

New York City City Council
250 Broadway
New York, New York
Committee on Veterans
& Committee on Women's Services

Testimony from Military Families Speak Out Friday November 15, 2013:

To: New York City Council Committee on Veterans and NYC City Council on Immigration,
Honorable Chairman Mathieu Eugene and Members
Honorable Chairman Daniel Dromm and Members

Re: Support of Resolutions No. 1923 and 1536

Military Families Speak Out is a national organization of families related to soldiers who served since 9/11 who opposed the war in Iraq and currently, the war in Afghanistan and our mottoes are "Bring The Troops Home Now" and "Take Care of Them When They Get Here".

Res. No. 1923, *a Resolution urging the federal government to pass legislation that will establish a pathway to citizenship for Temporary Protected Status beneficiaries.*

Res. No. 1536, *a Resolution calling on the United States Department of Homeland Security to expedite the adjustment of immigration status of immigrants serving in the United States Armed Forces and to halt deportations of immigrants who are active duty service members or who have been honorably discharged from the United States Armed Forces.*

Military Families Speak Out Metro Chapter supports Resolutions 1923 and 1536.

At various times since 9/11 immigrants have constituted one third of the armed forces. These immigrants were willing to risk all to become U.S. citizens. Therefore, their efforts to attain citizenship should be supported in every way and not impeded with lack of delivery of legal rights.

The Deportation jails of the Immigration Department are not healthy places. They are scary and people in them often have language difficulties and do not have legal counsel, rights or the money to afford such. It is difficult for their families to maintain communication through public phones with a long waiting line. If an immigrant is put in an immigration jail, and their status is questionable, they may just be shipped off to their land of origin, without recourse to due process. In addition, where there is overcrowding of immigrant jails, they are sometimes placed in regular jails with close contact to dangerous conditions. Added to PTSD or TBI which many veterans suffer from which may or may not be diagnosed correctly or granted any kind of correct response from the VA, it places these veterans in double jeopardy. Instead of being treated with the respect they deserve, which they may or may not have received while in service, they are treated as disposables who have served their purpose, and this is a criminal offense from the human sense of justice as well as a violation of the existing laws and assertions during recruitment of the U.S. military, thus sullyng the reputation and honor of our armed forces. It is one thing to have a law and it is another thing to enforce it. Therefore a watchdog attitude is necessary to prevent people from falling through the cracks, as many of these veterans have already, and to reverse and bring back to the U.S. those veterans who have been wrongfully deported.

The following foods contain cheese, and can be served without meats and seafood: pizza, cheese ravioli, baked ziti, mozzarella sticks, eggplant Parmesan, cheese omelette, lasagna, muffin egg and cheese sandwich, macaroni and cheese, baked potato with cheddar cheese sauce, stuffed shells Italiano, cheese manicotti in marinara sauce, salad with blue cheese dressing, cheesecake, broccoli cheese soup, asparagus with Parmesan cheese, smoked mozzarella fonduta, fettuccine alfredo, penne with goat cheese, and ricotta gnocchi.

The following foods contain buckwheat, and can be served without meats and seafood: buckwheat pancakes, buckwheat breads, buckwheat muffins, buckwheat crackers, buckwheat bagels, buckwheat cookies, buckwheat tortillas, some breakfast cereals, buckwheat grits, kasha, buckwheat porridge, buckwheat salad with mushrooms and parsley oil, kasha varnishkes, buckwheat noodles, Japanese soba noodles, California buckwheat chapati, kasha knishes, and some blini.

The following foods contain peanuts, and can be served without meats and seafood: peanut candy, salted nuts, peanut butter, peanut butter sandwiches, vegetable salads mixed with peanut sauce, peanut-based dipping sauce, peanut butter crackers, mandelonas (peanuts soaked in almond flavoring), some health food bars, some breakfast cereals, peanut butter cookies, celery sticks filled with peanut butter, honey peanut steamed tea bread, cherry peanut granola, peanut squares, peanut butter crisps, trail mixes, some spaghetti sauces, boiled peanuts, peanut butter spread on toast, gorp (good old raisins and peanuts), Cajun flavored peanuts, peanut soup, peanut rolls, peanut muffins, peanut cake, peanut pudding, baked

peanuts with rice, and peanut stuffing.

The following foods contain tofu, and can be served without meats and seafood: tofu with vegetable medley, tofu muffins, tofu and cheese omelet, sauteed tofu steak, tofu caramel custard, tofu anmitsu (traditional fruit salad), broiled tofu steak, tomato and olive tofu spread, braised cubed tofu steak with eggplant and zucchini, tofu steak with teriyaki butter sauce, tofu steak sandwich, tofu steak with salsa sauce, tofu steak nuggets, tofu steak fajita, tofu steak with Asian mushroom sauce, tofu and egg burger, tofu and vegetable burger, tofu burger, tofu quesadilla, oriental tofu salad, split pea soup with tofu, creamy oriental tofu dressing, tofu broccoli lasagna, grilled tofu and cheese, tofu spaghetti sauce, Spanish rice with tofu, tofu and vegetable stir-fry, zesty Italian pasta and tofu, spicy tofu chili, spicy tofu burritos, Tex-Mex tofu lasagna, pita stuffed tofu salad, tofu custard filled cake, pineapple tofu pie, and tofu custard with sesame flavor

CENTRAL AMERICAN LEGAL ASSISTANCE

Ayuda Legal Para Refugiados Salvadoreños y Guatemaltecos

240 Hooper Street Brooklyn New York 11211 (718) 486-6800 Fax (718) 486-5287

November 15, 2013

My name is Brian Mulligan. I am an Accredited Representative with Central American Legal Assistance. We were alerted to today's hearing by the New York Immigration Coalition of which we are a member. NYIC is an umbrella policy and advocacy organization comprised of around 200 organizations that work with immigrants.

Central American Legal Assistance, located in Williamsburg Brooklyn, has for over 25 years represented the immigration population from Central America. El Salvador, Honduras and Nicaragua have all been beneficiaries of a federal program called Temporary Protected Status (TPS for short) which began in 1998 for Honduras due to the devastation caused by Hurricane Mitch and for the Salvadorans first in 1991 and then again in 2001 – the first time because of the war and the second time because of 2 earthquakes. These TPS programs allow the participants to work legally and protect them from deportation. There is a similar and more recent program for Haiti and we also have Haitian clients.

Thus we have over 4,000 clients who for over ten years have been faithfully paying immigration to get permission to live and work here under this temporary status.

In each TPS program there has been a federal finding that conditions in the home country are so bad – either because of natural

disaster or war – or in some cases both – that we should allow the people from those countries to stay here, at least temporarily.

This is not a free program: people pay immigration almost \$500 each year to renew their registration. And it is easy to lose eligibility if you miss a renewal period or fail to send in a disposition from an arrest.

But given the now over a decade that these 3 populations have had semi-legal status here – I refer to Salvadorans, Honduras, and Nicaraguans – it makes a lot of sense for Congress to acknowledge this when and if it passes comprehensive immigration legislation. Like the DACA students, the TPS holders should not have to start over and wait another 10 or more years to get permanent legal status. Their time here in TPS status should count. We hope your resolution will make this clear and we appreciate your efforts on behalf of this large population which has lived among us for many years.

A Voice for Justice

FOR THE RECORD

Legal Services NYC

The quarterly newsletter of Legal Services NYC

Fall 2013

A message from Executive Director **Raun J. Rasmussen**



Superstorm Sandy is not over for many low-income New Yorkers. One year later, thousands of families are still struggling: homeowners are still fighting insurance companies and government bureaucracies

to get funds to repair and rebuild, and low-income tenants and their families are still homeless or living in storm-damaged apartments. Our advocates continue to work every day in the hardest-hit communities in Brooklyn, Queens, and Staten Island.

We also advocate every day for hundreds of low-income veterans and their families. On November 14th, we celebrate the second year of LSNYC's Veterans Justice Project, New York City's only comprehensive civil legal services program for low-income veterans. Since launching on Veterans Day of 2011, we are proud to have helped more than 1,600 veterans, service members, and their family members keep their homes, their incomes, and their safety.

LSNYC's staff is deeply committed to racial, social, and economic justice. We work to ensure that low-income New Yorkers get essential services, access to opportunity, and fair treatment.

Collaboration is one of our core values. Thank you for joining with us to make a critical difference in the lives and communities of those we serve, and thank you for supporting our work.

Visit us at LegalServicesNYC.org

Serving Those Who Served Us

"I am so grateful that Legal Services is here for people who need help."

At the September hearing of New York Chief Judge Jonathan Lippman's Task Force on Civil Legal Services, Army veteran Mr. Y testified about the vital difference Legal Services NYC made in his life: "I am so grateful that Legal Services is here for people who need help, and for everything they did for me."

Mr. Y is an aspiring reggae artist who suffered shrapnel and traumatic brain injury when his vehicle was hit by an improvised explosive device in Iraq. Although the Veterans Administration found Mr. Y disabled, the Social Security Administration (SSA) denied his claim for disability benefits. "I was told that I should get Social Security Disability benefits because I had worked and am now not able to work due to my war injuries," Mr. Y testified "I was shocked that they [SSA] denied me, since the military had found me 100% disabled. I had no idea that I could appeal so I simply gave up."

As a result of our outreach efforts, Mr. Y learned about the LSNYC's Veterans Justice Project (VJP) and contacted our Manhattan program. Senior Paralegal Betty Heaton explained that he could appeal the SSA denial and began working on his case. She helped reconnect Mr. Y with his former doctor, who wrote a detailed report on the severity of Mr. Y's condition. After a hearing before the Administrative Law Judge, Mr. Y was granted approximately \$800 a month in social security



LSNYC client Mr. Y in Iraq.

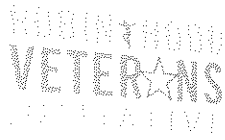
benefits and \$10,000 in back benefits. "The income has made a huge difference in my life, allowing me to live with dignity and without financial worry," said Mr. Y. "Before I met Betty and was helped by Legal Services, I had given up. Betty accompanied me to my hearing and she got the job done. Now, I am going back to school and slowly improving medically. I am trying to develop my music career and I am able to spend more time with my son."

Thanks to Betty Heaton for her great work, and to Mr. Y for his courageous testimony about the value of Legal Services.

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Veterans Justice Project

Audrey Carr, Director of the Veterans Justice Project.

Veteran's Justice Project

Generous support from the Robin Hood Foundation allowed LSNYC to launch the Veterans Justice Project in 2011. The Project's mission is to provide a lifeline of holistic services that clear barriers to economic empowerment, prevent homelessness, secure adequate healthcare, and resolve other critical legal problems that derail veterans' successful reintegration into civilian life. In addition to providing legal services that helped over 2,000 NYC veterans and their family members, we have forged partnerships with more than 40 public and non-profit organizations serving veterans. We have also educated hundreds of social workers, case managers, medical providers, and other advocates about veterans' legal rights, and the services available to them through the Veterans Justice Project.

Veterans Justice Symposium

On November 14th, Legal Services NYC, in partnership with the Robin Hood Foundation's Veterans Initiative and New York Law School, will host the 2013 Veterans Justice Symposium. The conference will take place from 9:30 a.m. to 12:30 p.m. at New York Law School, 185 West Broadway, New York City. The Symposium will provide a complete overview of veterans' rights at every step of the housing continuum, from homelessness to permanent housing. Key topics covered will include veterans' rights in city shelters, as well as a synopsis of the various housing programs available to veterans, such as HUD-VASH Section 8 housing and Mitchell-Lama.

Help USA

This October, LSNYC's Bronx and Brooklyn offices began partnering with Help USA to provide civil legal services to veterans who are homeless or at risk of homelessness. This partnership will help us serve veterans and their families who have been identified by Help USA staff as needing either advice, or referral for representation. Additionally, LSNYC will provide ongoing training for Help USA advocates to assist them in identifying the legal issues faced by their veteran clients.

"Many veterans are experiencing difficulty maintaining permanent housing, so by partnering with both the VA hospital and HELP USA, we can better help those who are desperately in need of legal assistance to stay in their homes."

—Sienna Fontaine

Staff Attorney
Legal Services NYC – Bronx

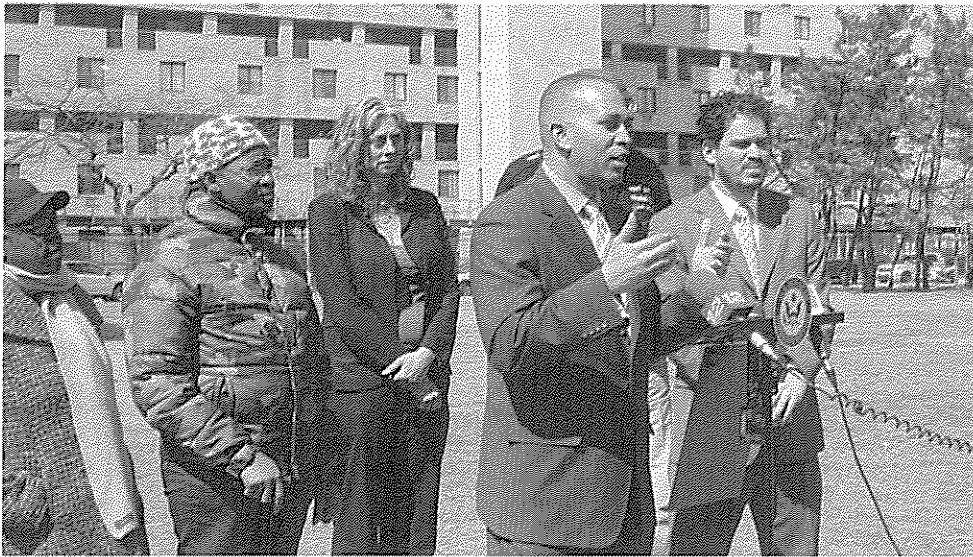
Addressing An Urgent Need

The largest number of veterans seek our help because they are at risk of eviction. Without an advocate, many are unable to access housing vouchers and emergency housing options that can prevent them from becoming homeless. This is a particular problem for female veterans. The number of homeless women veterans has been increasing steadily since 2000, an urgent problem exacerbated by the fact that 78% nationwide are likely to reside with dependent children.

Client Ms. S had fallen into a cycle of homelessness since her discharge from the Army. Prior to Superstorm Sandy, she was living in a transitional housing facility. In the month before Sandy, Ms. S received a HUD-VASH Section 8 voucher that allowed her to find permanent housing for the first time in years. However, her new apartment was located in the Rockaway section of Queens; Superstorm Sandy rendered it uninhabitable due to mold and other damage. Ms. S was forced to return to the transitional housing.

Returning from a family visit, she discovered that she had been locked out without notice. That's when Ms. S came to our Brooklyn program. VJP attorney Pete Kempner filed court papers to challenge the illegal lockout and represented Ms. S in a two-day Housing Court trial. The judge ruled that Ms. S' rights as a tenant had been violated and restored her to possession of the apartment. In addition to helping Ms. S, this important legal decision established the right of residents of transitional housing programs to due process prior to termination of housing.

Sandy: One Year Later



For many tenants, the hardships unleashed by Superstorm Sandy remain.

Preserving low-income housing and ensuring that the basic needs of all New Yorkers are met is essential to an equitable recovery.

Legal Services' Brooklyn program and Brooklyn Jubilee gained a victory for low-income tenants in Coney Island who were victimized by both Superstorm Sandy and their unscrupulous landlord. Disabled and mobility-impaired residents of a five-story building on West 33rd Street were effectively stranded in their apartments for almost six months after Sandy when their landlord failed to repair an elevator damaged by the storm.

One second-floor tenant who had suffered a stroke used a wheelchair before Sandy. For months after the storm, his wife, a cancer patient herself, had to assist him up and down the stairs to go to the doctor. Many more residents could have been trapped in their homes in the event of a fire or other emergency. Yet despite

the immediate threat to their health and safety, the landlord informed some tenants in April that the elevator would not be fixed for at least another four months.

Advocates spoke out about this injustice at a press conference: "It is unconscionable for the landlord to have made no efforts to repair an elevator that keeps tenants trapped in their apartments," said Brent Meltzer, Housing Unit Co-Director at Legal Services' Brooklyn program. "The tenants have reached out to the landlord repeatedly, only to receive stony silence. As the City continues to rebuild after Sandy, the needs of the elderly and disabled poor must be central in our plans. Preserving low-income housing and ensuring that the basic needs of all New Yorkers are met is essential to an equitable recovery."

Within days of the suit being filed in Housing Court, the landlord sent contractors to the building. Several days after that, the elevators were operating again and tenants were finally able to resume their normal lives.

Continued on next page...

Cy Pres announcement

In August, LSNYC received a substantial cy pres award from the settlement of *Brody v. March & Co., Inc.* The award is part of a multi-million dollar settlement negotiated in a nationwide class action litigated by attorneys John Hooper and David Stanley of Reed Smith, LLC. Cy pres are funds in class action cases and other legal proceedings that cannot be distributed to the intended beneficiaries. Typically, courts can distribute these remaining funds to appropriate nonprofit organizations. In this case, \$1 million of the settlement was divided equally among three legal services organizations, including LSNYC. These funds will be used to support all of our activities.

Manhattan Benefit

On October 30, 2013, LSNYC's Manhattan program hosted its annual Awards Reception benefit at New York City's historic Providence Hall. This year, we honored Kenneth R. Feinberg, William T. Russell, Jr., and the Harlem YMCA. Mr. Feinberg, of Feinberg Rozen LLP, received the Medal of Honor for his work as the administrator of the One Fund Boston and the September 11th Victim Compensation Fund.

Brooklyn Benefit

On November 14, 2013, LSNYC will host a benefit for our Brooklyn programs at Brooklyn Law School. LSNYC will celebrate the following honorees' dedication to improving the lives and communities of low-income people: Shannon Lowry Nagle of Fried, Frank, Harris, Shriver, & Jacobson LLP; Sandhya Reju Boyd, formerly of Brooklyn Jubilee; Ned H. Bassen and Sarah Loomis Cave of Hughes Hubbard Reed LLP; and Joel A. Blanchet of Kirkland & Ellis, LLP.

Need for Legal Services makes headlines:

New York State Comptroller makes the case for Legal Services. [Click here to read more.](#)

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Upcoming Classes November/December

Basic Public Assistance
Wednesday, November 13th, 2013
2:00 p.m. – 5:00 p.m. (40 Worth Street)

2013 Veterans Justice Symposium
Thursday, November 14th, 2013
9:30 a.m. – 12:30 p.m.
New York Law School
RSVP at <http://bit.ly/1gnKZ6J>

Using the New York City Human Rights Law in Your Practice
Thursday, November 14th, 2013
2:00 p.m. – 5:00 p.m. (40 Worth Street)

Succession Rights – 2013 Update
Wednesday, November 20th, 2013
2:00 p.m. – 5:00 p.m. (40 Worth Street)

Utilizing FOIA/FOIL in Your Practice
Friday, November 22nd, 2013
9:30 a.m. – 12:30 p.m. (40 Worth Street)

Family Law – Contempt Proceedings in Matrimonial Cases
Thursday, December 5th, 2013
2:30 p.m. – 5:00 p.m. (40 Worth Street)

Settlement Agreements in Abusive Lending and Foreclosure Litigation
Monday, December 9th, 2013
3:00 p.m. – 5:00 p.m. (40 Worth Street)

Readers can register for most of these classes on our Learning Center website: www.learningcenter.legalservicesnyc.org

If you have any questions, please email learningcenter@ls-nyc.org

Sandy Grants

Our mission to serve low-income New Yorkers hurt by Superstorm Sandy will be greatly helped by three major, highly competitive grants we recently received:

- \$1 million in State Social Services Block Grant funding to support our continued Sandy-related work.
- \$525,000 from the NYC Housing & Neighborhood Recovery Donors Collaborative to support continued Sandy work, to be divided among our Staten Island, Queens, Brooklyn, Bronx, and Manhattan programs.
- \$526,000 from our parent organization, the Legal Services Corporation in Washington, D.C., to provide pro bono and direct legal assistance to Superstorm Sandy victims, and to provide technological support to the advocates who are providing those services.

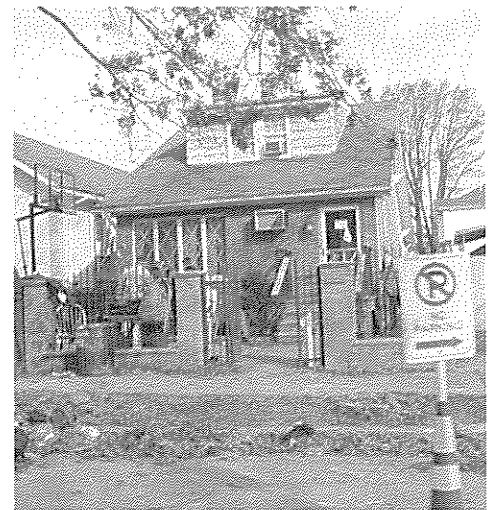
Sandy: One Year Later continued...

In the communities hardest-hit by the storm, LSNYC is still seeing low-income tenants in jeopardy. Ms. M, a resident of a New York Housing Authority's (NYCHA) building in Far Rockaway, came to our Queens program desperately worried she would lose her NYCHA tenancy because of an unfair judgment levied against her. When Ms. M's first-floor apartment was flooded and rendered uninhabitable by Superstorm Sandy, FEMA moved her to temporary housing. Though she periodically returned to her apartment to check on the progress of repairs, as of May 2013, nothing had been done. Then Ms. M received notice that NYCHA had started a non-payment proceeding against her for not paying rent from September 2012 through May 2013, the time period when she could not live in her apartment.

Ms. M appeared in court without a lawyer, and was told by her landlord's lawyer that if she agreed to a judgment and did not mention the abysmal conditions in her apartment to the court, they would move her to a new apartment. Concerned solely about getting her family back into a safe home, Ms. M signed the agreement consenting to a \$3,903.70 judgment against her.

Ms. M then sought help from LSNYC's Queens Program. Housing Unit Director Ann Ascher got the court case against Ms. M dismissed and assisted her in requesting a new apartment from NYCHA. Within days, Ms. M moved into a clean, safe apartment. Without the help of LSNYC, Ms. M would have been saddled with a heavy debt and lost her NYCHA apartment for good, stuck in temporary housing with no affordable alternative.

Legal Services' Staten Island program continues to see a steady influx of residents affected by Sandy. Much of the work there involves advocacy with insurance providers, fighting unjust claims practices, and obtaining essential reimbursements or other funds for clients such as



"Many low-income families who lived through Hurricane Sandy are still hearing 'no, no, no' from their insurance companies. Sometimes it takes a lawyer to get them to say 'yes'," says LSNYC's Barry T. Bassis, Disaster Response Supervising Attorney.

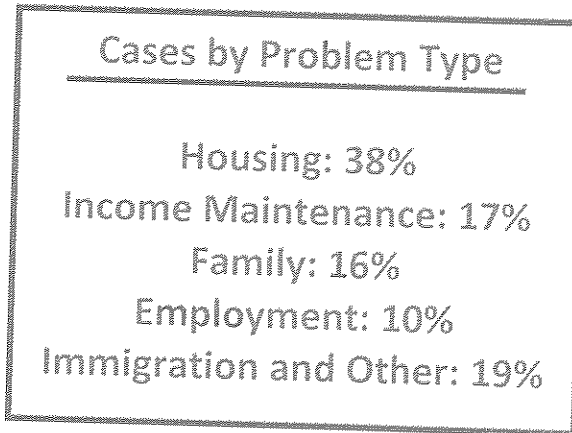
the R family. Mr. and Mrs. R were devastated, with nowhere else to turn when they came to our office in Staten Island. They lost everything when Sandy destroyed their house, but their insurance company refused to pay. Although they had \$100,000 in flood insurance coverage, they could not provide documentation for the contents of their home—all their belongings, documents, and receipts had been ruined by the storm. The insurance company sent an adjuster to inspect the damage, but claimed that without evidence of the items lost, there was no way to determine the value of their personal property and they could not be reimbursed. LSNYC staff attorney Michael Heinemann worked with the R's to gather any type of documentation available, including photos from family members in which items such as furniture were visible. He negotiated with the claims examiner and adjuster, and was able to convince the insurance company to accept those photos and other evidence as documentation of loss. As a result of this advocacy, Mr. and Mrs. R were awarded nearly \$84,000 in insurance funds to begin rebuilding their lives.



Since the launch of the Veterans Justice Project in 2011, Legal Services NYC (LSNYC) has successfully handled more than 1,600 veterans' cases and dozens of organizations now send veterans to us for help.

The Veterans Justice Project's (VJP) accomplishments include:

- Providing legal services that helped more than 3,500 veterans and family members from all five boroughs, protecting them from homelessness, resolving barriers to employment, preserving economic stability, obtaining citizenship and remedying many other problems that derail veterans' successful reintegration into civilian life.
- Forging partnerships with, and receiving referrals from, more than 42 public and non-profit organizations that serve veterans.
- Establishing and operating a **Citywide Veterans Hotline**.
- Initiating an innovative **Veterans Student Loan Initiative** with the Neighborhood Economic Development Advocacy Project to resolve burdensome student loan debt
- **Educating** hundreds of social workers, case managers, medical providers and other lay advocates from all over the City so they understand veterans' legal rights and connect veterans who need help to the VJP.



It is clear to us that there is an overwhelming need for the VJP *and* that advocacy can make a huge difference in low-income veterans' lives.

VJP in Action

Legal Services NYC's Veterans Justice Project assists veterans who are lawful permanent residents in applying for naturalization or citizenship. Many veterans legally immigrated to the U.S. but have no evidence of their immigration status. Others came to this country as young children without immigration status, served in the military, and always believed that they were U.S. citizens until they were placed in removal proceedings. Additionally, lawful permanent resident veterans are being deported from the country. The result of these deportations has been devastating— breaking up families, leaving children with one or no parents, and often removing the sole breadwinner from the home. The VJP seeks to help these individuals obtain U.S. citizenship through an expedited service created by the Department of Homeland Security that accelerates the processing of citizenship applications for veterans and military personnel. In addition, the Project assists the spouses and children of active-duty military personnel remain in the U.S. by applying for parole or deferred action.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: AUDREI CARR

Address: LEGAL SERVICES NYC

I represent: 40 WORTH ST # 606 NYC

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: IRINA MATYCHENKO

Address: NYC 7 HARVARD SQ

I represent: BY N.V. MOODY

Address: NYC

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 19
 in favor in opposition 1523

Date: _____

(PLEASE PRINT)

Name: Lionelle Hamanaka

Address: 60 W 94th NYC

I represent: Military Families Speak Out

Address: _____

◆ Please complete this card and return to the Sergeant-at-Arms ◆

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 1923
 in favor in opposition

Date: 11/15/13

(PLEASE PRINT)

Name: Brian Mulligan

Address: 37-33 84th St. #1 Jackson Heights

I represent: Central American Legal Assistance ^{NY 11372}

Address: 240 Hooper St. BRIn, NY 11211

◆ Please complete this card and return to the Sergeant-at-Arms ◆