



## **Asian American Federation**

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

*December 14, 2021*

#### Written Testimony

I want to thank Committee Chair Menchaca and members of the Immigration Committee for holding this hearing and giving the Asian American Federation the opportunity to provide testimony. I am Ravi Reddi and I am the Associate Director of Advocacy and Policy at the Asian American Federation. AAF represents the collective voice of more than 70 member nonprofits serving 1.3 million Asian New Yorkers.

This past year has highlighted the critical role of immigrants in the fight to keep New York City moving throughout the pandemic and its recovery efforts. They have been on the frontlines of essential industries and continue to display resilience in the face of incredible challenges. However, they continue to be largely left out of our City's recovery.

Since 2000, the Asian population in New York City increased by 51%, growing from just under 873,000 in 2000 to over 1.3 million in 2019, making up 16% of our city's total population. Overwhelmingly, Asian New Yorkers are immigrants, with two out of three in the city being foreign-born and one in five Asian immigrants may be undocumented. Approximately 96% of Asian seniors and 88% of our Asian small business owners are immigrants. Amongst our immigrant community, 27.3% arrived in 2010 or after. Additionally, language barriers remain high among Asian New Yorkers. Overall, 44.2% of Asians have limited English proficiency in New York City, compared to a citywide rate of 22.2%.

Our immigrants kept our City running during the pandemic and it is tragic that many continue to struggle to make ends meet and continue to live in the shadows while those who benefited from their work begin to thrive again. We are here to speak about their needs and what our City can do.

#### Immigration Legal Services

Demand for accessible immigration legal services from our city's immigrant communities, including its low-wage immigrant workers, has increased over the past few years. Funding, however, has remained stagnant. From the Muslim Ban, to an increase in deportation rates, to unjust restrictions on student visas, to un-American restrictions on family immigration, the Asian American community has borne the brunt of the previous administration's immigration assault, and are scrambling to find culturally-competent, language-accessible and affordable immigration legal advocacy.

To that end, City Council must increase immigration legal services funding for CBOs with a track record of providing not only immigration legal services but also case management services to connect community members to legal services. Without Asian CBOs' ability to provide language and navigation support, access to such services would be all the more challenging.

### Nonprofit Support

And as our immigrant community also bears a disproportionate burden of the basic need insecurity brought on by the pandemic, the City must increase investment in safety net programs, such as community health centers and clinics, as well as food pantries. Asian immigrants have a greater need for access to these programs in part due to the continued after effects of the previous Presidential 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 our most marginalized to these alternative food benefits in order to begin to address the harm inflicted on this population, and to help excluded workers and their families who never had access in the first place.

### Immigrant-Serving CBOs

Asian New Yorkers comprise at least 10% of the population in more than half of city districts, with the other half having some of the fastest-growing Asian populations. As a community, Asian Americans remained one of the fastest growing communities in our City and State as confirmed by the early results of the 2020 Census. Nevertheless, from Fiscal Year 2002 to 2014, we 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.

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. 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. Oftentimes, these organizations are the smallest and most in-need of support, and also being the sole connection between the City and isolated ethnic communities. Contract processes must have them in mind, considering simpler application processes and easier reporting requirements.

### 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 are meant to help do not know about them.

There is a clear window of opportunity for City Council to 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 while increasing job opportunities for multilingual immigrants. To these ends, we are asking City Council to fund a community legal interpreter bank with \$2 million and commit \$250,000 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 have seen with similar models elsewhere, like Washington, DC's community legal interpreter bank, from 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.

Finally, the City must make sure 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 reminded that much of the language accessibility issues our community is grappling with relate to issues of capacity. The burden of outreach and language access should not fall exclusively on our CBOs. Public facing city agencies have a responsibility to provide immigrants with timely and easily understood information about benefits and programs.

Our immigrant workers have consistently stepped up when called upon, and they have consistently been mentioned and thanked. Yet many policies and programs developed with them in mind were not built with an understanding of how they access services, who they access them through or how they relate to our City. That needs to change, and the Asian American Federation and our member organizations stand ready to work with the City to thoughtfully engage on the issues that matter to our immigrant community.



**TESTIMONY OF:**

**Callen Lowell – Equal Justice Works Fellow, Employment Unit**

**BROOKLYN DEFENDER SERVICES**

**Presented before**

**The New York City Council**

**Committee on Immigration**

**Oversight Hearing on Supporting Low-Wage Immigrant Workers  
in a COVID-19 Recovery**

**December 14, 2021**

My name is Callen Lowell, and I am an Equal Justice Works Fellow in the Employment Practice at Brooklyn Defender Services (BDS). My fellowship at BDS is focused on representing immigrant workers on their employment matters as well as their workplace-exploitation-related immigration claims. BDS provides multi-disciplinary and client-centered criminal, family, and immigration defense, as well as civil legal services, social work support and advocacy in nearly 30,000 cases in Brooklyn every year. I thank the New York City Council and the Committee on Immigration and Chair Menchaca for the opportunity to testify about the challenges facing immigrant workers during COVID-19, and policy solutions the City Council can advance to address these challenges.

BDS' immigration practice represents people in applications for immigration relief, including asylum, before U.S. Citizenship and Immigration Services (USCIS), and in removal proceedings in New York's immigration courts. In addition, BDS is one of three New York Immigrant Family Unity Project (NYIFUP) providers and has represented more than 1,500 people in detained deportation proceedings since the inception of the program in 2013. Since 2009, BDS has counseled, advised, or represented more than 15,000 people in immigration matters including deportation defense, affirmative applications, advisals, and immigration consequence consultations in Brooklyn's criminal court system. About a quarter of BDS' criminal defense clients are foreign-born, roughly half of whom are not naturalized citizens and therefore at risk of losing the opportunity to obtain lawful immigration status as a result of criminal or family

defense cases. Our criminal defense immigration specialists provide support and expertise on thousands of cases, including advocacy regarding enforcement of New York City’s detainer law, individualized immigration screenings, and know-your-rights advisals.

BDS’ employment practice provides legal representation and informal advocacy to people experiencing wage theft and discrimination, including those facing employment discrimination due to current or prior contact with the criminal justice system. A large portion of our client base includes immigrant workers who are experiencing exploitative and unsafe working conditions, and this has only become more pronounced during the pandemic.

## **Background**

Immigrant workers in New York have been disproportionately impacted by COVID-19. In September 2020, our office testified before the Council on the various ways immigrant New Yorkers were excluded in COVID-19 response. In that testimony we reported an estimated 40% to 90% of the immigrants we represent lost their jobs due to the COVID-19 pandemic.

Undocumented workers who lost their jobs could not access unemployment insurance or Pandemic Unemployment Assistance. For many of these workers, the NYS Excluded Workers Fund became a much-needed lifeline. Now that the NYS Excluded Workers Fund has been exhausted, they still have not been able to access any form of financial relief despite being months behind on rent from COVID-19-related loss of income.

For immigrant workers that were able to keep their jobs over the course of the pandemic, the heightened stakes of job loss created an environment ripe for exploitation that only exacerbated the underlying wage theft, discrimination, and poor working conditions low-wage immigrant workers face every year.

### ***COVID-related USCIS delays causing lapses in employment authorization:***

Many of our immigrant clients have faced unemployment due to delays in application processing at U.S. Citizenship and Immigration Services. The COVID-19 pandemic greatly disrupted the processing of immigration applications by USCIS.<sup>1</sup> It exacerbated already existing delays in the adjudication of applications. The New York City USCIS office closed and suspended all in-person services. This closure led to the cancellation of interviews for applications and suspension of biometric appointments— halting the adjudication of many applications, which delayed the ability of many immigrant New Yorkers to become eligible for work authorization. Similarly, immigrant New Yorkers whose lawful permanent residency or employment authorization cards expired or lapsed during the pandemic found themselves unable to proceed with obtaining renewal documents and in some cases reported losing their jobs as a result or being unable to secure new employment.

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<sup>1</sup> Jorge Loweree, Aaron Reichlin-Melnick, and Walter A. Ewing, Ph.D., The Impact of COVID-19 on Noncitizens and Across the U.S. Immigration System: March-September 2020, American Immigration Council, *available at* [https://www.americanimmigrationcouncil.org/sites/default/files/research/the\\_impact\\_of\\_covid-19\\_on\\_noncitizens\\_and\\_across\\_the\\_us\\_immigration\\_system.pdf](https://www.americanimmigrationcouncil.org/sites/default/files/research/the_impact_of_covid-19_on_noncitizens_and_across_the_us_immigration_system.pdf)

## Recommendations

The City Council could make an exponential impact on the working conditions and lives of low-wage immigrant workers via changes to both funding and policy in a variety of areas. We have the following recommendations:

### **1. Fully fund relief for excluded workers:**

Immigrant workers who lack work authorization were ineligible for unemployment insurance or Pandemic Unemployment Assistance. This meant that many of the people we serve lost their jobs while already financially precarious, facing food insecurity and unable to pay rent, with no options for support. Thanks to the fierce efforts of immigrant workers and their advocates, the Excluded Workers Fund launched this summer to provide financial assistance to workers who had lost income due to COVID-19, and who otherwise received no pandemic-related support.

Unfortunately, the Fund quickly was depleted as a testament to the overwhelming need that undocumented workers faced. The Fund stopped accepting applications on October 8, 2021. Our unit currently has a long list of workers who contacted us after the fund ran out of money, who are unable to apply or receive any relief. Many immigrant New Yorkers who were unable to apply before funds ran out due to language barriers and access to technology. Failing to fully fund the program means the most vulnerable workers face another year with no relief.

**Recommendation:** We call on Council to fund relief for excluded workers to meet the needs of workers in New York City who have not yet received relief. Additionally, City Council must work with the New York State legislature to ensure that the Excluded Workers Fund is fully funded in next year's state budget in the amount of \$3 billion dollars to ensure that all those who are eligible can access relief, including passing a resolution calling on the State to fully fund the program state-wide.

### **2. Increase funding for direct legal representation and wrap around services for immigrant workers:**

Current wage theft estimates indicate that New Yorkers are cheated out of a cumulative \$3.2 billion in wages and benefits they are owed.<sup>2</sup> Low-wage immigrant workers, who are often paid in cash and who fear immigration consequences for asserting their rights, are particularly vulnerable to wage theft. Employers regularly exploit these low-wage immigrant workers with impunity, relying on the fact that the current system rarely holds them accountable, and making illegal practices consistently profitable without consequences for bad actors. For victims of wage theft, demand for legal services far outweighs existing capacity. Representation is impactful. With BDS' intervention, we have prevented workers from discriminatory job loss, negotiated

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<sup>2</sup> Ctr. for Popular Democracy, *By a Thousand Cuts: The Complex Face of Wage Theft in New York* (2015), available at <https://populardemocracy.org/sites/default/files/WageTheft%2011162015%20Web.pdf>.

with employers for the payment of unpaid wages, and helped workers access immigration relief that they were eligible for due to experiencing crimes of workplace exploitation.

Additionally, technology barriers continue to plague many of the people BDS serves. Some people we represent lack access to a computer, smart phone, or reliable internet. This issue was laid out in detail in our September 17, 2020, testimony during the Oversight Hearing on Immigrant Exclusion in COVID-19 Response. More than one year later, the issues related to access to technology and low-income immigrant New Yorkers persist. For example, Mr. A lost his job during COVID-19. As a result, he was unable to pay rent and became homeless. Mr. A is still struggling to secure employment. A big challenge for Mr. A has been lack of access to adequate technology. Many jobs for which Mr. A could apply for require him to fill out applications online. Without access to a computer or the internet due to homelessness Mr. A has found himself facing additional hurdles to securing employment. A BDS social worker has been working with Mr. A, but his lack of access to technology and the internet also affects our social worker's efforts to assist him. For people like Mr. A, online and phone application processes leave people out who do not have access to adequate technology without access to the benefits they need to access the already limited resources that are available to them.

**Recommendation:** We encourage the Council to invest in direct legal services for immigrant workers. Increasing the capacity of legal service organizations to represent immigrant workers has countless ripple effects: employers change their practices and raise wages to comply with the law; repaid wages prevent workers from experiencing food and housing insecurity; and workers are empowered to stand up to unsafe working environments that increase the spread of COVID-19 for everyone. This must include funding for civil-legal service providers and public defenders who specialize in the most complex cases with multi-system involvement and can provide wraparound social services to people in need.

### ***3. Coordinate with the State to fund and implement training for small claims court judges on New York Labor Law and wage theft claims:***

At BDS, we represent countless immigrant construction workers who were promised a rate of pay for a job, only to be never paid for their work, or eventually paid a nominal amount far below the promised rate as well as the minimum wage. Existing paths to recover wages—including going to the NYS Department of Labor or through federal or state court—are time-intensive and can take years, with little promise of eventual recovery. While these workers, who are often owed just the wages for one construction job before giving up when they realize pay will never materialize, are often eligible to bring their claims in small claims court, the lack of judicial knowledge about New York Labor Law means workers risk missing out on liquidated damages, proper wage rates, and other penalties that they could recover through other options.

**Recommendation:** The City Council should work with the State and other relevant stakeholders to provide judicial education to the small claims court judges in New York City, to make recovery for workers more consistent and aligned with New York Labor Law. Increasing the ability of small claims court to be a reliable venue for represented and pro se immigrant workers

can allow workers to receive unpaid wages in full and promptly, rather than having to wait years for uncertain resolution.

**4. *Expand comprehensive fair scheduling protections across sectors to protect low-wage workers facing childcare gaps:***

Low-wage workers in many industries in New York City experience exploitative scheduling practices, including last-minute scheduling. For immigrant workers who are parents, COVID-19 meant that many lost their main sources of childcare. Inconsistent on-call scheduling meant that workers would get scheduled last minute for shifts when they had childcare gaps. If a parent called out due to lack of childcare coverage, they were at risk of losing their job. Firings due to a lack of childcare coverage would leave undocumented workers without jobs or unemployment insurance and, for documented immigrant workers, made proving eligibility for unemployment insurance difficult.

New York City has been a leader with fair scheduling protections the passage and implementation of the Fair Workweek Law. However, the main protections, including regular schedules, advance notice, and the opportunity for workers to say no to extra work or “clopenings”—shifts where a worker closes one night and opens early the next day, with few hours in between—are limited to fast food and retail workers.

**Recommendation:** Fair scheduling protections should be expanded to workers in all low-wage industries. Reliable, fair scheduling practices for low-wage workers has only become more essential due to COVID-19, and the City Council already has a blueprint from its Fair Workweek legislation which it can expand upon.

**5. *Implement proactive screening of complaints, including workplace safety complaints, by immigrant workers to city agencies for U and T visa eligibility and certification:***

One of the things that makes immigrant low-wage workers especially vulnerable to wage theft, unsafe working conditions, and abuse, especially during the heightened workplace risks of COVID-19, is fear of employers reporting workers to ICE in retaliation when workers assert their rights. Just this past month, our unit has worked with numerous undocumented workers whose employers threatened to call ICE and have them deported when they asserted their workplace rights. These threats from employers often rise to the level of a qualifying crime that could make these workers eligible for immigration relief in the form of U and T visas. To apply for this relief, workers must receive a “certification” from an agency for reporting and cooperating with law enforcement into investigation of the crime. However, workers are rarely aware of this, even when they report misconduct to the NYC Commission on Human Rights or other city agencies. It is currently incumbent on the worker or their attorney to screen for and seek certification from agencies.

**Recommendation:** The city should fund and train investigators at all relevant enforcement agencies to screen for qualifying U and T visa crimes in the workplace, and to provide materials to claimants about their right to seek certification if they experienced qualifying crimes. This shift in worker education not only incentivizes workers to cooperate fully

with city agencies in investigations, but also it can protect workers from future misconduct by allowing them obtain work authorization, removing the looming threat of ICE enforcement as a form of retaliation.

**6. *Implement just cause employment protections to protect immigrant workers from retaliation for COVID workplace safety strikes:***

During COVID-19, immigrant low-wage workers who challenge unsafe working conditions are susceptible to retaliation from their employers. The threat of this retaliation has a chilling effect, especially for workers who would not be eligible for unemployment insurance due to their immigration status. A public example of this retaliation was when Amazon terminated the leader of the Staten Island strike for safer working conditions during early COVID.

**Recommendation:** By implementing “just cause” job protections for low-wage workers, which require employers to prove a good reason before terminating an employee, workers would be significantly more protected to report workplace safety violations with increased protections against retaliation. In January of this year, New York City implemented just cause employment protections for fast food workers, in an expansion of existing fair scheduling protections. The Council should build on this legislation and expand these protections to other industries with low-wage immigrant workers.

Just cause employment is one of the strongest tools available to City Council to increase reporting of unsafe working conditions, to empower workers, and to curb illegal retaliation against vulnerable low-wage immigrant workers.

**7. *Increase access to IDNYC for immigrant New Yorkers***

IDNYC is a groundbreaking City program to provide municipal identification for all New Yorkers regardless of immigration status. Access to this document has been critical for the immigrant New Yorkers to access services and navigate systems like healthcare, education, and housing. Due to the documentation requirements, many New Yorkers have been excluded from accessing this crucial document. Undocumented people often do not have access to needed identification documents and many have their documents confiscated by ICE upon arrest.

**Recommendation:** In order to make IDNYC accessible to as many New Yorkers as possible, we recommend expanding the eligibility documents required to prove identity and residency. This list could be expanded to include a DHS Notice to Appear (which includes a photo by ICE), a USCIS receipt of filing for immigration benefits, or discharge paperwork from an ICE facility or City jail or State prison. We welcome the opportunity to work with the Council on expanding access to IDNYC.

**Conclusion**

BDS is grateful to the Committee on Immigration for hosting this critical hearing and shining a spotlight the Council’s essential role in addressing these issues. Thank you for your time and

consideration of my comments. If you have any questions, please feel free to reach out to me, Callen Lowell, at 646-877-4465 or [clowell@bds.org](mailto:clowell@bds.org).



## **Testimony**

**New York City Council  
Immigration Committee**

**Oversight: Supporting Low-Wage Immigrant Workers in a COVID-19 Recovery**

**Submitted by C. Mario Russell, Director**

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

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### **Introduction**

Good afternoon, Council Chair Menchaca 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.

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, with our Division serving close to 30,000 immigrants and refugees each year—through legal, resettlement, detention, integration, day laborer, ESL, clinical, family reunification, children, and court defense services—and providing information and referrals in over 85,000 calls through our immigration information and assistance hotlines. Indeed, adjusting and focusing our response to the pandemic—a job that is by no means finished—over 24 months Catholic Charities distributed approximately 6 million dollars to tens of thousands of individuals and families in need throughout the Archdiocese. We also served almost a million meals, while at the same time conducting pop-up food pantries and social and legal support fairs and home delivery networks. We have 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—our day-to-day engagement with them on workplace rights and safety—as well as our work with asylees and refugees seeking to resettle and adjust into stable employment gives us a unique perspective on their needs and realities, about which we would like to speak to you today, but with a specific request for support in a few areas:

- 1) Additional and expanded training/gathering space and opportunity for day laborers
- 2) A “reception center” for border families and asylum seekers
- 3) Financial assistance to close the Excluded Workers Fund gap
- 4) Affordable housing for newly arrived border refugees and asylees/evacuees
- 5) Mental health and social services for support and stability
- 6) Legal services

### **The Needs of Day Laborers in the Bronx**

**Workforce Needs.** As laborers who work in construction, landscaping, and private homes, day laborers help build our homes, keep our gardens beautiful, and are an integral part of our communities. When natural disasters strike, day laborers are at the forefront of helping to clean up and rebuild. And yet, they face harassment, wage-theft, and unjust treatment by unscrupulous employers every day. For the past 5 years, the Catholic Charities Day Laborer Program has been fighting to lift up every worker and to demand the rights and protection that all workers deserve.

With the pandemic’s onslaught, the signs of unemployment were quick to be seen among our day laborers. One week after New York City’s closing, we found up to 300 people at our Paradas (informal work dispatch sites usually on street corners or gas stations). While there was no significant employer presence, we found day laborers continued to stay on the streets, corners, and gas stations looking for work that would not become a reality for months to come.

With the eventual reopening and recovery of the city, another challenge became evident. The numbers of workers at the Paradas had doubled, and in some instances tripled. Work supply did not meet the demand, as more have lost their jobs. In 2019, the average number of workers in a Parada we would see was about 80. In July of 2021, the average number of people seeking a job as day laborers was about 180.

Thus, with no real discernible conclusion to the pandemic, its effects still quite real and ongoing, and with predictable new challenges such as emerging variants, there are tangible needs which require attention. Most specifically, we ask for support to develop additional and bigger spaces in which to train workers and in which to store food. Worker centers serve as schools, community centers, distribution centers, communication and information hubs – more often than not they are the main source of hope and assistance from our Catholic Charities and this City.

**Human and Social Support Needs.** With the onset of the pandemic, day laborers have faced vulnerabilities that have been exacerbated by the health and economic crises. That is why, in the absence of a formal safety net for the most impacted workers, Catholic Charities Day Laborer Program and our network of worker centers and organizations, stepped up to provide direct assistance to our community.

Towards the end of March 2020, three weeks into the Pandemic, the Day Laborer Program distributed over 1,000 “pantry/food family bags,” each the equivalent of 1 week of food for a family of four. Through networking, the Day Laborer Program contacted donors that helped us buy, store, package and deliver a little under 5,000 extra pounds of food. We also had a donor who gave pizzas for our 300 direct participants for a whole month.

Likewise, rent has become one of the biggest problems for our community. We receive an average 10 people every week calling for rent assistance. As a result, evictions and housing related abuse are on the rise. Our case workers have had to deal with numerous cases of landlords wanting to evict people even when they were up to date with their payments. Many landlords claimed it was a risk to have their rooms with tenants because of COVID and preferred having them leave the premises. In most cases, one of our staff members had to personally speak to each landlord to intervene.

**Excluded Workers.** In April 2021, NY State acted to direct \$2.1 billion in financial assistance for undocumented immigrants, the Excluded Workers Fund (EWF), to provide workers relief in amounts comparable to what most Americans received in stimulus checks. EWF has not only directly benefit families in need but has also been pivotal to economic growth across the state, including an estimated \$1.4 billion economic boost for NYC and an \$143 million boost across the Lower Hudson Valley.

Within this, Catholic Charities sprang into action, participating in regular communication with the Department of Labor and community organizations throughout the state, successfully advocating to streamline and simplify the application procedures for the funds, and began an aggressive program of outreach aimed at ensuring that these workers and their families know that they can turn to Catholic Charities for help with their applications by launching a direct help-line and offering one-to-one services to ensure that families gathered the proper documentation for their applications. As of November 2021, Catholic Charities Community Services had helped secure over \$1 million in funds for workers and their families

Since the Excluded Workers fund closed in late September of 2021 due to high demand, Catholic Charities Community Services has supported and worked with a coalition of partners to advocate for expanded funding for eligible families who have yet to receive aid. This is a critical need, one which this City should join in developing a proper response for.

## The Workforce Needs of Afghan Evacuees

With the Taliban's gaining control of Afghanistan in August 2021, tens of thousands of Afghans took flight and evacuated from the country, over 85,000 making their way to the United States, and an expected thousand or more to New York State. Our Refugee Resettlement program—which has helped refugees find safe haven and resettle into a new home for over 40 years—has responded by assisting over 56 Afghans resettle to our city. More are yet to come.

The challenges that the Afghan families face are serious; these directly affect their work and integration success:

- Case managers observe a need for more robust mental health services and social supports. Clients have experienced trauma as a result of the evacuation and are re-experiencing trauma as they face the challenges of integration. Many arrivals were separated from loved ones and children in Afghanistan, with no mechanism to reunify in our current system.
- Afghans arriving to New York City are primarily reunifying with family members. However, the lack of affordable and accessible housing is forcing families to double up. Many Afghan families are large—with more than 6 members—leading to overcrowding. This Council can help by reaching out to landlords who would be willing to rent to Afghans would be most appreciated. While Afghans have the financial support from resettlement organizations, they lack the credit history required by most landlords.
- Afghans are also facing delays with their work permits and Social Security cards as both processes have experienced a crush of thousands of simultaneous applications. These documentation delays lead to additional challenges as Afghans try to find employment and access public services.
- Catholic Charities anticipates that the Afghan Adjustment Act (AAA) will be introduced. The AAA proposes a solution to allow Afghan Humanitarian Parolees to become Legal Permanent Residents once they have been present in the US for a year. If the AAA does not become law, though, tens of thousands of Afghans will be required to seek asylum, as Humanitarian Parole is not a permanent legal status. Thus, at present, all Afghans need immigration legal consultations and, in most cases, legal representation for complex cases.
- Catholic Charities is observing a range of English and literacy levels among the individuals arriving from Afghanistan. While some are fluent in English, others need intensive English classes and in some cases literacy services, particularly among women.
- Catholic Charities welcomes the Council's additional support to coordinate among providers locally and government agencies. This work is underway but would benefit from more coordination. For example, on December 9<sup>th</sup> Catholic Charities' resettlement director and the director of Women for Afghan Women presented to HRA line staff to provide context around the humanitarian crisis and recommendations as to how to best process applications for public benefits.

## **Workforce Needs and Services for Border Families and Asylum Seekers**

There currently is no reception center in New York City where families from the border and asylum seekers can access guidance and support. Because asylum seekers have fled their country due to persecution, but their status is not yet finalized in the US, there are few resources and sources of information open to support this vulnerable population. Asylum seekers receive no federal support and are eligible for Safety Net Assistance in New York State once their asylum application has been pending for half a year. There is currently no center in our city to help asylum seekers navigate the complex legal asylum application. Asylum seekers have no legal means of earning income for the first 5 months after their asylum application is filed – making asylum seekers more susceptible to abuse and at risk of falling prey to fraudulent practitioners.

Increasing numbers of asylum seekers as well as policy changes have made the situation that asylum seekers face extraordinarily challenging. The number of asylum seekers has increased in the past several years. Between 2014 and 2018 asylum applications filed soared to an annual average of 112,531. In 2018 161,005 applications for asylum were filed nationwide. The USCIS Asylum Office Workload statistics report shows that there are currently 46,569 pending asylum applications in the New York Asylum Office.

Catholic Charities is participating in a pilot program entitled “The Border is Everywhere,” that is welcoming asylum seekers from the U.S. southern border with a robust suite of social, legal and case management services to complement their arrival to New York City. In coordination with our national partner, Catholic Charities USA, and five border area reception centers, The Border is Everywhere program is a national initiative which aims to remedy the lack of supports for asylum seekers and their families. The Border is Everywhere pilot is providing ongoing social service supports, including access to legal services. The pilot, which will serve about 75 families, does not come close to meeting the needs of the tens of thousands of asylum seekers in our community. Catholic Charities welcomes the support from the Council to explore solutions that will be scalable to this complex emergency.

## **Our Hotline Support to Workers**

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, 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. To date, the hotline has assisted over 110,000 individuals.

With the pandemic's arrival, in March of 2020 the ActionNYC hotline quickly pivoted to providing information and referral 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. The hotline continues—today—to support immigrant workers in Covid 19 recovery, connection them to legal services that may lead to employment authorization as well as connecting them to programs such as the Excluded Workers Fund, which provides much needed cash assistance to essential workers who were excluded from federal relief.

### **Conclusion**

Catholic Charities' Immigrant and Refugee Services client base is 75% composed of individuals, children, workers, and families from the Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, Colombia, Jamaica, Ecuador, Guyana, Haiti, Trinidad, and China. They represent the breadth of diversity of nationality, ethnicity, culture, and race that make New York City strong and unique. They are 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. Some

I need not remind this Council—but it is critical to restate here—that the onslaught of Covid-19 in March 2020 was preceded by more than three years of sustained legal, social, and economic assaults on immigrant families and vulnerable newcomers by the current administration. Whether it was curtailing the reunification of families and refugees, eliminating important asylum protections such as those for victims of domestic violence, setting a moratorium on prosecutorial discretion for long-time residents, pulling out the stops on enforcement and detention and deportation, commanding the judge corps to accelerate and diminish case review, force the border separation of children from parents, or raising the bar on public charge, these policies—and there are many more—have had the cumulative effect of marginalizing immigrants economically, socially, and legally.

As a result, leading into 2020 and during the beginning months of the year, the clients we worked with reported already far higher levels of anxiety, distress, uncertainty, instability in family life, economic insecurity, lack of income, and food insecurity, than before. The administration's own assaults and toxic onslaughts had created, in effect, a pre-existing condition on immigrants, rendering them more vulnerable to the many effects of Covid-19. Thus, with the full-blown arrival of the pandemic in mid-March, our clients and the communities we serve were doubly affected, intensifying the health, social, economic, and financial challenges that, with each day, have become increasingly dire and seemingly insurmountable.

It is for these very reasons that we particularly urge the Council, today, keep its attention on the multiple needs of newcomers who are entering the workforce, struggling to stay in it, or desperately seeking to come back in after two difficult years. 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 many thousands of families, adults, children, workers—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 times of crisis and challenge—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.

C. Mario Russell, Esq.

Director of Immigrant and Refugee Services  
Catholic Charities, NY  
St. John's Law School  
80 Maiden Lane, NY NY 10038  
Cell: 917.806.9134

**Catholic Migration Services**  
**On Behalf of the Citywide Immigrant Legal Empowerment Collaborative**

**Testimony in Support of the Renewal of the Low-Wage Worker Initiative funding for  
Dedicated Employment-related Civil Legal Services for Low-Income and Immigrant  
Workers**

**December 14, 2021**  
**New York City Council Committee on Immigration**

Catholic Migration Services submits this testimony on behalf of the Citywide Immigrant Legal Empowerment Collaborative (CILEC) in support for the renewal of the Low Wage Worker Initiative funding, the only dedicated city funding for employment related legal services to assist low wage and immigrant workers. Catholic Migration Services is part of CILEC, a collaborative of several legal services providers and community-based organizations that provide quality legal services, community outreach, and case management to low income and immigrant workers.

Since FY 2019, the Council's budget included \$2 million for the Low Wage Worker Initiative. Since this funding is not base lined, advocates like Catholic Migration Services come before you each year to impress upon the Council the urgency of this funding to support low wage and immigrant workers with their legal needs. We strongly urge the NYC Council to continue to demonstrate its commitment to the city's most vulnerable workers, who toil in the most dangerous and lowest paying jobs, by renewing this critical funding. Workers throughout the city's immigrant communities rely on programs funded by the Low Wage Worker Initiative. When low-income workers have their wages stolen, face discrimination at work, are denied paid sick pay, suffer workplace injuries or struggle to collect unemployment insurance benefits, they

turn to trusted community and legal services organizations for help, as many cannot access or afford private legal representation. Funding for these services supports the economic stability of some of the most vulnerable residents of this city. When workers have their wages stolen or struggle to collect unemployment insurance, they in turn struggle to pay the rent and put food on the table. When workers' wages are stolen or they are prevented from taking paid sick leave or lose their employment due to discrimination, their families struggle to afford basic necessities, like putting food on the table and paying rent.

Manuel worked at a Brooklyn pizzeria for over eight years. In March of 2020, like many other low wage workers, he contracted COVID and was out of work for weeks. When he finally regained his health, he reported to work, but was told by his boss that he no longer had a job. Emanuel called our office worried about how we make ends meet. He now had no income, bills were piling up, and he hadn't paid the rent in months. We connected Manuel to financial assistance and directed him to local food banks. Our attorneys determined that Manuel's employer not only violated the law by failing to pay him for the period he was out of work recovering from COVID, but for years had been paying him below the minimum wage and no overtime pay. Earlier this fall, our attorneys finalized a settlement agreement in which the pizzeria would pay Manuel over \$30,000.00 in unpaid wages and sick pay. Each year, our attorneys counsel hundreds of workers just like Manuel. Since the beginning of this year, our team of three attorneys recovered over \$400,000.00 for low-income workers and their families

The loss of funding of the Low Wage Worker Initiative would result in organizations like Catholic Migration Services laying off staff, which in turn would take vital services away from low-wage and immigrant workers in New York City who are in need. We respectfully request that you renew this critical funding. Thank you for the opportunity to present this testimony and

we look forward to working with the Council to continue to protect and advance the rights of New York City's low wage and immigrant workers.

Magdalena Barbosa  
Managing Attorney  
Catholic Migration Services  
[mbarbosa@catholicmigration.org](mailto:mbarbosa@catholicmigration.org)

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## **December 14th hearing on Support for Low-wage Immigrant Workers in a COVID-19 Recovery**

**Testimony by** *Debipriya Chatterjee, Ph.D., CSS Senior Economist*

**Before the NY City Council Civil Service and Labor Committee**

Thank you for the opportunity to testify today on the issue of low-wage immigrant workers in a COVID-19 recovery. My name is Debipriya Chatterjee, and I am a Senior Economist 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, we worked to [pass paid sick leave](#) laws- statewide and in New York City, secured [half-price transit fares](#) for New Yorkers in poverty and made rent-relief available through the [Emergency Rental Assistance Program](#), or ERAP. We also advocated, [alongside our partners](#), for the creation of the \$2.3 billion [Excluded Workers' Fund](#) in Albany. 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 alleviating them.

### **Low-wage immigrant workers and the COVID-19 crisis**

Immigrants make up around 43 percent of the city's four-million strong workforce.<sup>1</sup> 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.

Beyond essential services, 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. According to the MOIA and Department of Consumer and Worker Protection (DCWP), of the total [estimated](#) 366,000 undocumented immigrant workers in the city, 233,000, or 60 percent, have already lost their jobs or are at a risk of losing it, compared to 36 percent citywide. Among those surveyed by the Community Service Society's 2021 Unheard Third Survey, – the longest running

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<sup>1</sup> CSS analysis of 2019-American Community Survey Public Use Microdata Sample.

scientific survey of low-income communities in the nation, conducted annually<sup>2</sup> – 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), etc. 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.

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 City Council to enact our following recommendations-

- (1) Pass [Int 2325](#) to ensure that workers displaced from the restaurant and food service industry, as well as airports, are provided with a ‘right to return’ to their old jobs. The bill covers employees who were laid-off for six months or longer due to pandemic related reasons. Given that low-wage immigrant workers comprise a majority of the workforce in these industries, the bill would make it easier for thousands of displaced workers to be back in gainful employment.
- (2) Pass [Int 2241](#), which is similar to Int 2325 in spirit, but wants to ensure that displaced workers are hired back at their old positions to the extent possible. The bill would prevent some of our most vulnerable workers from losing the career gains that they have already made.

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<sup>2</sup> The 2021 Unheard Third is a scientific telephone survey of 1,762 New York City adult residents reached by cell phones and landlines from July 8th through August 10th, 2021. It was designed by Community Service Society in collaboration with Lake Research Partners, who administered it using Random Digit Dialing and professional interviewers. The sample included 1,110 low-income residents (up to 200% of federal poverty standards, or FPL), and 653 moderate and higher-income residents (above 200% FPL). Interviews were conducted in English, Spanish, and Chinese. The margin of error for the entire survey is +/- 2.3 percent, for the low-income component is +/- 2.9 percent, and for the higher income component is +/- 3.8 percent, all at the 95% confidence interval.

- (3) Pass [Int 1797](#), which would require the Department of Consumer and Worker Protection 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.

In addition to these immediate actionable recommendations, we would like to take this opportunity to posit one broader policy change that would drastically help low-wage immigrant workers.

**Expand EITC to ITIN filers at the state and city levels.**

We urge the Council to pass a resolution in support of expanding the EITC to Individual Tax Identification Number (ITIN) filers at the state and city levels. [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—including reduction in poverty, improvement in children’s well-being, and increased tax revenue—equity would be the most important reason to do so. These ITIN filers, of whom there are approximately [100,000 in New York](#), 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. Extending the credit would cost the state in the range of \$56 to \$77 million. Critics like to point out that EITC at state and city levels are modeled on the federal rules and it would be hard to have different provisions. However, an instance where the State has successfully decoupled its tax credit from the federal regulations and has made it available to ITIN filers is the [Empire State Child Tax Credit](#).

Our immigrant workers [contribute](#) \$250 billion to the city’s Gross Domestic Product (GDP), or about 23 percent of the city’s total GDP. And yet, half of them believe that the pandemic will mean long-lasting economic setback for them. It is, thus, imperative that the Council and the next administration prioritize policies to help low-wage immigrant workers.

Date: December 13, 2021

To: New York City Council

Re: DOB and Inspection Matters

Dear Members of New York City Council,

Hello. I am Sangrok Suh, the director of the Korean American Construction Association/KACA.

I attended the virtual meeting on Friday, December 10, 2021 to testify live via video conference but I was not able to stay fully at the time due to my next schedules and now I am writing this email so our association can confer with you.

First, we want to take this moment to thank you for your support towards the minority businesses and the opportunity to share our thoughts.

Due to the Covid 19, there have been considerable changes that deeply affect our lives and all trades in Construction fields. Today, I would like to address and focus on the Department of Building/DOB and inspection related matters.

As you may know, in order to renew our licenses including but not limited to General Contractor, Superintendent and Welder license, contractors who hold the licenses need to mail out the current ones to DOB after this Pandemic. The biggest concern we have is that most of the time, DOB agents are not cooperative and not willing to check and update the status and progress.

There are more than 100 Construction companies under the Korean American Construction Association and after our recent survey with the members, we've noticed that 90% of our contractors are facing the same issue. Contractors usually get the same responses from DOB

after waiting enough time periods that the mails containing the licenses are delivered. For more than 70% of the mailing processes, DOB either does not promptly support customers/contractors in a way that they understand what DOB's computer system currently reveals and does not take further steps in the event when DOB cannot locate the mails and documents.

DOB rather makes the contractors visit police stations to file a claim for lost mail. Thus, many contractors have to repeat the mailing process from the beginning and sometimes it takes about a year to simply renew their licenses.

DOB Inspections are also main common issues to consider especially these days. The inspectors usually do not point out what contractors need to fix and revise completely at the first visit. Inspectors make several visits to request correction of what could be found and done earlier. In addition, the subjects to amend are inconsistent so that contractors are often performing tasks redundantly. As a result, contractors cannot meet the clients' needs and completion dates accordingly.

We are not sending you this letter to complain. We want to present our cases and need you to hear us so we all can examine the existing systems and continue to seek ways to find solutions together as one.

It was not our intention to defer the testification until this evening. We apologize for the delay and thank you very much for your time and consideration towards our community.

Best Regards,

Sangrok Suh

Director

**The Korean American Construction Association**

**163-07 Depot Rd #207**

**Flushing, NY 11358**

Date: December 13, 2021

To: New York City Council

Re: DOB and Inspection Matters

Dear Members of New York City Council,

We, the Korean American Construction Association, are pleased to send this written testimony so our association can confer with you.

First, we want to take this moment to thank you for your support towards the minority businesses and the opportunity to share our thoughts.

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Best Regards,

Sangrok Suh

Director

**The Korean American Construction Association**

**163-07 Depot Rd #207**

**Flushing, NY 11358**



Opportunity to Testify – NYC Council Committees on Immigration: Oversight Hearing on Supporting Low-Wage Immigrant Workers in a COVID-19 Recovery

Korean Community Services of Metropolitan New York, Inc. (KCS) was fortunate enough this past year to provide direct assistance as well as outreach and education in two critical New York programs: the Emergency Rental Assistance Program (ERAP) and the Excluded Workers Fund (EWF). In order for the disproportionately affected immigrant worker to be completely included, these two programs excluded citizenship status in their eligibility requirements.

For those NY residents who experienced COVID-19 hardship and were behind on rent, KCS reached out to the community and provided direct application assistance to over 1,300 tenants and landlords for up to 12 months of rental arrears and 3 months of prospective rent. All applicants for this program earned less than 80% of the household Area Median Income, and/or demonstrated a risk of eviction. Our ERAP team, consisting of outreach, application assistance, and a dedicated hotline, worked relentlessly to ensure that no NYC renter would experience homelessness. Through our outreach efforts, we reached out to and educated hundreds of vulnerable community members weekly by handing out ERAP fliers, raising awareness of the program and its requirements, and creating appointments for them to apply with our application assistance staff. Our dedicated hotline fielded hundreds of daily phone calls to answer any programmatic questions as a new applicant, or provide updates/information to our existing clients. We also referred them to our many other critical services if they were deemed ineligible for rental assistance through ERAP. This program’s goal and necessity is crucial, however, that is not to say that running the program as a contracted non-profit organization did not come without substantial difficulties. There were no physical applications accepted for this program, therefore we relied solely on the performance of the online OTDA portal. The ineptitude of this portal cannot be overstated,

<b>KCS Main Office Adult Daycare   Education   Immigration</b>	<b>Corona Senior Center</b>	<b>Flushing Senior Center</b>	<b>Public Health and Research Center   Workforce Development</b>	<b>Brooklyn Project</b>	<b>Mental Health Clinic</b>
203-05 32 <sup>nd</sup> Avenue Bayside, NY 11361 Tel: (718) 939-6137 Fax: (718) 886-6126	37-06 111 <sup>th</sup> Street Corona, NY 11368 Tel: (718) 651-9220 Fax: (718) 478-6055	42-15 166 <sup>th</sup> Street Flushing, NY 11358 Tel: (718) 886-8203 Fax: (718) 886-8205	325 W 38 <sup>th</sup> Street, Ste. 1210 New York, NY 10018 Tel: (212) 463-9685 Fax: (212) 463-8347 2460 Lemoine Ave. #400P, Fort Lee, NJ 07024 Tel: (201) 988-2597	8710 5 <sup>th</sup> Ave. 1FL Bay Ridge, NY 11209 Tel: (718) 630-0001 Fax: (718) 630-0002	42-16 162 <sup>nd</sup> Street, 2FL Flushing, NY 11358 Tel: (718) 366-9540 Fax: (718) 534-4149



as slow speed, errors, and a poor user interface hindered our efficiency in assisting consumers. Notwithstanding, the official OTDA call center was a liability more often than not in answering portal questions, or assisting our clients with application-related issues. It is difficult to say where these problems stemmed from, but with applicants even in June still not having any semblance of updates on their status in ERAP, those that are about to be evicted can ill afford to rely on a dysfunctional system.

The Excluded Workers Fund, another vital program that provided a one-time cash payment to workers who were negatively impacted by COVID-19 was a significant success. KCS contracted with the NYS Department of Labor to provide direct assistance and outreach for the EWF. This one-time \$15,600 debit card was sent to the homes of over 120,000 New York residents who were able to prove that they were employed before the pandemic, and lost at least half of their income (income must have been less than \$26,208) due to COVID-19 hardships. For this program, KCS employed a similar team to the aforementioned ERAP which included outreach and direct assistance. Our outreach and application assistance efforts resulted in a total of 237 clients receiving their debit card for a sum of 3.7 million dollars in EWF payment. Of these, 82 recipients had only an ITIN #, 83 had a Social Security #, and 72 had neither. The goal of the program was to provide financial assistance for NY workers who had not received unemployment insurance or Pandemic Unemployment Assistance, and from KCS' standpoint, the EWF did exactly that. The online portal and the DOL adjudicators were so efficient that the \$2.1-billion fund was exhausted in a little over two months. Due to this swift depletion, and the demonstration that additional funds are necessary in NY, KCS has joined the Excluded Workers Coalition to advocate for \$3-billion in extra funding for a second round of this program. As was apparent at the beginning of the pandemic, workers on the front-line are essential, and a large percentage of these workers have been excluded from government assistance.

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

Submitted on December 14, 2021

My name is Young Woo Lee, and I am the Director of the Employment Law Unit (ELU) at The Legal Aid Society (LAS). Throughout our more than 140-year history, LAS has been a tireless advocate for the most vulnerable populations in the nation. Over 2,000 staff members operate across all five boroughs in our Civil, Criminal Defense, and Juvenile Rights Practices, guided by the fundamental principle that nobody should be denied justice because of poverty. Combining the expertise gained from representing clients across diverse areas of law with the broader public policy perspective of an advocacy group, we give marginalized individuals the capacity to thrive and advance. Part direct legal services provider, part social justice defenders, we have a unique ability to go beyond individual issues to effect change at a societal level.

ELU represents low-wage workers in employment-related matters such as claims for unpaid wages, claims of discrimination, family and medical leave issues, labor trafficking, and unemployment insurance hearings. The Unit conducts litigation, outreach and advocacy projects designed to assist the most vulnerable workers in New York City.

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

**Justice in Every Borough.**

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.

We are pleased to have the opportunity to present testimony on the impact of the pandemic on noncitizen New Yorkers and how these workers can be supported while the City recovers from this ongoing crisis. During this period of unparalleled need, the support of the City Council for our noncitizen communities is more vital than ever and we are proud to stand together as we work together to support our city's recovery from the pandemic.

**The Impact of the COVID-19 Pandemic and Immigrant Exclusion in COVID-19 Response on Noncitizen Communities in New York City**

The impact of the COVID-19 pandemic on noncitizen communities in New York City cannot be overstated. The neighborhoods most impacted by the pandemic in our city since March 2020 - in terms of transmission, number of cases, and fatalities - have been areas that are home to large noncitizen communities. As identified by the City Comptroller, there is a sizeable correlation between neighborhoods with high concentrations of immigrants and residential overcrowding – a key driver of COVID-19 transmission.<sup>1</sup> At the same time, noncitizen New Yorkers have also been disproportionately affected by the economic impacts of the virus stemming from the

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<sup>1</sup> New York City Comptroller, Scott M. Stringer. Protecting NYC's Most Vulnerable Populations During COVID-19 See: [https://comptroller.nyc.gov/reports/protecting-nycs-most-vulnerable-populations-during-covid-19/#\\_ftn6](https://comptroller.nyc.gov/reports/protecting-nycs-most-vulnerable-populations-during-covid-19/#_ftn6)

mass closures of ‘non-essential’ businesses and associated economic slow-down. According to one report from The New School, during the early stages of the pandemic 54% of lost private jobs in New York City were held by foreign-born workers<sup>2</sup>. Undocumented New Yorkers - a population that is already at greater risk of experiencing workplace exploitation or wage theft - were particularly hard hit, with nearly one in six New York City jobs lost due to the pandemic held by an undocumented worker. Moreover, the job displacement rate among undocumented workers has been twice that of the overall private sector displacement rate: 54% versus 27% respectively.

Simultaneously, noncitizen communities in New York disproportionately experience barriers to accessing health services and are often less likely to have health insurance, which create further difficulties in individuals being able to receive the care they need to successfully recover from and prevent further spread of the virus.<sup>3</sup> When these workers fall ill and are no longer able to work, there is little to no support structure they can rely on while unemployed.

Despite this, noncitizen communities, and in particular undocumented individuals, have often not been included in a meaningful way in governmental

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<sup>2</sup> The New School - Center for New York City Affairs. *The New Strain of Inequality: The Economic Impact of Covid-19 in New York City*. See: [https://static1.squarespace.com/static/53ee4f0be4b015b9c3690d84/t/5e974be17687ca34b7517c08/1586973668757/NNewStrainofInequality\\_April152020.pdf](https://static1.squarespace.com/static/53ee4f0be4b015b9c3690d84/t/5e974be17687ca34b7517c08/1586973668757/NNewStrainofInequality_April152020.pdf)

<sup>3</sup> Documented NY. *New York Immigrant Communities Hit Hardest by the COVID-19 Pandemic, Data Shows*. See: <https://documentedny.com/2020/04/02/new-york-immigrant-communities-hit-hardest-by-the-covid-19-pandemic-data-shows/>

COVID-19 responses and have been actively excluded from a range of flagship federal pandemic relief programs. Dislocated undocumented workers were not eligible for the federally-funded Pandemic Unemployment Assistance (PUA) created by Congress through The Coronavirus Aid, Relief, and Economic Security (CARES) Act. PUA was a significant expansion of the unemployment benefits system and temporarily expanded eligibility for unemployment insurance to any individual out of work due to the pandemic – including formerly self-employed, contract, and gig workers. Many noncitizens were similarly excluded from the CARES ACT Economic Impact Payments (EIP), a central component of the federal government’s efforts to provide direct support to individuals at the height of the initial stages of the pandemic. This has included needlessly punitive measures such as the disqualification of individuals otherwise eligible to receive a stimulus payment if they happened to jointly filed taxes with a family member who did not have a social security number.

The end result of such measures has been to prevent certain mixed-immigration status families (families where one or more members is a U.S. Citizen while others are not) from being able to access these vital benefits. In addition to the payment of up to \$1,200 per adult, individuals shut out of EIPs were also unable to receive the additional payment of \$500 per child under 17 years old – leading to wider impacts on family members (even if they are U.S. Citizens) beyond the individual or individuals concerned. As one further example, the federal Department of Education has placed limits on the students eligible to receive emergency grant aid provided to

higher education institutions for distribution to students through the CARES act – excluding, among others, Deferred Actions for Childhood Arrivals (DACA) program enrollees.

The Legal Aid Society lauded the enactment of the first-in-the-nation \$2.1 billion New York State Excluded Worker Fund earlier this year, which provided one-time payments to workers left out of the federal unemployment programs detailed above. However, the program quickly was exhausted and applications were no longer accepted as of early October, leaving tens of thousands of otherwise eligible immigrant workers without any unemployment funds.<sup>4</sup> Therefore, thousands of immigrant workers and their families who lost their jobs because of COVID-19 have received zero government wage assistance during the pandemic. The Excluded Worker Fund should be increased in the next budget so that all eligible immigrant workers can receive this crucial funding.

Low-wage workers often confront unlawful conditions in their workplaces. We routinely see cases of wage theft and crass discrimination and abuse. Beyond the economic impact noncitizen workers have endured, they have been called on to put their health, safety, and lives at risk while working in “essential” industries such as the food supply and retailing. The pandemic has highlighted the risk to health and even life that low-wage workers all too often face on the job. Many of these workers

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<sup>4</sup> New York Times. *New York Set Aside \$2.1 Billion for Undocumented Workers. It Isn't Enough.* See: <https://www.nytimes.com/2021/10/19/nyregion/new-york-excluded-workers-fund.html>

were celebrated as “essential” and as “heroes” because they provided the basic services that the rest of the society depended on during the initial lockdown and during periods of high infection rates. Yet, all too many of their employers did not provide safe working conditions, before vaccinations were available and since, long after they had knowledge of the dangers of the novel coronavirus and the resulting shutdown of non-essential businesses. In keeping the rest of the society afloat, they risked grave illness and death themselves and these unsafe conditions put their families at similar risk, helping to spread the coronavirus throughout their communities and the larger society. Nevertheless, throughout the worst periods of the pandemic in New York to date, New York’s workforce lacked enforceable workplace health and safety standards to protect against the spread of the coronavirus and COVID-19.

Given the persistent rates of COVID infection in New York, the transmissibility of the Omicron variant – and likely future variants – and the durability of this pandemic, it is critical to the health of all workers, their families and communities, and the public that New York prevent the spread of COVID-19 at workplaces. Businesses, especially those that are concerned about not attracting sufficient staff, should welcome enforceable standards that make worksites safe, that take matters of safety out of competition, and that protect against loss of work hours due to illness.

Furthermore, worker retaliation is not a new issue, but rather a violation of rights exacerbated by the current pandemic. We have seen employers retaliate against immigrant essential workers through abuse and firing after the worker advocated for basic safety precautions on the job. As highlighted above, many noncitizen workers do not have safety nets to fall back on. A worker whose employer is engaging in flagrant violations of health and safety law must weigh the potentially deadly risk of continued exposure to COVID-19 against the economically devastating risk of job loss were their employer to retaliate against them.

It is a matter of fundamental fairness that noncitizen New Yorkers receive access to the same relief programs and governmental support as all other New Yorkers. Our client communities are already overwhelmingly vulnerable populations with limited incomes: excluding them from vital government relief programs during this unprecedented public health crisis is simply unconscionable. Beyond moral discussions and potential public health concerns, however, it is also a matter of central importance for New York's long-term recovery. Our noncitizen communities have been integral to New York's ability to continue functioning during the pandemic, with noncitizen New Yorkers comprising 44% of the city's workforce and half of its one million designated essential workers.<sup>5</sup> In a city that is home to 3.1 million

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<sup>5</sup> New York City. *Mayor de Blasio Announces New York City COVID-19 Immigrant Emergency Relief Program with Open Society Foundations*. See: <https://www1.nyc.gov/office-of-the-mayor/news/262-20/mayor-de-blasio-new-york-city-covid-19-immigrant-emergency-relief-program-open#:~:text=New%20York%20City%20is%20home.and%2048%2C000%20undocumented%20business%20owners>.

immigrants, the degree to which New York is able to build a successful and long-lasting recovery following the pandemic is ultimately dependent on the extent that our noncitizen communities are supported and able to thrive.

In what has always been an international city built on the diversity fostered by thriving immigrant communities, protecting these vulnerable New Yorkers is essential to who we are.

Respectfully submitted,

Young Woo Lee  
Director  
Employment Law Unit  
The Legal Aid Society



**Make the Road New York**  
**Testimony on Supporting Low-Wage Immigrant Workers in a COVID-19 Recovery**

**December 14, 2021**  
**New York City Council Committee on Immigration**

Make the Road New York is pleased to submit this testimony to the New York City Council Committee on Immigration on Supporting Low-Wage Immigrant Workers in a COVID-19 Recovery.

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, including centers in the New York City neighborhoods of Jackson Heights, Bushwick, and Port Richmond, provide a broad array of support to thousands of New Yorkers every year. During the course of the COVID-19 pandemic, our staff have worked tirelessly to ensure that working families that have suffered illness or income loss have access to food, health care, housing supports, cash assistance and legal assistance.

Our staff and members have seen first-hand the extent of the devastation the COVID-19 pandemic has wrought on low-wage and immigrant workers and workers of color. Infections and deaths ravaged working-class immigrant, Black, and Brown communities like the ones where our members live, often in overcrowded multi-generational households, with multiple family members working in front-line jobs that have put them at high risk of infection. Even as our members have returned to work, we see the long-lasting effects of the pandemic in record rates of economic calamity, job loss and financial insecurity, and a brewing housing crisis of untold proportions.

The exclusion of many immigrants from critical federal programs and other forms of worker protections has further exacerbated already stark social and economic disparities in our city. New York State and City have led the nation in providing cash assistance to workers excluded from Unemployment Insurance benefits, supporting renters, and getting food assistance and medical care to immigrant and working families. But even the unprecedented \$2.1 billion Excluded Worker Fund could not meet the demand from workers. To date, New York State Department of Labor has approved 130,529 applications out of over 350,000 submitted. MRNY assigned dozens of staff and devoted significant resources over the course of several months to help our

members apply, and to create materials to help other organizations with the application process, but many of our members were unable to submit applications before the fund was depleted.

MRNY's legal team has also faced unprecedented challenges in helping workers remedy wage and hour violations, discrimination, paid leave violations, and health and safety abuses.

We have dozens of clients whose employers suddenly shut down their businesses owing their employees days or weeks worth of wages; many said they could not pay because of financial difficulties, or simply disappeared and stopped responding to calls. Many workers were too scared to complain earlier in the pandemic, and are just now contacting our offices for help. Employers in several of our cases have declared bankruptcy, seeking to discharge their debts to workers, which generally take less priority than debts to commercial lenders and other for-profit entities. Our enforcement efforts have also been stymied by court closings and by backlogs at the NYSDOL, which reassigned many of its Labor Standards Division investigators to the unemployment insurance (UI) unit last year.

In light of the challenges we have described above, MRNY respectfully requests that the New York City Council prioritize the following measures:

### **Increase Funding for Legal Services for Workers Subjected to Wage Theft and Abuse in the Workplace**

Unprecedented levels of unemployment and economic distress make workers in low-wage industries, a large portion of whom are immigrants, even more vulnerable to workplace abuse. Given the increased vulnerability of immigrant workers now, the City must increase funding for free legal services to ensure that all immigrant workers who have been cheated out of wages, discriminated against in the workplace, or been subjected to health and safety violations at work have access to representation to seek redress. In particular, the City should stabilize and increase funding for programs such as the Immigrant Opportunities Initiative and the Low-Wage Worker Support initiative in order to support a robust network of community-based organizations (CBOs) and legal providers to train, support, and represent workers in litigation and administrative proceedings. Additionally, the City should renew and increase Community Services Block Grant funding for legal assistance for low-wage immigrant workers.

### **Maintain Funding for the Department of Consumer and Worker Protection and the City Commission on Human Rights**

The Department of Consumer and Worker Protection and the City Commission on Human Rights enforce critical municipal laws that provide the right to paid sick leave to workers to care for themselves and family members, that give workers in the high-violation fast food and retail industries the right to scheduling and just cause protections, and that provide the right to work free from discrimination and harassment. These agencies also prevent abuses from occurring in the first place, by getting information about workers' rights to the NYC workforce and businesses. To ensure that the City's groundbreaking workplace laws meet their intended goals, at a time when our workforce and economy need them more than ever, the City must ensure that our worker protection agencies have the staff and resources they need.

### **Implement legal protections against firing workers without “Just Cause”**

The City should extend to all workers protections from being fired without “just cause”, building upon the recently-passed legislation providing this critical right to fast food workers. Under the current “at-will” employment scheme, employers enjoy free rein to fire a worker for any reason or not reason at all, so long as the employer’s justification is not otherwise prohibited by an anti-discrimination statute or other law. Moreover, the burden falls on workers to prove that their the reason for their firing was unlawful. With few safeguards from arbitrary dismissal, workers are hesitant to speak up about workplace concerns or violations. The pandemic has highlighted the extreme risks that at-will employment poses not only to workers, but also to communities: workers without the confidence to challenge a lack of personal protective equipment, overcrowding, or rising infection rates in their workplaces may feel compelled to continue laboring in unsafe conditions, and risk transmitting the virus to their families, neighbors, and fellow commuters. Just cause will provide New Yorkers with a fair chance at stable employment, and especially for the countless essential workers who have kept New York running during the pandemic.

### **Leverage Municipal Power as Market Participant to Disincentivize Forced Arbitration Clauses and other Nefarious Employer Practices**

The City should demand disclosure and transparency from businesses that use anti-worker practices such as forced arbitration clauses, non-disclosure policies that silence whistleblowers, or other unfair or abusive labor practices. The City should use its power as a market participant to reward fair, transparent, and equitable workplaces with its business.

We thank you for the opportunity to present this testimony and look forward to working with the City Council to protect workers’ rights during the pandemic and beyond.

Sarah Leberstein  
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New York City Council Hearing  
Committee on Immigration  
Oversight - Supporting Low-Wage Immigrant Workers in a COVID-19 Recovery  
December 14, 2021 at 10AM

Testimony from The Women's Center for Education & Career Advancement (WCECA)  
121 Avenue of the Americas, Floor 6  
New York, NY 10013

**Testimony:**

Thank you to Council Member Carlos Menchaca and the members of the Committee on Immigration for this opportunity to speak. I am Merble Reagon, Executive Director of the Women's Center for Education and Career Advancement. We have worked for 51 years to help achieve economic justice and career opportunities for New York City working families and have been the lead sponsors for six NYC Self-Sufficiency Standard reports since 2000. The Standard offers a realistic look at the incomes NYC families need to get by. We recently released the sixth NYC Self-Sufficiency Standard, a report called [\*\*Overlooked & Undercounted 2021: Struggling to Make Ends Meet in New York City\*\*](#), in partnership with the Center for Women's Welfare at the University of Washington, The United Way of New York City, The Fund for the City of New York, The New York Women's Foundation, City Harvest, Food Bank For New York City, and Hunger Free New York City (a division of Hunger Free America). The findings unveil how precarious the lives of low-wage immigrant workers were before the pandemic, and it indicates just how vulnerable they will continue to be due to the COVID-19-triggered economic crisis.

Immigrants account for a disproportionate amount of New York City households with inadequate income despite their lower numbers. While about one-third of native-born New York City households struggle to make ends meet, 37% of naturalized citizens and 51% of non-citizens lack adequate income. Latinx non-citizen communities are the most significantly affected, with **62% unable to meet their basic needs. That rate is 53% among Black non-citizens and 50% among AAPI non-citizens. Income inadequacy is substantially lower among White non-citizens, at 27%.**

It is time to employ a policy approach that will best help immigrant working families move beyond the pandemic and toward financial security. Their economic well-being is most assured when we generate policies based on the realities of a family's life, rather than the one-size-fits-all approach of the Federal Poverty Measure, which proposes the same income adequacy dollar amounts for families in each of the 48 contiguous states.

In order to facilitate an economic recovery for immigrant families, it is imperative to measure income inadequacy by the ***Self-Sufficiency Standard***, a realistic, geographically-specific, and family composition-specific measure that offers a clear picture of the exact incomes NYC working families need to make ends meet. Here is an example: In the Bronx, a working father with a four-year-old son needs to earn \$32 an hour and make an income of about \$68,000 to meet all expenses according to the Standard. According to the Official Poverty Measure, however, that same 2-person family only needs to earn \$10.40 an hour and make an income of about \$17,000. That is an astounding difference of \$51,000. The Standard calculates how much income more than 700 family types in different boroughs need to meet all their expenses.

This lack of sufficient income to meet basic needs is grossly undercounted largely because measures like the official poverty measure do not accurately document what it takes to afford just the basics, nor do they accurately pinpoint who lacks sufficient income. **Not only do governmental poverty statistics underestimate the number of households struggling to make ends meet, but the underestimation creates broadly held misunderstandings about who is unable to afford basic needs, what skills and education they hold, and therefore what unmet needs they have.** These misapprehensions harm the ability of our society to respond to the changing realities facing families with insufficient income, especially during this pandemic.

## The Standard Varies Within New York City

The Standard varies across, and within, New York City boroughs. An adult with a preschooler needs \$67,384 to \$107,808 annually to meet basic needs depending on the area.



## The OPM is the Same Throughout New York City

According to the OPM, a family of two with income of \$17,240 or more annually is not considered poor anywhere in New York City.



### THE OPM IS BASED ON ONLY ONE COST

The Official Poverty Measure (OPM, also known as the federal poverty guidelines or FPG/FPL) calculates the cost of food for the number of people in the family, then multiplies it by three and assumes the total amount covers all other expenses.



### THE STANDARD IS BASED ON ALL BUDGET ITEMS

The Standard is based on all major budget items faced by working adults. The Self-Sufficiency Standard calculates how much income families need to make ends meet without public or private assistance by pricing each individual budget item.



Our new report, *Overlooked and Undercounted 2021*, shows that inadequate wages, not lack of work hours, is the main cause of income inadequacy. **The data highlights that workers in New York City will not benefit from returning to jobs that don't pay a family-sustaining wage.** The post-pandemic labor market needs improved opportunities across the city. There has been some positive momentum in this direction. For example, Starbucks, Walgreens, and Chipotle all increased their minimum wages this year. We hope other companies and employers will soon follow suit, and relate their increases to the actual cost of living in New York City.

We also encourage greater protections for undocumented immigrants who are often exploited by employers who disregard their right to earn the minimum wage. This protection, coupled with a new, foundational safety net that addresses the needs of diverse immigrant communities is key to recovery efforts.

We invite you to look more closely at the [NYC Self-Sufficiency Standard](#) data as it documents exactly what income NYC working families in your districts need to make ends meet. We also recommend that all pandemic recovery policies be developed using an intersectional racial, gender, and citizenship lens to assist with an equitable recovery because women of color and non-citizens are the demographic groups most heavily impacted by insufficient wages.

**As the members of this committee work to determine ways to support immigrant workers, we again urge council members to advocate for sufficient and fair wages for all New Yorkers, as well as a new, foundational safety net. That solution is essential to achieving income adequacy in every neighborhood in New York City.**

Visit [wceca.org](http://wceca.org) to learn more about the [key findings](#) from the report, and to explore these unique tools:

- [NYC Demographic Dashboard](#)
- [NYC Self Sufficiency Budget Worksheet](#)

If you have any questions about the report, please visit [www.selfsufficiencystandard.org](http://www.selfsufficiencystandard.org). To request a copy of the report, please email [mreagon@wceca.org](mailto:mreagon@wceca.org).

Respectfully submitted by:  
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***Below, you will find examples of how the Standard can vary for the geographic areas in which your constituents live.***



**FAMILY FOCUS: Brooklyn (excluding Northwest Brooklyn)**

A single father with a teenager, with the father working as an office clerk earning \$17.19 per hour in Brooklyn, needs \$3,875 to get by, including \$1,831 per month to cover the cost of a two bedroom apartment. With a monthly income of \$2,980, the family earns only 77% of what it needs to cover the family's basic costs.

**A single father with a teenager,**

**earning \$2,980 per month as an office clerk,**

**needs \$3,875 per month to cover basic costs,**

**but only earns 77% of what he needs to get by.**



**FAMILY FOCUS: Northwest Brooklyn**

A two-adult household in NW Brooklyn with a preschooler and school-age child, with the parents working as a janitor, earning \$16.17 per hour, and a retail salesperson, earning minimum wage (\$15.00 per hour), needs \$7,970 per month to get by. This includes \$1,924 per month to cover the cost of child care and \$2,712 for a two-bedroom apartment. With a monthly income of \$5,403, the family earns only 68% of what they need to cover basic costs.

**A two adult household with a preschooler and school-age child,**

**earning \$5,403 per month as a janitor and retail salesperson,**

**need \$7,970 per month to cover basic costs,**

**but only earn 68% of what they need to get by.**





### FAMILY FOCUS: North Manhattan

A single mother with a teenager, with the mother working as a server earning \$15.26 per hour in North Manhattan, needs \$3,754 to get by, including \$1,400 per month to cover the cost of a two-bedroom apartment. With a monthly income of \$2,645, she earns only 70% of what they need to cover the family's basic costs.

**A single mother with a teenager,**



**earning \$2,645 per month as a server,**



**needs \$3,754 per month to cover basic costs,**



**but only earns 70% of what she needs to get by.**



### FAMILY FOCUS: Queens

A family with two adults, an infant and a preschooler, with the parents working as a fast food employee (earning \$15.00 per hour) and a cleaner (\$16.17 per hour) in Queens need \$7,894 per month to get by, including \$2,091 per month to cover the cost a two bedroom apartment and \$2,637 for child care. With a monthly income of \$5,403, the family earns only 68% of what they need to cover the family's basic costs.

**A two adult household with an infant and preschooler,**



**earning \$5,403 per month as a fast food worker and cleaner,**



**need \$7,894 per month to cover basic costs,**



**but only earn 68% of what they need to get by.**



### FAMILY FOCUS: South Manhattan

A family with two adults, an infant and a preschooler, with the parents working as a registered nurse (earning \$43.20 per hour) and an administrative assistant (\$20.40 per hour) in South Manhattan need \$11,708 per month to get by, including \$3,267 per month to cover the cost of a two bedroom apartment and \$2,637 for child care. With a monthly income of \$11,024, the family earns 94% of what they need to cover the family's basic costs.

**A two adult household with an infant and preschooler,**



**earning \$11,024 per month as a nurse and assistant,**



**need \$11,708 per month to cover basic needs,**



**but only earn 94% of what they need to get by.**



### FAMILY FOCUS: Staten Island

A single mother with a school-age child working as a home health aide (earning \$15.00 per hour) in Staten Island needs \$4,452 per month to get by, including \$1,848 per month to cover the cost of a two bedroom apartment and \$639 for child care. With a monthly income of \$2,600, the family earns only 58% of what it needs to cover the family's basic costs.

**A single mother with a school-age child,**



**earning \$2,600 per month as a home health aide,**



**needs \$4,452 per month to cover basic needs,**



**but only earns 58% of what she needs to get by.**



## FAMILY FOCUS: The Bronx

A single mother with a school-age child, working as a home health aide in the Bronx and earning minimum wage (\$15.00 per hour) needs \$4,341 per month to get by, including \$639 per month to cover the cost of child care and \$1,806 for a two bedroom apartment. With a monthly income of \$2,600, she earns only 60% of what she needs to cover her family's basic costs.

**A single mother with a school-age child,**



**earning \$15 per hour as a home health aide,**



**needs \$4,341 per month to cover basic needs,**



**but only earns 60% of what she needs to get by.**



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**TAKE ROOT JUSTICE.ORG**

**TESTIMONY IN SUPPORT OF RENEWING, BASELINING FUNDING TO SUPPORT  
LOW-WAGE IMMIGRANT WORKERS IN A COVID-19 RECOVERY**

Testimony from Tito Sinha

Workers' Rights Director, TakeRoot Justice

Citywide Immigrant Legal Empowerment Collaborative (CILEC)

New York City Council Committee on Immigration

December 14, 2021

TakeRoot Justice (“TakeRoot”) thanks the New York City Council Committee on Immigration for the opportunity to submit this testimony on behalf of the Citywide Immigrant Legal Empowerment Collaborative (“CILEC”), a consortium of several NYC legal services providers and Community-Based Organizations, in support of increased, robust, sustainable, and multi-year/baseline funding for the Low-Wage Worker Initiative. As we arrive at the two-year mark for the onset COVID-19 pandemic, we impress upon this body the ongoing urgent need for workers’ rights advocacy for low-wage, documented and undocumented workers, the vast majority of whom are essential workers who have been performing essential services on the frontlines from the start of the pandemic. Much of our work under the Low-Wage Worker Initiative is geared towards recovering money that were lawfully due to immigrant families from their employers, and which can provide them with substantial economic assistance, especially during the pandemic.

The Low-Wage Worker Initiative is the only dedicated City funding that ensures that the City’s low-wage and immigrant workers have redress from wage theft, discrimination, retaliation, sick leave violations and other workplace injustices. However, this crucial funding has lagged behind other priorities requiring last-minute saves from workers’ rights advocates including those within the Administration, such as the Mayor’s Office of Immigrant Affairs, and the City Council to work to renew the funding.

Rather than engaging in this yearly effort to renew this crucial funding, we respectfully call upon the Administration and City Council to demonstrate its ongoing commitment to the City’s low-wage and immigrant workers by renewing and expanding the baseline Low-Wage Worker Initiative for employment-related legal services funding from \$2 million to \$6 million for employment-related civil legal services and providing an additional \$1.5 million for the Low-Wage Worker Support for community outreach. This expansion will stabilize the funding so low-wage and immigrant workers can continue to receive this essential advocacy through vital civil legal services and community outreach.

TakeRoot Justice's mission is to dismantle racial, economic, and social oppression by strengthening the work of New York City's grassroots and community-based groups by providing legal, participatory research and policy support. Since January 2020 to date, TakeRoot has obtained approximately \$1.3 million in settlements from employers, providing much needed recovery for low-wage and immigrant workers who were owed such wages and entitled to be free of retaliatory and discriminatory practices from the outset. Despite the many challenges in doing this critical work remotely, we continue to press forward to seek justice and empowerment for New York City's immigrant workers.

During the pandemic, TakeRoot and CILEC have been diligently collaborating with CBOs to respond to the employment-related civil legal and case management needs of the City's low-wage and immigrant workers. Low-wage and immigrant workers have always typically been vulnerable to wage theft, discrimination, retaliation, and other labor law violations, for which the Low-Wage Worker Initiative was created. The pandemic has only made such workers even more vulnerable to such unlawful workplace practices and has also drastically increased the number of cases involving paid sick leave, and health and safety issues. In addition to our legal representation, we have been responding to an increased need in immigrant communities to provide employment-related community Know-Your-Rights trainings for both organizers and workers on federal, state, and city pandemic-related laws and directives providing workplace protections and also avenues for remedies and relief when workplace violations occur.

Failure to renew and expand this funding will have a devastating impact on low-wage and immigrant workers, leaving them without high-quality and culturally sensitive representation in their efforts to obtain economic and worker justice. TakeRoot and our allied CILEC partners work to hold exploitative employers accountable through direct negotiations, representation at the State Department of Labor, the City Commission on Human Rights, other administrative agencies, and in litigation at State and Federal Court.

Now, more than ever in this critical time, low-wage and immigrant workers need champions from advocates such as TakeRoot Justice and our allied CILEC partners, Catholic Migration Services, and Make the Road New York. The ability of our organizations to retain and hire staff and maintain and expand crucial administrative infrastructure to continue this life-sustaining work under the Low-Wage Worker Initiative and the Low-Wage Worker Support require expanded and sustainable funding. We look forward to working with the Administration and City Council to re-envision a holistic model of employment-related civil legal services for, and culturally sensitive community outreach to the City's low-wage and immigrant communities.

In conclusion, we urgently request the expansion of this funding to \$6 million for legal services and \$1.5 million for the Low-Wage Worker Support for community outreach. This expansion will stabilize these funding streams so that we can continue to provide dedicated employment-related civil legal services and community outreach to advocate for low-wage and immigrant workers. In doing so, we, the advocates, and the City together, can ensure that low-wage and immigrant communities are not deprived of vital services that help support their livelihoods and advocate for their rights under the law.

Thank you.