



Mayor's Office of  
Immigrant Affairs  
Bitta Mostofi  
Commissioner

**January 25, 2021**

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 - Reducing Barriers to Citizenship

Thank you to Chair Menchaca and the members of the Committee on Immigration for calling this hearing. My name is Bitta Mostofi, and I am the Commissioner of the Mayor's Office of Immigrant Affairs (MOIA).

Recognizing the many benefits that spring from citizenship, including the economic benefits to the person becoming a citizen and their community, MOIA and the City have worked to help create access to citizenship for New Yorkers, and I am excited to be able to talk about this work.

In my testimony today, I will discuss the benefits of naturalization, the barriers facing those immigrants who wish to naturalize, and how the City has worked to reduce those barriers.

### **Citizenship and New York City**

Naturalization—the process of becoming a citizen—has been an integral part of MOIA's work for the past few years. The population of lawful permanent residents (“green card holders”) who are eligible to naturalize in New York City is significant. We estimate that about 622,000 New Yorkers are potentially eligible to naturalize.<sup>1</sup> Citizenship and the naturalization process reflect our American values of inclusion and civic engagement. How we structure the process of citizenship speaks volumes about what kind of country we want to be. As such, MOIA and the City have consistently worked to ensure that naturalization be as accessible as possible for those who qualify.

In addition, the City has long recognized the benefits that accrue to naturalized New Yorkers and the city when immigrants become citizens. First, naturalization provides economic benefits for the person who naturalizes. Naturalized citizens earn about 9 percent more a year than those who are eligible to naturalize but remain noncitizens.<sup>2</sup> Naturalized citizens also are more likely to be employed and own a home than green card holders.<sup>3</sup> Naturalization is a crucial tool for fighting poverty: an analysis of New York City's immigrant populations shows that the poverty rate of naturalized New Yorkers is 7 percent lower than that of lawful permanent residents.<sup>4</sup>

Second, when immigrants become citizens, it provides economic benefits for our communities. Part of this economic benefit comes from the increase in earnings for naturalized citizens, which leads to higher tax revenues. In the aggregate, if all eligible-to-naturalize immigrants in New York City were to become U.S. citizens, annual city, state, and federal tax revenue would rise by \$789 million and public benefits costs would decrease by \$34 million, for a net benefit of \$823 million per year.<sup>5</sup>

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<sup>1</sup> New York City Mayor's Office of Immigrant Affairs, *State of Our Immigrant City*, 31 (2019), available at <https://www1.nyc.gov/assets/immigrants/downloads/pdf/MOIA-Annual-Report-for-2019.pdf>.

<sup>2</sup> Maria E. Enchautegui & Linda Giannarelli, *The Economic Impact of Naturalization on Immigrants and Cities* 17 (2015), available at [https://www.urban.org/research/publication/economic-impact-naturalization-immigrants-and-cities/view/full\\_report](https://www.urban.org/research/publication/economic-impact-naturalization-immigrants-and-cities/view/full_report).

<sup>3</sup> *Ibid.*

<sup>4</sup> New York City Mayor's Office of Immigrant Affairs, *State of Our Immigrant City*, 31 (2019), available at <https://www1.nyc.gov/assets/immigrants/downloads/pdf/MOIA-Annual-Report-for-2019.pdf>.

<sup>5</sup> New York City Mayor's Office of Immigrant Affairs, *Fact Sheet: Eligible to Naturalize New Yorkers*, 3 (Dec. 2019), available at <https://www1.nyc.gov/assets/immigrants/downloads/pdf/Elig-to-natz-fact-sheet-2019-12-18.pdf>.

Third, naturalization helps strengthen our communities' civic bonds. Through citizenship, immigrants are more directly connected to civic and community participation. Citizens can vote in city, state, and federal elections and run for city, state, and federal elected offices. Studies also show that the economic benefits of citizenship, especially increased income and home ownership, lead to higher rates of participation in civic organizations and volunteer activities.<sup>6</sup>

## Barriers

Despite these many benefits, less than 10 percent of those who are eligible to naturalize in New York City do so every year.<sup>7</sup> There are long-standing barriers to becoming naturalized, including the relatively high cost of naturalization and language barriers. MOIA's analysis of the eligible-to-naturalize population found that about 45 percent of eligible New Yorkers are low-income—below 200 percent of the Federal Poverty Level (FPL)—and that about 59 percent have limited English proficiency.<sup>8</sup>

Unfortunately, these barriers have been compounded by actions of the Trump administration, which was actively and openly hostile to the idea of a welcoming and inclusive America. The administration sought to discourage and impede naturalization at every turn. First, the administration proposed a rule targeting lawful permanent residents with disabilities, impeding them from obtaining a medical exemption to the citizenship testing requirement. Second, the administration sought to make the requisite civics exam longer and harder, in an effort that was politicized in nature. And they sought to institute a de facto wealth test to citizenship by eliminating the fee waiver and disproportionately raising the application fee. The fee schedule they sought to enact would have increased the cost of naturalization by an unprecedented 83%, increasing the already high cost of \$640 to \$1,170 and posing an insurmountable challenge to immigrant families.

Finally, the Trump Administration showed their contempt for naturalization even during the COVID-19 crisis, by halting oath ceremonies for naturalization and refusing to institute remote ceremonies despite having the authority to do so and repeated calls from bipartisan lawmakers,<sup>9</sup> in effect delaying the naturalization of over one hundred thousand permanent residents around the country.

Given these actions, it is no surprise that under the Trump Administration, naturalization processing has slowed to a crawl. As of this month, the processing time for a naturalization application in the NYC USCIS field office ranges from 16.5 to 23 months.

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<sup>6</sup> Oren M. Levin-Waldman, *Income Inequality and Disparities in Civic Participation in the New York City Metro Area*, 20 (2012), available at <https://www.hofstra.edu/pdf/academics/colleges/hclas/cld/cld-rlr-fall12-incomeinequality-waldman.pdf>; Brian J. McCabe, *Are Homeowners Better Citizens? Homeownership and Community Participation in the United States*, 91 SOCIAL FORCES 929, 941 (2013), <https://perma.cc/X22S-BUFD>.

<sup>7</sup> New York City Mayor's Office of Immigrant Affairs, *Fact Sheet: Eligible to Naturalize New Yorkers*, 1 (Dec. 2019), available at <https://www1.nyc.gov/assets/immigrants/downloads/pdf/Elig-to-natz-fact-sheet-2019-12-18.pdf>.

<sup>8</sup> *Id.* at 3-4.

<sup>9</sup> Miriam Jordan, *Trump Administration Faces Bipartisan Calls to End Citizenship Delays*, N.Y. TIMES, Jun. 17, 2020, updated Dec. 3, 2020, <https://www.nytimes.com/2020/06/17/us/coronavirus-naturalization-citizenship-voting.html>.

### **City Efforts to Reduce Barriers and Fight Back Against the Trump Administration**

The City has consistently worked to encourage naturalization, not just in New York City but across the country. As a chair of Cities for Citizenship along with the Mayors of Chicago and Los Angeles, New York City has worked with the coalition for years, drawing on the experiences of multiple jurisdictions to make the case for national investment in citizenship. Prior to the Trump administration, New York City also worked closely with the federal Task Force for New Americans to raise awareness about citizenship and the benefits of naturalization, especially during Citizenship Day. In 2015, for example, Mayor de Blasio welcomed 100 new citizens in a Citizenship Day naturalization ceremony. City libraries also have an ongoing partnership with USCIS to host “New Americans Corners,” which are dedicated spaces in libraries that hold information about citizenship and immigration issues more generally.

The Trump Administration’s attempts to make naturalization beyond the reach of many lawful permanent residents fundamentally conflicts with the longstanding goals of the City to encourage naturalization. For this reason, MOIA has shown leadership in fighting back against actual and proposed changes, in a variety of ways. First, by submitting comments in opposition to proposed rules, including comments opposing the changes to disability exemption and new fee schedule. Second, by leading on multi-City letters—both opposing the dramatic increase in naturalization fees and most recently in calling for remote oath ceremonies during the pandemic. Third, by leading and coordinating a multi-city amicus brief in support of enjoining the changes to the USCIS fee schedule. This, we are pleased to share, supported a lawsuit which ultimately stopped implementation of the entire rule nationwide, with the judge in that case citing to our amicus brief as evidence for the national effects of the rule.

MOIA’s work with fellow cities and counties across the country took place with our leadership in two coalitions—Cities for Action and Cities for Citizenship—where we have been able to highlight both the local and the national interests at stake, gather with sister municipalities to share strategies about how to continue supporting our immigrant residents, and celebrate Citizenship Day by encouraging eligible individuals to naturalize.

We believe that the Biden Administration sees the value in supporting naturalization, as the Obama Administration did. We have been communicating closely with the incoming administration, including on issues related to naturalization. Our hope is that the Biden administration will roll back the barriers erected by the Trump administration and take further steps to increase investments in promoting citizenship and immigrant civic participation generally. We have also asked for, and the new administration has committed to, a day one bill that provides dedicated funding to cities and counties as well as libraries, labor unions, employers, colleges and universities, and other partners to expand programs to promote integration and inclusion, increase English-language instruction, and provide assistance to individuals seeking to become citizens.

Finally, our belief in the power of naturalization is also reflected in our investment in legal services. Together with the New York City Council, the City of New York invested tens of millions of dollars in immigration legal services. Since July 1, 2016, ActionNYC and other City-

funded legal services programs have assisted low-income and other vulnerable immigrants in over 5,000 naturalization applications. From 2016 to 2020, MOIA also partnered with HRA, the public library system, the New York Legal Assistance Group, and private funders in the implementation of NYCitizenship, a legal services program focused specifically on naturalization, which has now been incorporated into the ActionNYC program as ActionNYC in Libraries. NYCitizenship continues in 2021 with funding that addresses some of the most vulnerable lawful permanent residents' need for access to naturalization and ensures continuation of legal representation in cases that have been delayed due to the pandemic.

I am proud to say that these legal services have helped many clients, including senior clients who were long-time green-card holders, finally naturalize. One client who received directed outreach from our program had been a lawful permanent resident for almost two decades. She had previously tried to apply for citizenship but gave up after difficulty finding all her documents. With the help of our legal service providers, she became a citizen in June of last year. Another client from Trinidad and Tobago had a green card for over 40 years, and decided that this was the time to become a citizen. With help from our program, she applied for naturalization in June of 2018 and became a citizen in March.

### **Conclusion**

As I conclude my testimony, I just want to take a moment to acknowledge that the naturalization process is a microcosm of the immigrant experience: needlessly bureaucratic, expensive, and difficult. But it is also beautiful. Through naturalization, people from all over the world, with stories as varied as they can be, transform into one nation. That is an ideal that is worth fighting for.

Thank you again to the Committee on Immigration for calling this important hearing. I look forward to answering your questions.



## **Asian American Federation**

### **Testimony to the New York City Council Committee on Immigration**

*January 25, 2021*

#### Written Testimony

I want to thank Committee Chair Menchaca and Councilmembers Chin, Moya, Dromm and Eugene for holding this hearing and giving the Asian American Federation the opportunity to testify on this important subject of immediate importance. I'm Ravi Reddi and I am the Associate Director for Advocacy and Policy at the Asian American Federation. AAF represents the collective voice of more than 70 member nonprofits serving 1.3 million Asian New Yorkers.

We are seeing federal moves aimed at dismantling traumatic and ostracizing immigration policies such as the Muslim Ban as well as signals indicating renewed efforts to reimagine pathways to citizenship for those already in our country. To that end, we want to acknowledge Councilmember Koo's Resolution 1229 calling for the passage of the Adoptee Citizenship Act of 2019. Part of the work that will need to be done going forward is acknowledging and remedying systemic faults in our citizenship and naturalization processes, especially as it comes to adoptees from other countries who deserve the benefits and security of citizenship.

After four years of regressive policies aimed at othering immigrant communities, on top of anti-Asian rhetoric relating to the pandemic, the urgency has never been greater for policymakers like yourselves to lead by example to restore trust in government. And restoring trust is no small task, it requires not only reversing previous policies but also working twice as hard to reimagine the policies that existed before them, the pre-Trump status quo will no longer suffice.

Overall, Asians make up 16 percent of the City's population, approximately 7 in 10 were born abroad and about one in five Asian immigrants may be undocumented in New York City. 96% of Asian seniors and 88% of our Asian small business owners are immigrants.

Restoring trust is critical. It's our immigrant communities who have served on the frontlines and sustained our City's economy since the beginning of the pandemic. And while our Asian immigrant New Yorkers should be at the front of the line for vaccination as a function of their role in helping our City, many are worried about what role their immigration status will have as they navigate already-onerous appointment and vaccination processes. The City needs to utilize the existing communications channels that community-based organizations have built over the last year in many of our most vulnerable communities. The City also needs to provide the right messaging and resources to these organizations, with language access and timeliness being the top priorities.

And while we're on the topic of trust, policymakers at every level of government must do their utmost to reduce the impact of the last President's Public Charge rule with an eye on ultimately getting rid of the policy, altogether. According to a study by the New York City Mayor's Office of Immigrant Affairs (MOIA) and the New York City Department of Social Services (DSS), Asian non-citizens disenrolled

from SNAP benefits at 8 times the rate of Asian citizens after the proposed Public Charge rule was announced. Before the announcement, the rates between the two groups were nearly identical. Today, past actions will prove to be a barrier to future progress if policymakers and City agencies don't take proactive steps to, in conjunction with community-based organizations, validate and address the concerns of community members who have been forced to make the false choice between becoming a new American and getting their next meal.

As an extension of the difficulties faced by our immigrant communities over the past several years, to say nothing of systemic challenges, funding for accessible immigration legal services has continued to atrophy even while demand has increased. From the Muslim Ban, to an increase in deportation rates, to unjust restrictions on students visas, to un-American restrictions on family immigration, the Asian American community has borne the brunt of the previous Administration's immigration assault, and are scrambling to find culturally-competent, language-accessible affordable immigration legal advocacy. While we want to acknowledge recent reports of continuing funding support for the Liberty Defense Project at the state level, City agencies should continue to prioritize immigration legal services funding for CBOs with a track record of providing not only immigration legal services but also case management services to connect community members to legal services. Without Asian CBOs' ability to provide language and navigation support, few people would be able to access these legal services.

But as our immigrant community also bears a disproportionate burden of the basic need insecurity brought on by the pandemic, the City must increase investment in safety net programs such as community health centers and clinics, and food pantries, in part due to the continued aftereffects of the previous Administration's Public Charge assault that resulted in increased demand as immigrants disenrolled from public benefits due to changing federal immigration policies. In addition, the City must fund an emergency network of linguistically and culturally competent food service programs and connect Asian seniors to these alternative food benefits in order to begin to address the harm inflicted on this population by the loss of access to traditional government assistance programs.

Systemically, though, the barriers facing our immigrant communities in pursuing citizenship are similar, if not identical, to the barriers they face in their everyday lives. As we've discussed regarding ongoing vaccination efforts, so too are our immigrants unable to navigate complex citizenship processes that are language limited. More than at any other time, immigration policies are in such a state of flux, even if headed in the right direction, that our communities will need sustained in-language engagement to stay abreast of changing policies, processes and documents. As we consistently note, good policies mean nothing if the people they're meant to help don't know about them.

That's why it's high time for City Council to finally fund a community legal interpreter bank so those needing legal services and social services can access qualified interpreters across communities of color as well as worker co-ops which will focus on the recruitment, training, and dispatching of qualified interpreters and increasing job opportunities for multilingual immigrants. Finally, to the extent that good policies mean nothing if people don't know about them, Local Law 30 must be fully and consistently implemented across City agencies. Immigrants are often the last to know about key information and the pandemic has demonstrated that there is still much work to be done in making sure our immigrants, many of whom are our frontline workers, benefit from the work of the City agencies they help fund.

Finally, while Asian New Yorkers comprise at least 10% of the population in more than half of City districts, with the other half having some of the fastest-growing Asian populations, from Fiscal Year 2002 to 2014, the Asian American community received a mere 1.4% of the total dollar value of New York City's social service contracts, a reflection of a broader, long-term trend. Processes must prioritize the community-based organizations who have the expertise but might not have the capacity to monitor for and respond to RFPs they may be eligible for. It's a two-way street, and the City must more proactively

seek out and support community-based organizations while our community-based organizations use the capacity they have to work within the RFP process as it currently stands. Our CBOs are leading by example in the provision of direct services, from providing wrap-around services that include mental wellness checks to allying with food suppliers who provide culturally-competent food. And it'll be our CBOs who will be instrumental in restoring trust between our immigrants and our City.

We understand that the City is in dire financial straits. But community-based organizations have led by example in how to spend City dollars effectively and this moment presents an opportunity for this City Council to show that New York City can still lead by example in protecting its most vulnerable. We at the Asian American Federation thank you for allowing us to testify and look forward to working with all of you to make sure our immigrant communities get the protections they deserve.





**TESTIMONY OF:**

**Shawn Blumberg, Supervising Attorney  
Immigration Community Action Project**

**BROOKLYN DEFENDER SERVICES**

**Presented before the New York City Council  
Committee on Immigration  
Oversight Hearing on Reducing Barriers to Citizenship**

**Introduction**

My name is Shawn Blumberg and I am a Supervising Attorney in the Immigration Community Action Project at Brooklyn Defender Services (BDS). BDS provides multi-disciplinary and people-centered criminal, family, and immigration defense, as well as civil legal services, social work support and advocacy to nearly 30,000 people and their families in Brooklyn every year. I want to thank the Committee on Immigration and Chair Menchaca for holding this important hearing today on the barriers to citizenship.

BDS' immigration practice is a multi-unit practice that works to minimize the negative immigration consequences of criminal charges for noncitizens, represent our clients in applications for immigration benefits and defend our clients against ICE detention and deportation. Since 2009, we have counseled, advised, or represented more than 15,000 clients in immigration matters including deportation defense, affirmative applications, advisals, and immigration consequence consultations in Brooklyn's criminal court system. Our Immigration Community Action Program (ICAP) represents people in non-detained removal proceedings as well as applications for immigration benefits, including family-based applications for lawful permanent status, fear-based applications, U & T visas, Special Juvenile Immigrant Status (SIJS), DACA renewal and related applications.

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## **Racist Policing and Broken Windows Police Practices Result in Denials of U.S. Citizenship**

In the City, broken windows policing and similar racist policing paradigms have created a culture of constant police presence and surveillance of Black and Latinx New Yorkers, particularly those who are poor, resulting in the criminalizing even the smallest of offenses. Mere arrests, even in cases that are later dismissed or resolved with a non-criminal violation, can lead to denials of citizenship as a result of an inability to prove “good moral character”—<sup>1</sup>

The Immigration and Nationality Act (INA) and corresponding regulations outline permanent bars to “good moral character,” which means that certain convictions and length of sentences will result in an immigrant permanently unable to meet the requirement of GMC.<sup>2</sup> In addition to the permanent bars to GMC, the INA and corresponding regulations include bars to GMC specify are known as “conditional bars” to GMC which are “specific acts, offenses, activities, circumstances such as arrests, or convictions within the statutory period for naturalization” are included in this analysis.<sup>3</sup> The USCIS Policy Manual specifies that “USCIS officers determine on a case-by-case basis whether an unlawful act committed during the statutory period is one that adversely reflects on moral character. The officer may make a finding that an applicant did not have GMC due to the commission of an unlawful act evidenced through admission, conviction, or other relevant, reliable evidence in the record.”<sup>4</sup> As a result of the discretion left to the USCIS offer to determine whether an individual satisfies GMC on a case-by-case basis, in many cases after an arrest and even a disposition that is considered “favorable” such as a disorderly conduct, an Adjourment in Contemplation of a Dismissal (ACD) the immigrant will need to wait for five years after the resolution of the criminal case before applying for citizenship. Notably, non-criminal dispositions in New York such as NY “violations” are treated as “convictions” under immigration law if handled in criminal court or summons court. Similarly, in some cases convictions that are dismissed or reduced after a guilty plea or dismissed after completing a program are also considered to be “convictions” for immigration purposes on the INA definition and can result in an immigrant being determined to be deportable, permanently barred from showing GMC or conditionally barred from showing GMC during the statutory period.<sup>5</sup>

In practice, we have often seen the denial of citizenship based on the existence of an open criminal charge, adjournment in contemplation of dismissal (ACD), conditional discharge as a sentence or ongoing probation as a sentence. The USCIS Policy Manual states that, “an officer may not approve a naturalization application while the applicant is on probation, parole, or under

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<sup>1</sup> When applying for citizenship, a person must prove that they are of “good moral character” (GMC). An arrest or criminal record may show someone is not of GMC based on the (1) permanent bars to GMC; (2) conditional bars to GMC; (3) denial of citizenship based on having an open criminal charge or pending probation; (4) deportability of a Lawful Permanent Resident; or (5) mistakes or misrepresentations in a citizenship application resulting in a denial or worse.

<sup>2</sup> USCIS Policy Manual, Volume 12, Part F, Chapter 5, <https://www.uscis.gov/policy-manual/volume-12-part-f-chapter-5>

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> See INA § 101(a)(48) for the immigration law definition of “conviction” and the aforementioned legal resources for information on what types of offenses are “convictions” for immigration purposes.

a suspended sentence” citing to the Code of Federal Regulation.<sup>6</sup> In practice, not only have we seen pending probation as resulting in the denial of a citizenship application for anyone who is currently on probation, but it has also been interpreted to result in a denial for applicants within the open one-year ACD period or the conditional discharge period. In addition, USCIS regularly requires a certificate of disposition for any criminal arrests. For open pending cases in which a client is challenging the charges and asserting their right to plead “not guilty” USCIS frequently denies the citizenship application based on a “failure to respond” due to the inability to produce a disposition because the charges are pending.

Moreover, a broad range of criminal convictions may result in the risk of deportation of a Lawful Permanent Resident (LPR), also known as a “green-card holder.” The range of convictions includes even minor misdemeanor convictions such as possessing a small amount of marijuana or a fare evasion, even if the conviction happened 10, 20 or 30 years ago and the individual did not serve any jail time or already served their jail time. As a result, even a long-time LPR can face mandatory detention in immigration jail and deportation based on low-level offenses which are often linked to racist policing practices targeting low-income communities of color in New York City. An LPR who is deportable is essentially never able to apply for naturalization because if they apply for citizenship, they are at risk of being detained in immigration jail and referred to immigration proceedings for deportation proceedings.

### **Client Story**

Edouard Connor, a 52-year-old legal permanent resident, was convicted of drug possession and a prostitution related offense almost 30 years ago. Mr. Connor had not had a criminal conviction since and worked as a buyer and window display designer for a clothing retailer for nearly two decades. He is deeply involved in New York’s vibrant Caribbean-American community, running a company that designs elaborate costumes for Carnival celebrations in New York and around the world and participating in cultural and educational events for youth in his community. However, because of his prior criminal history, Mr. Connor was at risk of deportation—and therefore could not apply for U.S. Citizenship for many years--resulting in a feeling of being in limbo due to an inability to move forward with his life, a lack of a sense of security, and an inability to travel abroad to visit family. After years of advocacy, in December 2020, Mr. Connor was granted a Gubernatorial Pardon by Governor Cuomo. As a result, Mr. Connor is able to move forward with his life to apply for U.S. citizenship and visit his family abroad, unafraid of deportation.

### **Complicated procedures and questions about criminal history may wrongly bar some from citizenship**

The federal government scrutinizes citizenship applications and based on our experience frequently asks for information that does not exist or asks for information to be presented in a particular form that is confusing or misleading. At BDS, we have counselled many clients who could have naturalized years ago but expressed fear related to criminal system interaction and unknown consequences of past criminal charges or convictions, even if they would have been eligible for citizenship. In addition, because there is no right to representation in immigration proceedings, most individuals applying for citizenship apply pro se without legal advice or apply

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<sup>6</sup> See [8 CFR 316.10\(c\)\(1\)](#).

without the benefit of full legal representation. As a result, immigrants applying for citizenship may be asked to produce documents that do not exist or are difficult to produce.<sup>7</sup> When the individual is unable to produce those records the citizenship application is denied based on a “failure to respond.” With access to legal counsel, an attorney on the case would be able to contextualize someone’s arrest history for USCIS and reduce barriers to citizenship based on GMC denials.

The questions on the U.S. citizenship application relating to a prior arrest or conviction are confusing for a lay person without a legal background, even more so for an individual whose first language is not English. Without the assistance of an attorney who is versed in both immigration and criminal law, navigating this process is incredibly difficult. As described above, there are also discrepancies between how New York State classifies a disposition as “non-criminal” or dismissed, as opposed to how that disposition is classified under the INA definition of a “conviction.” As a result, an individual may accidentally make a mistake or a misrepresentation on a citizenship application when reporting a prior arrest, which will lead to the denial of the application any may lead to deportation charges relating to charges of fraud or misrepresentation or may even lead the federal government to pursue denaturalization in the future.

### **Client Story**

Jason Jeremy,<sup>8</sup> came to the U.S. from Haiti as an LPR when he was 13 years old. He has lived in Brooklyn ever since. Before coming to BDS, he applied *pro se* to become a citizen three times and was denied. He found out about the immigration practice at BDS through his criminal defense attorney at BDS who represented Mr. Jeremy on an unlicensed driving charge in 2016. The last time he applied for his citizenship *pro se* he was scheduled for his oath ceremony, but then unfortunately was denied citizenship because of the pending arrest charge. With the legal assistance of the criminal defense and immigration practice at BDS, Mr. Jeremy’s criminal charges were dismissed, and a new citizenship application was filed. Through BDS’ legal assistance and expertise, we were able to ensure that all certificates of disposition were provided for past criminal cases, we helped to answer confusing questions about child support during the USCIS interview and responded to a Request for Evidence (RFE) for proof of child support. After three failed attempts at citizenship, Mr. Jeremy was finally able to be sworn in as a U.S. Citizen with about 1,000 other immigrants, about 10 of whom were also from Haiti. Following the ceremony, Mr. Jeremy went directly to the Department of Motor Vehicles and applied for his commercial driver’s license and registered to vote! His also planned to petition for his wife and his mother to be able to gain status and live lawfully in the United States.

### **Other Barriers to Citizenship: Poverty, Filing Fees, Language Access and Disability Waivers**

Poverty, job loss, housing insecurity, food and financial insecurity, difficulty accessing medical care, as well as language access and technology barriers are some of major the challenges and

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<sup>7</sup> For example, a declined to prosecute letter from a District Attorney’s office when cases are dismissed; certificates of disposition with information that is not generally produced on the disposition; criminal complaints and other arrest reports related to arrest charges that were dismissed decades ago or for records which have subsequently been destroyed.

<sup>8</sup> Name has been changed for confidentiality purposes.

predominant concerns among the immigrant clients that BDS represents. These challenges have been exacerbated by the COVID-19 pandemic. Even before the pandemic, exorbitant application fees are the primary barrier keeping immigrant New Yorkers from obtaining citizenship status, supporting their families, exercising voting rights and living a life out from under fear of deportation.

In some cases, BDS has successfully filed some disability waivers for people in their citizenship applications. The disability waivers have sought to overcome barriers such as mental health issues, intellectual disabilities, neurodevelopmental disorders, memory challenges and low English literacy which would otherwise prevent them from being able to pass the civics exam. However, even with the assistance of a legal representative through BDS we have had difficulties gathering the necessary documentation, information and contextualizing these barriers in the manner sufficient for USCIS to grant the waiver. Therefore, even for the limited scope of issues for which a disability waiver is available, an individual who may qualify essentially requires legal representation to assist in the filing of the waiver. In most cases, individuals themselves are unable to sufficiently advocate before the bureaucracy of USCIS due to their disability.

The excessive fees associated with filing immigration applications are often far out of reach for many of the people we serve. In recognition of the financial barrier of exorbitant application fees, BDS launched an Immigration Fees Fund to help our clients pay for things like DACA application forms (\$495), green card renewals (\$540), work authorizations (\$410), and more. Through the support of private donors, we are able to offer this benefit to people who access our free-immigration legal services.

### **Conclusion—Need for Legal Services Funding for Citizenship Applications to Strengthen Families and Communities**

The stakes for immigrants pursuing U.S. citizenship are extremely high, and any arrest history even for low-level or dismissed charges places an immigrant at risk of denial of their application, deportation or denaturalization. Unnecessary arrests and racist policing practices puts low-income communities of color at a particular disadvantage for the possibility of achieving U.S. citizenship and all of the rights, stability of status, and other advantages that are tied to citizenship, including the right to vote. These police practices not only have an impact on the individual but also lead to disenfranchisement of entire communities who are unable to vote due to their immigration status. Not only do these barriers to citizenship affect individuals, but it affects families, as citizenship is passed on legally to minor children under 18 years old and also allows family members to sponsor other family members to become Lawful Permanent Residents. When people of color are unlawfully targeted by the police, the impact is felt across generations and grossly impacts the ability to achieve economic stability and security.

BDS' immigration work is made possible through the generous funding of the New York City Council. With the new Administration in Washington, we are hopeful that pathways to citizenship will open up and we want to make sure that the people we serve are able to be included without the barriers of exorbitant fees, language access, and difficulty accessing legal services. We are able to help reduce barriers for those at higher risk of citizenship denials due to our specialization in the immigration consequences of criminal system interaction and the family court systems. Now more than ever, immigrant New Yorkers are in need of comprehensive legal

assistance to help them navigate the complex pathways to legal status and enable access to services to alleviate the strains of the global health and economic crises. With the continued support of the NYC Council, BDS can continue to provide immigrant New Yorkers with high-quality immigration legal services and much-needed assistance to overcoming the numerous barriers to citizenship.

Thank you again for holding this important hearing. If you have any questions, please feel free to contact Kathleen McKenna, Senior Policy Social Worker, at [kmckenna@bds.org](mailto:kmckenna@bds.org).

## Testimony

- Good morning, Chairman Menchaca and members of the Committee on Immigration. Thank you for inviting me to speak on this very important topic.
- My name is Meetu Dhar, and I am the managing attorney for the CUNY Citizenship Now! City Council immigration services program. I am here on behalf of Allen Wernick, our Executive Director.
- CUNY Citizenship Now started in 1997 providing free, high quality, and confidential immigration services to individuals and their families on their path to U.S. citizenship.
- We have 8 centers located throughout NYC and are in 34 City Council offices. Our partnership with the City Council began in 2012 and thanks to the generous support of the City Council, we've served over 51,000 individuals and families at city council sites and offices. Due to the pandemic, we have adapted our services to reach constituents remotely
- Similar to Farhana Choudhoury and Ylina Diaz, who testified earlier, I also began as a volunteer with CUNY Citizenship Now. That was about 10 years ago. I realized then there were and continues to be a large number of immigrants who cannot afford the cost of private attorneys and/or immigration application fees. Because of this, and because they were unaware of other options, immigrants often had to turn to notaries or unethical businesses for help. These entities would take advantage of the immigrant's vulnerability and make false promises which often resulted in the immigrant's removal from the United States.-At CUNY Citizenship Now we offer-high quality free services that provide another choice for immigrants. Our services eliminate the need for an immigrant to rely on these unscrupulous individuals and businesses.
- Until meeting with us, individuals such as Farhana Choudhury, were unaware that filing fees for naturalization can be reduced or completely alleviated by a reduced fee waiver or a total fee waiver. Fee Waivers has made it possible for many to apply for Naturalization. The Trump administration announced last summer that they would move forward with their plan to substantially increase immigration application fees and eliminate fee waivers except in certain limited circumstances. This would have had a crippling effect on poor and low income immigrants and their ability to become U.S. citizens. In response to this, CUNY Citizenship Now had a social media campaign encouraging those who qualify for fee waivers or were subject to increased fees to apply prior to the deadline. During this period, we increased work and staff hours in order to assist more applicants. Thankfully, the courts blocked the administration from increasing fees and eliminating fee waivers.
- While some constituents are deterred by costs others do not apply for naturalization because they are overwhelmed by the process or fear that submitting an application to the government would negatively affect their immigration status. This was especially true given the last 4 years of federal anti-immigrant policies. CUNY Citizenship Now serves to

minimize misinformation and dispel myths about announced immigration rules through our media outlets, our Facebook Live Series, and by speaking at various forums.

- In addition, our attorneys examine an applicant's immigration history to ensure there are no issues. This also helps alleviate the applicant's fear of filing with USCIS. We walk the applicants through the application process and ensure that a fully supported application is filed. This is extremely important as the last presidential administration issued a policy memo that they would outright deny an application and issue a Notice to Appear in Immigration Court for removal instead of sending a Request for Additional Evidence.
- Many constituents will wait decades to apply for citizenship and are relieved once they have met with us and realize we can assist them overcoming these perceived barriers. These barriers to US Citizenship include the language and Civics test requirement. To pass the US Citizenship test one needs to read, write, and speak basic English. Many people are unaware of the exemptions to the language requirement until they consult with our legal team.
- It was just last month that USCIS made the civics test even more difficult by increasing the-number of questions an applicant needs to answer correctly to pass. We at CUNY Citizenship Now have partnered with educational institutions to help applicants study and pass this exam.
- Finally, the pandemic has had a debilitating effect on those applying for citizenship. Processing times for those waiting for naturalization interviews and oath ceremonies has increased. For example, in the past it would take two or three weeks from the time of filing an application to receive a receipt notice of the filing, currently applicants who filed in November 2020 are still waiting for their receipt notices.
- There is a pressing need in New York City to continue and expand the services we provide. I thank you again Chairman Manchaca and the immigration council for inviting us to testify today.





Thank you to the Council for convening this hearing and inviting the public to speak this afternoon. My name is Alexandra Rizio and I am a Managing Attorney at the Safe Passage Project, a non-profit legal services organization that provides free representation to immigrant children facing deportation. We serve children who live in the five boroughs of New York City and in the two counties of Long Island.

No immigrant, not even a child, is appointed a lawyer in immigration court. If a child cannot afford to hire a lawyer, they will be forced to defend themselves alone, against a trained government prosecutor and a judge, with deportation back to dangerous conditions as the likely outcome. Safe Passage Project helps correct this injustice by providing free attorneys to kids. Beyond legal services, our social work team addresses the broader needs of clients, such as school enrollment, homelessness, access to health care, psychological services, and public benefits.

The New York City Council is instrumental in our work: you fund our work through the Unaccompanied Minors Initiative and the IOI grant stream. Without your unwavering support, which we’ve had since 2014, we would not be able to serve the over 1,200 clients that Safe Passage serves. In fact, the City Council’s support for the ICARE collaborative is groundbreaking on a national level, and has shown that local initiatives that support universal representation for immigrants—essentially filling a gap where the federal government refuses to act—is not only possible, but successful. Thank you.

After four long years where our clients, young undocumented immigrants, were constantly at the tip of the Trump Administration’s spear, we are feeling some degree of hope this week. Of course, the New York City Council has long been a leader on immigration issues of legal representation in immigration court. We hope that, in the coming years, we will witness a sea change. Our dream is to create a city where all New Yorkers, regardless of immigration status, can realize sanctuary.

The topic of this hearing—Barriers to Citizenship—is a salient one. We are hopeful that changes at the federal level will open pathways to our clients and their families. At the same time, U.S. citizenship is difficult to achieve, expensive, and roadblocks litter the way, even for someone with a straightforward case.

The following are issues that the City Council can exert influence over and help correct:



- **Over-policing of communities of color.**
  - Even a simple or “minor” interaction with the police can derail a person’s citizenship application. Policing in communities of color is truly the intersection of racial and immigration justice. This summer’s racial justice protests have only highlighted the brutal and unjust way police treat peaceful protestors. Until the City reckons with the NYPD’s legacy of violence, and until Black and Brown communities are no longer the subject of over-policing, young people will be caught in a dragnet that affects their lives, up to and including their safety in the United States.
  - The City Council should work to reform policing in New York City. It is the right thing to do, it is overdue, and it will remove barriers to citizenship.
  
- **Expense.**
  - Naturalization applications are extremely expensive. Applications to become a Lawful Permanent Resident, the precedent status to applying for citizenship, are likewise over \$1,000. Though fee waivers are sometimes available, the federal government (under the Trump Administration) made it a point to limit the availability of fee waivers, and even to restrict poor people from becoming LPRs in the first place.
  - The City Council could establish a fund to assist low-income residents pay for their applications.
  
- **Timing.**
  - Immigration cases take longer than ever these days, for a multitude of reasons: legal obstacles put in place by the Trump Administration; dysfunction at immigration agencies; visa backlogs. Many legal services agencies need sustained funding over longer periods of time in order to see cases become ripe for citizenship applications.

With the City Council’s support, Safe Passage Project and our partners will hopefully help even more clients navigate the maze that is the immigration system. Safe Passage Project offers our sincere thanks to the City Council for being a leader on the issues of legal representation in immigration court, especially for children, and for caring for all New Yorkers, regardless of immigration status. Thank you.

**TESTIMONY BEFORE THE NEW YORK CITY COUNCIL'S  
COMMITTEE ON IMMIGRATION**

**Presented on January 25, 2021**

Thank you, Chairperson Menchaca, for the opportunity to present testimony on securing U.S. citizenship for international adoptees, including those who are now adults or aging into adulthood. My name is Sara Greenberg, and I am a staff attorney in the Domestic Violence Immigration Project at The Legal Aid Society (“Legal Aid”), the nation's oldest and largest not-for-profit legal services organization, passionately advocating for low-income individuals, families and communities across a variety of civil, criminal, and juvenile rights matters. Protecting immigrant rights was a central principal of Legal Aid’s founding commitment in 1876 when it sought to defend the individual rights of German immigrants who could not afford to hire a lawyer.

The Society’s unique value is in its ability to go beyond any one case to create more equitable outcomes through law reform, and broader, more powerful systemic changes for society. Across the five boroughs, Legal Aid’s more than 2,600 attorneys, paralegals, support and administrative staff, and volunteers coordinated by our Pro Bono program, together handle approximately 300,000 cases each year in city, state, and federal courts. We provide comprehensive legal services to fulfill our mission that no New Yorker should be denied access to justice because of poverty.

In praise of Legal Aid in 2018, erstwhile Vice President Biden shared his admiration and appreciation for the vital services Legal Aid provides, “protecting the most vulnerable and preserving the legitimacy of our democratic institutions.” In this spirit, intercountry adoptees deserve to enjoy the same rights and privileges of our democratic society.<sup>1</sup>

Legal Aid encourages the Council to pass Resolution Number 1229, calling on the United States Congress to pass, and the President to sign, the Adoptee Citizenship Act of 2019 (H.R. 2731/S. 1554), which would amend section 320(b) of the Immigration and Nationality Act (“INA”) to extend automatic citizenship to intercountry adoptees who were older than 18 when the Child Citizenship Act came into effect and who fulfill the other requisite conditions to derive citizenship.

### **Derivation of Citizenship Under the Child Citizenship Act**

To understand the need for the Adoptee Citizenship Act of 2019, it is helpful to review the current state of the derivative citizenship laws. A child born outside the U.S. to non-U.S. citizen parents, can become a U.S. citizen by “deriving” citizenship through adoption by one or two U.S.

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<sup>1</sup> *Joe Biden Recognizes The Legal Aid Society at the Annual Servant of Justice Award Dinner in 2018 honoring Richard J. Davis and Herb Sturz* (May 10, 2018) (available at [https://legalaidnyc.org/historical\\_event/the-society-is-recognized-for-its-work](https://legalaidnyc.org/historical_event/the-society-is-recognized-for-its-work)).

citizen adoptive parents.<sup>2</sup> The Child Citizenship Act of 2000 (“CCA”) amended the INA, simplifying derivative citizenship for most children, particularly adopted children.<sup>3</sup> A child becomes a U.S. citizen automatically if at least one biological or adoptive parent is a U.S. citizen by birth or naturalization, and the child is under 18 years of age, unmarried, a lawful permanent resident, and living in the U.S. in the legal and physical custody of at least one of the U.S. citizen parents. In the case of adoption, a parent has legal custody when the adoption decree is final.<sup>4</sup>

Family relationships have specific definitions in the INA, including the definition of a “child.” Under former section 321 of the INA, children adopted before the age of 18 were eligible for derivative citizenship. The CCA repealed section 321 and only applies to children who meet the INA's definition of “adopted child,” i.e., those children adopted before their 16<sup>th</sup> birthday.<sup>5</sup>

The CCA applies not only to prospective adoptees from the time it went into effect on February 27, 2001, it granted automatic citizenship to adoptees who met the criteria and were under the age of 18 on that date.<sup>6</sup> For adoptees born before February 28, 1983, their citizenship was dependent on whether their adoptive parents had taken the affirmative steps to naturalize them. After their child lived in the U.S. as a lawful permanent resident with one or both U.S. citizen parents, a parent had to petition what was then the Immigration and Naturalization Service for the child’s citizenship. The onus was on parents, but some never completed paperwork or assembled the documentation. The burdensome process may have been unknown to them or too confusing. Regardless of the reason, adult adoptees, now 37-years-old or older, bear the deleterious consequences.<sup>7</sup>

For those unaware that they are *not* U.S. citizens, many find out when they are applying for a passport or are required by an employer to provide proof of their immigration status. This is a sobering reality for individuals who had no choice in the fact that they were adopted and brought to the U.S. as young children and raised to both feel and believe they are American. These adult adoptees are uniquely disadvantaged, unable to avail themselves of the rights and privileges of citizenship, like voting, traveling, legally working and obtaining financial aid for college.

More critically, without citizenship, adult adoptees are vulnerable to being removed from the U.S. for criminal offenses or non-criminal grounds of deportability. Over the last twenty years, the list of deportable offenses has expanded greatly and immigration enforcement has increased.<sup>8</sup> This loop hole in the CCA has resulted in the deportation of numerous adult adoptees to

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<sup>2</sup> INA § 320, 8 USC § 1431.

<sup>3</sup> Child Citizenship Act of 2000, Pub. L. No. 106-395, 114 Stat. 1631 (effective February 27, 2001).

<sup>4</sup> 8 CFR § 320.1.

<sup>5</sup> INA § 101(b)(1)(E), (F) and (G); 8 CFR § 204.2(d)(2)(vii).

<sup>6</sup> Courts have found that the CCA does not apply retroactively. The Fifth Circuit in *Nehme v. INS*, 252 F.3d 415 (5th Cir. 2001) held that the CCA does not apply retroactively to those who were over the age of eighteen on February 27, 2001. *Accord, In re Rodriguez-Tejedor*, 23 I & N Dec. 153, 2001 WL 865412 (B.I.A. 2001), and *Guzman v. U.S. Dept. of Homeland Sec.*, 679 F.3d 425 (6th Cir. 2012). In *Guzman*, the Sixth Circuit noted that it joined the First, Second, Third, Fifth, Seventh, Ninth, and Eleventh Circuits in this conclusion. *Guzman*, 679 F.3d at 425.

<sup>7</sup> The precise number of adoptees in legal limbo is uncertain. Neither the U.S. Department of State nor U.S. Citizenship and Immigration Services keep statistic regarding the citizenship status of international adoptees.

<sup>8</sup> Antiterrorism and Effective Death Penalty Act of 1996, Pub. L. 104-132, 110 Stat. 1213, Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. 104-208, 110 Stat. 3009. Both greatly expanded the list of inadmissible and deportable offenses.

**Justice in Every Borough.**

countries where they have no memory, relatives, or ability to speak the language and cuts them off permanently from their U.S. citizen families. Without legislative action to prevent this unjust result, adoptees' sense of security remains in peril.

The threat is more than merely existential. Deportation can be a death sentence. Among the most tragic victims was Philip Clay, deported to South Korea when he was 37.<sup>9</sup> He was born there, but was brought to the U.S. as an adopted child when he was just 8 years old, no longer spoke any Korean, knew no one there, and struggled with addiction and mental health problems. Five years later, he committed suicide.

Senator Amy Klobuchar recognized the need to rectify the precarious position of adult adoptees not covered by the CCA. "This constant threat to the life they know is unjust, and [the Adoptee Citizenship Act] would simply ensure that international adoptees are recognized as the Americans they truly are."<sup>10</sup>

### **The Adoptee Citizenship Act**

The Adoptee Citizenship Act of 2019, would amend section 320(b) of the INA (8 USC § 1431(b)) to extend automatic citizenship to intercountry adoptees who were older than 18 when the Child Citizenship Act came into effect, and who fulfill all the other requisite conditions to derive citizenship.<sup>11</sup> The Act is in the hands of the Senate Committee on the Judiciary and the House Judiciary Committee Subcommittee on Immigration, awaiting markup.

Would-be citizens who linger in the CCA's loophole include those who form the fabric of our dynamic city, living mere miles from Ellis Island, a symbol of a chance at the American dream. On Korean American Day in 2000, Congresswoman Grace Meng, a cosponsor of the 2019 Act stated, "Today, there are 35,000 adult international adoptees who are in the U.S. without citizenship and are at risk of deportation. This includes thousands of Korean adoptees who are undocumented in New York."<sup>12</sup>

### **Conclusion**

As simply put by Congressman Brad Sherman, "If you were legally adopted by an American family, entered the U.S. legally as a child, and raised in the United States, you are an American."<sup>13</sup> It's time to give those words legal effect.

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<sup>9</sup> Choe Sang-Hun, *Deportation a 'Death Sentence' to Adoptees After a Lifetime in the U.S.*, N.Y. Times (July 2, 2017), <https://www.nytimes.com/2017/07/02/world/asia/south-korea-adoptions-phillip-clay-adam-crapser.html>

<sup>10</sup> 162 Cong. Rec. S83 (Jan. 19, 2016).

<sup>11</sup> Adoptee Citizenship Act of 2019, S. 1554/H.R.2731, 116th Cong. (2019).

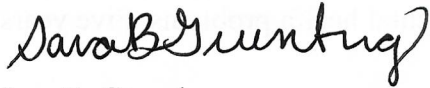
<sup>12</sup> 166 Cong. Rec. E27 (Jan. 13, 2020).

<sup>13</sup> 164 Cong. Rec. E1608 (Dec. 6, 2018).

### **Justice in Every Borough.**

The Legal Aid Society urges the Council to pass Resolution Number 1229, ensuring that all intercountry adoptees are granted citizenship and enjoy the rights and privileges conveyed therein in the country they call home.

Respectfully submitted,



Sara B. Greenberg  
Staff Attorney, Domestic Violence Immigration Project



**New York City Council  
Committee on Immigration  
Oversight Hearing - Reducing Barriers to Citizenship**

**Monday, January 25, 2021**

**Introduction**

Good morning. We would like to thank Speaker Corey Johnson, Committee on Immigration Chair, Carlos Menchaca, and the entire City Council for holding this hearing and for your tireless commitment to libraries and immigrants. We are grateful for the opportunity to testify about our work and commitment to ensuring that newcomers and immigrants have resources to support their new lives in the United States.

As the nation's largest municipal library systems, Brooklyn Public Library (BPL), The New York Public Library (NYPL), and Queens Public Library (QPL), "the Libraries," provide essential information and services to New York City's 8.3 million residents. For 125 years, New York City's libraries have provided a welcoming and safe environment for all who enter their buildings, regardless of age, background, socio-economic level, or self-identity. Our commitment to provide free, reliable, high-quality information and services - virtually or in-person - at no cost remains our core value.

For the 3.1 million immigrants who call New York City home, the Libraries provide cultural programming, literary resources, language instruction, citizenship classes, coping skills workshops, job and technology assistance, exhibitions, and multimedia services in various languages and formats. From New Americans Corner to IDNYC, and all resources in between, our city, state, and federal government partnerships provide critical pathways for all New Yorkers to realize their dreams.

Our city partners, notably this Administration and the City Council, made a concerted effort to create a nexus between immigrant communities - comprising 37% of the City's population - to the Libraries' vital resources. Through partnerships with well-established community-based organizations, the Libraries' commitment to embedding themselves into communities across New York City has increased their ability to reach under-resourced communities with critical education, immigration, and language services for newcomers who seek to make the United States their permanent home.

**NYCitizenship - ActionNYC**

In 2016, Brooklyn, New York, and Queens public libraries partnered with the Mayor's Office of Immigrant Affairs (MOIA) and NYC Human Rights Administration (HRA) on a new program,



NYCitizenship. Located at twelve libraries, NYCitizenship assisted immigrant New Yorkers with information for free legal services, financial counseling, and legal representation for eligible lawful permanent residents who have not yet applied for citizenship. Additionally, individuals had the opportunity to confidentially meet one-on-one with an immigration attorney for help with the application and greater citizenship process. One year into implementation, the City hired Community Navigators, through a partnership with the Mayor's Office of Economic Opportunity, to maximize engagement with the communities. Coupled with our outreach efforts, the three library systems facilitated 3,700 intake appointments that were fulfilled with 1,834 citizenship applications filed, by the end of the program. Of those applications filed, over 1,000 were granted citizenship thus far. Libraries' connections to community-based organizations and local immigrant services created a pipeline for patrons to readily access our immigrant services.

While NYCitizenship has concluded, we are looking forward to partnering with MOIA on ActionNYC. Currently, the three systems are finalizing details to begin implementing the program virtually with the non-profit organization Immigrant Justice Corps (IJC). ActionNYC will offer free legal screenings and assistance for citizenship, as well as green card applications and renewals, Temporary Protective Status (TPS), and Deferred Action for Childhood Arrivals (DACA). The library systems have worked with IJC in the past by providing assistance to individuals on naturalization and other legal immigration issues at various branches.

### **New Americans Corner**

In the same year, the three library systems, MOIA and the United States Citizenship & Immigration Services (USCIS) introduced the New Americans Corner initiative. This initiative allows immigrants to quickly and easily find information and resources in any library branch across the City on how to become a U.S. citizen. This dedicated space, which also offers financial empowerment and entrepreneurship materials, provides circulating materials and informational resources on citizenship and other immigration-related topics. Making these resources readily available in every corner of the City underscores the vital role public libraries play in supporting immigrant communities. Although patron access to New Americans Corners is limited under COVID-19 restrictions, study materials, such as the Civics and English test and the naturalization study guide, are available virtually on our websites.

### **General Services**

In addition to our government partnerships, the Libraries offer a wide selection of immigrant services, including language services to NYC's more than 3.1 million immigrants who collectively speak over 200 languages. From English for Speakers of Other Languages (ESOL) classes to our multilingual storytimes, Libraries provide vital resources for families to build language skills at any age.





Since 2012, NYPL’s ESOL, Adult Basic Education, and English for Work classes provide newcomers with foundational literacy skills. Prior to the pandemic, NYPL taught ESOL classes in 39 locations across the Bronx, Manhattan, and Staten Island. Amid the pandemic, NYPL pivoted to an online platform, serving over 76% of our existing clients in FY’20, 5,337 individuals. Comparatively, in FY’19, NYPL served over 7,000 individuals through our in-person language instruction programs. Additionally, we offered ESOL classes at two correctional facilities through an FY’20 City Council allocation to ensure we provided critical literacy services to a vulnerable population. In addition to the ESOL classes, NYPL has reimagined their English language services to provide Adult Basic Education and English for Work classes.

To complement our virtual offerings and study guides, NYPL offers citizenship classes and information study groups for patrons planning to apply for citizenship. Courses and curriculum are developed in conjunction with USCIS materials and taught by two specially-trained staff. Since December, NYPL branch staff began offering virtual citizenship test study groups to support patrons interested in pursuing citizenship.

Since the onset of the pandemic, BPL’s ESOL program has assessed and enrolled hundreds of ESOL participants and is providing virtual instruction in 16 classes for civics education and digital fluency. BPL’s citizenship classes have been updated to address the revisions to the civics portion of the exam. BPL has facilitated 13 We Speak NYC sessions virtually and currently has 4 online citizenship classes and 15 virtual conversation groups. BPL has launched “low tech” options for our programs, like creating photocopied packets for patrons who cannot participate in online classes available for pickup from open branches, to address some of the challenges posed by a lack of access to technology.

QPL’s New Americans Program (NAP) provides an extensive range of resources for newly arrived immigrants to adjust to American society, while simultaneously celebrating their culture. These programs and services are continuously in high demand. In Fiscal Year 2019, QPL welcomed over 18,200 participants to more than 8,600 immigrant-focused program sessions. Over 4,600 ESOL sessions were hosted, which had over 4,100 participants. Since 2008, NAP has provided free assistance to Legal Permanent Residents wishing to become citizens through citizenship classes, workshops and clinics in partnership with various organizations. With the ANSOB Center and USCIS, QPL offers classes at Broadway, Elmhurst, Flushing and Langston Hughes libraries resulting in an overall program attendance of more than 2,200. We also focus on ensuring our collections are representative of the communities we serve with materials in thirty languages, which we continue to update actively.

With the transition to virtual classes due to the COVID-19 pandemic, QPL aimed to continue supporting this vulnerable community with high-quality programs and services. QPL’s citizenship



classes, which were held in-person at Central, Richmond Hill and Woodside libraries, swiftly moved to online classes. From April to December 2020, NAP hosted 40 virtual classes with an attendance of over 400. Additionally, since moving to virtual sessions, our citizenship application assistance clinics, where individuals meet with immigration attorneys affiliated with local CBOs, resulted in the participation of nearly 100 individuals. On our website, QPL has a short questionnaire, available in English, Spanish and Chinese, about the specific support individuals are seeking, and our Citizenship Program Assistant will contact them to offer guidance, whether it is referring them to a class, clinic or legal service provider.

### **IDNYC**

In 2015, the City initiated IDNYC, a free municipal identification card for all NYC residents, regardless of their immigration status. Several New York City libraries serve as permanent enrollment sites and often play a critical role serving as temporary pop-up events sites. Before the pandemic, the Libraries planned to increase service and, in some cases, provided additional space to accommodate for the renewal period, underway in January 2020. Though the pandemic curtailed our ability to offer in-person IDNYC services, BPL quickly pivoted to host the IDNYC Mobile Command Center outside its Central library, offering its constituency identification when many essential services were closed.

In addition to our role as enrollment sites, the IDNYC card can be activated as a library card, with circulation benefits at all library systems. The card also qualifies holders to benefits, such as free memberships to cultural institutions, discounts at health and wellness centers, and other benefits. To date, Tri-Li has signed-up over 600,000 individuals for IDNYC, with over 65,000 integrating their ID with their library card account.

### **Conclusion**

New York City stands as the beacon of opportunity for immigrants, and as such, New York City libraries provide crucial resources for all inhabitants. From IDNYC to free immigration legal services to critical language instruction, Libraries provide services for people of all ages, backgrounds, educational levels, and ethnicities to acquire the skills they need to succeed in all areas of their lives. Our programming and services prepare immigrants to traverse the pathway to citizenship successfully.

Thank you for the opportunity to offer testimony.



**TESTIMONY BEFORE  
NEW YORK CITY COUNCIL  
COMMITTEE ON IMMIGRATION**

**OVERSIGHT HEARING ON REDUCING BARRIERS TO CITIZENSHIP**

**WRITTEN TESTIMONY SUBMITTED BY  
Marissa Martin, Advisory Board Member  
Also-Known-As, Inc**

**January 25, 2021**

Good morning. My name is Marissa Martin and I am an Advisory Board Member of Also-Known-As, Inc. I want to thank Chair Carlos Menchaca and Immigration committee members for holding this important hearing on Reducing Barriers to Citizenship. I also want to thank Councilmember Peter Koo for introducing Res 1229-2020, a Resolution calling on the United States Congress to pass, and the President to sign, the Adoptee Citizenship Act of 2019 (H.R. 2731 / S. 1554), in order to secure U.S. citizenship of internationally adopted children who are now adults or aging into adulthood.

Also-Known-As, Inc is a nonprofit organization with the mission to **empower the voice of adult international adoptees, build cultural bridges, transform perceptions of race**, and acknowledge the loss of the birth country, culture, language and biological family experienced by international adoptees.

While I am not a stranger to testifying before the city council, today the issue is something very personal. I was born in Seoul, South Korea, given the name Oh, Sun Hee, and was raised by a Korean foster family for the first months of my life. Six months later I was adopted to the United States by Lynne and Dave Martin and given the name Marissa Elizabeth Martin. While I am sure my family started calling me Marissa from the moment I met them, my parents had to go through a long legal process for me to give up my Korean citizenship and become a naturalized citizen of the United States. My parents were fortunate to be guided through the process by their adoption agency and were dedicated to completing the adoption process. However, not all adoptees share my experience and did not fully complete the long, onerous process, and because of a technical loophole in the Child Citizenship Act of 2000, thousands of adopted children were left without citizenship.

**I urge the City Council to pass Res 1229-2020 and call on Congress to undue the harm that was caused to so many international adoptees.** The City Council continues to show you value the lives of all immigrants, regardless of status, and I hope I can count on you to continue to

protect immigrants. H.R. 2731, the Adoptee Citizenship Act, closes the loophole in the Child Citizenship Act of 2000, that left the adopted children of thousands of Americans without citizenship. These children, who are now adults, have grown up without the protections intended by virtue of American adoption law. Adoptees without citizenship in the United States live in fear of separation from their families and the only home they have ever known. Increased security measures prevent many from receiving government identification and accessing employment, health care, and other vital benefits. An unknown number of American adoptees have already been deported as a result of this loophole. (João Herbert, an adoptee who was deported at 22 to Brazil, was murdered in Brazil in 2004.) Adoptees who are returned to their birth countries suffer language and culture differences, and in many cases, are denied legal status as a result of their American adoptions. In other words, adoptees who never received US citizenship often become stateless after deportation.

Over the last twenty years, multiple attempts to correct the technical loophole in the Child Citizenship Act have failed and now is the time to pass a bill that includes all adoptees—including individuals who were adopted on all valid visas, deported adoptees, and those with orders of deportation. Given the daily reality of their lives, impacted adoptees, deportees, and their loved ones cannot afford to wait anymore. International adoption is full of complexities and controversy, and in nearly every international adoption, the adoptee had no power or say in the choice to be adopted, and should not be punished because of a policy loophole.

Thank you for this opportunity to submit testimony and as immigrants, people of color, Asian Americans, adoptees, and allies, **we urge you to pass Res 1229-2020**, a Resolution calling on the United States Congress to pass, and the President to sign, the Adoptee Citizenship Act of 2019 (H.R. 2731 / S. 1554), in order to secure U.S. citizenship of internationally adopted children who are now adults or aging into adulthood.

For more information about the Adoptee Citizenship Act,  
contact Also-Known-As – [www.alsoknownas.org](http://www.alsoknownas.org) or  
Adoptees for Justice - <https://adopteesforjustice.org>



January 28, 2021

Committee on Immigration  
New York City Council  
City Hall  
New York, NY

**Re: Immigration Committee Hearing on Monday, January 25, 2021**

Dear Immigration Committee:

Please accept these written comments for the Immigration Committee hearing you held on Monday, January 25, 2021, about the process for obtaining citizenship.

My name is Rex Chen and I am the Director of Immigration at Legal Services NYC (LSNYC). We are the largest civil legal services provider in the country. We fight poverty and have been dedicated to fighting for racial, social and economic justice for low-income New Yorkers for over 50 years. In 2018, we gave immigration assistance to households in which over 23,000 people lived.

**Difficulties Obtaining Citizenship For People With Impairments**

For the past few years, New Yorkers with physical impairments, developmental impairments, or mental impairments that make it difficult to pass the English or civics requirement for citizenship have faced increasing obstacles to obtaining citizenship. Under section 312(b)(1) of the Immigration and Nationality Act, the requirement that people seeking citizenship pass English language and civics tests does not apply to people who cannot comply due to physical, developmental, or mental impairments. People

seeking the exemption must file an N-648 form with U.S. Citizenship and Immigration Services (USCIS).

A few years ago, LSNYC discovered a sharp increase in how frequently USCIS was denying N-648 requests. In many cases, this raised serious doubts about whether USCIS's denials of N-648 requests were legally appropriate.

In December 2017, a group of individuals and nonprofit organizations sued the federal government, claiming that USCIS's frequent denials of N-648 requests illegally disregarded medical expert opinions, improperly relied on stereotypes about impairments, and did not give timely or clear rulings on the N-648 requests. The people who sued suffered from conditions such as Alzheimer's disease, mental retardation, Post-Traumatic Stress Disorder, and major depression. USCIS denied one New Yorker's N-648 request by saying she had no impairments, even though a physician explained why her non-physical impairments made it impossible for her to learn English and civics information. USCIS denied two New Yorkers' N-648 requests by ignoring their physicians' detailed evaluations. USCIS denied another New Yorker's N-648 request because USCIS did not understand that a history of meningitis would affect that person's memory, despite a physician's finding that it had done so.

The lawsuit was heard in federal district court in the Southern District of New York. During the lawsuit, USCIS granted N-648 waivers for most of the plaintiffs, in effect conceding the earlier denials were wrong. Those plaintiffs then became citizens. However, USCIS did not grant the N-648 waivers of all the plaintiffs. In 2019, the district court dismissed the lawsuit for jurisdictional reasons, without ruling on the merits of the case.

Legal Services NYC challenged the district court's ruling by appealing the case to the Second Circuit Court of Appeals on behalf of three of the plaintiffs in the lawsuit: two individuals and one nonprofit organization (Youth Ministries for Peace and Justice). Unfortunately, in September 2020, the Second Circuit denied the appeal and dismissed the lawsuit on procedural grounds, without ruling on the merits of the case. *Moya v. US DHS*, No. 19-1002-cv (2d Cir. Sept. 15, 2020). One of the three judges dissented about part of the court's decision.

In the meantime, USCIS has made the process to seek N-648 exemptions more difficult and has continued to deny many valid N-648 requests. Sometimes, USCIS gives applicants a chance to submit a second N-648 to address perceived flaws in their first N-648, but this is not always possible because some doctors charge to fill out a second N-648 form and many applicants cannot afford to pay the doctors.

The N-648 form is very difficult to complete and has been made more difficult. Doctors may not realize that USCIS is denying some well-founded N-648 requests because of minor departures from USCIS's instructions about how to fill out the forms. The current edition of the N-648 form, dated July 23, 2020, has over a dozen questions; it requires the medical professional filling it out to list the Diagnostic and Statistical Manual (DSM) or International Classification of Diseases (ICD) codes for all of the applicant's impairments, to describe each impairment, to describe what caused each impairment, to list the methods the medical professional used to diagnose each impairment, to describe how each impairment affects the applicant's daily life, to describe why each impairment will probably continue for at least 12 months, and to describe how each impairment affects the applicant's ability to take each type of test for which we seek an exemption for.

USCIS routinely denies applications because a doctor gives the information required in the N-648 form but puts the information in the answer to the wrong question. USCIS also denies applications because a doctor fails to explain the exact nature of an illness because the doctor thinks it is commonly known, such as that Alzheimer's Disease impairs a patient's ability to learn a new language or new information.

There are specific steps that New York City could take to improve this situation.

If New York City required medical professionals working for the city or receiving city funds to receive training on how to complete the complex N-648 form, that would increase the chances that applicants could obtain the English and civics test exemptions for which they qualify and become citizens.

If New York City provided funding to train medical professionals on how to complete N-648 forms for low-income New Yorkers, that would increase the chances that the applicants could obtain the test exemptions for which they qualify and become citizens.

Finally, if New York City provided funding for nonprofits to give trainings to medical professionals, that would increase the chances that applicants could obtain the test exemptions they qualify for and become citizens. For example, Legal Services NYC organization has expertise and experience with N-648 forms, and the experience and technology to train a large number of people. Our Justice Learning Center is the largest poverty law educational program in the country, giving 150 classes per year to 3,500 participants. During the Covid-19 pandemic, the Justice Learning Center has given dozens of remote trainings over Zoom.



Over the past several years, USCIS has essentially built a wall that blocks many New Yorkers from obtaining citizenship by refusing to grant exemptions to the English and civics tests to some people who have impairments documented by medical professionals. Our lawsuit in the Second Circuit Court of Appeals about this issue failed on procedural grounds. New York City can take concrete steps to give immediate help to New Yorkers and help them obtain the United States citizenship that they deserve.

Sincerely,

Rex Chen

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**Testimony on behalf of Turning Point for Women and Families for the  
New York City Council Committee on Immigration**

**January 25, 2021**

Good Morning. My name is Anika Sayed and I am the Outreach Coordinator at Turning Point for Women and Families. Thank you for the opportunity to testify today.

Turning Point for Women and Families was founded in 2004 and is the first nonprofit to address domestic violence in New York City's Muslim community. Turning Point helps Muslim women and girls affected by domestic violence empower themselves and transform their lives through a wide range of culturally-competent services focused on safety and self-sufficiency. To date, we have worked directly with over 3,000 women, adolescent girls, and children.

One of the pressing issues affecting many of our clients, especially senior women, includes the lack of resources they need to acquire citizenship. Federal policies including the Public Charge Rule have adversely impacted the future of countless people. Additionally, the Public Charge Rule created fear, apprehension, and uncertainty for the immigrant community, made worse by the pandemic. Fearful of the Public Charge Rule, many of the DV survivors and seniors we work with, chose not to apply for benefits they are entitled to that would have helped them during the pandemic. It is our collective duty to ensure not only access to public benefits and citizenship, but to break the barriers that prevent our clients from applying in the first place!

Our clients and program participants, who are already challenged by their lack of security have been further traumatized by the prolonged pandemic.

The new policies have redefined domestic violence has actually reduced the scope of the crime and affects survivors directly. Due to suppressed reporting, few statistics on domestic violence are available and a narrower definition becomes even more harmful, excluding a large number of survivors we work with, creating new barriers and ultimately halting their progress.

Public Charge Rules and limits to citizenship through seeking asylum exacerbate the existing issues many immigrants face today, leaving community-based organizations with limited legal funding that provide few sustainable solutions. Elected and appointed officials who are passing laws must consider the detrimental effects of these policies on the immigrant community. Emergency Medicaid, cash assistance, and food stamps are all ways this nation fights against poverty, food insecurity, and lack of healthcare. Turning Point for Women and Families strongly advocates for fair access to these basic human rights. The issues affecting our community have materialized into something far greater than shelter and safety - access to these benefits is limited when technology is inaccessible.

We have seen through this pandemic the far-reaching effects of the digital divide. After the courts closed, many clients were limited to phone calls to agencies that would leave their concerns unaddressed. Sharing information over the phone to complete documentation for citizenship applications, to applying for public benefits seemed taxing due to lack of information security. Clients who were close to leaving their abusers and senior women in the pipeline for citizenship now have to navigate this difficult road, virtually.

Community-based organizations like Turning Point for Women and Families, are committed to teach English to our community members and help them become empowered and

integrated in the society they live in. Our classes are an entry point for seniors to learn English, learn about their rights, receive counseling and emotional support, especially if they are facing elder abuse. We urge each of you on the Committee to please do all you can to find the resources to support the work of community-based organizations who are doing so much with so little, to meet the growing needs of our immigrant community and redirect the narrative to be inclusive of all backgrounds, races, identities, genders, and religions.

Thank you.



Community Immigration  
Legal Services & Education

## **Testimony submitted to the Committee on Immigration, New York City Council**

**Monday, January 25, 2021, 10:00am**

### **Re: “Reducing Barriers to Citizenship”**

Good morning. My name is Terry Lawson and I am the Executive Director of UnLocal, a community-centered non-profit organization that provides direct community education, outreach, and legal representation to New York City’s undocumented immigrant communities, including those seeking citizenship. This hearing is about reducing barriers to citizenship and I want to take this time to talk about what New York City can do and what happened to our client, Javier Castillo Maradiaga, a Bronx resident who was in the news this weekend.

Javier Castillo Maradiaga, a 27 year old Bronx resident who came here with his family when he was 7 years old, was referred to UnLocal and the Rapid Response Legal Collaborative, funded by the Mayor’s Office of Immigrant Affairs, by the hotline operated by the Immigrant Defense Project.

Back in 2019, Javier was stopped and frisked on a Bronx street by the NYPD. While in DOCS custody, Javier was unlawfully transferred to ICE custody by DOCS in violation of NYC Detainer Laws. After 14 months in custody, Javier’s criminal case was finally dismissed by

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Bronx DA in January 2021. During this time, Javier was unable to renew his DACA status because he was in ICE detention.

Days before the inauguration, Javier was transferred from an ICE detention center in New York to the ICE staging facility operated by GEO in Alexandria, Virginia, and told that he would be deported on Friday, January 22nd, on the second full day of the Biden administration. After UnLocal intervened, we were informed on Thursday that Javier's flight was cancelled and that he would not be removed. The following day, Javier was informed by GEO that he would be deported at 2am today.

In response, we organized a rally and a press conference yesterday and in the hours before that scheduled deportation, his mother, Alma Maradiaga, who is an essential worker, told reporters that she has not been able to hug her son or make him a meal in 14 months, a direct result of DOCS's illegal transfer of Javier to ICE custody.

In late-breaking news, we were informed late last night that Javier was not on the flight manifest for this morning following intervention by UnLocal, Representative Ritchie Torres, Senators Gillibrand, and Majority Leader Schumer. While we are relieved about this news, we know that much work remains.

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We cannot end the policing to deportation pipeline without talking about the historic, persistent, and everyday over-policing of Black and brown communities.

We cannot talk about what happened to Javier without talking about Eric Garner, Amadou Diallo, George Floyd, Breonna Taylor, and too many others.

What we've seen over and over again is that the criminal legal system and deportation industrial complex are not about public safety. These systems have deep roots in white supremacy and we have seen over and over again how they have been used by Trump and many before him to reinforce xenophobia and dangerously hateful racism at tremendous human costs.

As for what the city can do in the months and years ahead, we are calling for an end to the over-policing of Black and brown communities, which means taking funding away from the NYPD, investing that funding into Black and brown communities in the initiatives that THEY identify, and ending the criminal carve-outs in the detainer laws that continue to allow New York City to transfer people to ICE custody.

Finally, Javier's mother told me yesterday that has spent \$20,000 in legal fees for herself and her family in fighting their immigration cases. She told me about how her family was taken advantage of by unscrupulous providers and how hard it was for them to find free high-quality

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legal representation. Their case came to our attention just days before Javier was transferred to Louisiana. If the events of this past weekend have taught us anything, they have taught us that, while the Trump administration is no longer in power and there is a 100 day moratorium on deportations for some, the work is far from over. Deportation flights are still taking off every day, and UnLocal and immigration advocates across this city are working tirelessly alongside immigrant New Yorkers to ensure that they remain here with their families. Javier is DACA eligible, his siblings have DACA, his parents have TPS, but they and 11 million others should have the full citizenship rights that you and I enjoy. We call on the City Council and the Mayor's Office to use all its resources to make that happen.

Terry Lawson  
Executive Director, UnLocal  
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# My road to citizenship

My life started in Colombia and when I was 2 an American family brought me back to the United States. Living the American dream for 42 years then finding out that your not an American is a very emotional thing. I now have to go by a name that I haven't used since I came into this country and that is now different from my family's. This is unacceptable. The process of trying to fix this has left me with stress and a case of Bell's palsy that I have not fully recovered from. This bill is not something that is hard and needs to be thought about for a long time. It's common sense. Brought here by Americans to live in this country and due to the mistakes of the government not properly informing them of what they needed to do he made me have to fight for something I always thought I was. Please fight to pass this bill.