



PUBLIC ADVOCATE FOR THE CITY OF NEW YORK
Jumaane D. Williams

**TESTIMONY OF PUBLIC ADVOCATE JUMAANE D. WILLIAMS
TO THE CITY COUNCIL COMMITTEE ON IMMIGRATION
MARCH 14, 2022**

Good afternoon,

My name is Jumaane D. Williams and I am the Public Advocate for the City of New York. I would like to thank Chair Hanif and members of the Immigration Committee for holding this hearing. I also extend my congratulations to MOIA Commissioner Castro on his appointment and work thus far and am hopeful of the direction MOIA will take under his leadership.

New York City is the home of over 3 million immigrants, over one-third of the population. That figure is even greater when we talk about the workforce: over 43 percent are immigrants.¹ In a time of economic disruption and uncertainty, political backlash, and heightened health disparities, immigrants across the country, and especially New York City, have shown immense resiliency. That being said, we should not be expecting resiliency as the default; immigrants deserve to feel secure and supported by the city they call home. With this upcoming budget we have the opportunity and ability to strengthen this support and send a message to all immigrant New Yorkers that home is here.

Impacts of COVID-19 on Immigrant New Yorkers

We cannot discuss immigration without acknowledging the impacts of COVID-19 on immigrant New Yorkers in the past two years and for years to come. The COVID-19 pandemic exposed us to all the ways immigrants encounter a vastly different set of challenges. One of the most vulnerable groups during the pandemic have been the immigrants in detention centers, who have been subject to disturbing conditions including a lack of PPE and overcrowding, rendering many helpless. We must advocate for all immigrants and not forget the most vulnerable. With my colleagues in the City Council, Res. 0066-2022 was adopted, calling on the New York State Legislature to prohibit governmental entities from contracting with immigration detention facilities. We cannot be complicit in the inhumane treatment of immigrants and I call on you all to apply pressure for this legislation to pass.

Additionally, Immigrants make up around half of all essential workers across a range of industries, who were on the frontlines risking their lives in the midst of the pandemic. When it came to economic relief, many of these same essential workers were shuttered out and excluded

¹ U.S. Census Bureau, 2019 American Community Survey 1-Year Public Use Microdata Sample



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from receiving federal financial assistance either due to ineligibility or the threat of public charge (despite the Biden Administration rescinding the public charge rule).

In April 2020, the City established the Immigrant Emergency Relief Program with the financial backing of private philanthropy. It ran until January 2021, providing \$20 million in emergency monetary relief to immigrant workers who were excluded from federal COVID-19 relief efforts. I supported this program and believe it needs to become independent from private funding as a standalone city program with the City creating its own funding stream for this initiative. Even when COVID-19 is a thing of the past, the lasting impacts of the pandemic will be seen for years to come. We need to ensure that our immigrant workers are supported not just during this time period, but in perpetuity.

Mayor's Office of Immigrant Affairs (MOIA)

The continued support of immigrant New Yorkers would not be possible without the existence of MOIA. MOIA provides and oversees crucial programs that educate, empower, and support immigrants in New York City.

With the passage of the Municipal Voting Bill that I cosponsored, immigrants with permanent residency and work permits will be able to vote in municipal elections beginning January 2023. The Mayor's Office of Immigrant Affairs will be expected to support a breadth of outreach and information campaigns to all eligible immigrant New Yorkers. Immigrants will be redirected to MOIA and their CBO partners more than ever. As a result, it needs to be funded accordingly to ensure successful voter turnout for this new voting group.

In a similar vein, we must ensure that we meet immigrants where they are and provide adequate and culturally-sensitive and responsive language access when it comes to city resources. Language access is codified by Local Law 30 of 2017 which requires city agencies like MOIA to "develop language access implementation plans, provide telephonic interpretation in at least 100 languages, and translate their most commonly distributed documents into the 10 designated citywide languages, among other requirements." As city agencies like Democracy NYC and the Campaign Finance Board work together to implement municipal voter registration, MOIA will need to lead the outreach efforts, of which language accessibility is a no-brainer.

Furthermore, language access will be crucial in supporting delivery workers; there are an estimated 80,000 delivery workers who are Indigenous and Latinx, Asian, and Black immigrants. Some were able to receive pandemic financial assistance from the State's Excluded Workers Fund (EWF), which was in due part to CBOs who walked deliveristas through the application process in their respective languages. The EWF was only temporary monetary relief; the City needs to build out infrastructure to support this group that has been without sufficient worker protection and rights throughout the pandemic. Important considerations include delivery worker education, access to bathrooms, gratuity disclosure, and language-accessible assistance in



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securing fair payment, which the Department of Consumer and Worker Protection (DCWP) is leading. For progress to be made, MOIA will need to continue working in tandem with other city agencies that serve immigrant populations across the city.

MOIA is also critical in the administration of numerous City Council-funded programs including CUNY Citizenship NOW!, Key to the City, Immigrant Opportunities Initiative, Immigrant Health Initiative, Unaccompanied Minors and Families, and the NY Immigrant Family Unity Project.

Through the New York Immigrant Family Unity Project (NYIFUP), the City Council funds legal representation for immigrants facing deportation. This program has increased the rate of success—which is defined as a case not resulting in deportation—by 1,100 percent. That being said, people who are convicted of 1 of 177 "serious or violent" felonies are ineligible to receive NYIFUP services. The City should mandate universal appointment of counsel in Immigration Court, as is the case with Family Court and Housing Court. This would involve greater funding to end the "criminal carveout" in NYIFUP with an approximately \$5 million increase in spending (20% of NYIFUP's \$16.6 million budget).

I would like to also highlight the necessity in adequately funding health resources for immigrants. MOIA already supports NYC Care, which has been integral to the health of many immigrants, especially during the pandemic. Nonetheless, there is still so much work to do to dismantle racism and prejudice within the healthcare system. I want to specifically focus on addressing Black immigrant health disparities. Haiti-born women in NYC have the highest Severe Maternal Morbidity rate, 494.0 compared to 229.8 for U.S.-born women in NYC. We are failing Black immigrant mothers due to systemic racism in healthcare. All staff need cultural-competency training, healthcare systems need to employ diverse staff, and services need to be accessible to immigrants regardless of status and income.

All of my recommendations would not be possible without sufficiently funding MOIA and adjacent programs. New York City would not be the city it is were it not for the 3 million immigrants that contribute economically, socially, and culturally every day. As we see the end of this pandemic, we must not leave our immigrant communities behind. Rather, we must provide adequate funding and expand city resources and programs to allow them to thrive in the city we all call home. Thank you.



Asian American Federation

Testimony to the New York City Council Committee on Immigration

March 14, 2022

Written Testimony

I want to thank Committee Chair Shahana Hanif and Councilmembers De la Rosa, Sanchez, Ung, Moya, Krishnan, and Joseph for holding this hearing and giving the Asian American Federation the opportunity to provide testimony on this year's budget. I'm Sylvia Peng and I am the Immigration Community Navigator at the Asian American Federation. AAF represents the collective voice of more than 70 member nonprofits serving 1.3 million Asian New Yorkers.

This past year has shown that, if anyone has led the fight to keep New York City moving, and keep her immigrant communities taken care of, it's been our community-based organizations (CBOs). And if there's anything this past year has made painfully visible, it's that our CBOs desperately need support to continue the work and not just keep our immigrant communities surviving but also thriving.

Since 2010, the Asian population in New York City has increased 34%, growing from over 1.1 million in 2010 to over 1.5 million in 2020, making up 17.3% of our city's total population. Overwhelmingly, Asian New Yorkers are immigrants, with two out of three in the city being foreign-born. Of those Asian immigrants, 47% arrived in 2010 or after. Additionally, language barriers remain high among Asian New Yorkers. Overall, 48% of Asians have limited English proficiency in New York City, compared to a citywide rate of 23%.

This year's budget will have to make a priority of supporting our immigrant communities and the CBOs that have led by example in providing language accessible and culturally-competent services. After years of regressive policies aimed at punishing immigrant communities, on top of the anti-Asian rhetoric relating to the pandemic and increase in anti-Asian violent crimes, the urgency has never been greater for our City Council to help restore our immigrant communities' trust in their government.

Immigration Legal Services

As an extension of the difficulties faced by our immigrant communities over the past several years, funding for accessible immigration legal services has remained stagnant even while demand has increased. From the Muslim Ban, to an increase in deportation rates, and the public charge assault of the previous administration – these attacks have exacerbated already growing fears and hesitancy in immigrant communities. The Asian American community is scrambling to find culturally-competent, language-accessible affordable immigration legal advocacy in the aftermath. While we want to acknowledge the steps that City Council has taken to aid our immigrant communities, City Council should do its part and prioritize funding immigration legal services and case management provided by CBOs with a track record of connecting community members and making legal services accessible. Without Asian CBOs' ability to provide language and navigation support, few people would be able to access these legal services.



Asian American Federation

Nonprofit Support

But as our immigrant community also bears a disproportionate burden of the basic need insecurity brought on by the pandemic, the City must also increase investment in safety net programs, such as community health centers and clinics, as well as food pantries. Asian immigrants have a greater need for access to these programs in part due to the continued aftereffects of the previous administration's public charge assault that resulted in immigrants disenrolling from public benefits out of fear that it would affect their and their family's chances of pursuing a path to citizenship. 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.

But while Asian New Yorkers comprise more than 10% of the population in 28 out of 51 City Council districts, and 36 districts have 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.

As City Council works on this year's budget, Council Members must keep in mind the persistent inequities in city contracting practices and the systemic barriers facing our CBOs seeking the dollars the Council is allocating for this year.

Contracting processes must prioritize the CBOs that have the expertise needed to make the most of every dollar in our communities by giving greater weight to organizations with a demonstrated track record of serving low-income, underserved immigrant communities with linguistic and cultural competency. 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 that provide culturally-competent food. And it'll be our CBOs that will be instrumental in restoring trust between our immigrants and the City.

Language Access

And finally, language access: Our immigrants continue to be 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 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 there is a clear window of opportunity 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. To these ends, we're asking City Council to fund a community legal interpreter bank with \$2.25 million and commit \$300,000 per worker co-op for three language translation co-ops covering Asian, African, and Latin American languages. The payoff from funding these initiatives will be seen in multiple ways, as we've seen with similar models elsewhere, like Washington, DC's community legal interpreter bank, from



Asian American Federation

providing employment opportunities in our immigrant communities, to relieving strains on existing CBO capacity to provide interpretation, to addressing the serious gap in quality language interpretation for the communities that need it the most.

The City must also make sure the FY 2023 Budget includes funding such that Local Law 30 is fully and consistently implemented across city agencies. In our work and the work of our member and partner organizations, we are consistently reminded that much of the language accessibility issues our community is grappling with relate to issues of capacity. 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 our city agencies.

CBOs 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 support they deserve.



Association of Legal Aid Attorneys UAW 2325 (AFL-CIO)



March 14, 2022

Good afternoon,

My name is Alexi Shalom and I am a representative of UAW Local 2325. UAW Local 2325 is a labor union representing almost 3,000 advocates in New York City, who fight every day to make New York City a more just place. Among our members are the staff of New Immigrant Community Empowerment (NICE) who provide support, services, and organizing resources to day laborers and recently arrived immigrants in New York City.

Throughout the pandemic, our members have been on the frontlines in delivering relief and support to the most affected communities in our City.

We urge the Council to invest in the Day Laborer Workforce Initiative, Construction Site Safety Training, Low Wage Worker Support, Adult Literacy Initiative, and NYC Care to continue the work that organizations like New Immigrant Community Empowerment (NICE) provides to over 10,000 immigrant workers per year. Our members are extremely proud of the work that they do and thankful to the Council for giving them the opportunity to serve the people through these crucial programs.

Day laborers, and recently arrived immigrants, work in some of the most dangerous and precarious industries. Most of these workers experience wage theft, suffer accidents in the workplace, labor exploitation, discrimination and threats, and lack access to training. This is particularly true for aged workers, and women who are transitioning from domestic work to construction. The goal of the DLWI is to work together with NICE, and address these issues by connecting workers to critical services, providing training on safety and legal rights, leading wage theft legal clinics, facilitating access to good jobs, and, most importantly, creating safe, dignified spaces for day laborers looking for a job. The services our members provide at NICE Center for Workers are more essential now than ever before.

Every year, over 7,500 workers use the NICE Job Center during the morning shift, and NICE dispatches over 2,000 jobs. Their membership has increased up to 12,000 during the last years of the pandemic. Day laborers who secure work through Centers like the ones staffed by our members experience less wage theft. NICE requires employers to provide complete contact information, and agree to their guidelines, including a higher baseline rate of pay. This past year, more than 3,200 workers participated in their Construction Site Safety Training, skills training, including painting, plumbing, and framing. One-third of the participants were women. NICE

hosted more than 100 workshops where members learned about their rights as immigrants and workers.

The NICE Center for Workers referred approximately 1,500 people to “critical services”, including health clinics, legal aid, and financial services. NICE also offers ESL classes, among others, and during these critical years, access to food and cash assistance, access to vaccines and COVID home testing. Crucially, NICE offers these services in Spanish, and in a space where their members feel safe and empowered.

Our Union strongly urges the Council to invest in and expand the DLWI and other initiatives mentioned.

TESTIMONY OF:

Ellen Pachnanda, Attorney-in-Charge – New York Immigrant Family Unity Project

BROOKLYN DEFENDER SERVICES

Presented before

The New York City Council Committee on Immigration Preliminary Budget Hearing –
Immigration

March 14, 2022

I. Introduction

My name is Ellen Pachnanda. I am the Attorney-in-Charge of the New York Immigrant Family Unity Project (NYIFUP) at Brooklyn Defender Services (BDS). BDS is a public defense office whose mission is to provide outstanding representation and advocacy free of cost to people facing loss of freedom, family separation and other serious legal harms by the government. I thank the New York City Council Committee on Immigration, in particular Chair Hanif, for the opportunity to testify about our budget needs to serve the immigrant community in New York City.

For over 25 years, BDS has worked, in and out of court, to protect and uphold the rights of individuals and to change laws and systems that perpetuate injustice and inequality. We represent approximately 25,000 people each year who are accused of a crime, facing loss of liberty, their home, their children, or deportation. Our staff consists of specialized attorneys, social workers, investigators, paralegals and administrative staff who are experts in their individual fields. BDS also provides a wide range of additional services for our clients, including civil legal advocacy, assistance with educational needs of our clients or their children, housing and benefits advocacy, as well as immigration advice and representation.

BDS' Immigration Practice protects the rights of immigrant New Yorkers by defending against ICE detention and deportation, minimizing the negative immigration consequences of criminal and family charges for non-citizens, and representing immigrants in applications for immigration benefits. We represent people who are applying for immigration relief before U.S. Citizenship and Immigration Services (USCIS), and in removal proceedings in New York's immigration courts.

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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.

BDS is one of three NYIFUP providers, specializing in representing people who are detained while they await their deportation hearing. Since the inception of the program in 2013, we have represented over 1,700 people in detained deportation proceedings.

II. The Impact of the COVID-19 Pandemic on the Needs of the People We Represent and Our Practice

Since the beginning of the pandemic, BDS has been unwavering in our demand that all immigrants be freed from detention. Through extraordinary legal efforts, and with the support of the Council, BDS and our partners were able to respond quickly and remain engaged in fighting for the release of immigrant New Yorkers. As the pandemic began, in an around-the-clock team effort to free at-risk clients from dangerous ICE detention conditions, BDS filed federal litigation challenging detention in the COVID era freeing over 85 clients and won a groundbreaking *Basank v. Decker*¹ decision freeing 10 people with serious health risks from life-threatening detention. BDS shared resources with other attorneys and worked with The Legal Aid Society and The Bronx Defenders to file case after case throughout the crisis. Collectively, we have secured the freedom of hundreds of people from detention.

In late 2021, despite termination of ICE contracts in New Jersey facilities, ICE refused to release the majority of detained immigrant New Yorkers - instead transferring them to Orange County Correctional Facility (OCCF). The situation for people remaining in immigration detention is dire. Conditions in detention at OCCF are inhumane: immigrant New Yorkers are subjected to medical neglect, abuse, harassment, and to the dangers of COVID-19. The COVID-19 pandemic has intensified the dangers of detention as correctional officers are often observed not wearing personal protective equipment (PPE) or wearing it improperly. Social distancing is impossible in carceral settings, and medical care is often delayed, inadequate or absent. Detained immigrant New Yorkers have had limited access to COVID-19 vaccines and boosters, no education or interpretation regarding the vaccines and boosters, and been confined to environments where social distancing is not possible.

Access to medical and mental health care is limited, when available. Many of the people we represent have serious mental health needs that are exacerbated by their detention, particularly during COVID-19. Appropriate mental health resources are inaccessible to the people we serve and our staff face continuous barriers when attempting to communicate with OCCF about the needs of the people we serve. We have witnessed people's physical health rapidly deteriorate while they are detained by ICE. We have represented people who enter ICE detention with pre-existing medical conditions, and we have seen immediate exacerbation of their medical

¹ 449 F.Supp.3d 205 (S.D.N.Y. 2020)

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conditions due to medical neglect within the detention facilities. For those who do not have pre-existing conditions prior to their ICE arrest, we have witnessed ICE's medical neglect create new physical health conditions and disabilities that remain with them for years after their release.²

Immigrant detention undermines the access to counsel program that the City Council so generously funds. In order to communicate with clients, we must either arrange to visit them in person at the facility where they are held, or we must communicate with them remotely through video or legal phone calls. Both methods of communication are insufficient and have only become more difficult as a result of the COVID-19 pandemic. The people we represent have been denied access to in-person, confidential visits throughout the pandemic. The space in OCCF that is set aside for in-person visits, sometimes referred to as the "glass house," is a room divided by a glass wall with a phone for communication. There is usually at least one correctional officer within earshot and frequently there are also other detained people meeting with their advocates. There have been periods of time during the COVID-19 pandemic when we could not arrange to safely visit the people we represent. In these moments, it was more important than ever for them to have access to reliable remote methods of communication that would not jeopardize their own safety. However, since at least December of 2020, the video conference services have repeatedly failed, often with technical malfunctions where one party cannot hear the other, or the call fails to connect altogether. Efforts to correct these issues are sometimes resolved by individual officers, but often are not. Sometimes attorneys must wait weeks to be able to speak with their clients, even with pending trials looming on the horizon.

We applaud the Council for passing Resolution 0066 calling on our state to pass the Dignity Not Detention Act, ending contracts with ICE for immigrant detention, and look forward to continuing to collaborate with this committee to end immigration detention.

The COVID-19 pandemic has had ongoing consequences for people outside of immigration detention as well. In such turbulent times, we recognize that people have additional urgent needs and many of the people we represent were excluded from state and federal government assistance due to their immigration status. BDS competed for and obtained funding to provide additional basic essentials to immigrant clients, including cell phones and gift cards to purchase groceries.

² As direct legal service providers, NYIFUP providers have not only observed the impact of medical neglect on detained people because we work closely with them to prepare for trial, but also because we have been tasked with ensuring that ICE faithfully complies with various court orders in *Fraihat v. U.S. Immigration and Customs Enforcement, et al.*, a federal lawsuit that challenged conditions of detainment for medically vulnerable people in ICE custody nationwide. *Fraihat* court orders have required ICE to monitor a person's medical conditions for the majority of the COVID-19 pandemic and to reassess their custody determinations accordingly. Oftentimes ICE failed to meaningfully comply with court orders by failing to identify "Fraihat factors", which include diagnoses of high blood pressure, diabetes, auto-immune diseases, chronic health conditions including cardiovascular disease, as well as HIV/AIDS. This failure by ICE is particularly egregious when *Fraihat* aimed to ensure medically vulnerable people would not contract COVID-19 and die.

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BDS has joined impacted people and other community organizations in support of the Fund Excluded Workers coalition. When funds became available, our staff screened clients for Excluded Workers Fund eligibility and provided referrals to our Employment Unit to assist in the completion of applications. We hosted three Know Your Right webinars on the Excluded Workers Fund in both English and Spanish. These webinars focused on educating the community about eligibility to apply for the fund and provided details about the application process.

III. Evolving Legal Service Needs, Opportunities and Challenges

BDS' immigration staff has stepped up and remained flexible and ready to support our clients throughout the pandemic, a shift in presidential administration, and constantly evolving immigration policy. The support of the Council allows us to respond to people's immediate needs—such as detained deportation defense and screening and advisals for immigration relief—and to provide education and resources to the community and other legal providers.

New York City non-citizen residents have needed advice and assistance even more frequently since the Trump administration began its harsh immigration policy in this country. Although Trump has left office, many of his policies remain and continue to impose lasting damage that will take much time and effort to remedy. For example, the Trump administration terminated Haiti's (and other countries') designation for Temporary Protected Status (TPS) on November 20, 2017. Litigation ensued, leaving tens of thousands of people in uncertain legal limbo. The Biden Administration issued a new designation for Haiti based on current circumstances - while a very positive development, it also resulted in prior TPS holders having to file initial applications under the new designation. Further, while the new designation could have relaxed some of the stringent requirements to account for the current migratory patterns of Haitians, they did not - meaning that many Haitians will still be left out of the protection and benefit TPS provides. Still, in response to this new designation, BDS partnered the Haitian Women for Haitian Refugees and the NYU School of Law Global Justice Clinic Haiti Project to organize a three-part training series. These trainings were designed to provide comprehensive preparation for attorneys to represent Haitians in applying for TPS. The training series was open to non-profit attorneys and members of the private bar that engage in pro bono clinics or representation of Haitians applying for TPS under the 2021 designation.

Additionally, our work on affirmative immigration applications, including through IOI-supported ICAP initiative, is critical to help New Yorkers obtain stable immigration status and advice about their risk of enforcement, preventing them from ending up in a triage situation later. As pandemic restrictions are lifted, the non-detained immigration courts have begun reopening. Although the courts are open and equipped with WebEx (virtual) and Open Voice (telephonic), the majority of immigration hearings have been canceled or rescheduled. In other cases, hearings that were scheduled years out are being advanced and scheduled within weeks. The unpredictability and frequent cancellations and rescheduling require staff to constantly

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pivot, preparing for trials that are ultimately canceled, which places a considerable strain on our staff and demands on our resources.

It remains to be seen how the new federal administration's priorities will impact immigrant New Yorkers. While the Biden Administration issued a new, final "enforcement priorities" memorandum in September 2021,³ ICE officers and attorneys have shown no willingness to use those priorities to release individuals in detention or review pending cases. In our preliminary experience, the Office of the Principal Legal Advisor (attorneys for ICE) are only agreeing to dismiss the most compelling or straightforward cases. BDS remains committed to ensuring access to counsel so that no family will be separated by deportation simply because they cannot afford an attorney.

IV. FY23 Budget Asks

We ask that the Council fund immigration legal service providers to perform community outreach, present know-your-rights presentations, conduct legal screenings, and handle both straightforward and complex cases. The New York City Council has demonstrated its leadership and support for immigrants through funding to legal service providers and the creation of NYIFUP. New York City should continue to protect the rights of New Yorkers by providing them with education, legal counsel and support, and ending policies we have mentioned in other City Council testimony such as broken windows policing and the targeting of communities of color through unnecessary arrests and incarceration.

BDS works to support immigrants and their families and communities every day, but the need for our services and those of the dozens of other legal service providers and grassroots organizations is more acute than ever. We look forward to working together to craft policy responses that will help protect immigrant New Yorkers, strengthen families, and stabilize communities.

I. New York Immigrant Family Unity Project

The City Council Funded NYIFUP program is the nation's first publicly funded universal representation program for detained noncitizens facing deportation. Our NYIFUP attorneys defend people facing deportation in removal proceedings, in both merits and immigration detention custody hearings before the immigration court and Board of Immigration Appeal.

NYIFUP continues to be a model of access to justice nationwide and has inspired replication in many states and cities that want to stand beside their immigrant communities to ensure families are not separated by deportation because they cannot afford counsel. Nationwide, there are now dozens of cities that have committed public dollars to deportation defense, with NYIFUP as the gold standard and the model. This includes recently expanded funding in New Jersey and

³ DHS Secretary Alejandro N. Mayorkas, *Guidelines for the Enforcement of Civil Immigration Law*, September 30, 2021, available at <https://www.ice.gov/doclib/news/guidelines-civilimmigrationlaw.pdf>

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Pennsylvania's renewed program, PAIFUP (the Pennsylvania Immigrant Family Unity Project). New York's NYIFUP organizations regularly provide support and training to those programs. Additionally, we routinely provide training and technical assistance to organizations providing representation to detained immigrants facing deportation in upstate New York, as well as support on federal work for organizations in New Jersey.

With the Bronx Defenders and the Legal Aid Society, BDS is requesting funding of \$18 million (\$6 million per organization) to continue serving as NYIFUP's 3 legal service providers and to ensure continued capacity to respond to surges and changes in immigration enforcement and detention. With this funding, BDS will provide high-quality, client-centered direct representation to low-income detained New Yorkers facing deportation and remain in intake at the detained immigration court throughout the year. We will also provide continued representation on their immigration matters to previously detained immigrant New Yorkers after securing their release from ICE custody.

II. Immigrant Opportunities Initiative (IOI)

BDS' Immigrant Community Action Project team of attorneys, DOJ-accredited representatives, social workers, and support staff serves a large number of people in non-detained removal proceedings and applications for immigration benefits, including family-based applications for lawful permanent status, humanitarian-based applications, U & T visas, Special Juvenile Immigrant Status (SIJS), DACA renewal and other related immigration applications. ICAP seeks to strengthen New York City's families, particularly mixed-status families, by taking on the most challenging cases and providing legal services for people with multi-system involvement with the goal of identifying opportunities for lawful immigration affirmative protections.

BDS's ICAP staff serves as first responders in meeting the needs of some of New York's most vulnerable people and is able to fiercely advocate for them in what has been a rapidly changing legal immigration landscape. Through internal referrals from our criminal, family and civil justice practices, we identify clients that have on-going removal proceedings and are able to step in to provide full representation and advocacy. We also are able to identify affirmative immigration remedies for people who would not have sought immigration legal services and assist the people we represent, and their families, with securing lawful status and alleviating the fear and trauma of family separation.

Building on an already enormous backlog, the non-detained courts' extended COVID-related closures and new docket management practices result in an even more enormous backlog, unpredictability in case trajectory, inefficiencies in case management, and prejudicial consequences for the respondents left in limbo, often separated from their families and unstable status or future status. Most affirmative applications used to be considered straightforward and requests for additional evidence and denials were less common; however, the Trump administration effectively built an "invisible wall" inside its agencies by implementing hundreds of draconian policy changes. Requests for evidence are more and more frequent and invasive.

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Changes such as these resulted in a steep increase in erroneously rejected applications, applications rejected for empty boxes on forms, or simply and most often for failing to read the applications and review the evidence submitted. While these practices frustrate practitioners and delay applications, pro se applicants who lack the legal skills or resources to navigate the system are left without recourse and without immigration status.

Working in collaboration with our NYIFUP team, once a person is released from detention through BDS's NYIFUP representation, if there is a benefit that requires an affirmative application, our ICAP team assumes their immigration case through a seamless internal referral process (e.g., if they can apply to USCIS for a benefit that the judge does not have jurisdiction over, such as a U visa, SIJS, or a spouse's visa petition on their behalf). ICAP also assists people after a removal case is complete such as when relief is granted and there are next steps like green card renewals, citizenship, petitions for other family members, citizenship, orders of supervision, applications for employment authorization, etc. These critical immigration services comprise BDS' non-detained immigration legal and social services and are a necessary component of supportive immigration assistance for people in New York.

BDS is requesting \$200,000 in funding through the Immigrant Opportunities Initiative to expand our ability to provide direct immigration legal services and Know Your Rights trainings to Brooklyn residents. This increased funding is essential for BDS to more comprehensively serve New York City's immigrant youth, families, and communities with desperately needed high-quality immigration legal services. This funding would help BDS continue serving New York City's immigrant families by providing legal screening, advice, and direct representation to low-income immigrants in their pursuit of affirmative immigration benefits.

IV. Conclusion

The City Council has played a critical role in safeguarding New York City's immigrant community and established itself as a national leader in the creation of the NYIFUP program. BDS has worked to protect the rights of the people in our communities every day for 25 years, but the need for our services is more acute than ever. BDS' requested funding will ensure we can continue to provide quality legal services to immigrant New Yorkers.

We thank the New York City Council for your continued support of low-income immigrant New Yorkers. If you have any questions, please feel free to reach out to Kristine Herman, Director of Policy and Advocacy at kherman@bds.org.

**New York City Council
Preliminary Budget for Fiscal Year 2023
Committee on Immigration
March 14, 2022
Testimony of The Bronx Defenders
By Karla Marie Ostolaza, Managing Director, Immigration**

Good afternoon, my name is Karla Marie Ostolaza and I am the Managing Director of the Immigration Practice at The Bronx Defenders. I would like to thank the New York City Council for its unwavering support of New York City immigrant communities and the legal providers that serve them. We are respectfully requesting funding for the New York Family Unity Project (NYIFUP) in the amount of \$6 million per organization, or \$18 million total, to continue providing critical services to New Yorkers in deportation proceedings.

Twenty years ago, The Bronx Defenders embraced the model of holistic representation by embedding immigration legal services within a public defender office. Our robust immigration practice today consists of over fifty attorneys, social workers, advocates, and administrative professionals. We provide deportation defense in both detained and non-detained courts. We also provide integrated, holistic representation to avoid or mitigate negative immigration consequences for our clients targeted by the criminal and family regulation systems. We also represent our clients in affirmative applications before U.S. Citizenship and Immigration Services to protect or secure their status in this country. Our team has also a robust practice before the New York and New Jersey federal district courts and the Second and Third Courts of Appeal, where advocates challenge the unlawful detention of our clients and negative decisions by the immigration agencies. Our advocates provide these services within three related but distinct programs: representation of currently and formerly detained people through NYIFUP, our “Padilla” practice, and our open-door community intake program that serves Bronx residents in need of representation before the immigration agencies and courts.

In this testimony, I will explain why NYIFUP work continues to serve a critical role in protecting immigrant communities from ICE's surveillance, policing, and arrests, and why the complexity and urgency of our work is as high as ever.

ICE Surveillance and Detention

As dozens of directly impacted immigrants powerfully articulated during the six-hour long oversight hearing held by this committee on February 28th, living conditions at detention centers can only be described as torturous. Last month, people detained at Orange County Correctional Facility (OCCF) led a hunger strike to protest racist and xenophobic harassment by guards, medical neglect, lack of COVID-19 mitigation measures, use of solitary confinement instead of medical quarantine, spoiled food, and excessive costs of commissary.¹ Although most of our clients have experienced trauma throughout their lives, in addition to the trauma of incarceration, OCCF and ICE have failed to provide adequate mental healthcare. Medical providers at the jail routinely ignore the needs of clients in crisis and place people in solitary confinement when suicidality is suspected, further exacerbating their psychiatric concerns. When non-English speaking people request access to therapy, they have been told that this resource is only available in English. Access to COVID-19 vaccines and boosters is also lacking, with many of our people being forced to wait for months to access these and only receiving shots after NYIFUP advocates spoke with media outlets to shine light on the issue.²

Although NYIFUP providers are available to represent every detained person in removal proceedings in New York City thanks to the unwavering support of our program by City Council, our ability to represent clients is severely hampered by detention. For years, we have had issues communicating with detained clients, but these challenges have only been exacerbated by the COVID-19 pandemic. Since March 2020, OCCF eliminated private, in-person legal visits. Instead, advocates are

¹ Graham Rayman, *Hunger strike among ICE detainees in upstate jail over conditions; jail officials dispute allegations*, New York Daily News (Feb 17, 2022), <https://www.nydailynews.com/new-york/nyc-crime/ny-hunger-strike-immigration-detainees-orange-county-20220217-whmeubocfanzhatnjh5e7ubci-story.html>

² News 12 Staff, *Orange County Jail experiences outbreak of COVID-19 cases*, New 12 Long Island (Jan 5, 2022), <https://longisland.news12.com/orange-county-jail-experiences-outbreak-of-covid-19-cases>; Daniel Parra, *Attorneys, Advocates Warn of Possible COVID-19 Outbreak Among Immigrants Detained at NY Facility*, CityLimits (Jan. 26, 2022), <https://citylimits.org/2022/01/26/attorneys-advocates-warn-of-possible-covid-19-outbreak-among-immigrants-detained-at-ny-facility/>

expected to meet with their clients at a room that does not allow for privacy from guards, and other detained people and their visitors. These non-confidential visits are only available for thirty minutes, every other day, and interpreters are not allowed to accompany advocates for the visits. Private legal phone calls have never been available at the facility, which instead relies on a video conferencing system. However, the video conferencing system is plagued with technical issues and privacy concerns. Often, advocates wait a week or more before they can secure a private video call with their clients. Under these conditions, it is unconscionable to expect the people we represent to share information with us that is deeply personal, yet crucial to establish a claim for relief from deportation, such as details about their sexual orientation, trauma history, and abuses by jail staff. In fact, even the timely exchange of basic information, such as the contact information of potential witnesses or the location of supporting evidence, is significantly delayed by the barriers to access to communication with counsel imposed by the facility and condoned by ICE.

NYIFUP has consistently called for the release of every detained person as the only way to ensure the health and safety of our communities, as well as meaningful access to representation. Through agency and federal litigation, as well as other forms of advocacy, NYIFUP has secured the release of hundreds of people. However, over the past year, many of our clients have been released subject to electronic shackling³ and solely based on ICE's obligation to release people who are medically vulnerable to COVID-19.⁴ For them, the risk of re-detention looms large as the pandemic recedes and ICE enforcement, policing, and arrests continue to climb. NYIFUP advocates remain vigilant and prepared to advocate against the re-detention of current clients and to support New Yorkers newly detained by ICE.

Expediency Above Fairness – The Immigration Court System

³ During FY21 ICE subjected 175,000 to electronic monitoring during the pendency of their cases, an increase from FY20, when ICE placed 120,000 under electronic monitoring. DHS, *ICE Annual Report - Fiscal Year 20221*, (Mar. 11, 2022). <https://www.ice.gov/doclib/eoy/iceAnnualReportFY2021.pdf>

⁴ In April 2020, a federal court issued a nation-wide injunction compelling DHS to consider for release medically vulnerable people in its custody. SPLC, *Fraihat v. ICE Community Resources*, <https://www.splcenter.org/fraihat-v-ice-community-resources>

Our detained clients' ability to present evidence and testimony to defend themselves from permanent exile from their families and communities is further hampered by a court system that prioritizes expediency over peoples' rights. Although the Justice Department formally ended the case completion quotas for immigration judges last fall, we have not seen any changes in the practices of immigration judges in the detained docket. Whether a person is eligible to challenge their deportation requires extensive legal and factual research, and evidence collection. Our clients' cases are not limited to what happened during one day in their lives and instead require a complete understanding of the totality of their life circumstances. A person's family and social history going back to their parents and grandparents is relevant when investigating potential claims to U.S. citizenship of people born abroad, a history of persecution in their home country that could qualify them for asylum, or to demonstrate the hardship that deportation would cause them and their families. Despite immigration judges presumed familiarity with the complexities of immigration law, our clients and staff are regularly forced to trial within weeks of intake. Requests for adjournments due to difficulties communicating with detained clients or obtaining testimony or documentary evidence within the unreasonable timeframe imposed by the court are routinely denied.

Even when NYIFUP advocates and the people we represent are prepared to present their case, their ability to do so is impaired as immigration judges often refuse to hear from witnesses, place unreasonable time limits to our clients' testimony, and attempt to take over direct examination or otherwise intimidate attorneys to limit the presentation of cases. Currently, most of the client cases that we are handling at the appellate level for detained people include a challenge to unreasonable denials of requests for additional time to prepare and other due process violations. While NYIFUP staff is prepared to challenge these abusive practices through the appellate process, appeals can take years and ICE continues to detain people throughout the process. For example, a BxD NYIFUP client has spent seven years in detention, in which time his case has been before the Second Circuit Court of Appeals twice and is now back before the Immigration Courts. The inhumane and torturous conditions of detention result in some people waiving their right to appeal to escape the neglect and abuse they are withstanding in ICE detention.

Unpredictability and Workflow Disruptions – Non-Detained Courts

Non-detained immigration courts present their own challenges to our ability to present our clients cases and to manage our workflow. Courts that handle cases of people who are out of detention were closed through most of the pandemic and have only recently resumed holding a limited number of hearings. Despite this lengthy closure, our work has continued unabated. Over the past two years, the evidentiary filing deadlines for cases remained in effect since hearings were canceled on bi-weekly increments and after all evidence was due. NYIFUP staff have compiled thousands of pages of evidence under the difficult circumstances posed by the pandemic, just to comply with these arbitrary deadlines. Since most of our clients claims for relief are based on their ongoing life circumstances, instead of some static factual scenario in the past, advocates need to supplement these filings every time a client's hearing is rescheduled. The people we represent are forced to re-live traumatic experiences every few months as they prepare for trials that are adjourned, without little to no notice.

Over the last year, non-detained immigration courts have adopted the practice of issuing scheduling orders requesting applications for relief, supporting evidence, and legal briefing within weeks from the receipt of the order. Most of these orders are issued for clients whose trials have not been scheduled or which are scheduled many months or years in the future. As a result, NYIFUP staff cannot predict which case they will need to prioritize any given month. Once the evidence and legal arguments requested by the court are received, the cases are placed in a queue for trial. To date, none of our cases affected by scheduling orders have been scheduled for trial and judges have informally commented that it could take over a year for these to be added to the court's calendar. The evidence submitted to comply with these orders is guaranteed to be stale and the arguments outdated by the time our clients' trials are held but failing to follow the arbitrary scheduling orders could result in the finding that our clients have abandoned their claim to stay in the country.

The explicit goal behind the practice of issuing scheduling orders is to expedite adjudication of cases and reduce the court backlog of 1.7M pending cases⁵. This strategy, however, is in direct tension with our clients' due process rights and our

⁵ TRAC, *Immigration Court Backlog Tool* (Feb. 2022), https://trac.syr.edu/phptools/immigration/court_backlog/

ability to manage our workflow. Similarly, the Board of Immigration Appeals (BIA) imposes arbitrary and unpredictable briefing schedules that further disrupt our workflow and compromise our ability to represent our clients. Given the immense backlog of cases at the BIA, appeals filed by non-detained people are pending for years before a hearing transcript and briefing scheduled are generated. Once these are issued, NYIFUP attorneys are required to submit a brief in support of their clients' appeal within twenty-one days. Because the courts and immigration agencies interpretation of the relevant laws in our clients' cases are constantly shifting, and since it is impossible to predict when a briefing schedule will be received, immigration attorneys cannot draft the briefs in advance. Instead, every time a briefing schedule is received NYIFUP staff need to shift their focus from other cases to address this emergency manufactured by the BIA.

Prosecutorial Discretion – A Generally Available, but Unpredictably Granted Remedy

Last year, DHS also launched its own initiative aimed at reducing the immigration court backlog. Through a series of memoranda, ICE announced guidelines for the favorable exercise of prosecutorial discretion (PD) for cases pending before the courts. The guidance authorizes ICE attorneys to agree to dismiss or stipulate to immigration relief in the case of people who are not considered an enforcement priority by the agency. Every person in deportation proceedings who wishes to request that ICE exercises its discretion favorably in their case is required to submit a detailed application packet outlining the type of action requested, accompanied by substantial supporting evidence establishing that they should be considered for this type of reprieve from deportation. After the application packet is submitted, attorneys need to engage in additional written and oral advocacy to ensure the requests are reviewed and, hopefully, granted.

Since ICE began accepting PD applications, NYIFUP staff have engaged in docket review to identify every client who might benefit from this type of request. Because most of our clients are not considered to be enforcement priorities by ICE, advocates have been preparing and submitting applications for PD for most of them. This effort will continue through FY23 and will require significant resources from staff beyond those already employed to litigate cases before the courts.

During the past year, we have been able to secure stipulations with ICE for the dismissal of the deportation proceedings or grant of relief for many of the people we represent. ICE has also refused to grant PD for many similarly situated clients, which makes it difficult to predict the outcome of any given request. Those whose cases have been dismissed, often have pending applications to obtain their immigration status before USCIS and we continue representing beyond the termination of their deportation cases.



Testimony

New York City Council Immigration Committee

New York City Council Budget and Oversight Hearings on The Preliminary Budget for Fiscal Year 2023

Monday, March 14, 2022

Submitted by C. Mario Russell, Director

**Immigrant and Refugee Services
Catholic Charities Community Services, New York**

Good afternoon, Council Chair Hanif and members of the New York City Council Committee on Immigration. I am Mario Russell, Director of Immigrant and Refugee Services, Catholic Charities Community Services. Thank you for the opportunity to provide testimony today regarding the work of Catholic Charities with immigrants and refugees in New York City.

INTRODUCTION

For more than four decades, Catholic Charities has been committed to welcoming New York's immigrants—families seeking to reunify, children, refugees, the undocumented, workers, and many other vulnerable newcomers. Our work reaches communities across New York City and the Lower Hudson Valley; it is grounded in the belief in the dignity of each person and in a commitment to build a just and compassionate society – especially for the most vulnerable among us. Through our Immigrant and Refugee Services Division Catholic Charities serves over 100,000 people each year, including:

- Assistance to approximately 600 refugees with their resettlement and integration needs, including settling in a new home, finding work, and learning English.
- Advice and legal representation to 5,000-8,000 documented and undocumented immigrants.

- Job referrals, wage theft prevention and reporting assistance, job safety trainings, and directed social services referrals to nearly 1,500 day laborers and family members each year.
- Legal assistance, case management, psychological and medical care for over 5,000 unaccompanied children housed in federal custodial shelters in the NYC area.
- Information, appointments, and referrals for 87,000 callers to our national Call Center for Custodians of Unaccompanied Minors, NYS New Americans Hotline and ActionNYC Hotline.
- English instruction to 800 vulnerable immigrant adults seeking to navigate day-to-day challenges in their new language.

OUR WORK AND NEEDS TODAY

With continuing and new global crises such as the growing tragedy in Ukraine—where millions seek safety in Europe and, soon, in the United States—with the evacuation of over 76,000 women, men, and children from Afghanistan, with the always present challenges at the border, with families and children seeking safety and legal support in New York, with day laborers in need of training and protection, with thousands of new Americans seeking better work opportunities and integration, we are always present, building and perfecting our response. We are there to meet needs. But we need more help.

Already, we are working on legal clinics for asylum and Temporary Protected Status for Ukrainian nationals who are here in the United States—struggling to make sense of a new world and the future—and resettlement support for those whom we expect to arrive in the mid- and long-term. We are in conversation with our national partners, our partners in Eastern Europe, and with the Mayor’s Office on this very initiative. Likewise, as a primary resettlement provider, we have been at the forefront of resettling Afghan families, assisting 55 Afghan parolees to make a new home in New York City since August 2021 and presently committed to support another 40 in the next few months. This support includes finding a home, providing basic transitional and case management support, and helping breadwinners find appropriate work.

But this is just the beginning of the account of our work today. As you will see from the individual City-related program sheets that follow this introduction, our responses and work in many other areas is strong and provides partnership and leadership in this City, including our partnership with day laborer programming and ActionNYC in Schools. And, just as we are grateful for the council’s support and commitment there, which ensures compassionate, comprehensive, professional, and holistic welcome in creative and new ways, we urge your commitment to strengthen our collective welcome, for more help, more support. To name a few areas:

- We have recently launched the Haitian Response Initiative, in which we will work with local Haitian community groups, do outreach in the Haitian communities, and train and supervise lawyers from the community to represent people who were recently/initially denied access at the border and subsequently transferred from there to NYC and are now in deportation court proceedings. We wish to ensure continued funding for this into 2023.

- Similarly, as we have expanded our court intake/screening/educational programming to immigrants in deportation proceedings and, in new programming, to families transferred from the border under new guidelines and access to asylum with the “Dedicated Docket”, we urge continued expansion and baselining of the City’s critical Immigrant Opportunities Initiative (IOI) contracts in future planning. But the people need more, so we need to do more. There are huge gaps. The Council should know that about 50% of all immigrants designated for the dedicated docket are being sent to the New York Immigration Court. Catholic Charities is the sole onsite provider for immediate legal response and assistance. We, and they, need more help.
- In our information and referral work, which leads in the City and State, our teams, which include the critical ActionNYC Hotline, have been extremely busy in 2021, fielding over 90,000 calls last year, especially during the Excluded Workers Fund programming, during Hurricane Ida, and, of course around information about Ukraine and Afghanistan, protecting immigrants from fraud, and ensuring general immigration support.
- Our Unaccompanied Minors program has continued its critical work over more than 15 years, now shifting to post-Covid needs and changing flows and is engaged in leading the Immigrant Children Advocates Relief Effort (ICARE), a coalition of New York City legal services providers for immigrant youth. Here, we wish to draw your attention to Terra Firma, the legal/medical partnership we operate in the Bronx for unaccompanied children at risk, for which we recently lost private funding that we urgently need to restore.
- Our International Center—which finds innovative ways and spaces for where and how to bring ESL instruction—provides essential integration work, the work that ensures that immigrants who have found legal status are able to better enter the fabric of American society to improve and strengthen their economic and social well-being. With support from the Council, we recently piloted new in-person English learning programming began for Day Laborers in Yonkers, with over 100 students served so far and leading to funding of a three-year pilot program for families in the South Bronx, which emphasizes guidance support as part of the instruction process.

COVID AND DISPROPORTIONATE IMPACTS

The impact of Covid-19 on the communities we serve, particularly immigrants and communities of color has been, is, and will be harsh, disproportionate, and lasting. Catholic Charities’ connection to the immigrant and refugee community has a long history and today is as extensive as it is deep. Indeed, adjusting and focusing our response to the pandemic—a job that is by no means finished—in just the first 12 months of the pandemic, Catholic Charities distributed over 5 million dollars to 25,000 individuals and families in need throughout the Archdiocese. We also served hundreds of thousands of meals, engaging pop-up pantries and support fairs and home delivery networks. We adjusted and reengineered our services to meet social distancing and remote demands, deployed and redeployed staff as appropriate, and, through that, deepened and extended our understanding of needs in the community and how best to serve them. Through this extensive network of outreach, legal, and education services in New York City and Lower Hudson Valley communities, we continue to come into contact with and have come to know and understand the many needs and realities facing workers, families, children who have recently arrived or are long-

time residents with no status. In particular, our work with day laborer groups and work collectives in the Bronx and in Yonkers—our day-to-day engagement with them on workplace rights and safety—gives us a unique perspective on their needs and realities.

Catholic Charities' Immigrant and Refugee Services client base represents the breadth of diversity of nationality, ethnicity, culture, and race that make New York City strong and unique. They are mostly from communities that, for the most part, live with significant economic and social disadvantage. And they are our city's fabric, its "new" ancestors who will shape its economic growth, cultural life, and rich future.

CONCLUSION

It is for these very reasons that we particularly urge the Council, today, to increase and renew its discretionary spending commitments in a few important areas—legal defense for unaccompanied children, legal defense for vulnerable populations from our southern borders, and integration assistance. I have laid out in discrete sections in my written testimony the value of each of these programs for the clients and communities served, the value of each for New York City, and the staggering harm any diminution will have on them, and by reflection, on us. The bottom line is this: this Council has always demonstrated its belief in the fundamental truth of what immigrants and refugees are for this City and for this nation—putting its actions behind words and supporting assistance to over 110,000, just through the work of this division of Catholic Charities in the past 8 years. This work is the patient but real work of integration, of welcome, and of the building of a just and compassionate society. In time of crisis—such as now—we remind you of this sacred work, which we call on you to stand by and support more than ever.

Thank you for your attention.



**Immigrant and Refugee Services
Catholic Charities Community Services**

NYC Council // Discretionary and Budget Proposal

Welcoming and Protecting Refugees: Ukraine, Afghanistan, and Children

March 2022

Catholic Charities has been fielding dozens of calls and inquiries from New Yorkers with family ties and loved ones who are trapped in Ukraine or have fled the country. Currently, it is unclear if the U.S. State Department will expedite refugee admissions for Ukrainians – especially those with family members already in the U.S. – but talks are underway. Although the exact contours of the federal response to the Ukraine refugee crisis remain to be outlined in detail, it is anticipated that there will be a need for considerable local support to ensure that resettlement agencies have the resources necessary to responsibly welcome Ukrainians to our communities.

Catholic Charities' Reception & Placement Program was reactivated in the spring of 2021 in order to resettle refugees who are reunifying with family members. This timely reopening of the program that welcomes refugees and Afghan and Iraqi Special Immigrant Visa holders directly from overseas allowed Catholic Charities to resettle three Afghan families in August of 2021, just before Afghanistan fell to the Taliban. As the evacuation escalated, Catholic Charities was positioned to resettle 55 Afghan Humanitarian Parolees as they were released from military bases throughout the U.S. Catholic Charities has proposed to resettle an additional 40 Afghans who have been held in U.S. outposts overseas and will arrive between March and September of 2022.

The U.S. State Department has re-opened the Central American Minors (CAM) Affidavit of Relationship Program, which allows parents and legal guardians in certain lawful immigration statuses to apply for their children and other eligible relatives to apply to the U.S. refugee resettlement program. Only local refugee resettlement agencies may file these special petitions through national resettlement agencies. The CAM program is a unique opportunity for parents to apply for their children to reunify. Asylum-seeking parents who have had their cases pending in the asylum backlog have missed multiple years with their children. For many parents, like those with asylum pending or pending U-visa, there is no other mechanism other than CAM by which a parent can apply for their children to join them. However, the U.S. State Department has not allocated any funds for local resettlement agencies to operationalize the CAM program. Catholic Charities proposes a unified approach to informing potential eligible parents about CAM, and also funding the staffing necessary to file the CAM applications. There are already more than 30

potential CAM beneficiaries on the waiting list. Other than Catholic Charities, only one other local resettlement agency has agreed to process CAM applications.

The majority of the clients that the Refugee Resettlement department serves have been granted asylum. Unlike refugees, asylees are not uniformly informed of their right to seek critical resettlement services which facilitate integration. Asylees who win their cases in court proceedings and are granted asylum by an immigration judge are given a grant of asylum document showing their grant, but they do not receive any communication explaining their rights or responsibilities. Nor is there any proactive mechanism in place by which local resettlement agencies receive information about who has been granted in order to reach out to asylees and extend offers of support. Catholic Charities has been working to highlight this issue which impacts tens of thousands of asylees nationwide and would welcome any additional support around this solvable issue.

The Refugee Resettlement programs aim to support each client reach their individualized goals. Oftentimes this includes securing employment. Catholic Charities job developers place over 200 clients per year in employment, with an eye toward planning clients in their preferred professional field. Our dedicated training staff also provide consultations about how to continue with higher education.

Value and purpose of the program for immigrants.

- Promotes family reunification, safety, and child protection.
- Provides workforce development and direct job placement assistance; Provides essential vocation training.
- Provides critical basic needs supports for new arrivals including housing supports, household items, food, medical and mental health care referrals, school enrollment, identity documentation, and specialized referrals for vulnerable populations.
- Advocates for immigrants and refugees to access services and benefits for which they are often erroneously denied – including SNAP, WIC, public assistance, FAFSA, SSI, etc.

Value of program for New York City.

- Since the inception of the Refugee Act of 1980, and well before, Catholic Charities has been a leader in the provision of high-quality refugee resettlement services in New York City.
- In particular, as the most significant portion of refugees in New York City are asylees, and since asylees are systematically not connected to resettlement services to which they are entitled, it is in the interest of New York City to encourage the establishment of processes that inform asylees about the existence of services. The federal Office of Refugee Resettlement has acknowledged that only 10 – 15% of asylees nationwide access services.
- The CAM program is a unique opportunity for parents to reunify with their children. For many, there is no other legal pathway through which they could apply for their children other than CAM. However, the CAM program receives no government funding. Each application is estimated to use approximately 25 staff hours from beginning to end and there are potentially thousands of eligible parents in New York City. With the allocation

of proper resources, Catholic Charities is well-positioned to ensure that these parents can reunify with their children through the US Refugee Program.

Risk to Catholic Charities clients.

- Catholic Charities has engaged in efforts to ascertain if and when there may be a process to resettle Ukrainians in New York City. Catholic Charities is closely coordinating with state and federal partners and stands ready to resettle Ukrainians seeking to reunify with their family here.
- Catholic Charities took on serving Afghan Humanitarian Parolees even before they were guaranteed access to refugee resettlement services and benefits. We are committed to welcoming refugees as part of our mission. Catholic Charities advocates the passage of the Afghan Adjustment Act, which will allow Afghan Humanitarian Parolees to adjust their status and become green card holders after one year. Without the AAA, most Afghans will need to go through the lengthy process of applying for asylum, which is a serious challenge as legal service providers face capacity constraints and the backlog of asylum cases continues to grow.
- Catholic Charities has allocated a fraction of one staff person's time to working on CAM cases, but the need is far greater. The CAM program needs critical funding so that parents can reunify with the children who are facing serious threats in Central America.
- Refugee Resettlement staff work diligently to reach out to legal service agencies, community organizations, faith leaders, and many more to inform asylees of their eligibility for resettlement benefits and services. Our efforts alone are not sufficient. A coordinated and systematic solution to informing asylees is clearly needed.



**Immigrant and Refugee Services
Catholic Charities Community Services**

NYC Council // Discretionary Priorities

Immigrant Children Advocates' Relief Effort // ICARE

March 2022

Reuniting the children separated at the border is finally a federal government priority, something that was achieved with and through the work and pressure of New York City, its advocates, and this council. In addition, the number of unaccompanied children arriving at the southern border is increasing to levels not seen in several years, at a time when the Office of Refugee Resettlement has slashed shelter capacity due to COVID restrictions. In the last two weeks alone, we have seen 90-100+ children arriving at shelters where CCNY is the sole provider of legal access programming. The most likely result will be that unaccompanied minors will be released to families in the United States more quickly.

Because the released minors will be at social, financial, educational, and health risk due to the effects of the pandemic, it is critical for New York City to maintain and increase its support to a child-welfare and care program that it has built, nurtured, and proven to be a model of success for providing meaningful and direct care to thousands of children, so that they become successful and productive members of our community. Abandoning these children at this time would run counter to core values of this city and would leave hundreds of children's legal cases without representation and also eliminate the possibility of representation before the court for the large swaths of recently arriving children being welcomed to New York.

Value and purpose of program for immigrants.

- Places vulnerable new child-arrivals to the United States on a pathway to permanent residency, social integration, and economic success.
- Connects young immigrants and their families with social services beyond legal representation, including school and health insurance registration, access to medical and mental health care, English-language learning, and vocational training and job assistance.
- Without a lawyer, only 5% of children avoid deportation. With a lawyer, 92% of cases avoid deportation.
- Connects children to badly needed psycho-social and physical health resources.

Value of program for New York City.

- Since 2014, the City has been a national leader in the movement to protect children from deportation, establishing ICARE as the first major municipal funding for lawyers for unaccompanied minors.
- The City's investment ensured that New York has always been ready to respond to major humanitarian crises affecting immigrant children.
 - In 2018, ICARE attorneys represented the hundreds of children in New York who had been separated from their parents at the border.
 - In 2020, 2021, and 2022, ICARE attorneys connected children and families to life-saving medical services through the Catholic Charities medical-legal partnership with Montefiore Hospital, Terra Firma.
- Stronger social supports that come with legal services for immigrant youth strengthen our neighborhoods and communities by connecting youth and young adults to opportunities for education, medical care, housing, and vocational training.
- NYC has built integrated connection to psycho-social and physical health resources with Montefiore Hospital // Terra Firma.

Risk to Catholic Charities clients. To date, since 2014:

- Catholic Charities has represented over 650 children and adults with children in court proceedings, with 90% or more resolved favorably.
- Next year we would take 25 additional cases and maintain litigation on 400 more.
- Number of staff tied to cases: approximately 5.55 FTE, inclusive of the staff funded by the Robin Hood grant, which also has supported ICARE, but which is ending this year.
- Number of cases orphaned without funding as a result of loss of funding: 390.



**Immigrant and Refugee Services
Catholic Charities Community Services**

NYC Council // Budget Priorities

ActionNYC in Schools

March 2022

ActionNYC in Schools launched in April of 2016, with CCCS as the sole legal service provider, to build and ensure programming that supports vulnerable immigrant youth and their families in the safe spaces of public schools throughout the five boroughs. In partnership with MOIA, collaborating with localized outreach partners, and through DOE, CCCS engages school partners reporting high foreign born and recently arrived middle and high school students by providing on-site legal screenings and full representation before NYC family courts, USCIS, and the NY Immigration Court. Our services provide immigrant youth with time sensitive representation in age-out SIJS, support mixed status families to gain greater stability, increase economic mobility during a time of expanding need, and close a gap in legal services through a sustainable partnership with public schools.

In January 2021, CCCS was granted a three-year baselined contract for the ActionNYC in Schools program. The students and families served through ActionNYC in Schools rely on this programming, which provides access to legal representation and a direct conduit, within a trusted space, for referral supports ensuring effective community integration. Loss of city-based support for this legal services program would be devastating as these students and their families are often overlooked given the necessary focus on detained and removal defense representation.

Value and purpose of program for immigrants.

- Provides virtual and co-located outreach and legal services for immigrant youth and their families throughout the trusted NYC public school system.
- Closes the family court representation gap for non-removal age-out Special Immigrant Juvenile Status applicants.
- Places vulnerable new child-arrivals to the United States on a pathway to permanent residency, social integration, and economic success.
- Connects young immigrants and their families with social services beyond legal representation, health insurance registration, access to medical and mental health care, English-language learning, cash and food assistance programming, safe housing options, and vocational training and job assistance.

Value of program for New York City.

- Since 2016, ActionNYC has provided access to quality legal services through the City's immigrant trusted partners – hospitals, community-based organizations, and schools.
- Since 2016, the City has continued to innovate ActionNYC to meet the needs of the diverse immigrant communities the programming serves, expanding with demand, serving as a first responder collaborative in crises and during mass-application changes in law.
- ActionNYC providers present a connectivity network for referral and capacity building programming, including responding as a collective for TPS deadlines and threatening DACA renewal expirations as well as scalable screening delivery in response to federal executive orders.
- The City continues to add community driven partners to ActionNYC programming, specifically for the in Schools Project:
 - local CBOs partnered with public schools for outreach and appointment scheduling,
 - NYC shelters for expanded service delivery and referral capacity,
 - partnering with the Administration of Children Services to serve abandoned, abused, and neglected youth within the NYC foster care system through directed referrals, expanding to include *pro bono* NYC firm partners, with long-standing CCCS partnerships serving immigrant youth, for representation expansion of ActionNYC in Schools for SIJS eligible children.
- Stronger social supports that come with legal services for immigrant youth strengthen our neighborhoods and communities by connecting youth and young adults to opportunities for education, medical care, housing, and vocational training.
- NYC has built integrated connection to legal services through NYC public school partners, engaging principals, assistant principals, guidance counselors, community school representatives, and parents to expand access to justice for NYC immigrant youth through the City's trusted school system.
- ActionNYC in Schools has responded to the surge in need for NYC DOE school families who are recently arrived and in removal proceedings. CCCS is working to find solutions to meet these needs that are being presented by the community.
- Since October 2021, we have provided screenings to approximately 116 people who are in removal proceedings, many of whom recently arrived in the United States. There is an emerging need for direct representation for people in removal proceedings in New York City, particularly for youth who may be eligible for defensive Special Immigrant Juvenile Status.

Risk to Catholic Charities clients. To date, since 2016:

- Catholic Charities has served 7,208 immigrant youth and mixed status family members through ActionNYC in Schools.
- We have filed 1,410 new cases, ranging from DACA applicants and green card renewals, naturalization applications, including associated filings to access fee waiver benefits, to the full gamut of complex affirmative representation and removal defense cases.
- We have made approximately 844 social service referrals for immigrant families served through ActionNYC.

- We have provided over 255 in-person clinics and over 129 remote clinical events for over 60 school partner sites, and after immediately implementing remote assistance for immigrant families due to the COVID-19 pandemic, we have provided nearly 1,450 screenings for individuals from over 40 DOE schools
- Number of staff tied to cases: 11.15 FTEs, including some supervision in kind from state and foundational contracts.
- Nearly 700 clients with over 1,500 orphaned cases would result as a loss of this funding.



**Immigrant and Refugee Services
Catholic Charities Community Services**

NYC Council // Budget Priorities

**Immigrant Opportunity Initiative ~ Separated Families and Adults with Children
(Subcontract)**

March 2022

In the summer of 2018, the world was shocked as it watched federal authorities separate thousands of infants and children from their parents and transfer them to custodial shelters and detention facilities across the country. Their parents were placed in ICE custody in Texas and Arizona, with several hundred immigrant youth moved to New York. Through the strong foundation built by the City's ICARE program, legal service providers banded together, joining forces with their long-known *pro bono* firm partners to immediately address this vulnerable community's needs. These families, known as adults with children, are fleeing persecution, extreme violence, and lack of protection from their governments.

In the fall of 2018, the City's Human Resource Administration stepped in to support this life-saving legal service network, and for the first time offered baseline funding for legal services *pro bono* programming dedicated to immigrant representation. To date, the migration of young families, with infants and toddlers, fleeing their homes to avail themselves at our borders, has only abated due to increased US enforcement policies preventing their entry. Despite facing immigration detention camps in Mexico, forced returns to countries where they fear for their lives, inhumane treatment processing entry to the United States, and deplorable access to effective legal representation, these children and young parents continue to seek refuge in our country, hoping to make NYC their home. Abandoning these families at this time—who already are excluded from federal, and state supports—would run counter to core values of this city and would leave hundreds of children and young parents' legal cases without representation.

In 2020 COVID-19 definitively reshaped the ways in which immigrant families accessed services, interacted with service providers, and went about their daily lives. No facet of their lives was untouched by the pandemic. Our agency shifted to a blended remote services model: providing staff supports to address collective trauma, holding remote client intakes and needs assessments, and digital accompaniment to address ongoing challenges with access due to language barriers, and digital literacy. We engaged with our clients through emergency cash distribution and addressed needs of complex cases in crisis. Our work was strengthened by our interconnectedness with our deep and broad network.

In September 2021, newly launched dedicated dockets for young children and young adults with children who previously were unable to enter the United States began at the NY Immigration Court. 50% of all adults with children identified at the southern border are being docketed in New York. Many of the immigrant families we serve are undocumented or in mixed status households and are more likely to be exposed to risky work conditions as essential workers who are critical to the way our city runs. Continued support for critical case management services will provide much needed relief and navigation assistance for immigrant families in crisis and help them to expand upon their sense of belonging in the community.

Value and purpose of program for immigrants.

- Places vulnerable new child- and family-arrivals to the United States on a pathway to permanent residency, social integration, and economic success.
- Case Management Services
 - Connects young immigrants and their families with social services beyond legal representation, including school and health insurance registration, access to medical and mental health care, English-language learning, and vocational training and job assistance.
 - Connects children and parents, many of whom who faced extreme abuse and cruelty, to badly needed psycho-social and physical health resources.
 - In 2021, IOI Case Management Services connected with over 110 families and adolescents for connection to social service support ranging from housing, education, and other important social service needs like document applications and interpretation services.
 - Introduces key concepts in mental health care and provides psychoeducation to children and parents who have experienced abuse and connects children and parents to badly needed psycho-social and physical health resources through mutual aid support groups, referrals for individual and family counseling and other community-based agencies providing key mental health and stress reduction services.
 - In 2021, over 80 adults and adolescents were evaluated for continuing mental health services and connected to ongoing support, evaluated for supportive documentation for their asylum cases, and connected to individual counseling services.
 - Respond to emergency needs and families in crisis to ensure that they can adequately meet the situation and not become overwhelmed. At least 18 families and youth were connected to emergency shelter services, through intake referral, housing advocacy, or homelessness prevention.
- Legal Services
 - Preserves due process for newly arriving families facing enforcement under the fiercest federal regime in history by increasing access to representation through rapid response programming.
 - Offers exemplary, scalable collaboration responsive to emerging needs such as frivolous challenges to SIJS eligibility by federal adjudicators infringing on state family court discretion and rapid network creation to ensure access to City resources during crises such as the current global pandemic.

Value of program for New York City.

- ICARE Incubator. Since 2014, the City has been a national leader in the movement to protect children from deportation, establishing ICARE as the first major municipal funding for lawyers for unaccompanied minors. The City's investment ensured that New York has always been ready to respond to major humanitarian crises affecting immigrant children. In 2018, ICARE attorneys, with the support of *pro bono* partners, represented the hundreds of children in New York who had been separated from their parents at the border.
- IOI Expansion. In 2021, IOI AWC attorneys have continued to connect children and families to life-saving medical services through the Catholic Charities medical-legal partnership with Montefiore Hospital, Terra Firma. NYC has now built integrated connection to psycho-social and physical health resources there.
- Integration and case management.
 - Stronger social supports that come with legal services for immigrant youth and families strengthen our neighborhoods and communities by connecting children and their parents to opportunities for education, medical care, housing, and vocational training.
 - Supports the acculturative process by advocating for school enrollment, social service agency navigation, appropriate language access with interpretation and translation, and connection to community resources.
- Pro Bono.
 - IOI-AWC partners the City's preeminent immigrant youth legal service providers with trusted *pro bono* firms, who under the supervision and mentorship of LSPs, increase direct representation capacity for this ever-growing population of vulnerable families.
 - To continue streamlining referral processes with an eye toward continuous expansion of our own capacity for supervision, the CCCS Pro Bono Project offers existing and new *pro bono* partners the opportunity to host signature events where volunteers receive both legal training in assessing legal relief and developing cultural humility while also serving clients under the supervision of CCCS through small-scale clinics.
 - Incorporating our *pro bono* partners in the secondary screening process broadens our ability to place cases effectively on a tighter timeline, an essential component to serving young people who face impending deadlines for asylum or age-out risks, particularly during the uncertainty created by the Covid-19 crisis.
 - Our Pro Bono staff have also been working on the frontlines to protect this vulnerable population from harmful federal policies by engaging federal litigation on behalf of immigrant detainees who face greater risks of contracting Covid-19 and submitted public comments on Trump administration asylum adjudication rule changes.
 - Since inception, the program has been able to serve 79 unaccompanied children and adults in removal proceedings with over 30 *pro bono* partners. The Pro Bono project has continued to successfully engage the volunteer community despite the pandemic through case placements with and mentorship of over 80 volunteer attorneys, all while mobilizing law students and non-legal volunteers to support individual client needs during this crisis.

Risk to Catholic Charities clients. Through this funding, to date, since 2018:

- Catholic Charities has accepted over 400 removal defense cases representing unaccompanied children and families seeking asylum, with over 200 matters supported by *pro bono* partners,
- We have engaged over 350 *pro bono* volunteer attorneys, trained over 60% of them, and continue to receive new capacity opportunities through *pro bono* partnerships, who specifically seek to support UAC and AWC representation,
- Number of staff tied to cases: 5.65 FTE.
- Number of cases orphaned without funding as a result of loss of funding: 390.



**Immigrant and Refugee Services
Catholic Charities Community Services**

NYC Council // Budget Priorities

**Immigrant Opportunity Initiative - Citywide Immigrant Legal Empowerment
Collaborative (IOI - CILEC)**

March 2022

Since August 2016, CCCS has received IOI funding through the Citywide Immigrant Legal Empowerment Collaborative (CILEC), a partnership with the Urban Justice Center/TakeRoot Justice, Catholic Migration Services, and Make the Road New York, to provide a wide range of free immigration legal services to indigent New York City residents. In addition to legal consultation and representation in straightforward immigration cases, CILEC attorneys handle a wide variety of complex cases, including asylum, U and T visas for victims of serious crimes and trafficking, special immigrant juvenile status (SIJS) for children who have been abandoned, neglected or abused by their parents, self-petitions under the Violence Against Women Act (VAWA), removal proceedings, bond hearings, motions to reopen, appeals, and federal court litigation.

CILEC's partnership with grassroots, base-building groups is especially designed to reach under-represented immigrant groups in New York City. Thus, CILEC accepts referrals from seven base-building groups that serve different immigrant communities: African Communities Together, Chinese Staff and Workers' Association, Damayan Migrant Workers Association, Desis Rising Up and Moving, National Mobilization Against Sweatshops, New Immigrant Community Empowerment, and Workers' Justice Project. In addition, CILEC accepts referrals of complex and removal defense cases from the City's ActionNYC programs, which generally handle only straightforward matters, as well as from the Mayor's Office for Immigrant Affairs and the Human Resources Administration.

In 2018, in recognition of its valuable work, CILEC was awarded additional funding to take on more complex and removal defense cases in response to the rising need caused by increased immigration enforcement. To date, CCCS has served 2,849 New York City residents under the CILEC program.

In addition to immigration legal services, several CILEC partners aid with employment legal matters, including workers' compensation, unemployment insurance, unpaid wages, family & medical leave, etc. The base-building groups provide outreach to immigrant communities and case management support on ongoing immigration and employment legal cases. The CILEC partners also join efforts to organize and provide trainings, clinics and community presentations, a testament to the effectiveness of this collaborative. Preserving the CILEC model is crucial at this time when the previous Administration's relentless rollout of policies that hurt immigrants and refugees is about to be rolled back by the new Administration. Demand for immigration legal services is increasing as thousands who had been afraid to come forward under the Trump Administration are reaching out for consultations, application assistance and representation.

Value and purpose of program for immigrants.

- Provides wrap-around services to immigrant New Yorkers, particularly those in hard-to-reach communities that trust and turn to our partner base-building groups.
- Connects immigrant New Yorkers to both immigration and employment legal services, including representation in complex immigration cases not available through the ActionNYC network.
- Provides the opportunity to offer legal consultations by phone and video conferencing to members of the communities served by our partner base-building groups.

Value of program for New York City.

- Since FY'2017, the CILEC collaborative has provided effective immigration and employment legal assistance to thousands of the City's immigrants.
- By partnering with grassroots base-building groups, the CILEC legal partners have served hard to-reach communities through one-on-one lawyering, community clinics, and informational workshops.
- Free legal services provided through CILEC protect vulnerable communities from falling prey to immigration services (aka "notario") fraud.

Risk to Catholic Charities clients. To date, since late 2016:

- We have provided services to 2,849 New Yorkers, assisting many of them with multiple matters.
- Number of staff tied to cases: 8.25 FTE.
- Number of cases orphaned without funding as a result of loss of funding: approximately 1,000.



**Immigrant and Refugee Services
Catholic Charities Community Services**

NYC Council // Budget Priorities

Supporting Recent Haitian Arrivals: Haitian Response Initiative

March 2022

The announcement by the Biden administration of Temporary Protected Status for Venezuelans and Haitians enabled CCCS to collaborate with new and existing partners to plan and host clinical service events that were largely impossible throughout the pandemic. The reality of the Haitian immigrant experience – at least among the many clients that Catholic Charities encounters – is that most are in removal proceedings. This is, in fact, why these applications for protection are so critical – so that these clients can obtain a legally protected status that reduces their risk of being picked up by ICE. However, the demand for representation in removal proceedings continues to increase and many Haitians require assistance with navigating the Immigration Court systems, understanding what relief options they have before the Court, and meeting time sensitive deadlines. CCCS is currently the sole provider for immediate legal assistance for unrepresented immigrants facing removal through our Immigration Court Helpdesk program.

With the implementation of the dedicated dockets at the New York Immigration Court at Varick, where 50% of family groups are being designated at the southern border for these specialized dockets, Catholic Charities encounters increasing numbers of Haitian families who may qualify for asylum. We also receive referrals from legal services partners and community-based organizations for Haitians who have applied for TPS but are in removal proceedings and require additional legal assistance and representation in Court.

As the demand for removal defense representation for Haitian communities continues to increase, nuanced programming that couples targeted community engagement, technical assistance, pro bono volunteer attorney mentorship, and direct aid, is essential for newly arrived Haitians to successfully integrate into our City's society and effectively navigate their legal options.

In January of 2022, through innovative program collaboration with MOIA, CCCS partnered with Caribbean Women's Health Association, Diaspora Community Service, Flabwayan Literacy Project, Haitian American Community Coalition, Haitian Americans United for Progress, Haitian Women for Haitian Refugees, and Life of Hope, seven deeply rooted Haitian

community-based organizations all of whom serve and support longstanding and recently arriving Haitian immigrants who call NYC home.

Value and purpose of program for immigrants.

- Joining forces with leaders at Brooklyn College's Haitian Studies Institute and the Haitian Legal Network, CCCS developed a pilot program to coordinate legal referrals and appointments with coalition CBOs and ActionNYC hotline.
- Maximize community engagement efforts by offering at least 150 households \$500-\$1000 in direct aid relief as they navigate the difficulty of obtaining employment, securing housing, and other necessities due to financial instability.
- Develop a series of at least two (2) train-the-trainer and six (6) community facing know your rights trainings in partnership with frontline CBOs to bring awareness about the various forms of immigration relief for the focus population.
- Produce materials and talking points for a targeted information campaign through traditional media, social media, and ethnic media channels, on the new available resources for Haitian arrivals at CCCS and dedicated coalition partners.
- Plan regular legal clinic screening events to serve at least 200+ individuals.
- Leverage existing programs that can respond immediate straightforward and pro-se legal needs through the Immigration Court Helpdesk, ActionNYC, Immigrant Opportunities Initiative (IOI) programs and CCCS Pro Bono Project, all described above.
- Expand complex legal representation for at least 25 Haitian arrivals in removal that would otherwise not be served by existing programs.

Value of program for New York City.

- Expanded case management and legal services networking for warm referral systems serving rapid response demands for under-served Haitian New Yorkers.
- Partner with MOIA to develop and launch multimedia campaign to alert the community to the availability of and how to access these resources.
- Commission detailed reports from experts on country conditions in Haiti, both for use in individual proceedings and more broadly, as part of the overall the media strategy.
- Coordination of volunteer attorneys recruited by partner CBOs and law firm associations including Haitian American Lawyer's Association of New York (HALANY), by offering resources, trainings, and mentorship through CCCS's Pro Bono Project to increase legal screening offerings to Haitian arrivals as well as in preparation for expanded case placement and representation capacity of the initiative in FY23, assuming continued funding.
- Draft a comprehensive project plan for FY23 to be informed by community engagement needs, technical assistance demands, CBO coalition feedback, as well as case representation targets based on relief options of individuals served in FY22.

Potential risk to Catholic Charities clients if program funding is discontinued:

- Since January 2022, we have provided services to over 50 recently arriving Haitian New Yorkers, assisting many of them with multiple matters, including applications for relief before the Immigration Court. By June 30, 2022, CCCS will have served 200+ Haitian New Yorkers.

- Haitian community serving CBOs above rely on this programming in effectively integrating and supporting recently arriving families, and this community reliance requires nuanced trust building, requiring long-term investment.
- Through a combination of direct hiring and temporary agency placements, CCCS has hired four full time Haitian identifying staff to serve this innovative initiative, including a full-time staff attorney, a full-time coordinator, and two hotline counselors, and has also assigned existing supervisory staff to support this team. A loss of funding would mean terminations of these staff lines, which directly impacts immigrants accepted for representation in continuing to receive culturally and linguistically competent services:
- Number of staff tied to cases: 4.75 FTE.
- Number of cases potentially orphaned without funding as a result of loss of funding: approximately 75.



**Immigrant and Refugee Services
Catholic Charities Community Services**

NYC Council // Budget Priorities

ActionNYC Hotline

March 2022

Since 2016, leveraging its in-house expertise on immigration, CCCS has operated the ActionNYC hotline and appointment-scheduling system. Funded by the City through the Mayor’s Office of Immigrant Affairs (MOIA), the ActionNYC hotline provides valuable information about immigration benefits, makes appointments for legal services with ActionNYC providers throughout the five boroughs, and connects callers with other legal service providers. The hotline, which can be accessed by calling 311 and saying “ActionNYC” or directly by calling 800-354-0365, operates from 9 a.m. until 6 p.m. on weekdays, has the ability to extend hours to respond to emergent needs and currently answers an average of 2,000 calls per month. Our hotline operators speak English and Spanish, Haitian Creole, Arabic, and also use a language service line to answer calls in up to 200 languages.

Over the past 5 years, the ActionNYC hotline has become a crucial resource for New Yorkers to obtain information about immigration developments and to schedule an appointment with an ActionNYC provider for free, safe immigration legal help. The ActionNYC hotline is also funded and has developed the necessary infrastructure to expand operations in emergency situations, and to work with partners to offer broader coverage when needed.

Our knowledgeable attorneys regularly train and update ActionNYC hotline staff on legal developments, and regularly partner with multilingual media and other providers to provide important and accurate information to immigrant communities by hosting televised phone banks on emergent issues. For example, in partnership with MOIA, ONA, the New York Immigration Coalition, other non-profits, and Univision and El Diario, the ActionNYC hotline has participated in phone banks about public charge regulations, immigration raids, standby guardianship, drivers’ licenses for immigrants and legal services fraud. Previously, two of those phone banks culminated with expert discussions on Facebook Live, reaching thousands of viewers.

Additionally, the ActionNYC hotline responds to the identified need by provide basic screenings by phone, followed by referrals to specific legal providers with increased capacity to handle specific types of case, as seen currently with our new Haitian Response Initiative

In mid-March of 2020 the ActionNYC hotline quickly pivoted to remote work and expanded services provide information and referrals to immigrants on COVID19-related needs beyond legal representation, including access to Medicaid and health insurance, unemployment benefits, paid leave, food assistance, eviction stays, etc. While the ActionNYC is currently happy to be back in the office in a hybrid model, we have shown that even in an emergency, our hotline continues to provide a necessary service to immigrant New Yorkers.

Value and purpose of program for immigrants.

- By providing information related to immigration law and policy and connecting immigrants and their families with free legal services through trusted ActionNYC providers, the ActionNYC hotline reduces the likelihood that immigrants are defrauded or placed at risk of deportation by fraudulent practitioners. Most recently, the hotline has been responding to the crisis in Ukraine, an increase in requests to apply for Naturalization and connecting newly arrived Haitian families to services through our Haitian Response Initiative.
- By leveraging CCCS' in-house immigration expertise, the ActionNYC hotline has continuously been responsive to developments affecting New York's immigrant communities, such as, for example, in June - July 2019 and February 2020, when the hotline opened on weekends to provide support and Know Your Rights information to callers terrified by the announcement of massive ICE raids and in June of 2021 when we partnered with MOIA on an antifraud campaign
- With the newly published public charge rule, we are ready and able to clarify the effects of public charge changes, the ActionNYC hotline reduces the likelihood that immigrants and citizens not subject to public charge forgo important benefits, including food stamps and Medicaid.

Value of program for New York City.

- Since 2016, the ActionNYC hotline has provided more than 100,000 New Yorkers with accurate information about immigration issues, appointments with ActionNYC providers, and referrals to reputable non-profit legal service providers funded by the City to assist immigrants.
- ActionNYC hotline operations increase access to accurate legal information and has been able to pivot to respond to emergent needs beyond legal services such as helping eligible immigrants access important safety net benefits during the COVID-19 pandemic, including food banks, health, and mental health services, etc. The health, safety and well-being of immigrants increase the health, safety, and well-being of all New Yorkers.
- ActionNYC hotline has been deployed to keep New Yorkers informed of the benefits of participating in important public programs, including NYC ID, Green Light drivers' licenses, and the 2020 Census. Participation by immigrants in these programs benefits all New York City residents.
- As described above, the ActionNYC hotline leverages attorney expertise and technical and administrative infrastructure to regularly partner with City agencies, the media, and legal staff from other non-profits to set up large-scale informational phone banks in response to developments that affect immigrant communities. Phone banks take place during primetime hours on one or more consecutive evenings; during this time, CCCS

staff and volunteers answer hundreds of calls, providing accurate information and referrals to non-profit legal service providers. During phone banks, our attorneys impart information about immigration policies and developments to a larger audience through interviews, and some phone banks culminate with a Facebook Live panel of experts answering questions posed online. These large-scale events reach thousands of New Yorkers to clarify complex immigration policies and legal developments, reduce anxiety, warn against *notario* fraud, and provide referrals to free legal services.

Risk to Catholic Charities:

- The ActionNYC and NYS New Americans hotlines work synergistically to increase our capacity to respond to crises affecting immigrants; part of this trained, efficient workforce and all of the effort put into training staff and acquiring technology would be lost.
- Number of staff tied to ActionNYC hotline: 5.50 FTE plus 2 FTEs as part of the Haitian Response Initiative.



**Immigrant and Refugee Services
Catholic Charities Community Services**

NYC Council // Discretionary Priorities

English for Speakers of Other Languages

March 2022

Covid19 has made it clear that preserving funding for adult literacy programs in New York City is critical. Over the past two years adult learners have had to manage personal and family obligations, job loss and financial stress, food insecurity, health concerns—both Covid-19 and other, remote schooling for their children, uncertainty about their immigration status, systemic racial injustice, and more, all in the midst of a pandemic. Literacy funding will allow for stable, continued support by our International Center in areas of integration that permit its students to support their children’s schoolwork, successfully communicate at work, advocate for themselves and their families, and be meaningful participants in their communities. Catholic Charities seeks to maintain its modest discretionary funding so that our students, who are especially vulnerable at this time, can continue working toward their goals of becoming productive workers and supportive parents at this difficult time for our city. We are also enthusiastic to continue our Adult Literacy Pilot Program. This additional funding allows us to hire full-time support staff to: provide regular, ongoing advisement and connection to resources for students throughout their time in the program and beyond; solidify and expand partnerships with other education, training, health, and social service organizations; and provide students with more support and time to share their goals, needs, and barriers during a comprehensive intake process. These new positions will provide both educational and personal support to students, including addressing barriers to participation and encouraging re-engagement for students who may have had to step away because of circumstances in their lives.

Value and purpose of program for immigrants

- Our ESOL programs are designed to help New Yorkers gain the literacy skills and credentials they need to successfully integrate into their communities and increase their employment and earnings potential. In addition, during the pandemic, classes have provided a safe and welcoming space for students to share their struggles and receive support and comfort.
- Adult literacy programs are frequently the main connection that immigrant adult learners have to the wider network of New York City’s programs and services. During the

pandemic, many students in our classes were connected with food pantries, healthcare, and emergency cash assistance.

- Non-English-speaking parents are being supported through our ESOL classes, leaving them better prepared to take on a greater role in the education of their school-aged children, a role that has become necessary in our current environment. The technology skills they learn in our ESOL classes help them to better support their children in online instruction and allow them to connect with remote parenting resources provided by the schools.
- In addition to our formal ESOL classes, we also offer targeted programming for the day laborer community and other essential workers in northern Manhattan and the South Bronx. An integral part of our programming is pairing our students individually with trained volunteers for 10 weeks to improve communication skills, pronunciation, grammar, and vocabulary. This partnership is a uniquely valuable resource for students to develop friendships, expand their professional networks, and receive individual support.

Value of program for New York City

- CCCS serves over 800 adult learners each year. Many of our students are grocery store workers, delivery workers, and home care workers who are risking their lives to maintain their livelihoods and to care for us all. These students provide key and critical work in our city's economic infrastructure.
- Adult literacy programs and providers are part of the larger human services sector, providing critical services to millions of New Yorkers. This sector must be kept whole as human services providers will be on the frontlines as our city responds, reopens, and recovers from the COVID-19 pandemic.
- Adult Literacy Programs– and the additional support services that adult literacy programs provide – will play a vital role in the coming year to help stabilize the lives of many of our most essential, yet vulnerable, fellow New Yorkers. We connect students to thoroughly researched benefits and resources available to adult learners (i.e., training programs, healthcare options, childcare resources, etc.) and help them access legal, educational and training, and social services.
- The educational gains made during this time can prepare our adult learners to help restart the economy instead of leaving them even further behind.

Risk to Catholic Charities students

- This is our sixth year of DYCD-funded programming, with a total of 673 students served since inception in 2016.
- This year CC will serve 115 students using a hybrid model.
- These two discretionary programs will support 3.5 FT positions.
- Students CC would be able to serve again next year with the funding: 150. These students would also receive increased access and connection to resources available to adult learners (i.e., training programs, healthcare options, childcare resources, etc.) and legal, educational and training, and social services.



**Immigrant and Refugee Services
Catholic Charities Community Services**

**NYC Council // Budget Priorities
(Confirmed renewal for FY23)**

Day Laborers Program

March 2022

COVID-19 has disproportionately affected many immigrant communities, particularly those who are undocumented and from Black, Indigenous, and people of color communities. These communities were excluded from many state and national financial support programs. Jobs for men and women from these communities are usually limited to daily odd jobs that are precarious and unstable. In the Bronx, CCCS works to engage, promote, further, advance, and strengthen this population—in partnership with five other organizations (under the Day Laborer Workforce Initiative) that, collectively, maintain and expand day labor centers in all five boroughs. These centers provide job placement, workforce development, and occupational safety training, wage theft services, workers' rights training, and referral services to low-income day laborers. Since the onset of the COVID-19 pandemic, workers' centers across New York City have been at the front lines delivering essential services to day laborers in high-impacted areas. These worker centers have delivered food and emergency cash assistance, trained workers in Site Safety training and emergency preparedness, and have helped day laborers achieved job security through job dispatching. These centers have also connected day laborers to other essential services such as housing and rent relief, legal services (as it relates to wage theft), and mental health services.

Value and purpose of program for immigrants.

- Provides workforce development and job assistance to vulnerable community members who are often targets of wage theft and dangerous working conditions.
- Provides essential training for immigrants— such as the city-mandated 40 hours Site Safety Training, OSHA trainings, workers' rights, and Disaster Preparedness trainings.
- Connects immigrants to vital resources to aid in community integration, better job opportunities, and legal protection by providing Know Your Rights trainings, connections to immigration legal consultations, and English- language learning classes.
- Assists in recovery of stolen wages and workers' compensation claims, claims that are often unexplored and unfiled for fear of retribution from employers due to worker lack of immigration legal status.

- Provides of a thriving center which is a safe and dignified location for immigrants to access jobs and services.

Value of program for New York City.

- Since 2016, the city has been a national leader in the protection of day laborers and has consistently expanded its support and resourcing for this programming over the years.
- The City’s investment ensures that day laborer centers can conduct Site Safety Trainings to comply with Local Law 196. This law, created to address the rise of construction related deaths in the city, mandates a total of 40 hours of construction safety training for all of its workers. The city has made a significant investment into an online platform to be able to deliver these trainings in a safe, remote environment.
 - However, as many of these communities lack technological training and have limited access to the consistent internet at home, Catholic Charities has implemented a blended model of safe in-person and online training to be able to reach communities and assist them in developing computer literacy skills. Without this assistance and dedication to these communities, these works will be unable to access training that are linguistically and culturally competent, and they will be unable to secure work.
 - Creating safe and dignified centers for day laborers ensures that workers do not have to utilize public spaces that are often precarious to access work and help contribute to the NYC economy.
- Stronger social supports that come with legal and social services for immigrant families who depend on daily work.

Risk to Catholic Charities clients. To date, since 2016:

- Catholic Charities has assisted thousands of day laborers to date with trainings, social service referrals, and other needs.
- With the expansion and development of our day laborer center, more fully trained workers can be connected to jobs throughout NYC.
- Number of staff tied to services: 6.3 FTE.
- As Catholic Charities is the preeminent organization serving day laborers in the Bronx, a loss of funding would create a vacuum for vital services and trainings to day laborers in this borough, the borough with the highest rate of poverty in NYC.



Testimony on New York City Council Budget and Oversight Hearings on The Preliminary Budget for Fiscal Year 2023

Testimony by *Emerita Torres*,

Vice President of Policy Research and Advocacy

Before the NY City Council Committee on Immigration

March 14, 2022

Thank you for the opportunity to testify today on the issue of low-wage immigrant workers in a COVID-19 recovery. My name is Emerita Torres, and I am the Vice President of Policy Research and Advocacy at the Community Service Society of New York (CSS), a nonprofit organization that works to advance upward mobility for low-income New Yorkers. We have supported low-wage workers, including immigrant workers for 175 years. Most recently, working with partners, we advocated for the creation of the \$2.3 billion [Excluded Workers' Fund](#) in Albany, worked to expand paid sick leave laws in [New York City](#) and [statewide](#), secured [reduced transit fares](#) for New Yorkers in poverty and made rent-relief available through the Emergency Rental Assistance Program, or [ERAP](#). Today, my testimony will be focused on the nature and extent of hardship in the low-wage immigrant community and recommendations for policies aimed at reducing the same.

Low-wage immigrant workers and the COVID-19 crisis

Immigrants make up around 43 percent of the city's four-million strong workforce.¹ While they are employed in a wide range of industries, they comprise [a majority of](#) the frontline essential workers who continued to operate in-person throughout the pandemic. Based on 2019 American Community Survey data, the Mayor's Office for Immigrant Affairs (MOIA) [estimates](#) that foreign-born workers comprised 56 percent of the workforce in essential industries and 58 percent of the essential occupations. A direct consequence of being an essential worker and bearing the brunt of keeping the city running through repeated waves of infections and lockdown is that immigrant communities experienced COVID-19 infections and deaths at [higher rates](#).

In 2019, the median immigrant worker earns around \$38,200, in a year, which is estimated to be around \$14,000 less than the earnings of their median native-born counterpart. This is not surprising since a majority of the immigrant workforce is [engaged](#) either in low-wage industries (e.g., restaurant and food services, home and health care services, child day care services etc.) or engaged in low-wage occupations across industrial sectors. (e.g., taxi and limousine driving, housekeeping and custodial services etc.). Needless to say, these are also some of the jobs that were hit the worst by the pandemic and the ensuing recession. A jointly published [factsheet](#) by MOIA and Department of Consumer and Worker Protection (DCWP) states that- of the total estimated 366,000 undocumented immigrant workers in the city, 233,000, or 60 percent, are economically at risk, i.e., have already lost their jobs or are at a risk of losing it, compared to 36 percent citywide.

¹ CSS analysis of 2019-American Community Survey Public Use Microdata Sample.

Among those surveyed by the Community Service Society's Unheard Third Survey, the longest running survey and opinion poll of low-income New Yorkers, one-in-four immigrants experienced income losses and had their hours/wages/tips reduced during the pandemic. As business closures mounted and conventional jobs were lost by the thousands, many turned to non-traditional work, or what has come to be known as the 'gig economy'. The Unheard Third survey shows that the share of the immigrant workforce signing on to app-based gig work increased over the pandemic from 13 percent in 2019 to 19 percent in 2021. Among those with household incomes below 200 percent of the Federal Poverty Line (FPL), the rise was even more dramatic: from 16 percent in 2020 to 27 percent this year. Gig workers and independent contractors are often deliberately misclassified by employers to prevent them from accessing critical rights and workplace benefits (e.g., minimum pay standard, health and safety protections, paid time off).

These workers have largely been excluded from traditional safety net assistance programs like unemployment insurance, Temporary Assistance for Needy Families (TANF), cash assistance, Supplemental Nutritional Assistance Plan (SNAP, formerly Food Stamps), and the Home Energy Assistance Program (HEAP). In addition to the undocumented, the federal CARES Act excluded all ITIN filers—another category of legitimate tax filers who pay into the system but are denied access to most benefits and tax credits, even when there are U.S. born children in their households. The Biden administration did undo some of this harm by allowing ITIN filers to receive Child Tax Credit for the children who had Social Security Numbers.

To its credit, the City established the Immigrant Emergency Relief Fund to help workers who were hit the hardest by the pandemic and were ineligible for federal relief/stimulus assistance. When the \$2.1 billion Excluded Workers' Fund was established by state elected officials, it seemed like a landmark victory in support of low-income immigrant workers. The Fund, which was designed to offer up to \$15,600 in assistance to undocumented workers who lost work during the pandemic, is now depleted, and thousands, who qualify for the income support, are missing out on the payments.

Recommendations

It is at this juncture, that we urge the Council to enact on our following recommendations-

- Secure workers' rights and benefits for all low-income workers, including app-based gig workers and ensure that all workers have access to paid sick leave, overtime pay, and unemployment insurance. We urge the Council to pass [Intro 1926](#) which would expand the definition of an employee under the city's paid sick leave law to cover gig workers and other workers misclassified as independent contractors who have been excluded from this important workplace standard.¹
- Develop and publicly host a portable benefits model so the benefits would be tied to a worker rather than being tied to their job. This would allow workers to own and access their benefits regardless of the nature of their employment. The concept of portability is especially important for many low-wage workers who may have multiple jobs or change jobs more frequently, and such a system would allow workers to keep their benefits when they transition between employers or go through periods of unemployment/underemployment. Portability of benefits is not a new idea—Social Security is an example of a program providing portable benefits. Mayor Eric Adams, when he was Brooklyn Borough President, had penned a [powerful op-ed in the Daily News](#) imploring the use of a portable benefits system modeled after the Black Car Fund, to cover freelancers and independent workers.

- Improve awareness and enforcement of existing rights and protections: Seven years after the city's paid sick days law took effect, data from our 2021 Unheard Third survey shows that 42 percent of low-income workers covered under the law say that they still don't receive paid sick time from their employer, more than double the share of those with moderate to higher incomes. The Department of Consumer and Worker Protection (DCWP), to its credit, has ramped up its public education and enforcement efforts in recent years, especially during the pandemic, but lack of awareness persists nonetheless. For this reason, we urge the City Council to pass Intro 0078, a bill that would require DCWP to produce posters for voluntary ongoing display at pharmacies and health care locations around the city informing New Yorkers of their right to paid sick leave.
- Pass a resolution imploring the state to expand EITC to ITIN filers: Six states—Maryland, California, Colorado, New Mexico, Oregon, and Washington State—have extended their credit to filers who lack SSNs but pay taxes using an ITINs. Repeated attempts to expand EITC reciprocity to ITIN filers in New York State have failed even though the expansion would have benefitted U.S. born children in mixed status households (where at least one householder is an immigrant). While the benefits of expanding the EITC are numerous- positive impact on work, reduction in poverty, improvement in well-being of children both in short as well as in long term, creation of new jobs, and increase in tax revenue- the most important reason to do so would be equity. These filers contribute to the economic system exactly the same as those holding SSNs and denying them access to the EITC is more a matter of anti-immigrant stance, than one of tax policy. We urge the Council to pass a resolution favoring this expansion.
- Improve translation services in our public education sector to prevent any further exclusion of ENL and ELL students from academic services and educational opportunities: The pandemic has taught us that our education system is ill-prepared for transitioning its students from in-class instruction to at-home instruction, but this is especially so for those who are learning English or do not speak English at all. Student and parent comments at Citywide Education Councils as well as testimonies at the recent hearing on English Language Learners have made clear that the New York City Department of Education was not able to deliver accurate and timely information about at-home instruction, device availability, and internet service provisions, in the languages that families needed. A bias towards English in a city as diverse as New York only works to deepen and broaden extant inequities in our education system. We strongly believe action should be taken now to increase language supports for our families. This is particularly important as the expansion of SYEP rolls out this summer. In order to ensure equitable access to SYEP, we ask that the Council work with the NYCDOE to ensure that ENL and ELL students are not excluded due to lack of timely, language-appropriate information.
- Expand CityFHEPS rental assistance to immigrants: Rental assistance can act as a key mechanism to both keep renters facing eviction housed and to help homeless New Yorkers find homes. CityFHEPS is the rental assistance program that the city has the most direct control over. Unfortunately, there are a number of administrative and enforcement obstacles for using CityFHEPS for eviction prevention. Most crucially, New Yorkers must stay in a shelter for ninety days before becoming eligible and are faced with systemic source of income discrimination from landlords. Further, undocumented New Yorkers are not eligible for CityFHEPS. The city should work to expand eligibility to CityFHEPS to include undocumented New Yorkers and address housing insecurity.

- Pass Local law 53 to ensure tenants are aware of their Right to Counsel: New York was the first city in the country to implement a Right to Counsel (RTC) law. Between 2017 and 2019, evictions in zip codes where RTC was implemented [declined by 29 percent](#), compared to a 16 percent decline in zip codes with similar eviction, poverty, and rental rates. Following the implementation of RTC, we worked closely with the Right to Counsel Coalition to advocate for Local Law 53, which requires the City to work with tenant organizers to educate tenants about RTC. It was supposed to go into effect in November 2021, but Local Law 53 was not implemented. The city is now out of compliance and the law needs to be implemented immediately. Right to Counsel is extremely effective at keeping people housed, but it does not work if tenants do not know to take advantage of it. Trusted, neighborhood-based groups, especially those that prioritize outreach in immigrant communities, are the key to getting information to tenants facing eviction.
- Fund Community Land Trusts: We support the call for \$3 million in City Council discretionary funding to develop community land trusts and permanently affordable housing, commercial and community space. Launched in FY2020, the citywide CLT Initiative has catalyzed CLT organizing in the South and Northwest Bronx, East Harlem, Richmond Hill, Brownsville, East New York and beyond. CLTs are community-controlled nonprofits that own land and ensure that it is used to provide permanently affordable housing and other community needs. Today, CLTs across the city are organizing in Black, Latinx, Asian, and immigrant neighborhoods to stabilize housing, combat speculation, and ensure a just recovery from the pandemic.

Immigrants are the backbone of our city and they deserve the services and support that all New Yorkers receive. And with the legislation recently passed by the City Council allowing 800,000 immigrants to vote in our municipal elections, they are now a powerful constituency that our government must listen to and serve. CSS stands ready to support our immigrant community and we are happy to take your questions.

Thank you and please reach out at etorres@cssny.org with any questions you might have.

ⁱAt the state level, Senator Robert Jackson and Assemblymember Deborah Glick introduced legislation (S6699A/A08721A) in 2019 that would reclassify more gig workers as employees using the ABC test. The bill has been re-introduced in 2021-2022 legislative session ([S1999/A5772](#)).

COOL CULTURE

Candice Anderson
Executive Director
Tracey Greenidge
Director of Development
Cool Culture
Tgreenidge@coolculture.org

March 09, 2022

My name is Tracey Greenidge, Director of Development at Cool Culture. I am submitting this testimony on behalf of my organization and the thousands of New York City families that receive free access to the city's rich cultural resources through our arts and cultural programs.

WHO WE ARE



Cool Culture is a social justice organization that uses arts and culture to strengthen family and community wellbeing. With nearly 20 years of BIPOC leadership, Cool Culture was founded to correct the historic disparities in how (and which) communities are able to access cultural resources, and engage in creative practice. Today, our mission is to amplify the voices of families and strengthen the power of historically marginalized communities through engagement with art and culture, both within cultural institutions and beyond.

We harness arts and culture to build cross-cultural understanding, a movement for social change, and create a more equitable city. Our small staff of 10 Cool Culture team members are Latinx, Native, Black, East- and South Asian American, LGBTQ+ and allies provide arts and cultural programs to 50,000 families, who reflect the cultural diversity of our nation. 83% of our families are BIPOC. 47% speak a primary language other than English. The majority face economic injustice. Cool Culture's community is comprised of:

- **50,000 families**, who reflect the cultural diversity of our nation. 83% of families enrolled in our programs are BIPOC.
- Over **1,000 educators and administrators** from over **450 schools, early learning programs, and community-based organizations**.
- Hundreds of **cultural workers, museum administrators, artists, and scientists from 90 of NYC's most celebrated** museums, historical societies, botanical gardens, and zoos.

I would like to thank Committee on Immigration Shahana Hanif (Chair), Carmen De La Rosa, Pierina Ana Sanchez, Sandra Ung, Francisco Moya, Shekar Krishnan, and Rita Joseph for the opportunity to provide you with written testimony to demonstrate how Cool Culture's work to address the well-being of children and their families in the five boroughs, particularly the immigrant families taking part in our programs. We are happy to share our best practices and success as well as the ongoing challenges of systemic oppression, which have been exacerbated by this pandemic; and to underscore the importance of arts and culture to a strong and equitable post-Covid recovery.

I know you face difficult roads ahead as we try to recover from the crises that have plagued the city for the past two years. We are incredibly grateful for your advocacy on behalf of immigrant communities to ensure their successful integration into the city and access to civic and cultural engagement. We are happy to partner with the Committee on Immigration as we offer access to arts and cultural programs and critical support to more than 50,000 thousand families each year.

CONTINUED INVESTMENT IN ARTS & CULTURE

Immigrant New Yorkers have grown exponentially in recent years, adding significant growth to the city's economy, cultural landscape, and artist ecosystem. Unfortunately, our immigrant communities that caused this expansion have also been hit hard by the devastating impacts of the pandemic. It derailed their livelihoods and squeezed dry or cut off completely lifeline resources. Now, as we enter into the recovery phase, we must work hard to ensure cultural equity and access for all, especially our immigrant communities.



A recent report by the Americas for the Arts revealed the severe damage to the arts ecosystem recording \$1 billion lost in income due to canceled programs for over a year and another \$1 billion in wage lost. Though all organizations felt these losses across the board, the report revealed those that primarily operate in communities of color, partner with low-income communities, and are BIPOC-led bore the brunt of the losses. They reported a more severe financial impact from the pandemic and are less likely to be confident in their long-term survival.

Many small BIPOC-led organizations like Cool Culture need critical support to continue providing arts and cultural programs. We know that access to the arts has many benefits, from increased educational outcomes for children to health and well-being benefits for those experiencing trauma. We also know that any semblance of recovery cannot occur without investing in arts and culture. The continued investment through local and city governments must grow. At the same time, communities of color, particularly those working with immigrant communities, cannot survive the proposed cuts in the City Council Discretionary funding. BIPOC-led organizations and immigrant communities, including artists, need your support now, more than ever.

RIGHT NOW: CENTERING FAMILY AND COMMUNITY WELLBEING

In the wake of the pandemic, Cool Culture's programming is focused on strengthening family and community wellbeing through cultural access and civic engagement.

COOL CULTURE'S RESPONSE & ROLE



Health + Wellbeing through the Arts: *We Are A Work of Art*

As the disruption to our daily routines and traditional support systems persist, Cool Culture's ***We Are A Work of Art: Health + Wellbeing Initiative*** is an ongoing community dialogue, series of gatherings, and informational campaign that supports wellbeing among families and access to vaccinations. Family Festivals, artmaking events, and activations feature BIPOC artists and health practitioners. Gatherings and resources highlight indigenous and western wellness practices to ensure that information about vaccinations comes from trusted sources. Activities are co-designed with museums, educators, families, and other community stakeholders.

PROGRAMS & INITIATIVES

Cool Culture's *Citywide Cultural Access Program* ("CityWide") connects families and NYC's cultural institutions. The largest program of its kind in the country, we facilitate a network of 450 Title I Schools and early childhood centers, and 50,000+ member families who enjoy unlimited free access to 90+ museums, historical societies, science centers, botanic gardens, and zoos. CityWide families make over 180,000 museum visits each year across the city. Multilingual resources support engagement with arts and culture at home and in the community. In response to requests from families and museum partners, we are in the early stages of designing a **Cool Culture Digital Platform**. A tool to support, complement and organize in-person creative gatherings and community building. Long-term, the goal is to reform publicly funded institutions so that they work in the service of BIPOC communities and families.

Culturally Competent Family Engagement & Early Education through the Arts

Cool Culture's *We Are All Curators* initiative brings families, educators, teaching artists, and cultural workers together to imagine and co-create new practices that support equity in schools, museums, and communities.



- *Curators for Educators* is a seminar series and peer exchange that supports using arts and social justice concepts to create equitable learning environments. It also prepares educators to discuss the real-world issues that shape the lives of young children and families.
- *Curators for Families* is a place-based initiative that builds community among families with young children in Central Brooklyn, East Elmhurst and Corona Queens, and Chinatown and Lower East Side, Manhattan. Families, educators, teaching artists, and museum staff co-create projects that include experiences in galleries, art-making, storytelling, and curation of exhibits that center community priorities.

We strongly urge you to ensure the necessary support for arts and culture and to include the priorities of cultural organizations, particularly BIPOC-led institutions that have deep relationships with disenfranchised communities in New York City. This support will enable Cool Culture and other arts and culture community members to continue providing critical programs as many communities continue to struggle through the city's recovery phase.

Thank you.



**Chinese-American Planning Council, Inc.
Testimony at the New York City Council Committee on Immigration
Honorable Shahana Hanif, Chair
March 14, 2022**

Thank you Chair Hanif and the Members of the City Council for the opportunity to testify today. The mission of the Chinese-American Planning Council, Inc. (CPC) is to promote social and economic empowerment of Chinese American, immigrant, and low-income communities. CPC was founded in 1965 as a grassroots, community-based organization in response to the end of the Chinese Exclusion years and the passing of the Immigration Reform Act of 1965. Our services have expanded since our founding to include three key program areas: education, family support, and community and economic empowerment.

CPC is the largest Asian American social service organization in the U.S., providing vital resources to more than 60,000 people per year through more than 50 programs at over 30 sites across Manhattan, Brooklyn, and Queens. CPC employs over 700 staff whose comprehensive services are linguistically accessible, culturally sensitive, and highly effective in reaching low-income and immigrant individuals and families. With the firm belief that social service can incite social change, CPC strives to empower our constituents as agents of social justice, with the overarching goal of advancing and transforming communities.

To that end, we are grateful to testify about issues that impact the individuals and families we serve, and we are grateful to the Council for their leadership on these issues. **We urge the council to increase funding for immigrant legal services, and invest in language access and civic engagement in our communities by funding programs such as Adult Literacy.**

The need for Immigration Legal Services

CPC strongly urges the Council to increase funding for immigration legal services. Throughout the pandemic, CPC continued to provide immigration legal services to our community. When pending immigration applications were suddenly paused and applicants were left in the dark, they turned to CPC for guidance. When USCIS reopened and implemented new COVID-19 safety measures, we helped our community members navigate the modified system. When the undocumented community was left out of federal pandemic aid, CPC, along with other community-based organizations, stepped in and helped provide critical funding to support food and housing insecurity. However, more is needed to adequately support our immigrant community.

At the start of the pandemic, CPC provided cash assistance grants to individuals and families who were unable to access federal pandemic relief. Many of the community members were immigrants and had an undocumented family member. As they shared their COVID-19 impact stories, they wept and expressed their fears for their children. Some lived in dire situations and relied solely on food pantries for their survival. Mothers expressed their concerns for their children who were losing weight because they did not have the financial resources to provide meals on the table. Some expressed frustration of their exclusion for federal pandemic relief because of their undocumented status. It was heartbreaking to hear their stories but it's a reminder that we need to do more to ensure all New York communities are being served.

Language Accessibility and Cultural Competence

Language barriers make it even harder for many New Yorkers to navigate government resources and support. Immigrants struggle to access the assistance they need and throughout the pandemic, CPC worked closely with them to ensure they were able to apply for those benefits, like unemployment assistance. However, during the pandemic, many community members feared applying for benefits because of their immigration status. Misinformation can spread like wildfire and within the immigrant community, it can have chilling and lasting effects. Misinformation about eligibility and restrictions prevented community members from reaching out and applying for the benefits they desperately needed. Fortunately, CPC was able to host educational workshops explaining the eligibility for different types of government benefits and we were able to reassure immigrants who were hesitant to apply. Furthermore, we were able to schedule immigration consultations for immigrants who wanted to speak to an immigration attorney about their concerns. By providing educational workshops and immigration consultations, immigrants felt more reassured about their immigration situation. In order to continue assisting the growing number of immigrants in New York, **we need to increase funding to language accessible immigration services.**

Adult Literacy

CPC also provides essential new-immigrant workforce programs such as Adult Literacy. Like so many Adult Literacy Programs throughout the city, CPC relies on City funding to provide quality programming to our communities. We urge the city to continue funding Adult Literacy Programs and continue the Adult Literacy Pilot Program Initiative. At CPC, this funding opens the door to about 600 immigrant ESOL students seeking free English classes every year. It has also meant providing much needed wrap around services to our students. For example, throughout this pandemic, students have received up-to-date information on COVID-19, testing sites, and vaccination centers. Students learn digital literacy skills to help their children with remote learning. They learn American Civics, how to register to vote, and what rank-choice voting is. Students learn about healthcare assistance and if needed, receive services for domestic violence. Classrooms provide information regarding rental and food assistance. And as Asian hate crimes ravage our communities, students learn how to recognize discrimination, racism, and learn how to report crimes to the authorities.

Investing in our communities works. However, at the current cost per student rate, Adult Literacy Programs citywide have struggled to maintain the costs of services and staffing needed. The Adult Literacy Pilot Project Initiative attempts to answer the question of what a fully funded Adult Literacy Program can provide our communities. CPC is one of the recipients of this Pilot Initiative. Even though only a fraction of the originally asked amount was received, this recently enacted addition means we have been able triple the outreach and wrap around services to our students. This means more hours are dedicated to our students seeking childcare, senior care, housing, food assistance, insurance, college access, and workforce counseling. Modernizing aging technological and digital infrastructure has allowed students to access our classrooms remotely and learn digital literacy skills needed to be competitive.

To address the gap in funding for community-based adult literacy services, CPC calls on the Mayor and the City Council to:

- 1) The city must **maintain the \$8 million in previously baselined funds and increase the baseline funding by an additional \$13.5 million (for a total of \$27 million)** in order to double the level of investment per student in the upcoming DYCD RFP. Astonishingly, Mayor Adams has actually proposed a significant cut to the \$8 million that was baselined last year.
- 2) The City Council should **extend the Adult Literacy Pilot Project for a second year and expand it to \$5 million** to continue to support the 20 programs currently funded as well as to include another 20 programs to address the wider need for additional student supports, services, and resources.
- 3) The City Council should **renew the \$4 million of Council Adult Literacy Discretionary funding** to continue to provide for program sustainability.

Increasing AAPI Representation and Civic Involvement

Programs such as Adult Literacy and our ONA (Office for New Americans) programs provide critical curriculum that engages new immigrants to be more civically involved. Expanding the right to vote is essential to an inclusive, representative democracy; as such, CPC is a proud member of the Our City, Our Vote coalition, as well as the APA VOICE coalition, which advocated for the city to restore municipal voting rights for over 800,000 Legal Permanent Residents and individuals with work authorization. In December of 2021, the City Council overwhelmingly passed Introduction 1867 to usher in the largest enfranchisement of New York City municipal voters in over a century. Now, these neighbors have a say on the issues that we all care about, like schools, safety, food and shelter access, public transportation, and more. On December 9th, 2022 the law goes into effect and eligible non-citizens will be able to register to vote in city elections starting in 2023.

With the passage of Intro 1867, New York City has an opportunity to encourage greater civic engagement and mobilize our communities to advocate for good public policies that invest in and enhance our city. To effectively implement this legislation, **CPC recommends a \$25 million City Council Initiative to support community-based outreach to newly enfranchised voters, including voter education, registration, and get-out-the-vote activities.**

Closing

As we move out of the pandemic and into a new normal, immigrants are still in need of culturally competent and in-language immigrant legal services. New immigrants also utilize programs such as Adult Literacy to engage in society, join the workforce, and make a living for themselves. Low-income immigrants have been severely impacted by the pandemic and as a trusted source in the community, CPC is the place they turn to when their green card expires or when their employment authorization card needs to be renewed. In order to fully support the immigrant community and assist them on their applications, the Council needs to increase funding to immigrant services. Not only is there a need in our community to increase application assistance but also to increase educational workshops to better inform our community of policy changes and city resources. CPC appreciates the opportunity to testify on these issues that so greatly impact the communities we serve, and look forward to working with you on them.

If you have any questions, please contact Carlyn Cowen at ccowen@cpc-nyc.org.



Testimony of
University Director for Language and Literacy Programs
Stacie Evans
The City University of New York

New York City Council Immigration Committee
Preliminary Budget Hearing
March 14, 2022

City Council Committee on Immigration
CUNY Adult Literacy Program Testimony

March 14, 2022

Thank you, Chair Hanif, and members of the Committee on Immigration. I am Stacie Evans, University Director for Language and Literacy Programs at CUNY. Thank you for the opportunity to submit this testimony and thank you to the City Council for its ongoing focus on adult literacy and services for immigrant New Yorkers.

For nearly 40 years, the Adult Literacy program at the City University of New York (CUNY) has been a cornerstone of its Continuing Education and Workforce Programs and helped tens of thousands of adults develop the foundational skills critical to achieving their goals. CUNY operates Adult Literacy programs across all five boroughs – at seven senior colleges and seven community colleges – offering 15 programs in English for Speakers of Other Languages, seven occupational training programs specifically for English language learners, 13 Basic Education programs for adults functioning below a ninth-grade level, and 11 High School Equivalency programs for adults seeking to earn a high school diploma. CUNY is also a part of the strong, high-quality adult literacy network that serves New York City’s adult learner community.

Citywide, nearly 200 adult literacy classes are offered each year, typically serving more than 5,000 students annually. Classes are offered during the day, evenings, and weekends, accommodating students’ work and family obligations. During the pandemic, all program activities were shifted online, and students engaged in remote instruction using a variety of digital tools such as Zoom, Google Classroom, Microsoft Teams, and Google Meet. Currently, CUNY adult literacy program activities are offered in a variety of modalities (i.e., in-person, online, or hybrid) providing a broad range of access to New Yorkers. CUNY also employs a Central Office team of professional developers who provide targeted trainings in ESOL, English Language Arts, Social Studies, Math, and Science to adult literacy instructors across all CUNY programs. This team is also regularly called upon to provide training to educators across the State through bi-annual Teacher Leader Institutes contracted by the New York State Education Department. The team’s work builds the quality of instruction for all adults accessing New York City’s adult education system.

In addition to the adult literacy programs mentioned above, CUNY also partners with the Mayor's Office of Immigrant Affairs (MOIA), to write and produce a resource for new immigrant New Yorkers: *We Speak NYC*, a television program with accompanying educational materials. Episodes cover issues such as elder care, food insecurity, worker rights, intimate partner violence, and emergency preparedness. The *We Speak* model has been expanded over the last two years to include a training curriculum to support immigrant women entering the workforce, and tailored resources for issues of focus for various City agencies such as lead paint

poisoning prevention for the Department of Health and Mental Hygiene, climate change for the Mayor's Office of Sustainability, and ranked-choice voting and civic participation for Democracy NYC. The [WeSpeak NYC website](#), episodes, and classroom materials are used by programs across the City and – despite its New York City specificity – across the country, too.

New Yorkers who lack English language proficiency cannot access higher education, training, and employment opportunities. In addition, digital literacy skills are essential for tasks such as accessing government programs, finding community-based services, connecting with children's teachers, and finding and enrolling in education and workforce training programs. A 2020 article from the Migration Policy Institute notes that, "the proportion of US adults with no computer experience is much higher for immigrants who speak a language other than English at home." The digital divide is often greater for "people of color, those with lower incomes, and those with lesser levels of education"¹ – these are the same New Yorkers who participate in CUNY adult literacy programs. Data from the 2020 census showed that more than half of all immigrant parents in New York City (52%) have limited English proficiency. Limited English proficiency and the barriers it creates impacts immigrant communities, preventing families from thriving in our city. These adults need the English language instruction services that adult literacy programs provide, as well as case management referrals and support in navigating City systems.

Case management support is key to successful adult education programming. Educational need is what brings students into programs, but students grapple with numerous issues and needs beyond the classroom. When learners' needs fall outside the capacity of the program, case managers refer students to external providers. Staff support students through these external referrals to ensure that students connect with the destination program and that the transition between services is smooth. The current funding allows for programs to employ a case manager for every 200 students. The low, fixed, per-slot funding formula for adult education programming needs to be adjusted to account not only for economic increases over time, but also to build in the costs of case management teams to provide a full array of wraparound supports to address the barriers to persistence that pull students out of class and stand between them and their education, employment, health, and family goals. Providers also need right-sized funding that allows for the hiring of full-time staff, including licensed social workers. Even if case managers were only making referrals and offering no direct services, the current ratio is untenable. The [Investing in Quality report](#)², funded by the Department of Youth and

¹ Cherewka, Alexis. Migration Policy Institute. (2020, September 3). *The Digital Divide Hits U.S. Immigrant Households Disproportionately during the COVID-19 Pandemic*. www.Migrationpolicy.Org.
<https://www.migrationpolicy.org/article/digital-divide-hits-us-immigrant-households-during-covid-19>

² Literacy Assistance Center. (2017). *Investing in Quality: A Blueprint for Adult Literacy Programs and Funders*. New York City: Literacy Assistance Center.

Community Development (DYCD) and researched and written by the Literacy Assistance Center, calls out the need for robust case management, recommending a counselor-to-student ratio of one case manager to 75 students.

CUNY adult literacy programs strive to offer students a “one stop” service model in which their varied needs can be met in one location, increasing the likelihood that students will access those services, stay enrolled, and make progress toward their goals. Recent reports by the Community College Resource Center at Teacher College as well as a survey of the city’s adult literacy programs highlight the need for competitive salaries, enhanced and ongoing professional development for staff, and to incorporate more instructional and technological tools into their programming.³⁴ A critical needs area is enhanced wraparound supports delivered by staff who are trained and knowledgeable in next-step planning for college and careers. With increased, targeted funding, CUNY could address this need with sustained professional development in career pathway advising, creating, and maintaining a database of current career and job-training resources for case managers to access, creating a network of peer-mentors, and establishing centrally located cadre of CUNY Navigators. Navigators would support the work of the adult literacy case management teams, working with students to focus on their next steps – developing career plans that focus on post-secondary education or training options in the CUNY system, connecting students to CUNY Start and Math Start, ASAP, the CUNY Language Immersion Program (CLIP), and an array of occupational trainings offered through CUNY’s office of Continuing Education and Workforce Programs.

We are grateful for the Council’s many years of support of adult literacy and the commitment to helping immigrant New Yorkers achieve English proficiency and adapt to their lives in this City. CUNY is proud to be an essential partner in the network of adult literacy providers, and we look forward to continuing this partnership.

³ Cormier, M. and Bickerstaff, S. (2019) Research on Developmental Education Instruction for Adult Learners, in Perin (Ed.) *The Wiley Handbook of Adult Literacy* (pps. 541-562) John Wiley & Sons, Inc.

⁴ Bowman, C. and Berger, S. (January 2020) *Quality and Connections in New York City’s Adult Literacy Sector: Assessing the Professional Networks and Quality Standards of Adult Literacy Programs in New York City*. Unpublished.

The New York City Council, Committee on Immigration

Testimony by Monique Francis, Deputy Director, CUNY Citizenship Now!

March 14, 2022

Thank you Chairperson Hanif and members of Immigration Committee for inviting us to submit this testimony. My name is Monique Francis; I currently serve as the Deputy Director of CUNY Citizenship Now! (CN!). Joining me today is Meetu Dhar, our Managing Attorney for our City Council Services. We are here to testify in support of the City-wide Council Initiatives that provides funding which allows us to assist New York City immigrants on the path to U.S. Citizenship.

CUNY Citizenship Now, is the largest university-based citizenship and immigration law service provider in the nation. We provide free, high quality, and confidential immigration law services to all New Yorkers, no matter their affiliation with CUNY. We aim to educate the immigrant community on their rights, and demystify the regulations as they access immigration benefits. Our attorneys and paralegals offer one-on-one consultations to assess participants' eligibility for legal immigration benefits and assist them in applying when qualified. We currently provide services in 42 council member districts. Since the inception of the City Council Program in 2012, we have assisted 58,791 New Yorkers through funding from the council. The organization as whole has provided services to more than 140,000 immigrant New Yorkers. We are here before the committee today, seeking a restoration of the current \$3 million dollars allocation

and an increase of \$1 million dollars for the FY2023 to address the growing demands for services from immigrant communities we serve city wide.

While the pandemic hampered our delivery of in person services in FY 2021, we were resilient in our efforts in helping 4,634 constituents virtually utilizing a number of online platforms and over phone. In the Fall of 2021, we resumed in-person service at a number of our locations. To date in FY2022, we have provided services to more than 3072 immigrants in the offices and community events.

This year CN! marks its 25th Anniversary. Founded in 1997, Director Allan Wernick, with the full support of the CUNY Chancellery, created this program with a vision of returning power to immigrants. Utilizing a model of pro se service we empower immigrants with knowledge that allows individuals to advocate on their own immigration case. Today, pro se service is a widely recognized model by legal services providers around the city.

Last year was a tumultuous year for the immigrant community. Not only were immigrants coping with the hardships and setbacks of the pandemic, but USCIS delays and the challenges faced by legal organizations to provide remote services made advancing on the path to U.S. citizenship difficult. New York City persevered during the pandemic because of the hard work of immigrants. Nevertheless, the pandemic further widened the poverty gap for many immigrants and compounded the existing economic insecurity that immigrant families face. The cost of immigration applications meant that families delayed filing for citizenship, petitioning for their families abroad, and DACA/TPS applicants were desperately searching for grants to remain employed. In addition to giving legal advice, our legal staff assisted with applications for

unemployment benefits and pandemic relief, and reviewed essays to secure funding from organizations to cover the USCIS fees.

As we emerge from the pandemic, it seems unlikely that broad immigration reform will become a reality in the coming year. Still, we are hopeful for new opportunities for New York's immigrants, an example being the grant of TPS to Ukrainians. CNI, with the support of the City Council, has the ability to respond quickly to changes in immigration policy. When DHS announced TPS for Ukrainians we immediately implemented a plan to help this community.

While our core service to the community is helping immigrants become U.S. citizens, we also assist New Yorkers petition for relatives to bring them here from abroad and assist many in adjusting their status to permanent residence while in the United States. We also prioritize those individuals who entered the United States as children by assisting with DACA renewals and advance parole applications. We dedicate City Council sponsored days solely to assisting those constituents applying for TPS, DACA, and green cards.

An important part of our pro se model includes our large scale City Council sponsored Saturday Citizenship Events. These Saturday bi-monthly events allow us to reach a broader segment of the NYC immigrant community.

Another crucial component of our pro se model is prioritizing the education of NYC's immigrant population on emerging immigration issues. In partnership with the City Council, we aim to reach out to the immigrant population before the notarios and unethical businesses prey upon them. We disseminate information to the community on

constantly changing immigration policies through media promotions, briefings, presentations at town halls/immigration forums, and Facebook Live events.

We are seeking to expand our pro se model. Our goal is to reach all immigrant communities in NYC. We have access to a language line that allows us to communicate in over 180 languages. However, in the hopes of serving the community more effectively, we are looking to hire additional foreign language speaking attorneys and support staff. We are also looking to increase our service days at City Council sites. The current Council is particularly attuned to the needs of New York immigrants. Already, new members are asking for services in their districts unserved by their predecessors. Others are asking for an increase in services.

There is a pressing need in NYC for the services CN! provides. We need your support in helping the New York City immigrant community navigate the complexity of U.S. immigration law and provide them a pathway to U.S. citizenship. We aim to reach every immigrant in need of immigration services. Together we can help NYC immigrants rise from the pandemic with a pathway to US Citizenship.



Testimony – March 14, 2022, 2pm
NYC Council Committee on Immigration
Hearing: *FY23 Preliminary Budget*

*Ellen Kodadek
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Sami Abu Shumays, Deputy Director, Flushing Town Hall

Thank you Chair Hanif and members of the committee for the opportunity to testify.

Culture is everything. It is what makes us who we are, and it is what gives our lives texture and meaning. As a second generation Arab immigrant, it has been through the arts and through exploration of my cultural heritage that I have been able to cultivate my identity, and find my place in the communities here in New York City. When we as a city think about what we need to do to support the immigrants who come here from all over the world, what we need to do to incorporate new immigrants into existing communities, what we need to do to build trust among diverse groups of people – the first tool we should be using is arts and culture.

I'm not in any way denying the importance of legal services, health services, translation services, education, or any of the other important city functions that we need to make accessible to immigrants to ensure our safety and survival. What I'm saying is that Arts and Culture, rather than being an afterthought – something to think about once all the other needs are taken care of – is actually the key to the success of everything else.

Here's a crude illustration: if you want to advertise legal services to the Latinx community, the advertisement obviously needs to be in Spanish, or bi-lingual, and it will most likely use Latin music in the background, and probably show families cooking and sharing delicious food from their home countries. It is the cultural elements, from the music and the food and the language, that are the key to engagement of the audience – marketers understand this implicitly, but sometimes I think City government does not.

New York City underfunds arts and culture. Yes, the city has made some historic long-term investments in major institutions, but the majority of these investments are in whiter, wealthier communities, while many communities of color are severely underserved by public funding for arts and culture.

I am here representing Flushing Town Hall, one of the smallest members of the city's Cultural Institutions Group (CIG), and a member of the LatinX Arts Consortium of NY (LXNY). Our mission, since our founding in 1979, has been to serve the growing immigrant populations in Queens, NY, with arts programs that celebrate the cultural heritage of peoples from around the globe, and that bring different communities together through mutual appreciation. We serve more than 72,000 annually, including more than 21,000 school students, most of whom come from Title I schools and a majority of whom come from homes where English is a second language. Schools bring in our diverse teaching artists as a way to help build positive identities for the immigrant students they serve.

*Flushing Town Hall (1862) is a New York City landmark and is listed on the National Register of Historic Places.
In 1996 the facility became an officially designated cultural institution in the City of New York.*



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Our programs overall make people from different backgrounds feel welcomed, and feel at home with each other. But we do so as a mid-sized organization with only 16 full-time staff. If the city doubled or tripled its investment in what we do, we could serve many more communities, have more languages on staff, and hire more immigrant artists to perform, show their work, teach in schools and senior centers, etc. The same is true of the many small BIPOC-led and serving arts and cultural organizations across the city, many of which were struggling to survive BEFORE the pandemic due to underinvestment, but who are now hanging on by a thread.

We call on the city to restore cuts to the cultural sector in the FY23 preliminary budget, but beyond that to make radical, game-changing new cultural investments in communities that are historically disenfranchised. Right now the DCLA receives a meagre \$145 million out of the nearly \$100 Billion city budget; a city that truly understood the value of culture would be spending at least 1% of its budget on it, \$1 Billion dollars – and would be directing those significant funding increases to the areas of greatest need – the communities of new immigrants, and to the poorest communities across the city. Thank you for the opportunity to testify.



About Flushing Town Hall

Flushing Town Hall, originally known as Flushing Council on Culture and the Arts, is one of the pioneers of multicultural arts programming in New York City.

In 1979 Flushing, Queens was a rapidly diversifying neighborhood. The 1964 world's fair in Flushing Meadows Corona Park, followed by the liberalization of immigration laws in 1965, meant that people from all over the world began to settle all across Queens, and by 1979 the founders of Flushing Council on Culture and the Arts (FCCA) recognized the need to create an arts organization that served these new residents – by celebrating and uplifting the dizzying variety of cultures and artistic practices being brought to the borough. For the next decade and a half FCCA produced hundreds of multicultural events, including African and Asian festivals in Flushing Meadows Corona park, featuring dance traditions, music, crafts, food, and more. In 1990 we began the rescue and restoration of historic Flushing Town Hall (built 1862), and committed to continuing several legacies: the legacy of diversity and multiculturalism that defined our first programs; the legacy of Jazz in Queens, which was home to many of the greatest Jazz musicians in the world; and the legacy of Flushing itself, whose defining moment was the Flushing Remonstrance, which in 1657 established the principle of religious freedom and pluralism that were later written into the first amendment.

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As the communities around Flushing Town Hall have continued to evolve and change, so have our programs, and the last decade has seen significant growth in Latinx, Chinese, Korean, and South Asian programming; a deeper collaboration with Matinecock tribal elders who represent the original residents of Flushing; an increase in cross-cultural programming such as our popular “Global Mashups” that bring together bands representing different traditions of global music into one evening of dance (for example “Haiti meets China” or “India meets Brazil” or “Korea meets Greece”); and an increase in arts education services to schools in Queens, deploying our roster of 30+ teaching artists, many of whom are master tradition bearers from different parts of the world, serving more than 23,000 students annually with culturally relevant programming.

Representation is essential to enabling peoples from diverse backgrounds to feel included in a community. Given how diverse NYC and especially Queens is, the more diverse our arts and cultural programs are, the more people can feel included and represented. In addition to creating positive images to support the identities of people from different backgrounds, arts programs also have a wide range of benefits for all participants, including health, well-being, cognitive skills, social bonding, and violence prevention. Robust arts programming across NYC is essential to helping the city bounce back from the pandemic, and it is especially needed in underserved neighborhoods, whose communities were also the hardest hit by the pandemic.



Testimony: Amy Barasch, Executive Director

Hearing: City Council Budget and Oversight Hearings on The Preliminary Budget for Fiscal Year 2023

Host: Committee on Immigration

Date: March 17, 2022

Thank you, Chair Hanif and the Committee on Immigration – Council Member De La Rosa, Council Member Joseph, Council Member Krishnan, Council Member Moya, Council Member Sanchez and Council Member Ung – for the opportunity to submit testimony on this critical matter. I am Amy Barasch, the Executive Director of Her Justice, a nonprofit organization that has stood with women living in poverty in New York City for 29 years. In 2021, Her Justice provided a range of legal help to more than 5,800 women and their children in our practice areas of family, matrimonial and immigration law. Among the clients served, 90% are women of color, 80% are survivors of domestic violence and more than half are immigrants. Over a third of our clients do not speak English, which means they are effectively precluded from the legal system if language resources are not available.

Support from the City Council helps Her Justice to provide direct representation and skilled advocacy in an arena that often fails to adequately serve the legal needs of the marginalized. The current public health crisis has exposed the access-to-justice gap in new ways. In this crisis, as in ordinary times, legal services are essential services. Every day, our staff attorneys provide women with information about the legal remedies available to them and advise and strategize with clients to help them weigh their options and decide the course that is right for them and their children. We are deeply grateful to the Committee for hosting a hearing on this important topic. In this moment of recovery, we hope that the City Council will reaffirm its support for and partnership with organizations like Her Justice in recognizing legal services as essential to ensuring immigrant survivors' economic well-being and safety. We look forward to partnering with the Committee and City Council to build a better system that supports women living in poverty because, even in the best of times, the cards are stacked against them.

Organizational Background

Through our pro bono first model, Her Justice pairs thousands of well-trained and resourced pro bono attorneys from the City's premiere law firms with women who have urgent legal needs. This approach has enabled us to assist tens of thousands of women over the years, far more than we could have reached relying exclusively on direct service. By ensuring that more women have lawyers by their side in a system historically designed to have poor people navigate it alone, we ensure their voices and concerns are heard and we begin to break down systemic barriers to access to justice.

Her Justice offers information, advice, brief services and full representation in support, custody and visitation, and order of protection matters in Family Court; divorces in Supreme Court; and immigration matters under the Violence Against Women Act. We offer representation for many of the cases other legal services organizations do not have the bandwidth to take on – child and spousal support matters, and litigated divorces, for example. Our staff responds to half of the women who contact us with a broad array of legal advice, review of papers, and tools to ensure they get the best outcomes they can on their own. The other half of the women who contact us receive free full representation on their



case, either by pro bono attorneys or our own attorneys in-house to ensure that we retain the necessary flexibility to respond to emergency situations, navigate particularly complex or lengthy legal issues, and stay fully engaged in the legal issues on which we train and provide support.

We believe that the client-centered services we provide must also be paired with policy work – through independent efforts and in partnership with peer organizations and coalitions – to advance systemic reform while meeting individual need. The principle of our policy work is that it is informed by the lived experience of our clients – women living in poverty, whose livelihood and well-being are often determined by the civil justice system. That civil justice system is often invisible to those outside of it, which makes a focus on elevating the reforms to this area that much more essential for our clients and all who depend on it. Through this framework, we begin to break down systemic barriers that are built into our civil justice system, barriers that reinforce and exacerbate economic, gender and racial imbalances.

Advocating for policy reform in the civil justice system is a key component of any effort to lift women and their children out of poverty. As a trusted, long-standing organization, Her Justice seeks to elevate the issue of civil justice reform and advance economic justice for women and their children.

Providing Legal Assistance to Immigrant Women Living in Poverty

The Her Justice Immigration Practice has a proven track record of excellence, and its impact grows every year. Our Immigration Practice provides free legal assistance to clients who have experienced domestic violence, sex trafficking, labor trafficking, and other forms of gender-based violence as they seek to stabilize their immigration status in the United States. The legal services we provide are especially important for survivors of violence since abusers and traffickers commonly exploit a survivor's lack of status as a powerful way to exercise control.

For the 720 clients we have with ongoing immigration matters, Her Justice lawyers and the pro bono attorneys that provide representation stabilize cases and work with clients to prepare applications. However, the pandemic continues to impact the lives of our staff and clients – especially those with children because regular school and childcare routines have been disrupted. Clients juggling work and childcare often have trouble devoting time and attention to their legal matters, even if those legal matters are critical to their well-being. Yet even in the current public health crisis, when many immigrants are facing great financial harm and working on the frontlines, the U.S. Citizenship and Immigration Services (USCIS) continues to raise barriers to our clients' ability to stabilize their lives and work legally in this country. While the current administration has made strides to reverse the inhumane and punitive policies of the previous administration, the immigration system remains deeply flawed. Changes in immigration policies and news items related to proposed changes in laws (that never come to fruition) cause confusion and fear in immigrant communities. Unauthorized individuals holding themselves out as immigration experts continue to prey on immigrants desperate for lawful status by charging exorbitant fees to file frivolous or incorrect applications that cause more immigration problems for those who are undocumented. The need for free, quality, and culturally and linguistically competent immigration legal services and accurate, accessible information in immigrant communities is critical.



Reaching Vulnerable Immigrants in Community

Her Justice knows that immigrant women, especially survivors of domestic and gender-based violence, are unlikely to reach out for help to the courts, law enforcement or other agencies. The best way to reach these communities, isolated by language and fear, is to partner with trusted community-based offices and nonprofits, most of which do not have staff attorneys, to train staff to identify and refer clients who could benefit from our services, creating a collaboration built on trust and cultural humility. Additionally, through know-your-rights events for immigrant women, we deliver critical legal information directly to those who need it most to clear up confusion and misinformation about U.S. immigration law.

This year, we are expanding our services for trafficking survivors. During the COVID-19 pandemic, New York City's undocumented survivors of domestic violence and sex and labor trafficking faced a crisis within a crisis. The confluence of poverty, immigration status, race, and limited language access, combined with increasing instability and violence against women brought by COVID-19, has led to especially acute conditions for women living in poverty and a desperate need for culturally competent legal services. For women and girls who have been sex trafficked, racially motivated arrests for "prostitution" have led to criminal records that impede stable employment and healing, as survivors must bear the constant stigma of a criminal record and relive their trauma every time they seek new employment. Those who are still being abused and trafficked are now much less likely to leave their traffickers or abusers, especially if they lack access to legal and social services. All the while, ICE deportations continue unabated. Survivors of domestic violence and sex and labor trafficking are in critical need of humanitarian immigration relief. We aim to increase protection for trafficking survivors through the delivery of essential legal services and culturally competent outreach into communities. With the support of a Fellow, funded by Kirkland & Ellis, the initial stage of this work will focus specifically on serving Mandarin-speaking survivors, a historically underserved and often intensely marginalized group. We believe these services will help meet an urgent need and bring attention to an issue that lingers in the shadows.

Advocating for System Reform

In addition to working with individual women in need, Her Justice continues to advocate for reform to the immigration system so that the greatest number of immigrant women can obtain and preserve the best possible status, through a process that prioritizes their safety and dignity. Her Justice is grateful to the Council for continuing to shine a light on the harms facing immigrant New Yorkers who are more vulnerable now than ever and the need for reform.

Access to the courts. During the last several years, we have dedicated significant time and effort to advocating against undue and unfair immigration enforcement actions, including preventing U.S. Immigration and Customs Enforcement (ICE) from making arrests in the courts, which have had a chilling effect on our clients' willingness to seek help. Last year, we were thrilled to witness the passing of the New York State Protect Our Courts Act, which marked significant progress towards the decriminalization of our immigrant communities and making justice accessible to all. It is a key policy position of Her Justice that laws and policies providing relief to survivors of gender-based violence should not require survivors to cooperate with or seek safety from law enforcement to prove their experience of abuse, since survivors seek safety in many ways. In undertaking these efforts, we lift up the need for fair treatment of immigrant New Yorkers and the power of meaningful access to justice and benefits to change lives.



Work authorization and economic stability. The COVID-19 pandemic has shed new light on the role that immigrant workers play in the United States, with immigrants being overrepresented in frontline occupations and many undocumented immigrants in the labor force being classified as essential throughout the pandemic. Yet many work without the legal protections that would match the value of their contributions to the economy. Her Justice is particularly concerned about the delays our clients face in obtaining legal work authorization. The pandemic, combined with chronic under-resourcing of adjudications systems within USCIS cause processing delays that sometimes last five years or more, during which time our clients do not have any immigration relief whatsoever – not even a work permit to support their families.

These delays can lead to our clients' continued employment in unsafe work conditions at wages too low to support their families, and to instability in housing and even safety from intimate partner violence. Moreover, our undocumented clients whose immigration applications are pending for years and who do not yet have employment authorization are ineligible for unemployment insurance benefits. Immigrants who have lost their jobs are reluctant to access benefits and healthcare due to policies like the 2019 "public charge" rule change penalizing some immigrants who used public assistance including Medicaid. While that rule did not apply to our clients – survivors of gender-based violence who obtain status under the Violence Against Women Act – and is in the process of being reversed, it created a "chilling effect" on public benefits and healthcare utilization, putting immigrants' and their families' lives at risk. Her Justice continues to advocate for reforms such as the enhancement of resources for the USCIS to address adjudications backlogs and changes to related policies, for example urging USCIS to automatically extend all work authorizations until the public health crisis is over so that survivors' livelihood and eligibility for benefits (including unemployment insurance benefits) are protected at a time they need this most.

As New Yorkers, we are committed to lifting our community up. There are 3.1 million immigrants living in New York City, and immigrant women represent over half of the clients of Her Justice. When immigrant women are lifted, their children and communities rise with them. We thank the City Council for the support for the essential legal services that we provide to women living in poverty in New York City and your partnership on policy reform to benefit all New Yorkers, and we look forward to continuing to work together to improve the delivery of justice to all.

Respectfully,

Amy Barasch, Esq.

Executive Director, Her Justice

abarasch@herjustice.org



Testimony by Genia Blaser, Supervising Attorney, Immigrant Defense Project

Thank you to Chair Hanif and the Committee on Immigration for holding this hearing and allowing me to provide testimony. My name is Genia Blaser and I'm a Supervising Attorney at the Immigrant Defense Project (IDP). I will be testifying about the critical work of IDP's hotline for detained New Yorkers. We appreciate the opportunity to testify at this Committee's preliminary budget hearing in order to voice our support for the New York Immigrant Family Unity Program (NYIFUP) and Rapid Response Legal Collaborative and to highlight the critical work of IDP's hotline for detained New Yorkers. IDP has submitted an application for Council discretionary funding to support this work. The following is relevant information from our application (reference number 131968).

Mission of the Immigrant Defense Project

The Immigrant Defense Project (IDP) is a non-profit based in New York City that works to secure justice by combatting the criminalization that fuels the deportation of immigrants in the United States. IDP fills a gap as the only organization nationally that is entirely devoted to the intersection of the criminal and immigration systems.

IDP was founded over 20 years ago to address an emerging human rights crisis that followed the passage of harsh immigration laws in 1996. These laws enabled mass detention and deportation, drawing from the racialized and punitive tenets of the War on Crime—mass incarceration, unforgiving sentences, and widespread criminalization.

IDP applies a multi-pronged strategy to apply key interventions at the intersection of the criminal and legal systems. We rely on our hotline, community defense program, and our work with advocates and defenders, to spot trends in immigration policing and other practices. This allows our advocacy to be informed by the most pressing issues and our interventions to be flexible and nimble. Through our policy and litigation work, we challenge unfair laws and policies and narratives that criminalize immigrants. We also provide expert legal advice, training, and resources to immigrants, legal defenders, and grassroots organizations, to support those on the frontlines.

Purpose and Use of Funds Requested

Name of the program:

Immigrant Defense Project: Hotline

Description of the specific programming/services to be funded:

The funds will be used to hire a new staff member responsible for intake and services coordination for immigrant New Yorkers detained outside of the New York City area. The new staff member will work on IDP's hotline which provides information, referrals, and legal analysis to immigrants who have contact with the criminal legal system and/or are arrested by Immigration and Customs Enforcement (ICE). The hotline serves as a vital source of information to immigrants and their families during a time of immense stress, after an unexpected contact with the criminal or immigration system. IDP provides orientation to the criminal and immigration systems, helps families locate loved ones in criminal or ICE custody, and assess the legal needs and options of each individual case. Based on the needs and goals of the individual, IDP staff provide referrals to community-based groups and/or legal services, connect the most vulnerable clients directly with services, and provide legal analysis and consultation. In the past year, IDP's hotline received over 220 calls from New Yorkers ensnared in the criminal legal and immigration systems.

Even with the laws and executive orders New York City has enacted to protect immigrants, they are still arrested in our community by ICE during home raids, workplace raids, and while in public places. Immigrant New Yorkers are increasingly at risk of being detained far from their home and community because ICE uses a variety of jail facilities across the country, including county jails, private prisons, and federal detention centers to hold detained immigrants. Despite an ICE policy, which encourages officers to detain individuals near the place of arrest, in New York City immigrants currently have no right to be detained near their residence or place of arrest. In addition, the immigration detention "bed space" in the New York City areas has dramatically declined recently as a result of a New Jersey law restricting county jail contracts with ICE. This has meant that New Yorkers arrested by ICE are being detained outside of the New York City area, often as far away as Louisiana, Texas, and Alabama. Immigrants lose access to New York's universal representation program for detained immigrants, the New York Immigrant Family Unity Program (NYIFUP). They also lose connection to their local support systems. In the past, the loved ones of detained immigrants could visit nearby detention centers using public transportation, taxis, or a short car ride, they could talk to local lawyers to help prepare for their loved one's immigrant case, and attend hearings in person to provide support and testimony. Due to the closure of immigration detention spaces in New Jersey, detained immigrant New Yorkers are even more isolated and disconnected from their support systems and resources than before. Loved ones are often unable to visit detention centers in other parts of the country due to financial constraints, employment and childcare obligations. Further, for undocumented people, there is an increased risk in other parts of the country that they themselves will be arrested by ICE during a routine traffic stop.

Detained immigrants often lack any connection to their place of detention and their families struggle to connect with reputable organizations and attorneys near the place of detention who can help them. IDP will use the requested funds to hire an intake and services coordinator who will be responsible for connecting the families of immigrant New Yorkers who are held outside of the New York City area with resources and information. They will form new working relationships with community-based organizations and legal service providers that work with people detained in other parts of the country. The

legal service providers outside of New York City will likely be unable to connect immigrant families with local wrap-around services. Our coordinator will build connections with service providers in New York City so IDP staff can help families address loss of income, housing, healthcare, and other necessities. The coordinator will also help facilitate referrals to services and with legal service providers in New York City who can represent individuals in other parts of the country. This IDP staffer will provide a vital link between immigrant families in New York City and the service providers who can help detained New Yorkers in other parts of the U.S. In addition, the new intake and services coordinator will be responsible for identifying and tracking information about the impacted population and successful interventions to share with other immigrant service providers in New York City.

When the program will operate:

IDP's hotline has been in operation since 1997. It currently operates during normal business hours Monday through Friday. In the past when there has been significant ICE policing activity in New York City, IDP has staffed the hotline on weekends as well.

Target population to be served:

The IDP hotline serves immigrants and their loved ones. The large majority of calls are from individuals living or working in New York City whose lives are upended by a criminal or immigration arrest. In addition to families, we are contacted by neighbors, employers and co-workers, religious groups, teachers, elected representatives and others with deep ties to immigrant New Yorkers trying to understand how to help a community member in the wake of an arrest.

Geographic Area served:

The IDP hotline serves community members citywide. While our hotline services are open to anyone in the U.S, the majority of calls from community members in the last year were from individuals either living in or with ties to New York City.

Brief description of the staffing for the program:

The proposed funding would be used to hire an intake and services coordinator, who would conduct intakes and coordinate services with organizations serving people in ICE detention outside of the New York City area. Currently, the IDP hotline is staffed by a paralegal who is responsible for all intakes in addition to resource creation, ICE raids tracking, and data management related to individual cases. In addition, every Staff Attorney and Senior Staff Attorney at IDP works with callers when case analysis or placement for post-conviction relief is identified as a need. The hotline is supervised by a Supervising Attorney and the Director of Legal Support and Resources.

Description of the community benefit of the program and services that is being considered for funding:

The IDP hotline provides New Yorkers with access to expert navigators and lawyers so that immigrants can regain their liberty and win their immigration cases after an arrest. Our program quickly and efficiently connects immigrants with legal services, minimizing the harmful impacts of detention that disrupts family life and can result in loss of employment, personal trauma, and other hardships. We connect immigrant community members with free legal services and inform and empower them to evaluate private attorneys. Research has shown that having counsel greatly increases the chance a person

will be released from detention and win their deportation case. A study of New York's universal Immigration Court representation program by the Vera Institute of Justice projected 48% of immigrants with attorneys would have successful case outcomes, compared to an only 4% success rate for unrepresented people before the program began. The Vera study showed that with an attorney 49% of people were ordered released on bond compared to 25% of unrepresented people at similar courts. When an immigrant is detained far from New York City, navigating the complex immigration system can be time consuming, expensive, and frustrating. The IDP hotline provides an orientation to the system, analysis of legal options, and referrals to reputable legal services to mitigate the stress and hardship of ICE policing for New York families.

Description of what the organization does and plans to do that invite the community:

Community members can access IDP hotline services by calling our hotline number (212-725-6422) or emailing us at info@immdefense.org. Instructions about contacting the hotline are available on our website in English and Spanish. In addition, IDP's website also has several webforms and contact forms, while none of these forms is set up specifically for community members, when community members fill them out, we re-route that inquiry to our hotline services.

IDP's hotline number and email address have been the same for over 10 years and are known to many of our partners working directly with New York City's immigrant communities. Community based organizations, public defenders and other legal service providers, elected officials, and others in New York City refer community members to IDP. Institutions within the community help establish IDP's credibility as a high quality provider with community members in a field in which the quality of advice and services available varies widely. IDP frequently works with these institutions to increase capacity to identify and work with immigrants who have contact with the criminal legal system by conducting training for advocates and providing resources about legal developments and ICE policing trends.

Address of the location/site where the programming/services are offered:

IDP provides its hotline services by phone. Our staff have access to phone, video conference, and text message to communicate with callers. In the event that we need to meet with a client, we have office and conference rooms available in Manhattan and Brooklyn through a co-working space.

Fees:

There is no fee for the services IDP provides.



**New York City Council Committee on Immigration
March 14, 2022, Preliminary Budget Hearing
Testimony of Alli Finn, Senior Researcher, Immigrant Defense Project**

Thank you to Committee Chair Hanif and to the members of the committee for holding this hearing and allowing the public to comment on the budget needs and policy priorities of MOIA and Council initiatives. I’m here on behalf of the Immigrant Defense Project (IDP) to speak about the importance of maintaining the IDNYC program—and protecting it against attempts to add a smart chip or digitize its service, which would have dire consequences for immigrants and other communities. IDP is a New York-based nonprofit that works to secure fairness and justice for all immigrants by focusing on the rights of those caught at the intersections of the racially biased criminal and immigration legal systems. I’m testifying as part of IDP’s Surveillance, Tech and Immigration Policing Project, which challenges the role that technology can play in reinforcing inequity and undermining local governance.

In 2019, we testified in front of this committee, along with numerous other advocates, to express our grave concerns with a then-active proposal to add a smart chip to the IDNYC. The previous year, the de Blasio administration solicited proposals from financial firms to digitize multiple functions of the IDNYC, which would have allowed cardholders to load funds onto their IDNYC cards, make payments to private vendors, and enable “integrations with public and private partners, such as the MTA’s planned contactless fare payment system and NYC Health + Hospital medical records.”¹ IDP, and many other organizations who were key to the success of IDNYC and its implementation, spoke out against this plan, citing unacceptable risks around privacy, surveillance, and financial equity. 65 community, labor, immigrant, civil rights, legal services, and economic justice organizations signed a letter to then-Mayor de Blasio expressing united opposition to the plan.²

The current status of a plan to digitize the IDNYC is unknown, but we are deeply concerned about Mayor Adams’ campaign statements to “enhance” the IDNYC program and digitize city services. In these campaign materials about IDNYC,³ Adams stated he aims to establish “an improved MyCity platform that provides direct connection to social services through a single portal,” including SNAP and other city services and benefits. The campaign materials also stated he would pursue a “chip-enabled City ID” for residents to use for interactions with city agencies and access a bank account. While the Mayor framed this plan as one of convenience and modernization, digitizing or adding a smart chip to IDNYC poses monumental risks for a wide range of New Yorkers, as advocates including IDP and the NYC Municipal ID Coalition have been saying since 2014. We encourage the Committee and Council to stand firm against any digitization of IDNYC now and in the future.

¹ <https://tech.cityofnewyork.us/wp-content/uploads/2018/06/IDNYC-Smart-Chip-RFI-1.pdf>

² <https://www.neweconomynewyork.org/resource/letter-to-mayor-bill-de-blasio-on-proposal-to-add-financial-technology-to-idnyc-cards/>; <https://www.immigrantdefenseproject.org/wp-content/uploads/10-2-19-updated-letter-re-IDNYC-1.pdf>

³ <https://web.archive.org/web/20211215222159/https://ericadams2021.net/wp-content/uploads/2021/06/510477583-WeRISE.pdf>

We also ask the city to involve stakeholders at the start of any proposal to change the IDNYC. The 2018 proposal to digitize the IDNYC was shrouded in secrecy—it moved forward in the procurement process without getting input from the very advocates who were critical partners in the development of the ID in 2014.⁴ These proposals to digitize city services, adopt data-driven technologies, and establish “smart-city” public-private partnerships have significant consequences for New Yorkers, and should not move forward to even the RFI stage without adequate input from key stakeholders. For any proposal to digitize the IDNYC and include a financial services feature, it would be critical to get input from those stakeholders committed to financial equity and to protecting New Yorkers from all forms of policing, rather than from corporate stakeholders. The success of the IDNYC program to date is in no small part attributable to many of community-based organizations that have built trust, dispelled myths, and engaged in culturally and linguistically competent outreach to their communities.

We encourage the city to uphold the Municipal ID Coalition’s central principles that guided the implementation of the IDNYC: to protect the privacy and security of cardholders, and to provide a uniquely protected state-issued ID card for those who were vulnerable as they often faced obstacles in acquiring an ID—namely the homeless, formerly incarcerated people, gender non-conforming people, youth, and undocumented immigrants.

While its proponents claim that digital IDs solve a range of problems, in reality they raise alarming concerns around data collection and access, and have been shown to exacerbate harms to the very communities they seek to support. These dangers are well documented and include:

1. **Increasing surveillance, monitoring, policing, and data collection without consent** on Black, brown, and immigrant communities already subject to discriminatory policing and invasive surveillance.
2. **Excluding residents from key city services**, which occurs especially when cities mandate that people use a digitized service in order to access benefits or resources. People with disabilities, elders, and low-income communities are often left out.
3. **Exposing governments and residents to massive data breaches** from hacks, as well as data sharing and misuse by third-party companies.
4. **Reducing needed resources for community-led initiatives and long-term urban planning, and instead channeling funds into business-led technology interventions** that make big promises, but don’t provide solutions.

We have attached our referenced 2019 letter to the Mayor, which additionally CC’d the Council, as well as key City offices and agencies which must be accountable to these concerns, including MOIA, HRA, and DCWP. The letter expressed these 65 organizations’ “united and unqualified opposition to the administration’s plan to add financial technology and a host of integrations” to IDNYC and stated *“Even if well-intended, connecting this kind of technology and data to vulnerable New Yorkers’ identification cards would expose people to serious risks -- including dangerous experimentation or misuse by current or future administrations and private vendors -- that far outweigh any potential benefits.”* We have also attached 2019 testimony from IDP Deputy Director Mizue Aizeki,⁵ which explains the dangers we highlighted today in greater

⁴ <https://www.immigrantdefenseproject.org/wp-content/uploads/smart-city-digital-id-products.pdf>

⁵ <https://www.immigrantdefenseproject.org/wp-content/uploads/IDNYC-testimony-NYC-Council-10022019.pdf>

detail. All the concerns raised in 2014 and 2019 still hold, and are now even more urgent, as the COVID pandemic has fueled further digitization of city and private services, and their risks.

As we have stated for years, we need to preserve the IDNYC as is. There is no other government-issued ID that offers the same level of protection for undocumented immigrants from potential intrusion from police, Immigration and Customs Enforcement (ICE), or other entities. Also, we should not rely on tech- solutions to serve as a quick “fix” to deep-seated problems. As IDP Deputy Director Mizue Aizeki testified in 2019, *“It is time to close the chapter on this proposed modification of the IDNYC to allow the space for the necessary stakeholders to fully engage the City’s goal of maximizing financial inclusion.”* Digitization of the IDNYC would not only risk New Yorkers’ lives and livelihoods and torpedo the founding principles of the program, but it prevents needed focus and investment in long-term, community-based solutions to systemic inequities.

During the previous presidential administration, we were acutely aware of the importance of exercising as much caution as possible to protect immigrants from surveillance and data sharing. We must remain vigilant. Tech corporations play an increasing role in supporting the work of ICE—they provide critical data and investigative services that enable the agency to target immigrants at their homes and on the street, as well as facial recognition and electronic tracking technology. We cannot get too comfortable and relax our guard. We urge the Council, as well as MOIA and other relevant Mayor’s Offices and City agencies to refuse digitization of IDNYC, and to refute claims that digitization is a needed way to cover the program’s costs or ensure its sustainability. We also cannot stress enough the critical importance of engaging community-based organizations and advocates early regarding any proposed changes to IDNYC, and at the front end of any process to digitize city services or pursue smart-city initiatives.

September 12, 2019

[Resubmitted on October 2, 2019 with additional signatories.]

Mayor Bill de Blasio
City Hall
New York, NY 10007

Dear Mayor de Blasio:

The undersigned community, labor, immigrant, civil rights, legal services, and economic justice organizations write to express our united and unqualified opposition to the administration's plan to add financial technology and a host of integrations to NYC's municipal identification (IDNYC) cards, which are held by more than 1.2 million New Yorkers.

We call on you to halt the City's pursuit of this dangerous, corporate-driven plan, which threatens to erode public confidence in IDNYC and expose cardholders -- particularly immigrant New Yorkers -- to serious privacy, surveillance, consumer protection, and other unwarranted risks. These very real risks far outweigh any purported benefits the plan would provide to New Yorkers.

Our organizations include leading members of the coalition that worked to design, promote, and help launch IDNYC in 2015. Collectively, we represent hundreds of thousands of low-income, immigrant, senior, homeless, and other New Yorkers who have benefited tremendously from IDNYC. Our opposition to the proposed IDNYC changes is rooted in our desire to protect the integrity of this vital program, and in our decades of work and expertise on privacy, consumer protection, immigration, financial services, federal surveillance, deportation and other relevant matters. Over the past year, many of our organizations have communicated our detailed concerns and steady opposition to this plan. We have participated in phone and in-person meetings with your administration, testified at a City Council IDNYC oversight hearing, submitted detailed memos, engaged community members, and consulted with national experts who have affirmed our assessments of the vast risks to which the proposal would expose the very New Yorkers that IDNYC is intended to support.

Last year, your administration began soliciting proposals from financial firms to host an EMV/RFID "smart chip" on IDNYC cards. According to the solicitation, the chip would allow cardholders to load funds onto their IDNYC cards, make payments to private vendors, and enable "integrations with public and private partners, such as the MTA's planned contactless fare payment system and NYC Health + Hospitals medical records."

If implemented, the proposed changes to IDNYC would facilitate unprecedented, wide-scale data collection about New Yorkers' travel, spending, and other activities. Indeed, administration officials have spoken publicly about their express interest in generating "big data" and revenue through IDNYC cards equipped with smart chips. Even if well-intended, connecting this kind of technology and data to vulnerable New Yorkers' identification cards would expose people to serious risks -- including dangerous experimentation or misuse by current or future administrations and private vendors -- that far outweigh any potential benefits. These risks are particularly heightened given the Trump administration's escalating attacks on immigrant communities.

The administration has asserted that an IDNYC-financial technology (fintech) partnership would “eliminate banking deserts.” This is false. Fintech companies are not banks. They do not provide branches and personnel that customers can readily access. They do not have legal obligations to reinvest in communities. And they are not subject to the strong, uniform federal regulations and consumer protections that govern banks and credit unions. Moreover, the fintech industry is notorious for data breaches and a business model that relies on the collection and sale of people’s personal data. By steering undocumented and low income New Yorkers to these entities, the City would be perpetuating, not resolving, inequality in our banking system and potentially facilitating IDNYC cardholders’ exploitation.

According to the City’s own research, IDNYC cardholders want access to actual banks and credit unions. In fact, more than 9,000 people used IDNYC successfully to open bank and credit union accounts in the program’s first year. The same research found that the top reason New Yorkers hesitated to get an IDNYC card was the concern that it was being used to monitor people. IDNYC cardholders simply are not clamoring for the type of “banking solution” that this proposal would advance. Recently, immigrant communities won passage of NYS Green Light legislation, which will allow undocumented New Yorkers to obtain driver licenses; this will go far to expand equitable and safe banking access for hundreds of thousands of New Yorkers.

The IDNYC fintech proposal is neither progressive nor effective. NYC is home to a robust landscape of nonprofit economic justice and immigrant rights activists; community reinvestment and fair lending advocates; consumer law attorneys; community development financial institutions; and many others that are eager to work with your administration to advance truly progressive solutions to bank redlining and economic inequality.

IDNYC was created for -- and must continue to prioritize the safety of -- undocumented, homeless, and other New Yorkers who, more than ever, face real privacy and surveillance risks. The proposed changes to IDNYC are antithetical to the program’s original purpose and scope, and would expose New Yorkers to unprecedented risks at a time when they can least afford to be subjects of such experimentation. For the security and stability of our communities, we call on you to ensure that this exploration comes to an end.

For further information, please feel free to contact Mizue Aizeki, Deputy Director, Immigrant Defense Project (maizeki@immigrantdefenseproject.org); Natalia Aristizabal, Co-Director of Organizing, Make the Road New York (natalia.aristizabal@maketheroadny.org); Deyanira Del Rio, Co-Director, New Economy Project (dey@neweconomynyc.org); Betsy Plum, Vice President of Policy, New York Immigration Coalition (eplum@nyic.org); or Daniel Schwarz, Privacy & Technology Strategist, New York Civil Liberties Union (dschwarz@nyclu.org).

Signed,

African Communities Together
ALIGN
Arab American Association of New York
Association for Neighborhood and Housing Development
The Black Institute
Brandworkers
Brooklyn Cooperative Federal Credit Union
Brooklyn Defender Services
Cabrini Immigrant Services of NYC, Inc.

CASA – New Settlement Apartments
Center for Family Life in Sunset Park
Chinese Progressive Association
Citizen Action - NYC
Common Cause/NY
Community Solutions
Cooper Square Community Land Trust
District Council 37
DRUM – Desis Rising Up & Moving
East Harlem-EI Barrio Community Land Trust
Families for Freedom
Frank Pasquale, author of *The Black Box Society*
Freedom to Thrive
GOLES
Green Worker Cooperatives
Housing Court Answers
Immigrant Defense Project
Inclusiv
Interfaith Center on Corporate Responsibility
Justice For Our Neighbors
LatinoJustice PRLDEF
The Legal Aid Society
Legal Services Staff Association, NOLSW/UAW 2320
Lower East Side People's Federal Credit Union
Make the Road New York
Men Talk
MinKwon Center for Community Action
Mixteca Organization, Inc.
Mobilization for Justice, Inc.
National Center for Law and Economic Justice
Neighborhood Defender Service
New Economy Project
New Immigrant Community Empowerment
New Sanctuary Coalition
New York Civil Liberties Union
New York Communities for Change
New York Immigration Coalition
New York State Youth Leadership Council
NYC Network of Worker Cooperatives
Pan-African Community Development Initiative
Peter Cicchino Youth Project of the Urban Justice Center
Queens Law Associates
Red de Pueblos Transnacionales
SEIU 32BJ
South Bronx Unite
S.T.O.P. - Surveillance Technology Oversight Project
TakeRoot Justice
UAW Region 9a New York Area CAP Council
UHAB

UnLocal, Inc.
Upturn
Violence Intervention Program, Inc.
Volunteers of Legal Service
The Working World
Worth Rises
Youth Represent

cc:

NYC Council Speaker Corey Johnson
NYC Council Member Carlos Menchaca
NYC Council Member Daniel Dromm
Commissioner Steven Banks, Human Resources Administration
Commissioner Bitta Mostofi, Mayor's Office of Immigrant Affairs
Laura Negrón, Chief Privacy Officer for the City of New York
Commissioner Lorelei Salas, Department of Consumer and Worker Protection
J. Phillip Thompson, Deputy Mayor for Strategic Initiatives



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**New York City Council Committee on Immigration
October 2, 2019 Hearing re: INT 1706
Testimony of Mizue Aizeki, Deputy Director, Immigrant Defense Project**

Int 1706 - In relation to prohibiting a smart chip from being added to New York City identity card.

Thank you to the Committee for holding this public hearing and for allowing the public the opportunity to address our deep concerns and opposition to the De Blasio administration's proposal to integrate multiple functions into the IDNYC. The Immigrant Defense Project (IDP) is a New York-based nonprofit that works to secure fairness and justice for all immigrants by focusing on the rights of those caught at the intersection of the criminal justice system and the immigration system.

IDP is part of the NYC Municipal ID Coalition that worked in 2014 with the New York City Council and the administration for a municipal ID that would ensure equal access to services and protections for all New Yorkers. A central principle of this coalition was protecting the privacy and security of cardholders, and to provide a uniquely protected state-issued ID card for those who were vulnerable as they often faced obstacles in acquiring one—namely the homeless, formerly incarcerated people, gender non-conforming people, youth and undocumented immigrants. This card would provide some protection from being brought into the precinct to those who were subject to frequent interaction with the NYPD and the City committed to not retaining the underlying documents used to acquire a card in 2016.

The administration has stated that the primary features they are exploring to be enabled by a chip is the contactless MTA fare system and to some form of access to financial services. To be clear, striving for equal and efficient access to public transportation and solutions to achieve economic justice are critical and must be explored. Once again, we are here to reiterate that the addition of these functions to the IDNYC is, clearly, not the solution.

In early January, we sent a memo to the administration and a sign on letter outlining our concerns and requesting responses to key privacy, security, and financial questions. In February, we presented testimony to this committee that covered many of the key concerns with the City's "smart chip proposal" and also submitted a narrower set of questions to the City. In April we sent an even narrower set of questions to the administration. These questions remained unanswered. Today we submit a letter signed by 65 organizations—including community, labor, immigrant, civil rights, legal services, and economic justice organizations—expressing "united and unqualified opposition to the administration's plan to add financial technology and a host of integrations to NYC's municipal identification (IDNYC) cards, which are held by more than 1.2 million New Yorkers."

I have attached my prior testimony and the January memo, and summarize some key points below:

- It remains a central principle to our vision for the IDNYC that New Yorkers and their personal information should be kept safe from discriminatory local and federal policing, as well as from surveillance.
- The tools of police and ICE surveillance, as well as the scale of the state's efforts to identify and track people, have grown immensely over the past 15 years. ICE has repeatedly made clear that NYC is a primary target for ICE policing because it has passed laws to protect people from being turned over to immigration.¹ Data collection and analysis is central to ICE's ability to identify and track immigrants. ICE relies on data gathered by a wide array of government and private sources. Increasingly, data collection and analysis is also central to the profit-driven strategy of corporations including the financial technological sector.² The increased state interest and investment in surveillance, combined with the corporate drive to collect and share data as a key source of profit, is one of our key concerns about the IDNYC smart chip proposal. ICE currently relies on a data analysis system developed by Palantir that allows the agency to quickly analyze vast quantities of data collected by private and state entities. Health insurance companies deny coverage or increase rates based on gathering "lifestyle" data.³ Globally, police regularly access smartcard data from transit usage.⁴
- Privacy and security experts that we have consulted with have highlighted a few other key concerns with this proposal: creating multiple datasets tied to the ID, narrowing the pool of IDNYC cardholders by offering and/or requiring services that are most likely to be used by people without other options makes it easier to deanonymize the data, and the "function creep"--the gradual widening of uses beyond its original stated purpose--associated with ID integrations. As stated in my February 11, 2019 testimony, examples have shown that once implemented,

¹ Beth Fertig, "ICE Complains About NY's Sanctuary Policies After Making 82 Arrests," *The Gothamist*, September 27, 2019. <https://gothamist.com/news/ice-complains-about-nys-sanctuary-city-policies-after-making-82-arrests>; Chantal da Silva, "ICE Blames New York's Sanctuary Policies For Crackdown Led to 225 Arrests," *Newsweek*, April 19, 2018. <https://www.newsweek.com/ice-blame-new-yorks-sanctuary-policies-crackdown-led-225-arrests-892533>

² <https://www.theverge.com/2018/8/30/17801880/google-mastercard-data-online-ads-offline-purchase-history-privacy>

³ Marshall Allen, "Health care insurers are vacuuming up details about you -- and it could raise your rates," *ProPublica*, April 17, 2018. https://www.propublica.org/article/health-insurers-are-vacuuming-up-details-about-you-and-it-could-raise-your-rates?utm_campaign=sprout&utm_medium=social&utm_source=facebook&utm_content=1531834045

⁴ <http://www.tfm.org.au/wp-content/uploads/2016/06/TTF-Smartcard-Ticketing-On-Public-Transport-2010.pdf>; "Personal data disclosure to police and other law enforcement agencies," March 14, 2017, <http://content.tfl.gov.uk/aac-20170314-part-1-item15-personal-data-disclosure.pdf>; <https://www.theguardian.com/government-computing-network/2012/feb/09/met-police-oyster-card-data-requests-tfl>

the ID begins to be used in an increasing range of functions which not only makes the ID a source of more and more data for both the public and private sector but also potentially forces residents to get an ID in order to access services.

We have had numerous meetings, submitted memos, presented our research that we've gathered from consulting with numerous experts, yet many of the questions we have raised with the administration about privacy, data collection, police access to this data, and how the financial inclusion will work remain unanswered. For many of these questions, we have been given no clear answer because 'this' is still in the exploratory phase, or because of procurement rules. We have received no clear answer about whether or not data will be collected. We have received no clear answer whether or not data will be collected. We have received no clear answer as to whether or not NYPD or ICE or other state or private interests would be able to access data collected by a third party vendor. We have not received a clear explanation of how any of this will work to alleviate poverty and protect privacy and security nor the role of outside vendors in shaping it.

The addition of a chip towards “financial inclusion” has repeatedly been framed by the administration as a proposal that comes out of the community, with a singular purpose of improving the lives of New Yorkers. Yet it is no secret that financial corporations like MasterCard have an interest in this proposal. Mastercard has named “financial inclusion” as a fundamental component of its strategic plan for increasing profits. A centerpiece of this includes moving towards a cashless society—with a key tactic being the integration of their services with mass transit systems, pushing their financial services into the hands of low-income people. In fact, shortly after joining the De Blasio Administration, the former CTO of New York City launched NYCx, which issued the IDNYC RFEI. Today, he works for Mastercard as the Executive Vice President of Global Cities.⁵ There he is to play a lead role “in scaling of urban tech solutions pioneered by Mastercard.”⁶

⁵ <https://www.govtech.com/people/New-York-City-CTO-Miguel-Gamino-Departs-for-Private-Sector.html>;
<https://www.linkedin.com/pulse/idnyc-gateway-financial-inclusion-all-new-yorkers-youssef-kalad>

⁶ <https://newsroom.mastercard.com/press-releases/miguel-gamino-jr-joins-mastercard-as-executive-vice-president-for-global-cities/>; Cesar Espinoza, VP for Government and Development in Latin America, MasterCard: “It is MasterCard’s global vision to go after cash. Cash is actually our biggest competitor in Latin America, cause it is like 85% of transactions that people make, at least in Latin America are cash-based...What we want is more MasterCard cards in the market, that is what we want. We are going to bring more cards into the market, using transportation as an excuse...So what we are getting in return, for the more the card is used, if it’s used in the restaurant, pharmacy, at the supermarket, that is our business model. We make money out of that transaction.” Cesar Espinoza, VP, Business Development at Mastercard, Ali Withers, “Mastercard Targets Mexico City Where Cash is King,” Bloomberg Businessweek, August 16, 2017; <https://www.bloomberg.com/news/articles/2017-08-16/mastercard-targets-mexico-city-where-cash-is-king>

Launched in 2017, a Mexico MasterCard financial inclusion initiative linked to transit has been riddled with problems. The Mastercard licensee that issues the card, Broxel, is very poorly regulated and has disastrous customer service. It freezes cash balances on the metro card above 15,000 pesos (less than 1,000 USD) and doesn't allow cardholders to transfer money until they sign a contract with the company for a "premium" account. The metro card can be used as a credit card, for which Broxel charges a real interest rate (CAT, a standardized Mex. gov't measurement) of 97%.⁷

While companies like Mastercard insist that they value privacy and financial solutions for the most economically marginalized people, a growing part of their business model is not only expanding the use of credit cards but also the collection and sharing of data.⁸ The Electronic Privacy Information Center (EPIC) filed a complaint with the U.S. Federal Trade Commission over Mastercard's data sharing agreement with Google.⁹ A MasterCard led collaboration between Microsoft, called City Possible, outlined in a white paper the key elements of an initiative that, contrary to the stated objectives of the IDNYC program, looks to integrate staggeringly large sets of consumer data compiled from MasterCard's "more than 160 million transactions every hour all over the world" to "take the byproduct of those transactions" and, "by combining insights from how consumers shop, travel, and interact with services," help governments become more "efficient and productive."¹⁰ Is this where we are leading the IDNYC program?

Because of the conflicting information that we have received, the lack of transparency surrounding this proposal, and the evident corporate motivation for this pathway, and the broad community concern, it is not possible to have confidence that the privacy, security and economic justice of New Yorkers is at the core of this proposed integration.

As I mentioned in my previous testimony, "No other municipal ID program in the U.S. has implemented the kind of technology and integration that NYC is now considering. Chicago opted for minimal data retention with their municipal ID card—in addition to not retaining any supporting documents, the system does not retain names or addresses. The transit card function to Chicago's municipal ID is completely optional, as the City

⁷ "The average, that is to say, the approximate real cost that the client will end up paying for a credit or a credit card, including interests and commissions, is 97.1% without tax. For example, if you solicit a credit of 10,000 pesos with Broxel, what the client will end up paying, in addition to the 10,000 pesos, are 9,700 extra pesos." <https://www.rindocumentos.org/reportajes/2019/05/15/creditos-vales-comerciales-y-multinivel-la-red-detras-de-las-tarjetas-del-metro/#sdfootnote4sym>

⁸ MasterCard, "City Possible: Using Data to Create New Opportunities," white paper downloadable at: <https://partners.mastercard.com/en-us/welcome-to-the-city-possible/?Channel=Quartz&Marketer=MasterCard&TestControl=0&AdCreative=Bulletin2>

⁹ Mark Bergen and Jennifer Surane, "Google and Mastercard cut a secret ad deal to track retail sales," Bloomberg, August 30, 2018, <https://www.bloomberg.com/news/articles/2018-08-30/google-and-mastercard-cut-a-secret-addeal-to-track-retail-sales>.

¹⁰ MasterCard, "City Possible: Using Data to Create New Opportunities," white paper downloadable at: <https://partners.mastercard.com/en-us/welcome-to-the-city-possible/?Channel=Quartz&Marketer=MasterCard&TestControl=0&AdCreative=Bulletin2>.

offers metro cards that are not linked to the ID. Also, Chicago decided against including a financial services function to their municipal ID due to concerns about data collection, as well as the exorbitant fees typically charged by the financial services providers.” Chicago took these steps to provide maximum protection to the rights of those for whom their municipal ID was intended for--similar to the IDNYC, some of the most vulnerable residents of their City.

What we have repeatedly urged the administration to consider and stated quite clearly in a meeting earlier this week, is that we need to preserve the IDNYC as is. There is no other government-issued ID that offers the same level of protection for undocumented immigrants from potential intrusion from police, ICE or other entities. It is time to close the chapter on this proposed modification of the IDNYC to allow the space for the necessary stakeholders to fully engage the City’s goal of maximizing financial inclusion.

I will leave it to the financial equity and economic justice experts to explore those possibilities with the administration. But from the position of an organization whose goal is to provide maximum protection for immigrants during a time of increasing hostility and the constantly growing engagement of the tech industry in the surveillance and policing state, it is clear that the correct path is not to give financial corporations more power and information on us than they already have.¹¹ In conversations with economic justice advocates, it is clear that a positive step towards financial inclusion must include fighting for banking options that are invested in the public good--and are transparent with their business strategies and handling of our data. We need an equitable consumer banking system: we need publicly-owned banks that are democratically controlled and regulated like a public utility. We need financial cooperatives that are driven by mission rather than the profit motive, and we must ensure that underbanked populations in our communities can access the services they need without fear of their data being collected to be used against them or monetized.

¹¹ Mijente, Immigrant Defense Project, and the National Immigration Project of the National Lawyers’ Guild. *Who’s Behind ICE: The Tech and Data Corporations Fueling Deportation*. October 2018
<https://mijente.net/2018/10/23/whos-behind-ice-the-tech-companies-fueling-deportations/>

My name is Wendy Arimah Berot. I am the Manager of Special Project at Jamaica Center for Arts and Learning. Although my first and last names are on my birth certificate, my chosen middle name "Arimah," an Amerindian word meaning "water". In Arabic, it translates to "soul". I was born in Arima, Trinidad, and chose this name to remind me of my roots and to honor my ancestors. Thank you for allowing my testimony.

As a woman straddling almost all the letters in the BIPOC acronym, I understand the need for Arts programs geared toward my people. As an Arts administrator in an immigrant-rich community, I believe it's critical that we see images of ourselves in artistic expression. This is why Jamaica Center for Arts and Learning created Building Equity for BIPOC Artists. It's a program dedicated to researching, engaging, and promoting underrepresented artists in Southeast Queens, and to providing greater access for audiences to see and to experience their work.

Building Equity's 22-member Advisory Council includes a wide spectrum of cultures, disciplines and customs. Of the 22 members, just 5 are not of immigrant families themselves. They speak Bangladeshi, Hindi, Haitian Creole, Spanish, Cantonese and much more. Our first in-person project was in 2020; online projects during COVID have now generated over 27,000 views. JCAL not only sees a need to link immigrant populations to arts and culture, it's also part of our mission to do it every day. Thank you.



Literacy Assistance Center

**New York City Council Committee on Immigration
Honorable Shahana Hanif, Chair**

**Preliminary Budget Hearing
March 14, 2022**

Testimony of Ira Yankwitt, Literacy Assistance Center

Thank you, Chair Hanif, for the opportunity to testify. My name is Ira Yankwitt, and I am the Executive Director of the Literacy Assistance Center (LAC), a 39-year-old not-for-profit organization dedicated to strengthening and expanding the adult education system and to advancing adult literacy as a core value in our society and a foundation for equal opportunity and social justice. The LAC is a proud member of the New York City Coalition for Adult Literacy (NYCCAL), a coalition comprised of adult literacy teachers, program managers, students, and allies from over 40 community-based organizations, CUNY campuses, and library programs across the five boroughs.

As you know, currently, there are more than 2.2 million adults in New York City with limited English proficiency or who lack a high school diploma. Many of these New Yorkers have been on the frontlines of the pandemic, performing the essential work that has been sustaining our communities – as grocery workers, delivery workers, home care workers, and parents. Others are service workers and domestic workers who lost their jobs and incomes and have faced a harsh reality with little or no safety net. While adult literacy education is only one part of the solution, it is essential to a fair, just, and sustainable recovery.

Adult literacy education is an immigrant rights issue, a feminist issue, a racial justice issue, and an issue of educational justice. The majority of adults in NYC with limited literacy skills are women and people of color. Over 75% are immigrants, including many who are

undocumented. Others are BIPOC who were born in the US and underserved by the public school system. According to the most recent census, 30% of all parents in New York City have limited English proficiency, and, for immigrant parents, that number is 52%. Adult literacy education can provide the foundation for greater security and autonomy, as well as the tools to access, navigate, analyze – and ultimately transform – social, political, and economic systems and conditions.

When it comes to city and state funding for adult literacy education, there are three fundamental challenges:

- 1) Combined city and state funding is so limited that fewer than 4% of the 2.2 million adults who could benefit from adult basic education, high school equivalency, or English for Speakers of Other Languages (ESOL) classes are able to access seats in any given year.
- 2) The level of investment per student is so low that programs are unable to provide the full range supports, services, and resources that students need and deserve.
- 3) Funding places such an emphasis on increasing test scores, accruing credentials, and achieving workforce outcomes that it fails to recognize and honor the full breadth of students' goals and the myriad ways that programs work to build the collective power of individuals, families, and communities.

Last year, the City Council made great strides in addressing these issues by pushing then-Mayor de Blasio to baseline \$8 million in year-to-year funding for adult literacy education, creating a total of \$13.5 million in baselined funds, and by allocating \$2.5 million of Council Discretionary funding to a first-of-its-kind pilot project that provided 20 programs with between \$70,000 and \$150,000 of additional funds to invest in full-time teachers, counselors, expanded student support services, professional development and planning time for staff, and upgrades to technology to support digital literacy development. The pilot also recognized and encouraged a

broader range of outcomes, including support for health literacy, financial literacy, immigrant rights, workers' rights, housing advocacy, culturally responsive education, and student leadership development.

Higher levels of literacy are associated with greater health knowledge, use of healthcare services, and the ability to manage chronic health conditions and communicate with healthcare providers. Moreover, according to the National Institutes for Health, “a mother's reading skill is the greatest determinant of her children’s future academic success, outweighing other factors, such as neighborhood and family income.”

In addition, we know that greater levels of literacy can lead to greater economic security for individuals and families. A national study from Gallup shows that the average annual income of adults who reach the minimum level of proficiency in literacy (level 3 on the international PIAAC assessment) is nearly \$63,000, substantially higher than the average of \$48,000 earned by adults who score just below proficiency (level 2), and much higher than those at low levels of literacy (levels 0-1), who earn just over \$34,000 on average. Yet, in parts of New York City, well over 50% of adults fall below level 3: In the Bronx, 81% of adults are below level 3 and 50% are at or below level 1 in reading. Similarly, census data show that median wages for adults with a high school diploma or its equivalent are 24% greater than for those without a diploma; and immigrants who speak English “very well” are half as likely to live in poverty as those who do not.

Increased literacy not only benefits individuals, it also drives broader economic growth. The same Gallup study finds that “getting all U.S. adults to at least a Level 3 literacy proficiency would generate an additional \$2.2 trillion in annual income for the country,” and that large cities like New York would see a 10% increase in gross domestic product.

Clearly, adult literacy education is vital to the health and economic recovery of our city, to the ability of parents to support their children's education, and to ensuring greater quality of life for all. It is time that we stop treating adult literacy education as a supplement to the education system and start recognizing it as a right of all those that need it.

So what do we need to do?

- 1) First, the city must **maintain the \$13.5 million in previously baselined funds and increase the baseline funding by an additional \$13.5 million** in order to double the level of investment per student in the upcoming DYCD RFP. Astonishingly, Mayor Adams has actually proposed a significant cut to the \$8 million that was baselined last year.
- 2) Second, the City Council should **extend the Adult Literacy Pilot Project for a second year and expand it to \$5 million** to continue to support the 20 programs currently funded as well as to include another 20 programs to address the wider need for additional student supports, services, and resources.
- 3) Third, the City Council should **renew the \$4 million of Council Adult Literacy Discretionary funding** to continue to provide for program sustainability.

Adult literacy education is about cultivating individual leadership and building community power, and it is an essential piece of broader movements for racial, social, and economic justice. Adult literacy education can provide the space for community members to read, write, and speak the truth of their lived experience; to build understanding and solidarity across differences; to examine historical and current systems of oppression and envision alternatives; and to act to transform the cultural, social, political, and economic structures that circumscribe their lives.

Literacy skills give individuals the power to understand and command information, to communicate in the language of access, to make informed choices, to access critical resources and opportunities, to stand up for themselves in the workplace, to fully participate in civic life and institutions and, ultimately, to transform their lives and the world around them. A substantial investment in adult literacy education will mean that more people will have the skills to access better jobs and higher wages; more parents will be able to support their children's education; more families will be healthier; more people of all backgrounds will know and speak up for their rights; and more New Yorkers will participate in the democratic process. If we are truly a city committed to equality and justice, we should commit to no less.

Thank you.

Submitted by:

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

Presented on March 14, 2022

My name is Deborah Lee, and I am the Deputy Attorney-in-Charge of the Immigration Law Unit (ILU) at The Legal Aid Society (LAS). For 145 years, LAS has been a tireless advocate for those least able to advocate for themselves. ILU, founded in the 1980s, provides legal representation to vulnerable New Yorkers seeking relief for themselves and their families. We assist those in detention and fighting unlawful deportations, and represent low-income individuals in gaining and maintaining lawful status. Combining this representation with affirmative litigation work, we strive to ensure that families are able to stay together and stabilize their living situations. Over the most recent year, ILU assisted in over 5,200 individual legal matters benefiting over 12,300 New Yorkers citywide.

A. New York City Council Funding Requests – Immigration

We are grateful for the Council's support for legal services for low-income immigrant New Yorkers, who are among the City's most vulnerable populations. The Council's commitment to ensuring parity of justice and access to comprehensive legal services for our immigrant communities is central to our work and establishes New York City's approach as among the most progressive in the nation. Thanks to support from the New York City Council and the Human Resources Administration, LAS currently conducts the following immigration-related programs:

1. **The New York Immigrant Family Unity Project (NYIFUP)**, a collaboration between The Legal Aid Society, Brooklyn Defender Services, and The Bronx Defenders, has represented over 3,500 detained immigrants facing deportation since 2014, helping to ensure New York families are not separated simply because they cannot afford an attorney. The nation's first universal legal representation program for detained immigrants, NYIFUP provides high quality, holistic representation to New Yorkers detained and facing deportation who cannot afford an attorney. NYIFUP attorneys carry a full caseload of deportation defense cases, and provide services including master calendar, bond and

individual merits hearings, appeals, and social work services. Many of our NYIFUP clients are long-term permanent residents or other non-citizens with strong family ties and long work histories in the U.S.

Since March 16, 2020, LAS alone has secured the COVID-19 related release of 242 clients incarcerated by ICE, through a combination of individual and group habeas petitions, bond redetermination hearings, and successful requests for humanitarian parole by ICE. **The Legal Aid Society is respectfully requesting an increase to \$18,000,000 for NYIFUP in Fiscal Year 2023, split evenly by the three NYIFUP providers in the amount of \$6,000,000 each.**

2. **The Unaccompanied Minor Children and Families (UMFI) Initiative** has been providing free legal assistance to Unaccompanied Children and Adults with Children fleeing endemic gang violence and domestic abuse since 2014, with the support of the New York City Council. With the NYC Bar Association's resolution supporting universal access to legal services for children in removal proceedings, LAS, along with our partners in the citywide Immigrant Children Advocates' Relief Effort (ICARE), are evaluating this initiative closely to determine how best to scale the program and realize the Bar Association's vision of universal representation. This traumatized and vulnerable population is especially in need of highly-competent legal representation to advance their claims for asylum, Special Immigrant Juvenile Status, and other forms of immigration relief.

From 7/1/20 – 6/30/21, LAS worked on 222 ongoing representation matters that had not concluded by the end of Fiscal Year 2020. During this period, we achieved successful outcomes for 84 removal defense cases, with one individual granted asylum, eight individuals granted Special Findings Orders; eleven children granted Special Immigrant Juvenile Status (SIJS), 34 individual who were granted Motion to Terminate, and 30

individuals who were granted adjustment of status. We have successfully terminated proceedings for just over 215 minors before the Immigration Court since the start of ICARE, and anticipate additional successful outcomes in FY23. **The Legal Aid Society is respectfully requesting an enhancement to \$1,075,000 for UMFI in Fiscal Year 2023, out of \$4,570,000 being sought by ICARE as a whole.**

3. **Federal Immigration Representation for New Yorkers (FIRNY)** is currently a small but mighty LAS initiative that provides federal court representation to protect immigrant New Yorkers from aggressive and unreasonable immigration enforcement. Funding will increase our capacity with a flexible team that can respond rapidly to changes in the political climate, whether filing writs of habeas corpus in federal district court and petitions for review in federal courts of appeal, or ensuring LAS's capacity to pursue federal impact litigation on behalf of our immigrant clients. FIRNY will ensure we remain nimble and have dedicated staff available to respond to the needs of our clients during this period of tumultuous changes to immigration policy. **The Legal Aid Society is respectfully requesting \$710,000 to support this essential work.**

4. **The Immigrant Opportunities Initiative (IOI)** serves immigrants and new Americans who are seeking citizenship, permanent residence, or another immigration status or are seeking employment legal services after having been exploited by their employers. Legal services are provided through our Immigration Law Unit, Employment Law Unit, and Family Law and Domestic Violence Practice, with support of 23 subcontracting agencies, including legal services providers and community-based organizations with deep ties to marginalized communities. In FY21, we served over 4,000 individuals seeking assistance with an immigration, employment, or family law matter. This funding has supported a significant expansion in the provision of removal defense legal services throughout New York City. **The Low-Wage Worker Initiative (LWWI)** serves low-wage workers who live or work in the City of New York who are seeking enforcement of workers' rights, with

a particular emphasis on low-wage workers who have been exploited by employers. LWVI is the only dedicated funding servicing worker's rights and allows us to advocate on behalf of low-wage New Yorkers against wage theft and workplace discrimination, for safe and healthy workplaces, and vindicate the rights of workers. **The Legal Aid Society is asking for renewal of \$580,596 in LWVI funding for Fiscal Year 2023.**

B. Our Work During the COVID-19 Pandemic

The COVID-19 pandemic continues to have a significant impact on our immigration work defending some of our city's most vulnerable residents. By Policy Memorandum 20-10, issued on March 18, 2020, the Executive Office for Immigration Review (EOIR, comprised of the immigration courts and the Board of Immigration Appeals) had suspended hearings in non-detained courts. Hearings began to resume slowly and incrementally through July 5, 2021, finally resumed in full on July 6, 2021. In New York, the suspension of hearings had affected the immigration courts at 26 Federal Plaza and 290 Broadway, as well as non-detained cases at Varick Street. However, court deadlines were not tolled during the suspension period. We were forced to continue to prepare motions and submissions with clients remotely, with the added challenges of obtaining criminal records and other necessary documents complicating our ability to submit prompt submissions. After hearings had resumed, attorneys were appearing in court either in person or via WebEx video teleconferencing. With the rise of Omicron, the Immigration Courts announced on January 11, 2022 that all hearings for unrepresented respondents are suspended pending further notice, while hearings for represented respondents will proceed only remotely, by either WebEx video or OpenVoice audio.

USCIS resumed in-person interviews on June 15, 2020. Although it has been over a year and a half since USCIS announced its policy that representatives may appear by telephone during the pandemic at most USCIS offices, USCIS officers have in practice often continued to refuse to call the representatives, leaving our clients in the uncomfortable position of either proceeding on their own or seeking an adjournment. We continue participating in local advocacy to challenge these unreasonable restrictions. The USCIS policy of allowing an additional 60 days to respond to Requests for Evidence (RFE), Notices of Intent to Deny (NOID), Notices of Intent to Revoke

(NOIR) and Notices of Intent to Terminate (NOIT), and appeals/motions to reopen or reconsider has been extended incrementally to notices issued between March 1, 2020 and March 22, 2022. We have been meeting with some clients in our office for urgent matters that cannot be delayed, and our clients have at times begun appearing in doctors' offices for medical examinations or other vital appointments in support of their applications. Our office had somewhat reopened on November 15, 2021. However, given the rise of the highly contagious Omicron Variant of COVID-19, our office closed again on December 28, 2021, and is set to reopen again on March 14, 2022. Also, due to the Omicron Variant, traveling by public transportation and attending appointments had been fraught with the risk of exposure. With the courts and agencies operating in a limited fashion, it remains difficult to obtain criminal records and other necessary documents - making responding to USCIS requests in a timely manner difficult.

Heedless of the dangers of COVID transmission in detention centers, ICE has continued to arrest and detain people in its jails.¹ Since the pandemic's inception, ICE has failed to adequately follow public health guidance to protect the health and lives of people in its custody. As of March 11, 2022, 41,289 people in ICE custody nationwide had reportedly tested positive for COVID-19,² a possible undercount due to the lack of testing during the first months of the pandemic and during national outbreaks.³ Moreover, the court-ordered release of people from ICE custody during the past two years has increased community health and safety during the pandemic, aptly demonstrating that the continued detention of thousands of our community members is unnecessary and unjustifiable.⁴

The policy of New York State Family Courts within New York City to hear and determine only emergency petitions in Family Court during the pandemic has impacted our Youth Project clients. For youths seeking SIJS, that has meant that while attorneys are now able to file new

¹ Ryan Devereaux, How ICE Operations in New York Set the Stage for a Coronavirus Nightmare in Local Jails, The Intercept, Mar. 27, 2020, <https://theintercept.com/2020/03/27/immigrants-coronavirus-ice-detention-new-york/>

² See U.S. Immigration and Customs Enforcement, ICE Guidance on COVID-19, <https://www.ice.gov/coronavirus> (last updated Mar. 11, 2022).

³ See Noelle Smart and Adam Garcia, Tracking COVID-19 in Immigration Detention, THE VERA INSTITUTE.

⁴ See, e.g., Matt Katz, "ICE Quietly Releases Hundreds Of Local Immigrants As COVID-19 Tears Through Jails," Gothamist (April 14, 2020), <https://gothamist.com/news/ice-quietly-releases-hundreds-local-immigrants-covid-19>; Chantal Da Silva, "Judge Orders ICE to Immediately Release At-Risk Detainees at Facilities with COVID-19 Cases," Newsweek (March 27, 2020)

petitions for guardianship and custody, the courts are generally only hearing those cases when a young person will turn 21 (and thus age out of eligibility) in 90 days or less. For cases where the young person is not close to turning 21, petitions have regularly been set for return dates before the court seven months or longer after filing. This means that cases, although able to be filed in Family Court, are taking longer than ever to reach final conclusion. This extended wait time impacts both the length of time that SIJS-eligible youth must wait to petition for SIJS and later for permanent residency, as well as increasing the length of time that the case stays active in immigration court. All of this weighs heavy on our young clients. A recent report by the NYC Bar and the Fund for Modern Courts has detailed the family courts' inept response to COVID-19 as well as the widespread challenges faced by those seeking family court intervention in the midst of COVID-19.⁵

C. Our Work in Immigration Court

Multiple challenges continue to confront our attorneys in their representation of our clients in immigration court.

Our removal defense litigation has continued with a mix of in-person, WebEx, and telephonic appearances, which has proven challenging. We are also given limited notice of how we are expected to appear in court, with each judge being permitted to set their own preferences for appearances. We continue to file and defend appeals at the Board of Immigration Appeals, which strains the resources of our staff whose trial-level representation responsibilities continue unabated and all-consuming. This is made even more challenging with remote working and our limited ability to meet in person with our clients.

The Executive Office for Immigration Review (EOIR) has implemented its revised policy memorandum regarding the implementation of an “enhanced case flow processing model.”⁶ The new procedures outlined in the memorandum apply to non-detained cases in which an attorney has entered a notice of appearance, and in which the case has not been placed on the court’s status

⁵ See <https://www.nycbar.org/member-and-career-services/committees/reports-listing/reports/detail/family-court-covid-19-impact>

⁶ EOIR PM 21-18, *Revised Case Flow Processing Before the Immigration Courts* (Apr. 2, 2021), <https://www.justice.gov/eoir/book/file/1382736/download>

docket. The memorandum outlines a process by which represented respondents will be expected to advance cases through increased motion practice and without the use of master calendar hearings. This is problematic for practitioners in that the simple acts of scheduling merits hearings or discussing logistical matters during an in-person hearing will now need to take place through motion practice, thereby prolonging the process and adding to the number of filings that are needed in a given case. Moreover, the new case flow process limits an attorney's opportunity to advocate for their client in critical moments in the client's case, such as taking pleadings and/or contesting the government's allegations against their client. New York immigration court officials have stated that vulnerable populations are reportedly not subject to the new memorandum, although vulnerable populations are not clearly defined.

The implementation of this new case flow policy has been detrimental to our ability to manage our workflow. Since the policy entered into effect, we have received many orders directing us to submit evidentiary submissions (which can run hundreds of pages) and legal arguments within mere weeks of the issuance of the order. These orders are usually issued in cases that have no upcoming hearing scheduled, and for which the attorneys have no reasonable expectation of an imminent submission deadline. Due to ever-growing court backlogs, the legal arguments submitted will likely be outdated and the evidence will grow stale by the time a trial is calendared, requiring our staff to readjust their legal strategy and restart the evidence gathering process at that point. This is one of the many ways in which the dysfunction in the Courts has impeded the efficient and timely resolution of our cases.

In 2018, the Attorney General issued three damaging decisions related to immigration court docket management. In *Matter of Castro-Tum*, immigration judges' ability to administratively close removal proceedings was virtually eliminated, and the government began re-calendaring long administratively closed cases, at times because of a recent criminal arrest, but more often for no discernible reason. In *Matter of L-A-B-R*,⁷ the Attorney General made it more difficult for immigration judges to grant continuances. This was further codified by EOIR PM 21-13, issued on

⁷ 27 I&N Dec. 405 (A.G. 2018).

January 8, 2021.⁸ In *Matter of S-O-G- & F-D-B*,⁹ the Attorney General narrowed immigration judges' ability to terminate removal proceedings.

Happily, under the Biden Administration, administrative closure is again available. Attorney General Merrick Garland vacated *Matter of Castro-Tum* on July 15, 2021 in the *Matter of Cruz-Valdez*.¹⁰ EOIR Director David Neal then issued DM 22-03 on November 22, 2021,¹¹ reaffirming the availability of administrative closure in immigration court proceedings. But the other two harmful decisions, regarding continuances and termination, remain standing at this time.

One positive development in immigration court proceedings has been the rise of the government's use of prosecutorial discretion, at least in some cases. Initially, on May 27, 2021, the Biden Administration issued a memorandum with revised immigration enforcement priorities encouraging the ICE trial attorneys to exercise prosecutorial discretion in non-priority matters. This policy was quickly enjoined by a federal district court in Texas on August 19, 2021. The Biden Administration then issued revised enforcement priorities on September 30, 2021,¹² which remain in effect at this time. Under the new guidance, ICE attorneys in removal cases are frequently agreeing to dismiss Youth Project immigration cases or to exercise other forms of favorable discretion, but only for young clients who have had no prior contact with law enforcement authorities.

By contrast, over the last year, our NYIFUP staff have prepared numerous applications requesting prosecutorial discretion from ICE in various forms, such as requests for stipulation to relief, termination of proceedings, or administrative closure for our detained clients' cases. For them, ICE requires voluminous documentation to assess each request and often fails to reach decisions before the day of trial. Since there is no consistency in the adjudication of these requests or clear guiding principles, we need to submit these requests for virtually every client. This has increased our NYIFUP staff workload due to the need to engage in additional evidence collection, written

⁸ EOIR PM 21-13, *Continuances* (Jan. 8, 2021), <https://www.justice.gov/eoir/page/file/1351816/download>

⁹ 27 I&N Dec. 462 (A.G. 2018).

¹⁰ 28 I&N Dec. 326 (AG 2021).

¹¹ EOIR DM 22-03, *Administrative Closure* (Nov. 22, 2021), <https://www.justice.gov/eoir/book/file/1450351/download>

¹² Memorandum from Alejandro Mayorkas, Secretary of Homeland Security, *Guidelines for the Enforcement of Civil Immigration Law* (Sep. 30, 2021), <https://www.ice.gov/doclib/news/guidelines-civilimmigrationlaw.pdf>

advocacy, and negotiation. This is compounded by the unreasonable enforcement actions taken against our adult clients by ICE detention and removal officers, including the unannounced transfers of our clients to remote detention centers across the country, the revised enforcement priorities notwithstanding.

D. Our Youth-Related Work

1. Status Docket

In New York Immigration Court, the harmful impact of *Matter of Castro-Tum* (administrative closure), *Matter of L-A-B-R-*, and *Matter of S-O-G- & F-D-B-* (termination), all discussed above, was largely avoided by our young clients because of the existence of the “status docket” beginning in early 2017. Since then, pending SIJS applications, granted SIJS cases awaiting a current priority date, and asylum applications by unaccompanied minors pending at the asylum office have all been regularly placed on the status docket by immigration judges. Attorneys simply had to report on the current status of cases a month before their status docket date, which was often one year or more away. However, failure to timely submit an update could result in an *in absentia* removal order. Since most of the cases remained pending or were waiting either for their priority date to advance or for a decision from the asylum office, most cases would simply remain on the status docket.

Unfortunately, on August 16, 2019, James R. McHenry III, the Director of EOIR, released a memorandum titled “Use of Status Dockets” limiting the types of cases that immigration judges may place on the status docket.¹³ Under the memorandum, there are only three types of cases that may permissibly be placed on the status docket:

1. Cases in which an immigration judge is “required to continue the case pursuant to binding authority in order to await the adjudication of an application or petition” by USCIS

¹³ Memorandum from James R. McHenry, III, Director, EOIR, *Use of Status Dockets* (Aug. 16, 2019), <https://www.justice.gov/eoir/page/file/1196336/download>.

2. Cases where the immigration judge is “required to reserve a decision rather than completing the case pursuant to law or policy,” and
3. Cases that are “subject to a deadline established by a federal court order.”

The memorandum states that cases where a “confirmed unaccompanied alien child” has filed for asylum with USCIS are properly placed on the status docket, but glaringly absent from the memorandum is any mention of SIJS cases, which are subject to years-long waits for priority dates to advance, for individuals from Mexico, El Salvador, Guatemala, and Honduras. In practice, since the release of the memorandum, some judges at New York City Immigration Courts will place on the status docket only SIJS cases that are approved but awaiting priority dates to become current; others will place only pending SIJS applications on the status docket, while others refuse to place any SIJS-based cases on the status docket. Attorneys in the Youth Project have drafted and circulated on both local and national listservs a template motion for placement of SIJS cases on the status docket, or in the alternative a long continuance, and preserving the issue of whether administrative closure is proper. Fortunately, many ICE attorneys are exercising their renewed prosecutorial discretion authority and agreeing to join our motions for placement of cases on the status docket. Usually, when both the government and respondent’s counsel join in the request, immigration judges are granting it.

We note the development of the dumbfounding position of some immigration court judges as well as of ICE that SIJS is not a form of immigration relief if the priority date is not current. This has meant that several SIJS-approved youth who were awaiting priority dates to become current were ordered removed. LAS worked hard to fight this notion, filing a challenge in the Second Circuit Court of Appeals in *Escobar-Argueta v. Barr*, 20-1752 (2d Cir.), a case brought by LAS challenging the order of removal of an approved Special Immigrant Juvenile. Unfortunately, this challenge became moot when the respondent plead guilty to a crime that essentially revoked his SIJS status. LAS also consulted on the case of an *R.F.M. v. Nielsen*¹⁴ Class Member before the Federal District

¹⁴ *R.F.M. v. Nielsen*, No. 18-CV-5068, 2019 WL 1219425 (S.D.N.Y. Mar. 15, 2019), discussed below.

Court of the Eastern District of Virginia, *Joshua M. v. Barr*, Civil Action No. 3:19cv770 (E.D. Va), who similarly has SIJS granted but was ordered removed. This case was eventually settled in Joshua M.'s favor. LAS has also assisted with drafting and signed amicus briefs for similarly-situated SIJS recipients challenging orders of removal in the Sixth and Tenth Circuits; both of those cases were also favorably settled.

2. SIJS Backlog

LAS is on the steering committee of the End SIJS Backlog Coalition (www.sijsbacklog.com), a national group of directly-impacted youth and over 70 allied advocate organizations across the country, working to educate Congress, relevant administrative agencies and the public about the harmful impacts of immigrant visa caps on vulnerable immigrant children, and to advocate for an end to the SIJS backlog. On December 2, 2021, the Coalition released its report, “Any Day They Could Deport Me,”¹⁵ which illustrates the costs of the SIJS backlog to directly-impacted children, child welfare agencies, as well as to immigration legal providers, immigration agencies and the courts. The report offers recommendations to end the backlog, including specific federal legislative amendments that could solve the problem and provide permanent protection, as Congress intended, for the tens of thousands of vulnerable immigrant children. As part of the steering committee, LAS continues to look for ways to push the Biden administration to make commitments to protect SIJS youth, including leading outreach to The White House's Domestic Policy Council.

3. New SIJS Regulations

In October 2019, the government announced that it had reopened the comment period for proposed regulations regarding the implementation of the SIJ statute.¹⁶ The proposed regulations had originally been promulgated in 2011, in response to and in order to implement the Trafficking Victims Protection Reauthorization Act (TVPRA),¹⁷ which expanded the availability of SIJS. Those proposed regulations were never enacted. In November 2019, LAS submitted a robust comment to

¹⁵ <https://www.sijsbacklog.com/any-day-they-could-deport-me>

¹⁶ <https://www.uscis.gov/news/uscis-clarifies-special-immigrant-juvenile-classification-better-ensure-victims-abuse-neglect-and-abandonment-receive-protection>

¹⁷ Section 235(d) of the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA).

the proposed regulations, which appears to seek to impermissibly limit SIJS eligibility by expanding USCIS’s “consent” function and limiting the definition of “dependency,” among other issues.

LAS’s Youth Project, in collaboration with LAS’s Law Reform Unit, the nonprofit organizations of Public Counsel and Catholic Legal Immigration Network, Inc. (CLINIC), and *pro bono* partner Milbank LLP, prepared to challenge the new regulations upon implementation to prevent any negative practices from taking effect. After fully preparing a complaint and motion for a temporary restraining order, as well as recruiting amicus support from nonprofit legal services providers and academics across the country, the Trump Administration was ultimately unable to publish the detrimental regulations before the Biden Administration took office. The Biden Administration initially withdrew the proposed regulation, but published it on March 8, 2022.

4. Interpretations of the SIJS Statute and New York Law

LAS and Latham & Watkins LLP filed a class action lawsuit in federal District Court in Manhattan in June of 2018, *R.F.M. v. Nielsen*, challenging USCIS’s interpretation of the SIJS statute and New York Family Law¹⁸ that intended to eliminate SIJS for youth who are over 18 but under the federal statutory age limit of 21 (“Over-18 Denial Policy”). On March 15, 2019, the District Court issued an Opinion & Order finding entirely in our favor and granting class certification, the ability to proceed anonymously and summary judgement, having found USCIS’s Over-18 Denial Policy unlawful. On May 31, 2019, the Court entered an Amended Judgement, which granted final declaratory and injunctive relief to *R.F.M.* Class Members. Pursuant to the Amended Judgement, USCIS must adjudicate the applications for *R.F.M.* Class Members with a pending petition in accordance with the Opinion & Order. Remarkably, the government informed the plaintiffs and the Court that they believe the Class consists of over 6,600 members.

The litigation has entered the “compliance” phase, meaning that the government must periodically report to the court the actions it has taken to carry out the court’s Amended Judgment. To date, the government has informed the Court that over 6,000 *R.F.M.* Class Members’ SIJS petitions have been granted. At the beginning of 2021, Class Counsel knew that many remained

¹⁸ *R.F.M. v. Nielsen*, No. 18-CV-5068, 2019 WL 1219425 (S.D.N.Y. Mar. 15, 2019).

pending, including dozens that had been pending for very long periods of time without adequate explanation by the government as to why the cases seemed stalled. After several conferences with government lawyers, USCIS agreed to provide regular case-level detailed updates on matters where a Class Member or their counsel requested Class Counsel's assistance in determining the status of the stalled cases. Unfortunately, USCIS rarely provides much illuminating information preferring instead to confirm that cases simply "remain pending." On the bright side, however, there exists only a handful of outstanding cases that remain pending.

5. Universal Representation for Unaccompanied Minors Bill

In Spring of 2019, LAS became aware of a proposed bill, sponsored by New York State Assembly Member Andrew Hevesi, to provide free assigned counsel for unaccompanied minors residing in New York State.¹⁹ Immigrant Children Advocates' Relief Effort (ICARE) providers, including LAS, were deeply engaged in shaping an amended version of the bill and supporting its passage. To that end, LAS provided in-depth analysis of the positive and negative attributes of the bill, meeting with Assembly Member Hevesi to explain our rationale, and advising his team on how to improve the bill and expand coverage to all unaccompanied minors in the state. While the Assembly did pass the bill, regrettably the Senate did not take it up in 2019. Assembly Member Hevesi reintroduced the bill in 2021, incorporating many of ICARE's suggested edits, but once again it has not been taken up. ICARE remains in contact with Hevesi's office regarding this legislation. LAS has also endorsed Senator Kirsten Gillibrand's FAIR Proceedings Act, which would provide access to counsel for vulnerable individuals, including children, in immigration proceedings.²⁰

6. Other Challenges for Unaccompanied Minors and Undocumented Immigrant Youth

In addition to the above, the sheer numbers of youth in need of legal and social work assistance continues to grow. In particular, there continues to be a dearth of representation for undocumented and unaccompanied youth in New York City's surrounding counties, including Westchester, Nassau, and Suffolk. There is limited funding to provide legal representation to

¹⁹ New York State Assembly Bill A.7815.

²⁰ <https://digismak.com/senator-gillibrand-and-80-organizations-promote-law-to-provide-legal-aid-to-children-in-deportation-proceedings/>

children who are non-NYC residents, and the Youth Project has struggled to assist these populations with existing limited resources. Youth Project staff continue to train and support Family Court assigned counsel panel attorneys in those jurisdictions. In addition, Youth Project staff continue to seek other providers in Long Island and Westchester County to take on some of these cases *pro bono*. We are grateful to the Gimbel Foundation, which provides our sole source of funding for non-NYC youth cases.

Undocumented and unaccompanied youth face not only formidable legal obstacles, but also significant social service needs. This population is extremely vulnerable, and often suffers from severe trauma from experiences that led them to flee their home countries, troubles they encountered *en route* to the U.S., as well as difficulties in assimilating to new lives and a new culture. These youth are in dire need of social service support to obtain counseling and mental health care as well as access to appropriate educational opportunities. These challenges are exacerbated by the short supply of linguistically appropriate and culturally sensitive mental health services. Counseling is often a prerequisite for eliciting cogent, credible testimony about past traumatic experiences in immigration cases. Untreated trauma and mental health issues may impede effective representation. Cultural stigmas about mental health and a lack of Spanish-speaking providers create a scarcity of resources in an area where they are sorely needed for both the children's well-being as well as to assist in legal representation.

E. Our Federal Work

Our Federal team engages in broad impact litigation and individual cases in federal district court and in the circuit courts of appeals.

1. Challenging arbitrary and capricious agency action under the Administrative Procedure Act and the Due Process Clause

As discussed above, in *R.F.M. v. Nielsen*²¹ (decision issued March 2019, SDNY), LAS and *pro bono* co-counsel Latham & Watkins LLP filed a federal class action lawsuit under the

²¹ *R.F.M. v. Nielsen*, No. 18-CV-5068, 2019 WL 1219425 (S.D.N.Y. Mar. 15, 2019).

Administrative Procedure Act (APA) challenging a U.S. Citizenship and Immigration Services (USCIS) policy barring 18-21 year-olds from obtaining Special Immigrant Juvenile Status (SIJS) (Over-18 Denial Policy). This abrupt and unlawful policy change threatened to prevent an estimated 6,600 New York resident youths from accessing a vital form of immigration relief for undocumented youth. On March 15, 2019, the Court certified the class and found the Over-18 Denial Policy unlawful, and shortly thereafter granted final declaratory and injunctive relief to *R.F.M.* class members. We have closely monitored compliance of the injunction over the last three years, negotiated protections with government counsel, and worked closely with individual class members and their attorneys to make sure that they benefited from the decision. Our litigation in this matter ensured that the rights of 8,000 New York resident youths to regularize their status and eventually pursue citizenship remain protected. According to USCIS, the number of SIJS adjudications this fiscal year was 61% more than those completed in previous and the highest in the last five years, which is likely attributable to the resolution of *R.F.M.*

In *Make the Road et al. v. Cuccinelli*²² and *Make the Road et al. v. Pompeo*,²³ LAS, the Center for Constitutional Rights, and Paul, Weiss, Rifkind, Wharton & Garrison LLP, as well as the National Immigration Law Center on the *Pompeo* case, led litigation and advocacy to stop the public charge rules issued by the U.S. Department of Homeland Security (DHS) and the U.S. Department of State (DOS), which threatened to penalize noncitizens for accessing vital benefit programs. Our suit blocked the rule from going into effect nationwide for several months, although the Supreme Court ultimately ordered the nationwide relief we had obtained stayed pending further review. On March 9, 2021, LAS stipulated with the Biden Administration to dismiss the Supreme Court certiorari petition and the pending Second Circuit appeal. In light of other dismissals in the Seventh and Ninth Circuits, the DHS public charge rule has been vacated and is no longer in effect. The DOS public charge rule remains enjoined nationwide due only to our litigation. The potential impact of the new public charge rules – had our intervention not been successful – cannot be overstated. An estimated 23 million noncitizens

²² Case 1:19-cv-07993-GBD (S.D.N.Y.).

²³ Case 1:19-cv-11633-GBD (S.D.N.Y.).

and citizens in immigrant families currently access benefits and would have been forced to disenroll or face long-term consequences to their ability to pursue permanent residence or citizenship.

In *Zabaleta v. Nielsen*,²⁴ LAS, working in conjunction with Make the Road NY and the Center for Constitutional Rights, filed an APA complaint challenging USCIS's denial of a SIJS petition based on attenuated allegations of gang membership and competent jurisdiction grounds. The Trump Administration had weaponized allegations of gang affiliation as a means of accomplishing removal of immigrant youth by any means necessary. One such mechanism used by the administration was the expansion of USCIS' "consent" function outside of the scope of the statute. On March 20, 2019, the Court issued an Opinion & Order granting summary judgment in favor of Mr. Zabaleta, finding USCIS had violated the APA by acting outside the scope of its consent authority. This case preceded the *Saravia v. Sessions* case brought by the ACLU²⁵ and paved the way for the settlement agreement in which USCIS agreed not to use gang allegations as a reason to deny SIJS.

In *Jagitay v. DHS*,²⁶ LAS, working with Latham & Watkins, filed an APA action seeking to set aside the wrongful denial of a SIJS-based adjustment of status application. In this case, the plaintiff was granted SIJS over 15 years ago, but – because of various statutory and regulatory obstacles – was prevented from seeking permanent residence based on his SIJS approval. When he was finally able to submit his application, it was denied by USCIS because the agency could not find his initial approval documentation within its internal files, despite ample documentation provided by the plaintiff. We filed suit based on the agency's arbitrary and capricious denial. Shortly after filing this suit, USCIS reopened and approved our client's previously denied application for lawful permanent residency.

2. Challenging unlawful detention

In *Velasco Lopez v. Decker*,²⁷ LAS challenged the prolonged immigration detention of Mr. Velasco Lopez, a young man and former Deferred Action for Childhood Arrivals (DACA) recipient who entered the United States at the age of six. We prevailed with a landmark decision, in which the Second Circuit held that when the government seeks to detain a noncitizen under 8 U.S.C. § 1226(a)

²⁴ Case No. 1:18-cv-01802-JGK (S.D.N.Y.), decision issued in March 2019.

²⁵ Case No. 3:17-cv-03615-VC (N.D.Cal).

²⁶ Case 1:20-cv-11071-PKC (S.D.N.Y.), settled June 2021.

²⁷ *Velasco Lopez v. Decker*, 978 F.3d 842 (2d Cir. 2020).

for a prolonged period of time, the government must justify such detention by clear and convincing evidence. This case has significant implications for our ability to secure the release of other noncitizen clients held in detention, which had been constrained by agency policies improperly requiring noncitizens to bear the burden in bond hearings. Our decision was cited extensively by the First Circuit in *Hernandez-Lara v. Lyons*,²⁸ in which that court followed suit.

*Coronel v. Decker*²⁹ and *Arriaga v. Decker*³⁰ are a pair of groundbreaking district court decisions in which the Southern District of New York and the District of New Jersey ordered the immediate release of groups of immigration detainees at the beginning of the COVID-19 pandemic. *Coronel* was one of the first two cases in the nation ordering the release of people in immigration custody due to COVID-19, and it has been repeatedly cited by district courts around the country since it was issued – helping secure the release of countless noncitizens across the U.S. facing unparalleled danger in detention during the pandemic. *Arriaga*, which was decided a few weeks later, was one of the first such cases out of New Jersey, and several courts have since cited to its thoughtful and detailed analysis. LAS co-counseled *Coronel* with The Bronx Defenders, and co-counseled *Arriaga* with The Bronx Defenders, the ACLU, and the ACLU of New Jersey.

In *Fernandez Aguirre v. Barr*,³¹ LAS obtained one of the only district court decisions in the Southern District of New York to order the immediate release of a noncitizen in removal proceedings because an immigration judge failed to provide him with a constitutionally-adequate bond hearing. The Court acknowledged that the petitioner, who had been subject to severe abuse during his childhood, was suffering irreparable harm in detention, which was retraumatizing him and preventing him from fully participating in his removal defense. *Fernandez Aguirre* offers a creative new path forward to ensure that the government complies with constitutional mandates when it detains noncitizens. The decision is regularly cited by other district courts confronted with similar claims of governmental non-compliance.

²⁸ *Hernandez-Lara v. Lyons*, 10 F.4th 19 (1st Cir. 2021).

²⁹ *Coronel v. Decker*, 449 F. Supp. 3d 274 (S.D.N.Y. 2020).

³⁰ *Cristian A.R. v. Decker*, 453 F. Supp. 3d 690 (D.N.J. 2020).

³¹ *Fernandez Aguirre v. Barr*, 1:19-cv-07048-VEC, 2019 WL 4511933 (S.D.N.Y. Sep. 18, 2019).

*H.L.V. v. Decker*³² is a habeas petition LAS filed in the SDNY for a SIJS-eligible immigrant youth, H.L.V., who is a labor trafficking survivor and asylum seeker. Soon after we filed the habeas petition, the government agreed to release H.L.V. – who had been detained for over a year – on an Alternatives to Detention program.

In the habeas petitions *Andres Oballe v. Decker*,³³ *L.M.U v. Decker*,³⁴ and *W.L.G. v. Decker*,³⁵ LAS has challenged the prolonged immigration detention of immigrant youth, who are pursuing relief such as Special Immigration Juvenile Status (“SIJS”) and child-based asylum claims in immigration court. We were able to obtain releases in all three cases.

3. Challenging unjust removal orders

In *Millan Hernandez v. Barr*,³⁶ LAS and co-counsel Prisoners’ Legal Services obtained a precedential Second Circuit decision reversing the agency’s denial of a suppression motion. In this case, a local police officer unlawfully prolonged a traffic stop in order to engage in immigration enforcement; the record suggested that the officer engaged in racial profiling. *Millan Hernandez* provided helpful guidance on how suppression hearings should work in immigration court while also acknowledging how racial profiling affects immigration enforcement. The Court issued the decision at a time when a serious national conversation had begun around unjust and racially disparate policing.

*Akre v. Garland*³⁷ is an asylum case that turned on internal relocation questions. LAS and co-counsel Cravath, Swaine & Moore obtained a summary order granting the petition for review. The panel found that 1) the IJ erred finding Mr. Akre’s identifiability as a member of a particular tribe in an area where tribe members are scarce in the North; 2) the BIA applied the incorrect standard by improperly placing the burden on the respondent; and 3) the agency erred by finding country conditions evidence regarding unrest and harsh conditions stale because the evidence indicated that similar conditions remained and were relevant to internal relocation. The Circuit also found the

³² Case 1:20-cv-10190-JPC (S.D.N.Y.), settled December 2020.

³³ Case 1:21-cv-03253-VSB-KNF (S.D.N.Y.), settled July 2021.

³⁴ Case 1:21-cv-03978-PGG (S.D.N.Y.), settled July 2021.

³⁵ Case 1:21-cv-04014-ER (S.D.N.Y.), settled May 2021.

³⁶ *Millan-Hernandez v. Barr*, 965 F.3d 140 (2d Cir. 2020).

³⁷ *Akre v. Garland*, 955 Fed. Appx. 59 (Mem.) (2d Cir. 2021).

agency's conclusion that he could relocate in southern Ivory Coast was not supported by substantial evidence.

In *Alexandre v. Garland*,³⁸ LAS and co-counsel Hughes, Hubbard and Reed obtained a summary order from the Second Circuit reversing the denial of asylum, withholding of removal, and relief under the Convention Against Torture based on an improper and race-based adverse credibility finding.

*H.L-D-P v. Wilkinson*³⁹ is a petition for review filed by LAS for a young man who was abused as a child and who faced persecution and torture based on his bisexuality if returned to Guatemala. The agency initially rejected his claim because – as a young man coming to terms with his sexuality – L-D-P was unable to clearly articulate his sexual identity, even as he was able to talk about a past same-sex relationship and his continued feelings for his former partner. After an initial round of briefing, we were able to secure a stipulated remand and, after filing a habeas petition on his behalf with co-counsel Davis Polk, were able to negotiate for his release after more than two years of detention.

*Zavala Almendades v. Garland*⁴⁰ is a petition for review brought by LAS, arguing that the agency erred when it concluded that a young Salvadoran man could not seek asylum and withholding of removal based on persecution he encountered due to his status as a churchgoing youth. The agency disregarded the youth component of his claim and viewed it as merely a religious persecution claim, thus misunderstanding the persecutors' motives and nature of the harm our client faced. In a lengthy summary order, the Second Circuit vacated the removal order on the grounds that the BIA had misused our client's asylum application to help DHS meet its burden of proof.

G. Conclusion

We thank the City Council for its steadfast support of immigration legal services, which allow us to serve some of the most vulnerable New Yorkers.

³⁸ *Alexandre v. Garland*, 851 Fed. Appx. 233 (2d Cir. 2021).

³⁹ Case No. 19-3053 (2d Cir.), settled February 2021.

⁴⁰ *Zavala Almendades v. Garland*, 853 Fed. Appx. 727 (Mem.) (2d Cir. 2021).

Respectfully submitted,

Deborah Lee
Deputy Attorney-in-Charge
Immigration Law Unit
The Legal Aid Society



Monday, March 14, 2022
Remote Hearing (Virtual Room 2)
Shahana Hanif, Chairperson

Legal Information for Families Today's (LIFT) Testimony to the New York City Council Committee on Immigration

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My name is Katherine Barenboim and I am a Staff Attorney at Legal Information for Families Today (LIFT). Thank you to Chair Hanif and members of the Immigration Committee for the opportunity to testify about the issues facing families with cases in New York Family Court.

LIFT's mission is to increase access to justice in New York State Family Court. We combine legal guidance, easy-to-access technology, and compassionate support to help unrepresented parents and caregivers self-advocate on critical family law issues, while working on reform that improves the system for everyone.

LIFT was launched inside the Manhattan Family Courthouse in 1996, providing on-the-spot help at a table in the lobby where we answered questions and distributed Know Your Rights pamphlets. Before LIFT, sources of information or guidance for pro se litigants in the Family Courts were severely limited. Today, LIFT continues to fill this gap in the system.

Even before the pandemic, the New York City Family Courts were already overburdened and under-resourced, hearing over 200,000 cases per year. 80% of litigants come to Family Court without a lawyer. The onset of the pandemic only exacerbated the existing problems. The Court has been working very hard throughout this period, but it has been very difficult for our clients in particular.

During the past few years, LIFT has expanded outreach and services to immigrants across New York City. In 2021, LIFT held 114 individual legal consultations with undocumented immigrants, and it is likely many more called our Helplines and accessed our online digital tools such as our Legal Resource Guides and our Family Law Navigator app.

Immigrants encounter family law issues like child support, custody and visitation, guardianship, paternity, and domestic violence much as others do, but those who are undocumented face increased vulnerability and complications due to their immigration status. Many undocumented people are scared to come to Family Court and do not know that their immigration status does not impact their right to come to Court. LIFT partners with District 79's ACCESS program to perform outreach to immigrant and Spanish-speaking communities. We deliver presentations that inform individuals of their rights to file Family Court petitions regardless of documentation status, and their right to a translator. We also work to address the fear of deportation as a result of Family Court involvement, and help parents plan ahead for what happens to their children in case of deportation. Of particular concern for many immigrant

Legal Information for Families Today
Justice for all. One Family at a time.

parents is appointing a “standby guardian,” someone who will be preapproved to take care of their children in the event of their deportation from the country.

During the pandemic, these issues have been exacerbated by the inaccessibility of and, now, delays in, the Family Court. For a long period of time, the Court was only hearing what it deemed “emergency” cases, and as a result, LIFT had record-breaking numbers of requests for help on our Helplines – over 24,000 people called LIFT in 2021, an increase of 53% since 2019, and our legal advice consultations grew by 185% over the last two years.

Now, the Courts have begun hearing more virtual or hybrid cases, but there are still many issues for unrepresented litigants and a significant backlog of cases. The recent New York City Bar Association and The Fund for Modern Courts report on “The Impact of COVID-19 on the New York City Family Court: Recommendations on Improving Access to Justice for All Litigants,” found that the courts’ “limited technology and logistical capacity” caused it to create a “false dichotomy” between emergency and nonemergency cases, “rationalizing delays that caused harm to thousands of families.”

LIFT has seen

- child support cases not get scheduled for a first hearing until over a year from filing causing severe financial instability to cover basic needs like food and housing;
- cases where one parent has lost a job and cannot get a support modification and is daily accruing debt they cannot pay;
- parents who cannot visit with their children because the child has been relocated or kept from the parent in violation of an existing court order;
- adoption cases which linger on far too long and cause unnecessary stress and worry.

Unrepresented litigants need support to navigate Family Court, and undocumented immigrants especially can benefit from compassionate, understanding, legal care. One of my recent clients was Valencia. Valencia is undocumented, and the parent of a young disabled child. She came to LIFT for help with a custody petition. Her child’s father was abusive, and threatened to report her to ICE. Valencia had orders of protection for herself and the child. I advised her on her potential case for custody, and made sure she knew how the prospective case in family court was different from the case in criminal court. I also referred her to a domestic violence organization that LIFT partners with so she could receive additional support and legal representation for her case. At the end of our call, she was calmer, she felt clarity on what to do next and what to expect in Family Court, and expressed her gratitude for my help. LIFT was able to fill that gap of uncertainty in the Family Court for Valencia, as she takes the next steps to a safer and more peaceful life with her son.

Thank you for the time and the opportunity to share Valencia’s story. The New York City Council’s support will help LIFT to provide the legal advice and information that parents like Valencia need to advocate for positive outcomes in the Family Court.

Make the Road New York

Immigration Committee Budget Hearing Testimony (Adult Literacy Programs)

Good afternoon! My name is Julie Quinton and I direct Adult Literacy programs at Make the Road New York, a membership organization of over 25,000 members dedicated to social transformation through education, survival services, community organizing and policy change. Thank you Councilmember Hanif and others for this opportunity to speak with you!

Adult literacy education is a critical part of our vision for how to make New York an equitable and just city. Every day we leverage all of the power we have to push back and creatively try to heal the immigrant communities in which we are rooted. Our members and students are grappling with a massive housing crisis, unemployment and worker exploitation, Covid recovery / huge health disparities, a school to prison pipeline, and challenges accessing immigrant legal services. On top of that, 2.2 million people, almost 25% of our population, lack English proficiency or a HS diploma.

You represent the most progressive city council that we have seen in many years. We want to work with you to ensure that our city's adult literacy budget addresses the depth of the need as well as the tremendous possibility that comes with funding adult literacy as if it were a right, and not a bone to

be fought over by those who some would prefer to keep silent, unempowered, and in the shadows.

Investments that lead to the development of English language, literacy & numeracy skills, and to high school diplomas and beyond, will have a transformative effect on every aspect of public life for our community members:

-Adult literacy funding will complement any new language access work this committee is developing by helping immigrant learners to reduce their need for native language materials or interpretation lines when seeking housing, health, legal, and transportation services;

-It will create conditions whereby immigrants are more able to access jobs, push back against exploitative employers, support their children's learning, access cultural institutions and to vote, many more this year than ever before.

For these reasons we urge you to follow the NYC Coalition for Adult Literacy's budget recommendations that will bring at least \$18.5m additional dollars to the field.

FIRST: Please maintain the \$13.5 million in previously baselined adult literacy funds, and increase the baselined funding by an additional \$13.5 million, in order to double the level of investment per student in the upcoming DYCD RFP. We haven't had a new RFP in years and our grants never cover the cost of our programming. We desperately need new investment increases if

we want to stabilize and strengthen adult literacy, rather than push service providers to the edge financially.

This is a key moment for the Council to flex and push back on the Mayor. He came out of the gate not backing an increase in adult literacy funding, but proposed cutting into the \$8 million that advocates had fought for for years and finally succeeded in baselining last spring.

Second, please expand the city's Adult Literacy Pilot Project by \$5 million for a 2nd year, to allow a total of 40 programs to address the wider need for additional student supports, services, and resources in FY 23.

Third, please renew another source of funds: \$4 million in Council Adult Literacy Discretionary funding, to continue to provide for program sustainability.

This is not the moment to cut the funding.

Thank you Immigration Committee, Speaker Hanif and the entire Council.



Make the Road New York
FY 2023 Preliminary Budget Hearing Testimony
New York City Council Committee on Immigration
March 14, 2022

Good Afternoon Chair Hanif and members of the Committee on Immigration. My name is Kenny Minaya and I am the Director of Government Affairs at Make the Road New York. I'd like to thank the Committee for the opportunity to testify about our critical services for immigrant New Yorkers during this devastating pandemic and the funding needed to sustain them.

Make the Road New York (MRNY) is a non-profit community-based membership organization with over 25,000 low-income members dedicated to building the power of immigrant and working-class communities to achieve dignity and justice through organizing, policy innovation, transformative education, and survival services. MRNY's five community centers in the New York City area, including Jackson Heights, Bushwick, and Port Richmond, provide a broad array of support to thousands of New Yorkers every year.

I would like to thank the City Council for past support which has been essential during this immensely difficult past year. I would also like to highlight several areas of service supported by city funding that play a key role in our overall strategy to support and uplift immigrant families and communities during this time.

Adult Literacy

Let me begin with our adult literacy programming. In New York City, there are 2.2 million adults who lack English language proficiency, a high school diploma, or both. Over 75% of them are immigrants. Yet public funding for adult literacy education is so limited that fewer than 4% of these 2.2 million adults are able to access basic education, high school equivalency, or English language classes in any given year. We are concerned Mayor Adams's preliminary FY23 budget will further reduce access if proposed cuts to DYCD's adult literacy budget aren't restored.

MRNY serves approximately 700 students a year across our Staten Island, Queens, and Brooklyn offices. Since about half of our grants covering NYC come from DYCD, MRNY's adult literacy program is especially vulnerable to future instability.

Instead of making cuts, MRNY asks the city for the following investments in adult literacy: First, the City must double the level of investment per student in the upcoming DYCD RFP from \$13.5 million to \$27 million; second, the City Council must increase discretionary funding for the Adult Literacy Pilot Project to \$5 million to expand the number of funded programs to 40 and address the wider need for additional student supports, services, and resources; third, the City Council must renew the \$4 million allocated to the Adult Literacy Initiative in FY 22.

These investments will better serve over 2 million new yorkers with limited English proficiency, no high school diploma, or both, and better cover the costs of the work so that CBOs don't have to choose between financial stability and critical community services provision for the long term.

Workplace Justice

Every year, an estimated 2.1 million New Yorkers are victims of wage theft, robbed of \$3.2 billion in wages and benefits they are owed.¹ In New York City alone, low-road employers steal nearly \$1 billion per year from low-wage workers, including by paying workers less than the minimum wage, not paying nonexempt employees time-and-a-half for overtime hours, stealing tips, or requiring off-the-clock work. Immigrant workers are even more vulnerable to workplace violations and face much higher barriers to enforcing their rights.

Despite strong laws on the books, enforcement has simply not been robust enough to ensure that workers are getting the benefit of higher wage and benefits standards that the city and state have passed in recent years. Effective enforcement of basic workplace protections requires the city to commit consistent resources for legal services and outreach for immigrant workers so they can enforce their rights. MRNY and our partners in the Citywide Immigrant Legal Empowerment Collaborative (CILEC) fill the gap in services for low-wage immigrant workers. We are able to do this primarily through city funding, especially the Low Wage Worker Initiative (LWWI). Created in 2019, LWWI is the only dedicated city-funded program that provides free, individually-tailored, employment civil legal services and case management support to low-wage workers in NYC. The LWWI has helped low-wage workers recover millions of dollars in stolen wages from their employers, fight sexual harassment and other forms of discrimination, protect their right to paid leave, and safeguard their right to protest violations free of retaliation. But HRA has not yet committed to sustaining this funding stream for the coming fiscal year. The uncertain future of the LWWI places CILEC's work at risk and workers' well-being at jeopardy, just as the need for employment legal services has never been more urgent, in the wake of the COVID-19 pandemic.

Separately we urge the City Council to restore discretionary funding for Low Wage Worker Support (LWWS), a citywide initiative. The LWWS provides funding for outreach and organizing efforts to low-wage workers. Unfortunately, last year, the Council decreased funding for the LLWS. Sustained, dedicated city funding for low wage essential workers in need of employment-related civil legal services is critical to our city's economy and the well-being of its most essential workers. The Council must ensure that the Administration commits to increase funding for LLWI at the \$4 million level and the Council must increase discretionary funding to

¹ Center for Popular Democracy, *By A Thousand Cuts: The Complex Face of Wage Theft in New York* (November 2015).

\$1 million per year for outreach and organizing to these workers. Without ongoing robust and sustainable funding, our organizations' ability to continue to effectively address the employment-related legal needs of the city's low wage essential workers, and retain and hire new staff for this crucial work, is in jeopardy.

Rapid Response Legal Collaborative

The city must continue to invest in critical legal services to protect immigrant New Yorkers from deportation. Indeed, the need for attorneys providing legal services to detained immigrants and those at risk of detention is more critical than ever despite a change in administration at the federal level. Deportations are at record levels and the number of immigrants detained by ICE is more than 22,000 with ICE monitoring another 157,000 immigrants through GPS ankle monitors and parole programs. Making matters worse, the Biden Administration continues to adhere to cruel and confusing border policies which expel and deport many vulnerable families and children. Conditions in immigration detention facilities are notoriously appalling, and detainees continue to be vulnerable to COVID-19, separated from their families, and kept from speaking to legal counsel.

Formed in October of 2019, the Rapid Response Legal Collaborative (RRLC) represents community members who are detained and on the verge of being deported or who have orders of removal and are at risk of ICE detention. The RRLC, which includes legal providers UnLocal, NYLAG, and MRNY, monitors ICE activity and trends, and works with organizers to provide real-time information to community members. Since its inception, the RRLC has received more than 600 referrals for immigrant New Yorkers who are at imminent risk of deportation and has conducted almost 500 screenings. Nearly every day, community members contact our offices to report a loved one detained by ICE or fear over imminent arrest and detention, and sometimes we receive multiple requests in a single day. The demand is astounding.

We are requesting continued funding of \$1 million from the administration for the RRLC to continue critical immigration legal services to meet the specific challenges our communities are facing.

Health Programs

MRNY reaches over 8,000 low-income immigrants a year with our health access services. In 2021, our team continued to provide services online and by phone without interruption, and even expanded to respond to new needs. We assisted with health insurance enrollment, food stamp enrollment, and health navigation (including negotiating medical debt) remotely. We also helped families access Covid testing and mental health care, intervening with hospitals and the city, when necessary, to advocate on their behalf. We also conducted community health worker "home visits" via video to check on vulnerable individuals at risk for Covid.

Based on these experiences we are making the following recommendations for the Fiscal Year 2023 budget we believe will improve our ability to provide crucial health access services for the hardest hit communities during this pandemic.

First, we ask the Council to maintain its \$2 million allocation to the Immigrant Health Initiative.

Through the initiative MRNY tackles health disparities among low-income and immigrant New Yorkers that have been drastically exposed and exacerbated due to COVID-19. We achieve this by continuing to improve access to health care, addressing cultural and language barriers, and targeting resources and interventions. With continued funding, MRNY will reach 900 new participants through the project. Specific services provided include: one-on-one assistance with the health insurance enrollment application process, referrals to apply for SNAP benefits, and SNAP application assistance. These efforts will have a deep impact in securing needed services for individuals without access, as well as promoting a culture of community health and advocacy.

Additionally, the Administration must continue to fully fund the NYC Care program with at least \$100 million per year, including funding CBOs to conduct outreach, education and direct enrollment into the program. NYC Care is a health access program, operated by NYC Health + Hospitals that guarantees low-cost and no-cost services to New Yorkers who do not qualify for or cannot afford health insurance.

Conclusion

Let me conclude by again thanking Chair Hanif and members of the committee for the opportunity to testify. MRNY appreciates your leadership and advocacy on behalf of the most vulnerable New Yorkers. We hope that the adopted FY23 budget will reflect our collective commitment to social justice and that these key priorities are adequately funded.



SBS Hearing by New Immigrant Community Empowerment, NICE.

Angelica Novoa, angelica@nynice.org

Director of Training & Education

Nilbia Coyote, nilbia@nynice.org

Chief of Staff

- Good afternoon, my name is Angelica Novoa. I'm the Director of Training & Education at New Immigrant Community Empowerment, NICE. We are grateful to share our testimony on behalf of our organization and the thousands of immigrants, day laborers, and families in New York City.
- We urge the City Council to invest in the Day Laborer Workforce Initiative, the Low Wage Worker Support, and the Construction Site Safety Training to continue the work that organizations such as New Immigrant Community Empowerment (NICE) provides to over 15,000 immigrant workers per year.
- Day laborers, especially newly-arrived immigrants and women work in some of the most unsafe and unregulated industries. They experience rampant wage theft, pervasive construction accidents, unchecked workplace hazards, and lack of access to free, in Spanish and culturally dignified training.
- This is particularly true for elder workers, and women who are transitioning from domestic work to construction.
- On day laborer corners (known as paradass), day laborers also lack access to workforce development training and access to shelter, water, bathrooms, and other basic necessities.
- The goal of the Day Laborer Workforce Initiative is to work together with NICE, and other job centers, and address these issues by connecting workers to critical services, providing training on safety and legal rights, leading wage theft legal clinics, facilitating access to good jobs, and, most importantly, creating safe, dignified spaces for day laborers looking for a

job. The services we provide at NICE Center for Workers are more essential now than ever before.

- Every year, over 7,500 workers use NICE Job Center during the morning shift, and NICE dispatches over 1,200 jobs per year. Only in the last 2 years, our membership has increased up to 12,000 members because of the pandemic.
- This past year, more than 3,200 workers participated in our Construction Site Safety Training (OSHA and SST), and our Professional Development skills training, which includes painting, plumbing, demolition, framing, digital literacy, ESOL and Apprenticeship programs. One-third of the participants were women.
- Through our partnership with SBS, and the Site Safety Training under Local Law 196, NICE has provided over 2,000 SST cards to our members and continue to empower them in the use of the new Training Connect card.
- Additionally, our NICE center referred approximately 1,500 people to “critical services”, including health clinics, registration to NYC Care, legal services, financial services, among others.
- Since the onset of the pandemic, partnering with MOIA and other agencies, NICE has distributed more than \$3.3 million dollars in direct cash relief, close to 200,000 meal and grocery packages to help fight the growing hunger among immigrant workers, especially day laborers, and connected tens of thousands of immigrant workers and their families to vaccines and COVID testing.
- We urge the Council to continue investing in the Day Laborer Workforce Initiative, the Low Wage Worker Support, the Construction Site Safety Training, to empower thousands of day laborers, women and men in the construction industry and fight for their dignity and their economic recovery.
- In particular, we urge the Council to renew and expand the Day Laborer Workforce Initiative Coalition budget for FY23 to \$5.4 million (an increase of approximately \$1.6 million) to expand the access to workforce development and training opportunities for immigrants, day laborer centers and low income New Yorkers. We also urge the Council to renew and expand the Site Safety Training funding under Local Law 196.
- Thank you very much for your time and consideration.



Immigration Hearing

- Good afternoon, my name is Estefania Galvis I'm the Director of Workforce Development at New Immigrant Community Empowerment, or NICE. We're grateful to share our testimony on behalf of our organization and the thousands of immigrants, day laborers, and families in New York City.
- We urge the City Council to invest in the Day Laborer Workforce Initiative, the Low Wage Worker Support, and the Construction Site Safety Training to continue the work that organizations such as New Immigrant Community Empowerment (NICE) provides to over 15,000 immigrant workers per year.
- Day laborers, especially newly-arrived immigrants and women work in some of the most unsafe and unregulated industries. They experience rampant wage theft, pervasive construction accidents, unchecked workplace hazards, and lack of access to free, in Spanish and culturally dignified training. This is particularly true for older workers, and women who are transitioning from domestic work to construction.
- On day laborer corners (known as paradass), day laborers also lack access to shelter, water, bathrooms, and other basic necessities.
- The goal of the DLWI is to work together with NICE, and other job centers, and address these issues by connecting workers to critical services, providing training on safety and legal rights, leading wage theft clinics, facilitating access to good jobs, and, most importantly, creating safe, dignified spaces for day laborers looking for a job. The services we provide at NICE Center for Workers are more essential now than ever before.
- Every year, over 7,500 workers use NICE Job Center during the morning shift, and NICE dispatches over 1,200 jobs per year. Only in the last 2 years, our membership has increased up to 12,000 members because of the pandemic. Day laborers who secure work through Centers like ours experience less wage theft, higher wages and work development.
- This past year, more than 3,200 workers participated in our Construction Site Safety Training, and our Professional Development skills training. This training included painting, plumbing, demolition, framing, Apprenticeship

programs, ESL classes through the Adult Literacy ,digital literacy and more. One-third of the participants were women.

- Every year, NICE hosts 100 workshops where members learn about their rights as immigrants and workers and we refer approximately 1,500 people to “critical services”, including health clinics, registration to NYC Care, legal services, financial services, among others.
- **Since the onset of the pandemic**, NICE has distributed more than \$3.3 million dollars in direct cash relief, close to 200,000 meal and grocery packages to help fight the growing hunger among immigrant workers, especially day laborers, and connected tens of thousands of immigrant workers and their families to vaccines and COVID testing.
- We urge the Council to renew and expand the Day Laborer Workforce Initiative Coalition budget for FY23 to \$5.4 million to increase the access to workforce development and training opportunities for immigrants, day laborer centers and low income New Yorkers. We also urge the Council to renew and expand the Site Safety Training funding under Local Law 196,, the Low Wage Worker Support and the Adult Literacy Initiative to empower thousands of day laborers, women and men in the construction industry and fight for their dignity and their economic recovery.
- It's more important than ever that New York City protect immigrants and do everything we can to help them get the services they need and deserve to succeed in our City.



Economic Development hearing

- Good morning, my name is Francisco Tecaxco
- I am the (TITLE) at New Immigrant Community Empowerment, or NICE. We're grateful to share our testimony on behalf of our organization and the thousands of immigrants, day laborers, and families in New York City.
- We urge the City Council to invest in the **Day Laborer Workforce Initiative, the Low Wage Worker Support, and the Construction Site Safety Training** to continue the work that organizations such as NICE provides to over 15,000 immigrant workers per year.
- Immigrant Workers are Essential to NYC's Economic Recovery. They built construction sites, delivered food, cleaned houses, buildings and hospitals, and continue to do so as the city reopens.
- They work in some of the most unsafe and unregulated industries. They experience wage theft, construction accidents, workplace hazards, and lack of access to free, dignified training.
- On day laborer corners (known as paradass), day laborers also lack access to workforce development training, and to shelter, water and bathrooms.
- The goal of **the Day Laborer Workforce Initiative** is to work together with NICE, and address these issues by creating access to good jobs, providing training on safety and legal rights, and creating dignified spaces for day laborers looking for a job.
- Every year, over 7,500 workers use NICE Job Center and we dispatch over 1,200 dignified jobs per year.
- With the **City Cleanup Corps**, NICE created an apprenticeship program for women workers who harness their skills by rebuilding the homes of New Yorkers affected by Hurricane Ida. In this program, so far 44 women have been trained and they have helped rebuild 23 houses, affecting over 100 low income immigrant community members.
- The **Low Wage Worker Support funding** is key to ensure we can meet the increasing demand for **wage theft support**. Every month, more than 60

workers come to NICE to report cases of wage theft. We help each person try to recover their wages, and make sure they know their rights.

- This past year, more than 3,200 workers participated in our **Construction Site Safety Training**, and our Professional Development skills training, including painting, plumbing, demolition, framing, Apprenticeship programs, ESL classes through Adult Literacy, digital literacy and more. One-third of the participants were women.
- Since the onset of the pandemic, NICE has distributed more than \$3.3 million dollars in direct cash relief, close to 200,000 meal and grocery packages, and connected tens of thousands of immigrant workers to vaccines and COVID testing.
- We urge the Council to continue investing in the **Day Laborer Workforce Initiative, the Low Wage Worker Support, the Construction Site Safety Training, and the Adult Literacy Initiative** to empower thousands of day laborers, women and men in the construction industry and fight for their dignity and their economic recovery.
- In particular, we urge the Council to renew and expand the Day Laborer **Workforce Coalition** budget for **FY23** to \$5.4 million. We also urge the Council to renew and expand the **Site Safety Training funding** under **Local Law 196**.
- Thank you so much for your time.



New York City Council – Committee on Finance

New York City Council Budget and Oversight Hearings on The Preliminary Budget for Fiscal Year 2023, The Preliminary Capital Plan for Fiscal Years 2023-2026 and The Fiscal 2022 Preliminary Mayor's Management Report

Testimony from the New York Immigration Coalition March 14, 2022

Good Morning. My name is Theodore A. Moore and I'm the Interim Vice President of Policy at the New York Immigration Coalition, an umbrella policy and advocacy organization that works statewide with over 200 immigrant-serving member organizations. Thank you to Chair Hanif and the members of the City Council Immigration Committee for convening this important hearing and allowing us the opportunity to submit testimony on the organization's budget and policy priorities for the upcoming fiscal year.

The City Council took an important step toward New York City being a true representative democracy with passage of the Our City, Our Vote legislation (Int 1867), the Municipal Voting law that was passed on December 9, 2021 and adopted on January 9, 2022.

In December 2022, over 800,000 individuals with Green Cards and those authorized to work will become eligible to register to vote. Those same individuals will also be able to vote, depending on when the first election is held, in January 2023. The City Council's investment in the implementation of this law will be crucial to the initial and future success of municipal voting in NYC. It will also serve as a blueprint for other municipalities that are going to follow what this Council did and pass similar legislation. Because of these factors there is a huge need and opportunity to ensure that organizations are funded sufficiently to perform their duties at an adequate and necessary level.

The NYIC is proposing:

1. The creation of a **\$25,000,000** fund to be distributed to CBO's, particularly the Our City, Our Vote Coalition, to conduct truly expansive city-wide voter registration, voter education, and GOTV
2. **An increase in the budgets** of every City agency, department and office that will be involved in the implementation of municipal voting
 - a. **\$25,000,000** for the Board of elections
 - b. **10% increase from the FY22** budget of the Civic Engagement Commission, Campaign Finance Board, and the Campaign Finance Board



- c. **5% increase from the FY22** the budget of the Department of Youth & Community Development and any other relevant City agency, department and office

The New York Immigration Coalition believes that these initiatives will create conduit for the City to immigrant communities during the implementation of this historic law to provide crucial education and outreach services, particularly to communities that face significant language access barriers.

Language Access isn't just an issue on election day. There are still significant barriers to language access for New York's immigrant communities, particularly those who speak languages of limited diffusion (LLDs). To build on recent gains in this area we propose that the Council support the creation of a Community Interpreter Bank (CIB), modeled after an interpreter bank that has been used successfully since 2007 in the District of Columbia, to expand language access and increase the supply of trained, vetted immigration interpreters by committing **\$2.5 million** through a City Council budget initiative to be provided to community-based nonprofit organizations. To better serve LLD's we are also proposing that the funding for the NYC Council's Worker Cooperative Business Development Initiative be increased by **\$750,000** to enable immigrant community-based organizations to develop and launch three language services worker-owned cooperatives—one for African Languages of Limited Diffusion (LLDs), one for Asian LLDs, and one for indigenous Latin American LLDs.

In confronting an unprecedented pandemic, NYC's health care systems must provide access to culturally responsive and affordable physical and behavioral health care for all of the city's immigrants. This begins rejecting any and all proposed cuts to healthcare. We would also like to see an increase in funding to **Access Health NYC to \$3.9 million** so that CBOs and community health centers on the front lines of pandemic response can educate the communities suffering the highest death rates from COVID-19 about health access, coverage, and rights. And finally on health we would love to see this council invest in building the diversity and capacity of the behavioral health workforce in high-need immigrant communities.

The COVID crisis has underscored and exacerbated the existing inequities in the City's public school system. Even before COVID-19, our English Language Learners (ELLs), children of Limited English Proficient (LEP) parents, and adult immigrant learners have been left behind. ELLs continue to have the highest dropout rate of any subgroup in New York City. At 16% their dropout rate is almost 5x's that of their native English speaking counterparts. We must approach this issue with a multigenerational lens by supporting immigrant families' education at the early childhood, K-12, and adult levels.



We are requesting:

- To support tragically underserved limited English proficient immigrant families with 3 and 4 year olds to apply and enroll in 3k and pre-k programs, **an allocation of \$4 million** to expand the successful Linking Immigrant Children to Early Childhood Education (LIFE) project citywide
- To improve access to supportive transfer schools outside of Manhattan for recently arrived immigrant students ages 16 to 21 and to address the devastating English Language Learner drop-out rate, **an investment of \$2 million** for the First Step pilot program
- So thousands of immigrant and other adult learners do not lose their seats in English language programs across the city and to better account for the increased rates needed to stabilize the adult literacy field in the upcoming adult literacy DYCD RFP Process, **an increase to the already baselined Adult Literacy Funding of \$13.5 million**
- To continue to cover the actual service for adult literacy programming while including new indicators of quality outcomes including digital literacy and remote access we ask that the successful **NYCCAL Adult Literacy Pilot be increased from \$2.5 million to \$5 million**

To access crucial support services immigrant New Yorkers have to travel far and wide. These obstacles led us to create The NYIC's Key to the City (KTTC) which offers a hub of coordinated wraparound services to immigrant communities, including consular, educational, social, health, and legal services. We have run the program for the last ten years and have held nearly 90 events across the 5 boroughs while serving almost 44 thousand community members. Key to the City programming will be crucial to reconnecting immigrant New Yorkers to the services and resources they need to thrive in a post-COVID city. To support this continued work the NYIC has requested \$2 million to expand its offerings to include both large, outdoor events, smaller targeted events built for specific communities and neighborhoods, and continued online educational and direct service programming.

Our final organizational priority I would like to mention is renewal of the \$58.2 million in funding for immigration legal services to ensure continuity of services and to help defend immigrants against the aggressive, anti-immigrant policies from Washington that continue even during this pandemic. Now I would like to state that the NYIC does not feel that we require any additional sources of revenue to fund our proposal. All these can and should be funded in spite of the deficit. That being said, we should also address the NYPD's current \$5.5 billion dollar budget. An over-bloated budget that is larger than what NYC spends on health, homeless services, youth development, and workforce development combined. We support a dramatic reduction of funding for the NYPD. Those funds should be re-invested in long ignored and underfunded communities for healthcare, education, housing and other programs that actually help communities be safe and thrive.

**Testimony by the New York Legal Assistance Group (NYLAG)
before the NYC Council Committee on Immigration regarding:**

Preliminary Budget Hearing – Immigration

March 14, 2022

Chair Hanif, Council Members, and staff, good afternoon and thank you for the opportunity to speak to the Immigration Committee about the FY23 budget. My name is Jodi Zieseemer, and I am the Director of the Immigrant Protection Unit at the New York Legal Assistance Group (NYLAG). NYLAG uses the power of the law to help New Yorkers in need combat social, racial, and economic injustice. We address emerging and urgent legal needs with comprehensive, free civil legal services, impact litigation, policy advocacy, and community education. NYLAG serves immigrants, seniors, the homebound, families facing foreclosure, renters facing eviction, low-income consumers, those in need of government assistance, children in need of special education, domestic violence victims, persons with disabilities, patients with chronic illness or disease, low-wage workers, low-income members of the LGBTQ community, Holocaust survivors, veterans, as well as others in need of free legal services.

We appreciate the opportunity to testify to the Immigration Committee regarding the FY23 budget. NYLAG is proud to operate in a City that values its immigrant citizens and supports much-needed services to them through its annual budget. Funding for legal services for New York City immigrants is crucial to keeping families and communities safe in a difficult time. Even as positive changes in immigration law are proposed and enacted by the federal government, we encourage the City to continue looking for ways to provide the resources necessary to allow legal services providers to ensure that immigrants are well informed and have advocates to help them navigate the complexities of immigration legal system.

The Immigration Landscape

We are still emerging from four years of intense anti-immigrant rhetoric and policies, which have had profoundly damaging effects on our communities and the values of our nation. We saw our immigration policies and systems weaponized against our immigrant communities and our “sanctuary cities.” We had a President and administration that strongly messaged through rhetoric and action that immigrants and people of color are not welcome in our country and who turned their back on the proud immigrant history of our nation and our domestic and international obligations. The deep damage done to our communities and to the immigration system, the distrust, and the laws themselves will be challenging to change, undo, and rebuild. Unfortunately, despite some promise early in the Biden Administration, we have seen the continuation of many harsh policies employed during the Trump Administration—expulsion of immigrants at the border, fast tracking the deportation cases of asylum seeking families without regard for due process, and the detention and deportation of vulnerable immigrants.

New York City has long been a national leader in protecting and serving our nation’s immigrant communities. The anticipated changes and reforms of our federal immigration laws gives the City an opportunity to be on the vanguard of how these changes are implemented and ensure that they are delivered effectively and equitably to our immigrant neighbors and families. We must pivot our resources and focus to the emerging changes, fund creative methods to provide wide-ranging legal assistance, build on the tools we have marshaled for safe and remote service provision, and revive older methods of disseminating information and services on a large scale.

Rapid Response Programs

The deportation landscape has shifted in the past two years, with the total number of deportations dropping to less than half of the deportation numbers at the height of the Trump Administration

but expulsions at the border are sky-rocketing to more than one million.¹ ICE enforcement action and detentions continued and even increased despite the global pandemic, appalling conditions in ICE detention facilities, and public outcry. ICE currently has almost 18,000 immigrants detained nationwide, up from the low ebb of detention numbers during the peak of the pandemic.² The conditions for immigrants in ICE custody is appalling; immigrants are separated from their families, often kept from speaking to legal counsel, denied basic medical care, and afforded little if any protections from COVID-19 or proper care if they contract the virus. The need for attorneys providing legal services to detained immigrants is critical.

New York City is fortunate to be home to the New York Immigrant Family Unity Project (NYIFUP), a groundbreaking defender program that provides free lawyers to low-income detained immigrants. While NYIFUP provides services to the majority of detained immigrants in New York City courts, there are a few notable exceptions, such as when an immigrant has a prior order of deportation or when providers have conflicts with certain clients and cannot represent them. In order to fill the gap in service, NYLAG, Make the Road New York, and UnLocal recently launched the Rapid Response Legal Collaborative (RRLC), which provides a safety net to those detained immigrants who cannot be served through NYIFUP. The RRLC is funded through both the State and the City and has been incredibly successful in its first year and a half. In 2021, RRLC received more than 300 referrals and during the three year history of the RRLC program, we have advised more than 450 people.

As former Commissioner Mostaffi mentioned, the City Council has been instrumental and generous in funding this initiative and our response to the changing landscape due to the pandemic. The need to maintain this funding at its current levels is paramount. RRLC was instrumental in responding to the pandemic and the conditions in immigration detention centers. We filed numerous parole requests for detainees with medical conditions and represented more than 12 individual detainees in

¹ American Immigration Council, “Rising Border Encounters in 2021: an Overview and Analysis,” March 2022, https://www.americanimmigrationcouncil.org/sites/default/files/research/rising_border_encounters_in_2021_v1.pdf.

² TRAC, <https://trac.syr.edu/immigration/quickfacts/>.

habeas petitions to obtain their release from ICE custody. Rapid response cases are exceedingly complex and time-consuming, requiring very experienced attorneys who are admitted to and equipped to bring cases in federal and circuit courts. In addition to taking on this urgent and difficult work, our team has also trained and mentored other attorneys primarily in New York but also nationwide through our membership in AILA and partnership with national immigration organizations.

With steady funding, the RRLC would be able to continue to respond to emerging crisis and issues with immigration detention, track and educate the community about changes in law and policy, and to hold ICE accountable for releasing non-priority immigrants. RRLC recently hosted a training on policies and on the ground reality of what is happening at the U.S. Southern Border to better equip ourselves and our teams for vetting and advocating for people are admitted through the border and arrive in New York, many with active removal orders and appointments to report to ICE. Additionally, RRLC has begun to focus on non-detained immigrants who are subjected to a final order of removal—potentially a huge population of tens of thousands of New Yorkers—to resolve their immigration issues, protect themselves from detention, and prepare them to take advantage of future reforms in the law.³ The ability to take advantage of future reform will be paramount in light of the widespread violations of due process that were inflicted by the Trump administration. Without your support, immigrants who might be eligible to address these past violations by reopening their final orders of removal will go unrepresented and potentially removed pursuant to illegal and unconstitutional proceedings.

Protecting the Rights of Immigrant New Yorkers Facing Removal Proceedings

³ New York City Immigration Courts have issued more than 10,000 removal orders *each year* in 2018 and 2019 and between 5,000-6,000 removal orders in each of the preceding four years. Monsy Alvarado, “How Many People Have Been Ordered Deported in NY and NJ?” NorthJersey, July 10, 2019. <https://www.northjersey.com/story/news/new-jersey/2019/07/10/how-many-people-have-been-ordered-deported-nj-and-ny/1673856001/>

While the need for rapid response removal defense services is critical, there is still an overwhelming unmet need for legal advice and representation for the hundreds of thousands of New Yorkers in non-detained removal proceedings with the New York city Immigration Court.⁴ ICE placed more than 14,000 New Yorkers in removal proceedings in 2020 while the courts remained closed (and more than 100,000 nationwide), adding to an overwhelming backlog at the already stressed system.⁵ Although the New York Immigration Courts resumed hearings in the summer of 2021, the backlog of cases has grown by tens of thousands since the previous year.⁶ The nation-wide backlog has ballooned to an unmanageable 1.6 million cases, which increases the number of immigrants at risk of detention and deportation for missing a hearing or because of bureaucratic error.⁷ Because of the vast disparities in success between immigrants who are represented by an attorney and those who are not, funding legal services for this population of New Yorkers is essential for keeping immigrants out of detention, safeguarding them from deportation, and ensuring that they have the best access to permanent immigration status.⁸

Not only is there an increased need for representation and advice for the hundreds of thousands of immigrant New Yorkers facing removal but there is an urgent need for legal organizations to combat and challenge the Department of Justice's failure to adhere to basic due process requirements in these proceedings. NYLAG has closely tracked and has submitted a demand letter to the New York Immigration Courts regarding their lack of adequate notice of the reopening of the courts, rescheduling of hearings, and last-minute cancellations and changes in hearing locations. NYLAG has collected more

⁴ Austin Kocher, "ICE Filed Over 100,000 New Cases and Clogged the Courts at the Peak of the Pandemic," Documented NY, September 16, 2020. <https://documentedny.com/2020/09/16/ice-filed-over-100000-new-cases-and-clogged-the-courts-in-the-peak-of-the-pandemic/>

⁵ *Id.*

⁶ Guilia McDonnell, "New York Immigration Court Backlog Reaches Historic High," DocumentedNY, January 20, 2022, <https://documentedny.com/2022/01/20/new-york-immigration-court-backlog-reaches-historic-high/>

⁷ TRAC, https://trac.syr.edu/phptools/immigration/court_backlog/

⁸ New York State Bar Association, Committee on Immigration Representation, June 15, 2019 (citing that 78% of represented immigrants succeed in their removal case while only 15% of unrepresented immigrants do); <https://nysba.org/app/uploads/2020/02/Resolution-as-Approved-by-the-House-of-Delegates-on-June-15-2019.pdf>

than 26 examples of notices not being sent in a timely manner to notify immigrants or their attorneys of hearings being advanced, cancelled, rescheduled, or changed. We have also noted that the New York Immigration Courts made no effort to notify immigrants that the courts had reopened or a change in policy cancelling all hearings for unrepresented immigrants for a period of time. We urge the City Council to fund programs and organizations which monitor and advocate for due process rights and mount challenges to the systemic practices of the court which harm immigrant New Yorkers.

Funding for Emerging Needs and Responding to Refugee Crisis with an increase in Immigrant Opportunities Initiative Funding

This year has already seen two urgent humanitarian crisis with prominent immigration facets: the evacuation of 50,000 Afghans and the Russian invasion of Ukraine. When the U.S. withdrew troops from Afghanistan in the summer of 2021, the U.S. backed Afghan government rapidly collapsed, leaving millions of Afghans who had worked for and supported the U.S. military, NATO, and international NGOS vulnerable to the new Taliban government. The U.S. evacuated more than 50,000 Afghans and brought them into the U.S. on a temporary parole program and has resettled them in the U.S. However, their permanent immigration status has yet to be resolved and will necessitate legal support to file asylum applications, follow up on Special Immigrant Visas (SIV), and explore other forms of relief. NYLAG sent staff to military bases to help with the legal screening and assistance for Afghans and is mentoring pro bono attorneys on Afghan asylum cases. NYLAG also started a program in collaboration with the International Rescue Committee to help Afghans in the U.S. file Humanitarian Parole applications to bring their families to the U.S. who are in danger in or outside of Afghanistan. We have filed close to 200 Humanitarian Parole applications with government fees paid entirely by pro bono. Unfortunately, without additional funding, NYLAG is at capacity with our ability to continue this program and meet the on-going need.

Likewise, the recent events in Ukraine has created an unexpected need in a different immigrant community. As the U.S. watches with horror the Russian invasion of Ukraine and the outpouring of refugees into Europe, NYLAG has been fielding calls from Ukrainian clients and our many community-based partners in New York City regarding their families and their own immigration options. With the designation of Ukrainian Temporary Protected Status, there is a need to organize clinics to screen and advise Ukrainian immigrants and assist with the applications for status. NYLAG, like many other legal service providers, are still assisting Haitians and Venezuelans with TPS applications and while we will respond to the needs of the communities we serve, we are doing so with no funding and little capacity. We urge the Council to fund flexible programming to meet the legal need of Afghans and Ukrainians but also anticipate other emergency needs which may arise at any time.

NYLAG's immigration practice is comprehensive, covering naturalization, adjustment of status, relative petitions, U & T Visas and VAWA self-petitions for DV and trafficking victims, SIJS, removal defense, and more – all of which have been complicated by quarantine orders. NYLAG currently receives \$440,000 in IOI funding from the Council and seeks an increase to \$600,000. With this increase in funds, NYLAG can expand legal services for a broad range of immigrant communities—focusing on Afghan and Ukrainian relief but also preparing to serve immigrants from any other communities in urgent need or for whom relief has become available.

Renew and Increase Low Wage Workers Initiative

NYLAG seeks a renewal and increase in Low Wage Worker Initiative. This funding will support NYLAG's Employment Law Project which provides advice & counsel and legal representation to low-wage workers who are victims of discrimination and/or wage theft, working to secure fair compensation, back wages and employment reinstatement. Areas of practice include employment discrimination claims, wage and hour issues, unemployment insurance, and employment mediation.

With funding from the City for Low Wage Worker Support, NYLAG addressed the rapid surge during the pandemic for employment law services. The unit represents mostly workers in low-wage industries, immigrants, and workers of color; many are earning minimum wage and are living in poverty, or they are one paycheck away from falling into poverty. As a response to the need in the community, the practice shifted to mainly assisting workers suffering the effects of the

COVID-19 pandemic, especially focusing on essential workers who have been on the frontlines, as well as the thousands of newly unemployed New Yorkers suddenly left without an income. An additional focus this year, with the assistance of a new fellow, NYLAG is representing low-wage workers facing discrimination due to caretaking issues. This is an area in which there is significant need in NYC but few available services. As with other practice areas, we maximized the number of individuals we could assist, by training pro bono volunteers to represent claimants before the NYS Department of Labor to challenge wrongful denial of benefits. Notwithstanding the undeniable increase in need for legal services for low-wage workers with employment claims, funding remains low and is not secure from year to year. Without such a commitment by the City, NYLAG and other organizations' employment practices will not be able to keep up with the ongoing legal needs of New York City's low-wage workers. It is thanks to the Low Wage Worker funding from the City through HRA that we were able to continue to provide these essential services. The funding provided by the City turned out to be exceptionally important during the pandemic and NYLAG applauds the City for identifying and working to fill this gap in services, and we urge the City to continue this critical funding.

NYLAG Seeks Funding for Caregivers

There are an estimated 900,000 to 1.3 million family caregivers in NYC, the majority of whom are women over 50. Half provide at least 30 hours of care each week for their loved one. Caregivers for older adults and adults with disabilities often also work outside the home and yet many struggle with keeping their own jobs and are barely able to get by. The burdens of caregiving take a physical, emotional and financial toll, leaving caregivers unable to easily access free legal services that could help them ease those burdens. The challenge has been exacerbated with the increased strain caused by COVID-19 including the fear of caregivers placing their loved ones in nursing homes.

NYLAG seeks \$150,000 to start a pilot program to provide legal services to caregivers through partnerships with caregiver services providers across the city. NYLAG's LegalHealth unit would staff this program with on-site clinics at 3-4 partner organizations in Brooklyn and receive additional referrals of caregivers through a city-wide intake line. Under this model, these sites will be covered by generalist attorneys serving as a "one-stop shop" for over-burdened family caregivers.

Services would include assisting with guardianship petitions and guardianship alternatives, including advance directives. NYLAG will also help caregivers with immigration matters, housing, benefits, disability appeals, insurance disputes, and healthcare access. LegalHealth will partner with other NYLAG units specializing in elder law and Medicaid planning, home care access, and home care appeals. With changes to Medicaid homecare, the demand for assistance in this area will greatly increase. Caregivers for older adults and adults with disabilities often also work outside the home and yet many struggle with keeping their own jobs and are barely able to get by. We can provide advice and assistance with employment rights related to their role as caregivers

Thank You for Restoring Key to the City Funding

In 2021, the New York City Council restored funding for the Key to the City (KTTC) program, a long-standing collaboration between the New York Immigration Coalition and NYLAG. With this renewed funding, NYLAG and NYIC have been able to expand our screening clinics for immigrants in New York City. We are able to provide information, Know Your Rights presentations, and guide immigrant communities through the myriad of changes in immigration and public benefits resulting from the change in Presidential Administrations and the pandemic. We thank the Council for restoring this funding and urge them to continue this vital program in the future.

Citizenship & Naturalization

Additional funding is also needed for citizenship and naturalization services, which have fallen by the wayside as the federal administration has, understandably, caused City government to focus on removal defense. Still, for immigrants with green cards, the benefits of becoming naturalized are myriad. Most notably, naturalized citizens are protected from deportation. In addition, they can travel,

petition for family members, and vote in U.S. elections. NYLAG has been proud to be the legal services partner of the public-private NYCitizenship program for the last four years, providing citizenship services to immigrants throughout the five boroughs through 12 public libraries and an HRA site. NYCitizenship is the only dedicated funding stream the City currently provides for full representation citizenship services, including complex cases involving criminal history, medical waivers, and other such issues. With a goal of filing 1,000 naturalization applications each year, NYCitizenship has been a flagship City program, but it ended in June 2020. While an ActionNYC in Libraries program will replace NYCitizenship's presence in some of the current host libraries, the new program does not focus on citizenship and immigrants no longer have a dedicated place to go with their naturalization cases. With some 622,000 lawful permanent residents in New York City who are eligible for naturalization but have not yet applied, the City should be expanding funding and outreach to green card holders, not eliminating it.⁹

I want to once again take the opportunity to thank Chair Hanif and the members of the Committee for their exceptional leadership and commitment to overseeing issues related to immigration in New York City, and for working to schedule this hearing today. I welcome the opportunity to discuss any of these matters with the Committee further.

Respectfully submitted,

New York Legal Assistance Group

⁹ New York City Mayor's Office of Immigrant Affairs and Mayor's Office of Economic Opportunity. "Fact Sheet: Eligible to Naturalize New Yorkers." December 2019. <https://www1.nyc.gov/assets/immigrants/downloads/pdf/Elig-to-natz-fact-sheet-2019-12-18.pdf>



New York Lawyers for
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**Testimony of Mia Soto, Health Justice Program, on behalf of New York Lawyers for the Public Interest to the New York City Council's Committee on Immigration
March 14, 2022 FY 23 Preliminary Budget Hearing**

My name is Mia Soto, and I am the Community Organizer with the Health Justice Program at New York Lawyers for the Public Interest (NYLPI). NYLPI is privileged to be part of the City Council's Immigrant Health Initiative, and we thank you for that support. Today, I am here to ask the Council today to continue their support for renewed funding for the Immigrant Health Initiative, which has saved lives and improved health across the City.

NYLPI's Work as Part of the Immigrant Health Initiative

At a time when access to medical care and information is crucial and misinformation can endanger our communities, this support has allowed us to expand our work educating immigrant New Yorkers with serious health conditions, their healthcare providers, and legal service providers about how to access healthcare and how to stay safe. For example, during 2021, our UndocuCare Program launched the Health Justice Talks, a video series bridging the gap between expert information and community public health and equity concerns. The videos are presented in multiple languages, including English, Spanish and Mandarin, feature members of NYLPI's Medical Providers Network, cover a range of topics and include additional resources and fact sheets for each relative topic. Additionally, through town halls, published resources and medical and legal expert panels, we have provided necessary information about COVID-19, vaccines, the right to access medical care and the Public Charge Rule to thousands of New Yorkers. In November of 2021, NYLPI partnered with the Legal Aid Society to present a successful panel, that was hosted by Council Member Dromm's office, on helping immigrants access HRA administered benefits.

Your support has also led to increased enrollment by eligible immigrants in state-funded Medicaid. The improved access to Medicaid has had life-changing and often life-saving effects on the lives of our clients. In October of 2020, we expanded our reach and launched UndocuCare TGNCI+, providing direct legal services to transgender, gender-nonconforming, intersex (TGNCI) and undocumented people living with HIV by filing for viable immigration relief. Through City Council funding, we are able to provide comprehensive screenings and legal representation to individuals, particularly those who are in health emergencies, including holistic support during these challenging times by providing our clients information on financial assistance, food banks and housing relief to meet their intersecting needs. Our individual cases are complex, given that we deal with clients in health emergencies who are stuck between two

complicated bureaucratic systems: immigration and health care. We have developed a nuanced practice taking the cases no one else can.

For example, Christina, a 37-year-old undocumented Latinx woman living in New York City, needed urgent medical care: her kidneys were failing and she needed a transplant. Despite being eligible for Medicaid, she was informed by a local hospital that because she did not have a social security number, she was ineligible. She turned to NYLPI for help and we proved to the hospital that Christina was “permanently residing under color of law,” or PRUCOL, a category used for public benefits eligibility. Christina has state Medicaid, we successfully had her listed for a transplant, and she has now received a kidney transplant, which for Christina was lifesaving.

NYLPI’s Medical-Legal-Community Partnership

The Immigrant Health Initiative funding also supports NYLPI’s work seeking to improve access to healthcare in immigration detention facilities. Despite the dire health risks posed by the spread of COVID-19, Immigration and Customs Enforcement officials continue to arrest and confine people in immigration detention facilities and jails. For NYC residents held in detention, NYLPI provides crucial and urgent advocacy to improve health care and advocate for release.

Through the funding provided by the Immigrant Health Initiative, we have built and continue to expand our volunteer Medical Providers Network (MPN), now with over 240 medical professionals, available to perform reviews and consultations for people in detention in support of advocacy efforts. Through our work, we have connected the overwhelming majority of people who requested assistance in obtaining better care to a medical provider with experience relevant to their needs. We work with City Council-funded New York Immigrant Family Unity Project attorneys, through medical advocacy, to help secure the release of their clients from immigration detention.

Improving Healthcare for NYC Residents in Detention Through the Immigrant Health Initiative

This current public health crisis is only exacerbated by the already inhumane and crowded living conditions in immigration detention, as well as the inability for individuals to socially distance and access appropriate medical care or testing. In addition, the irresponsible and frequent transfers of detained people between facilities and jails have heightened this crisis. ICE’s failure to respond appropriately to the pandemic and release people from confinement has had tragic consequences.¹

At ICE facilities nationwide, COVID-19 infections have “surged by 520 percent since the start of 2022.”² Detention facilities, including the jails and prisons used to detain people here in New York, are often crowded and unsanitary, have poor ventilation, lack adequate access to hygienic materials such as soap or hand sanitizers, and fail to adhere to recognized standards for prevention, screening, and containment of transmittable diseases. These congregate settings and poor conditions increase the possibility for transmission of COVID-19, particularly as the

¹ Isabelle Niu & Emily Rhyne, *4 Takeaways From Our Investigation into ICE’s Mishandling of Covid-19*, The New York Times (Apr. 25, 2021), <https://www.nytimes.com/2021/04/25/video/immigration-detention-covid-takeaways.html>.

² Montaya-Galvez, Camilo. *Coronavirus Infections Inside Immigration Detention Centers Surge by 520% in 2022*. CBS News. (Jan. 14, 2022), <https://www.cbsnews.com/news/immigration-detention-covid-cases-surge/>.

Centers for Disease Control and Prevention (CDC) has stated that transmission in these types of conditions can occur at a distance less than 6 feet, which was initially thought of as adequate.³

Facility staff are also at risk of being exposed to the virus and spreading it inside detention facilities, as many do not have access to personal protective equipment (PPE) where social distancing is not possible or choose to ignore CDC recommended protocols on social distancing.⁴ In addition, the frequent transfer of detained people from one location to another and intake of new immigrants from the larger community further contributes to the rise of COVID-19 outbreaks in detention settings.

Detained immigrant New Yorkers have experienced delays in receiving COVID-19 vaccines⁵ and are now facing limited access to booster shots.⁶ They are being confined to environments where social distancing is impossible and forced into solitary confinement as a method for quarantine.⁷ Immigrants are also placed at heightened risk of COVID-19 complications as medical care is often delayed, inadequate and at times completely absent or overlooked in detention facilities.⁸

In light of the COVID-19 health crisis, we have received increased numbers of requests for advocacy addressing people's vulnerabilities to exposure and illness while detained in these already crowded facilities. **The Council's support means we can move quickly to activate our network and to respond.** During the pandemic, NYLPI's Medical Providers Network has worked on COVID-19 specific referrals for medical advocacy letters, in addition to our ongoing range of work, and as a result in 2021 another 10 people were released from area detention facilities and jails. Earlier this month, we mobilized our network to respond to the urgent human rights crisis in Orange County Correctional Facility (OCCF) located in Goshen, New York. NYLPI, alongside Dr. Chanelle Diaz, primary health care physician and member of our network's steering committee, testified at an emergency hearing coordinated by the Committee on Immigration to address the worsening medical neglect and abuses taking place within detention facilities, specifically OCCF. Together with numerous community partners, currently and formally detained individuals, legal service providers, medical and mental health professionals and concerned elected officials urged the City Council's Committee of Immigration to support resolution calling on the NY State legislator and the Governor to sign the New York Dignity Not Detention Act. This week, we have learned that the City Council has passed the

³ Parohan M. et al., *Risk factors for mortality in patients with Coronavirus disease 2019 (COVID-19) infection: a systematic review and meta-analysis of observational studies*, *The Aging Male* (June 8, 2020),

<https://www.tandfonline.com/doi/full/10.1080/13685538.2020.1774748>; Close contact is defined as a) being within approximately 6 feet (2 meters) of a COVID-19 case for a prolonged period of time; close contact can occur while caring for, living with, visiting, or sharing a health care waiting area or room with a COVID-19 case, or b) having direct contact with infectious secretions of a COVID-19 case (e.g., being coughed on). *Id.*

⁴ Maura Turcotte, "Virus Cases Are Surging At Crowded Immigration Detention Centers in the U.S." *The New York Times* (Sept. 6, 2021) <https://www.nytimes.com/2021/07/06/us/covid-immigration-detention.html>.

⁵ Narea, Nicole, *Few Immigrants in Detention Have Been Vaccinated. That Needs to Change*. *VOX* (Jul. 14, 2021), <https://www.vox.com/2021/7/14/22573814/vaccine-detention-immigration-ice-covid>.

⁶ Sophia Gurulé and Abdullah Shihipar, *ICE is Detaining More Immigrants. COVID-19 is putting them in Danger*. *The Nation* (Jan. 25, 2022), <https://www.thenation.com/article/society/covid-ice-detention-centers/>.

⁷ Narea, Nicole, *It's Only a Matter of Time Before Omicron Spreads Through Immigration Detention. Immigrants in ICE Custody are Already at Risk*. *VOX*. (Dec. 26, 2021), <https://www.vox.com/policy-and-politics/22848851/ice-immigration-detention-omicron-vaccine-booster>

⁸ New York Lawyers for the Public Interest, *Still Detained and Denied: The Health Crisis in Immigration Detention Continues* NYLPI (Apr. 2, 2020), <https://nylpi.org/wp-content/uploads/2020/04/NYLPI-report-Detained-Denied.pdf>

resolution and for that we are thankful. This is the first step that the State has taken towards reducing the physical and emotional harm caused by detention and in ensuring that all immigrants in New York are treated with dignity.

Conclusion

Thank you Chairperson Hanif and the Committee for giving us the opportunity to present testimony today and for this tremendous assistance, and we ask that the funding continue in FY 2023 for both NYLPI and our partners. We look forward to continuing our work to improve immigrant New Yorkers' access to healthcare. **Health is a human right.**

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NYLPI has fought for more than 40 years to protect civil rights and achieve lived equality for communities in need. Led by community priorities, we pursue health, immigrant, disability, and environmental justice. NYLPI combines the power of law, organizing, and the private bar to make lasting change where it's needed most.

NYLPI's Health Justice Program brings a racial equity and immigrant justice focus to health care advocacy, including ongoing work addressing the human rights crisis in immigration detention and advocating for healthcare for all New Yorkers.

Adhikaar for Human Rights and Social Justice
Testimony submitted to Committee on Immigration
Preliminary Budget Hearing for FY23
March 14, 2022

Good morning, name is Prarthana Gurung and I am the Director of Campaigns and Communications at Adhikaar. Adhikaar, meaning “rights” in Nepali, is a women-led community and workers’ center that provides direct services to the Nepali-speaking community and organizes low-income workers and impacted community members to promote social justice and human rights. At Adhikaar, we define the Nepali-speaking community as descendants of Nepal, Bhutan, India, Burma, and Tibet that speak Nepali. We are often referred to as our community’s 911 and 311 line, serving more than 10,000 Nepali-speaking people a year. Our community is one of the newer immigrant communities and according to Asian American Federation’s ‘Profile of New York City’s Nepal[i] Americans’ report, the fastest growing Asian ethnic group. Most of our members are women and work in the informal sector as nail salon workers, domestic workers, taxi drivers, and restaurant workers. Many live in Jackson Heights, Woodside, East Elmhurst, Elmhurst, Corona, Maspeth, Sunnyside, Ridgewood, Jamaica and Flatbush.

Our members become familiar with Adhikaar through our workforce development trainings, English for Empowerment classes, or stop by our community center to obtain support for their workers’ rights, immigration, or health issues. Through these programs we create access to information, build community leadership, and grow collective power to win rights for our communities, and dignity and equity for all. For too long, the struggles and demands of communities like ours—immigrant women in low-wage industries—have been rendered invisible. We submit this testimony to uplift the voices and demands of our community in advancing immigration justice, workers’ rights and a just and inclusive COVID-19 recovery.

“As TPS holders, we are fighting this global pandemic on one hand and on the other fighting to stay in this country. During the pandemic, I worked part-time, where my job was to cook for a family who was expecting a baby. While working I contracted COVID-19, and I had to stay home for quarantine. At that time, I was really scared as I had been hearing in the news and from my friends about the number of people dying from the virus. I really had to push myself to do even simple things like waking up in the morning. All I could do was pray and keep fighting and stay positive, and I recovered fully in a few weeks. Although we are protected from being deported, with the lawsuit, the end to the TPS is so close. We have less than 6 months to stay in this country which we call home. NY has become home because I have lived and worked with families here, I have made a community where I have built deep connections. If we do not get the Permanent residency within these months, I do not know what will happen. This is our only chance.”

- Aruna Baskota, Adhikaar member leader

As new immigrants, many of our members are TPS holders, of mixed family status, or undocumented individuals who are forced to navigate a terrorizing, opaque immigration system that puts them at risk for deportation and detention. Our work in advancing immigration justice responds directly to these challenges. We push for comprehensive immigration reform at federal, state, and local levels, and are increasingly seen as a thought and action leader on immigrant rights on behalf of the hard-to-reach Nepali-speaking community in New York, and across the country. A central facet of this work involves

the provision of culturally competent case support to our at-risk members, particularly at the intersection of immigration and workers rights. In 2021, our team accompanied 168 members on cases related to labor trafficking, immigration bonds, ICE case support, general immigration, fraud, and wage; a process that involves one-on-one case management, interpretation, and community support. We work alongside various legal service providers like TakeRoots Justice, Legal Aid Society, and City Bar to provide pro-bono legal support for our members. Since 2015, we have been the only organization in the country providing TPS related-support to the Nepali community through a mix of town halls, KYR events, legal clinics and one-on-one support to limited literacy TPS holders. An estimated 1,500 TPS holders are supported every year, with a majority living in NYC. As the Nepali-speaking community continues to grow in the City, these services are becoming increasingly essential to our members and help inform our programming and community needs assessment tools.

“I first came to know about Adhikaar from a friend of mine and then became a member in 2017. I came to Adhikaar just for license inquiry during that time, but Adhikaar has supported me beyond my needs. It has supported me in obtaining a trainee license and later I was able to join the 26 hours nail salon permanent licensing course which was all in Nepali, the language I am very fluent and comfortable with. Along with training, Adhikaar also provided additional information on my rights as a nail technician. After the training, I took the State licensing exam but unfortunately I could not pass. But I never gave up or lost hope, nor did Adhikaar. They provided me with additional support and study sessions, after which I passed the State exam with full colors. I was very relieved and no longer feared sudden checking by the state, where if you failed to show your license then you got fined. Permanent license is important for all nail technicians and I am thankful to Adhikaar for supporting Nepali speakers with limited English language and literacy. If I ever get to meet my district elected officials and government individuals, I would advocate for benefits such as pensions like any other industries, paid vacation time and sick leaves.”

- Dapalmu Sherpa, Adhikaar member leader

Deeply linked to immigration justice is advancing the literacy and leadership of our members. For the past 16 years, we have provided volunteer-based adult literacy classes to approximately 2,000 community members at our center in Woodside. We see adult literacy education as an immigrant rights issue, a feminist issue, a racial justice issue, and an issue of educational justice. The majority of our members have low literacy and English proficiency which is comparable to NYC at large where 52% of immigrant parents have limited English proficiency. Adult literacy education equips our members with tools to access, navigate, analyze – and ultimately transform – social, political, and economic systems and conditions. Through our adult literacy programs our members are able to read, write, and speak the truth of their lived experience, build understanding and solidarity across differences, and examine historical and current systems of oppression and envision alternatives. We also know that increased literacy not only benefits individuals but also drives broader economic growth. A Gallup study found that “getting all U.S. adults to at least a Level 3 literacy proficiency would generate an additional \$2.2 trillion in annual income for the country,” and that large cities like New York would see a 10% increase in gross domestic product.

In 2021, we joined the Adult Literacy Pilot Project Initiative led by Literacy Assistance Center and Department of Youth and Community Development, and for the first time received funding for our adult literacy program. With dedicated funding, we have rolled out an integrated English For Empowerment (EFE) plan that offers industry specific English classes for nail salon workers and domestic workers, enhances the digital literacy of members, and ensures we’re providing our members with practical knowledge to navigate their day-to-day lives. With program funding from the Adult Literacy Pilot Project, we resumed planning for our adult literacy program and hired a dedicated coordinator to organize and coordinate the classes, as well as create a compatible online version of the curriculum to ensure

sustainability. For the first time in Adhikaar’s history, we will provide stipends to facilitators and plan to offer one-on-one digital training to our EFE and citizenship classes members.

Our pivot to virtual learning and advocacy was propelled by the COVID-19 pandemic. Two years ago we were in the epicenter of the first wave of the pandemic. Thousands of community members reached out to Adhikaar seeking support. To meet their urgent demands we quickly transitioned our operations remotely and ran a robust COVID-19 community response that supported more than 10,000 Nepali-speaking immigrants through direct services and mutual aid, community education, organizing, and advocacy. Our member-led committees organized emergency relief funds to members, distributed PPE and food to workers, and facilitated unemployment insurance support through our Unemployment Insurance clinic. We also invested deeply in the digital literacy of our members to empower their accessibility and engagement with online communication tools and platforms. This enabled the continuation of workforce development trainings for our nail salon and domestic worker members to ensure they have the tools and resources to thrive in their places of work, including provisions on COVID-19 health and safety measures. We offer the NYCOSH Beauty School in partnership with NYCOSH and Workers United where we utilize a workers-rights based curriculum in Nepali and Spanish, with trainings led by peer worker trainers, as well as our “We Rise” nanny training program in collaboration with Cornell ILR and the National Domestic Workers Alliance-NY.

“Adhikaar has always supported me and given me opportunities to succeed. I feel proud to be able to support other domestic workers. I took the nanny training at Adhikaar in 2018 and became a trainer recently. I now train other domestic members and I am happy to join Adhikaar as a Fellow in the past. I know so much more about what I can do when there is injustice now than I did before. I am also a TPS holder and was part of the TPS Core Committee. In February [2019], I shared my story at a big rally and I was really scared and emotional. I was happy that I got to speak alongside my Congresswoman, Alexandria Ocasio Cortez. I know that our stories are what’s making the immigration movement possible.”

- Rukmini Thapa, Domestic Worker Fellow, and TPS holder

On the advocacy front, our nail salon members supported the introduction of the Nail Salon Minimum Standards Council Act, a groundbreaking legislation that would create an industry council composed of workers, employers, and government officials to collectively come up with recommendations to send to the NYS DOL Commissioner to improve standards industry wide. Our domestic worker members are also pushing to implement Int 339, a historic city council legislation that provides human rights protections to domestic workers at the workplace.

Despite these holistic efforts, the impacts of the pandemic continue to reverberate across our community. Our members face significant economic, health, and food insecurity, with a 2021 report by the Asian American Federation finding that more than a fifth of the Nepali-speaking community in the New York Metro area live below the poverty line. Within Adhikaar, our members are experiencing rapid changes from working conditions to pay shifts, as well as members taking up employment in multiple industries. To better understand the impact of these changes, we partnered with Cornell University to conduct research on how conditions were changing at the workplace. This research will be published next month and will ideally inform the design of COVID recovery policies to ensure the needs of low-wage immigrant women workers are addressed.

This a snapshot of our multi-sectoral approach to advancing the rights of the Nepali-speaking community through services, advocacy and organizing. To meet the demands of our growing community we request critical funding from FY23 Discretionary budget – specifically \$50,000 from CM Krishnan, \$25,000 from CM Won and CM Caban, \$10,000 from CM Moya, \$80,000 from AAPI



Community Support Initiative, \$150,000 from Adult Literacy Initiative and \$75,000 for the NYC Care Coalition - New Initiative. We look forward to partnering with the City Council to ensure that our growing community not only survives, but thrives.

Thank you for your time and consideration.



**NYC Council Committee on Immigration
Preliminary Budget Hearing
March 14, 2022**

For too long, the great needs and even greater potential of New York City’s **lesbian, gay, bisexual, transgender, and queer (LGBTQ+) immigrants** have been overlooked. Nearly 40% of New Yorkers were born outside the U.S. The percentage of foreign-born LGBTQ+ New Yorkers is likely much higher, yet current services and infrastructure do not reflect this reality.

Seeking Asylum & Finding Empowerment (SAFE) has been working to address this gap, but the solution lies in a larger commitment from our city. Legal services are one area of special concern. New York City does not provide adequate resources to Asian and LGBTQ+ immigrants in general and asylum seekers in particular. Very little, if any, city funding is geared toward helping immigrants affirmatively apply for asylum.¹ Asians, including LGBTQ+ individuals, are largely unserved. In FY 2022, for example, NYIFUP received a bulk (\$16.6 million) of the Council’s \$29.1 million allocated toward Immigrant Services. Despite Chinese nationals being by far the largest group in removal proceedings in Immigration Court, NYIFUP serves virtually no Asians, based on the most recent publicly available data.²

LGBTQ+ immigrants face special challenges that non-LGBTQ+ immigrants do not face. Many LGBTQ+ immigrants cannot rely on the networks of family and community support available to others. Many also face the challenge of navigating the immigration bureaucracy to apply for asylum.³ The result is that many must place themselves in precarious and re-traumatizing situations to survive. Given the lack of services, SAFE requests that the Council dedicate at least \$500,000 to a new **LGBTQ+ Immigrant Empowerment Initiative**. Such funding would begin to address the legal needs of LGBTQ+ asylum seekers. This initiative should also include organizations that have been providing social services. Our community members are survivors

¹ “Affirmative” asylum applications are filed when an immigrant is not in removal proceedings. “Defensive” applications are filed with Immigration Court.

² The study does not provide data on LGBTQ+ immigrants who have benefited from NYIFUP. <https://www.vera.org/downloads/publications/new-york-immigrant-family-unity-project-evaluation.pdf>.

³ Asylum seekers must make their own way to the U.S. without any Federal support. This is especially troubling since asylum seekers must wait for work authorization and so cannot work for a long period. Refugees are designated overseas and receive U.S. support to travel to and resettle in this country. The U.S. government has historically refused to designate LGBTQ+ individuals as refugees per se, meaning asylum is often the only option and only for those able to travel to the U.S. on their own.

of tremendous trauma and deserve to live in a city that will foster their healing. The need will only grow as we anticipate a wave of LGBTQ+ individuals from Russia and Ukraine along with increasing numbers from many other countries as post-pandemic travel becomes easier.

SAFE also requests that the Council closely monitor the situation at MOIA. Sadly, Erik Salgado, who leads outreach for MOIA, has a history of statements and actions encouraging discrimination and violence against the LGBTQ+ community. MOIA has had an uneven record when it comes to listening to and responding to the LGBTQ+ community, and SAFE fears that Erik Salgado's position will only worsen the situation. Firmly believing MOIA has untapped potential to do so much more, we, therefore, ask that you press MOIA to develop programs for the first time aimed at the LGBTQ+ immigrant community. Areas of focus should include:

- Organizing Pride events for both MOIA staff and the public;
- Hiring staff who have cultural competence working with LGBTQ+ immigrants and ensure they have a role in the development of programs;
- Reaching out to community organizations that focus on LGBTQ+ immigrants;
- Coordinating with city agencies required to collect data on ethnicity/ancestry and sexual orientation/gender identity to increase response rates;
- Ensuring that NYC mental health programs are able to serve New Yorkers who are limited-English-proficient and LGBTQ+;
- Working with HRA to make sure legal service providers with city contracts are optimally serving LGBTQ+ immigrants; and
- Helping CCHR translate its materials into even more languages and strengthen efforts to reach immigrants who may not be aware of their rights.

This last issue is critical since many of our community members are unfortunately re-traumatized here in New York and do not know where to turn. For example, LGBTQ+ asylum seekers find themselves having to live and work in stores and restaurants surrounded by people originally from their countries of origin. They often must confront homophobia and transphobia in those settings but are not aware that they have rights and that the city can connect them with assistance.

SAFE looks forward to working with Chair Hanif and the entire Council to empower LGBTQ+ immigrants in all five boroughs.



Thank you to the Committee on Immigration, and Chair Hanif, for inviting testimony today. 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. The support of the City of New York has been instrumental in our work.

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 City Council has been a stalwart support that allows us to fight on behalf of young immigrants: 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.

Organizations like Safe Passage that provide free representation to immigrants are facing unprecedented challenges. First, a record number of unaccompanied children arrived at the US/Mexico border in 2021—over 100,000. Some of these young people had been expelled from the border under the Trump administration due to specious “public health” rules and are only now being processed according to the law. At least 10% of them are headed to New York to reunite with family members, but they will simultaneously be placed into removal proceedings and will need attorneys.

Second, cases continue to take an extremely long time to resolve, meaning that we cannot turn over cases as rapidly as we once could. Our case loads continue to grow.

Third, the COVID-19 pandemic has laid bare and heightened many of the inequalities in our system. Undocumented immigrants may work in essential jobs, but most lack job security,



are less likely to have health insurance, are can be hesitant to seek emergency medical treatment. To compound these problems, undocumented immigrants have been deliberately excluded from most economic recovery programs. At the same time, our immigration work didn't stop. Filings still had to be made on time. Kids were still being entered into removal proceedings and they needed lawyers.

The pandemic has proven that small organizations like Safe Passage and our partners are well-positioned to deliver aid the aid and resources that immigrant families need. Since the first cases of COVID-19 were reported in New York City, our social work team worked to connect young people with essential resources including food, housing, and medical help. In response to the urgent needs of our clients, Safe Passage Project launched an emergency response cash assistance program in April 2020. Over the course of 2020, we distributed \$40,000 in assistance to 130 households. Our social work team made more than 500 referrals to an array of resources, including connecting clients to mental health, medical health, health insurance, food assistance, and shelters. We are proud to have connected so many families with badly needed resources, but we know that many clients continue to struggle with food and housing insecurity. We likewise continued the struggle on the immigration front: we have conducted legal intake screenings for 285 clients since April 2020, and filed hundreds of applications and motions with immigration services and with various courts.

The stakes have never been higher, and our already hard-working staff will be pushed to do more. Funding for organizations like ours is never guaranteed. The ICARE Collaborative was very successful in ensuring that New York's child immigrants are represented in court, but the Robin Hood portion of the funding from this public-private partnership is coming to a close. We recognize that these are very uncertain times, particularly from a budgeting perspective, but I ask that the City Council continue to elevate the need for these services.

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, defend themselves against deportation, and access stability and essential services during this difficult period. 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.

TAKEROOT JUSTICE

TESTIMONY ON BEHALF OF THE CITYWIDE IMMIGRANT LEGAL EMPOWERMENT COLLABORATIVE (“CILEC”) IN SUPPORT OF RENEWING LOW-WAGE WORKER INITIATIVE (“LWWI”) AND LOW-WAGE WORKER SUPPORT FUNDING (“LWWS”) FOR FY23

Testimony from Nadia Qurashi,
Director, Immigrants’ Rights Team, TakeRoot Justice
Before New York City Council Committee on Immigration
March 14, 2022

Good afternoon. My name is Nadia Qurashi. I am the director of the Immigrants’ Rights Team at TakeRoot Justice. Thank you for this opportunity to testify in support of the stabilization and expansion of the Low-Wage Worker Initiative (LWWI) and Low-Wage Worker Support funding (LWWS), which are essential to the fight for workplace justice in New York City. COVID-19 highlighted the ongoing and urgent need for dedicated employment-related civil legal services and related support for NYC’s low-income and immigrant communities. These communities have long been vulnerable to rampant wage theft, unsafe working conditions, unlawful discrimination, retaliation, unpaid sick and emergency leave, and wrongfully denied unemployment insurance benefits, and the pandemic exacerbated this vulnerability. **We urge the City Council to demonstrate its commitment to NYC’s low-wage and immigrant workers by increasing its funding for the Low-Wage Worker Support citywide initiative to \$1 million in FY23 and by calling on the Administration to baseline the Low-Wage Worker Initiative at \$4 million annually.**

TakeRoot is a non-profit organization whose mission is to dismantle racial, economic and social oppression by strengthening the work of grassroots and community-based groups in New York City through legal, participatory research and policy support. Our Immigrants’ Rights Team partners with community-based organizations to provide their members and staff with legal clinics, comprehensive direct representation on removal defense and affirmative cases, and community education. Most recently, TakeRoot has partnered with Haitian Women for Haitian Refugees to provide a series of combination Know Your Rights workshops and legal screenings specifically addressing the unique needs of Haitian families recently released from ICE custody at the border.

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TakeRoot is a member of the City Immigrant Legal Empowerment Collaborative (CILEC), a collaborative of legal service providers and multi-lingual base-building organizations that work throughout the City to strengthen low-income immigrant communities. CILEC member organizations deliver high quality employment and immigration legal services and engage in culturally sensitive outreach to low-income immigrant New Yorkers. The Office of Civil Justice provides funding for our work through the Immigrant Opportunity Initiative (IOI).

For the past four years, the Administration has provided additional annual funding through LWVI to IOI recipients that provide employment-related legal services to low-income New Yorkers.¹ This dedicated funding is to support the staffing and administrative structures needed to deliver high-quality, culturally sensitive, and trusted legal services to low-wage workers in New York whose workplace rights have been violated. LWVI is complimented by LWWS, a discretionary City Council initiative, which funds community-based organizations to engage in outreach on workers' rights issues, conduct trainings and identify workers in need of legal support.

This work is critical. As we all know, the pandemic was an economic catastrophe for many families, causing job loss, financial insecurity, and a rise in workplace exploitation, mistreatment and retaliation. At the same time, many immigrant workers were excluded from critical federal safety-net programs, further exacerbating stark social and economic disparities in our city. Our clients and members experienced first-hand this devastation that the COVID-19 has wrought on low-wage and immigrant workers and workers of color.

Amidst this crisis, LWVI has allowed TakeRoot and our CILEC partners Make the Road New York and Catholic Migration Services to represent over 1660 workers in legal actions to recoup unpaid wages and enforce laws relating to sick leave, discrimination and retaliation; in doing so, we have obtained over \$9 million dollars in settlements and judgements for low-wage workers since the onset of the COVID-19 pandemic. Over the last two years, LWVI and LWWS funding together have enabled these three organizations, as well as New Immigrant Community Empowerment (a CILEC member and current LWWS recipient), to provide case management alongside representation in over 900 cases, to offer over 200 community trainings on workplace

¹ These include CILEC member organizations TakeRoot, Make the Road New York, and Catholic Migration Services, as well as other IOI recipient organizations: Legal Aid Society, Legal Services NYC, and the New York Legal Assistance Group.

rights during a period of rapid change, and to connect over 7,500 low-wage immigrant workers to organizing.

Fighting to vindicate workers' legal rights in this way is a vital avenue to fight for social justice. The COVID-19 pandemic brought attention to the grueling hours, unsafe conditions and persistent wage theft faced by low-wage workers who keep our city running. But, when people assert and protect their rights at the workplace, the sense of mobilization, empowerment and consciousness they gain carries into every other part of their lives, as people realize they are change-agents. Furthermore, our work strengthens the efficacy of agencies such as the Department of Consumer and Worker Protection and the New York State Department of Labor, because when workers prevail in these forums, it creates confidence that these agencies can protect their rights and enforce the law.

LWWI and LWWS are the only city funding streams dedicated to this work, yet they have lagged behind other funding priorities, requiring last-minute saves from workers' rights advocates and allies within the city government, such as the Mayor's Office of Immigrant Affairs and the City Council, to ensure that these crucial services continue to be funded. In FY21 and FY22, the Low-Wage Worker Initiative was initially excluded from the Executive Budget before HRA restored its \$2 million funding, while Low-Wage Worker Support was renewed at severely diminished levels (from \$500,000 to \$120,000).

Meanwhile, workplace rights violations are rarely resolved within one fiscal year. Failure to renew and expand these funding streams will have a devastating impact on low-wage workers, who may be left with pending claims and no legal representation, or representation by legal service providers that are far stretched beyond capacity due to reduced staff. Our organizations' ability to maintain the necessary staff and administrative infrastructure to continue this life-sustaining work requires expanded, multi-year funding for LWWI and LWWS.

We call upon the Administration and City Council to continue supporting the City's low-wage and immigrant workers by renewing and expanding LWWI from \$2 million to \$4 million and providing \$1 million in LWWS funding, so we can continue to offer holistic employment-related legal services and culturally sensitive outreach to the City's low-wage and immigrant communities. We further ask this Committee to recommend that OCJ pour LWWI funding into the IOI contract, to create a future where support for low-wage workers is not subject to the whiplash of the budget process.

We look forward to working with the Administration and City Council to ensure that New York's low-income and immigrant communities are not deprived of vital services that support their livelihoods and advocate for their rights under the law.

Thank you.

A handwritten signature in black ink, appearing to read 'Nadia Qurashi', with a long horizontal flourish extending to the right.

Nadia Qurashi

Director, Immigrants' Rights Team

To: New York City Council
From: Melissa Peterson, Supervising Attorney, The Door's Legal Services Center
Re: Hearing of the City Council Committee on Immigration
Date: March 17, 2022

About The Door

The Door is a comprehensive youth development organization that has been supporting vulnerable youth in New York City since 1972. Each year, we serve nearly 11,000 young people between the ages of twelve and twenty-four. Our mission is to empower the young people we serve by providing comprehensive youth development services in an equitable, safe, and inclusive environment. The Door's unique and all-inclusive approach has become a model for other like organizations locally and nationally.

We receive city funding through the ICARE coalition, and with that funding, we screen and represent nearly 200 immigrant children and youth facing deportation in New York City each year. Under The Door's holistic and client-centered model, we provide members with a variety of services in addition to legal representation, with the goal to empower them and to help them achieve long term success and stability in the U.S. We have an integrated social work team that works closely with our immigrant youth to provide needed support in their cases and connect them with other services, such as healthcare and supportive housing services, crisis assistance, free nutritious meals, career and education services, and creative arts and community-centered programming.

Challenges Immigrant Children and Youth Face Today

Even at its best, the U.S. immigration system is incredibly complex and challenging to navigate. The last half of a decade brought perhaps the most challenging years-to-date for immigrants facing deportation. After four years of anti-immigrant executive orders and policies under the Trump administration, unprecedented changes in caselaw, and the advent of a global pandemic, the harmful effects remain. We are still up against restrictive policies that directly affect our young people facing deportation. Additionally, we have seen increasing delays with USCIS since the start of the Covid-19 pandemic, with a significant number of our young people waiting years for answers on their immigration applications. This leaves many of our young people in a state of limbo, with no legal status, and limited access to public services.

Furthermore, a very recent and drastic change in the Department of State visa bulletin affects a great number of our young people. The new visa bulletin announced that individuals from Honduras, Guatemala, and El Salvador who have been granted Special Immigrant Juvenile Status ("SIJS"), may now be waiting more than 5 years before they can apply for legal permanent residence in the U.S. SIJS is a form of humanitarian relief granted to young people under the age of 21 who have been abused, neglected, or abandoned in their home countries (among other legal requirements). While we represent immigrant youth in various applications

for relief, such as asylum, U-Visas, and T-Visas, the majority of the young people we serve under the ICARE grant are eligible for SIJS.

This backlog of visa availability for SIJS recipients has been one of the biggest obstacles our young people have faced in the last several years. The mental and emotional toll of living in the U.S. without full recognition as residents, without full access to academic and economic opportunities, and with great uncertainty around the future, can be heavy. Our young people have traveled great distances, sacrificing much to seek safety and stability in the U.S. They have lived through traumatic events in their home countries, as well as the trauma of immigration detention in the U.S., and most have arrived under the isolating conditions of the pandemic. For our young people stuck in this backlog, the support needed is at an all-time high, particularly for those who are approaching adulthood, finishing high school, and trying to plan for their future.

The Door's Work and Recent Accomplishments

The Door is unique in its holistic model where clients work with interdisciplinary teams of attorneys and social workers to ensure truly trauma-informed services and to provide an entry point to much-needed social services, connecting them to benefits that they qualify for with their immigration status, and working to fill in the gaps.

Throughout the pandemic, we have continued to operate both in person and remotely, in order to ensure the safety of our young people and staff, and still provide our young people with the support that they need. We have continued to hold space for weekly support groups remotely and connect our members to their peers within this supportive community. When many of our young people became jobless or lost their financial support, and could not access pandemic relief from the government, The Door created an emergency fund to support them.

Our work, funded by the ICARE grant, has also helped to inspire, and inform what is now a nationwide coalition of impacted youth and allied advocates to end this harmful SIJS backlog, which exists to educate Congress, relevant administrative agencies, and the public about the harmful impacts of visa caps on vulnerable immigrant children, and to advocate for an end to the backlog. In a letter to DHS, ICE, USCIS and the EOIR in May of 2021, The Door and other signatories called for direct action on the part of the federal government to mitigate the harmful effects of the SIJS backlog, including giving SIJS youth the opportunity to apply for work authorization. The recent announcement of a new USCIS policy allowing SIJS recipients to apply for deferred action and work authorization is a big win for the coalition and an example of the impact we can make as legal providers and youth organizations with adequate funding and community support.

The Need for Continuing City Council Support

Continued economic support from City Council is imperative to support the remarkable young people that we work with now more than ever, because the ICARE coalition has lost private funding for the next fiscal year. In previous years, through fiscal year 2021, the Robin Hood

Foundation provided us with \$160,000 in funding, approximately 23% of the full cost of our ICARE program. In fiscal year 2022, our Robin Hood funding dropped to \$100,000, and in fiscal year 2023, it will be \$0. This loss in funding will impact our ability to both take on new cases and to provide the same level of service to existing clients. It also means that we may no longer be able to fund a social worker to support to the unaccompanied minors that we represent. Therefore, continued City Council funding for ICARE in fiscal year 2023 is essential to support one of New York City's most vulnerable populations, by providing them with the legal advocacy and supportive services that they need. The Door is asking for \$750,000 as part of the ICARE coalition's ask for \$4,570,000.

Respectfully,

A handwritten signature in black ink, appearing to read 'Melissa Peterson', is written over a horizontal line.

Melissa Peterson, Esq.
Supervising Attorney
The Door's Legal Services Center



45 Broadway, 22nd Floor, New York, NY 10006
212-967-0322 | www.unhny.org

**Testimony of United Neighborhood Houses
Before the New York City Council Committee on Immigration
Council Member Shahana Hanif, Chair**

**Oversight - FY 2023 Preliminary Budget
Submitted by Lena Cohen, Senior Policy Analyst
March 14, 2021**

Thank you, Chair Hanif, and members of the New York City Council Committee on Immigration for the opportunity to testify. My name is Lena Cohen, and I am a Senior Policy Analyst at United Neighborhood Houses (UNH). UNH is a policy and social change organization representing 45 neighborhood settlement houses, 40 in New York City, that reach 765,000 New Yorkers from all walks of life.

A progressive leader for more than 100 years, UNH is stewarding a new era for New York's settlement house movement. We mobilize our members and their communities to advocate for good public policies and promote strong organizations and practices that keep neighborhoods resilient and thriving for all New Yorkers. UNH leads advocacy and partners with our members on a broad range of issues including civic and community engagement, neighborhood affordability, healthy aging, early childhood education, adult literacy, and youth development. We also provide customized professional development and peer learning to build the skills and leadership capabilities of settlement house staff at all levels.

Adult Literacy Education

UNH advocates for an adult literacy system that provides quality, comprehensive, and accessible educational services for New Yorkers to improve their literacy skills, learn English, obtain a High School Equivalency diploma, and enter training and post-secondary education.

UNH thanks the City Council for including \$4 million for the Adult Literacy Initiative in FY2022, including a new \$2.5M investment in a one-year Adult Literacy Pilot Project. These discretionary

budget items were over and above the city's baseline of \$13.5M, which DYCD allocates to providers through a competitive procurement process.

As a whole, the city's adult literacy system provides over two hundred classes that reach New Yorkers in need of digital literacy, health literacy, and the ability for parents to independently support their children's education. The success of adult learners is often predicated on how well programs can accommodate their other social service needs. A working parent without reliable access to childcare, an adult learner with mental health challenges, or a skilled professional from abroad in need of immediate employment, can more easily commit and benefit from classes if those needs are met. While the level of support services offered vary by provider, resources in community-based organizations like settlement houses can include case management, workforce development programming, childcare assistance, college planning guidance, legal assistance, behavioral health services, and housing assistance.

Today in New York City, there are approximately 2.2 million adults who lack basic literacy, English language proficiency, or a high school diploma. The majority of these adults are women and people of color. Over 75% are immigrants. Others were born in the United States and underserved by the public school system. Many of these adults live in poverty. Limited skills impact almost every aspect of their lives, making it difficult to support their children in school, access health care, secure and maintain living-wage jobs, advocate for their rights as workers, and fully participate in the political process.

Yet fewer than 4% of the adults in need of adult literacy services in NYC can secure seats in publicly funded classes in any given year. Moreover, the city's current investment per student is so minimal, most programs do not have enough funding for the staff, resources, or full complement of wrap-around supports necessary to serve students at the levels they need and deserve.

To address the gap in funding for community-based adult literacy services, UNH calls on the Mayor and the City Council to:

- 1) **Restore the \$13.5 million in previously baselined funds and increase the baseline funding by an additional \$13.5 million – for a total of \$27 million** – to double the level of investment per student in the upcoming DYCD RFP, ensuring 15,000 students can continue their literacy education uninterrupted.

- 2) **Renew \$4 million for Adult Literacy Council Discretionary Funding** to address the immense, inequitable gap in English literacy, digital literacy, systems navigation skills, and access to information.
- 3) **Extend the Adult Literacy Pilot Project for a second year and expand it to \$5 million** to continue to support the 20 programs currently funded, and to include another 20 programs to address the wider need for additional services, adequate teacher salaries, and increased program sustainability.

Increase Baseline for RFP

As it stands, adult literacy programs are baselined in the budget at \$13.5 million. To provide programs with the resources needed to serve existing students, Mayor Adams' administration must fully restore the city's baseline investment in adult literacy education to ensure level funding before the next competitive contract procurement. Unfortunately, the mayor's preliminary budget failed to restore level funding for adult literacy education services. It remains unclear how these proposed cuts would change the program budgets for each contracted provider, especially given the higher costs of providing services that are already forcing many city-funded programs to limit the number of students they are able to serve.

Additionally, it is a critical year for the City to double its baselined investment in Adult Literacy Services to \$27 million and increase per-student funding rates before a new Request for Proposals (RFP) is issued by the NYC Department of Youth and Community Development (DYCD). We anticipate a new RFP for Adult Literacy Programs to be released this year for new program contracts to begin in FY24.

Expand Pilot Program

UNH thanks the New York City Council for creating the city's first-ever Adult Literacy Education Pilot Project in the FY22 Adopted Budget. Currently funded at \$2.5 million, this investment provides community-based adult literacy programs with higher rates-per-student to cover the full cost of personnel and support services necessary to comprehensively serve their students. This gets us closer to the level of funding called for in the 2017 "Investing in Quality" report, authored by the Literacy Assistance Center and funded by DYCD, which found the average cost-per-student would be approximately \$3,700 annually, which is roughly four times DYCD's current rate of approximately \$950 per student.

UNH urges the City Council to expand the Adult Literacy Pilot Program to \$5M — up from \$2.5M — in FY23 to adequately resource high-quality adult literacy programs, including staff and personnel costs; student case management; digital technology; program space; and organizational management systems and support. This expansion would double the pilot to fund 40 programs across the city.

Introduction 1867 Implementation

For over a century, settlement houses have driven higher levels of civic engagement, particularly among disenfranchised community members. UNH works closely with settlement houses to promote civic engagement across New York City through leading nonpartisan voter mobilization, promoting the inclusion of all residents in the 2020 Census and the redistricting process, and advocating for modernized election laws to ensure residents who live and work in the city are fairly represented in local government.

Expanding the right to vote is essential to an inclusive, representative democracy; as such, UNH is a proud co-lead of the Our City, Our Vote coalition which advocated for the city to restore municipal voting rights for over 800,000 Legal Permanent Residents and individuals with work authorization. In December of 2021, the City Council overwhelmingly passed Introduction 1867 to usher in the largest enfranchisement of New York City municipal voters in over a century. Now, these neighbors have a say on the issues that we all care about, like schools, safety, food and shelter access, public transportation, and more. On December 9th, 2022, the law goes into effect and eligible non-citizens will be able to register to vote in city elections starting in 2023.

With the passage of Intro 1867, New York City has an opportunity to encourage greater civic engagement and mobilize our communities to advocate for good public policies that invest in and enhance our city. To effectively implement this legislation, **UNH recommends a \$25 million City Council Initiative to support community-based outreach to newly enfranchised voters, including voter education, registration, and get-out-the-vote activities.**

Conclusion

Thank you for your consideration. We look forward to working with you to strengthen and expand educational and civic engagement opportunities for New Yorkers. For more information, please contact me at Lena Cohen, lcohen@unhny.org.



Community Immigration
Legal Services & Education

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

Monday, March 14, 2022, 2:00pm

Good afternoon. 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. I am also the co-founder and steering committee member of the Bronx Immigration Partnership, a coordinated safety net of legal and social services providers assisting Bronx residents with their immigration-related needs. I am here today to ask the City Council to continue and expand funding for immigration legal services, community education, and outreach.

UnLocal provides free high-quality legal services for New York's most vulnerable immigrants, handling 1290 matters last year for immigrant New Yorkers seeking asylum, DACA, SIJS, lawful permanent residency, relief from removal, work authorization and much more. Our [Queer Immigrant Justice Project](#), which receives support from the City Council LGBT Caucus, works with LGBTQIA+ immigrants eligible for asylum and our QIJP Ambassador Program provides current and former clients with opportunities to develop leadership skills and to connect with other queer-identified immigrants.

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Community Immigration
Legal Services & Education

UnLocal is also part of the Rapid Response Legal Collaborative, along with Make the Road NY and NYLAG, and collectively, we seek \$1M in continued funding for our complex post-order defense work. The lawyers, paralegal, and social worker who serve on our [Rapid Response team](#) fight tirelessly to stop deportations and end ICE detention, where our neighbors' physical and mental health are endangered daily, as so many testified to at last month's hearing. We applaud the City Council's passage of the resolution in support of passage of Dignity Not Detention as a critical step to protecting immigrant New Yorkers. Though our Rapid Response team won the release from ICE detention for a member of the Muslim community in Brooklyn, he continues to feel the full weight of the US government bearing down on him and his family. With RRLC funding, we are continuing to work closely with him and his family to fight the relentless tools of surveillance and deportation of the post-9/11 era deployed against him, despite the fact that he has lived in this country for twenty-seven years and has violated no laws.

As another example of our work, UnLocal's Education and Outreach team conducted 70 presentations in 2021, including through a MOIA partnership to conduct Know Your Rights presentations across the city and educate and assist over 200 students eligible for tuition assistance under the New York State Dream Act. In addition, since 2019, UnLocal has conducted

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Community Immigration
Legal Services & Education

the Safe and Inclusive Schools Project (SISP) with our partners at ImmSchools to deliver workshops to train educators to support undocumented students in the classroom, spread awareness on mental health issues affecting immigrant students, connect undocumented students to higher education resources, and teach students, educators, and parents about the immigration system and policies affecting them. At last month's hearing we heard from many of you about the importance of conducting outreach and education at NYC schools. UnLocal supports the City Council's funding of this work so that our young people and their families have access to the vital information and resources needed to thrive.

World events are demonstrating more clearly than ever that migration is a human right. We support efforts to create greater access to migration for all, having spearheaded a [letter](#) last week to the Biden Administration, signed by 72 organizations in the New York metropolitan area, seeking expansion of TPS protections for countries long ignored as well as a path to citizenship. We close by thanking the City Council for holding this hearing and ask that funding for immigration legal services and community education be continued and expanded. Thank you.

Terry Lawson
Executive Director, UnLocal
terry@unlocal.org

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March 14, 2022

The Honorable Shahana Hanif
Chair, Committee on Immigration
250 Broadway
New York, NY 10007
hanif@council.nyc.gov

**Testimony of the Vera Institute of Justice in
Support of the New York Immigrant Family Unity Project (NYIFUP)**

**Submitted to the Committee on Immigration of the New York City Council,
Budget Hearing on the Mayor's FY 2023 Preliminary Budget**

Dear Chairperson Hanif:

On behalf of the Vera Institute of Justice (Vera), I write to urge you to increase New York City's investment in the New York Immigrant Family Unity Project (NYIFUP) by funding The Bronx Defenders, Brooklyn Defender Services, and The Legal Aid Society for this lifesaving work serving immigrants in detention at \$18 million in FY22. This investment will enable the three NYIFUP providers to cover increased personnel costs, ensuring that their work promoting health, safety, and an equitable recovery for those who have suffered most acutely during the pandemic remains strong. Immigrant communities continue to face dangerous detention and the harmful destabilization caused by federal immigration enforcement. Investing in legal services for immigrant communities is critical to ensuring due process and dignity during a time of particular need and vulnerability.

Background of New York's Investment in Immigration Legal Services and NYIFUP

Vera's mission is ending the overcriminalization and mass incarceration of people of color, immigrants, and people experiencing poverty. Over the past fifteen years, Vera has led efforts, nationwide and in New York, to advance universal representation, which would ensure that every person facing deportation has zealous legal representation. In spite of extremely high stakes – the possibility of permanent family separation and being forced to return to dangerous or deadly conditions in another country – immigrants are not guaranteed a lawyer if they cannot afford to hire one. **For immigrants in detention, access to a lawyer is especially critical. With an attorney, detained immigrants are over 10 times more likely to establish the right to remain in the United States and 3.5 times more likely to be released from detention.**¹

¹ Ingrid V. Eagly and Steven Shafer, "A National Study of Access to Counsel in Immigration Court," *University of Pennsylvania Law Review* 164, no. 1 (2015), <https://perma.cc/7J65-CZCM>.

New York City's initial investment in NYIFUP was followed by an investment by New York State, expanding the program and establishing the country's first statewide universal representation system for detained immigrants facing deportation.² New York's program continues to be replicated nationwide, with more than 50 cities, states, and counties now following New York's lead and funding deportation defense.³ Thanks to New York City's leadership and the success of this state and local movement, there is promising momentum on the federal front to establish a federal public defender system for immigrants facing deportation. New York's continued leadership will be critical to building that federal momentum towards the establishment of a successful program. Funding at \$18 million in FY23 will ensure that NYIFUP remains the nation-leading example of promoting strength and stability for immigrant communities and a chance at fairness for immigrants at risk of deportation.

Immigration Enforcement and Detention Continue to Destabilize NY Families and Communities

The Biden Administration promised change, but immigrants are still at grave risk of enforcement and detention. This winter brought the largest COVID-19 outbreak in immigration detention since the pandemic began, reaching a height last month of more than 3,100 reported cases of people in Immigration and Customs Enforcement (ICE) detention.⁴ Despite the growing harm of the pandemic, ICE has continued to target communities with enforcement and policies that criminalize and harm immigrant families. There have been more than 1,500 immigration raids in New York since 2015, and more than 140 since March 2020 alone.⁵ Moreover, the harm of several years of anti-immigrant policies remains deeply entrenched in our system. The Trump administration alone enacted more than 400 anti-immigrant executive actions, negatively targeting immigrants and limiting due process.⁶

NYIFUP is a cornerstone of New York City's efforts to support immigrant communities under threat from federal immigration authorities. During the pandemic, NYIFUP has been critical to protecting people in detention and most acutely vulnerable to the worst impacts of COVID-19. NYIFUP lawyers have filed dozens of lawsuits that have resulted in freedom from detention and safety for hundreds of medically vulnerable people. **With \$18 million in funding, New York**

² The NYIFUP pilot began in New York City in 2013 as a response to a study organized by Judge Robert Katzmann of the U.S. Court of Appeals for the Second Circuit. Judge Katzmann's Study Group on Immigrant Representation found that two-thirds of detained immigrants in New York State were unrepresented, and that unrepresented detained immigrants had only a three percent chance of succeeding in their removal proceedings. Peter Markowitz et. Al., "Accessing Justice: The Availability and Adequacy of Counsel in Removal Proceedings – New York Immigrant Representation Study Report: Part 1," *Cardozo Law Review* 33, no. 2 (2011), available at <https://justicecorps.org/app/uploads/2020/06/New-York-Immigrant-Representation-Study-I-NYIRS-Steering-Committee-1.pdf>.

³ Vera Institute of Justice, "The SAFE Initiative: Driving the Momentum for Universal Representation," accessed January 20, 2022, <https://www.vera.org/initiatives/safe-initiative>.

⁴ Noelle Smart and Adam Garcia, *Tracking COVID-19 in Immigration Detention: A Dashboard of ICE Data*, Vera Institute of Justice, Nov. 18, 2020, accessed January 20, 2022, <https://www.vera.org/tracking-covid-19-in-immigration-detention>.

⁵ Immigrant Defense Project and Center for Constitutional Rights, *ICEwatch: Raids Tactics Map*, accessed January 20, 2022, <https://raidsmap.immdefense.org/>.

⁶ Sarah Pierce and Jessica Bolter, *Dismantling and Reconstructing the U.S. Immigration System: A Catalog of Changes under the Trump Presidency*, Migration Policy Institute, July 2020, https://www.migrationpolicy.org/sites/default/files/publications/MPI_US-Immigration-Trump-Presidency-Final.pdf.

City can ensure that NYIFUP remains strong and poised to continue to protect immigrants facing grave risks in detention and the prospect of deportation.

New Yorkers resoundingly agree that investment in immigration legal services is needed. A poll conducted by the Vera institute in partnership with Lucid found that **99% of New York City residents support government funded lawyers for people in immigration court.**⁷

The Impact of NY's Investment in Immigration Legal Services

New York's investment in NYIFUP has brought critical benefits to New York City since its inception, and especially during the COVID-19 pandemic. Immigrants comprise more than one third of the City's population and nearly half its workforce.⁸ An early evaluation of the NYIFUP pilot in New York City revealed that clients served through the program had lived an average of 16 years in the United States and were projected to contribute \$2.7 million in state, local, and federal tax revenue each year.⁹ Immigrants are responsible for life-saving work during the global pandemic that sustains our economy and safeguards health and safety in our communities, and have been disproportionately on the front lines as essential workers during the pandemic.

NYIFUP legal teams have stood with our immigrant neighbors, reuniting families, returning employees and business owners to the economy, and maintaining confidence among New York immigrants that their City stands with them in this difficult time. They have vindicated violations of their clients' constitutional rights, secured release for those detained in violation of the law, and obtained federal court rulings to strengthen COVID-19 protocols in detention centers.

By promoting due process, universal representation is also a critical component of state efforts to address systemic racial injustice. Black immigrants, who are more likely to be stopped, arrested, and incarcerated, are disproportionately funneled into the immigration enforcement system as a result of that contact with the criminal legal system.¹⁰ Universal representation programs reunite families and serve communities who are criminalized and unfairly targeted by over-policing and immigration enforcement.

An Opportunity for Increased Impact

By increasing funding for this critical work from \$16.6 million to \$18 million, NYIFUP will ensure that it can maintain expert legal teams, poised to support the City in its effort to welcome immigrants, advance an equitable recovery from COVID 19, and continue a pioneering national model for supporting immigrants in the face of federal enforcement.

⁷ Vera Institute of Justice, "Public Support in New York State for Government-Funded Attorneys in Immigration Court," March 2020, <https://www.vera.org/downloads/publications/taking-the-pulse-new-york.pdf>.

⁸ Mayor's Office of Immigrant Affairs, "State of our Immigrant City: Mayor's Office of Immigrant Affairs (MOIA) Annual Report for Calendar Year 2020," <https://www1.nyc.gov/assets/immigrants/downloads/pdf/MOIA-Annual-Report-for-2020.pdf>.

⁹ Jennifer Stave, Peter Markowitz, Karen Berberich, Tammy Cho, Danny Dubbaneh, Laura Simich, Nina Siulc, and Noelle Smart, "Assessing the Impact of Legal Representation on Family and Community Unity" Vera Institute of Justice, 2017, <https://perma.cc/3BWE-KSFD>.

¹⁰ Jeremy Raff, "The 'Double Punishment' for Black Undocumented Immigrants," *Atlantic*, December 30, 2017, <https://perma.cc/R7UZMKF7>.

This work will continue to serve immigrants and all New Yorkers, while leading a powerful example of promising immigration policy that promotes public health, family unity, and economic stability. **We urge the City Council to fund NYIFUP at \$18 million in FY 2023.**

For additional information, please contact Shayna Kessler at skessler@vera.org or (917) 828-1753.

Sincerely,



Shayna Kessler
State Advocacy Manager
Vera Institute of Justice

cc: Commissioner Manuel Castro, Mayor's Office of Immigrant Affairs
Council Member Carmen De La Rosa
Council Member Pierina Ana Sanchez
Council Member Sandra Ung
Council Member Francisco Moya
Council Member Shekar Krishnan
Council Member Rita Joseph



NEW YORK CITY COUNCIL COMMITTEE ON IMMIGRATION

Monday, March 14, 2022, 2:00 p.m.

SUBJECT: Oversight – Preliminary Budget Hearings – Immigration

Good afternoon and thank you for this opportunity. My name is Victoria Roseman and I'm a staff attorney at Volunteers of Legal Service (VOLS) in the Unemployed Worker's Project. VOLS was established in 1984 and our purpose is to leverage private attorneys to provide free legal services to low-income New Yorkers to help fill the justice gap. The VOLS Unemployed Worker's Project was re-launched in 2020 in response to the COVID-19 pandemic. Since the start of the pandemic, VOLS has worked directly with unemployment insurance claimants to fight for their benefits, navigate the Department of Labor's systems and advocate for fair determinations from the Department of Labor.

While VOLS has assisted hundreds of New Yorkers in their claim for benefits, it's clear that one particular group has more difficulty: non-U.S. citizen workers. Based on estimates drawn from 2018 US Census data, the Center for Migration Studies (CMS) estimates that 1.8 million immigrants work in jobs in the "essential businesses" identified by New York State (New York State 2020)¹. In particular, immigrants comprise about one third of healthcare sector workers in the state, 47 percent of transportation workers (excluding airlines) including buses, trains and vehicles for hire, and two-thirds of home health care workers and aides for the elderly.² It is undeniable that immigrant workers kept New York moving forward during the pandemic, yet received little to no assistance themselves when it was needed most. With our background in the intersection of immigration law and unemployment insurance law, and our connections to immigrants' rights organizations, immigrant workers need, and turn to, places like VOLS to figure out their options during times of uncertainty.

The unemployment insurance system pre-COVID was not built to assist non-citizen workers. State benefits, also called Unemployment Insurance Benefits, have stringent requirements to qualify: claimants must provide the Department of Labor with W-2 working papers, months of demonstrable work history, reach earning thresholds and perhaps the most daunting – the DOL will call the applicant's employer, who must verify all information the applicant provided. Without this documentation or acquiescence, applicants cannot collect benefits. Federal Unemployment Insurance Benefits, called Pandemic Unemployment Assistance, opened the door for many claimants who were precluded from collecting, however, these benefits still required proof of work authorization and proof of wages. These barriers precluded immigrants from obtaining benefits for survival and left many with a tough choice: try to find work during the global pandemic or be unemployed without financial assistance.

In addition to the legislative exclusion of immigrant workers from UI benefits, it's relevant to note that applying for benefits is not immigrant-friendly in and of itself. Language access issues plague the DoL's forms, and without in-person locations and little phone support available, it's nearly impossible to reach the DoL for assistance. Questions are framed in a confusing format, even for native English speakers. By law, the DoL's forms are supposed to be translated into other languages, including Spanish, traditional Chinese,

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Russian, Haitian-Creole, Bengali, and Korean. However, many notices and documents are still not available in any language other than English. The DoL states on its website that other documents can be translated into other languages, but fails to specify which documents, and in which languages. The DoL's official "if nothing else, then X" option is to suggest that claimants utilize Google Translate to review DoL information in other languages – of course, with the caveat the translation may not be "exact." At VOLS, we understand the importance of employing trained interpreters and translators as we help Limited-English Proficient (LEP) workers navigate these systems or troubleshoot when reaching the DOL appears impossible or futile.

These language access issues continue post-application as claimants are required to certify weekly for benefits. Though the certification questions remained essentially the same throughout the pandemic, they're not built to allow a claimant to provide any context or any more information aside from a binary "yes" or "no." These questions, even for native English speakers, can be confusing – one example is the question, "How many days were you not ready, willing and able to work?" Well, what exactly does it mean to be ready, willing and able to work? How can anyone, during an ongoing pandemic, be ready, willing and able to work? Does ready mean immediately? Does willing to work mean work in any job? Does able mean physically able, or something else? It's obvious these nuances can confuse claimants, especially if these questions are translated and do not hold their exact meaning. Without adequate language access measures, the DoL's systems set up immigrant claimants for failure. VOLS, alongside other legal services organizations, has pushed the DOL to engage in more language access programs and to make the entire system more accessible to immigrants through FOIL requests and engagement with DOL representatives.

Then of course, there are situations in which a claimant received benefits they were not entitled to and now owes the Department of Labor those benefits back. Notices of overpayment are scary – they discuss collections, a large sum of money owed and of course, little recourse. These notices (and really, the default for all notices unless otherwise indicated by the claimant, and even then still) are in English, and utilize a good amount of legalese. In such instances, claimants can either request a hearing – a legal proceeding where once again language access may make it more difficult for them to meaningfully participate – or contact collections and enter, at best, a 36-month repayment plan. The average claimant receives \$300 in benefits weekly, plus the federal supplement – many of these overpayments are as much as 20, \$30,000. Even if an immigrant claimant was able to obtain this relief, chances are, they were now deemed to be overpaid. VOLS recently successfully represented several claimants with immigration-related overpayment issues in hearings and were able to absolve our clients of tens of thousands of alleged overpayments. Understanding the intersection of immigration law and UI law was critical at these hearings; our work is imperative in protecting the rights of immigrant workers.

I would be remiss not to mention the Excluded Workers Fund (EWF), the landmark measure by NYS to assist immigrant workers. This fund put life-changing money in the pockets of those precluded from almost 18 months of benefits and relief. We continue to advocate for the renewal of this fund, especially in light of how quickly the funds ran out and the application closed. At the Unemployed Worker's Project, we spend months gearing up for the application to be released, set up clinics to help potential claimants apply and worked closely with Community Based Organizations (CBOs) to spread the word. The fund

ran out in less than two months – much faster than anticipated – and thousands of immigrant workers were shut out and remain desperately in need of the benefits for which they are eligible.

It's essential to fund legal services organizations, like VOLS, who assist immigrants with not only immigration law issues, but other legal issues, like immigrant workers' rights and children's law issues. VOLS not only provides direct services to immigrants, but also advocates on a larger scale to the DoL to fix these systems that simply don't work for most claimants, much less immigrant, LEP claimants. It's imperative we continue to push for a safety net for immigrant workers, who are too often pushed out of traditional forms of relief.

Victoria Roseman, Esq.
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**Testimony for the Committee on Immigration
March 14, 2022**

Women for Afghan Women's [New York Community Center](#) is the only Afghan-led social service organization providing culturally sensitive services to the Afghan immigrant community in New York City. Most of WAW's clients are low-income Muslim immigrants and many are refugees; more than 60% are Afghan. In addition to Afghanistan, our clients hail from South Asia, the Middle East, Latin America, and East Asia. Staff at WAW are primarily immigrants themselves and speak six languages among them: Dari or Farsi, Pashto, Urdu, Hindi, Spanish, and English.

Women for Afghan Women (WAW) provides comprehensive programming and services to meet every need in the community. Up to 70% of our clients are survivors of domestic violence and illiterate in their own language. Many face a lack of digital literacy, unemployment, food insecurity, and more. WAW provides daily English as a Second Language (ESL) classes to adult women; US citizenship classes for adults, primarily in New York; immigration and other legal assistance; and support services such as case management and intimate partner violence counseling.

We would like to thank the New York City Council for your committed support of our Community Center these past eight years. On behalf of WAW, we are respectfully requesting \$20,000 from the Immigrant Opportunities Initiative; \$20,000 from the Immigrant Health Initiative; and \$70,000 from the Immigrant Survivors of Domestic Violence Initiative to support our immigration-related programs and services for New York City's Muslim immigrant and refugee communities.

Last year, WAW supported nearly 4,000 client intakes and continued our 15 programs, virtually and in person. We also see clients by appointment and on a case-by-case basis. Because of the ongoing pandemic, WAW has found creative ways to safely check in with community members, including with all survivors of domestic violence under our care.

In 2021, WAW's team delivered gift packages, essential items, and distributed PPE to almost 600 individuals, including our children and seniors. For very low-income community members, we provided 187 individuals with emergency cash assistance and assisted 90 individuals with their financial aid applications.

WAW serves as a lifeline for the individuals we work with. It is estimated that more than one third of Afghan families in New York City live below the poverty line. Many women learn how to hold a pen for the first time in their English class at WAW. Many face compounding challenges of unemployment, food insecurity, mental health issues, unsafe living conditions, and isolation that has been exacerbated by the pandemic.

In 2021, 131 women participated in our English as a Second Language classes and US citizenship exam preparation. Since 2003, WAW has assisted over 800 immigrants to become US citizens.



Our success rate is 90%. WAW enhances immigrants' rights so they can fully participate in US civic life and become successful New Yorkers.

Our community members have been at the frontline of this pandemic and have also seen extremely high rates of unemployment. Many of our low-income community members are taxi/Uber drivers, food truck vendors, and restaurant workers who have experienced difficulty in accessing public benefits and other much-needed support during this time due to challenges in language and navigating foreign and complex systems.

Following the Taliban takeover of Afghanistan in August, Women for Afghan Women has been serving the influx of refugees and evacuees from Afghanistan who have or will be resettled in New York City. We are providing local transportation, temporary housing, legal services, healthcare referrals, cash assistance, translation and interpretation, and other basic services.

To date, we have served over 425 individuals or 180 families with these comprehensive services. WAW has been there for our newly arrived Afghan community members, and we intend to stay with them until they can stand on their own.

Our life-changing work is shown through our client Kazim (name has been changed to protect privacy) and his family's experience:

Kazim and his family had been evacuated to Fort Dix in New Jersey after the fall of Kabul in August 2021. They were supposed to be resettled by one of the refugee resettlement agencies in Nebraska but Kazim had American ties in New York who had promised assistance, so the family wanted to move to New York City. However, arrangements had to be made in less than five hours.

The refugee resettlement agencies did not have the flexibility to respond to this urgent need so WAW stepped in. WAW secured temporary housing for Kazim, his wife, and their five children, for a month at an Airbnb in Queens.

WAW provided \$500 in emergency cash assistance upon their arrival. Our Case Management Team accompanied them to buy groceries and essential items, and helped familiarize them with nearby stores and services.

When their six-month-old baby became ill upon arrival in New York City, WAW staff accompanied the mother and infant to Elmhurst Hospital for treatment. WAW also accompanied the family to a food pantry supported by the Council of Peoples Organization (COPO), and arranged round-trip Uber rides between COPO and their Airbnb.

Today, WAW staff continue to work with the resettlement agency and other partners to ensure that this family has access to the resources and opportunities they need to rebuild their lives in New York.



Kazim is now employed in the Bronx, and his family is settling into their new life in the City. We will be here for them for as long as they need us. Our full range of programs aim to assist them in gaining skills that will not only lead to employment and education, but also healing and fulfillment.

As the only organization able to provide culturally competent and linguistically appropriate services to the Afghan immigrant community in New York City, Women for Afghan Women is the first resource immigrant Afghan New Yorkers rely on. With WAW, they are confident that their social and legal cases will be handled appropriately and accurately without any issues arising from language barriers and misunderstanding of cultural nuances.

Women for Afghan Women has partnered with various New York City agencies, organizations, libraries, hospitals, and institutions to ensure language accessibility for our community. This includes our collaborations with the Mayor's Office of Immigrant Affairs and Queens Immigration Task Force.

Materials in New York City may not always be translated in Dari and Pashto, the two Afghan languages. Women for Afghan Women is a critical resource in bridging the gap between our community and the resources and services provided by our local agencies.

Women for Afghan Women will continue to do everything we can to provide and stand with our community to recover from the devastating impacts of the pandemic and the crisis in Afghanistan.

Your support will be imperative in uplifting underserved immigrant New Yorkers, as we navigate recovering from this crisis together. Women for Afghan Women hopes to be a partner in the City's recovery efforts.

Thank you for your partnership and for your time and consideration today.

Mi nombre es Plinio More Duran y soy miembro del Proyecto de Justicia Laboral. Tengo 57 años de edad y hace 6 años que llegué a este país.

He sido inmigrante desde hace muchos años, he estado en países como Holanda, España e Inglaterra. Finalmente llegué a ese país en busca de un mejor bienestar para mi y para mi familia.

A pesar de que ha cambiado mi vida en el aspecto laboral, he tenido muchos inconvenientes, ya que por no tener documentos legales he sufrido abusos por algunos de mis patrones, tales como horarios excesivos, bajos salarios y sobre todo la presión que tiene de perder el trabajo si sufre algún accidente.

Gracias al Proyecto de Justicia Laboral me he informado de muchas cosas de mis derechos como trabajador, también he recibido capacitación lo que me he permitido trabajar.

Peticion:

Le pido a las personas encargadas de prestar ayuda a estos programas que son de mucho beneficio para los Trabajadores de NYC sobre todo a la comunidad Inmigrante que apoyen estas organizaciones que no nos dejen desamparados.

Gracias por la atención que presten a esta petición y espero que le den la importancia que merece!