts. No matter what orders the President enacts, this will remain a city of immigrants, but it is up to us to ensure that it is also a city that stands for the principals of justice and equality for all. Thank you for giving me the opportunity to address these urgent issues; I look forward to working with the Council to safeguard the rights of Muslim New Yorkers in the weeks and months to come.

¹⁰ Enhancing Public Safety in the Interior of the United States, Exec. Order No. 13,768, 82 Fed. Reg. 8799 (Jan. 30, 2017). Priority is given for the removal of any deportable immigrants who “have been convicted of any criminal offense; have been charged with any criminal offense, where such charge has not been resolved; have committed acts that constitute a chargeable criminal offense; have engaged in fraud or willful misrepresentation in connection with any official matter or application before a governmental agency; have abused any program related to receipt of public benefits; are subject to a final order of removal, but who have not complied with their legal obligation to depart the United States; or in the judgment of an immigration officer, otherwise pose a risk to public safety or national security.”



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Testimony of the New York Immigration Coalition

Oversight Hearing - The Impact of New Immigration Enforcement Tactics on Access to Justice and Services. March 15, 2017 at 10AM

Since January 20, 2017, immigrant communities in New York City and throughout the United States have lived under a siege of terror as the new White House Administration has effectively waged a war against them. In the first six weeks of the new administration, multiple policy changes have been enacted as harsh enforcement tactics have been deployed. Continued media attention to the most egregious instances, often with new examples emerging daily, have only exacerbated this state of fear. The New York Immigration Coalition (NYIC) is an umbrella policy and advocacy organization that represents over 150 non-profit members serving immigrants throughout New York State. Through reports from our members as well as our own work, the NYIC has noticed the negative impact of these harsh policies on virtually every aspect of every-day life both for the City's immigrants and the organizations that strain to serve them.

Fears Felt by Immigrant Communities

The overarching fear faced by immigrants is that they are at risk of arrest and deportation everywhere. This fear has been triggered by many factors: A week-long enforcement action by Immigration and Customs Enforcement (ICE) that started Monday February 6th nationwide, as well as reports of increased detention and arrests at routine ICE and probation check-ins. Harsh, anti-immigrant rhetoric by the President and his allies, An extraordinarily public effort to demonize all foreigners, particularly those of Muslim origins, and a sustained targeting of refugees and the refugee resettlement process.

In addition, the ripple effects of these events have led to immigrants being targeted by private citizens. These every-day occurrences have been exacerbated by a significant spike in hate crimes and incidents of discrimination in the streets, on the subways, and at houses of worship among other public spaces.

Specific changes to immigration policies that could have a dramatic and immediate impact on immigrant communities include:

- Mandatory detention of any immigrant suspected of having committed a crime;

- Expansion of expedited removal, which will allow ICE to deport individuals without first giving them a hearing before a judge if they entered the United States without passing through customs inspection and cannot prove in the moment they have lived here for at least two years;
- Significant increase in the workforce of both ICE and Border Patrol (10,000 and 5,000 additional hires respectively);
- Termination of the Priorities Enforcement Program (PEP) and reinstitution of Secure Communities, which allows for the issuance of detainers against virtually anyone taken into custody by local law enforcement, whether they are charged, guilty or not;
- Removing unaccompanied minor status - and thus any legal protections - for any child who reunified with a parent in the United States;
- Criminal prosecution of parents who paid smugglers to bring their children to the United States;
- Criminal prosecution of anyone who reenters the United States after having been deported;
- Arrest and detention of anyone presenting at an ICE check-in who doesn't have pending applications for immigration benefits;
- Arrest of individuals not named on warrants but present at the time of arrest of others.

Consequences on Legal and Law Enforcement Issues

The renewed determination of ICE to arrest and deport as many immigrants as possible, which has resulted, among other policy changes, in broadening priorities for removal and definitions of criminal records, has had a massive chilling effect on immigrants in critical areas of well-being, safety, and civic participation. Immigrants are now far less likely to trust law enforcement, meaning that they are far less likely to report crime or cooperate in the investigation and prosecution of criminal activity. Moreover, this fear has led to rampant rumors of enforcement with many other agencies, notably the New York Police Department (NYPD), but also the Department of Homeless Services (whose uniforms bear the acronym "DHS" more commonly associated with the US Department of Homeland Security, which oversees ICE) and even the Metropolitan Transit Authority (MTA) being confused for immigration enforcement.

Finally, advocates and attorneys fear that the chilling effect will soon extend to fear of seeking help to obtain legal status. Reports of ICE agents making arrests at the asylum offices have already caused alarm among some of the most vulnerable populations - those seeking to protect themselves from persecution. These fears could ultimately extend to seeking any benefit at immigration offices, including US Citizenship and Immigration Services (USCIS) and immigration courts. Not appearing for an immigration court hearing automatically leads to a deportation order.

Consequences on Access to Health and Social Services

The current environment of fear and intimidation has made immigrant communities drastically less likely to seek health care services. We commend NYC H+H's Open Letter to Immigrants, which restates H+H strong commitment to care for all regardless of immigration status, but fear that the federal environment will require a more concerted response. Forgoing care in the short-term can lead to longer term health challenges for those who cannot access healthcare, and exposure to elevated stress and anxiety are themselves linked to poorer outcomes and higher costs in chronic disease.

Another set of rumors have circulated about plans for homeless shelters to provide lists of undocumented individuals in New York City shelters to ICE, prompting at least one person we spoke to not to return to the shelter in which she was staying.

An initiative that leverages existing service providers to address the mental health needs of immigrants living in constant fear of deportation is also essential.

Finally, the leak of a draft Executive Order with profound changes to USCIS guidance on public charge and use of public benefits has been reported in the media, and stokes fear for lawfully present immigrants who use Medicaid, food stamps and other means-tested benefits.

Consequences on Education

New York City must also take critical steps to safeguard immigrant student learning in this new enforcement context. The Department of Education (DOE) sent a letter to parents on January 30 accompanied by general guidance for principals, and we appreciate that the DOE is planning to put out additional guidance to schools any day now.

It's imperative that this be the right guidance in order to reassure families. We must keep ICE out of school, and away from the school, while it's determined whether ICE meets the criteria to even be in the school in the first place.

For these reasons, we have strongly recommended that ICE not be given access to schools or records without prior written approval following extensive vetting from the Superintendent and Senior Field Counsel. Critically, the principal cannot be in charge of granting ICE access, even to the school halls, without fatally damaging trust between parents and principals. We also need to make sure families and students are notified well before ICE is granted any access.

More details on educational concerns can be found in the testimony of Kim Sykes, Senior Manager for education advocacy at the New York Immigration Coalition.

Consequences on Everyday Life

All of these fears have taken a toll on the every-day life of immigrants. In particular, many families have begun to plan for an eventual return to their countries, seeing the risk of deportation as an unavoidable occurrence. Families are also preparing “emergency kits” and are being urged to gather all relevant documentation, including prior immigration and criminal history, medical documents, evidence of the lives and communities they have built in the US, and guardianship and power of attorney forms.

Everyday life is now filled with anxiety and uncertainty. Parents are fearful of dropping their children off at school, uncertain if they will be arrested before they can pick them up in the afternoon. Children, similarly, are fearful of going to school, afraid that their parent might not be there when they get home. Workers are fearful that a simple dispute with an employer or a co-worker could lead to a call to ICE as retribution. With even the most routine and simple tasks now fear-inducing, we must seriously consider and robustly address the social-emotional consequences of everyday life over the next four years.

This includes many of the recommendations already mentioned: stronger health, mental, and social services; legal services and access to legal assistance for those fearing deportation; strong protocols with our schools to ensure parents and students are protected; adult literacy and English language instruction to empower immigrant communities; critical capacity added to frontline service providers who are the first, and often most trusted, stop for immigrant communities.

Fraud

NYIC members and allies have begun reporting alarming increases in fraudulent services by individuals seeking to profit from this climate. Unscrupulous attorneys have been reported stoking fears and handing out business cards on subways. Non-lawyers, commonly referred to as “notarios”, are scamming individuals who cannot access legitimate legal services and are desperate to obtain some type of protection for themselves and their families. There have even been numerous reports of individuals dressing up as ICE and extorting money out of terrified New Yorkers by threatening arrest and deportation on the spot.

Impact on Providers

Finally, it is imperative to also look at the impact on those seeking to help allay them. Community based organizations and legal providers, who are best positioned to pivot and quickly respond to the needs of the communities, have been put under an extraordinary strain since the election.

When the travel ban was signed on January 27th, for example, the NYIC ended up coordinating a rapid response effort that included over 1,000 volunteers who mobilized at John F. Kennedy airport to provide assistance to affected travelers and their families and friends. For ten days, volunteers worked around the clock to respond to the chaos and fear caused by the orders.

These efforts are not unique. During the weeks following the first series of ICE enforcement actions, attorneys and community groups were on alert virtually 24 hours a day chasing down information, fact-checking rumors, trying to identify arrested community members, and attempting to ease fears.

These types of effort will no doubt continue to grow as the new policies and procedures solidify. At the same time, caseloads, which are already high, will also expand as more individuals are detained and face legal challenges. Because of the renewed distrust in government, it is critical that we find ways to support providers in meaningful ways to effectively support our immigrant communities and help them through these challenging times. It is particularly important to focus resources on the non-profit organizations who have decades of experience and trust with the communities and who are best positioned to immediately respond to constantly emerging needs.

Conclusion

We know that one in three New Yorkers are foreign born, but that number does not include the US citizens who surround each immigrant in their daily life - from spouses and children to colleagues, friends, and neighbors. Yet they are as impacted by the policies as immigrants themselves. To remain faithful to the symbol of liberty that stands in our harbor, it is imperative that New York City, a city built by immigrants and made immeasurably stronger by them, take all actions necessary to strengthen and protect our communities and the organizations that work tirelessly on their behalf.

Testimony of the New York Immigration Coalition

Oversight Hearing - The Impact of New Immigration Enforcement Tactics on Access to Justice and Services March 15, 2017 at 10AM

Good afternoon, and thank you to the members of the Council for convening this hearing and to Chairman Menchaca for his continued leadership for immigrant communities.

My name is Kim Sykes, and I'm the Senior Manager of Education Advocacy at the New York Immigration Coalition. Given that almost 60% of school age children in NYC have a foreign born parent¹, President Trump's anti-immigrant rhetoric and policies impact nearly every classroom.

Families are feeling tremendous anxiety. Public school parents have reported to us that they are prepared to consider whether it is safe to continue sending their children to school. We know that ICE enforcement activity has already had an impact on students accessing educational settings. Following the ICE actions the second week in February, 32 children did not attend a Head Start in the Bronx on Friday, February 17th because parents believed that parents were being followed by someone they thought was ICE.

New York City must do all it can to help families feel safe in our schools. We appreciate that the DOE is going to issue – any moment now – more detailed protocol guidance following their January 30th communications. We strongly encourage Council Members to reach out to the DOE and City leadership on this issue, and want to give special thanks to CM Dromm for his strong leadership in already doing so. Also want to thank the Speaker for highlighting the need to protect schools.

ICE Protocol

There are a few key elements for this guidance to include: first and foremost, we must keep ICE out of school, and away from the school, while it's determined whether ICE meets the criteria to even be in the school in the first place. We need a process that isn't easy or convenient for ICE, and that requires judicial warrants, so that families feel safe. For these reasons, we have strongly recommended that ICE not be given access to schools or records without prior written approval following extensive vetting from the Superintendent and Senior Field Counsel.

I want to emphasize that it is vital that New York City, a sanctuary city, not put principals in charge of letting ICE into schools – even into the halls to check ICE's paperwork. Giving principals this terrible responsibility – which they do not want – would send a message to every immigrant parent that they should neither trust nor raise issues about their child's

education with their principal. We also cannot have ICE lingering inside the school without destroying the learning environment.

There needs to be a process for notifying parents and students of ICE interest well before any approval goes to the principal to allow access or release of information. And there needs to be training for all key school staff on how the protocol to protect students and families works so that there are no mistakes.

Finally in order to help families feel safe, the protocol followed when ICE wants access and as well as the criteria for evaluating whether ICE has met the standard to get access must be made public.

I also want to note some additional steps that should be taken to address the ICE enforcement context:

Supporting Students and Families

There should be a protocol for supporting a student whose parent/guardian or other family member is deported. The DOE is rightly encouraging schools to evaluate their next of kin protocol. They should also add more emergency contact lines to the Blue Cards to optimize the chances that a child can go home with someone the parent or guardian trusts. Schools should also be encouraged not to call ACS before they have exhausted the emergency contact information or other information or instructions provided by the parent or guardian.

Additionally, this protocol should include immediate social-emotional support given the trauma a child has just experienced. (There is a general need for schools to provide social emotional support to immigrant students given nature of threats to immigrant students.)

Leveraging Trusted Community Based Resources

Finally, immigrant community based organizations are receiving so many requests from schools for support, particularly around Know Your Rights training. Funding is badly needed for groups to meet demand and ensure that immigrant CBOs – which have the community's trust, cultural and linguistic competency – are on the front lines of providing this training. The trainings should use curriculum developed by organizations with a track record of success in developing training for use across immigrant communities. The trainings should cover know-your-rights information; what to do about Deferred Action for Childhood Arrivals (DACA); avoiding notario fraud; how to create a plan in case a family member is deported, etc. The subject matter and curricula should evolve as new federal policy is rolled out.

Thank you.

¹ U.S. Census Bureau, 2011-2015 American Community Survey 5-Year Estimates.

NORTHERN MANHATTAN IMPROVEMENT CORPORATION (NMIC)

TESTIMONY

ON

The Impact of New Immigration Enforcement Tactics on Access
to Justice and Services

PRESENTED BEFORE:

THE NEW YORK CITY COUNCIL
COMMITTEE ON IMMIGRATION

PRESENTED BY:

MARC VALINOTI
LEGAL SERVICES
NORTHERN MANHATTAN IMPROVEMENT CORPORATION
MARCH 15, 2017

Good afternoon Chair and council members. On behalf of Northern Manhattan Improvement Corporation (hereafter, "NMIC"), I thank you for inviting us to present our views on the current impact on access to immigrant services in New York City. My name is Marc Valinoti and I am the ActionNYC attorney at NMIC's Immigration Unit.

NMIC is a community-based, not-for-profit organization founded in 1979 that has grown into a leading multi-service agency with a staff of over 100 serving New York City with a focus on upper Manhattan and the Bronx. Our mission is to serve as a catalyst for positive change in the lives of the people in our community. *Our legal and social services programs include housing, financial and health services. Our education and career services provide the community with the additional tools necessary to build secure and prosperous futures.*

NMIC's Immigration Unit, which includes our ActionNYC Team, provides immigration screenings and services to our immigrant community ranging from preparation of applications for U.S. Citizenship, family based petitions and Deferred Action for Childhood Arrivals ("DACA"), to complex forms of relief such as U-Visas, Violence against Women's Act petitions ("VAWA") and Special Immigrant Juvenile Status. NMIC's Immigration team conducts comprehensive screenings designed to provide our clients with a thorough analysis of their legal circumstances to identify viable forms of relief. In addition to daily immigration screenings through ActionNYC, our Immigration Unit provides walk-in screenings on-site, twice per month. We are also providing an ongoing series of "Know Your Rights" informational workshops to educate the community on a host of issues affecting their legal rights and liberty and protection against immigration fraud.

IMPACT ON ACCESS TO LEGAL SERVICES

Since the presidential election our community has voiced deep concerns regarding the effects of the new Administration's policies. In particular, the widespread news on the Executive Orders have had a clear impact on the community's ability to access legal services. The deep anxiety felt by many at the prospect of having contact with ICE has severely limited their movement.

Additionally, since many of our clients are the parents and sole caretakers of young children, avoiding separation is of paramount concern and many are seeking legal advice regarding the care of their children should they become detained by ICE. Although many undocumented clients are desperate for any possible immigration relief, accessing legal channels to resolve their immigration status has now taken a backseat to preserving their liberty and remaining united with loved ones.

INCREASED IMMIGRATION FRAUD

Given the well documented fear among the immigrant community, there are increased reports of immigration fraud and abuse. With many undocumented clients desperate to pursue any apparent protection from deportation or means to protect their children, our community is at an increased risk of exploitation by fraudulent providers. For instance, we were recently informed of "notarios" charging several thousands of dollars to prepare a simple power of attorney for a parent designating a caretaker for her children.

IMPACT ON IMMIGRANTS WITH LAWFUL STATUS

The Administration's policies have also had an impact on lawful permanent resident's (LPRs) access to legal services. Some clients who have been lawful permanent residents for decades, express concern that a relatively minor arrest or conviction from many years ago could now get them deported and prefer - in some cases correctly so, to refrain from applying for any immigration benefit. As a result of the broad language in the Executive Orders - which do not distinguish between a mere arrest and a conviction, community members realize they could be subject to detention or removal. Otherwise eligible applicants for U.S. Citizenship are now declining or deferring the pursuit of naturalization. Other LPR clients have sought re-assurance that their actual status does not end upon the expiration of the ten (10) year date on their I-551 ("green card") - afraid of submitting I-90 applications for renewal of their card.

U.S. CITIZENSHIP APPLICATIONS AND TRAVEL

As a result of the Administration's targeting Muslims in its travel ban, some in our community have expressed an increased interest in attaining U.S. Citizenship. Contrary to the afore-described, the government's draconian policies have accelerated the need for legal services for our community. NMIC clients have expressed that U.S. Citizenship seems to be one of the only ways in which they may be able to protect themselves. There has also been hesitation to travel abroad by our clients. We have also had a substantial increase in requests for legal consultations by NMIC clients prior to travel.

RECOMMENDATIONS

We applaud the City Council for their commitment to our community. We recommend that action be taken to continue providing and increase funding for access to safe, reliable legal and social services for low income immigrants families and individuals allowing them to continue being a part of our vibrant city. Once again, thank you for the opportunity to testify.



TESTIMONY

Jose Torres - Member Leader

Worker's Justice Project

Proyecto Justicia Laboral

Presented to:

New York City Council Committee on Immigration

Hon. Carlos Menchaca, Chair

Monday, March 14, 2017

Prepared By:

Jose Torres, Member leader of the Worker's Justice Project

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(Spanish Version)

Oversight - The Impact of New Immigration Enforcement Tactics on Access to Justice and Services.

Buenas dias, Presidente Carlos Menchaca y distinguidos miembros del Comité de Inmigración de la Ciudad de Nueva York. Mi nombre es Jose Torres, soy padre dos niños de 12 y 7 años, soy un trabajador de la construcción y miembro del Proyecto Justicia Laboral. Primero, quiero agradecerles la oportunidad de testificar hoy sobre el impacto a nuevas tácticas de enforzamiento de inmigración en nuestra comunidad.

Como trabajador inmigrante y miembro de un centro de trabajadores como el Proyecto Justicia Laboral que representa trabajadores inmigrantes, me siento preocupado y con miedo a la vez por las políticas anti-inmigrantes de este nuevo presidente de este país y cómo estas políticas ponen en riesgo nuestra seguridad, nuestra tranquilidad y bienestar de nuestros hijos y familias. Hoy estoy aquí para compartir mi historia y también pedir su apoyo para proteger a nuestra familias y permitirnos poder seguir contribuyendo a esta ciudad con nuestro trabajo y con nuestros valores.

En el año 2000 llegue a este país huyendo la pobreza y la violencia de Mexico y con la esperanza de tener una vida mejor. Yo vivo en Sunset Park y aquí formé mi familia, tengo mi esposa y dos pequeños que les jugar futbol y son parte liga de futbol de niños en Sunset Park. Este es el único lugar que ellos conocen, esta es su ciudad, su país. Desafortunadamente enfrentó orden de deportación desde el 2014. Un día mientras viajaban en un carro, una patrulla y agentes de migracion me detuvo. Me dieron una orden deportación por estar aquí sin papeles. A raíz de esta situación, vivo con miendo, con incertidumbre de que pasara con mi familia si llego a ser deportado. No soy un criminal, soy un un ser humano que trabaja día a día para llevar el sustento a mi hogar y luchó dignamente para poder brindar una vida mejor a mi familia.

Como yo hay muchos padres de familia que injustamente están enfrentando deportación, trabajadores que tienen miedo de reclamar sus derechos por miedo represalias por nuestro estatus migratorio, familias que viven con incertidumbre de ser deportados y separados sus familias.

Estoy aquí para pedir su apoyo para que no me separen de mi familia y pedir que nos respalden de la misma manera que contribuimos a esta ciudad y este país. Queremos pedir que ciudad de Nueva York termine la colaboración con la migra, garantice que no habrá redadas en nuestros trabajos y nuestros hogares. Que esta ciudad permita tener recursos y apoyo mediante organizaciones como Proyecto Justicia Laboral. Que permitan que centros de trabajadores puedan seguir existiendo porque hoy más que nunca dependemos de estos centros.

(English Version)

Oversight - The Impact of New Immigration Enforcement Tactics on Access to Justice and Services.

Good morning, President Carlos Menchaca and distinguished members of the Immigration Committee of the City of New York. My name is Jose Torres and I am the father of two children, ages twelve and seven-years-old. I am member of Worker's Justice Project and I work in construction. I want to thank you for the opportunity to testify today about the impact of new immigration enforcement tactics in our community.

As an immigrant worker and member of a workers' center such as the Labor Justice Project that represents immigrant workers, I am worried and fearful about the anti-immigrant policies of the new president of this country and how these policies affect the security, peace and well-being of our children and families. Today, I am here to share my story and ask for your support to our families. We want stay here and continue contributing to this city with our work and our values.

On 2,000, I come here because I escaped poverty and violence of Mexico. I want to provide a better life to my family. I live in Sunset Park with my wife and two little ones who love playing soccer and are part children soccer league in Sunset Park. This is the only place they know, this is their city, their country. Unfortunately, I have deportation order since 2014. I was stopped by the police and immigration agents while I was traveling on a car. They gave me a deportation order because I did not have papers. As a result of this situation, I live with uncertainty and fear that I will be deported and separated from my family. I am not a criminal, I am a human being who works hard to provide to my family.

Today, many families are facing deportation, workers who are afraid to reclaim their rights because possible retaliation due to their immigration status, families who live with uncertainty of being deported and separated their families.

I am here seeking support so my family and many others are not separated. We are here to stay! We would like New York City end collaboration with ICE, guarantee that there will be no raids on our jobs and our homes. Would like this city to provide resources and support to organizations like the Worker's Justice Project. Allow these centers to exist because now more than even, we rely on them.



TESTIMONY

Ligia Gualpa - Executive Director

Worker's Justice Project

Proyecto Justicia Laboral

Presented to:

New York City Council Committee on Immigration

Hon. Carlos Menchaca, Chair

Monday, March 14, 2017

Prepared By:

Ligia Gualpa, Executive Director leader of the Worker's Justice Project

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**Oversight - The Impact of New Immigration Enforcement Tactics on Access to
Justice and Services.**

Good afternoon, Chair Carlos Menchaca and members of the Immigration Committee. On behalf of Worker's Justice Project (WJP), I want to thank you for the opportunity to testify at today's public hearing.

My name is Ligia Gualpa and I'm the Executive Director of Worker's Justice Project (WJP). WJP is a Brooklyn-based workers' rights organization that addresses the racial and economic injustice that immigrant workers and their families face by building collective power and creating solutions to the problems our members experience at work and in communities where they live.

The recent Trump's executive orders and ongoing immigration raids across the country by the Immigration and Customs Enforcement Agency (ICE) have our communities living in fear. Fear, uncertainty, confusion is what our community feeling in our neighborhoods. The misinformation on the media and anti-immigrant sentiment by Trump supporters have been terrorizing immigrant families.

Now more than ever, immigrant workers and their families have been relying on us for information, resources and support when it comes to resisting and fighting deportation orders, intimidation and retaliation in the workplace and simply fighting for their basic rights as workers and human beings.

Our community is ready to resist and fight, but we can not do it alone. We want our city's commitment to end collaboration with la migra, commitment to sustain our centers and arm our community with more protections. As a response to the recent events, WJP has been hosting monthly Know Your Rights forums and legal clinics on immigration and labor rights in their barrios to arm members with information. We have created a safe space for workers and their families to come together, to organize and take action. We've transforming fear into hope and power. WJP members have been replicated the rapid response work that was done during Hurricane Sandy by building an informed community that will document la migra presence in their barrios and rapidly respond to raids and acts of hate.

The fear is not only in their homes, but in their workplaces as well. In these uncertain times, workers fear retaliation from employers when they are attempting recover stolen wages and fighting for better health and safety standards in their workplace. We're concerned about how much we can rely on US Department of Labor when it comes to fighting for workers rights and having the necessary resources protect immigrant workers. Now more than ever, our work and our existence as work centers has felt more relevant and urgent.

We respectfully request that you prioritize your support to the Day Laborer Workforce Initiative during the budget negotiation process.

Thank you for your time and consideration.

(English Version)
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Buenas dias, Presidente Carlos Menchaca y distinguidos miembros del Comité de Inmigración de la Ciudad de Nueva York. Mi nombre es Jose Torres, soy padre dos niños de 12 y 7 años, soy un trabajador de la construcción y miembro del Proyecto Justicia Laboral. Primero, quiero agradecerles la oportunidad de testificar hoy sobre el impacto a nuevas tácticas de enforzamiento de inmigración en nuestra comunidad.

Como trabajador inmigrante y miembro de un centro de trabajadores como el Proyecto Justicia Laboral que representa trabajadores inmigrantes, me siento preocupado y con miedo a la vez por las políticas anti-inmigrantes de este nuevo presidente de este país y cómo estas políticas ponen en riesgo nuestra seguridad, nuestra tranquilidad y bienestar de nuestros hijos y familias. Hoy estoy aquí para compartir mi historia y también pedir su apoyo para proteger a nuestra familias y permitirnos poder seguir contribuyendo a esta ciudad con nuestro trabajo y con nuestros valores.

En el año 2000 llegue a este país huyendo la pobreza y la violencia de Mexico y con la esperanza de tener una vida mejor. Yo vivo en Sunset Park y aquí formé mi familia, tengo mi esposa y dos pequeños que les jugar futbol y son parte liga de futbol de ninos en Sunset Park. Este es el único lugar que ellos conocen, esta es su ciudad, su país. Desafortunadamente enfrentó orden de deportación desde el 2014. Un día mientras viajaban en un carro, una patrulla y agentes de migracion me detuvo. Me dieron una orden deportación por estar aquí sin papeles. A raíz de esta situación, vivo con miendo, con incertidumbre de que pasara con mi familia si llego a ser deportado. No soy un criminal, soy un un ser humano que trabaja dia a dia para llevar el sustento a mi hogar y luchó dignamente para poder brindar una vida mejor a mi familia.

Como yo hay muchos padres de familia que injustamente están enfrentando deportación, trabajadores que tienen miedo de reclamar sus derechos por miedo represalias por nuestro estatus migratorio, familias que viven con incertidumbre de ser deportados y separados sus familias.

Estoy aquí para pedir su apoyo para que no me separen de mi familia y pedir que nos respalden de la misma manera que contribuimos a esta ciudad y este país. Queremos pedir que ciudad de Nueva York termine la colaboración con la migra, garantice que no habrá redadas en nuestros trabajos y nuestros hogares. Que esta ciudad permita tener recursos y apoyo mediante organizaciones como Proyecto Justicia Laboral. Que permitan que centros de trabajadores puedan seguir existiendo porque hoy más que nunca dependemos de estos centros.

WOMANKIND

FORMERLY NEW YORK ASIAN WOMEN'S CENTER

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Testimony of Womankind (Formerly New York Asian Women's Center)
Before the New York City Council
Committee on Immigration
March 15, 2017

Good morning Chairperson Menchaca and distinguished members of the Committee. Thank you for the opportunity to speak today. My name is Den Quinsay and I am the Associate Director of Community Programs at Womankind (formerly New York Asian Women's Center). We would like to first thank you for your continued support of ensuring that services for immigrants – including survivors of gender-based violence – are a priority.

Womankind works with survivors of domestic violence, sexual violence, and human trafficking to rise above trauma and build a path to healing. We bring critical resources and deep cultural competency to help Asian communities find refuge, recovery, and renewal. We provide culturally matched direct services to survivors in 18 distinct Asian languages citywide. Womankind fields nearly 2,000 first time helpline calls annually. Our services include 24-hour multilingual helpline, crisis intervention, safety planning, and emergency and transitional housing, financial literacy and empowerment, education and employment assistance, children and youth services, ESOL tutoring, and immigration legal services. Our resourceful advocates expertly navigate issues of language access, cultural norms, and trauma, within the city's systems, to ensure survivors receive the help and support they want and deserve. Annually, we serve over 1,000 survivors, most of whom are immigrants.

The recent immigration enforcement tactics have had a negative impact, which is steadily increasing, on access to justice and services for our survivors. Survivors of domestic violence have become even more susceptible to being controlled by their abusers – legally and financially. They have become even more frightened by their abusers' threats to report them to ICE for being undocumented (or worse, having removal orders) or for having worked without authorization. They have also been afraid to travel out of state – either for work or to leave their abusers – for fear of being checked and detained by ICE. These enforcement tactics are

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stripping survivors of options – already limited – to support themselves and their children, and to extricate themselves from abuse. They are giving more power to abusers, and causing an already vulnerable population – mostly women and children – to become even more marginalized.

Survivors of sexual violence and human trafficking are also being significantly negatively impacted by recent enforcement tactics. Many of these survivors have criminal histories that already make them hesitant to report rape, sexual assault, and other crimes to law enforcement. These criminal histories – often arrests for prostitution – are the result of being controlled by exploiters or the result of financial desperation. The recent enforcement tactics and the expansion of enforcement to every undocumented immigrant – including those who have merely been arrested but not convicted – are causing survivors to become even more fearful of law enforcement. They are causing already marginalized populations to recede further underground, rather than reporting to and cooperating with law enforcement to bring the true criminals – rapists and traffickers – to justice. By deterring victims from working with law enforcement, they not only help to ensure that the most vulnerable will continue to be victimized, but also that true criminals will continue to operate undetected, making this city less safe for everyone.

Recent enforcement tactics have caused survivors to be more fearful of seeking even our agency's services. Drop-in calls to our helpline have decreased since. Our advocates have also experienced difficulty in learning about survivors' immigration status; they do not want to share this information for fear of negative repercussions. This in turn prevents us from connecting them with services, including our in-house immigration services, that could help survivors to obtain status and work authorization and ultimately free themselves from their abusers and exploiters. Finally, these tactics have also enabled certain unscrupulous individuals to prey on survivors and other undocumented immigrants by conning them into filing fake or weak applications for asylum or other relief, or paying for motions to reopen with very low likelihoods of success.

Womankind urges the New York City Council and this Committee to allocate and advocate for funding for social services for survivors. These services are needed now with the administration

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target on immigrants, especially those with criminal record. Funding will allow us to have dedicated staff to not only continue the work that we are already doing, but also develop longer term plans of support needed to sustain their lives. Dedicated staff are critical to establishing the trust the clients have in our agency. With your continued support we will be able to sustain a strong program. We can only build the relationship with the client to foster trust and disclosure if we are truly present with them.



iamwomankind.org
24/7 Helpline 1.888.888.7702

Testimony: Oversight - The Impact of New Immigration Enforcement Tactics on Access to Justice and Services

March 15, 2017

Aaron C. Morris, Executive Director

Good morning, Thank you for the opportunity to testify. My name is Aaron Morris and I am the Executive Director of Immigration Equality, the leading LGBTQ immigrant rights organization in the country. Since 1994, Immigration Equality has advocated for and represented thousands of LGBTQ and HIV-positive immigrants seeking freedom from persecution. We are headquartered in New York City, and two thirds of our clients are proud New Yorkers. Most are asylum seekers.

In nearly 80 countries, it is a crime to be an LGBTQ person. Many more are fundamentally unsafe. Our clients come to New York City in search of the life they could not have at home, only to face new challenges when interacting with the U.S. immigration system. Since January, our community has lived in a nearly paralyzing fear.

The Executive Orders issued in January are untenable. They dramatically prioritize deportations over basic human rights. Some of the provisions are deeply disturbing. In addition to making it more difficult to obtain asylum in the US, they make almost every undocumented person a priority for deportation. One provision even instructs DHS to explore fines and “other penalties” to punish undocumented people and even anyone who facilitates their stay in the U.S. Worse yet, the Orders substantially increase the number of immigration officers and the number of immigration detention facilities.

For those in immigration detention, justice is regularly denied. Involuntary transfers to open beds will rip New Yorkers away from their communities, their families, and their attorneys. For LGBTQ and HIV-positive immigrants, detention is dangerous. Nearly half of our transgender clients who have been in immigration detention report physical or sexual violence.

Police profiling is also a problem we must combat, particularly for transgender women of color. Because profiling has long been a problem for that community, it has always been difficult to encourage our clients to report crimes to the police. With the new enforcement priorities, LGBTQ people trust the police even less now.

For these reasons and the many others you are hearing here today, it is extraordinarily difficult -- now more than ever -- to find clients and community members who are willing to come forward and share their stories. Given the increase in hate crimes against immigrants in recent months, the community lives in fear. Many who have asylum or even green cards call us fearful that the government will find a way to strip them of their status and deport them back to a country where they experienced persecution. With false rumors of checkpoints and people dressing up as ICE agents in an effort to extort immigrants, some people are even afraid to leave their homes.

This is why we have been honored to work with the City Council, including Speaker Mark-Viverito, to bring together various communities in support of immigrants here in New York. Through rallies and community engagement, we have been able to show immigrants that they are not alone. Through Know Your Rights trainings, we can empower immigrants with information and guidance on how to best engage with immigration agents, to protect their claims for relief, and to avoid scams.

While the majority of our clients are in the City, we do work with hundreds of immigrants across the country. There is a stark difference between the experiences of New Yorkers in comparison with people living in places that are not so steadfast in their commitment to protecting the rights of immigrants. Your commitment to this community, both in New York and across the country demonstrates the best practices for sanctuary cities. It is a powerful reminder of why New York is a safe haven for so many people from across the world.

**The New York City Council
Committee on Immigration**

**Testimony of Lynly Egyes, Esq.
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**Oversight - The Impact of New Immigration Enforcement Tactics on Access to
Justice and Services.**

Wednesday, March 15, 2016 at 10:00 A.M.

Good morning, members of the Committee on Immigration.

My name is Lynly Egyes and I am the Legal Director at the Sex Workers Project at the Urban Justice Center. As you may know, the Sex Workers Project provides legal and social services to anyone who works in the sex industry, regardless of whether they are doing it by choice, circumstance, or coercion. What many people do not know about the Sex Workers Project is that at least 85% of our clients who seek legal services are undocumented survivors of human trafficking.

I spend my days thinking and talking a lot about human trafficking, whether contemplating new ways to ensure the safety of survivors who have already escaped or providing resources and tools to survivors who are still being trafficked and about the work that needs to be done to prevent more people from victimization.

Fear and isolation are two tactics that traffickers commonly use against their victims. To disrupt human trafficking, we need to reduce victims' fear of law enforcement and their trafficker's ability to isolate them. Traffickers often tell victims over and over again that no one will believe them if they go to the police and that they will be the one deported. Unfortunately, in many instances, this has been true. To make matters worse, traffickers can now provide victims with evidence of partnerships between police that should protect them and immigration enforcement that could deport them. This creates further fear and isolation amongst victims. It also makes victims feel like there is nowhere safe to go to report their victimization without the risk of being deported. Many of my clients who, prior to the executive orders, were interested in reporting to law enforcement about their traffickers, are now rethinking this decision out of fear.

But none of this is new information. Fear and isolation not only affect victims of trafficking, they affect all victims of crimes, not to mention local communities. It has been well documented that local police involvement in immigration enforcement can undermine community policing strategies by making immigrant witnesses and victims of crimes less likely to report and work with local

police.¹ And this makes sense. If someone believes that reporting a crime could also get them deported, why would they report? Immigration enforcement and NYPD partnership would not only impact victims but entire communities when crime levels rise because people are too scared to go to the police.

However, we have an opportunity here. We have an opportunity to reach victims of trafficking as well as to help prevent further victimization. If New York City and the NYPD refused to partner with immigration enforcement, a message would be sent to victims as well as to traffickers. The message would be: "Victims can come forward and you will be protected. We will not turn you over to immigration." Through local media, victims will hear this message. And for trafficking victims, this message is timely. NYPD has recently added two dozen new officers to the Human Trafficking Unit. A partnership protecting victims between the NYPD and City Council is one big step to helping human trafficking victims escape.

The impact of these new enforcement tactics also impact our clients' daily lives. Many of our clients are currently terrified to leave their homes; some have canceled appointments for fear that the NYPD or immigration will stop them on the subway or in parks and deport them. Others are scared to go doctors' appointments; they fear that immigration will be in public clinics, preying on the sick.

New York City boasts about being a city of immigrants and about protecting our communities. New York City can not keep its residents safe if they are scared to seek medical care, scared to ride the subways, and scared to report crimes.

I'll leave you with a story about my client, Allison. Allison has been living with HIV for years; she found out she was positive after she escaped a trafficker who had forced her into prostitution for over a decade. Recently, a few weeks ago, Allison's T visa was approved. I called her to give her this news and she started crying. She told me she has been terrified to go to her normal doctors appointments and get her medication because she feared immigration stopping her along the way. She was so relieved that she could now go to her doctors and get her lifesaving medication without fear.

Thank you to all the city council members on the immigration committee for having a hearing to discuss these issues and for allowing me to speak. I really appreciate your attention to these very important issues.

¹The Police Foundation, the Role of Local Police: striking a Balance Between immigration enforcement and Civil Liberties, pp. 23-25 (April 2009); international Association of Chiefs of Police, Police Chiefs Guide to immigration issues, pp. 24, 35 (July 2007); Major Cities Chiefs (MCC), immigration Committee Recommendations For enforcement of immigration Laws By Local Police Agencies, pp. 5-6 (June 2006).



moving victims of violence from crisis to confidence

Testimony of
Shani Adess, Senior Supervising Attorney, Immigration Law
Project

Safe Horizon, Inc.

Oversight: The Impact of New Immigration Enforcement Tactics on
Access to Justice and Services

Committee on Immigration
Hon. Carlos Menchaca, Chair

New York City Council

March 15, 2017

Thank you for the opportunity to testify before you today regarding the impact of the new immigration enforcement tactics on access to justice and services. My name is Shani Adess, I am the Supervising Attorney for Safe Horizon's Immigration Law Project. Safe Horizon is the nation's leading victim assistance organization and New York City's largest provider of services to victims of crime. Our Immigration Law Project provides legal services to survivors of domestic violence, sexual assault, child abuse, torture, trafficking, and other crimes in a wide array of immigration cases. Safe Horizon's mission is to provide support, prevent violence and promote justice for victims of crime and abuse, their families and communities.

My testimony today will focus on how the recent Executive Orders on Immigration, and the Immigration Enforcement tactics and priorities, in rhetoric and implementation, have impacted immigrant communities in New York City, specifically immigrant victims of crime and their family members.

Immigrants in New York

It is not enough to say that immigrants form the foundation of our communities and our city, although they do. We are a city of immigrants. Our neighborhoods, schools, hospitals, stores, office spaces, restaurants- every part of our daily life, is a constant amalgamation of individuals and groups from diverse backgrounds, from all over the world. We are all a part of the community that is called "immigrant New York."

The impact of the recently issued Executive Orders on immigration, and the increased actual and expected immigration enforcement activities in our community has been immediate,

and frightening. People are afraid to go about their daily activities, to seek assistance, or to engage with systems (formal or informal), for fear that they might be picked up without warning, placed in detention, and never given the opportunity to say goodbye to their families or children. This environment of fear that the new Orders and enforcement activities have created makes all New Yorkers less safe, especially our most vulnerable.

The clients and families with whom we work, over the past 47 days since the first Executive Order was issued, have become increasingly alarmed and afraid about their safety---but now, their fears are not just about their own physical safety from violence and abuse, but whether, because they lack permanent lawful immigration status, our government will come after them because they came forward and sought help.

Clients engaging with police:

We have seen clients who are first interacting with law enforcement agencies, who have expressed increased anxiety about speaking openly and honestly with them, solely because of their, or a member of their families', immigration status. For example, our Child Advocacy Centers, where Safe Horizon works within a multi-disciplinary team, including NYPD and ACS, responding to allegations of sexual and severe physical abuse of children, have reported that families and children engaging with them and the other on-site team members have shown noticeably increased wariness and fear in speaking with the other agencies on site. If a child, or their non-offending caregiver, don't feel safe speaking openly with the people charged with protecting them how can we ensure the protection of that child, and the implementation of responsive services for the family in crisis?

Children are coming into our offices, asking us if their coming forward will put their undocumented parent, with whom they live, and who may be the only source of stability and care, at risk of being deported. They are asking if they themselves can get in trouble or be deported, because while they were the victim, they lack lawful permanent status themselves. The layers of added anxiety to children who have undergone horrific trauma, and who are already are being forced to recount this abuse to investigators, may serve to re-victimize children, who may feel that coming forward could lead to dangerous consequences for them and the people they love.

Clients who have previously engaged with systems are now afraid to

Clients who have had positive interactions with law enforcement and city agencies are now uncertain if these same groups will continue to protect them. One client, a 36 year old survivor of domestic violence, fled her ex-partner after suffering years of sexual and physical violence. As is often the case, fleeing did not end her ex-partner's abusive behavior. Since she left, he began stalking her, this behavior steadily and worryingly escalating over time. Previously, this client sought assistance from the Family Court and the police, cooperating with ACS investigations of the violence, speaking with officers and detectives who responded at the scene, and cooperating with the District Attorney in the criminal case against her ex. But now, the client is fearful to report the violations of the order of protection. Her ex often said to her that with "one call" to immigration, she would be deported. This threat, which would in effect mean she would be torn from her United States Citizen children, and unable to hug them and speak with them every day, guide them, and protect them from the threat of violence at home, was very real to her. It is even more real now. Working with Safe Horizon counselors, she previously

gained the immense bravery to come forward and seek help. The ACS officials she worked with allayed her fears, the police never questioned her status, and when she was in court, nobody told her she would be reported to immigration. So she cooperated, obtained assistance, shelter, protection, and services for herself and her children. Now, she is afraid to report the violations of her of protection, fearful that what her ex said was now true. That everything had changed overnight, and the same people who protected her last year, are now charged with investigating her as well if she were to go to them. This fear inhibits her and her children's ability to access safety, even as her ex's behavior escalates in lethality risk.

Clients who want help are afraid to reach out or continue cooperating

We have also seen clients who are actively working with law enforcement, afraid to appear in court or at government buildings. One client, who is a complaining witness in a pending criminal case, is afraid to appear in court to testify because of the reports of ICE presence inside the courthouses.

These fears, as detailed by the client stories above, have been mirrored by countless Safe Horizon clients.

Over the past decades, city officials, courts, and law enforcement agencies, have worked hard to increase access to services to immigrants, and to build trust amongst their agencies and crime victims that they will be protected, regardless of their immigration status. The recent enforcement orders are a grave risk to the strides that have been made. The less that people feel that they can come forward and seek resources, safety, and help, the less safe our children and

families are as people remain in unsafe and harmful environments, fearing even more what might happen if they come forward, and the less safe our communities are, as the as people who commit these crimes remain free to continue perpetrating violence against others.

Besides inhibiting our communities from seeking assistance, these orders have led to clients feeling afraid to access basic services.

One Safe Horizon client, who is 74 years old, receives dialysis for a long-standing health issue, fatal if left untreated. She was too afraid to appear for her dialysis appointment, fearing that ICE would come pick her up, because the government had her address and information from the life-saving health insurance that she receives. Luckily, a hospital social worker reached out to her to attempt to allay her fears- and to convince her to seek legal advice and consultation, so we were able to assist her.

Another one of our client's young children expressed fear that he might be picked up from the school yard and deported one day, without his parents ever knowing what happened to him. Another child, was terrified he could be deported, after hearing his classmates in school talking about how they could be gone any day. This child is a US Citizen, although his parents were born in a foreign country, but still, he was afraid he and his family were also at risk.

This pervasive and oppressive fear means that our friends and neighbors become anxious and afraid to go about their daily lives. It means a missed day of work and not enough money to put food on the table that night, a missed day of school for a child, or a missed doctor

appointment and the risk of exacerbation of an otherwise treatable medical condition. It means a child, who is hurt by someone, is afraid to walk up to the police officer on the street to ask for help; a mother, who is terrified to return to her home for her life, may be more terrified to go into a courthouse to seek protection; or a young teenager, kicked out of their home by their parents, may be more afraid to seek shelter from our city's systems, than spending a night on our streets.

As this fear spreads, it becomes all the more important for strong statements to be issued by city officials, as has been made in the past, reaffirming the protections in place for immigrants in New York and our cities unwavering support for immigrant New Yorkers; as well as strong action to ensure that our courts and city agencies remain safe spaces where people can seek services, assistance, and safety; and increased resources for legal service providers who are responding to the growing needs of our communities.

On behalf of all of our staff at Safe Horizon, we thank you for convening this hearing and we are happy to respond to any inquiries you may have.

New York City Council Committee on Immigration

**Hearing Regarding the Impact of New Immigration Enforcement Tactics on Access
to Justice and Services**

March 15, 2017

Testimony of Sanctuary for Families

By Carmen Maria Rey, Deputy Director, Immigration Intervention Project

Contact: Carmen Maria Rey, CRey@sffny.org; (212)349-6009x312

NEW YORK CITY COUNCIL COMMITTEE ON IMMIGRATION
Hearing Regarding the Impact of New Immigration Enforcement Tactics on Access
to Justice and Services

Carmen Maria Rey
March 15, 2017

Good morning. My name is Carmen Maria Rey. I am Deputy Director of the Immigration Intervention Project at Sanctuary for Families, the largest provider of free legal services to survivors of domestic violence and other crimes of gender violence in New York State.

I would like to begin by thanking the New York City Council for its outstanding leadership on behalf of immigrants. Thank you for recognizing the invaluable contributions of immigrant New Yorkers and for having taken innovative steps to protect them by ensuring access to ESOL classes and immigration counsel. Thank you also for always echoing the crucial message that we are all one -united- New York City, no matter our immigration status.

Unfortunately, despite your efforts, New York City's immigrant communities and those of us working with them are under tremendous pressure. I am here to outline the effects of this pressure and to ask for you to be unwavering in your support of immigrant New Yorkers and the advocates working tirelessly to *not just protect but empower* immigrant communities with legal education and immigration status..

It is no secret that the immigrant communities we represent are under attack and fear deportation and separation of their families. In the last few months, we have experienced an unprecedented increase in the demand for our services, which has further taxed our already overloaded attorneys and staff.

For years, we have been able to reliably advise immigrant clients that calling police in times of crisis and accessing legal protections available to them in the Courts was generally safe- that New York City Police officers would not inquire as to immigration status of the parties, and that no one would report the victim to immigration authorities. That, of course, remains factually true. What has changed is that our clients struggle to reconcile NYPD's statement of support with the statements and actions of the Federal Government. As soon as survivors of domestic violence hear that another survivor has been arrested while petitioning for an order of protection in Family Court, even in another state, how can they be expected to believe that that will not happen to them in New York City?

The levels of anxiety in the immigrant communities that we serve are unparalleled. They now deeply fear accessing the criminal justice system and Family Courts, as well as other City-offered services. Just two weeks ago, our client Mizui* came to Sanctuary's office at 8:30 AM. She had been calling her Sanctuary attorney since 11PM the night before. Devastated, distraught and exhausted, she told us that neither she nor her two small children had slept all night. Mizue is an asylum-seeker who fled to the United States from West Africa in fear for her life. 8 months ago she filed an application for asylum, but cannot yet lawfully work. Mizui lives at one of the City's homeless shelters, where she overheard one of the social workers mention that ICE could come and take all "illegals" away. For Mizui, hearing this felt like a death threat, as she knows that she will be killed in her home country. She remained in our office the entire day, just sitting there, quietly, because it was the only place in the world that she felt was safe.

I wish I could tell you that Mizui's case is an anomaly. Sadly, it is increasingly the norm. Even clients with pending approvable applications call filled with anxiety, some multiple times per week, asking if they can safely file their taxes, ride the subway, take their children to school, allow their children to continue receiving food stamps, or seek medical care. Their children sit in our offices and, while their moms go to the bathroom, whisper: "will my mom be deported?"

When we go out into immigrant communities to do know your rights presentations, mothers and fathers ask us what they can do to protect themselves, and how they can ensure that they will be able to see their children again if they get deported. Sometimes we can provide answers. We can teach them only to open their doors to ICE if they see a judicial warrant, and to ensure that a trusted family member or friend has a copy of their records.

Many times, we don't have answers because, in the unstable current climate, there are none. But also, many times at these events we have to say that there is an answer, but it is a very complicated answer that would require hundreds of hours of work, and likely an appeal or two, and we just do not have the hours to help.

This inability to obtain help-and to offer help- takes a tremendous toll on community members, but also on our staff, many of whom come from mixed-status families or are immigrants at risk of losing immigration status themselves.

Protecting New York City's immigrant communities must include more than not referring them to the federal government. We must continue to voice our message that immigrant New Yorkers are cherished parts of our communities-always-and we must do

more to support the thousands of New Yorkers at the front lines of the battle to educate, empower and protect immigrant New York.

Thank you again for holding this hearing, and for your unwavering support of immigrant New Yorkers.

Thank you

*Names changed to protect identity



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**NEW YORK CITY COUNCIL
COMMITTEE ON IMMIGRATION**

**OVERSIGHT: THE IMPACT OF NEW IMMIGRATION ENFORCEMENT
TACTICS ON ACCESS TO JUSTICE AND SERVICES**

**TESTIMONY BY C. MARIO RUSSELL
DIRECTOR OF IMMIGRANT AND REFUGEE SERVICES,
CATHOLIC CHARITIES COMMUNITY SERVICES,
ARCHDIOCESE OF NEW YORK**

MARCH 15, 2017

I. INTRODUCTION AND OVERVIEW

Honorable Chairperson and committee members, my name is Mario Russell and I am the Director of Immigrant and Refugee Services of Catholic Charities Community Services, Archdiocese of New York. For more than four decades, Catholic Charities Community Services (CCCS/Catholic Charities) has been committed to welcoming New York's immigrants—be they families seeking to reunify, children, refugees, the undocumented, or workers. This commitment is rooted in respect for the human dignity of each person and for the value he or she brings to our communities of work, of family, and of faith. We are honored to testify at today's hearing - alongside immigrant and refugee advocates and colleagues from other non-profits, coalitions, and city agencies - and before the New York City Committee on Immigration, whose commitment to preserving and protecting the rights of all New Yorkers, regardless of immigration status, we applaud. We thank you for inviting all of us here today.

II. THE WORK OF CATHOLIC CHARITIES

Catholic Charities serves all individuals in need, Catholic or non-Catholic, who reside in all five New York City boroughs and seven counties of the Lower Hudson Valley. Our strength is that our work is broad, diverse, and focused on responding to individual crises as well as addressing core needs that may lead to crises. Catholic Charities provides a comprehensive range of professional human services to immigrants, including: eviction prevention; case

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management to help people access benefits and resolve financial and family issues; emergency food; specialized assistance for the blind and visually impaired; after-school, drop-out prevention and employment programs for low-income, at-risk and/or court-involved youth; sports and recreational programs for children and youth; and supportive housing programs for adults with mental illness. Our services are provided in our community centers, parishes, regional offices, NYC public schools, NYCHA housing developments, HRA offices, and partnering community-based agencies. Each year, CCCS works with thousands of households to manage crises and to help families achieve long term stability in immigration status, income, housing, and nutrition. The issues our clients face are often multi-faceted and complex, and it frequently takes the cooperation of several agencies to arrive at lasting solutions.

Catholic Charities' Immigrant and Refugee Services responds to the needs of thousands of immigrants and refugees each year, through services in five principal areas: immigration legal services, unaccompanied minors programming, English as a Second Language (ESL/ESOL) and cultural learning at our International Center, refugee resettlement services, and general informational and referral services through the New York State New Americans Hotline and the National Children's Call Center, which, together, responded to over 43,000 calls for information during the last fiscal year, and already over 23,000 calls in the first five months of this fiscal year.

III. EFFECTS OF THE EXECUTIVE ORDERS

Catholic Charities has heard directly from clients and members of immigrant communities about the fear and confusion generated by the vitriolic anti-immigrant rhetoric of the Republican presidential campaign and the executive orders signed over the last few weeks. Since the November election, CCCS has led over 90 Know Your Rights, teach-in training, and ethnic media presentations across New York City and the Lower Hudson Valley. Our New York City events alone have served over 1,500 people. We have partnered with local law schools, inter-faith leaders, fellow providers, local firms, and our government representatives to educate immigrant communities on their rights and methods of proactive planning in uncertain times. Continuing this work is paramount in addition to deepening inter-sector networks to provide continuing access to human and legal services for our brothers and sisters facing heightened risks due to their status and nationalities.

Furthermore, we are hearing non-stop from non-citizens throughout New York City and New York State who are contacting our New Americans Hotline. For the past 16 years,

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CCCS has successfully operated the NYS New Americans Hotline (the Hotline), developing a comprehensive statewide directory of agencies that serve immigrants, providing accurate information on immigration issues, making referrals to legitimate low-cost and free legal services providers, and fighting against *notario* fraud by facilitating complaints about schemes to defraud immigrants. The Hotline operates from 9AM until 8PM on weekdays and can answer calls in up to 200 languages. Recently, in response to the need for accurate information about President Trump's executive orders, the Hotline partnered with the New York Immigration Coalition, other service providers, Univision, El Diario and Radio WADO to conduct a three-evening phone bank that answered more than 1,600 calls about the executive orders, immigration raids, apprehension to travel and other post-election concerns.

During the phone bank, our Hotline operators and our volunteers heard from legal permanent residents afraid to travel internationally, families too scared to send their children to school or to attend family court or immigration court hearings, and parents asking for assistance to do the unthinkable: give guardianship over their children to family members or friends in order to ensure someone would care for the children in the event the parents got deported. Resources such as the New Americans Hotline are key in a climate of fear and uncertainty, where rumors abound and fraudulent schemes to defraud frightened immigrants proliferate. Reliable information, referrals to non-profit legal service providers, and assistance filing complaints against scammers are just an anonymous phone call away through our Hotline.

IV. PARTICIPATION IN THREE CITY-WIDE INITIATIVES

Catholic Charities legal staff actively participate in three initiatives launched by New York City government to mitigate the needs of city residents for immigration legal assistance: ActionNYC, ICARE, and IOI. These three initiatives – each based on successful collaboration among many service providers – are a hallmark of New York City's commitment to immigrants. Because these initiatives already successfully operate in our communities, their expansion can serve as the starting point of a city-wide response to recent and future executive orders that affect immigrants and refugees.

ActionNYC is a coordinated city-wide initiative that provides legal consultations, document preparation and application assistance to New York City residents through multiple access points located on the premises of community-based service providers and operated by teams of one attorney and three community navigators. Catholic Charities' ActionNYC team operates differently than the other ActionNYC teams by rotating through the city's

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community schools – mostly middle schools and high schools - to provide screenings and application assistance to foreign-born students and/or their parents. This has been a successful program, which we recommend should be expanded to cover more public schools on a more frequent basis. Our ActionNYC in Schools Team has screened 822 individuals since our first clinic on March 23, 2016 and accepted for representation 180 cases, successfully filing 81 cases before USCIS, EOIR, and in all five New York City family courts.

In the wake of the Executive Orders, Catholic Charities has worked with the Mayor's Office for Immigrant Affairs to add Know Your Rights presentations to the services we provide at community schools. Thus far, our ActionNYC attorney has provided one presentation, which was attended by a total of 21 students and their family members, and has several more scheduled in the weeks ahead. Through ActionNYC programming in community schools, Catholic Charities has had the opportunity to reach diverse immigration populations that are often isolated and do not typically access nonprofit legal services on their own. In this climate of fear, providing access to accurate information and legal services in a safe environment- such as a public school – is particularly important.

Catholic Charities also operates ActionNYC's phone scheduling system, helping New Yorkers make appointments at ActionNYC sites throughout the five boroughs. Because we operate the appointment system we know first-hand how fast available appointments are filled and thus how important it would be to expand the program to additional sites and to increase capacity at existing ones.

The Immigrant Children's Advocates' Relief Effort Initiative (ICARE) was funded in the summer of 2014 by the New York City Council in partnership with the Robin Hood Foundation and the New York Community Trust to provide legal representation to immigrant children who had fled violence in Central America and were facing removal (deportation) proceedings in New York's immigration court. ICARE currently includes Catholic Charities, Central American Legal Assistance, The Door, KIND, The Legal Aid Society, Make the Road NY, and the Safe Passage Project. Immigrants facing deportation have no right to counsel at government expense—not even if they are children. The ICARE partners ensure that children residing in New York City who are eligible for immigration relief have access to attorneys to fight for their right to remain safely in the United States and, wherever possible, to obtain lawful permanent residence. They also provide children with health insurance and school enrollment information. From the inception of ICARE in July 2014 through the end of January 2017, Catholic Charities screened more than 800 unaccompanied minors and accepted almost 300 of their cases for representation, winning

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more than 20 asylum cases, getting approval for more than 60 Special Immigrant Juvenile petitions, and terminating removal proceedings against more than 80 children.

New York City Council also funds Catholic Charities, Central American Legal Assistance and the Legal Aid Society to provide critical legal assistance to adults with children fleeing violence in Central America, who are in proceedings in the New York Immigration Court. A majority of the parents are women who are eligible for asylum based on their fear of domestic and gang violence, and their children who are eligible for derivative asylum or Special Immigrant Juvenile Status. This initiative strengthens family unity and assists immigrants with time sensitive deadlines for relief. Since the inception of the New York City Council initiative to fund legal services for adults with children in the summer of 2015, Catholic Charities legal staff screened over 530 parents and children, accepting 55 cases for representation.

The ICARE Collaborative has been successful because it has brought together agencies that all work with children and families, but have various areas of expertise (family court, SIJ, asylum, U visas), employ different service models (in-house representation, pro bono networks, law school clinics), and offer different ancillary services (legal orientation programs, refugee resettlement services, in-house counseling, etc.) to create a representation system that covers almost every type of removal defense case, has resources to address many of the other needs experienced by unaccompanied minors and families, and leverages staff resources in different ways to ensure continued capacity to conduct screenings, accept new cases, and continue to provide services on existing cases. Together, the ICARE partners cover every facet of removal defense. The ICARE partners also work closely together to coordinate coverage of the unaccompanied minors and adults with children dockets, ensure all minors and as many of the adults with children as possible who appear in court are being screened, and address emerging challenges with a unified front. Given the combined breadth and depth of expertise shared by the partner agencies, their omnipresence at the immigration court, and the good relationships developed with local immigration judges and Immigration and Customs Enforcement (ICE) trial attorneys, ICARE has become the face of removal defense in New York City.

Based on numbers of apprehensions at the border over the last five months, we anticipate that at least 900 new children who reside in the city will appear on the New York Court's juvenile docket without representation in fiscal year 2018, and that existing cases will take longer to adjudicate because of court backlogs and the cap on visas for nationals of El Salvador, Guatemala and Honduras (the great majority of our clients). We anticipate the number of new adults with children who will be scheduled to go to immigration court in New York to be

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even higher; a majority of these cases will similarly be stuck in limbo due to the backlog and the visa priority situation. In order to close the service gap for unaccompanied minors and to narrow it for adults with children, we respectfully request that funding for the ICARE program be increased and baselined.

An investment in legal services for these immigrant children and families will bear witness to the tradition of our great city to provide refuge to those vulnerable and opportunities to better their lives, as well as the fabric, culture and economy of our great city. An investment in these young people and their families today is an investment in the economy and future of our city tomorrow: thousands of people, grateful for the safety they have been extended, will get an education and work for the future of New York and of our nation.

Immigrant Opportunities Initiatives – Catholic Charities is participating in the Citywide Immigrant Legal Empowerment Collaborative (CILEC), a consortium of service providers working together to provide representation in immigration and employment matters to indigent immigrants in New York City and which is funded by the city's Human Resources Administration through the Immigrant Opportunity Initiative (IOI). CCCS' partners include the following legal service providers: Urban Justice Center (the lead agency), Catholic Migration Services, and Make the Road New York. The four agencies accept referrals from eight base-building groups: African Communities Together, Chinese Staff and Workers' Association, Damayan Migrant Workers Association, Desis Rising Up and Moving, MinKwon Center for Community Action, National Mobilization Against Sweatshops, New Immigrant Community Empowerment, and Workers' Justice Project. From July 1, 2016 to date, CCCS has served more than 540 immigrants through this collaborative.

CILEC is an effective collaborative because it channels referrals from community-based groups, trusted by their constituents, to established legal programs. In addition, IOI funding complements the city's ActionNYC program. While Action NYC funds straightforward affirmative applications for immigration benefits, IOI funds complex cases, including representation in removal proceedings. Recently, complex case referrals from ActionNYC have outstripped our capacity to absorb them. Continued funding for IOI complex cases is imperative in this climate, where everyone who is undocumented and cannot prove continuous presence for at least two years is subject to expedited removal without the protection of a hearing in immigration court, unless he or she can establish a credible fear of persecution and thus *prima facie* eligibility for asylum.

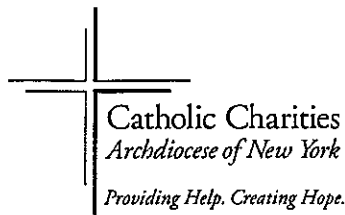
V. RECOMMENDATIONS

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Expanding existing city-supported immigration legal services through successful existing initiatives, including ICARE, IOIA and ActionNYC.

- **Legal Services to Unaccompanied Minors and Central American Families.** We are immensely grateful for the responsive and unqualified support that the New York City Council gives to its newest, youngest and most vulnerable newcomers from Central America and to the ICARE partners that provide them legal representation in immigration and family courts. This important work must be funded to cover new cases as well as continuing work. We call for its baselining.
- **Know Your Rights Presentations and Screenings in Schools.** Programming for legal services in NYC schools and for direct representation under ActionNYC must be continued and expanded. At this time, only one ActionNYC team serves the city's community schools; more resources should be added to public schools to provide accurate legal information, prevent scams against immigrants, and conduct legal screenings in an environment non-citizens regularly access and feel safe in. This will also facilitate access to legal services by children and families from isolated immigrant communities.
- **Increased funding for simple and complex immigration cases.** ActionNYC programming, which leverages attorney resources with teams of community navigators, is focused on straightforward administrative applications for benefits such as naturalization, family petitions, green card replacements, Temporary Protected Status, and work authorizations. There is a tremendous need for these services. Catholic Charities operates the ActionNYC phone appointment system and can vouch that current programming does not meet the demand for legal consultations and application assistance, with requests for appointments vastly outstripping availability. But in conjunction with expanding the ActionNYC network, the city should continue funding for complex representation through the Immigration Opportunities Initiatives. ActionNYC screenings regularly identify many immigrants who might be eligible for complex benefits such as asylum or Special Immigrant Juvenile Status. These can be referred to agencies and collaboratives funded through IOI.

Expanding services provided at Terra Firma and replicating the medical-legal partnership model in every borough. This Council has heard us speak previously about *Terra Firma*, the Bronx medical-legal partnership between Catholic Charities and Montefiore Health Systems (The Children's Health Fund) serving over 200unaccompanied children and families since 2013. *Terra Firma* provides coordinated medical, mental health, and legal

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support to immigrant minors' families and has come to be called a "patient-centered medical home." For us it has become a portal through which we have seen first-hand the synergistic power that is generated when health resources are offered to immigrants and are coupled with legal support. The mutual benefits are clear: just as a sick person cannot thrive in her legal case, so are the chances diminished that a person without a lawyer—unable to gain status—will be able to prosper physically and mentally over time. This is a successful model that should be expanded in the Bronx and replicated in the other boroughs.

Supporting the New York City Immigration Court Helpdesk to provide comprehensive access to information and assistance for New York immigrants facing removal. CCCS supervision and provision of services at the New York City Immigration Court Helpdesk commenced in August of 2016 and has served hundreds of immigrants facing removal. CCCS currently appears at the court a minimum of 10 days per month to provide general know your rights presentations, individual information sessions, and relief assistance to immigrants facing removal at our City's local court. We encourage the Committee to expand the presence of access to high caliber, trusted, free legal information and assistance at the court for those in proceedings defending their right to remain without representation to be available every day that the court operates.

Funding for Case Management Services for Immigrants. An incredibly complex human, social, economic, and legal landscape confronts the average low-income New York City immigrant who is struggling to keep many pieces of work and family life in place. Catholic Charities has found that its general, weekly legal intake days—when between 50 and 70 clients come seeking services—are far more efficient and effectively productive when a social worker is on hand to meet with clients and individuals who seek help on a range of needs—be they housing, food, health, or other. Some can be easily resolved, such as an educational advocacy issue for a child, while others are more challenging, such as the need for physical health or even mental health services and care. The benefits of case management assistance therefore cannot be overstated, especially as the legal team is thus freed from navigating a system and process with which it is largely unfamiliar.

Case management services must be funded, not as a partial and ancillary add-on or as an in-kind requirement from agencies providing legal services, but fully and robustly. Case management care, like legal support, can be the difference between life and death—when an unaccompanied child calls, alone, from an emergency room or a bus stop, or a parent reaches out with suicidal ideation, or an asylum applicant needs help with a sudden loss of housing.

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The ability of a case manager to take the call, to give support, and to guide to a safe resolution is life saving. When an immigrant is not helped in time, we, too, are harmed.

Flexible programmatic structure and requirements. Program structures should allow immigration legal service provider experts to do what they do best: provide high quality representation to vulnerable immigrants – be they facing removal or seeking to become US citizens - without excessive oversight and reporting requirements. Program requirements should be flexible enough to allow partner agencies to work together to respond to new developments in the immigrant populations they serve, without imposing rigid targets, re-enrollment limits, and onerous reporting requirements. Presently, many agencies are forced to accept certain types of cases to meet targets pre-determined by funders, which hampers ability to respond meaningfully to the needs of immigrants as they arise. Extensive regulation by funders of specific outcome ratios, services requirements, re-enrollment caps and client confidentiality can impede a response to the immediate needs of the immigrants we serve. Minimizing reporting requirements will maximize legal staff's time to provide direct services to clients. And linking essential services streams together will ensure a more comprehensive City response to immigrant needs.

In closing, we thank the New York City Council, the Human Resources Administration, the Department of Youth and Community Development, and the Mayor's Office of Immigrant Affairs for their vision, leadership, and commitment to protect all newcomers, immigrants, and refugees who have made this city a better home for all of us.

Thank you.

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Testimony of the Immigrant Children's Advocates Relief
Effort (ICARE) Coalition

on

Oversight —

The Impact of New Immigration Enforcement
Tactics on Access to Justice and Services

Presented before:

Committee on Immigration

Presented by:

Eve Stotland, Esq.

Director, Legal Services Center

The Door — A Center for Alternatives, Inc.

March 15, 2017

Dear Council Member Menchaca and Members of the Immigration Committee:

Today we are providing group testimony prepared by the legal services agencies that comprise the Immigrant Children's Advocate Relief Effort—the ICARE coalition. Our members include The Legal Aid Society, The Door, Catholic Charities, Central American Legal Assistance, Make the Road New York, The Safe Passage Project, and Kids in Need of Defense (KIND).

We would like to start by thanking the Mayor, City Council, the Robin Hood Foundation, and New York Community Trust for your support in launching and sustaining our work. We also want to thank you for your steadfast defense of the crucial role that immigrants play in making New York a strong and vibrant city.

ICARE represents children and families who have fled violence in Central America and are fighting deportation in New York's immigration court. As you know, immigrants in removal proceedings are not entitled to counsel at government expense. Across the country, the federal government requires children as young as toddlers to represent themselves in life-or-death immigration hearings. ICARE was created in 2014 to close the justice gap by providing representation for unaccompanied children in deportation proceedings. In 2015, we expanded to provide representation to parents with children as well.

Since the inception of our project in July 2014, ICARE has:

- Met with almost **11,000** detained children in **nine children's detention facilities** in the New York City area.
- Provided legal orientations to **4,000** minors and their caregivers.
- Screened over **3,200** children and families on-site in immigration court.
- Been retained to provide full immigration representation to almost **1,500** children and families.
- Won asylum or lawful permanent residence (otherwise known as a green card) for more than **140** unaccompanied children, with new wins coming every day.

The impact of ICARE's work is felt across the city. ICARE partners represent children in **47 of the 51 City Council districts** (see attached chart).

The federal government's commitment to ramping up immigration enforcement makes ICARE's work more important than ever. Under the new Administration, there is no doubt that children and families who lose their immigration cases, or who fail to appear in court, will be rounded up and deported. Three years into our work, the children we represent remain safely in the United States. With expanded support from the City, ICARE will continue to protect children and families from deportation. Without our work, most of the children and families we represent would lose their immigration hearings and be forcibly returned to countries where their safety is at risk.

Despite our success, ICARE is deeply concerned about the impact that the new federal policies are having on the children we represent. Just last week, one of our attorneys received a call from a guidance counselor at a Bronx high school about one of our young clients. The young woman,

who I will call Jessica, was having a panic attack. The reason was clear. Her guardian, a beloved older brother, had been picked up in a workplace raid and had been deported in a matter of days. Fifteen-year-old Jessica is also in removal proceedings, and she was certain that she would be next.

In a sense, Jessica is lucky. She has an ICARE attorney who cares deeply about her and is likely to win her immigration case. Jessica also has a school and a guidance counselor who understand what she is going through and are there to help her. We need to make sure that every undocumented child in NYC has a lawyer and a school like Jessica's. To that effect, ICARE partners have been offering immigration workshops to schools throughout the city, to train educators to support the immigrant children and families they serve. We have also been offering Know-Your-Rights workshops to our clients and their communities, to help them prepare for increased enforcement. Finally, we are working with families in which the primary caregiver is at risk of deportation, to help them plan for the worst-case scenario.

Since the Trump Administration began its assault on our immigrant communities, we have been working hard to quell the fears of our clients and their families. The Administration's policies have parents scared to accompany their children to court appearances, act as witnesses in their children's asylum hearings, and even to bring their children to school or hospital visits. As legal services providers, we are deeply concerned with the Administration's declaration that it will prosecute our clients' parents with "smuggling" for doing what any loving parent would do to protect a child from unrelenting violence.

Our clients consistently tell us that having an attorney provides them with much more than legal representation. It also provides them with a sense of security. As they go through their daily lives, attending school and work, going to church and the grocery store, they know that, if ICE comes knocking, they have someone to call who has their back. Because they have counsel, they are better able to move forward with their lives and to care for themselves and for their families. We also help them with non-legal needs, such as access to education, healthcare, and emergency shelter.

In particular, we struggle to meet the mental health needs of our Central American clients. Many of the clients have witnessed or been victims of violence including beatings, rape, murders, and extortion. The fear that has taken over their families and communities is exacerbating their existing struggles. A significant number are suffering from depression, anxiety, and post-traumatic stress disorder. There is a dearth of Spanish-speaking mental health providers to attend to these children, which has created terrible challenges for our legal work. Mental health and social services are essential for these vulnerable children and families to thrive in their new environment.

Although ICARE has successfully forestalled the deportation of over 1,500 children and families, our work for them is not done. The process of obtaining lawful status for the unaccompanied children is particularly time consuming, taking an average of 24-36 months. At the same time, the violence in El Salvador, Guatemala and Honduras continues, and in some places, has intensified. Honduras and El Salvador have the first and second-highest homicide

rates in the world. As a result, additional children and families are arriving in New York City every day, and we anticipate that the number of children and families fleeing will remain high throughout the coming year. Just like those who came before, the new arrivals will need ICARE's representation to fight deportation.

The ICARE providers are currently at maximum capacity. To continue screening children and families and representing those who cannot afford counsel, we will need a total of **\$4.8 million** in funding for the Unaccompanied Minor and Children's Initiative for fiscal year 2018.

Thank you for the opportunity to testify. We are tremendously grateful to have you as a partner as we work to enhance access to justice for children and families in removal proceedings.

Immigrant Children Advocates Relief Effort (ICARE)

Cases Accepted for Representation
July 1, 2014 to September 30, 2016

Includes the following ICARE providers: Atlas DIY, CALA, CCCS,
KIND, LAS, MTRNY, Safe Passage, & The Door

Council Member	District	ICARE Clients
Margaret Chin	District 1	2
Corey Johnson	District 3	1
Helen Rosenthal	District 6	1
Mark Levine	District 7	8
Melissa Mark-Viverito	District 8	66
Inez E. Dickens	District 9	11
Ydani Rodriguez	District 10	19
Andrew Cohen	District 11	8
Andy King	District 12	6
James Vacca	District 13	12
Fernando Cabrera	District 14	37
Ritchie Torres	District 15	76
Vanessa Gibson	District 16	44
Rafael Salamanca	District 17	116
Annabel Palma	District 18	58
Paul Vallone	District 19	19
Peter Koo	District 20	49
Julissa Ferreras-Copeland	District 21	94
Costa Constantinides	District 22	7
Barry Grodenchik	District 23	7
Rory I. Lancman	District 24	54
Daniel Dromm	District 25	24
Jimmy Van Bramer	District 26	4
I. Daneek Miller	District 27	54
Ruben Willis	District 28	45
Karen Koslowitz	District 29	12
Elizabeth Crowley	District 30	13
Donovan Richards	District 31	49
Eric Ulrich	District 32	23
Stephen Levin	District 33	5
Antonio Reynoso	District 34	26
Laurie Cumbo	District 35	6
Robert Cornegy	District 36	10
Rafael Espinal	District 37	39
Carlos Menchaca	District 38	60
Brad Lander	District 39	28
Mathieu Eugene	District 40	28
Darlene Mealy	District 41	2
Inez Barron	District 42	2
Vincent Gentile	District 43	27
David Greenfield	District 44	18
Jumaane Williams	District 45	12
Alan Maisel	District 46	9
Mark Treyger	District 47	33
Chaim Deutsch	District 48	22
Deborah Rose	District 49	19
Joe Borelli	District 51	1
Grand Total		1264



**Testimony of Immigrant Justice Corps on
The Impact of New Immigration Enforcement Tactics on Access to Justice and Services
March 15, 2017**

Immigrant Justice Corps (IJC) thanks the New York City Council for the opportunity to submit testimony regarding the impact of the new Administration's focus on immigration enforcement. We are very grateful to the City Council for the extraordinary leadership it has shown in providing funding and support for high quality legal counsel for New York immigrants. We believe in this time of heightened, perhaps unprecedented enforcement, that it will be more crucial than ever for all non-citizens in New York to have access to immigration counsel.

Immigrant Justice Corps (IJC) is the country's first and only fellowship program dedicated to meeting the need for high-quality legal assistance for immigrants seeking a path to lawful status, citizenship and fighting deportation. IJC's goal is to use legal assistance to lift immigrant families out of poverty – helping them access secure jobs, quality health care and life-changing educational opportunities. Inspired by the Katzmann Study Group on Immigrant Representation,¹ IJC brings together the country's most talented law school and college graduates, connects them to New York City's best legal and community institutions, leverages the latest technologies, and fosters a culture of creative thinking that produces new strategies to reduce the justice gap for immigrant families, ensuring that immigration status is no longer a barrier to social and economic opportunity. Now in our third year, IJC has trained and placed over 100 Justice Fellows (law graduates) and Community Fellows (college graduates) in support of our mission to increase both the quantity and quality of immigration legal services. All of our fellows are lawyers, law school graduates, Board of Immigration Appeals accredited representatives, or in the process of becoming accredited representatives.

A Climate of Fear

IJC has fellows placed with over 30 non-profit organizations throughout New York City and its surrounding counties. These organizations include: Arab American Association of New York; Atlas: DIY; Bronx Defenders; Brooklyn Defender Services; Brooklyn Public Library; CALA -- Central American Legal Assistance; Catholic Charities Community Services; Catholic Migration Services; Chinese American Planning Council, City Bar Justice Center; The Door; Human Rights First; Immigration Equality; KIND; Legal Aid Society; Legal Services of NY;

¹ "Accessing Justice: The Availability and Adequacy of Counsel in Immigration Proceedings," available at http://www.cardozolawreview.com/content/denovo/NYIRS_Report.pdf; and "Accessing Justice II: A Model for Providing Counsel to New York Immigrants," available at http://www.cardozolawreview.com/content/denovo/NYIRS_ReportII.pdf.

Lutheran Social Services; Make the Road New York; MinKwon Community Action Center; Neighborhood Defender Service; New York Legal Assistance Group (NYLAG); Part of the Solution, Project Hospitality, Public Health Solutions, Safe Horizon; Safe Passage Project; Sanctuary for Families; Sauti Yetu; and Urban Justice Center.

IJC is honored to be part of the team of New Yorkers who are fighting back against anti-immigrant rhetoric and increased enforcement. The common theme our fellows are hearing in all corners of New York City (and beyond) is anxiety and fear. Immigrants are afraid to attend court dates, to go to hospitals, to access government services for their U.S. citizen children, even to open their doors if someone yells “police!” Their U.S. citizen and lawful permanent resident children are afraid to go to school for fear that their parents may be arrested and detained while they are in school. As legal service providers, it is difficult to assuage the fears of our clients. The Department of Homeland Security has stated in a public “Q and A” on implementing the Executive Orders:

Q5: What are ICE’s priorities under this executive order?

A5: Under this Executive Order, ICE will not exempt classes or categories of removal aliens from potential enforcement. All of those in violation of the immigration laws may be subject to immigration arrest, detention and, if found removable by final order, removal from the United States.²

Non-citizens who are living in the United States without authorization can no longer rely on a rational system which prioritizes removing only those who pose a danger to our country. Instead, anyone who entered the country, fleeing harm or wishing to reunite with a family member, is now a priority for removal from the United States. This means that legal service providers, with resources stretched to the limit, have to reach all non-citizens to evaluate their individual cases, explain their rights, and determine their eligibility for various forms of relief or waivers. With no rational prioritization from the government, all unauthorized immigrants are at risk of deportation and need legal counsel which our immigration system does not provide even to children and the mentally ill.

Increased Expedited Removal

One of the areas of greatest concern to IJC is the Administration’s stated aim of expanding expedited removal. Expedited removal means that DHS can return a non-citizen to his country without the individual ever seeing an immigration judge or affording him any real due process. Under expedited removal, if a non-citizen claims a fear of return to his home country, he is supposed to receive a specialized “Credible Fear Interview” with an asylum officer which, if successful, leads to the initiation of removal proceedings before an immigration judge. But for years, even as applied at the border, we have seen myriad problems with this process, including

² Q&A: DHS Implementation of the Executive Order on Enhancing Public Safety in the Interior of the United States, February 21, 2017, available at <https://www.dhs.gov/news/2017/02/21/qa-dhs-implementation-executive-order-enhancing-public-safety-interior-united-states>

Customs and Border Patrol officials filling out forms stating that children as young as three have told them that they are coming to the U.S. to seek work.³

Since revisions to the immigration law in 1996, the Immigration and Nationality Act has authorized the removal of individuals who enter the United States without proper documents and inspection without any hearing before an immigration judge, within two years of their arrival.⁴ Fortunately, this harsh provision of the statute, has never been enforced to its fullest effect. Instead, the application of this law has been limited to those who are apprehended within 100 miles of the border and within 14 days of arrival into the country. However, Department of Homeland Security (DHS) Secretary Kelly stated in his implementation memo that DHS will issue new regulations to expand expedited removal to all non-citizens who entered without proper documents – generally crossing the border – “who have not affirmatively shown, to the satisfaction of an immigration officer, that they have been continuously physically present in the United States for the two-year period immediately prior to the determination of their inadmissibility⁵.”

This means that in an environment where we have already seen DHS engage in home and worksite raids, troll courthouses detaining criminal defendants and witnesses, and where we anticipate a significant increase in enforcement, it will be up to individuals arrested by Immigration and Customs Enforcement to prove that they have been in the United States for two years, simply to get to see an immigration judge. We are entering a new regime where ICE agents who arrest those who “look like immigrants” will play judge and jury in determining whether non-citizens arrested and detained ever get to see an immigration judge.⁶ If the agents make a mistake in their determination, there is no appeal, and the individual who was erroneously denied a day in court will be returned to her country.

3 Elise Foley, “Infants and Toddlers Are Coming to The U.S. To Work, According to Border Patrol,” June 16, 2015, http://www.huffingtonpost.com/2015/06/16/border-patrol-babies_n_7594618.html

4 INA §235(b)(1)(A)(i).

5 John Kelly Memorandum, “Implement the President's Border Security and Immigration Enforcement Improvements Policies,” February 20, 2017, https://www.dhs.gov/sites/default/files/publications/17_0220_S1_Implementing-the-Presidents-Border-Security-Immigration-Enforcement-Improvement-Policies.pdf

6 Last week a U.S. citizen was held in ICE detention for several days after being arrested by an ICE official who allegedly stated, “You don't look like you were born in Montrose.” Blair Miller, “ICE agents illegally detained Colorado US citizen for days because he was Hispanic, lawsuit claims,” <http://www.thedenverchannel.com/news/local-news/ice-agents-illegally-detained-colorado-us-citizen-for-days-because-he-was-hispanic-lawsuit-claims>, March 7, 2017 <http://www.thedenverchannel.com/news/local-news/ice-agents-illegally-detained-colorado-us-citizen-for-days-because-he-was-hispanic-lawsuit-claims>

The Need for More Lawyers

IJC Fellows in the field – over 70 Fellows hosted by more than 30 organizations in every borough of New York City and beyond – report that they are overwhelmed. In addition to their everyday work of representing low income clients in immigration court and filing applications to improve their immigration status, they are also working tirelessly to meet the urgent needs of other community members who are terrified. IJC Fellows and staff are providing Know Your Rights trainings, explaining the constitutional rights that persons within the borders of the United States are granted, including the right to remain silent when confronted by an ICE officer. But this is not enough.

Legal services providers and community based organizations need to reach non-citizens and put them in touch with qualified legal representatives **before** they are apprehended. Many immigrants have been asking for assistance in preparing documents, such as powers of attorney and guardianship petitions, so that their children will be cared for and their assets distributed in the event they are swept up and summarily removed from the United States.

In addition to these pre-emptive services, non-citizens need to know who they can call as soon as they come into contact with ICE. They need to have a relationship with a qualified attorney or BIA representative so that if they exercise the right to remain silent, they can tell ICE to speak with their counsel or representative.

The legal services community is bracing for raids, for abuses of anyone who “looks like an immigrant,” for wrongful detention and removal, and for other violations of constitutional and human rights. As Council Speaker Mark-Viverito said in last month’s State of the City Address, “We will not abandon our immigrant communities. They are members of our New York family. And we will continue to fight for their rights, safety and security.”⁷ The fight for those rights has just gotten harder and the need for lawyers and representatives has never been greater.

We commend the City Council for the leadership it has already shown in providing funding for desperately needed immigration legal services. We urge the City Council to expand this funding. The Trump administration’s agenda has already been dubbed a “War on Immigrants⁸,” and in this war, the legal service providers are the frontline soldiers. We will be filing naturalization

⁷“ Speaker Melissa Mark-Viverito Delivers 2017 State of the City Address”
<http://council.nyc.gov/press/2017/02/16/1370/>

⁸ Bill Blum, "Trump's War On Immigrants Has Already Reached The Supreme Court,"http://www.huffingtonpost.com/entry/trumps-war-on-immigrants-has-already-reached-the-supreme_us_58b48094e4b0e5fdf619758a; Amanda Baran, "Donald Trump's war on immigrant women," February 21, 2017, <http://thehill.com/blogs/pundits-blog/immigration/320500-donald-trumps-war-on-immigrant-women>; Joe Romm, "Trump's war on immigration is a war on science and our prosperity," January 30, 2017, <https://thinkprogress.org/trumps-war-on-immigration-is-a-war-on-science-and-our-prosperity-e42678a28360#.17r9ba889>

applications to give immigrants permanent protection in our country, defending immigrants in immigration court and, increasingly, engaging in federal litigation to combat constitutional rights' violations IJC stands ready to fight for the rights of immigrants who are such a vital part of the fabric of New York City and we ask the City Council to provide funding to make this possible.



Advocates for Children of New York

Protecting every child's right to learn

**Testimony to be delivered to the New York City Council
Committee on Immigration
Re: The Impact of New Immigration Enforcement Tactics on Students and Families
in New York City Public Schools
March 15, 2017**

Good afternoon. My name is Rita Rodriguez-Engberg and I am a staff

attorney in the Immigrant Students' Rights Project at Advocates for Children of New York. For over 45 years, Advocates for Children has worked to promote access to the best education New York can provide for all students, including students from low-income backgrounds, students who are learning English, students with disabilities, and students of color. The Immigrant Students' Rights Project advocates for better educational opportunities for immigrant families in New York City public schools.

In the course of our work with immigrant families, we are seeing how the new immigration enforcement tactics can interfere with their children's education. Parents worry about Immigration and Customs Enforcement (ICE) agents coming to schools and about what will happen if they stand up for their children's needs. In one case, a parent who has been ordered removed called us for advice on whether she should seek special education services for her disabled son because of her immigration status.

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As you may know, the NYC Department of Education (DOE) and the Mayor's Office of Immigrant Affairs issued a letter to families on January 30, 2017 outlining very generally the city's plans for addressing federal immigration authorities' requests for access to school buildings and student records. The letter was an important first step; now it is essential to flesh out these policies in greater detail, so that schools know what to do and families feel protected.

The DOE has indicated that they are working on follow-up guidance that will outline the process for evaluating ICE requests to access school buildings. In order to address the concerns of immigrant families, we recommend that any follow-up guidance include the following protocols, in line with policies adopted by a number of school districts across the country:

- Advance notice should be required before ICE can set foot on school grounds in order to ensure that the NYC DOE can maintain a safe environment for all students and minimize learning disruptions.
- Should ICE show up at a school unannounced, they should be required to wait away from school grounds. This is critical, as school security varies across buildings and is often complicated by the fact that multiple schools may share one building. It is not uncommon for adult visitors to be left unsupervised in hallways, and ICE agents must not be allowed to roam the hallways of school building unattended.
- ICE requests must be handled by superintendents, not principals, in conjunction with counsel. Entrusting this responsibility to superintendents will help keep agents off of school grounds, promote greater consistency across the system, and reduce the impact of any potential biases at the school level.
- In reviewing ICE requests, access should only be granted if ICE has a judicial warrant.



Although the DOE does not ask families to disclose their immigration status, when students enroll in New York City public schools, families must provide proof of identity, age and residency. In our experience, oftentimes families rely on immigration documents for proof of identity, age or residence, and copies of these documents then become part of the student's file. In order to avoid the collection and storage of sensitive immigration information in a student's file, we urge the DOE to instruct Family Welcome Center and school staff to refrain from photocopying immigration-related documents at the time of enrollment and registration.

Finally, as we begin to hear reports of parents across the country being deported, the DOE needs to quickly take steps to address the very likely situation of parents being picked up by ICE during the school day. At a minimum, the DOE must ensure that families are given an opportunity to update their emergency contact information, which is recorded on the "blue card." We also suggest that the DOE expand the number of emergency contacts that may be listed on the blue card, in the event that multiple family members are detained. Finally, the DOE must come up with a protocol to address situations where parents are detained and no one on the blue card can be reached to pick up a student from school.

Thank you for the opportunity to testify today. I would be happy to answer any questions you may have.



**Testimony Before the New York City Council's
Committee on Immigration: The Impact of New
Immigration Enforcement Tactics on Access to
Justice and Services – General Considerations**

Presented on March 15, 2017

A. The Legal Aid Society

The Legal Aid Society (Society), the nation's oldest and largest not-for-profit legal services organization, is more than a law firm for clients who cannot afford to pay for counsel. It is an indispensable component of the legal, social, and economic fabric of New York City—passionately advocating for low-income individuals and families across a variety of civil, criminal, and juvenile rights matters, while also fighting for legal reform. The Society's unique value is in its ability to go beyond any one case to create more equitable outcomes for individuals, and broader, more powerful systemic changes for society as a whole. Through a network of borough, neighborhood, and courthouse-based offices in 27 locations in New York City, more than 2,000 attorneys, paralegal case handlers, and support staff, along with volunteer help coordinated by the Society's *Pro Bono* program, we provide comprehensive legal services to fulfill our mission that no New Yorker should be denied access to justice because of poverty. Through three major practice areas—Civil, Criminal, and Juvenile Rights—the Society handles approximately 300,000 cases a year in city, state, and federal courts.

Our commitment to serving immigrants began in 1876, when The Legal Aid Society was founded to defend the individual rights of German immigrants who could not afford to hire a lawyer. Though we have broadened our practice, we have remained committed to our original mission: helping low-income immigrant communities. We have maintained an Immigration Law Unit (ILU) which has served New York City's immigrant population, providing access to justice to vulnerable populations, helping citizens by challenging removal proceedings and preventing the separation of immigrant families.

The Immigration Law Unit is currently comprised of over 45 staff including an Acting Attorney-in-Charge, Deputy Attorney-in-Charge, supervising attorneys, staff attorneys, paralegal case handlers, and social workers. The Unit specializes in the intersection between immigration

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

B. Impact of Recent Changes in Immigration Enforcement Tactics

President Donald Trump's various signed and draft Executive Orders and related implementing memoranda issued by the U.S. Department of Homeland Security threaten to harm New York City's noncitizen residents and their families, in myriad ways.

1. Heightened Removal Efforts

The Trump Administration has replaced the Obama Administration's immigration enforcement priorities, which had prioritized individuals with serious criminal convictions and repeat immigration violators, with a blanket policy of deeming any undocumented person and any noncitizen with any removable convictions (or even unsubstantiated criminal charges) an enforcement priority.

a. Increased ICE Detention

The Trump Administration has indicated that it is ending the informal "catch and release" policy, under which most individuals who are allegedly removable are served a Notice to Appear in Immigration Court and are not detained during the pendency of their removal proceedings. With the end of "catch and release," most if not all allegedly removable individuals will be detained by U.S. Immigration and Customs Enforcement (ICE) during their removal proceedings. This has already had a direct impact on the New York Immigrant Family Unity Project (NYIFUP), which is a collaboration between The Legal Aid Society, Brooklyn Defender Services, and Bronx Defender Services, to provide universal representation to noncitizens detained by ICE for removal proceedings heard at the Immigration Court at Varick Street in Manhattan. NYIFUP is already facing tremendous challenges to meet the increased need for representation, in light of the addition of a third judge to the detained docket at the Varick Street

courthouse. Increasing detention has also created tremendous fear and panic in immigrant communities. We have received phone calls from immigrant families afraid to take their children to school or seek medical attention for fear of being detained.

i. Fewer Prosecutorial Discretion Grants

The Administration is also indicating that the U.S. Department of Homeland Security will be less generous than in the past, in considering requests for prosecutorial discretion, which are generally requests to administratively close (or mark off calendar) removal proceedings, to protect noncitizens from active removal efforts, due to compelling positive equities in their cases.

b. Restriction of Unaccompanied Minor Children Protection

Unaccompanied minor children (UAC) currently enjoy certain protections until they reach their 21st birthday. These protections include exemption from the one-year rule for filing asylum applications, and having their asylum applications heard in U.S. Citizenship and Immigration Services (USCIS) administrative hearings, rather than in Immigration Court. They are also released to a parent, if they have a parent waiting for them within the U.S. The Administration has already begun to restrict UAC protections to only those who are under 18 years of age, rather than under 21 years of age. Moreover, children who have a parent in the U.S. will lose their UAC status, regardless of age.

c. Prosecution of Parents of Unaccompanied Minor Children

The Administration has indicated it will begin aggressively prosecuting as “smugglers” any parents who assist their children in entering the U.S. unlawfully, even children who are fleeing horrific conditions of violence in their home countries, and who should qualify as refugees under the Unaccompanied Refugee Minors program. Smuggling charges could result in fines, federal criminal prosecution, imprisonment, and eventual removal.

We have received many calls and inquiries from parents who are themselves undocumented, and fear bringing their children to Immigration Court or Family Court for hearings and seeking orders of protection, or taking their children to the hospital, or even accompanying their children to school, due to fears that ICE may seek to detain the parents. At Asylum Offices, some undocumented parents who are necessary witnesses for their young children’s asylum claims face a difficult decision: attend their child’s asylum interview, testify

on their behalf, and risk being detained by ICE, which has been present at Asylum Offices, or decline to be a witness at their child's interview and weaken their child's claim.

Undocumented parents may also fear stepping forward to help secure their child's release from custody by the U.S. Office of Refugee Resettlement, which would result in children remaining in custody for much longer than is currently the case and with less access to legal representation, reducing the chances that the child will win any immigration relief.

2. Access to Federally-Funded Government Benefits, including Healthcare

President Trump's Interior Enforcement Executive Order increases the risk that non-citizens who are eligible for and receive government benefits may face removal in cases merely because they have been charged with – not even found guilty of -- fraud or misrepresentation. A draft Executive Order that was leaked in January entitled "Executive Order on Protecting Taxpayer Resources by Ensuring Our Immigration Laws Promote Accountability and Responsibility," which has not yet been signed as of March 15, 2017, would also harm low-income noncitizen residents of New York City who are eligible for and receive public benefits.

The Draft Order, if signed, would present two big issues for many of our low-income clients: enforcement of a policy seeking "sponsor reimbursement" and changes to public charge that would put many more clients who receive public benefits at risk of removal. The Draft Order would direct immediate enforcement of "sponsor reimbursement" by federal benefits agencies, whereby sponsors who an signed Form I-864 Affidavit of Support would be charged for the cost of mean-tested befits received by the sponsored immigrant. Sponsor reimbursement in its current form has been a part of federal law since 1996, but for the most part, it has not been enforced. The New York City Human Resources Administration (HRA) did decide to enforce it in New York City starting in 2012, but The Legal Aid Society, together with the City Council, sued to stop it. The suit, Pelegrin v. Doar, was settled when Mayor de Blasio took office.

The Draft Order would also change the rules relating to who is considered a "public charge," which is an analysis concerning when someone who receives government benefits is at risk of removal or being denied admission to the U.S. The new rule will likely put more people who receive government benefits at risk of being found a public charge because more government benefits will count, and the only factor considered will likely be the mere receipt of government benefits, rather than considering the totality of circumstances as is currently

done. Currently, only Cash Assistance/welfare, SSI and Medicaid long-term institutional care are benefits that count toward the public charge analysis. It is not clear what federal benefits would be included under the new, more expansive list, but benefits such as all Medicaid (not just long-term institutional care) and the AIDS Drug Assistance Program (ADAP) could for the first time trigger public charge issues.

3. Access to the Health Care Safety Net

We are already hearing from immigrant families who are afraid to seek medical attention or to enroll in or keep Medicaid coverage because of the draft public charge executive order and heightened immigration enforcement. Unsubstantiated rumors of ICE raids at Kings County Hospital last month may have additionally had a chilling effect on immigrants seeking health care services.

NYC Health + Hospitals plays a crucial role in providing health care services to the immigrant population, including undocumented immigrants. We applaud Health + Hospitals and the Mayor's Office of Immigrant Affairs for their Open Letter to the immigrant community in December 2016 reiterating that all immigrants can safely get care at city hospitals. We urge city officials to continue to get out this message as broadly and as frequently as possible. An endless number of tragic consequences can occur when people are not treated for preventable (and in some cases communicable) illnesses and conditions.

Health + Hospitals helps immigrants, including undocumented immigrants, enroll in Medicaid. Many categories of immigrants are eligible for Medicaid through being classified as Permanently Residing Under Color of Law (PRUCOL), and undocumented immigrants are eligible for Emergency Medicaid. Most new Medicaid applications are processed through the New York State of Health (NYSOH) Marketplace. NYSOH sends information about all applicants other than those applying for only Emergency Medicaid to the federal government to confirm immigration status. We predict that there will be patients who despite being PRUCOL are uncomfortable applying for Medicaid, and we urge Health + Hospitals to respect patients' wishes to avoid applying at this time and to ensure that this decision does not impact the care they receive or the amount they are asked to pay.

D. Recommendations

1. Due to the extraordinary increase in immigration detention, which is expected to remain at elevated levels during the next four years, we recommend baselining NYIFUP and increasing the funding to allow for adequate staffing for universal representation.
2. Because of the increased immigration enforcement against anyone with any involvement with the criminal system, it is more urgent than ever that low-level offenses not be fingerprintable. This may include making low-level offenses subject to only civil fines, rather than criminal prosecution.
3. Ensure that City agencies, including the New York City Department of Education and Department of Social Services, do not grant ICE access except when presented with a judicial warrant, and assist in developing best practices and staff training for implementing this policy.
4. Work with City agencies to devise a Public Education Campaign that would counter-act the chilling effect on non-citizen clients' application for and continuing receipt of government benefits for which they are eligible and often need to survive.
5. Work with City agencies to identify policies and best practices for keeping client information confidential, and eliminating non-mandated data storage or sharing with other State or federal agencies, such as the use of the Department of Homeland Security-controlled "SAVE" system by HRA for verifying the state-benefit eligibility status of non-citizens.
6. Considering the risks attendant upon merely being accused of fraud, misrepresentation or abuse of government benefits, and the possibility that such charges may emanate from computer error, agency mistakes, language barriers or honest confusion about complicated rules, the City should adopt a policy that charges of fraud and abuse will not be leveled unless the relevant agency first determines that it is more likely than not that the recipient has engaged in intentional culpable misconduct. Preliminary investigations should be taken outside of the accusatory process, offering clients an opportunity to discuss any related issues. Given the extreme stakes in cases where fraud and abuse are

alleged, clients should have counsel appointed and any charges that are not sustained should be expunged.

E. Conclusion

The Society is gravely concerned about the impact of the Trump Administration's newly aggressive immigration enforcement efforts on the low-income New Yorkers we serve, both those who are noncitizens and their family members. Thank you for the opportunity to testify on this important issue. We welcome any questions from the panel.

The Legal Aid Society

By: Hasan Shafiqullah
Deputy Attorney-in-Charge
Immigration Law Unit



**Testimony Before the New York City Council's
Committee on Immigration: The Impact of New
Immigration Enforcement Tactics on Access to
Justice and Services - NYIFUP**

Presented on March 15, 2017

Thank you for this opportunity to testify regarding the nation's first public defender system for immigrants facing deportation, the New York Immigrant Family Unity Project (NYIFUP). My name is Sarah Gillman, a Supervising Attorney with The Legal Aid Society's Immigration Law Unit's NYIFUP Project. I speak on behalf of The Legal Aid Society (LAS), Brooklyn Defender Services (BDS) and The Bronx Defenders (BXD), who together have been serving as NYIFUP's three legal service providers these last three fiscal years. As always, we are extremely grateful for your leadership in supporting NYIFUP, which has recently received more attention than ever as a model for how cities can welcome and defend immigrant communities against an increasingly harsh system of detention and deportation.

Through the visionary leadership of this City Council and the City, we have a pilot for the nation's first right to counsel program for indigent immigrants facing deportation and thereby promoting a more fair and just process for our immigrant communities. Through NYIFUP, we have been able to represent all eligible detained immigrant New Yorkers facing deportation. Prior to the inception of NYIFUP, individuals who were detained by the government and facing removal from the United States were not afforded due process under the law because they were forced to defend their case without an attorney against a system that provides a government attorney to represent the Immigration and Customs Enforcement (ICE) in each and every case. While we are not able to win every case, due to the harsh immigration laws, we have been able to ensure all individuals detained and facing removal from the United States are afforded due process under the law and able to defend their rights on a level playing field.

Although the Trump Administration has only been in office since January 20, 2017, the impact of the various signed and draft Executive Orders have already had a devastating impact on immigrant communities and, in particular, those who are detained and facing removal in the

United States.¹ The election of Donald Trump represents the greatest challenge that the NYIFUP has faced since its inception in 2014. With the support of the City Council, detained immigrants in New York are afforded the opportunity to challenge their deportation and properly defend themselves and their family members.

It is clear that the Trump Administration believes, without justification, that immigrant communities are responsible for committing crimes in the United States and thus need to be eliminated. The Executive Orders signed thus far clearly signal that the Trump Administration wants to create the narrative that immigrants are not part of the fabric of American society, and that to the contrary they represent a threat to the safety and security of the United States. We strongly contest that narrative.

Although immigration proceedings are civil in nature and thus individuals are not legally entitled to an attorney, NYIFUP was founded on the notion that those who are detained should not be made to fight for their liberty without an attorney. It is inequitable to force pro se detained individuals to attempt to defend themselves against complex immigration laws, when the government is always represented by an attorney in every case.

It is notable that Clarence Earl Gideon, whose case was responsible for the establishment of the 6th Amendment right to counsel in criminal proceedings, would not have been afforded an attorney if placed in removal proceedings under a system that screens for criminal convictions. Mr. Gideon was charged with breaking and entering with the intent to commit a misdemeanor, which is a felony under Florida law. Mr. Gideon, like so many individuals prior to the inception of NYIFUP, was forced to defend himself in a system that afforded the government an attorney in every case, and denied that same fundamental right to those being charged with a violation under the law. Mr. Gideon, like individuals detained and facing removal, was incarcerated and did not have the benefit of counsel. It was only because of his extraordinary effort that he was able to bring his case to the United States Supreme Court.

¹ President Donald Trump's signed and draft Executive Orders (Executive Order on Enhancing Public Safety in the Interior of the United States, signed on January 25, 2017; Executive Order on Border Security and Immigration Enforcement Improvements, signed on January 25, 2017; Executive Order Protecting The Nation From Foreign Terrorist Entry Into The United States, signed on March 6, 2017; Presidential Executive Order on Enforcing Federal Law with Respect to Transnational Criminal Organizations and Preventing International Trafficking, signed on February 9, 2017; Draft Executive Order on Protecting Taxpayer Resources by Ensuring Our Immigration Laws Promote Accountability and Responsibility, not yet signed as of March 15, 2017; Draft Executive Order on Executive Order - Ending Unconstitutional, Executive Amnesties, not yet signed as of March 15, 2017) and related implementing memoranda issued by the U.S. Department of Homeland Security (Memorandum on Enforcement of the Immigration Laws to Serve the National Interest, issued on February 20, 2017; Memorandum on Implementing the President's Border Security and Immigration Enforcement Improvements Policies, issued on February 20, 2017).

Over 50 years after the landmark decision in Gideon, New York City and the City Council made the remarkable decision to fund the first public defender system in the country for individuals facing removal and detention by the government. Like Mr. Gideon, the City of New York and the City Council recognize that no individual, regardless of whether they have been charged or convicted of a “serious crime,” should be subjected to a proceeding in which the government is able to succeed solely due to an unfair playing field.

Increased ICE Detention

The Trump Administration’s Executive Orders and related implementing memoranda have increased detention and the separation of families in a variety of ways. The new Administration has indicated the implementation of new draconian policies. First, it has indicated the end of the informal “catch and release” policy, under which most individuals are not detained during the pendency of their removal proceedings. With the end of “catch and release,” most if not all of these individuals will be detained by ICE during their removal proceedings.

The new administration has also changed the priorities of the prior administration in relation to implementing detention policies. Rather than focusing on only certain individuals with prior orders of removal or certain criminal convictions, all immigrants who may be removable for any reason are now a priority. In addition, targeting those who have been arrested but not convicted yet in a criminal case have become a priority. Anyone who has committed immigration fraud or fraud obtaining government benefits is a target. Parents who help bring their children facing persecution in their home countries will be treated as criminals. We are also concerned about the ICE’s attempts to increase its presence in the Courts in New York City, at USCIS offices and other locations where our clients are required to appear for a myriad of reasons. This change in policy has not only increased the number of people subject to immediate detention, but has also caused widespread panic and confusion in immigrant communities.

The Immigration Court has attempted to deal with this unprecedented increase of detention with the addition of a third Judge for the detained docket at the Varick Street courthouse, with a corresponding addition of a third day of intake. The NYIFUP project will be required to appear on a weekly basis for additional intake with an increase in cases at the Varick Street courthouse while also serving the needs of all of their detained clients who are housed in various county jails in New Jersey and New York. The NYIFUP project currently represents individuals are detained in the Hudson County Jail in Kearny, NJ, the Essex County Jail in Newark, NJ, the Bergen County Jail in Hackensack, NJ and the Orange County Jail in Goshen, NJ. The Orange County

Jail is located approximately 70 miles from lower Manhattan and houses a large number of individuals who are detained by the government. Although the Hudson County Jail, Essex County Jail and Bergen County Jail are in closer proximity to New York City, it often takes an hour to reach these locations given the traffic patterns.

As a result of the increased use of detention, the addition of a third judge and increased intake, NYIFUP faces extraordinary challenges in continuing to provide universal representation on the detained docket. While the number of detainees has increased and is expected to continue to increase, and the court has obtained expanded resources to add an additional judge, NYIFUP providers have not received the equivalent increase in resources to address this huge increase in intake.

Disregard for Fairness and Providing Due Process

The Trump Administration's disregard for fairness and due process has been evident in the early days of the Administration. The first executive orders signed by the President on January 25, 2017, Executive Order on Enhancing Public Safety in the Interior of the United States and Executive Order on Border Security and Immigration Enforcement, provide the framework of this Administration's assault on immigrant communities. This was clearly seen on January 27, 2017 when the President signed the first travel ban, which resulted in a complete disregard for fairness and due process and translated into the unlawful detention of predominantly Muslim individuals arriving at various airports around the United States.

For noncitizens detained by ICE in the New York City area, NYIFUP is the only means of ensuring that the Trump Administration is not able to disregard fairness and due process. NYIFUP attorneys were at the airport as part of the first responders to this assault on immigrant rights. The response to the increased use of detention and deportation by the Trump Administration must be the same as it was to the January 27, 2017 executive order, when an overwhelming number of attorneys went to JFK airport to defend those who were being unlawfully detained.

Over both the last several years and the last several decades, immigration enforcement has varied greatly in its policies, tactics and intensity. Prior to the election of President Trump, we had already seen a tremendous increase in the number of long-term lawful permanent residents picked up by ICE at their homes or place of employment. We had also seen an increase in the number of young people detained sent from the youth shelters when they turn 18 and some from the border states. Similarly, we had seen an increase in the detention of individuals who have

been found eligible to appear in front of an Immigration Judge after an interview determined their credible fear of return to a country of origin. Aggressive enforcement had already been in effect prior to the inauguration.

Since January 20, 2017, the Trump Administration has made it clear that it will not only continue this aggressive enforcement, but that it will pursue other groups of individuals who have previously not been subject to detention and removal proceedings. These groups include, but are not limited to, individuals who are living in the United States without status even if they do not have a criminal conviction, those suspected of committing a crime that is neither defined nor identified in the Executive Orders, those who seek public benefits and individuals suspected of being either a national threat to the United States. The lack of definitions assigned to the broad language in the President's Executive Orders confirms that the Trump Administration is determined to cast a wide net and use detention as an assault on immigration communities. The lack of humanity and compassion in the administration of the immigration laws is clear. The separation of families despite the presence of US citizen children, demonstrated rehabilitation, long term residency and work history has proven this.

An effective and stable universal right to counsel project for detained immigrants must take this volatility into account by creating a program that is flexible enough to respond to shifts in ICE enforcement. Because detained immigrants are least likely to be able to obtain private counsel, they constitute the higher priority for NYIFUP services. However, each year several thousand non-detained New Yorkers are also unable to obtain counsel and, despite having long and strong ties to New York, also face a strong likelihood of deportation if they do not obtain representation.

NYIFUP has played, and now more than ever continues to play, a critical part in being able to provide a sense of calm by ensuring that if a New Yorker is detained by ICE, they will be able to secure representation. It is essential that NYIFUP continue to play this essential role in all immigrant communities in New York, to assure that our family members, friend and neighbors will not be lost in a detention and removal system.

Any move away from universal representation and failure to adequately fund the NYIFUP program will have a devastating and lasting impact on the immigrant communities in New York. It would inevitably result in individuals being denied due process under the law and dignity in a removal and detention system that makes every effort to dehumanize people who are detained and placed into removal proceedings. NYIFUP not only provides a sense of dignity to all of the

clients that they serve, but also to the communities from which they are taken by the government. The idea that an individual will be given a lawyer sends a message to immigrant communities that their members are entitled to dignity and justice under the law.

Funding for Fiscal Year 2018

In order to adequately respond to the unprecedented levels of immigration detention, NYIFUP must be able to hire additional attorneys and support staff, to ensure that we can meaningfully provide due process to each and every individual detained by the government. As NYIFUP has done since its inception, we must continue to fight on a daily basis to ensure that the playing field is level, and that the Trump Administration is not able to summarily detain and deport individuals who have lived in the United States for significant periods of times, face persecution in their countries or origin, and those who have worked tirelessly to become part of the fabric of American society.

Intake has been heavy at the Varick Street Immigration Court over the last few months, and we were already concerned that we were on pace to reach our contractual maximum of 1,254 cases in the next two or three months. As of February 28, 2017, we already have a total of 1,105 cases for this fiscal year.

Currently, NYIFUP attorneys staff two intake days a week at the Varick Street court, where the court puts on all of the first-time client appearances and we do intake interviews in the morning before appearing at the first hearing in the afternoon. However, we recently received unexpected news that intake will significantly increase. On Friday, February 17, 2017, the Chief Immigration Judge for New York informed us that in order to address its own serious case backlogs, the court has planned to docket three NYIFUP intake days a week instead of two, starting March 14, 2017 (although as it happened the court was unexpectedly closed on that day due to a snow storm). Unfortunately, we learned of this plan without having the benefit of a dialogue with the court as to whether there is a sustainable way to run additional intake that works with the current NYIFUP contract. If we did staff a third intake day every week, it would further accelerate the speed at which we would reach our maximum case number, as we would be intaking an estimated 90 cases a month or more, instead of 60.

Additionally, we are projecting intake rate based on the rate from the last few months, where the individuals on our docket were detained under the Obama Administration in late 2016 before reaching our intake dates in early 2017. If the Trump Administration's goals of increased

detention and deportation result in even higher docket numbers at Varick Street, we will exceed our maximum even sooner than that.

As you can imagine, all NYIFUP staff at LAS, BDS and BXD are extremely dedicated and want to advise and assist every detained person facing deportation in New York City who cannot afford an attorney. They are, however, also at their capacity to take additional cases, keep the quality of representation high, and maintain their ethical obligations under the rules of professional responsibility. NYIFUP has stayed on intake continuously since July 2014 even when we exceeded our contract maximum by a small amount, but this year and FY 2018 present special challenges.

Funding for NYIFUP in Fiscal Year 2018 must be representative of the Trump Administration's demonstrated, ongoing assault on immigrant communities, the complex nature of the cases, and the additional day of intake that has now been added by the Immigration Court at Varick Street.

NYIFUP providers are requesting a total of \$12 million dollars for Fiscal Year 2018. This is based upon the current level of funding, increase in detained cases in the months of January-March 2017, and the projected increase of cases for the remainder of Fiscal Year 2017 and thereafter.

Funding stability, at adequate levels, will ensure stability in staffing, which facilitates hiring, training and maintaining the most qualified staff attorneys. This, in turn, will ensure that NYIFUP can always play a critical role in any larger, coherent City plan to maximize quality legal representation for immigrant New Yorkers.

The Legal Aid Society
Brooklyn Defender Services
Bronx Defender Services

By: Sarah Gillman
Supervising Attorney
Immigration Law Unit
The Legal Aid Society

To: Hon. Carlos Menchaca,
Chair, Committee on Immigration

From: John Skinner,
President/Political Director, Ironworkers Local 46

Good morning Hon. Carlos Menchaca,

I would like to thank the committee chair council member Menchaca and Speaker Viverito for holding this hearing.

My name is John Skinner and I am the President and Political Director of Ironworkers Local 46.

Unfortunately the feedback we are hearing that ICE is targeting more than was stated to the community.

We have discovered that ice is also arresting people who are green card holders.

This is something that we were told would not happen and is totally unacceptable.

People who are in our country to find a better life should not have to live in fear and should not see their families ripped apart.

As it relates to our industry we see these workers exploited on unprecedented levels.

These workers are afraid to speak up already and these actions by ICE only make sure even less of them will come forward to hold the criminal employers accountable.

I never thought I would be living in America and NY where people were hiding in their homes in fear. We must protect these people with NY values and strength.

We don't live in a military dictatorship, we live in a democracy. And we will not allow that to change.

I thank city council and all NY's who I know will always defend our most vulnerable. And stand up for what is right.

Regards,

John Skinner,
Metallic Lathers Reinforcing Ironworkers Local 46

**New York City Council Committee on Immigration
Hearing Regarding The Impact of New Immigration Enforcement Tactics
on Access to Justice and Services
Testimony of The Bronx Defenders by
Conor Gleason, Supervising Immigration Attorney
March 15, 2017**

Impact of ICE in New York's Courthouses

Good day, Chairman Menchaca and Committee members. Thank you for the opportunity to testify about the frightening consequences of the Trump Administration's enforcement priorities on our community's access to justice and services. My name is Conor Gleason; I submit this testimony on behalf of The Bronx Defenders, where I am a Supervising Immigration Attorney.

The Bronx Defenders provides innovative, holistic, and client-centered criminal defense, family defense, civil legal services, social work support, and advocacy to low-income individuals in the Bronx and New York City. Our staff of nearly 300 advocates represent approximately 30,000 individuals annually and reaches thousands more through outreach programs and community legal education. In the Bronx and beyond, The Bronx Defenders promotes justice in low-income communities by keeping families and communities together.

As advocates for our community, we are proud to call New York City, a sanctuary city, our home. This is of particular importance to the Bronx as approximately a third of Bronx residents are foreign born. The Bronx Defenders hired its first full-time immigration attorney in 2002, well before the Supreme Court's decision in *Padilla v. Kentucky*. Approximately fifteen years later, the need for comprehensive and thorough immigration advocacy has never been more important. The Trump Administration looms large over our community. The threat it poses is

palpable, and whether we can truly call ourselves a sanctuary city depends on how we respond to that threat.

I am here today to provide some concrete examples—from both criminal and family court—of how the Trump Administration’s immigration enforcement threatens our immigrant community’s access to our sacred institutions. Although I will focus my testimony on the impact of ICE in our courthouses, we at The Bronx Defenders share the concerns of other advocates providing testimony here today about the impact of so-called “Broken Windows” and “quality of life” policing on the noncitizens in our communities, as well as the surging numbers of community members subject to detention and deportation.

Noncitizens’ Access to Due Process is Threatened in Criminal Court

Everyone deserves their day in court. That right is no more important than when charged with a crime. To be able to confront the charges—whether they be a violation, misdemeanor, or felony—is a right enshrined in our Constitution and hailed as a pillar of our democracy.

Unfortunately that right is under attack for noncitizens in New York City. Under the Trump Administration’s new enforcement regime, any undocumented noncitizen charged with a crime—however slight—is an enforcement priority. Specifically, the Trump Administration prioritizes for removal undocumented noncitizens who, among other things, are merely charged with a pending, criminal offense or have committed acts which constitute a chargeable criminal offense. What this means for our undocumented community members is that their mere presence in criminal court puts them at risk of removal from their community and their family.

How this plays out in criminal court is daunting. The specter of Immigration and Customs Enforcement (ICE) officers arresting New Yorkers in our courts looms large, and just one or two incidents can, and have, led to rumors and widespread fear. Undocumented

noncitizens are paralyzed by fear of returning to court to contest charges against them. As a result, some chose to forgo their due process rights to contest charges against them, and instead accept a guilty plea at a first appearance to avoid the risk of an ICE encounter at a future court date. This is more likely now than ever, as ICE officers are emboldened under the new priorities to detain undocumented noncitizens convicted of nothing, but merely *charged* with crimes and appearing in court to contest them. Other New Yorkers are so afraid of coming to court that they may contemplate not appearing at all, despite strong ethical convictions imploring them to present in court. The current climate also discourages family members, witnesses, and victims from attending court proceedings. This fear is disastrously disruptive of the quest for justice in our criminal courts.

The new federal priorities also make undocumented noncitizens pleading guilty to any criminal offense, including New York State violations, a priority for removal. As such, undocumented New Yorkers are stuck between a rock and a hard place—fight their case by maintaining their innocence and reappear for future court dates, which makes them an enforcement priority and an easy target for ICE while in court, or plead guilty to an offense, whether it be a violation, misdemeanor, or felony, that will *also* make them a priority for enforcement.

A noncitizen's fear of being detained by ICE in criminal court is not mere conjecture. Advocates have witnessed a significant increase in ICE officers seeking out undocumented community members in criminal courts. An ICE officer's ability to identify and detain our community members in our courts is facilitated by complicit New York State court officers. The amicable relationship between some court officers and ICE officers greases the

wheels of the deportation machine destroying the fabric of our communities. This relationship is most easily explained by providing examples of how court officers collaborate with ICE.

It is not uncommon for ICE to approach the well in criminal court and ask a court officer to see the relevant individual's court file. That court file often has a more updated photograph of the individual than what ICE has in its possession. The ICE officers will ask the court officers whether the case was called and, if not, to be notified when it is. They will ask whether the attorney of record has checked in. Sometimes court officers even comply with ICE officers' requests to hold off calling a noncitizen's case until the end of the day's docket. Court officers have been known to close down parts of the courthouse in order to facilitate an arrest by ICE agents.

Another disturbing example of how the Trump Administration's regime of enforcement is eroding our immigrant community's access to justice is the withholding of vital information from defense counsel. Under new guidance from the National Crime Information Center (NCIC), only the Court and prosecutor will have access to the entirety of our clients' rap sheets. Defense counsel's access to their clients' rap sheets is now limited to contact with the criminal justice system in New York State. Traditionally, defense counsel had access to New York State information as well as the federal portion of the rap sheet—which contained information on prior contact with immigration authorities and any allegations of terrorist ties. Without access to this information, prosecutors are at an advantage and can use it against our clients in court—arguing that a client is a flight risk based on information inaccessible to defense counsel. It also means that Judges will have this information too—essentially creating an *ex parte* communication between prosecutor and judge. Only the defense counsel and her client are left in the dark and disadvantaged.

In sum, the Trump Administration is having an immediate impact on our community members' access to criminal justice. This impact is seen clearly when more individuals are remanded or have bond set because prosecutors have information inaccessible by defense counsel. It is seen when our community members fear coming to court due to an increased likelihood of ICE detention. It is seen when our community members are fearful of cooperating with law enforcement when they need to, scared that calling the New York Police Department (NYPD) is equivalent to calling ICE. It is seen when our community members accept a guilty plea in order to avoid a courthouse arrest by ICE. All of this means that the sanctity of our sanctuary city is eroding and our noncitizen community members are being denied a fundamental pillar of our democracy: access to due process.

Noncitizens' Ability to Raise their Children is Also Under Threat

This Council understands the importance of family. The Bronx Defenders is a proud provider of universal representation for noncitizens in removal proceedings as part of the New York Immigrant Family Unity Project (NYIFUP). This first-of-its-kind public defense in removal proceedings is funded by this Council, which is a national leader in the fight for immigrants' rights. We are in the position to provide that representation because this Council understands the importance of keeping families together. It understands the need for a child to be with his or her mother and father. In the Trump era, this tenet is under threat not only by the obvious culprit of additional deportations, but also because of the chilling effect of the Administration's policies in Family Court. Two examples make this clear.

The first is in the context of a parent confronted with allegations of abuse or neglect of their child. I emphasize that the parent as of this point has not been found of any wrongdoing. The child is, for the time being, removed from the home while the allegations are

investigated. In these circumstances, the first step for a parent to be reunited with their child is to have visits with their child. In order to have these visits, the Administration for Children's Services (ACS) runs background checks on all members of the parent's household. This requires the parent and those with whom the parent lives to provide ACS with their names, dates of birth, and phone numbers. Prior to the Trump Administration, parents and those with whom affected parents lived routinely provided the requested information. Now, noncitizens are reluctant to provide the requested information for fear that it will be shared with ICE. As such, parents are being denied the ability to visit their children, which increases the likelihood of the child's permanent removal from the parent.

The second example is in the context of kinship guardianship petitions. Oftentimes, a removed child whose parents are accused of abuse or neglect will remain with a family member instead of going into foster care with strangers while their parent contests the allegations. The benefits of keeping a child with a relative during the investigation go without saying. In this scenario, if it becomes clear during the proceedings that the parent is at risk of losing his or her parental rights, this can often be avoided if that same family member—who during the pendency of the proceedings was providing care for the child—files a guardianship petition in family court requesting to become the child's guardian. This process does not terminate the parent's rights; rather it places the child in the home of a family member and out of the foster care system. But in order to achieve this result, every member of the proposed guardian's household—including the guardian himself—is required to provide their fingerprints to the New York State Office of Children and Family Services (OCFS). Doing so is no longer a viable option for undocumented noncitizens fearful of the Trump regime and whether it will have access to the information they share with our state's family court system. As a result, more children are raised without their

parents, without their family, and in foster care. Put simply, the Trump Administration's enforcement priorities are breaking up families. Not only in the obvious way—by detaining and deporting people—but also by creating an environment of fear that paralyzes parent's access to their children and relatives' ability to provide support and stability. This is antithetical to a City that funded a project like the New York Family Unity Project. It is antithetical to a City that calls itself a sanctuary city.

As proud constituents of New York City, a sanctuary city, The Bronx Defenders implores the City Council to help make sure all New Yorkers are able—without hesitation—to call our City a sanctuary. We have been able to do this until now, in large part, due to you. But the institutions that help make this city great are under threat by the Trump Administration. We hope this Council explores options to restrict ICE's access to our courthouses and other institutions that provide justice to our community. On behalf of The Bronx Defenders, I thank you for the Council's support of our immigrant community and to you and your staffs for taking the time to hear about our work and the impact of the Trump administration.



TESTIMONY OF:

**Andrea Sáenz – Supervising Attorney, Immigration Practice
BROOKLYN DEFENDER SERVICES**

**Presented before
The New York City Council
Committee on Immigration
Oversight Hearing: The Impact of New Immigration
Enforcement Tactics on Access to Justice and Services
March 15, 2017**

I. Introduction

My name is Andrea Sáenz. I am the supervising attorney of the New York Immigrant Family Unity Project (NYIFUP) at Brooklyn Defender Services (BDS). NYIFUP is New York City's groundbreaking, first-in-the nation program providing quality counsel to immigrant New Yorkers who are detained and facing deportation and separation from their families and communities. I thank the City Council Committee on Immigration, and in particular Chair Menchaca, for this opportunity to testify about the impact of new immigration enforcement tactics on access to justice and services in New York City

BDS is the largest legal services provider in Brooklyn, representing nearly 40,000 low-income New Yorkers each year who are arrested, charged with abuse or neglect of their children or face deportation. Our immigration practice represents more than 1,000 immigrant New Yorkers every year by advising BDS's criminal defense attorneys and their noncitizen clients on the immigration consequences of guilty pleas through our *Padilla* Unit, providing deportation defense through the City Council-funded NYIFUP program, and providing affirmative application assistance for immigrant clients from all of BDS's practice areas through out Youth and Communities Project. I will speak today about the trends that we are seeing across all three of our Immigration units and how they affect the communities we serve.

II. In Criminal Court

Inability to counsel non-citizen criminal defense clients on pleas

In 2010, the U.S. Supreme Court held in *Padilla v. Kentucky* that the Sixth Amendment requires defense counsel to provide affirmative, competent advice to a noncitizen defendant regarding the immigration consequences of a guilty plea.¹ One in four of BDS's criminal defense clients are not U.S. citizens and, under the president's new enforcement priorities, they are all now priorities for deportation by virtue of having been arrested.

Trump's Executive Order upends the prior enforcement priorities for undocumented people and people with legal immigration status alike. It used to be that some immigrants who were convicted of minor crimes were not deemed enforcement priorities. In addition, non-citizens were not considered priorities just by virtue of having been accused of a crime. After the new executive order, anyone with any criminal history or open charge is a priority, as well as anyone who has committed acts that constitute a chargeable criminal offense.

This sows fear and confusion for our immigrant clients. Understandably, our criminal defense clients may see their defense attorneys as agents of the state, impacting our ability to build trusting relationships that allow us to help our clients achieve their own personal goals and the best possible outcome in the case. How can they trust us if we cannot accurately advise them? Indeed, I believe that the current state of affairs endangers our ability to provide effective counsel under the standard articulated in *Padilla v. Kentucky*. Judges, prosecutors, court-mandated service providers and other players in the court system are likewise confused about how to handle cases involving non-citizens.

NYPD fingerprinting and Broken Windows policy leads ICE directly to our clients

NYPD's policy is to fingerprint anyone who is arrested, even if only for a low-level offense like fare evasion. Some police armed with tablets are even fingerprinting people in their neighborhoods, without even making an arrest that leads to a trip to the precinct and processing at Central Booking.² Fingerprints collected by the NYPD are transmitted to the FBI, who in turn can share them with the Department of Homeland Security, potentially leading to an arrest by ICE and deportation. Even if a district attorney declines to press charges, an immigrant is put at immediate risk of being found by ICE. Broken windows policing, or the criminalization of the most minor offenses, even without a resulting conviction, thus directly sends thousands of immigrants and their fingerprints to the federal government every year.

Over the past three years, the BDS immigration practice has represented dozens of detained clients in deportation proceedings for underlying "crimes" like possession of small amounts of marijuana, turnstile jumping, and possession of "gravity knives" (really work tools carried by laborers, often required by their union contracts, and

¹ *Padilla v. Commonwealth of Kentucky*, 559 U.S. 356 (2010).

² Tatiana Schlossberg, *New York City Police to Be Equipped with Smartphones and Tablets*, N.Y. TIMES, Oct. 24, 2014, available at <https://www.nytimes.com/2014/10/24/nyregion/new-york-city-police-to-be-equipped-with-smartphones-and-tablets.html>.

purchased legally at major retailers like Home Depot). Many of these clients are legal permanent residents who had been living in the U.S. for dozens of years with these minor convictions on their record before they were swept up by ICE.

Courthouse Arrests

Unlike attorneys in other boroughs, we have not seen an uptick in courthouse arrests by ICE in Kings County in 2017. That being said, courthouse arrests occurred throughout the past presidential administration. Our internal records indicate more than one dozen BDS clients have been arrested in Brooklyn courthouses and taken into ICE custody in the past four years. A BDS client from Guatemala had the story of her courthouse arrest chronicled in the *N.Y. Times* in 2014.³ Most recently, in November 2016, a criminal defense client who was receiving treatment services through the Brooklyn Mental Health Court was arrested by ICE in the hallway of Brooklyn Supreme Court while he waited with his attorney for his case to be called. Our client had been reporting regularly to the criminal court for the past six months in accordance with his mental health court treatment plan. Our client has mental health diagnoses and had been hospitalized just prior to his ICE arrest in relation to his diagnoses.

Recommendations:

1. **End Broken Windows Policing.** The City Council must be a leader, calling upon the Mayor and the NYPD to end broken windows policing, a policy that, in criminalizing even the smallest of offenses, puts thousands of immigrants in danger.
2. **Pass legislation banning ICE from city buildings, including our courthouses.**
3. **Monitor the Implementation of the Criminal Justice Reform Act.** You must also ensure that the implementing language of the Criminal Justice Reform Act, passed by City Council last year, is very restrictive to require civil summonses in all but the narrowest group of well-defined cases.
4. **Work with District Attorneys to develop practices to protect immigrants.** We offer our thanks to Speaker Mark-Viverito for working with the DA's Offices to implement programs for warrant amnesties. We also ask the council to urge DA's to expand the use of the criminal case disposition Adjournment in Contemplation of Dismissal (ACD) and allow defendants to enter into diversion programs without first entering a guilty plea, similar to the procedure provided by CPL § 216.05(4).
5. **Urge Governor Cuomo to exercise his pardon power to protect immigrants from deportation.** The City could fund community organizations or partner with *pro bono* law firms to file pardon applications and do pardon advocacy.
6. **Work with city agencies and community organizations to ensure that information that is disseminated to the public is accurate, especially**

³ Kirk Semple, *Advocates Seek to Make Courthouses Off Limits for Immigration Officials*, N.Y. TIMES, May 26, 2014, available at <https://www.nytimes.com/2014/05/27/nyregion/advocates-seek-to-make-courthouses-off-limits-for-immigration-officials.html>.

as it relates to the immigration consequences of criminal court involvement.

III. In Federal Immigration Court

Rising caseloads

This month, the immigration docket at the federal courthouse at Varick Street added a third intake day. The courts are moving so quickly with cases that we cannot pick up cases fast enough. And so far, these are cases that were brought into the system during the Obama administration. We have not yet even seen the people who were arrested by ICE after President Trump took over. The third intake day is already exceeding our capacity to serve our existing clients, yet we expect further increased caseloads as we begin to see the results of the new enforcement priorities.

To make matters worse, not only are we seeing more cases, but we are seeing that ICE has become harsher towards our clients than they were even just last year.

Asylum seekers no longer being released on bond

For existing cases, we are seeing decreases in the use of prosecutorial discretion and discretionary release. Before last week, we had not had an asylum seeker released on bond in more than six weeks. It appears that the White House's January 25 executive order on border enforcement had the effect of ICE refusing to release detained asylum seekers even where they had passed an initial screening interview and had a sponsor or family member with lawful status ready to house and support them. We have had a few releases since starting to file federal habeas corpus litigation against this practice, but remain concerned that going forward ICE's default will be to detain everyone, including asylum seekers, parents, and victims of violence and trauma, and to fight release however we seek it.

ICE targeting people who won relief but have not yet received their visas or green cards

We are also seeing that NYIFUP clients who have been granted relief but have not yet received their green cards are being sought out by ICE and re-arrested. For example, we represent a 16-year-old client from Central America who has an approved Special Immigrant Juvenile Status (SIJS) application who was arrested by the ICE gang unit and is now in secure detention. While his SIJS application was approved, he has not yet received his visa number from USCIS. It is unclear to us why he was taken into detention by ICE, as he was not arrested by the NYPD or did not try to re-enter the U.S., two reasons that people are sometimes re-detained after release.

Arrests in the courthouses

Our immigration clients, like our criminal defense clients, are scared to go to court. ICE agents now roam the hallways and last fall we often observed ICE agents arresting people in the courts. This was uncommon in recent years.

ICE OSUP check-ins

In some cases, ICE may decide not to execute a final removal order and might instead issue an “Order of Supervision,” or OSUP. A “post-order-of-removal” Order of Supervision may be issued under limited circumstances, such as when ICE determines the individual cannot be removed due to his or her country’s refusal to accept them, or when it is otherwise impracticable or contrary to the public interest to remove the individual. An Order of Supervision is considered to be a “humanitarian act” on the part of ICE, and may be available if the non-citizen is the primary care giver to a child with a medical condition, or if they themselves are receiving medical treatment for a serious condition, etc. The Order of Supervision will direct the non-citizen to appear at regular ICE check-ins, usually every few months and at least once a year.

Our clients who have been attending regular OSUP check-ins for years are now terrified to appear before ICE. One of our NYIFUP clients who was released from detention because he had a heart attack while in custody was recently hospitalized because of the stress and fear of deportation. Clients who previously checked in once or twice a year are now being asked to return in a couple of weeks or a month with their passports, ostensibly to facilitate deportation.

Our attorneys and office staff who are already overworked are doing their best to accompany our clients to these check-ins, but we simply do not have the capacity to meet the need and quell the fears of our clients.

The Need for NYIFUP

NYIFUP attorneys have never been more important. We are a human shield for our clients, doing everything in our power to show them compassion in a system that increasingly views our clients as deportable others – “criminals” or “aliens” with rights that can and are regularly trampled on. Even when we lose our client’s case, we provide them with the opportunity to share their story with the prosecutor and judge and make the case why they deserve to remain in this city with their family and community.

The Council’s commitment of universal representation for every detained person who meets the income requirements of NYIFUP is critical to ensure that every person who comes before immigration court in New York City is afforded the right to make their case, no matter their background. We have had cases with clients convicted of crimes that we later successfully vacated because they were innocent or wrongly charged. By building trust and rapport with our clients, many of whom are survivors of incredible violence and trauma back in their home countries, we investigate and present evidence about why our clients’ “criminal acts” are often the direct result of the trauma they have suffered. We have uncovered that many clients were actually U.S. citizens, but often

never had the resources or tools to find the evidence to prove their citizenship until they were appointed a NYIFUP attorney. NYIFUP is the strongest example of our City's commitment to immigrant New Yorkers, made stronger still by your commitment to universal representation – the belief that all people are worthy of representation.

Recommendations:

- 1. We ask that the City double current funding levels for the New York Immigrant Family Unity Project to ensure that every detained New Yorker has access to representation when facing deportation.**
- 2. The city should increase funding on complex cases, whether in removal defense, affirmative applications, motions to reopen and stay of removal, or even for accompaniment of people to their OSUP check-ins.**

In the Community

Clamoring for Know Your Rights

Since the presidential election last fall, our office has received increasing requests from the community to present Know Your Rights trainings to the community. Since the first immigration Executive Order was announced we are now receiving near daily requests for assistance from elected officials, community-based organizations, city agencies, religious institutions and the press. We are doing our best to meet the demand, but regularly have to turn down requests because we do not have the capacity.

Daily Calls from Current and Former Clients

All of our attorneys and paralegals have seen a huge increase of panicked calls from our clients, current and former, about what to do if ICE is at their door, whether or not they can travel, what they should be doing with their US citizen children, whether they should appear in court, requesting immigration legal services for their loved ones, and more.

In short, our communities are panicked and need the support of legal service providers more than ever. We want to continue to support all of our former and current clients, as well as serve more people, but our capacity is limited by the resources currently available to us.

Recommendations:

- 1. We ask that the Council fund legal service providers to perform community outreach, do know your rights presentations, conduct free legal screenings, and handle both straightforward and complex cases.**

Conclusion

The New York City Council has demonstrated its leadership and support for immigrants through funding to legal service providers and the creation of NYIFUP. The way to help protect the rights of New Yorkers is by providing them education, legal counsel and support, and ending Broken Windows policing. BDS works to support immigrants and their families and communities every day, but the need for our services and the services provided by the dozens of other legal service providers and grassroots organizations is more acute than ever. We look forward to keeping you abreast of what we see every day on the ground and working together to craft policy responses that will help protect immigrant New Yorkers, strengthen families and stabilize communities.



Asian American Federation

Testimony to New York City Council Impact of New Immigration Enforcement Tactics on Access to Justice and Services

March 15, 2017

Thank you, Councilmembers. I am Jo-Ann Yoo, Executive Director of the Asian American Federation.

Under the mission of raising the influence and well-being of the pan-Asian American community through research, policy advocacy, public awareness and organizational development, the Asian American Federation (AAF) is a leadership convener that works with over 70 Asian social service organizations in New York City. We have played a key role in highlighting and advocating for the most pressing needs of the pan-Asian American community since 1989.

This morning, I am here to share with you the concerns of our member agencies on the impacts of the federal immigration enforcement on our city's pan-Asian community. As all of you are aware, Asian Americans are the fastest growing group population. In New York City, Asians are over 15% of the population, with 70% being immigrants. Asian population continues to be the only one to grow in all five boroughs. With traditional ethnic enclaves like Manhattan, Flushing and Sunset Park's Chinatowns and Jackson Heights anchoring our community, Asians have moved beyond these neighborhood centers, and now have become over 12% of the population in 26 council districts in New York City.

Migration Policy Institute estimates there are almost 150,000 undocumented Asian immigrants living in NYC in 2014. In 2014, the total Asian population was just under 800,000, which means that about 19%, or 1 in 5 Asian immigrants may be undocumented in NYC. (The statistics did not include Staten Island so the numbers will be higher)

Center for Migration Studies estimates there are nearly 200,000 immigrants from Asia who would be eligible for naturalization in NYC. There were 368,724 non-citizen Asian residents in NYC. Therefore more than half (55%) of Asian non-citizens were eligible for naturalization.

2014 American Community Survey showed that 95% of Asian children in NYC have at least one immigrant parent. This compares to 60% of Hispanic children and 39% of non-Hispanic White children.

I share these statistics to highlight that immigration is most important issue in our community. These days, like all immigrant communities, the fear in our community is palpable, and each Executive Order turns up the fear that much more.

I want to share a list of our concerns:

1. Most nonprofits are getting crushed from requests for information. Whether a nonprofit group works on immigration versus integrated issues, the fact is that every group now spends significant time addressing “immigration” questions, and how changing policies will impact our families. Yet, for almost ALL the groups, this is UNFUNDED work.
2. AAF, in partnership with the Council of Peoples Organization and the Chinese Progressive Association, has a NYS Office of New Americans Opportunity Center in Brooklyn. These days, we are seeing an unprecedented demand for naturalization services. Obviously, the most desperate situations are those residents with complex immigration needs. The time they need with an attorney is not merely an hour to fill out forms, but to examine every life situation of the applicant. Right now, COPO’s office is filled with clients asking for immigration assistance. We need access to immigrant attorneys, but also to hire in-office staff to process the clients.
3. Sadly, vulnerable immigrants are also the victims of fraudulent legal service providers. There is a dearth of immigration attorneys with cultural and linguistic expertise to address the rising demand. How do we help the most desperate from being victimized?
4. While the federal travel bans have not named Asian countries, our Muslim, Arab, South Asian (MASA) families and neighbors continue to be targeted by racism and Islamophobia. Despite assurances from our City and State leadership that there will not be cooperation with ICE, there is tremendous uncertainty and fear in light of the fact that this part of our community has been subjected to the National Security Entry-Exit Registration System (NSEERS). How will NYPD build relationships with the MASA community?
5. Parents and students are afraid of going to school. There are many unanswered questions: What happens when ICE comes to school with warrants? What happens when unauthorized immigrant parents get picked up while the kids are at school? How do parents locate their children if the kids are picked up at school? AAF has been asking for guidance for public school parents to make plans in case families are separated. We work with six elementary schools where there are significant unauthorized parents-citizen children populations. We know that parents leave the City to find jobs, leaving their children in care of grandparents and neighbors. What happens when the parents do not make it home? What happens to the children? Do they go into the city’s foster care system? How do we quietly –without scaring the children- help parents make realistic plans should the unthinkable happen?
6. During our trainings and seminars, we are hearing of harassment on ALL pan-Asian community members. The most disturbing was about seniors being verbally harassed in Queens, but the victims were afraid to report it. When citizens and green card holders are afraid of reporting crime, what happens when you are an unauthorized immigrant and a victim of a crime? Do you go to the police in fear of getting yourself in trouble?
7. What happens when those most vulnerable –those working the most difficult jobs because they lack proper immigration papers- are driven deeper underground? Are we creating an entire new class of exploited labor? How will our economy protect these residents?

8. The most heartbreaking question I personally get is the one on whether citizens and green card holders can be deported. The fear of immigration enforcement is not JUST among the unauthorized community, but ALL families.

For the pan-Asian community, there is a perception that we are “the other,” those who do not belong here. In the past 2 weeks, there were at least 3 shootings targeting South Asian and Sikh men in the country. One of those victims was killed. The men heard “go back to where you came from” as they were being shot. Like all immigrants, we are terrified!

Thank you!



Make the Road New York Testimony
New York City Council Committee on Immigration Oversight Hearing
The Impact of New Immigration Enforcement Tactics on Access to Justice and
Services
Presented by Amy Taylor, Legal Director
March 15, 2017

Good Afternoon. My name is Amy Taylor, and I am the Legal Director at Make the Road New York. Thank you to the City Council, Committee Chair Menchaca and the Committee on Immigration for creating this opportunity for testimony on the impact of recent ICE enforcement on New York City's immigrant communities.

Make the Road New York is the largest grassroots immigrant organization in New York City working to build the power of Latino and working class communities to achieve dignity and justice through organizing, policy innovation, transformative education, and survival services. With a membership of over 20,000 low-income individuals and 20 years of history in the outer boroughs, we tackle the critical issues facing our community, including workers' rights, tenants' rights, language access, LGBTQ justice, health care access, youth development and immigrant civil rights. Our vibrant community reaches from Jackson Heights, Queens to Bushwick, Brooklyn, to Port Richmond, Staten Island and our community centers draw upwards of 15,000 people annually for adult literacy classes, legal and support services, and thousands more for community education meetings and campaign planning.

As we are all aware, immigrant communities are under attack. The fear felt by our members and clients is palpable when they enter our offices and ask whether it is safe to travel, to go to work, to drive, to show up at their court date – even whether to get on the subway. And, we are hearing concerns about the safety of seeking medical care or applying for public benefits on a daily basis.

New York City has been a national leader championing policies to stop the separation of immigrant families by ending collaboration with ICE's inhumane enforcement activities through our detainer laws, providing counsel to detained immigrants facing deportation through the NYIFUP program and sending a clear message to our immigrant community members that they are welcome here and make our City stronger, through our Municipal ID and other immigrant-friendly

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programs. It makes a huge difference when we counsel families with a detained loved one, when we can assure them that they will be given a high quality lawyer for free because New York City has their back. We must continue to support immigrant communities by strengthening all City policies that protect immigrant families. This means standing firm in the defense of our detainer laws in the face of bullying from the federal government and continuing to fund and expand universal representation under the NYIFUP program.

One area of concern for our members is the presence of ICE in the City's courthouses. We have heard stories, like that of Lucila today, from individuals who have been picked up by ICE in front of their partners and children outside of the courthouse after a court appearance. Many of our clients and members are now scared to go to family court as well as criminal court. ICE presence in our courts is terrible public policy and creates a clear disincentive to show up to court appearances. News travels fast in this day and age. Our communities know about Ms. Gonzalez, a trans woman ~~from Texas who was detained in the courthouse while attempting to obtain an order of protection~~ against her abuser. ICE presence in our halls of justice sends the message that immigrant crime victims are not even safe reporting crimes. The City must explore all options within its power to prevent ICE from making arrests in any courthouse.

Black and brown communities have always feared the police. Under this President's new enforcement priorities, this fear reaches anyone who has had even the most minor contact with the criminal justice system. In a City with a charged history of racially biased policing, this touches on a huge percentage of our City's residents. We do a lot of work to ensure crime victims that it is in their best interest to report crimes to the police, but we often cannot instill enough confidence in our clients to convince them to do so. New York City must continue to boldly proclaim that immigrants who report crimes or who serve as witnesses will be protected. Furthermore, we must continue to pass the most protective policies to limit information sharing between our City and the federal government in order to safely assure New Yorkers that they can access the vital government services they need to support their families. Finally, the City must pass the Right to Know Act immediately and end Broken Windows policing which, by criminalizing minor acts, ensnares thousands of immigrants a year in the criminal justice system. Until this pipeline to deportation is ended, New York City's immigrants, including green card holders and refugees, remain at heightened risk.

The hateful and xenophobic rhetoric coming out of Washington, including the most recent

Executive Orders addressing immigration policy, have emboldened many bad actors to use threats of ICE enforcement against vulnerable immigrants in more ways than ever. Employers are threatening workers who might report abuses or discrimination. Landlords are using threats of ICE enforcement as a direct form of tenant harassment. And hate crimes against LGBTQ immigrant communities continue to instill fear across the communities we serve. The City must ensure that it is appropriately addressing this severe harassment of immigrant communities. The City must ensure that the NYPD is working harder than ever to build trust in immigrant communities. It must monitor the provision of language access services carefully across City agencies, especially at local police precincts where immigrants can report crimes. The City should also make sure that the New York City Human Rights Law, one of the strongest civil rights laws in the country, is enforced to the fullest extent possible to address racial discrimination and harassment in the workplace, in housing and in places of public accommodation. The City should also support an increase in legal services of all kinds for vulnerable immigrant communities.

Immigrant New Yorkers, both documented and undocumented are living in constant fear of a knock on their door. New York City must continue to lead the nation with the most forward-thinking and strongest pro-immigrant policies. We must stand up and do the right thing for our immigrant neighbors. Thank you for your leadership and continued dedication to these issues.

**NEW YORK CITY COUNCIL
COMMITTEE ON IMMIGRATION**

**Oversight Hearing: The Impact of New Immigration Enforcement Tactics on
Access to Justice and Services**

March 15, 2017

**Testimony
of
Professor Peter L. Markowitz
Cardozo School of Law**

I am Peter Markowitz, Professor of Law at Cardozo School of Law where I direct the Kathryn O. Greenberg Immigration Justice Clinic. Thank you to Chairman Menchaca for the opportunity to testify here today and for your outstanding and forceful leadership on behalf of New York's immigrant communities. Thank you also to the other committee members, to the Speaker and to the New York Council as a whole. Together with Mayor de Blasio, this Council deserves a tremendous amount of credit for enacting the most effective bundle of municipal immigration policies in the country.

In trying to assess the impact of new immigration enforcement tactics, it is critical that we start by taking stock of ways New York City law and policy interface with existing immigration enforcement schemes. Collectively, New York City's detainer law, the IDNYC program, the New York Immigrant Family Unity Project and the executive orders limiting the collection and dissemination of immigration status information, make New York City the safest and most welcoming city for immigrants in the nation. The detainer law—which prohibits the unnecessary transfer of New York City residents from our city criminal justice into immigration detention—

prevents 3000-4000 thousand New Yorkers each year from being funneled into the black hole of immigration detention. The IDNYC program is the largest municipal identification program in the country and, together with the executive orders, ensures that all New Yorkers feel safe accessing vital services and facilities throughout the city, regardless of federal immigration status or lack thereof. Finally, the NYIFUP—the nations first public defender system for detained immigrants facing deportation—ensures that no New York family can have a loved one locked up and deported simply because they cannot afford an attorney. By providing city ~~funded lawyers to detained immigrants in the New York City Immigration Court,~~ preliminary data indicates that you have increased immigrants' chances of succeeding and remaining here with their families by as much as 1000%.

Taken together, these laws and policies have created the safest and most humane city for immigrants in the nation. By disentangling the city from abusive federal civil immigration enforcement activities and by ensuring that immigrants are afforded the most basic measures of due process, New York City prevents thousands of unnecessary deportations annually. Equally important, this bundle of policies, and the City's steadfast commitment to them, offer a significant measure of peace of mind to our immigrant communities, who feel under attack at this moment like never before.

In turn, the protection we provide to immigrants translates into substantial public safety benefits to all New Yorkers. As the Major Cities Chiefs Association has explained, the entanglement of local police with federal immigration enforcement efforts results in "increased crime against immigrants and in the broader

community” because it creates “a class of silent victims and eliminate the potential for assistance from immigrants in solving crimes or preventing future terroristic acts.” In January, the first comprehensive national study of sanctuary laws was released and confirmed this fact. The study demonstrated that, controlling for relevant variables, “crime is statistically significantly lower in sanctuary counties compared to nonsanctuary counties” with the most pronounced crime reduction in large metro sanctuary jurisdictions like New York City.

So as we look to what lays ahead for immigrants, and as we see our local policies under cynical politically motivated attack from the Trump Administration, it is critical that start by recognizing that those policies are under attack because they work. As Trump seeks to destabilize immigrant communities, sow terror and tear families apart, he takes aim our policies because they do the opposite. Thus, the most important thing we can do to protect immigrant families and create a safe city for all is to reaffirm our steadfast commitment to the core aspects of our municipal immigration policy.

In these first few weeks of the Trump Administration, we have seen a dizzying array of new draconian policy pronouncement on a broad range of immigration enforcement issues. Collectively the new executive orders and department memoranda include the wish list of policies that the nativist far right anti-immigrant fringe had developed over the last decade. The contents are too numerous to review exhaustively but three critical themes are clear:

First, Trump intends to attempt to draft local criminal justice systems into his the federal civil immigration enforcement apparatus. By rebooting the discredited

Secure Communities program, by reinvigorating the dysfunctional 287(g) program, and by taking aim and sanctuary jurisdictions, his objective is clear. He knows he can expand his ability to terrorize immigrant communities exponentially if he can co-opt local police.

Second, Trump intends to institute a shotgun style dragnet immigration enforcement regime designed to make every immigrant feel under siege. For years, various administrations have advanced priorities directing that enforcement resources be targeted at certain categories of immigrants—recognizing the reality that it is impossible and inhumane to deport all undocumented immigrants. The past priorities were often harshly and rightly critiqued as overbroad but at least they were priorities. The most recent priorities, for example, have been estimated to apply to under a million of the 12 million deportable documented and undocumented immigrants. While Trump claims to have instituted new “priorities,” they sweep so broadly that the virtually all of the nation’s 12 million deportable immigrants are now “priorities”—or put another way it means there are no priorities. Trump still lacks the resources to deport all 12 million, so what possible sense does it make not to prioritize. The answer, I think, is that his new enforcement regime’s primary goal is not public safety at all but rather it is aimed at sowing terror—he wants every immigrant in the United States to feel like they are a target.

Third, Trump aims to coerce immigrants with a legal right to remain in United States into abandoning their homes and families. The primary tools of coercion he envisions are a massive increasing detention and a dramatic decreasing

due process for immigrants facing deportation. If he can subject immigrants to enough hardship and deprive them of enough hope, he and the nativist forces that now control our national immigration policy, believe they can begin their project of ethically cleansing our nation of the Brown and Black immigrants.

Most of the new enforcement policies announced by the Trump Administration have yet to take effect. And, to be clear, just because someone wrote it on a piece of paper and Trump signed it, doesn't mean it will happen. As he learned with his failed Muslim ban, the courts, the Constitution, and the people remain a real check on his power. And it is not at all clear that even the Republican Congress is willing to write him a blank check for the wasteful and inhumane immigration policies he envisions.

But some things have already begun to impact our communities in real and devastating ways. The elimination of enforcement priorities, for example, is already being implemented. In addition, unlike the career personnel at agencies like DOJ or EPA, who are and will be a clear-eyed force of internal resistance to presidential overreach, the agents who populate the lower ranks of the Department of Homeland Security have a culture of hostility to both immigrants and to the constitutional principles that are supposed to constrain them. DHS agents have heard loud and clear the signal from the Oval Offices that it is open season on immigrants and on our constitution and we are seeing the results in news story after news story of abuse and overreach.

We've heard the story of Daniela Vargas, the DACAmented young woman in Mississippi arrested by DHS for speaking out against her father's detention. And the

story of Daniel Ramirez Medina, DACAmented young man from Seattle, arrested at his father's home for having a tattoo from Mexico. And the story of Irvin González, the domestic violence victim arrested at court in Texas, where she went to seek a protective order. And we have heard the stories of the many many New Yorkers who have experienced ICE's increased practice of arresting people in and around New York City courts.

While we have yet to see widespread systemic implementation of most of Trump's new enforcement policies, New York City's immigrant communities have received the message loud and clear and are terrified about what is coming. I have been representing immigrant communities in New York for over fifteen years now and I have never before seen the level of terror that is now gripping out communities. Imagine living in fear that, at any moment, armed men could breakthrough your front door and sweep away your mother, father or child. Imagine the anxiety of leaving home each day for work fearing that you could be arrested at any moment and summarily removed, never again to get to lay eyes on your children, not knowing who will care for them if you are taken. This is the kind of community terror that is familiar to people around the world living under dictatorships, knowing that the government could disappear a person at any moment.

The fear is already having a huge impact on New Yorkers. I have heard from New Yorkers, who are afraid to leave their houses or take the subway. New Yorkers who have abandoned city services and missed court appearances because they fear ICE will be waiting for them. I heard from a local soup kitchen recently, that a long

line of immigrants waiting for food fled when a NYPD Community Affairs officer began speaking to people on the line. He was there to help but with immigration agents routinely and deceptively identifying themselves as police officers, New Yorkers don't know who they can trust.

So what do we do as New Yorkers to respond to this existential threat to our community. We need to do three things.

First and foremost, we need to reaffirm our steadfast commitment to our existing core immigration policies: our detainer law, our IDNYC program, our New York Immigrant Family Unity Project and the commitment to confidentiality for immigrants accessing city services. These programs are our best defense against Trump by far and they put New York in a much better position than most jurisdictions around the country. We cannot be bullied into abandoning or weakening these core protections one iota.

Second, we need to identify smart ways to expand protections for immigrants in New York City. That means, ensuring that we write into law: (1) that all city agencies, including the NYPD, will respect the confidentiality of information about immigrant New Yorkers, (2) that unless DHS officers begin playing by the same rules as every other law enforcement agency, getting judicial warrants, they will not be permitted into private areas of city property; (3) that no New York City resources can be used to participate in federal civil immigration enforcement; and (4) that the NYPD will stop collecting place of birth information—information that is automatically shared with federal immigration authorities and triggers enforcement actions for many many New Yorkers.

Finally, as Trump has demonstrated so powerfully, perception matters. Just as his pronouncements are aimed at terrorizing immigrant communities, we need to attend with extreme vigilance to the intended and unintended messages we send to our immigrant communities through our own actions. We need to demonstrate at every turn that we stand with our immigrant communities. We need to make clear that any attack on them is an attack on all New Yorkers. When immigrants have been under attack, this Council has risen to the occasion time and time again. We need you now more than ever.

Testimony of Make the Road Member before the New York City Council
Committee on Immigration
Oversight Hearing on Recent ICE Enforcement
March 15, 2017

Good morning. My name is Lucilla and I am member of Make the Road NY. Thank you for allowing me to testify today and thank you to Council Member Menchaca and the members of the immigration committee for taking the time to address these important issues.

I would like to tell you about the great pain that my daughter and I are going through. My husband was arrested on February 3rd this year by ICE agents, in the presence of my daughter and myself. My husband is STILL detained by immigration. Since that day we have not been able to see him. This has been an anguish and a very difficult process for all of us.

My husband is the protector and the provider in our home. I had a home and a family but ICE broke it from the moment they separated my husband from our side. Now we live in fear because we are left alone (without my husband who was the sole provider). My husband and I have been together for a lifetime. We have known each other since we were 12 years old and from that moment we began our life together. God gave us a blessing, our daughter, who is 16 years old. Our daughter is truly blessing.

This separation has emotionally affected my daughter, her school performance shows just that. She feels devastated because they took away her father, My husband is a good and hard working man with a big heart. My daughter and I will continue to fight and share our story until my daughter and I will reunite with my husband, her father.

Even though we are heartbroken by this, we will keep fighting not just for our family but for the many other families in our community that are affected by this separation. New York is our home and we are here to stay.



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Testimony prepared by

Rachel Sabella

for the

Committee on Immigration

on

**The Impact of New Immigration Enforcement Tactics
on Access to Justice and Services**

March 15, 2017

on behalf of

Food Bank For New York City

INTRODUCTION

Good afternoon Chairman Menchaca, and members of the Committee on Immigration. My name is Rachel Sabella and I am the Director of Government Relations at Food Bank For New York City. Food Bank appreciates the opportunity to present testimony today to the City Council for the oversight hearing on the "Impact of New Immigration Enforcement Tactics on Access to Justice and Services."

First, Food Bank For New York City thanks the City Council for your continued commitment to addressing the issue of hunger and ensuring that all New Yorkers have access to affordable, nutritious food. We are grateful for the City Council's longstanding leadership on this issue, and pleased to see continued progress on anti-hunger initiatives this past year. The Council's instrumental role in securing this past year's historic increases to emergency food funding, through both the City's Emergency Food Assistance Program (EFAP) and the Council's Food Pantries Initiative – including the creation of 16 new school pantries – has been especially

appreciated, alongside other robust efforts to support food-insecure New Yorkers, including many immigrants.

For more than 30 years, Food Bank For New York City has been the city's major hunger-relief organization, working to end food poverty throughout the five boroughs. Nearly one in five New York City residents relies on our programs and services. Through our network of 1,000 charities and schools citywide, Food Bank's food distribution provides approximately 63 million free meals for New Yorkers in need. Food Bank For New York City's income support services, including SNAP (Supplemental Nutrition Assistance Program) enrollment and free tax assistance for the working poor, put more than \$150 million each year into the pockets of New Yorkers, helping them to afford food and achieve greater dignity and independence. In addition, Food Bank's nutrition education programs and services empower more than 45,000 children, teens and adults to sustain a healthy diet on a low budget. Working toward long-term solutions to food poverty, Food Bank develops policy and conducts research to inform community and government efforts.

My testimony today will focus on hunger in New York City, how immigration status relates to anti-hunger policies and programs, and what we are able to discern at this point about the impact of the federal government's changing stance on immigration enforcement policies and tactics..

HUNGER IN NYC AND THE ABILITY OF IMMIGRANTS TO ACCESS SERVICES

Our city measures food insecurity – the lack of access to sufficient food for an active, healthy life – using the Meal Gap, which represents, in lost meals, the financial resources food-insecure households need – but lack – to maintain an adequate diet year-round.¹

New York City's meal gap (as of 2014, the most recent year for which data is available) is 242 million meals.² Disaggregated by borough, the Meal Gap for:

- the Bronx is 46.7 million;
- Brooklyn is 90 million;
- Manhattan is 43 million;
- Queens is 52.6 million; and
- Staten Island is 8.5 million.

When individuals or families struggle to afford food, a robust safety net of anti-hunger policies and programs provides a backstop against hunger for poor and vulnerable Americans. I will briefly summarize how access to this safety net is affected by immigration status.

The Supplemental Nutrition Assistance Program (SNAP)

SNAP is our nation's first line of defense against hunger. It is a means-tested program that provides households who meet the eligibility criteria a monthly food budget that enables them to purchase the food they need at a variety of retailers, from supermarkets to farmers markets. As

¹ The meal gap was developed for Feeding America by food insecurity expert Dr. Craig Gundersen of the University of Illinois at Urbana-Champaign. When the City Council legislated that the Administration report food insecurity annually as part of its food metrics report, the Meal Gap was adopted by the City of New York as its official food insecurity metric.

² Gundersen, C., A. Dewey, A. Crumbaugh, M. Kato & E. Engelhard. Map the Meal Gap 2016: Food Insecurity and Child Food Insecurity Estimates at the County Level. Feeding America, 2016.

of December 2016, approximately 1.7 million New York City residents receive SNAP, with household benefits averaging \$260 per month.³

In order to apply for SNAP, adult immigrants who meet the program's other requirements – including documentation of income and household size – must have been legal permanent residents for at least five years. This residency requirement does not apply to children under the age of 18. While this enables ineligible low-income immigrant adults to apply on behalf of their eligible children, this concept of “mixed eligibility” within a single household has, in practice, created confusion within immigrant populations and resulted in under-participation of eligible immigrant households.

Most importantly, participation in SNAP is not considered a public charge – that is, participation will not impact consideration of an immigrant's citizenship application in the way that receipt of cash assistance would. Even so, research has found that many legal permanent residents have opted not to apply for fear that enrollment would compromise a pending or future citizenship application. Outreach workers in immigrant communities have, for years, worked to educate the public to dispel this myth.

Child Nutrition Programs

Immigration status is not required as an eligibility criterion of the federal child nutrition programs – the National School Lunch Program, the School Breakfast Program, the Child and Adult Care Food Program (CACFP), and the Special Supplemental Nutrition Program for Women, Infants and Children (WIC). These programs provide food to low-income children at home, at school, in day care and after school, ensuring all children have the vital nutrition needed to grow and thrive.

Emergency Food

A network of close to 1,000 food pantries, soup kitchens and other community-based organizations provide food for free to those who need it. This charitable network serves nearly 1.4 million New York City residents; of them, approximately 77 percent are United States citizens.⁴

Government resources supply a substantial portion of the food distributed by food pantries and soup kitchens. The federal government's Emergency Food Assistance Program (TEFAP) is the single biggest source of emergency food; after it is New York City's Emergency Food Assistance Program (EFAP). Non-discrimination – with respect to race, religion and immigration status – is a condition of receipt and distribution of these resources. In order to receive emergency food, a person's need is the only criterion that matters.

IMPACT OF NEW IMMIGRATION ENFORCEMENT TACTICS ON ACCESS TO SERVICES

The current state of hunger is uncertainty. That is especially true for immigrants facing hunger, many of whom are currently facing something even stronger – fear. The anecdotal information we have received in recent weeks demonstrates the substantial harm fear can do even where formal policy changes have not yet happened.

³ New York State Office of Temporary and Disability Assistance.

⁴ *Hunger's New Normal: Redefining Emergency in Post-Recession New York City*. Food Bank For New York City. October 2013.

It is important to note that my testimony today is based on anecdotes from our network – it is too early for the data to reflect any changes. Members of our SNAP Task Force have reported calls from immigrant families requesting assistance with *dis*-enrolling from SNAP – for fear that the leaked draft executive order that would SNAP as a public charge will become official policy, some low-income families are taking preemptive action to take themselves off the program.

In addition, a number of food pantries, soup kitchens and other emergency food providers from within our network have reported seeing fewer people in line; they are attributing it to fear. People are afraid to seek out help, as they do not want to draw unnecessary attention.

Anything that drives people into the shadows increases hardship. If immigrants are choosing out of fear not to seek out the food assistance and other services their families need to survive, this will increase hunger in our city and our country. It is heartbreaking that many people feel they have no other choice but to hide.

Food is a survival resource. There is not citizen test, not a religious test, no racial nor ethnic test for receiving emergency food. This is a requirement to operate to receive many government resources. To be in compliance, soup kitchens and food pantries must serve food in a non-discriminatory way, and cannot close the door to anyone in need. Food Bank For New York City's network is there to provide help and food assistance when people feel they have no other options.

Food Bank For New York City will continue to maintain close communications with our network of agencies as we navigate these troubling, fear-filled times to best serve New Yorkers in need. We are grateful to the City Council for holding this hearing today and continuing to fight for what is best for New Yorkers in need. We stand at the ready to support and work with you in these endeavors.

Thank you again for the opportunity to testify today.



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**Testimony of Joel Berg, Chief Executive Officer
Hunger Free America**

**Hearing Before The New York City Council Immigration
Committee**

**Oversight: The Impact of New Immigration Enforcement Tactics on
Access to Justice and Services.**

March 15th, 2017

My name is Joel Berg, and I am the Chief Executive Office of Hunger Free America. Formerly called the New York City Coalition Against Hunger, Hunger Free America changed its name in 2016 to better reflect the broad scope of our national work. This was also accompanied with intensifying our local efforts under the new name, Hunger Free New York City.

I would like to thank Chairman Menchaca and the rest of the Committee for your work, and especially for the opportunity to testify today before the Council's Committee on Immigration.

I would like to start by noting that on February 25, 1923, my mother, Bella, two months old, arrived at Ellis Island on the S.S. Minnekahda, along with her two parents, Etel and Levi. My father's two parents were also immigrants from Eastern Europe. While none of them were legally classified as refugees, they were clearly fleeing the anti-Semitic violence and destitution so common in their homelands. Odds are, had they not escaped, they would have been killed during the Holocaust or in a pogrom, as were many other members of my family who stayed. Thus I, and tens of millions of fellow descendants of immigrants, literally owe our lives to welcoming US immigration policies when our families arrived. I say to Americans who are children, grandchildren, or great grandchildren of immigrants (as most Americans are), and somehow oppose innocent refugees entering our nation, I urge you to reflectively contemplate whether you may be hypocritical.

Approximately 1.4 million New York City residents lived in homes experiencing food insecurity between 2013-2015. This includes one in five children in the city and one in eight seniors. Many New Yorkers facing hunger are immigrants, although immigrants who become naturalized citizens actually have lower poverty rates and higher incomes – and thus, less hunger – than native-born Americans.

ENDING HUNGER LIFTS US ALL



An improving economy has, at least in part, resulted in fewer households participating in SNAP; however, many families are still left behind. As of January, New York City had approximately 1.69 million SNAP participants, with an additional half a million people eligible but not participating. Hunger Free NYC's Annual Hunger Survey has shown seven consecutive years of growing demand at emergency food programs such as food pantries and soup kitchens, most recently growing by 9% in 2016 alone. Access to government programs such as SNAP, as well as to emergency food programs, is vital to ensuring that New Yorkers have access to sufficient, nutritious food.

While Federal courts litigate the constitutionality of the President's Executive Orders¹² regarding immigration and associated enforcement activities, the reality is that they have already exacted a significant human toll on families in New York City. According to a 2013 New York City Department of City Planning report, approximately six in ten New Yorkers are immigrants or the children of immigrants.³ Given this demographic reality, it is no surprise that New York City is feeling the chilling effect of the new Administration's efforts.

Through Hunger Free New York City's benefits outreach and Food Action Board organizing, we have received calls from families deciding to discontinue their participation in public benefits to which citizen members of their household are entitled because of fear of immigration enforcement activity. We have also heard stories on the ground about families living in fear at the hands of U.S. Immigration and Customs Enforcement (ICE) agents, as well as fear of President Trump's anti-immigrant executive orders.

One family that spoke to us has three people, two adults and one child, all of whom have been Legal Permanent Residents for over five years. Only two of the household's members are eligible for SNAP, as one of the adults is a full time college student. Since October of last year, they have received \$357 a month in SNAP benefits, but they have asked to be taken off of SNAP because of fears that it will limit their ability to become U.S. Citizens.

Another undocumented female client, whose household has two citizen children, decided to let her \$357 of monthly SNAP benefits, as well as her WIC and Medicaid benefits, expire because of her fears that those receiving public benefits would be among those first targeted for deportation. While they have occasionally gone to food pantries, even while on SNAP, her fear is that they have tracked the number of times she has visited, and that such information could also be used against her. Her solution to the loss of SNAP, WIC, and Medicaid benefits is to embark on part-time work, but with a four year old who is not yet in school, looming childcare costs could make that proposition all the more insurmountable.

¹ Exec. Order No 13767, 3 C.F.R. 8793-8797. <https://www.gpo.gov/fdsys/pkg/FR-2017-01-30/pdf/2017-02095.pdf>

² Exec. Order No 13768, 3 C.F.R. 8799-8803. <https://www.gpo.gov/fdsys/pkg/FR-2017-01-30/pdf/2017-02102.pdf>

³ New York City Department of Planning. *The Newest New Yorkers—2013 Edition*.

<http://www1.nyc.gov/site/planning/data-maps/nyc-population/newest-new-yorkers-2013.page>



There has been at least once confirmed case of ICE agents in Virginia targeting a homeless shelter. In New York City, there have been unconfirmed reports of roving bands of ICE agents outside of emergency food programs and other places in the community, including low-wage, hourly workplaces. These stories are indicative of the fears that the Trump Administration have, either intentionally or otherwise, stoked among the immigrant community in New York City and the country as a whole.

The reality is that under current law and regulation, only individuals receiving Temporary Assistance for Needy Families (TANF), extensive cash aid, and Medicaid institutional care are eligible for deportation or denial of Legal Permanent Resident (or other legal statuses) as a result of receiving public benefits.⁴ A broad range of public benefits for low-income individuals and families are exempted, including all forms of nutrition assistance, such as SNAP, WIC, school nutrition programs, and emergency food programs. Additionally, ICE policy memos from the Obama Administration direct ICE agents to avoid enforcement activities at “sensitive locations” such as schools, hospitals, places of worship (where some food pantries are located), or the site of a protest.⁵

However, the Administration’s current Executive Orders and enforcement activities provide a chilling precedent and a bellwether to their future actions. The Council should do everything in its power to ensure that New Yorkers who are in households with immigrants of any status understand their rights under the current law, as well as protect their ability to secure the American Dream through work and receiving the public benefits to which they are legally entitled. We must intensify our efforts to lobby our federal elected officials to protect, rather than harm, immigrants.

If the members of this Committee are interested in learning more through interacting with our clients and citizen advocates, we look forward to connecting you with those resources.

⁴ 64 C.F.R. 28689

⁵ U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement. Policy Number 10029.2.
<https://www.ice.gov/doclib/ero-outreach/pdf/10029.2-policy.pdf>



TESTIMONY

The New York City Council
Committee on Immigration
Carlos Menchaca, Chair

Oversight - The Impact of New Immigration Enforcement Tactics on Access to Justice and Services

Focus of Testimony: Impact on Immigrant Tenants and Communities

Urban Justice Center
Community Development Project
123 William Street, 16th Floor
New York, NY 10038

Prepared by Hillary Exter, Anti-Harassment and Tenant Protection Program Coordinator

The Urban Justice Center, Community Development Project (UJC) prepared this testimony for this hearing by the New York City Council's Immigration Committee: Oversight - The Impact of New Immigration Enforcement Tactics on Access to Justice and Services. It is submitted on behalf of legal services providers which are part of the LEAP Coalition, a legal advocacy partnership comprised of direct civil legal services providers (<http://leap-ny.org/>) and organizations which are providing anti-harassment tenant protection (AHTP) services funded by the NYS Human Resources Administration (The LEAP HRA AHTP groups consist of BOOMHealth!, Bronx Defenders, Brooklyn Defender Services, Brooklyn Legal Services Corporation "A", CAMBA, Catholic Migration Services, JASA Legal Services for the Elderly in Queens, Lenox Hill Neighborhood Houses, Make the Road New York, MFY Legal Services, New York lawyers for the Public Interest, Northern Manhattan Improvement Corporation, and the Urban Justice Center.) The focus of our testimony is the impact on tenants, and in particular immigrant tenants and their neighborhoods, of the new federal administration's draconian immigration policies and to offer suggestions for actions that could be taken by New York City officials and agencies to better protect immigrant tenants.

Our testimony is informed by the experience of LEAP members who are providing legal services to low income tenants in all of the five boroughs: these services include anti-harassment tenant protection work to protect tenants against harassment and displacement. The work includes eviction defense, affirmative proceedings to obtain repairs, challenges to illegal rent overcharges, actions to combat discrimination in housing. The legal work includes representation in individual as well as building-wide action. Our programs work closely with community-based organizations, organizing groups who work closely with tenants, tenants associations, and communities to protect affordable housing, prevent displacement, and build thriving neighborhoods. Our testimony is based upon the collective experiences of our lawyers, advocates, community partners, and tenants.

Post-election, immigrant New Yorkers have a tremendous fears of deportation. This fear is particularly experienced by those who are undocumented and their families and lawful permanent residents/green card holders who have had even minor criminal court involvement. The effects of this fear has profound impacts on their lives, that of their families and their communities.

Housing legal services providers and organizers are seeing very alarming trends since the November election, which has intensified since January's inauguration. These include:

- A substantial reduction in attendance in building wide tenants association meetings organized to address issues like lack of repairs/health and safety violations in their buildings and apartments, rent overcharges, and harassment.

- Abandonment of plans reluctance to file building-wide actions in housing court or other venues to redress lack of repairs/health and safety violations in their buildings and apartments and harassment.

- Failure of tenants facing eviction for rent arrears to apply for emergency rental assistance from either government or charitable organizations.

- A substantial reduction in attendance at tenants rights' rallies (including those supporting various City Council bills) and actions affecting democratic participation and civic engagement.

The reasons underlying these disturbing developments are based upon both upon:

- Actual threats by unscrupulous landlords' are threatening to report tenants who make any complaints, or take any action to ICE (United States Immigration and Customs Enforcement, Department of Homeland Security) and

- The fear of undocumented tenants to bring any attention to themselves to any governmental authority based upon the deep suspicion that information they provide will be used in a way that ascertains their status or the status of other household members which may result in deportation

The anticipated impacts are grave for the tenant households and their communities. They include:

- Lack of enforcement of basic tenant protections; rights to safe and affordable housing, enforcement of rent regulations, tenant harassment, and discrimination by landlords and therefore detrimental effects on health and safety of tenants and their families

- Eviction of tenant households and an increase in homelessness, with all its ensuing serious consequences

- Decrease in democratic participation and community engagement

Clearly, opposition to any efforts to enforcement leading to deportation of must be opposed. In addition, the following actions should be undertaken:

- Deny ICE any ability to make arrests in or around any housing court in NYC;

- Complete protection of data (including social security numbers, public assistance numbers, addresses) provided to city officials for all households in which any member may not have legal status from communication with the federal government

- Public campaigns by city agencies (e.g. New York City Department of Housing and Urban Development, New York City Commission of Human Rights, Mayor's Office of Immigrant Affairs) regarding the rights of all tenants to protections (right to organize, enforce all their rights), regardless of their immigration status and the illegality of discrimination against tenants due to their status

- Enforcement action against landlords and others that make threats against tenants based upon their immigration status

- Availability of housing related legal services regardless of immigration status

- Increased funding for immigration legal services

We thank-you for the opportunity to provide testimony and for the Committee's concern for the impact of the impact of new immigration enforcement tactics on access to justice and services.

Submitted by:

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March 15, 2017

March 15, 2017

Testimony of Lauren Quijano

On behalf of New York Lawyers for the Public Interest

Before the New York City Council's Committee on Immigration

Greetings. My name is Lauren Quijano. I am the Community Organizer for the Health Justice Program at the New York Lawyers for the Public Interest (NYLPI).

On behalf of NYLPI, I thank Councilmember Menchaca, Chair of the Committee on Immigration, for conducting this hearing.

NYLPI is a non-profit organization which advocates for civil rights using a community-lawyering model. We aim to address systemic issues communities face and emphasize the active role members of those communities play in addressing such issues. For the past 40 years, NYLPI has been a leading civil rights and legal advocate for New Yorkers marginalized by race, poverty, disability and immigration status. NYLPI's Health Justice Program brings a racial justice and immigrant rights focus to health care advocacy in New York City and State. We provide expertise through our Immigrant Health Initiative, utilizing individual and systemic advocacy to improve immigrant access to healthcare, including for those in immigration detention facilities.

Through our work at the intersection of immigrant and health justice we have witnessed firsthand the negative impact on the ability of marginalized communities to access services, including vital healthcare, that have been a direct result of the immigration policies coming out of Washington. My testimony will cover stories and patterns from our clients, community partners and medical providers with whom we work. These groups share the routine fears of immigrant New Yorkers in accessing basic healthcare, government services, and even being seen in public. They are not getting the message that their City supports them. Our leaders must do more.

Through the Immigrant Health Initiative, this Council funds our UndocuCare program that connects undocumented and uninsured New Yorkers to life-saving health insurance. However recently, we have received many calls from fearful clients worried about continuing with their life-saving care under Emergency Medicaid or pursuing access to Medicaid, both of which they are entitled to and help keep them alive. One of our Staff Attorneys provides this anecdote:

"I was consulting with a client whom I was considering filing a humanitarian deferred action application, but he had a criminal history that made him vulnerable under the Obama priorities for enforcement and now the Trump administration. He has been suffering with End Stage Renal Disease and through Emergency Medicaid enduring dialysis for over five years. After some months of working with him, I concluded that it would be too risky to file his application given his contact with the criminal legal system. During our last consultation, this client asked whether it would be safe for him to continue going to his dialysis appointments. He asked, "Will ICE just pick up me at dialysis? Can I still go?" I assured him to go and told him about how ICE

considers hospitals sensitive locations that they will not enter. But he did not seem comforted by what ICE was supposed to do, especially in this political climate. I was unable to point to anything public besides the Mayor's sanctuary statement, which has not been followed by any concrete action or coordinated effort among City agencies unlike other cities. We recommend a strong coordinated effort amongst all City agencies to convey messages of support directly to communities. New Yorkers need to hear a strong and consistent message that the City agencies will defend and protect the immigrant community. The City needs to speak directly to them, through media, through community organizers, through their local elected officials. From the communities' perspective, they hear silence and it is scary. Our communities are doing all that they can. They are learning their rights and making emergency safety plans for their families, but they want to hear from the City.

The new enforcement priorities have also kept many of our clients from accessing Medicaid, because the danger in coming out of the shadows is much more stark. Another client with End Stage Renal Disease who has been on dialysis for the past few years was arrested while we were working on his immigration application. He is now in the middle of criminal court proceedings. The immigration application that we were considering could have given him access to a transplant that he desperately needs. However, now, because of his contact with the criminal legal system, his future is uncertain. Trump's new non-priority, priorities for immigration enforcement states that even someone with an unresolved criminal case can be targeted for deportation. This client has asked us repeatedly about his chances for being picked up by ICE. He is the proud father of a college-bound son, who happens to be a permanent resident. Is

everything that he has worked for, along with his fragile health, at stake? The issue is that our clients have not seen any City agency stand up for immigrant New Yorkers with open cases like our client who are unsure about their fate in this country. We recommend that the City be more public and transparent in the steps it is taking, we would like to see a strong media presence that supports our clients and communities and demonstrates to them that the City has their back. The concerns over safety and the fear of arrest that my colleague organizations, like the defender services and other immigration service providers, testified to affect New Yorkers' health. Additionally, many families have mixed statuses and these issues have broad impact beyond those most at risk.

To provide effective systemic advocacy, we partner with organizations who directly serve our most vulnerable immigrant communities. Our community partners have given us feedback about how the uncertainty of changes to immigration policy is causing increased fear, which deters immigrants from accessing much needed services. The leaked Executive Order on public charge and sponsor liability has deterred people from accessing benefits for fear of possibly owing money to the government for helping family members access services and aid. Even without an actual change in policy, people are afraid to seek health benefits and of any future impact on their families. Advocates are reminding people of the current law and importance of accessing benefits, but again, communities would be well-served to hear those assurances publicly from the City (and State).

Clients who are lawfully present and eligible for additional benefits such as SNAP and other public assistance are deterred from applying because they feel that without citizenship status they could be deported. We are starting to hear more stories that community members fear being detained at their check-ins, and of patients who are not attending their medical appointments because of rumors of ICE presence. We in the advocacy community are trying to counter these rumors with facts and Know Your Rights trainings, but we cannot do it alone – we need the City to speak directly to communities and demonstrate that they are working to create more structures that support our immigrant neighbors. We recommend that the City develop strong and explicit policies and procedures for making all government offices and public hospitals secure spaces for immigrant New Yorkers.

In preparation for this testimony, I also reached out to partners in the medical community. Hospital and clinic staff have noticed a decrease in patients waiting in the emergency room for treatment and a decrease in number of patients seeking care at safety-net clinics. We heard one story of an elderly woman with an injury, making it difficult for her to walk to the hospital. She received help from another person to reach the emergency room, and on arrival asked with great courage “I am undocumented, can I still be seen?” The medical community at public hospitals is brainstorming around how they can more effectively convey that they remain open for everyone. We urge the City to provide strong guidance to these providers as soon as possible.

Health insurance enrollers and Navigators are worried that new patients do not want to enroll in Medicaid because they fear their information will be shared. People who have received

Medicaid for years are also holding back as they fear a negative impact from a renewal application. Emergency Medicaid and safety-net clinics are crucial services that are available regardless of status, however, the fear of deportation creates complications for those seeking care even though there is a network of providers designed to make sure every NYC resident has access healthcare.

One obstetrician-gynecologist informed us that even when staff call patients for follow-up appointments, patients immediately hang up the phone. Another physician told us they are seeing more youth come to the clinics with signs and symptoms of anxiety and depression, while others show more physical signs like stomach aches or attempts at suicide. Immigrant youth, worrying about themselves or their parents getting deported, are experiencing great trauma. The impact of these enforcement policies goes much deeper than just accessing health services, and is creating a greater need for healthcare.

Outside of healthcare, New Yorkers have the right to safe and healthy homes. However, in many immigrant communities, there is a hesitancy to file complaints with the City for serious repair issues such as no heat, black mold or peeling paint, which exacerbate serious health problems like asthma. Tenants are less likely to file complaints or litigation against neglectful landlords. With the recent snowstorm, I know that many tenants and their families are freezing due to lack of inadequate heat.

As the community organizer, I have also heard stories from local community organizers in the Bronx and in Queens, who tell me that people are avoiding going to their appointments in housing court, simply because they fear for their safety in the courts. This can lead to their eviction. Even those with green cards are refusing services because they fear being deported. Community organizers are having difficulty contacting the tenants they are helping to organize, and tenants are not opening their doors or answering phone calls. Undocumented tenants themselves have not felt safe walking in the streets of their own neighborhoods, for fear of arrest and deportation for minor everyday offenses like jay-walking. The City must recognize the damage to immigrant communities of NYPD enforcement of low-level offenses and broken windows policing. Again, we urge the City to respond directly to communities about whatever steps the City is taking to address these fears, what structures are being developed, and ensure that court is a secure space and they are not risking deportation by asserting their rights. The City must ensure that people feel safe walking the streets of their own neighborhoods, knowing they will not be arrested for it.

Our community partners, healthcare workers, legal advocates, and clients are facing challenges in this system every day. That is why I stand before you at this hearing to urge that the City do more publicly to support and protect its people by speaking to them directly and often. People should know that their right to safely access health services will be defended and protected; that they will not get arrested in a hospital or clinic. Housing must be secured as a fundamental human right and tenants need to feel that they can exercise their rights to advocate for themselves and their communities. The City must be more public about what it is doing to address the

trauma that is spreading in our communities. Our clients and communities report to us that they have not heard from the City and do not feel the City is defending them. We recommend that our City hears these statements from our clients and uses this opportunity to defend its residents and let them know it is doing so. The City needs to do more to ensure that all immigrants will feel safe to access services like healthcare and that their information will not be shared with federal officials targeting them. History, as well as all New Yorkers with voting power, will stand witness to how this city of immigrants responds to anti-immigrant actions in Washington. We join other advocates in calling for ongoing and increased pressure to hold our institutions accountable when they fail to respect these most basic human rights.

CENTRAL AMERICAN LEGAL ASSISTANCE

Ayuda Legal Para Refugiados Centroamericanos

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FOR THE RECORD

Statement of Anne Pilsbury, Esq. Director, to
City Council Immigration Committee

March 15, 2017

We are proud to be part of a city, and a City Council, that has so robustly supported legal services for immigrants, particularly those women and children fleeing the current refugee crisis in Central America, a crisis almost unrecognized on a national level except for its symptoms which are the thousands of people fleeing the violence in El Salvador and Honduras. Frustratingly, no one wants to ask why they come.

In the months and years ahead, as the Trump Administration tries to carry out the threat to “build the wall” and deport millions, we need New York City to stand firm on its promise to be a true sanctuary. There are several ways the City can do this.

- Continue to **fund removal defense** – for everyone, not just women and children.
- **Fund general support** for non-profits actively engaged in removal defense so that there is flexibility when a new emergency arises – home raids, new unlawful efforts to stop immigrants at points of entry, whether the border or airports.
- Make certain all city employees are aware of the commitment to sanctuary and that no rogue city employees takes advantage of an undocumented immigrant by sharing status information with others.
- Find a way to address **homelessness** among the city’s aging immigrant population.

- The Mayor and the City Council need to **speak up** nationally and to **speak out** locally – to rally other cities to become sanctuaries and locally to calm nervous immigrants that there will be no mass round-ups, that there still is due process in the United States, that law-abiding residents will be protected here. The message should be “be prepared, be prudent, but carry on with your daily life.”

Among the many unknowns we face is the fact that some 300,000 immigrants currently have a semi-legal status known as **Temporary Protected Status**. Most are Salvadorans, followed by Haitian and Hondurans. Hondurans and El Salvadorans have had this status which allows them to work legally for over ten years. Trump could end it. We will know this year. Ending TPS will throw a huge number of long term NYC residents into loss of employment and panic.

We look forward to working together to make this city a safe and joyful place for all nationalities and peoples.

PUBLIC TESTIMONY

ON

**THE IMPACT OF NEW IMMIGRATION ENFORCEMENT TACTICS
ON ACCESS TO JUSTICE AND SERVICES**

PRESENTED BEFORE:

THE NEW YORK CITY COUNCIL
COMMITTEE ON IMMIGRATION

FOR THE RECORD

PRESENTED BY:

Danielle Alvarado
Urban Justice Center

March 15, 2017

Good morning, my name is Danielle Alvarado and I am an Immigrants' Rights Staff Attorney at the Urban Justice Center's Community Development Project ("CDP"). CDP's mission is to strengthen the impact of grassroots organizations in New York City's low-income and other excluded communities through direct representation, research reports, the formation of cooperatives and new organizations, and technical assistance. At any given time, our six practice areas – workers' rights, housing, immigrants' rights, consumer justice, research and policy, and capacity building – work in close collaboration with 60 – 70 grassroots partners across the City. These partnerships enable CDP to track broad trends and shared concerns across boroughs and cultures at the community level. All of our practice areas dedicate significant resources to working with immigrant New Yorkers; many of our clients struggle on a daily basis to access critically important services and protections because of their immigration status or limited English proficiency ("LEP").

CDP appreciates the Committee providing this opportunity to share the deep concerns we have for the safety and wellbeing of immigrant New Yorkers in the current national climate. It goes without saying that the President's xenophobic approach to immigration policy has already begun to have a tremendously negative impact on our clients and their families.

One obvious ramification of intensifying community fear is reduced willingness to meet with legal service providers. At a time when high quality legal support is most needed, partners report that community members are worried that attending a clinic or Know Your Rights training might make it easy for immigration authorities to identify them. One event our office was involved in was rumored to actually be an ICE sting.

The perception that the ICE presence in New York City has increased dramatically in the last few months was significantly bolstered by the highly publicized February home raids that resulted in the apprehension of 41 people in New York. This fear is further complicated by the fact that it is often difficult for people to distinguish between ICE and local police; at least one reason for this is the fact that ICE officers often introduce themselves simply as "police," which reinforces fear of any contact with the NYPD and the perception that NYPD collaborates with ICE to apprehend immigrants.

We are seriously concerned that this will reduce the likelihood that those in need of assistance from law enforcement and the courts will not seek it. This is precisely what has happened with one of my clients is a green card holder who is being abused by her U.S. citizen husband. Last week I encouraged her to go to the Family Justice Center to obtain assistance with a counseling referral. She was initially hesitant to go because she believes that she risks being harmed – not just at the hands of her abuser, but by immigration agents whom she has heard are now coming to court.

The impact is clear not only on our immigration casework, but also on the work our colleagues and community partners do on other issues. Our consumer justice practice continues to see rampant abuse by notarios, other fraudulent preparers, and unscrupulous licensed attorneys. One client recently sought help with a contract he had signed that had a flat fee, as well as an hourly rate that resulted in charges thousands of dollars beyond what he had agreed to pay. Since the election, we have also seen attorneys selling legally meaningless “letters of representation” which community members are told will stop ICE from arresting them if stopped on the street.

In addition, CDP’s tenants’ rights attorneys report an alarming increase in harassment of and threats towards immigrant renters since the election. Organizers are finding it harder to convince them to join cases to improve conditions in housing court because of fear that participating will lead to deportation. Sometimes the basis for that fear is current headlines – but sometimes it is what they have been told by the people that control their building. At a recent Know Your Rights training in the Bronx, tenants shared thinly veiled threats of calling ICE when they followed up with the superintendent about overdue repairs. The City’s significant strides towards access to counsel in housing court run the risk of being rendered meaningless for immigrant tenants who are intimidated into forgoing their case from the outset.

What is especially important to note about these consumer and housing examples is that the people targeting our clients are not just federal immigration officials – it is also private citizens, New Yorkers, who feel emboldened by the President’s anti-immigrant rhetoric and do not believe that anyone will stop them from taking advantage of their neighbors. While the City cannot control many of the immigration policies decisions made at the federal level, we absolutely have a responsibility to ensure city and state laws that prohibit this type of discrimination are enforced in a robust and meaningful way.

Now more than ever we need the City to take strong, proactive measures to ensure that all New Yorkers have access to justice and services regardless of immigration status. We urge the city to:

- prohibit ICE access to/around city property, such as courts, agency offices, and hospitals;
- expand community education efforts in coordination with MOIA and relevant agencies including the Department of Consumer Affairs, Housing and Urban Development, the Department of Education, and the Commission on Human Rights;
- continue to support funding for direct services initiatives that focus on serving immigrant populations;
- conduct those efforts in all languages spoken in the City; and,
- expand its mechanisms for collaborating closely with grassroots organizations with existing relationships of trust with immigrant communities.

Thank you for the opportunity to testify.

PUBLIC TESTIMONY

ON

The Impact of New Immigration Enforcement Tactics on Access
to Justice and Services.

PRESENTED BEFORE:

THE NEW YORK CITY COUNCIL
COMMITTEE ON IMMIGRATION

PRESENTED BY:

Reena Arora
Senior Staff Attorney
Urban Justice Center- Community Development Project

March 15, 2017

FOR THE RECORD

Hello, my name is Reena Arora. I am a staff attorney with the Workers' Rights Practice of Urban Justice Center's Community Development Project. The Community Development Project of the Urban Justice Center leads a consortium of organizations in New York City under the name "Citywide Immigrant Legal Empowerment Collaborative" or CILEC. In addition to the Community Development Project, CILEC's participating organizations include other legal services providers, Catholic Charities Community Services (CCCS), Catholic Migration Services (CMS), Make the Road New York (MRNY), MinKwon Center for Community Action (MinKwon), and Urban Justice Center's Sex Worker Project, as well as a number of community-based organizations, namely: African Communities Together (ACT), Chinese Staff and Workers' Association (CSWA), Damayan Migrant Workers Association (Damayan), Desis Rising Up and Moving (DRUM), National Mobilization Against Sweatshops (NMASS), New Immigrant Community Empowerment (NICE), and Workers' Justice Project (WJP). CILEC currently receives funding through the Immigrant Opportunity Initiatives Program to provide critical services to immigrant communities in New York City, empowering community members to seek legal recourse for violations of their labor rights and to obtain available forms of immigration relief. I am testifying today to discuss why in the current political environment, CILEC is uniquely poised to reach those in most need, combat fear and ensure there is not widespread erosion in the enforcement of rights.

The nine grassroots organizing groups in CILEC have established trust in their diverse immigrant communities, through work that is culturally and linguistically tailored and specifically aimed at helping community members become more visible and empowered to vindicate their rights. Fixtures in their communities, these organizations are places where immigrant community members go to seek help and gain knowledge. The legal service providers in the consortium serve a supportive role to the grassroots groups. Through individual representation of members or as allies in campaign work, the legal service organizations in the CILEC consortium increase the capacity and impact of the grassroots partners.

With the reality of increased immigration enforcement and harsh anti-immigrant rhetoric from top ranking federal officials, fear in our immigrant communities is inevitable. Although combatting this fear is extraordinarily challenging in the current climate, CILEC groups have the expertise and know how to continue to reach members of these communities and, through grassroots organizing, develop realistic strategies to address increased threats and retaliatory actions. The extraordinary capabilities of CILEC groups were on full display in late January, when the President issued the first executive order aimed at excluding Muslim immigrants. Galvanizing their members in an act of fearlessness, three groups in particular, DRUM, ACT, and Make the Road NY, organized a protest at JFK Airport. The protest inspired thousands of New Yorkers and Americans across the nation to join in similar actions. CILEC's legal team developed a rapid response, organizing volunteer attorneys to field hundreds of inquiries for immigrants arriving into JFK and successfully secured relief for those in need. The work of CILEC at JFK raised awareness on the negative impact of the executive order and mobilized public pressure against the ban.

As the problems immigrants face become more complex and challenging, the demand for our services grows. Already, it has become evident that employers are emboldened by the political environment to engage in increased exploitation and retaliation against immigrant workers,

assuming they can do so with impunity. Immigrants are also being exposed to other increased harms, such as becoming victims of hate crimes. In December, a longtime member/organizer from National Mobilization Against Sweatshops, one of the CILEC groups, was physically attacked at a holiday party by his coworkers. He was told that now that Trump was in power he and other Mexicans would have to go back to their country. The legal service providers in the CILEC group are now helping him hold his attackers and the employer accountable as well as assisting him access immigration relief.

The CILEC groups are hubs of strength and resistance. But in order to continue our work, we need sustained funding. Last July, City Council approved funding for CILEC for one year, but our groups need your additional support to address the growing needs from the immigrant community.

Thank you for the opportunity to testify this morning. We applaud the City Council for its dedication of resources to providers tied to immigrant communities in New York City and ask for continued and increased support in these trying times.

Testimony Submitted to the New York City Council Immigration Committee

Re: **The Impact of New Immigration Enforcement Tactics on Access to Justice and Services, Wednesday, March 15, 2017, 10:00 a.m.**



Legal
Services NYC

My name is Terry Lawson. I am the Director of the Family and Immigration unit at Bronx Legal Services, an office of Legal Services NYC. Legal Services NYC is the largest provider of free civil legal services in the country, with offices in all five boroughs serving over 80,000 New Yorkers annually. I also co-lead the Bronx Immigration Partnership, a network of over twenty organizations and agencies working together to create a coordinated safety net of legal and social services for Bronx residents. Thank you to the Committee and the Council for this opportunity to testify regarding the impact of the new immigration enforcement tactics on access to justice and services.

The impact of the stories you have been hearing today and the news reports that keep us up at night is especially heavy in New York City, where there must be a strong vocal commitment by City officials to keeping our residents safe. Without a consistent message from City administrators, the NYPD, and the New York City Council that NYC and its agencies are NOT cooperating with ICE and have no plans to work with ICE, we fear that New York City sends the message that it condones ICE's actions. New York City must make a strong statement that it stands with our immigrant communities, beyond just announcing that it is a Sanctuary City. New York City needs firm and frequent announcements about what it is doing to keep immigrants safe every day. Without such statements, our city's local law enforcement efforts, civic engagement, and commitment to education are severely undermined.

Last week, one of our attorneys was forced to file a stay of removal and argue with an ICE officer that our client – a domestic violence survivor and primary caretaker of 3 U.S. Citizen children – should not be detained and separated from her children. At her previous check-in, the ICE officer informed our client that she **would be** detained at her next check-in *unless* she was accompanied by an attorney. These threats and actions by NYC ICE officers echo those made to Guadalupe García de Rayos, the Arizona mother of two deported in February. Without the successful legal advocacy of our senior staff attorney, Sandra Mattessich, our client would have been taken into custody and removed, leaving her children to an overburdened foster care system and dependent on public assistance. Furthermore, it would have further exacerbated tensions in NYC and in the U.S. over immigration policies and the rights of immigrants to live peacefully in this country.

One of our Bronx Immigration Partnership partners, Ravi Ragbir, director of the New Sanctuary Coalition, was fortunate to have so many of you and your staff accompany him to his ICE check-in on March 9th, to shine a light on the pain and the indignity of a process that threatens New York residents every day with the possibility that they could forever be separated from their families. And yet, as strong as that showing was, and as likely it is that your presence made a difference last week, Ravi is expected to report back to ICE again next month – a departure from ICE's previous policy of deprioritizing cases like his. Ravi was also privileged enough to have a legal team with him. Many of the men and women waiting inside ICE check-in rooms do not. They are part of the families and communities that are being broken apart.

Legal Services NYC

40 Worth Street, Suite 606, New York, NY 10013

Phone: 646-442-3600 Fax: 646-442-3601 www.LegalServicesNYC.org

Raun J. Rasmussen, Executive Director

Joseph Steven Genova, Board Chair



Every day, clients call our offices with fears of being deported and separated from their children. They are terrified of leaving their house each day, taking their children to school, reporting crimes to the NYPD, and cooperating with ACS. Children are afraid to go to school because they are scared their parents will not be home when they return. Clients are afraid to go to Family Court or HRA to advocate not only for their most basic rights and subsistence benefits, but also for those of their children. Each day, our advocates answer questions about ICE enforcement and about which city agencies are safe, and assist terrified clients with parental designation forms, in the event they get picked up.

After the election, we began working with a woman who had suffered severe domestic violence and the unlawful kidnapping of her son, by her son's father, and yet, had never gone to the police because she has a removal order, after having missed a court date. We were able to persuade her to seek help in the Family Court, where she finally got an order of protection and parenting time with her son, whom she hadn't seen in a year and a half. Our client fears asking the court to sign a U visa certification, because she believes that by doing so she risks the deportation of herself and her son's father. In her case, we were lucky that no fingerprints were required, and we were lucky that we filed in court before the tragic detention of Irvin González, the domestic violence survivor arrested by ICE in Texas last month after she sought an order of protection. Keeping ICE out of the New York Courts and their surrounding areas is the only way that we will be able to convince our clients that they can seek court remedies and attend important court dates.

My office is fortunate to receive funding from HRA to combat homelessness with our eviction-prevention work. And yet, many tenants fear working with us because when we ask them for their Social Security numbers and their immigration status, they are frightened that we will report them to ICE. We worry about the requirement that we report much of the data we collect to HRA, and how it could end up being used against our clients. Convincing HRA not to require reporting of Social Security numbers (or the lack thereof) and the addresses for the people that we serve is an important first step towards addressing this very real concern.

While we would like nothing more than to be able to represent every client who requests our services, we are **severely** limited by funding. We need greater commitment by the City and substantially increased funding for immigration legal services to organizations like Legal Services NYC and our Bronx Immigration Partnership partners – organizations on that are on the ground every day. The mayor has stated that he will commit \$8.4 million to immigration legal services. This is a small step in the right direction. Our immigrant communities and clients need a lot more. If the City fails to sustain competent immigrant service providers who are working with the most underserved communities, desperate immigrants will flock to notarios, who make false promises of stopping deportation or filing supposed applications for "10-year green cards," which further endanger our clients' safety. These notarios, who have always exploited vulnerable immigrant communities, will thrive, with devastating consequences for families, and will overrun the City's ability to combat the unauthorized practice of law. Without strong City support, communities will be pushed back into the shadows, too fearful to report crimes when they are victims of abuse, discrimination, or trafficking. This is not the City that we want. This is not the City that we strive to be.

Thank you for scheduling this hearing and for affording our organization the opportunity to submit this testimony.

Terry Lawson,
Director, Family and Immigration Unit, Bronx Legal Services (Legal Services NYC)

March 15, 2017- City Council Committee on Immigration Hearing
The Impact of New Immigration Enforcement Tactics on Access to Justice and Services
Testimony of Amanda Doroshow

FOR THE RECORD

Thank you for the opportunity to speak to the City Council Committee on Immigration to discuss the concerns of the immigrant community in New York.

My name is Amanda Doroshow and I am an immigration attorney at Her Justice. We provide legal services to low-income women in family, matrimonial, and immigration matters. Many of our clients are survivors of domestic violence. Our services are free of cost and much of the representation is done by pro bono attorneys that we train and support.

The current climate has driven fears to an all-time high, and immigrants are now unwilling to avail themselves of help from any services. We at Her Justice note the increasing unwillingness of clients to seek shelter at domestic violence, homeless, or other shelters.

Lack of stable housing is often a central reason to why many of our clients remain in abusive relationships.

A real fear exists of having one's name in the system, and having that be linked to a referral to ICE. Additionally, a fear exists because of recent reports that the federal government will aggressively remove immigrants deemed to be a public charge.

Many immigrants in New York fear that the receipt of temporary housing assistance, whether it be shelter or limited financial assistance for rent, will directly lead to removal from the US or denial of applications for immigration status.

For example, a an undocumented client from Queens that is currently living in a shelter with her son called our office in a panic because she was told by a security guard that ICE was going to be doing raids in the shelters.

Or another client from Queens, who is a VAWA Self-Petitioner, is afraid to apply for the public benefits that she qualifies for because she is afraid immigration will deem her a public charge.

The City Administration must be vocal in its commitment to immigrant communities, particularly in times of high fear such as during raids. Steps must be taken to support non-profit providers, who can best serve these clients.

Continued and increased support for housing in New York City, along with public comments by the City Administration emphasizing that housing is a human right, is vital in supporting immigrants.

Thank you for your time.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Gale Brewer

Address: _____

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Rachel Sabella

Address: Food Bank For New York City

I represent: _____

Address: _____

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Appearance Card

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

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: JoAnn Yoo

Address: _____

I represent: Asian American Federation

Address: _____

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THE CITY OF NEW YORK**

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☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: _____

Address: _____

I represent: _____

Address: _____

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THE CITY OF NEW YORK**

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Date: _____

(PLEASE PRINT)

Name: _____

Address: _____

I represent: _____

Address: _____

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Date: _____

(PLEASE PRINT)

Name: _____

Address: _____

I represent: _____

Address: _____

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Date: _____

(PLEASE PRINT)

Name: TIM FALLON

Address: _____

I represent: HER JUSTICE

Address: _____

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THE CITY OF NEW YORK**

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☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: LAUREN QUIJANO

Address: _____

I represent: NYLPI

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

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☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: MARC VALINOTI

Address: _____

I represent: NORTHERN MANHATTAN IMPROVEMENT

Address: CORPORATION

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THE CITY OF NEW YORK**

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☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: OSMAN AHMED

Address: 40 BROAD ST, 5th FLOOR, NY, NY 10004

I represent: FPWA

Address: 40 BROAD ST, 5th FLOOR, NY, NY 10004

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THE CITY OF NEW YORK**

Appearance Card

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☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: JOSE TORRES

Address: 50 BROADWAY, 29th FLOOR, NY, NY 10004

I represent: WORKER'S JUSTICE PROJECT

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: LIGIA GUARDA

Address: 50 BROADWAY, 29th FLOOR, NY, NY 10004

I represent: WORKER'S JUSTICE PROJECT

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Rita Rodriguez-Engberg

Address: 151 W 30th Street, NYC NY 10001

I represent: Advocate for Children of NY

Address: 151 W 30th St, NY NY 10001

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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☐ in favor ☐ in opposition

Date: 3/14/2017

(PLEASE PRINT)

Name: Joel Berg

Address: 1 Plaza Street W 15 D, Brooklyn

I represent: Hungel Free America

Address: 50 Broadway Street, NY, NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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☐ in favor ☐ in opposition

Date: 3/15/17

(PLEASE PRINT)

Name: Victoria Neilson

Address: 17

I represent: Immigrant Justice Corps

Address: 17 Battery Place #236

New York, NY 10004
Please complete this card and return to the Sergeant-at-Arms

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THE CITY OF NEW YORK**

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☐ in favor ☐ in opposition

Date: 3/15/17

(PLEASE PRINT)

Name: Terry Lawson

Address: _____

I represent: Legal Services NYC, Bronx Legal Services

Address: 349 E. 149th St., 10th Fl, Bronx, NY 10451

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THE CITY OF NEW YORK**

Appearance Card

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☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Cesar Vargas

Address: 1178 Arthur Kill Rd

I represent: DRM Action Coalition

Address: same as above

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THE CITY OF NEW YORK**

Appearance Card

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☐ in favor ☐ in opposition

Date: 3/15/17

(PLEASE PRINT)

Name: Carlos Vargas

Address: _____

I represent: Make the Road NY, translating

Address: for Lucila Guervera

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THE CITY OF NEW YORK**

Appearance Card

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☐ in favor ☐ in opposition

Date: 3/15/17

(PLEASE PRINT)

Name: Lucila Guerrero

Address: 1448 Hylan Blvd

I represent: Make the Road

Address: _____

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THE CITY OF NEW YORK**

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☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: CONOR GLEASON

Address: _____

I represent: THE BRONX DEFENDERS

Address: 360 E. 16th St. Bronx, NY 10451

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Wilmer Hernandez

Address: _____

I represent: _____

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

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☒ in favor ☐ in opposition

Date: 3/15/17

(PLEASE PRINT)

Name: Amanda Doroshaw

Address: 100 Broadway, 10th Fl, New York, NY

I represent: Her Justice 10005

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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☐ in favor ☐ in opposition

Date: 3-15-17

(PLEASE PRINT)

Name: HASAN SHAFIQULLAH, LEI

Address: 199 WATER ST 3rd FL. NY NY 10038

I represent: THE LEGAL AND SOCIETY

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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☐ in favor ☐ in opposition

Date: 3-15-17

(PLEASE PRINT)

Name: Amy S Taylor

Address: _____

I represent: Make The Road NY

Address: 301 Grove St Bk NY

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THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: 03/15/2017

(PLEASE PRINT)

Name: Sarah G. Illman

Address: The Legal Aid Society, 199 Water Street, 3rd Fl., NY 10038

I represent: NYIFWP

Address: 199 Water Street, 3rd Fl., NY 10038

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THE CITY OF NEW YORK**

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☐ in favor ☐ in opposition

Date: 3/15/17

(PLEASE PRINT)

Name: Peter Markowitz

Address: Cardozo School of Law, 55 5th Ave, NY

I represent: Cardozo Immigration Justice Clinic

Address: _____

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☐ in favor ☐ in opposition

Date: 3/15/17

(PLEASE PRINT)

Name: Beth Krause

Address: _____

I represent: Legal Aid Society

Address: 199 Water Street

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Eve Stotland

Address: 121 Ave of Americas

I represent: ICARE

Address: 121 Ave of Americas

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THE CITY OF NEW YORK**

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Date: 3/15/17

(PLEASE PRINT)

Name: Andrea Saenz

Address: 177 Livingston St, Brooklyn, NY 11201

I represent: Brooklyn Defender Services

Address: _____

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☐ in favor ☐ in opposition

Date: 3/15/17

(PLEASE PRINT)

Name: Rebecca Sosa

Address: _____

I represent: Immigration & Nationality Law Committee,

Address: New York City Bar Association

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Appearance Card

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☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Danicle Alvarado

Address: _____

I represent: Urban Justice Center

Address: Community Development Project

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THE CITY OF NEW YORK**

Appearance Card

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☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Reena Arora

Address: _____

I represent: Citywide Immigrant Legal Empowerment

Address: (CILEC) Collaborative

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THE CITY OF NEW YORK**

Appearance Card

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☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: AARON MORRIS

Address: 40 Exchange Place Ste 1200 NY NY

I represent: Immigration Equality

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

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☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Camille Mackler

Address: 131 W. 33rd St NY, NY 10001

I represent: NY IMMIGRATION COALITION

Address: 131 W. 33rd St NY NY

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THE CITY OF NEW YORK**

Appearance Card

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☐ in favor ☐ in opposition

Date: 3/15/17

(PLEASE PRINT)

Name: Anne Kilsbury

Address: _____

I represent: Central American legal Assistance

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: Mar 15, 2017

(PLEASE PRINT)

Name: Kim Sykes

Address: _____

I represent: NEW YORK IMMIGRATION COALITION

Address: 131 W. 33rd 6th FL. 10001

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THE CITY OF NEW YORK**

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☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: JOHN SKINNER

Address: 1322 3RD AVE

I represent: IRONWORKERS LOCAL 46

Address: SAME

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☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Shani Adess

Address: 2 Lafayette St. NY, NY

I represent: Safe Horizon

Address: 2 Lafayette St. 3rd Fl, NY NY

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☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Crystal Moncada

Address: _____

I represent: New York Legal Assistance Group

Address: _____

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☐ in favor ☐ in opposition

Date: 3/15/17

(PLEASE PRINT)

Name: LAUREN QUIJANG

Address: _____

I represent: (NYLAG) NEW YORK LAWYERS FOR PUBLIC INTEREST

Address: 151 W. 30th St., Floor 11, NY 10001

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THE CITY OF NEW YORK**

Appearance Card

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☐ in favor ☐ in opposition

Date: 3/15/2017

(PLEASE PRINT)

Name: Melissa Cartine

Address: _____

I represent: NYLAG

Address: _____

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☐ in favor ☐ in opposition

Date: 3/15/17

(PLEASE PRINT)

Name: Hilary Exter

Address: LEAD/HRA AHTA - USC

I represent: 123 William St 16 floor

Address: NYC

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THE CITY OF NEW YORK**

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☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Albert Kahn

Address: 46-01 20th Ave

I represent: Council American-Islamic Relations

Address: same

**THE COUNCIL
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☐ in favor ☐ in opposition

Date: 3/15/17

(PLEASE PRINT)

Name: RA LUCA DHCIOIU

Address: 80 MAIDEN LANE

I represent: CATHOLIC CHARITIES

Address: 80 MAIDEN LANE

**THE COUNCIL
THE CITY OF NEW YORK**

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☐ in favor ☐ in opposition

Date: 3/15/17

(PLEASE PRINT)

Name: Don Quinsay

Address: (Immigration)

I represent: Womankind formerly New York

Address: Asian Women's Center