



Mayor's Office of
Immigrant Affairs
Bitta Mostofi
Commissioner

June 12, 2019

Testimony of Commissioner Bitta Mostofi
NYC Mayor's Office of Immigrant Affairs

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

“Oversight – MOIA Annual Report”



Thank you to Chair Menchaca and the members of the Committee on Immigration. My name is Bitta Mostofi, and I am the Commissioner of the Mayor's Office of Immigrant Affairs (MOIA). I am pleased to be here with Sabrina Fong, our Deputy Director of Research and Policy Advisor at MOIA, who is also available to answer questions.

I am delighted to testify today about MOIA's annual report, which covered our work in 2018, and which was published this March. The annual report is a testament both to the extensive work that our office does in serving immigrant New Yorkers, as well as to the crucial research and analysis that MOIA conducts day-to-day. MOIA works with quantitative and qualitative data to inform program and policy design both for MOIA and our sister agencies, engage in advocacy at all levels of government, and tailor our outreach to communities in need.

My testimony will discuss some highlights from the annual report, our analysis of demographic and program data, and how we use that analysis to inform our work. I look forward to discussing this important work with you.

Highlights

This year's annual report, our second ever, included new data on immigrant New Yorkers and a detailed discussion of MOIA's successes in 2018.

Demographic profile

Beginning with a few notable demographic highlights, I want to start with the decline of undocumented immigrants living in New York City. This decline is in line with national trends that predate the Trump Administration: other research has shown that there has been a decline over the last decade. As noted in our report, this can be attributed to a number of reasons including a weak U.S. economy following the 2008 housing market collapse, improved economic conditions in Mexico, as well as heightened enforcement at the border.¹

In this year's annual report we presented a profile on household and family level data for the first time. This data shows that millions of U.S.-citizen New Yorkers are deeply connected to the undocumented population. Nearly 60 percent of New Yorkers live in households with at least one immigrant, and over 1 million New Yorkers live in mixed-status households, including over 200,000 U.S.-born children who live with undocumented parents or other household members.

Included in our demographic profile of the immigrant population of New York City is an exploration of the many economic contributions of immigrants. We know that over 75 percent of undocumented immigrants are in the labor force. That is higher than the labor force participation rate for the U.S.-born population, which is about 65 percent. Immigrant New Yorkers are employed in a wide range of industries, with over a quarter working in the key industries of

¹ See Warren, Robert, "US Undocumented Population Continued to Fall from 2016 to 2017, and Visa Overstays Significantly Exceeded Illegal Crossings for the Seventh Consecutive Year," Center for Migration Status (January 2019), available at <http://cmsny.org/publications/essay-2017-undocumented-and-overstays/> and Passel, Jeffrey S. and Cohn, D'Vera, "U.S. Unauthorized Immigrant Total Dips to Lowest Level in a Decade," Pew Research Center (November 2018), available at <http://www.pewhispanic.org/2018/11/27/u-s-unauthorized-immigrant-total-dips-to-lowest-level-in-a-decade/>.



education, health, and human services. And in 2017, immigrants contributed \$228 billion to the City's GDP.²

Our report also highlighted ongoing demographic disparities by immigration status, including economic disparities. Although immigrant New Yorkers participate in the labor force at the same or greater rates than New York City residents born in the U.S., immigrants' median earnings are significantly lower than those of U.S.-born residents, especially for undocumented residents. The median earnings for U.S.-born residents is about \$49,000, compared to about \$26,000 for undocumented residents. Not surprisingly, undocumented immigrants have higher rates of poverty than New Yorkers more generally. According to our colleagues and partners at NYC Opportunity, the NYC Government Poverty Measure³ shows that the poverty rate was 20 percent for all New Yorkers in 2016. When accounting for immigration status this jumps to about 23 percent for immigrant New Yorkers, and about 31 percent for undocumented immigrants.

The report also helps MOIA monitor changes in disparities over time. One area of good news is in health insurance, where the gap has begun to close. Due to the Affordable Care Act and the City's efforts to expand insurance coverage, including a campaign by MOIA in 2016 to connect DACA-eligible immigrants to Medicaid, the uninsured rate for non-citizens declined by about 14 percentage points between 2012 and 2017. More work remains to be done, and MOIA is excited to be working with our partners at NYC Health + Hospitals in the roll out of NYC Care, which will help ensure that all New Yorkers have access to the health care they need.

MOIA programs and achievements

Part two of MOIA's annual report looks broadly at our key initiatives, programs and achievements. I have testified extensively about some of this work in recent hearings before this Committee. To emphasize just a few of the office's successes: MOIA has coordinated multi-agency responses to various cruel and anti-immigrant policies on the federal level, including family separation and the proposed changes to the "public charge" rule. MOIA expanded the poll site interpretation project to the largest it's ever been, sending interpreters to 101 poll sites and serving about 2,000 voters in 2018.

For immigration legal services, our report highlighted the expanded City investments in immigration legal services including removal defense, support for separated families and unaccompanied children, and expanded immigrant legal services in Chinese, Korean, and South Asian immigrant communities.

ActionNYC providers conducted over 9,500 comprehensive immigration legal screenings, an increase of about 21 percent compared to 2017, and opened over 6,200 new cases, an increase of

² NYC OMB calculations based on February 2019 Financial Plan Forecast. City GDP measures the value of the goods and services produced by the New York City economy in a given time period. Employment counts and average earnings are based on 2017 1-year ACS Public Use Microdata provided by NYC Opportunity.

³ See New York City Mayor's Office of Economic Opportunity, An Economic Profile of Immigrants in New York City (March 2019) available at <https://www1.nyc.gov/assets/opportunity/pdf/immigrant-poverty-report-2018.pdf>. Data based on 2016 1-year American Community Survey Public Use Microdata Sample as augmented by the Mayor's Office for Economic Opportunity.



about 28 percent compared to 2017. As part of the response to family separation, the City allocated \$4.1 million to legal services for migrant children. And as part of an initiative to serve hard-to-reach immigrant communities, MOIA coordinated the training of eight community-based organizations who then were able to begin providing immigration legal services.

Distributing the report

The annual report has proved popular with stakeholders eager to use the data we provided about demographics and our programs. We held briefings for elected officials, including the Council, as well as for community groups. In addition to publishing the annual report on our website, we shared the annual report with over 80 community-based organizations over email. We also distributed over 770 physical copies of the report, including over 700 copies to community members who attended the Immigrant Heritage Week celebration at Gracie Mansion and those who attended the Nowruz event, and dozens of copies to agencies, public and private health care staff, and our library partners for NYCitizenship.

The response has been very positive. We have heard anecdotally that the annual report has been useful both for advocates and for other community members. In fact, our report has been extensively cited by multiple media outlets, including NY1 Noticias, Korea Daily, and China Press. This shows the desire for the kind of data analysis and program data that MOIA produces.

Demographic data

MOIA plays a key role in quantitative and qualitative analysis for the Mayor's Office, City agencies, and for the city at large. Central to this work has been our ability to use data to highlight the ongoing disparities and barriers that exist within our immigrant communities and that are often driven by differences in immigration status. To make these estimates, we work in close partnership with other city agencies and demographers.

Developed by the NYC Office of Economic Opportunity, and in partnership with other national researchers such as the Center for Migration Studies, the City has developed a methodology to use American Community Survey (ACS) data to estimate the City's various immigrant groups, including the undocumented population. The ACS is a national survey that the U.S. Census Bureau administers every year to 3.5 million households. It is designed to produce reliable estimates on small areas and smaller population groups covering over 35 topics such as age, employment, education, English proficiency, and place of birth, among others. The ACS makes this data available at the individual response level through the ACS Public Use Microdata Sample, which are the anonymized individualized responses to the survey questionnaire. It is this microdata that serves as the foundation for the demographic data in our annual report.

Beginning with the non-citizen population in the microdata, we make a series of assumptions, which we call "logical edits," based on characteristics of what we know of the non-citizen population, to infer legal status. Assumptions that infer status include occupations that require legal status, receipt of certain public benefits, and certain immediate relatives of U.S. citizens, among others. These assumptions help distinguish legal residents and undocumented immigrants in the survey data.

Next, in order to further validate and refine our estimates, we perform an adjustment based on recent federal immigration data, looking at actual visa and green card numbers that arrive and/or adjust status by country of origin. This step, called “country controls,” ensures that we can more accurately adjust our estimates to reflect changing immigration patterns over time as well as to better account for the diversity of New York City’s population in our estimates.

Finally, we adjust the estimates for undercount of the undocumented population by about 7.5 percent. We use undercount assumptions that are consistent with undercount rates measured by the Census Bureau over the last few decades.⁴

The ACS data is released in one-year and five-year estimates. For this year’s report, we decided to use the single year estimates in order to provide the most up-to-date snapshot of the city’s immigrant population.

NYC Opportunity’s (OEO) methodology, as described, is a result of decades’ worth of work from statisticians that has made it possible to come up with increasingly accurate ways to estimate the undocumented population in New York City. However, as with any form of estimates based on a sample, we are always subject to some error as well as some misclassification errors based on our logical edits. Additionally, because our methodology is centered around the ACS survey, our analyses are limited to the variables presented in this questionnaire.

We are incredibly proud of the work that we have done with OEO. This methodology and the data that we have produced with it have allowed us to look deeper into the needs and barriers of our immigrant populations and families than we have ever been able to before.

Program data

Given the range of the programs that MOIA oversees, MOIA collects and analyzes a wide variety of program data. This data shows our successes and the challenges remaining for us, both in terms of growth and in terms of the concrete effects that these programs have on our communities.

Choosing what information to collect is a central part of program design. For that reason, the information we collect represents the diversity of the programs that we run and the differences in the goals of those programs. For example, knowing how many IDNYC cards have been issued is extremely important, but when planning for the future it is equally important to understand why people seek out IDNYC and how they use the card. Not every data point is collected for every program, as collection of certain information can impose a burden on the people we serve. For example, the Administration’s policies and local laws actually prohibit us from asking about immigration status for most programs, and with good reason. Asking about immigration status

⁴ See Robert Warren, Democratizing Data about Undocumented Residents in the United States: Estimates and Public-use Data, 2010 to 2013, *Journal on Migration and Human Security* 305 (2014), available at <http://jmhs.cmsny.org/index.php/jmhs/article/view/38>.

when there is no need to do so can alarm immigrant New Yorkers, especially in this federal climate, and chill service uptake.

Given the limits on the types of information we collect, there are corresponding limitations in how we can analyze that data. However, it is important to note that data we collect at point of service is the starting point, not the end, of our analysis to understand the efficacy of those programs. There are other tools that we can and have used, like focus groups and surveys, to glean additional information about our programs and how they serve immigrant New Yorkers.

How we use that analysis

In addition to informing program design and outreach, data plays a critical role in bolstering our advocacy work. MOIA regularly shares research with stakeholders and other cities to help advocate and educate about the impact of federal policies on immigrant New Yorkers. For example, with the 2018 Dream Act fact sheet that we published, we were able to demonstrate this bill could have benefitted 150,000 New Yorkers in our city. With data, we are able to make our advocacy more compelling by painting a fuller story about this population – for instance that this group on average arrived here at age 11 and has lived here for 10 years or more.

This fact sheet is just one example of how our office uses data as an important advocacy tool. Other examples include our fact sheets presenting what increased immigration enforcement looks like in our city as well as what the impact of public charge could be in our city. These tools help inform our policy discussions here in the City as well as across the country.

We use both demographic and program data in designing the programs we oversee. The poll site interpretation pilot project is a good example of a program that has been deeply influenced by demographic data. That is because our analysis of where there was need for this service was heavily based on where there were eligible voters with limited English proficiency (LEP). For the November 2018 general election, MOIA analyzed the languages spoken by the greatest concentration of eligible voters with LEP by poll site and identified six languages for which we could provide assistance with additional interpretation. MOIA then identified the 101 poll sites with the highest concentrations of eligible voters with LEP.

We also often use demographic data in targeting outreach as well as producing materials for that outreach. On multiple occasions, we design and translate flyers for outreach we are doing in certain neighborhoods based on what we knew about the demographics of that area. Again, demographic data is just the starting place for this kind of work. In many cases, we will organize events meant to reach certain harder-to-reach communities, even if they are demographically smaller. For example, we held the first ever “Garifuna and Central American Town Hall” in the South Bronx, in collaboration with multiple City agencies and local community groups.

Finally, MOIA employs a mix of methods to continually evaluate our work. This includes analyzing the program data described above, and administering additional surveys, interviews with our providers, and conducting focus groups directly with our community members. These conversations with our partners in the field help supplement the story that we get from the data.



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Conclusion

MOIA's annual report is a great source of information for our partners across the city. By highlighting both MOIA successes and the challenges ahead, the report provides a picture of the work that we do every day. In coalition with our many partners across this diverse city, we will do our utmost to build a city where everyone, regardless of immigration status or place of birth, can achieve their goals for a better future.

Thank you again for calling this hearing today. I look forward to answering your questions.

FOR THE RECORD

Testimony of Mekong NYC

**New York City Council Committee on Immigration
Hearing on MOIA's Annual Report**

June 12, 2019

Thank you to the Immigration Committee and Chair Menchaca for holding this hearing and inviting us to testify.

I am Chhaya Chhoum, Executive Director for Mekong NYC. Mekong is the only organization in New York City to serve the Southeast Asian refugee community. Our mission is to improve the quality of life of the Southeast Asian community in the Bronx and New York City through: community organizing, arts and culture programming, and providing a social safety net through improved access to critical social services.

In response to MOIA's annual report, the services and programs laid out in the report do not reach our community. Even more, this report and other assessments of immigrant communities and their needs in New York City often leave out our community's experience and the barriers facing our community, who continue to be invisible.

Since the 1980s, approximately 10,000 Cambodians and Vietnamese have lived in the Bronx. The Southeast Asian refugee community has been in this country and in New York City for almost 40 years, after being forced to flee Cambodia, Vietnam, and Laos because of the war in Southeast Asia -- a conflict that was intensified by the U.S.'s foreign policy agenda. As a result, our community experienced war, genocide, and refugee camps only to be brought to the U.S. as part of the largest refugee resettlement program in this country's history, with 1 million Cambodian, Vietnamese, Lao, and ethnic minority groups resettled.

Here in New York City, Cambodians and Vietnamese were resettled in the Bronx in the 1980s and 1990s as the Bronx was burning. With limited resources and support to rebuild stable lives, our community continues to face systemic dislocation and violence that is a continuation of the violence that our people experience back in Southeast Asia. To this day, the issues that continue to impact the well-being of the Southeast Asian community include: limited access to housing, high rates of poverty, mental health, and deportations.

Housing: While the MOIA report focuses on the overcrowding facing many immigrant families, for our community, a fundamental lack of housing, especially for seniors, is the issue. Since our community's arrival in the 1980s, a majority of Cambodian and Vietnamese

people in the Bronx have lived in public housing and housing with poor conditions, with many families living without stable housing. Today, the Southeast Asian community in the Bronx includes many elders who continue to stay as their children and grandchildren have moved outside the borough seeking jobs, more decent housing, etc. They have chosen to stay because it is the community they know, but what we as an organization see is that many seniors do not have stable homes and some are forced to room together as roommates. Mekong provides a space for many seniors to gather during the day, but housing and the question of where they can sleep at night continues to be an on-going need.

Poverty: Many Southeast Asian refugees face persistent poverty, which is overshadowed by the model minority idea. This myth, which paints all Asian communities as similar and successful, does not account for the experiences of Southeast Asian refugees who struggle to access jobs, with many people working multiple low wage jobs, and facing high rates of poverty. As a result, our community relies on social service programs to survive. As rollbacks to social service programs including the Clinton-era welfare reform effort (when Mekong established its roots in organizing the community to oppose these reforms), and more recently the proposed public charge rule, we see these rollbacks as attacks on our community and our community's ability to survive.

Mental health: The Southeast Asian refugee community faces persistent mental health needs, as a result of trauma from war and violence in Southeast Asia, and then displacement, cultural disconnection, and poverty here. PTSD, depression and anxiety are prevalent amongst the Southeast Asian community, with trauma affecting not only the older generation but younger generations as well. Mekong's work integrates healing and inter-generational programming that connects youth and elders to each other to address these needs, but our community continues to face inadequate resources including translation and culturally appropriate services that are grounded in an understanding of the community's history.

Deportations: Across the U.S. there are approximately 16,000 Southeast Asian refugees, including Cambodians and Vietnamese in the Bronx, with orders of deportation. While Southeast Asians have consistently been deported since Clinton expanded the list of deportable offenses under IIRIRA, these deportations have ramped up under Trump. In the case of Southeast Asian refugees, the Trump administration is specifically focusing on old criminal convictions, deporting many people who have already served their time and many who have gone on to have families and reintegrate into their communities. Many are like me and members of the Mekong staff - refugees who left Southeast Asian as children, know the U.S. as home, and are now being deported back to countries we were cruelly forced to leave.

While Southeast Asian deportations goes largely unnoticed, with it comes a lack of and need for resources and legal support to fight these growing cases.

As the City assesses its plan for supporting its immigrant communities, we are calling for the City to recognize the unique history of the Southeast Asian refugee community as part of the larger immigrant community, and provide programs and services that will meet the needs of our community.

**TESTIMONY BEFORE THE NEW YORK CITY COUNCIL COMMITTEE ON
IMMIGRATION REGARDING MOIA'S ANNUAL REPORT**

Presented on June 12, 2019

My name is Hasan Shafiqullah and I am Attorney-in-Charge of the Immigration Law Unit (ILU) at The Legal Aid Society (LAS). Throughout our more than 140-year history, LAS has been a tireless advocate for those least able to advocate for themselves in our city. Our vision is simple: we believe that no New Yorker should be denied their right to equal justice because of poverty. Combining the expertise gained from representing clients across diverse areas of law with the broader public policy perspective of an advocacy group, we lift up marginalized individuals to enable them to advance themselves and their families. Part direct legal services provider, part social justice defenders, we go beyond individual issues to effect change at a societal level.

In the most recent fiscal year, our Immigration team assisted in over 5,200 individual legal matters benefiting over 10,000 New Yorkers citywide. In just the last 12 months, we helped secure the rights of over 6,600 New Yorkers between the ages of 18-21 years old to regularize their status; participated in litigation challenging the implementation of Video Conferencing (VTC) in immigration hearings violating immigrant New Yorkers' right to due process; and represented families and children separated at the southern border. Our breadth of experience provides us with unique insights into the challenges and difficulties facing our immigrant communities across New York and we are on the frontline of efforts to defend our city against an overtly hostile federal administration.

We welcome the opportunity to present this testimony regarding The Mayor's Office of Immigrant Affairs' (MOIA) annual report and the broader immigration legal service landscape in New York.

1. Defending Our Immigrant Communities Against a Hostile Federal Administration

We are extremely grateful for the support and leadership shown by the City Council, HRA, and MOIA for defending our immigrant communities. New York City's approach to meeting the immigration legal services needs of what may be its most vulnerable residents continues to establish it as among the most progressive cities in the nation. As a result, thousands more New Yorkers are able to regularize their status and stay with their families - ensuring that our sanctuary city lives up to its promise for more and more of its residents.

We are particularly grateful for the constructive discussions we have had with HRA recently regarding funding under the MOIA's Immigration Opportunities Initiative (IOI) program. Together with other legal services providers, we had previously expressed concerns about limitations on receiving just compensation for multiple discrete matters for a given client (known as case stacking), and about limitations for re-enrolling cases from one contract year to the next, under IOI funding. These limited our ability to continue to provide high quality legal services to New York's immigrant communities and resulted in providers not receiving adequate funding for the entire life of what can be extremely complicated and resource intensive cases. We are deeply appreciative that HRA and MOIA listened to our concerns and has made thoughtful and beneficial changes to the program funding to allow for legal services providers to report on multiple legal matters for an individual client. This is essential given that our clients frequently are eligible for multiple forms of relief from removal,

which ensures the best possible outcomes for our clients. Similarly, as a result of changes following dialogue with HRA and MOIA, we will now receive funding during each year in the duration of a case, provided there is substantial activity in the case in a given year. This is particularly important as we continue to take on greater numbers of removal defense cases that are often extremely complex and last several years.

MOIA has also taken a leadership role within the Mayor's administration in preparing for the U.S. Department of Homeland Security to issue new regulations on public charge, a ground of inadmissibility that would adversely affect many of our low-income clients who are seeking to adjust to Lawful Permanent Resident (LPR) status through a family member, especially those who receive public benefits like Cash Assistance, SNAP, Section 8, public housing and Medicaid. We appreciate the breadth and depth of MOIA's work on this issue, from conducting research that is essential to advocacy, outreach and training for various stakeholders and coordinating services available to clients who need help.

We do want to recommend two additional areas in which we think MOIA's assistance is especially critical.

First, MOIA should take a more direct role in preparing front-line staff from the agencies that administer the above-referenced benefits for dealing with public charge. For example, we are concerned that agencies like HRA, which administers many of the benefits at issue in the public charge rule, do not have the training capacity to ensure that their client-facing staff are up to the task of assisting clients without exacerbating their fears. We think MOIA could play a critical role in helping the agency to prepare staff and in so doing minimize the "chilling effect" the rule is having.

Second, MOIA can help lead creative thinking on and ultimately take action to leverage resources that the City can use to help clients who are likely to be directly impacted by public charge. Such clients will face the difficult choice of either giving up benefits they need to help maintain their families' health and nutrition or forego adjusting to LPR status. The City of New York can help marshal resources that minimize the risk of public charge for such clients. For example, the City can identify alternative sources of assistance that would not trigger public charge. The City can also work to connect clients in this situation directly with jobs and ESL classes -- resources already managed by HRA and other aspects of City government -- both of which would help minimize the risk of public charge.

We are very grateful for HRA and MOIA's responsiveness to our concerns and its willingness to engage in constructive dialogue to resolve these issues. HRA and MOIA's commitment to partnering with legal service providers to meet the needs of New York City's immigrant communities helps safeguard the continued viability of these vital services and ensures that our immigrant communities are increasingly able to access high quality representation when they most need it.

2. Ensuring Continued Access to High Quality Representation for New Yorkers

Providing representation to New Yorkers in immigration proceedings speaks to a fundamental commitment to New York's values of inclusion and equal opportunity. With the support of MOIA, HRA, and the New York City Council, we have been able to expand access to vital legal services for immigrant communities in our city. Despite our many successes, representing detained New Yorkers continues to be extremely challenging -- particularly because the U.S. Immigration and Customs Enforcement (ICE) no longer exempts groups of

removable noncitizens from enforcement. In other words, every undocumented person is a target no matter how long they have lived in the United States, their community ties, or absence of any involvement with law enforcement.

Among these challenges, there is a significant need for additional resources among New York Immigrant Family Unity Project (NYIFUP) providers as we see substantial changes in how individuals are being processed for removal at Varick Street, including ICE's refusal to produce individuals in-court for hearings, with the implementation of two new detained dockets by Executive Office for Immigration Review (EOIR), the chipping away of NYIFUP's ability to conduct client intake at the court, advancing hearings without proper notice to attorneys, and fast tracking trials at an alarming rate. NYIFUP ensures that every eligible unrepresented, detained immigrant facing deportation at Varick Street Immigration Court is provided with legal representation to help ensure New York families are not separated simply because they cannot afford an attorney. In addition, ICE transferred over 250 recent border arrivals from the southern border to Hudson, Bergen and Orange County jails, which are feeder jails to the Varick Street Immigration Court, and who need high-quality representation by the NYIFUP providers. Yesterday, there was an outbreak of the mumps at Bergen County jail requiring it be on lockdown with a "nobody in, nobody out" policy in effect. This not only effects the health and wellbeing of our clients, attorneys, paralegals, and social workers, but immigration court hearings will be impacted in the short and longer term, and it is unclear what measures are being taken to ensure that our clients have access to their attorneys and to meaningfully participate in removal proceedings and ensure due process throughout legal representation. These ongoing

challenges require significant additional resources if we are to continue providing a truly universal right to counsel for detained cases in immigration court.

Linked to this, developments in the immigration landscape and political environment also highlight the strong need to develop a robust federal practice. In February 2018, U.S. Supreme Court issued its decision in *Jennings v. Rodriguez*, finding that certain individuals subject to prolonged immigration detention are not statutorily entitled, under the Immigration and Nationality Act, to periodic bond hearings after six months of detention. As a result of this, the 2nd Circuit Court of Appeals vacated its related ruling in *Lora v. Shanahan*, from November 2015, which had previously allowed attorneys to seek bond hearings for clients at the bright-line rule of six-months of detention. As a result of the *Jennings* decision, LAS is now forced to undertake the much more burdensome and resource-intensive task of filing individual writs of habeas corpus in federal district court. Moreover, there is trending surge of adverse decisions from immigration judges and the Board of Immigration Appeals, which then requires the filing of Petitions for Review in the 2nd and 3rd Circuit Courts of Appeal. This is all extremely time-sensitive and resource-intensive work under taken by existing staff, who are already overburdened. Without additional resources and dedicated staff through a more robust federal practice, this work will not be sustainable in the long-term - particularly in light of ever-increasing detentions and removals. In order to ensure that we are responsive to the rapidly changing immigration landscape and needs of our clients, we must grow our federal practice.

The immigration landscape for noncitizen New Yorkers remains extremely challenging and it is vital that we continue to have adequate resources to defend our communities against

these unprecedented attacks from an overtly hostile federal administration. We look forward to continuing to work with MOIA, HRA, and the City Council to defend immigrant New Yorkers and are proud to have the City as a partner.

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TESTIMONY OF
IMMIGRANT JUSTICE
CORPS - MOIA ANNUAL
REPORT 2019



Jojo Annobil
IMMIGRANT JUSTICE CORP

**Testimony of Immigrant Justice Corps on
MOIA Annual Report
June 12, 2019**

Immigrant Justice Corps (IJC) thanks the New York City Council for the opportunity to submit testimony on the Mayor's Office of Immigrant Affairs' Annual Report for Calendar Year 2018. IJC is a longtime MOIA collaborator, and an awardee of MOIA funding via the ActionNYC Legal Capacity Building program. We have witnessed firsthand the direct impact that the ActionNYC Legal Capacity Building Fellowship – and similar city-wide efforts – have had on broadening and deepening the competencies of a diverse array of immigration practitioners in New York City, particularly organizations catering to perennially underserved communities. In a short span, the efforts of this initiative have proven that, with investment from the City and devoted partners, immigration legal service providers with small to nascent practices can grow to meet the staggering needs of their target populations.

Organizational Information

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, 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 fifth year, IJC has trained and placed over 175 Justice Fellows (law graduates) and Community Fellows (college graduates) to support our mission to increase both the quantity and quality of immigration legal services.

The ActionNYC Legal Capacity Building Fellowship

The ActionNYC Legal Capacity Building Fellowship sprang from the recognition that, in New York City, there are several small community-based organizations well positioned to deliver immigration legal services to hard-to-reach immigrant communities, including recently arrived populations from Africa, Asia, and the Caribbean. These organizations are deeply rooted in immigrant neighborhoods and communities, have well-established cultural and linguistic competencies, and have obtained the trust of community members — making them uniquely placed to meet community-specific needs. And yet, despite these strong ties to community members and cultural competence, those smaller organizations face several capacity challenges before they can effectively deliver — and compete for funding to provide — deeper immigration legal services.

As the MOIA Annual Report notes, “the ActionNYC Capacity Building Fellowship has provided comprehensive training and technical assistance to develop the capacity of 18 small and medium-sized community organizations to deliver immigration legal services and conduct outreach. After a year of rigorous training as part of the fellowship’s legal component, eight CBOs expanded to conducting comprehensive immigration legal screenings and providing full legal representation in straightforward immigration matters.” Since the outset of the initiative, in 2017, IJC has served as the Legal Coordinator, responsible for building and executing the training curricula, technically assisting the organizational fellows and distributing resources to aid them in their casework and case management-related expansions. We are a natural fit to this role, given the trainings we provide to our own fellows, in addition to deep familiarity with the New York City legal services landscape, and the pre-existing relationships we have with many community-based immigrant-serving organizations.

In fact, IJC currently partners with two of the ActionNYC Legal Capacity Building fellows – the MinKwon Center for Community Action and the Sauti Yetu Center for African Women and Families– through our Community Fellow and Justice Fellow programs. As such, we are intimately familiar with the capacities those organizations have grown during the past three years. Despite challenges in staffing turnover and other funding shortfalls, IJC has helped the advocates at MinKwon and Sauti Yetu increase their substantive legal expertise through many hours of one-

on-one instruction and guidance. They have, continued to take on cases of greater complexity, which their constituencies – Korean/Chinese and West African, respectively – turn out for in greater numbers every day.

Other organizational fellows in the program have made comparable gains. For instance, through ActionNYC we assisted the Council of People’s Organizations (COPO), which primarily serves South Asians and Muslim communities in Brooklyn, in obtaining Department of Justice (DOJ) Recognition and Accreditation so that they could represent their clients more meaningfully in immigration matters. COPO has since become a full time ActionNYC site.

The ActionNYC Legal Capacity-Building Fellowship is a key MOIA effort that delivers much-needed support to organizations on the precipice of change. Through this program, IJC is able to extend our mentorship and resources to agencies perfectly situated to blossom and expand their services to areas and populations whose needs are well-documented. It is commendable and important that those New Yorkers are being accounted for and ministered to by this valuable community resources.

We thank the New York City Council for the opportunity to testify about this important matter and we look forward to further discussions regarding our comments. Thank you.

Submitted by,

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¹ Sam Palmer-Simon, Training and Capacity Building Manager, contributed to this testimony.



**Testimony of African Communities Together
Maimouna Dieye, Program Manager**

**Oversight Hearing - MOIA Annual Report
Submitted to the New York City Council Committee on Immigration
June 12th, 2019**

Good afternoon Chairman Menchaca and members of the Committee on Immigration, and thank you for convening today's hearing. My name is Maimouna Dieye, program manager at African Communities Together, ACT. At ACT, I lead our Community Interpreter program and supervise the development of our African Language services worker cooperative. African Communities Together is an organization of African immigrants that empowers our community members to integrate socially, get ahead economically and engage civically.

MOIA's Annual Report states that one of their three main priorities is "to combat inequalities that harm New York's immigrant communities" and one of their recommendations for FY 2019 is to lower barriers for immigrants to access barriers to services.

One of the most significant barriers for immigrant communities in accessing services is language.

1. Language barriers are particularly significant for communities that speak Languages of Limited Diffusion (LLDs). LLDs include most African languages, many Asian languages, and indigenous Latin American languages. Speakers of LLDs are often hard to reach communities who are most disconnected from immigration services and outreach, while also being the most targeted by the federal immigration policies that MOIA discusses in its report, such as termination of Temporary Protected Status (TPS), restrictions on asylum, and escalating immigration enforcement.
2. The City provides tens of millions of dollars in funding to nonprofit immigration legal service providers through ActionNYC and other City initiatives. Currently, language access is a major barrier to successful delivery of these services. Attorneys at City-funded nonprofit immigration legal service providers spend too much time trying to find and screen professional and reliable interpreters for LLDs, particularly in high-stakes cases like deportation and asylum, taking scarce attorney hours and legal services budgets away from legal representation.
3. Both City agencies and City-funded nonprofit agencies depend heavily on telephonic interpretation. Telephonic interpretation service is less effective than in-person interpretation at building trust and rapport between attorneys and clients, and there are often significant issues of quality and availability of interpretation for LLDs. In addition, telephonic services are expensive- as much as \$180 per hour.



4. Our members are often asked to bring their own interpreters to an appointment, and our organization is often asked to provide volunteer interpreters to City agencies and City funded nonprofit service providers. Our office often receives calls from our new immigrant members who were unable to access services because of language barriers.

Recommendations

While these issues are particularly acute in relation to immigration legal services, they cut across City-funded services, including education, health care, housing, and social services.

Creating truly inclusive language access to immigrant New Yorkers will require a comprehensive approach. At present MOIA has not proposed such a systemic approach.

For this reason, ACT joined with New York Immigration Coalition (NYIC), Asian American Federation (AAF) and MASA in the South Bronx in a coalition to advocate for language access for the African, Asian and Latino communities we serve. Our coalition is proposing two critical initiatives to lower barriers for immigrants to access services:

- Creation of a Community Legal Interpreter Bank (CLIB) that recruits, trains, and dispatches legal interpreters who provide services free of cost to City-funded nonprofit legal service Providers.
- Development of language services worker-owned cooperatives, community-based, worker-owned agencies that build the pipeline of trained language services professionals, while creating skilled employment and business ownership opportunities for New York's immigrant communities.

We applaud the City Council for its Response to the 2020 Preliminary Budget, which calls on the Administration to allocate \$2 million in the Fiscal 2020 Executive Budget to pilot a language interpreter bank.

As the City Council continue to negotiate the budget, we urge you all members of the Committee on Immigration to continue in your advocacy with the Mayor to fund language access expansion in the FY 2020 Executive Budget, and to work with our coalition to address language access needs for New York's most vulnerable populations.

Thank you for your valuable time and consideration in implementing our recommendations.



Asian American Federation

Testimony for New York City Council Oversight Hearing on MOIA Annual Report

Submitted to the New York City Council Committee on Immigration

June 12, 2019

Thank you Chair Menchaca and the Committee on Immigration for convening this hearing today. The mission of Asian American Federation (AAF) is to raise the influence and well-being of the pan-Asian American community through research, policy advocacy, public awareness, and organizational development.

Overall, Asians are the fastest growing community in New York City, making up 15% of the population. About 7 in 10 Asian New Yorkers are foreign-born, making immigration issues particularly salient for our community. For the Asian immigrant community, the Department of Education tracks 55 languages across more than 20 Asian ethnic groups. Also, compared to the overall city Limited English Proficiency (LEP) of 23%, 47% of Asians are LEP, ranging from 18% LEP among Filipinos to 60% among the Chinese.

Moreover, a growing number of Asian immigrants speak languages of limited diffusion (LLDs), or languages spoken by relatively small numbers of people and which may not be widely taught or spoken in more than one country. These include less common Chinese dialects, South Asian languages, and languages spoken by the growing Burmese refugee community.

We recognize the urgency in securing language accessibility so that our most vulnerable populations are able to access legal assistance and other critical public services.

I. Immigration Legal Services in the Asian American nonprofit community

In the City Comptroller's recent analysis of immigrant enforcement data, *The Demographics of Detention: Immigrant Enforcement in NYC Under Trump*, Chinese, Indian, and Bangladeshi immigrants were shown as having the highest rates of immigrant court proceedings in New York City. An NPR report in September 2018 also stated that the federal government is currently

reviewing 13,500 asylum mill cases petitioning on behalf of largely Chinese immigrants.¹ Placing this in conjunction with the Asian American community's high LEP rate and growing diversity, the need for in-language legal services becomes even greater.

Through previous ONA contracts and support from the Liberty Defense Fund (LDP), we were able to connect Asian immigrants with immigrant legal services. However, with this funding no longer available to us and our member agencies, Asian immigrant communities are much less likely to be connected with adequate, non-profit legal service resources in our City. Furthermore, there is currently no consolidated, nonprofit legal immigration services provider in New York City that works primarily in Asian languages.

Recommendations:

- **Engage and fund community-based Asian American organizations to create capacity to handle immigration issues**, which includes creating capacity to provide law-related support or legal services for immigrants facing immigration enforcement. This would also allow organizations to build effective partnerships with a variety of legal assistance organizations and programs.

II. Community Language Interpreter Bank (CLIB) and Language Worker Cooperatives

We'd like to commend the City Council for passing Local Law 30 and urge you to continue working with the Mayor's Office of Immigrant Affairs (MOIA) and other city agencies to protect the rights of immigrant and limited English proficient (LEP) New Yorkers. We also want to thank the City Council for including the language bank proposal put forward by our coalition (African Communities Together, New York Immigration Coalition, Asian American Federation, and MASA) in your preliminary budget response. We look forward to working with you to implement this plan for expanding access to vital services and providing skilled employment and business ownership opportunities in immigrant communities.

The language bank and worker cooperative proposal seeks to lower barriers that still remain within Asian communities, particularly for those who speak languages of limited diffusion (LLDs). Speakers of LLDs are often the most disconnected from immigration services, although they are disproportionately affected by policies like immigrant enforcement, family separation, and asylum. Currently, city-funded, nonprofit immigration legal service providers remain overly dependent on inadequate telephonic interpretation services, and spend too much of their time trying to find and screen reliable interpreters, taking scarce hours away from legal representation.

¹ Chang, Ailsa. "Thousands Could be Deported as Government Targets Asylum Mills' Clients," *NPR*. <https://www.npr.org/sections/money/2018/09/28/652218318/thousands-could-be-deported-as-government-targets-asylum-mills-clients>

Meanwhile, immigrant community organizations are inundated with requests to recruit LLD interpreters, which they are unable to complete, and interpretation often falls to untrained volunteers or family members, a potential civil rights violation. However, LLD interpreters can be found in immigrant communities and trained: educated immigrants have trouble transferring the professional and academic credentials from their home country to the US workforce, and may find greater use for their skills in legal, medical, and diplomatic interpretation and translation. Immigrant community organizations can thus help recruit, train, and support these community members to become language services professionals, but doing so will necessitate additional resources.

Recommendations:

- **The City should allocate \$2.25 million to fund a community-based nonprofit organization to set up a Community Legal Interpreter Bank (CLIB).** The CLIB would serve as a centralized source for city-funded legal service providers to find certified, trained interpreters. A team of qualified interpreters would be vastly preferable to the current telephonic system, and the prevalent use of untrained interpreters.
- **The City should allocate \$750,000 to fund immigrant CBOs to develop and launch three worker-owned, language service cooperatives:** one for African LLDs, one for Asian LLDs, and one for indigenous Latin American LLDs.
 - The worker coops would serve as a recruiting and training ground for language service professionals who can go on to work at the CLIB, or other nonprofit and/or private sector institutions.
 - They would also give speakers of LLDs valuable business ownership and skilled employment opportunities.
 - The City Council could either create a new initiative or work through an existing initiative like the Worker Cooperative Business Development Initiative.

III. Public Charge

Closely tied to Asian language accessibility is the need for immediate action to follow the looming "public charge" decision by the U.S. Department of Homeland Security. Estimates from Manatt Health and the Migration Policy Institute put the potentially impacted population in the Asian community of New York State at around a quarter million residents, or 31% of non-citizen Asians and their family members. Moreover, almost half of Asian immigrants who previously were allowed into our country could potentially be turned away if the decision is implemented.

In our last media briefing conducted with MOIA and HRA, we emphasized that the proposed rule was not yet in effect, and would not retroactively impact current immigrants enrolled in benefits. We also emphasized that the proposed rule was narrow in scope and would not apply to refugees, those applying for citizenship, and other protected immigrant groups.

Nevertheless, the Department of Social Services has found that Asian non-citizen recipients of SNAP benefits were disenrolling at a rate 8 times higher than Asian citizen recipients, which was much higher than the overall non-citizen to citizen difference of 4 times for all of New York. Year-to-year comparisons from January 2017 through January 2019 saw that disenrollment rates by non-citizen recipients had accelerated from the year before. DSS shared this research with advocates on May 31. The Urban Institute has stated that in 2018, one in seven immigrants reported that they either did not participate in—meaning they did not apply for or dropped out of—a non-cash benefit program in 2018 out of fear of risking future green card status.² As anti-immigrant hostility continuously ramps up, exercising New York's sanctuary status and providing strong counter-messages to protect the vulnerabilities of immigrant workers becomes even more pressing.

Recommendations:

- **Provide free legal services in-language to help immigrants evaluate their public charge status.** The City should provide and promote free legal services in-language, and not just among the ten designated citywide languages as mandated by Local Law 30 on Language Access.
- **Fund CBOs to launch a public education and outreach plan in hard to reach communities.**
- **Launch legal assistance** to determine whether or not it is safe for immigrants to continue accessing programs.
- **Provide and promote in-language messaging to immigrant communities** across the city regarding the impacts of public charge. There should be joint messaging from all city agencies involved or impacted by the proposed Public Charge rule. The messaging should focus on who is actually impact, who can still safely access public benefits, and what alternative resources are available to those who are impacted.
- **Work with our member agencies and other community-based organizations** to make sure the message gets out about where immigrant New Yorkers can seek help from the city. This information should also be conducted in partnership with ethnic media in print, television, and radio.
- **Create lasting safety net programs** to serve those left with no recourse following the public charge decision, especially those in the vulnerable youth and senior populations.
- **Convene a working group of community leaders and experts to come up with a comprehensive plan to explore how we can support vulnerable families.**

² "With Public Charge Looming, One in Seven Adult Immigrant Families Reported Avoiding Public Benefits Programs in 2018," the Urban Institute. <https://www.urban.org/urban-wire/public-charge-rule-looming-one-seven-adults-immigrant-families-reported-avoiding-public-benefit-programs-2018>

IV. Census 2020

Finally, as a Census Information Center, we'd like to emphasize the need for funding Asian-led community-based organizations to properly administer the 2020 Census. According to Census Bureau's own surveys, only 55% of polled Asian Americans stated that they were "extremely" or "very" likely to fill out the Census form, and 41% believed that their answers on the Census "will be used against them."³ Factors such as limited English proficiency and recent immigration status already increase the chances of an undercount, but when compounded by the anti-immigrant hostility from the federal government, its proposed citizenship question, and the incoming public charge, the need for increased frontline organizational involvement becomes crucial.

Although Census Bureau language assistance, currently in development, will be available in 59 languages, the paper Census will only be available in English and Spanish, and the online Census will only include five Asian languages. In addition, the Census Bureau's paid media campaign currently does not include plans for South Asian languages, a serious blow to making South Asian communities feel included in the Census effort. We foresee other difficulties emanating from the emphasis on Internet-based responses, the use of administrative records with respondent's personal information in non-response follow-up, and the decreased staffing in Census field operations. Support for Asian American organizations can aid in helping to fill gaps in language and online literacy, as well as in building awareness in immigrant communities of the confidentiality and importance of the Census.

Recommendations:

- **Allocate the majority of the \$20 million in City Council Census funding to support community-based outreach efforts in-language and at the places where immigrants are found.**
- **Include Asian languages (especially South Asian languages) in media campaigns, signage, and other promotional collateral.**

Thank you for this opportunity to present our recommendations.

³ Ramakrishnan, Karthick and Wong, Janelle. "Census 2020 has a Big Asian American problem," AAPI Data. <http://aapidata.com/blog/census2020-asian-am-problem/>

My name is Cindy Nesbit, and I work as a senior staff attorney at the Sikh Coalition. The Sikh Coalition is a nonprofit and nonpartisan national community-based civil rights organization. Our goal is to work towards a world where Sikhs and other religious minorities in America are able to practice their faith freely, without bias and discrimination. Our team addresses issues of bias and discrimination on a daily basis.

We appreciate the city's efforts to provide language access to immigrant communities. However, we do think it's important to continue to expand those services so that people whose primary languages are less widely spoken are not left behind. These community members need to feel that they are part of this great city that they call home.

Often times, though, these people are amongst the most vulnerable. For instance, members of the Sikh community predominantly speak Punjabi, a language that is not amongst the top 10 languages spoken in New York. However, because they wear an easily identifiable external uniform – unshorn hair and a turban – they are disproportionately targeted for bias-based incidents and discrimination. Without adequate access to resources in Punjabi, they are often unsure where to go for assistance and how to request the assistance they need.

Additionally, as the city continues to engage with immigrant communities, it is important to remember their cultures and traditions when planning events. The city should work with community organizations to learn what accommodations may be needed to assure that our diverse population feels welcome.

As an example, many people in the Sikh faith wear a turban and kirpan. For those who are unaware, a kirpan is a mandatory article of faith for observant Sikhs that resembles a knife. It is essential that when planning events, these articles of faith are taken into consideration, particularly for events in which attendees have to pass through a security screening. The city cannot expect Sikhs to attend events about their culture or that provide information that impacts their communities if they are unable to wear their articles of faith or are subjected to overly invasive scrutiny of their turbans.

Lastly, it is important for the city to engage with the NYPD and groups like the Taxi and Limousine Commission to make sure that these organizations are adequately interacting so they can effectively represent marginalized groups' interests and address their concerns.

We appreciate your commitment to working with the diverse immigrant communities in the city and look forward to working with you to further your efforts to advance immigrant's rights and participation.

Thank you.



Remarks by Rex Chen, Director of Immigration for Legal Services NYC. June 12, 2019.

My name is Rex Chen and I'm the Director of Immigration at Legal Services NYC. LSNYC helps over 100,000 low-income New Yorkers every year with a wide range of civil legal services. We helped over 20,000 immigrants and their family members with immigration services, including helping asylum-seekers and domestic violence victims.

Our intake staff saw a large increase in immigration questions since November 2016 and we continue to get a very high volume of immigration questions. In the past two years, the number of people who benefitted from our immigration services increased 30%. Thank you for your support.

Turning to MOIA's plan for 2019, we appreciate the focus on economic justice for immigrant New Yorkers. LSNYC held a conference yesterday where our entire staff brainstormed about economic justice issues and the systemic barriers to equality. It won't be easy but we're glad that MOIA and the City Council are working on it.

Finally, we appreciate MOIA's work on language access issues. We have seen how important this issue is. LSNYC has been working on language access issues with NYCHA, with the court system, and in other areas.

We're looking forward to working with you and with MOIA in these challenging times. Thank you.

NSC Community Legal Defense (NSC Defense) Testimony

NYC Council Committee on Immigration – June 12, 2019
Oversight-MOIA Annual Report

Good afternoon Chair Menchaca and members of the Immigration Committee. I am Sarah Gillman, one of the co-Legal Directors, along with Gregory Copeland, of NSC Community Legal Defense (“NSC Defense”). We thank the Committee for the opportunity to testify regarding the Mayor’s Office of Immigrant Affairs’ (“MOIA”) Annual Report (the “Report”), and we thank the City Council for its continued support of legal service providers and its work to ensure access to justice for all our immigrant community members.

MOIA’s Annual Report demonstrates the extraordinary commitment of the City of New York and its legal service providers to serve our immigrant community members. At the same time, it highlights the need for expanded investment in new initiatives addressing rapid response needs and gaps in truly facilitating *universal* access to justice for noncitizen New Yorkers. Critical to most effectively responding to the relentless attacks on immigrants, as the Report identifies, is collaboration and the effective coordination of programs. Legal service providers and community-based organizations recognize the urgent need to work alongside government partners in a concerted effort to help protect and ensure universal access to justice for noncitizens in New York City, while also avoiding costly duplication of work.

NSC Defense is a new and innovative non-profit legal services organization, led by two experienced immigration and Federal Court litigators. It is focused on addressing currently unmet needs in flexibly and rapidly responding to the ever-changing attacks on our immigrant community stemming from the enforcement efforts of the current administration. NSC Defense requests that MOIA, the City Council, legal service providers and community-based organizations work collaboratively in the coming year to fund and facilitate necessary new initiatives, including NSC Defense, to most efficiently and effectively meet our communal aspiration to provide all noncitizens in New York meaningful access to justice and to combat the incessant attacks on noncitizens in New York City.

NSC Defense’s primary function is to provide emergency legal assistance to the significant population of immigrants in New York subject to final orders of removal (“Final Orders”) –issued when all opportunities to directly challenge the order through immigration proceedings have been exhausted. This population is especially vulnerable to U.S. Immigration and Customs Enforcement (“ICE”) detention and immediate removal without a meaningful or timely opportunity to challenge ICE’s often unlawful conduct. It has been estimated that approximately 10% of the noncitizens living in the United States without documentation are subject to Final Orders.¹

¹ See Michael E. Miller, *They fear being deported. But 2.9 million immigrants must check in with ICE anyway*, The Washington Post, April 25, 2019 available at: https://www.washingtonpost.com/local/they-fear-being-deported-but-29-million-immigrants-must-check-in-with-ice-anyway/2019/04/25/ac74efce-6309-11e9-9ff2-abc984dc9eec_story.html?utm_term=.8e3ae01bbe26 (“The fear is strongest for the 1.05 million people

In past years, individuals with Final Orders have frequently been able to remain in the country, often with ICE’s express or tacit approval. However, the Trump Administration, in its zeal to target immigrant communities and deport any immigrants it can, has unilaterally cancelled enforcement priorities that previously allowed discretion to permit New Yorkers with Final Orders to remain in the United States. New Yorkers with Final Orders are now under a constant threat of being arrested and summarily deported without even the semblance of due process, even though they may have strong defenses against removal.

Noncitizens with Final Orders are both: 1) generally ineligible for legal services currently provided in New York City, and 2) at greatest risk of summary and immediate deportation. Defending this population of noncitizens requires representation combining: i) the flexibility to respond instantly ii) expertise in accessing emergency relief in the Federal Courts, most often in the form of a temporary restraining order to prevent removal as legal claims are presented, iii) experience working within the Immigration Court system (including at the Board of Immigration Appeals level) to holistically assess cases and locate opportunities for relief from removal not previously pursued or competently presented, and iii) the ability to engage and involve community-based organizations, other legal services providers, elected officials, and any other available resources or partners to put forth a comprehensive defense.

During the past two years—initially as attorneys at The Legal Aid Society, and since January 2019, at NSC Defense—Gregory Copeland and Sarah Gillman have pioneered a highly effective “Rapid Response” defense system in which they go immediately to Federal Court to stop, or in some cases actually reverse, the deportation of NSC Defense’s clients.² NSC Defense leverages its unique expertise in both Federal Court and Immigration Court litigation to prevent imminent and already enforced removals with unmatched success. These emergency victories in Federal Court on the one hand provide time to effectively exhaust all legal options for the individual client at hand, but also contribute to a nation leading legal framework that can assist similarly situated noncitizens in future cases.

NSC Defense also plays a key role in assisting a broad array of legal service providers, community-based organizations, and government partners to address rapid response needs. NSC Defense has co-counseled or advised all members of the New York Immigration Family Unity Project on litigation in the Federal Courts, and has similarly assisted law schools throughout the state, private law firms, and members of Congressional and City agencies.

NSC Defense’s model is simple. When the government engages in unjust and unlawful practices that result in the separation of families, the detention of children or adults or the deportation of members of the community, NSC Defense rapidly responds by providing a comprehensive defense involving: an effort to seek relief in

[out of 11 million noncitizens without status, approximately 10%] who already have final orders of removal, meaning they could not only be arrested at a check-in, but also quickly deported.”)

² See Alice Speri, *How Two Immigration Lawyers Created a Rapid-Response Team to Combat Ice*, The Intercept, Mar. 5, 2019, available at: <https://theintercept.com/2019/03/05/ice-detention-legal-aid-rapid-response/>.

the Federal Court through emergency rapid response litigation, community engagement and mobilization, and collaboration with law firms and other partners on a *pro bono* basis. In the last three weeks alone, NSC Defense has responded to several cases in which the government engaged in flagrant, unlawful conduct that would have otherwise gone unchecked. In two of these cases, the government was ordered to return NSC Defense's clients to the United States due NSC Defense's determined effort to respond decisively within the exceedingly small window of time. As a result, clients receive justice and ICE is held accountable for its unlawful practices.

The MOIA Report is a testament to the expansion of immigration services currently provided in New York City, but also a pertinent reminder of the overwhelming need for an NSC style legal defense that is not provided by any other organization in New York City. The report illustrates why effective, relentless, experienced and novel models of defense must be funded to best protect individuals, their families and communities from the continued and relentless assault undertaken by the Trump Administration.

In order to continue to respond and ensure that the Trump Administration is not able to summarily detain and deport individuals who have lived in the United States with Final Orders, adequate funding is necessary to first sustain, and then grow NSC Defenses efforts. NSC Defense requests that the City Council, MOIA, legal service providers and community-based organizations work together to fund and facilitate these legal services critical to protecting immigrants and their families.

Selected Cases

In order to exhibit the destructive and life-altering effects of deportation proceedings and also to showcase its diligent action on behalf of immigrants, NSC Defense has included a description of some of its most compelling cases. In each one, Gregory and Sarah successfully challenged the unlawful detention of their client or the unlawful practices of ICE in the process of deportation. Cases like these have become all too common under the Trump Administration.

NP

NP has lived in the United States since the age of seven (7) years old. She suffers from debilitating medical conditions and has been the victim of past abuse including, but not limited to, sexual violence. She has a limited educational history and difficulty reading. NP was detained in 2010 but then granted an Order of Supervision (“OSUP”) and released from detention. This order allowed NP to remain in the United States as long as she periodically checked in with ICE, with she did religiously. However, in 2018 one routine appointment turned into a life-altering affair. NP arrived at 26 Federal Plaza expecting the customary treatment—a meeting with an official who would give her another date at which to check in. This time, however, after waiting for hours, she was suddenly detained without explanation or without access to her lifesaving medication, and sent to a jail in New Jersey to be prepared for deportation to a country that she had not been to in nearly fifty (50) years. Gregory and Sarah responded by seeking action in Federal Court to challenge ICE’s legal authority to detain and deport NP in secrecy and without any prior notice, warning or opportunity to defend herself. Their efforts stopped ICE in its tracks and allowed critical time to compile evidence proving that NP had in fact derived United States Citizenship through her mother. Armed with this new information, they successfully challenged the initial order of removal. In March of 2019, an Immigration Judge at 26 Federal Plaza told the government that it was over. NP would never be in immigration proceedings again—she was a U.S citizen.

PV

One day in early June 2018, PV was making a food delivery for his job to an Army base in Brooklyn, New York. Afterwards, he, his wife and their two children were scheduled to enjoy weekend plans together. Instead of completing his work for the day and returning to his family, PV was suddenly detained and facing imminent deportation. Although PV’s case at the time was met with public outcry and media attention, there was no promising avenue for legal defense—until Gregory and Sarah got involved. They knew that it would be necessary to go to Federal Court to challenge the actions of the government and seek an emergency stay of PV’s removal. Gregory and Sarah began working on PV’s case on Friday evening, June 8, and less than 24 hours later the next day, walked out of the Federal Courthouse with a Judge’s Order halting PV’s removal until his case could be heard. After arguing before the court, Gregory and Sarah secured PV’s right to remain in the United States with his family while he pursued the relief from removal available to him—a process to obtain lawful status. PV and his family were not the only ones who benefited from this favorable decision. His case has been cited by Courts around the country and has been instrumental in building the case law that has and will continue to develop as an effective check on the Trump Administration’s unlawful practices.

XY

XY and his wife had waited years to go to 26 Federal Plaza for an I-485 interview that would hopefully grant XY Lawful Permanent Residency Status. They expected this to be one of the final steps in the lawful process to adjust XY's status. They left home, kissed their children goodbye and said that they would see each other again in the evening. Instead of an interview they received an ambush—unauthorized by law and in violation of the Constitution of the United States. Without any prior notice, warning or opportunity to defend himself, XY was taken away in handcuffs and detained in a jail in New Jersey. Even though Gregory and Sarah were in California at the time, they took immediate action—employing a flexible, rapid and relentless response they worked from California to win a temporary stay of XY's removal. Less than a week later, their oral argument compelled a Federal District Court Judge to order XY's immediate release. XY's case continues and Gregory and Sarah have recruited a team of lawyers from a private law firm to assist. The decision rendered by the Federal District Court Judge—just as in PV's case—has been cited by Courts across the nation and continues to benefit other victims of similar government conduct. In this particular case, the Federal District Court Judge's issued a strong admonishment of and reminder to the Trump Administration that the Constitution and the laws of the United States cannot simply be disregarded.

Danny Michel

Fifty-four-year-old Danny Michel had held status as a legal permanent resident since 1970 when he immigrated from Haiti as a five-year old. In 1999, he was slated for deportation after two minor drug convictions. But ICE did not immediately act on his removal order. He was detained in an immigration center for the next six years and forced to communicate with his teenage daughter, Britney, through letters. After finally being released on bond in 2005 he religiously attended his check-in meetings in order to ensure that he could remain in the U.S with his daughter and parents. But in June 2016, without any notice, Danny was detained at a regular check-in and deported a month later. Despite being separated from his family, his home, and his community, neither Danny nor his lawyers, Sarah and Gregory, gave up the fight. Danny worked tirelessly for almost two years to organize the paperwork necessary to get a passport to return to the U.S. When he finally obtained his passport and was cleared to return to the U.S, ICE confirmed that they would detain him immediately upon landing. In response, Gregory and Sarah went to court and successfully argued for an order prohibiting ICE from detaining Danny. Despite this, ICE held Danny in violation of the Court's Order for almost ten hours. Ultimately however, the determined and relentless effort of Gregory and Sarah prevailed, and Michel was reunited with his family.

See Alice Sperti, Ice Defied a Court Order in Vendetta Against Deportee, The Intercept, (Sept. 29, 2018) available at <https://theintercept.com/2018/09/29/ice-deportation-immigration-system/>.

SNC

SNC is a mother of eight U.S citizen children and a victim of human trafficking. Arrested due to false allegations put forth by her trafficker, she appeared in Court to address these charges and inform the Judge about the horrific experience she had endured. The criminal court judge in New York City understood—she should not be prosecuted but rather assisted—and the case was dismissed. But ICE, waiting at the courthouse, ambushed her and acted with reckless disregard for her situation.

ICE detained her in a Jail in New Jersey and separated from her children and support system—forcing her children into the custody of her abuser. Gregory and Sarah were again called upon to file emergency action in Federal Court to stop her deportation and allow her to apply for a special Visa available to victims of trafficking. Even though only one other case had successfully been brought in the United States and many lawyers advised them that they would lose, Sarah and Gregory persisted. SNC was released in November 2018 and remains at home with her children as she pursues her legal avenues to permanently remain in the United States. The Federal District Court’s decision in her case was and continues to be instrumental in defending the rights of individuals to challenge ICE’s unlawful practices.

Kinimo Ngoran

Kinimo Ngoran has been a beloved member of his community for over a decade and has served as a chef at the Capital City Rescue Mission in Albany. As a spouse of a U.S. citizen, he was in the process of adjusting his status when the government detained him on January 23, 2019 without any prior notice, warning or an opportunity to defend himself. At the time of his detention, Kinimo was complying with ICE’s request, appearing at a scheduled check-in. Although Kinimo garnered the support of a law school, an immigration lawyer, the press, and local politicians, a creative legal defense was necessary to stop the deportation and allow him to remain in the United States with his wife and community. NSC Defense responded to the call for assistance and ensured that Kinimo’s removal was stayed. Although Kinimo is not from New York City, the legal defense employed was the same—aggressively respond and continue to fight until justice is secured. On March 5, 2019, Kinimo was released from detention and is now home with his wife and will be returning to his volunteer work with the Capital City Rescue Mission.

See Mallory Moench, Kinimo Ngoran released from ICE detention after six-week saga, Times Union (Mar. 5, 2019) available at: <https://www.timesunion.com/news/article/Kinimo-Ngoran-released-from-ICE-detention-after-13664356.php/>.

EY

EY arrived in the United States seeking shelter and protection. Upon arrival he was placed in long term foster care and looked after by his foster mom. However, in the early morning hours of February 19, 2019—EY’s 18th Birthday—the government detained him and planned to send him to an adult jail. NSC Defense filed a motion in Federal Court just hours after his detention and the teenager was swiftly released and able to celebrate his 18th birthday at home with his foster family. NSC Defense did not stop there—it has partnered with a prominent private law firm to continue to litigate the case in U.S. District Court to ensure that this unlawful, unjust and cruel practice of jailing children on their 18th birthdate is curtailed. The issues at hand in this case will continue to impact countless children just like EY.

ST

ST has lived in the United States for twenty-five (25) years. During that time, he has built a family, paid his taxes and become an important member of his community. Approximately a decade ago, he was granted an OSUP and complied with the terms thereof. On February 14, 2019 he was unjustly and unlawfully detained at a regularly scheduled check-in appointment with ICE. He was taken in silence by the government and separated from his wife, daughter and sons. In the early morning

hours of February 25, 2019, while on a trip to prepare law students at the University at Buffalo Law School to argue the case of Kinimo Ngoran, NSC Defense filed a motion in federal court on behalf of ST. ST had previously received ineffective legal representation from other legal service providers in New York City. In one instance, a NYIFUP provider initially accepted his case, but then elected to reverse course and withhold representation, costing ST valuable time in his effort to remain with his family. As other legal service providers continued to refuse or withdraw from ST's case, NSC Defense stepped up and arranged to partner with a large private law firm. NSC Defense met with Mr. T. at the Bergen County Jail on February 23, 2019, and thereafter quickly worked to file a motion in court.

SD

SD has lived in the United States for over twenty (20) years. He is a father of three young children all of whom were born in New York. SD lives in the Bronx and has extensive family ties and community support. In early April of 2019, SD went to a routine check-in with ICE. Having been granted an OSUP in 2007, he had faithfully complied with the terms thereof for *12 years*. But this time, ICE detained him without any prior notice. Gregory and Sarah immediately went into action, filing a motion to secure his release and prevent him from being deported. They were successful. A Federal Court Judge stayed his removal and on May 28, 2019 he left his New Jersey detention center and returned home to his children in the Bronx. His daughters had drawn pictures and written letters to argue for their father's release from detention. They are age five and eight. They should have never been in danger of losing a father. Currently, SD continues to fight for his right to remain in the United States and NSC Defense will continue to do so on his behalf.

SB

SB has lived in the United States for an extensive period of time. He was granted the right to stay and work in exchange for the assistance he provided to the United States government. If returned to his country of origin he would face certain death. Despite this, ICE detained SB and processed him for deportation and in effect, a death sentence. Even though a Federal District Court Judge stayed his deportation, ICE violated the Court's Order and deported SB. He was left to die without any protection. NSC Defense jumped into action, arguing that ICE should held accountable to the law and SB should be returned. Not only did the Judge approve SB's return, he also sharply rebuked the government's initial claim that it would take at least a month to facilitate his return. The Judge cited the government's quick action to detain, deport and extradite people when it suited its own goals as evidence of its ability to return SB. SB was returned no more than twenty-four (24) hours after the Judge's rebuke.

Separated Children

The story of the separation of parents and children by the Trump Administration is well-known and has resulted extensive litigation. Yet the initial cases brought focused only on the rights of parents, while their children—often separated and on their own—had no voice. In the summer of 2018, Gregory and Sarah (while still at The Legal Aid Society) filed two cases in Federal District Court to recognize children's legal rights to assert their own defense in court, independent of their parents. The cases were filed on behalf of children who were scheduled for imminent transfer to detention centers where their parents were detained by the

government. The children had been forcibly separated from their parents and sent to centers in New York for unaccompanied children. The lawsuits sought to ensure that the children were provided with notice and an opportunity to consult with their attorneys and parents prior to being transferred by the government. The notice and consultation were critical because many of the children had claims to humanitarian relief such as asylum and reunification with their parents would put them at risk of immediate repatriation to their home countries where they would face persecution. The cases established a notice requirement and provided critical protection to the rights of children who-in many cases-sought to remain in the United States and seek safety.

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Name: Chhaya Chharam

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I represent: Hekong NYC

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Name: Sarah Gilman

Address: 11 Broadway, Suite 615, NY, NY 10004

I represent: NYC Community Board 1

Address: 11 Broadway, Suite 615, NY, NY 10004

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I represent: A JAVANESE AMERICAN LEAD

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I represent: MOIA

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Name: Gregory Lapland

Address: NSC Community Legal Defense, 11 Broadway, 10006

I represent: NSC Community Legal Defense

Address: _____

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Name: Bilha Mostofi

Address: _____

I represent: MOIA

Address: 253 Broadway 14th Fl

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Name: HASAN SHAFIQULLAH

Address: 199 WATER ST 3rd FL NYC 10038

I represent: THE LEGAL AID SOCIETY

Address: _____

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Name: Jojo Anshil

Address: 17 Battery Place Ste 236 NY NY 10004

I represent: INTEGRAL JUSTICE CORP

Address: Same above

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Name: AMAHIA KASA

Address: _____

I represent: AFRICAN COMMUNITIES TOGETHER

Address: 127 WEST 127TH ST 10027

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Name: Jo-Ann Yoo

Address: _____

I represent: Asian American Federation

Address: 120 Wall Street, 9th floor Ny, NY 10005

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