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**THE COUNCIL OF THE CITY OF NEW YORK**

**committee report AND briefing paper OF**

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**COMMITTEE ON IMMIGRATION**

*Hon. Shahana Hanif, Chair*

**COMMITTEE ON GOVERNMENTAL OPERATIONS**

*Hon. Sandra Ung, Chair*

**April 28, 2023**

***Oversight: Meeting the Needs of Asylum Seekers in New York City***

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| **INT. NO. 569-A:** | By Council Member Hanif, Avilés, Cabán, Marte, Joseph, Nurse, Gutiérrez, Sanchez, Restler, Ossé, Richardson Jordan, De La Rosa, Riley, Louis and Schulman |
| **TITLE:** | A Local Law to amend the administrative code of the city of New York, in relation to an immigrant workers' bill of rights  |
| **INT. NO. 790-A:** | By Council Member Brewer, Hanif, Louis, Joseph, Richardson Jordan, Ayala, Abreu, Gutiérrez, Krishnan, Hudson and Sanchez |
| **TITLE:** | A Local Law to amend the administrative code of the city of New York, in relation to documentation establishing proof of identity for a New York city identity card |
| **INT. NO. 839:** | By Council Member Hudson, Velázquez, Hanif, Louis, Schulman, De La Rosa and Ung  |
| **TITLE:** | A Local Law to amend the New York city charter, in relation to establishing an office of refugee and migrant settlement |
| **INT. NO. 909:** | By Council Member Hanif, Ayala, Brewer, Cabán, Restler, Hudson, Abreu, Richardson Jordan, Avilés, De La Rosa, Riley, Ung, Won and Louis |
| **TITLE:** | A Local Law to amend the administrative code of the city of New York, in relation to enhancing the IDNYC application process |
| **RES. NO. 307-A:** | By Council Member Brewer, Hanif, Louis, Hudson, Ung, Sanchez, Velázquez and Gutiérrez |
| **TITLE:** | Resolution calling on United States Citizenship and Immigration Services to quickly clear the backlog of I-765 applications for employment authorization. |
| **RES. NO. 364:** | By Council Member Brewer, Hanif, Louis, Avilés, Joseph, Richardson Jordan and Ayala |
| **TITLE:** | Resolution Calling on the United States Congress to pass and the President to sign S. 4529, the "Children's Safe Welcome Act of 2022," which would establish standards to ensure the safety and well-being of migrant children in government custody is prioritized, employing best practices in all stages of our immigration system involving unaccompanied and accompanied children who seek asylum in the United States. |
| **RES. NO. 365:** | By Council Member Brewer, Hanif, Louis, Avilés and Joseph |
| **TITLE:** | Resolution calling on the United States Department of Health and Human Services to prioritize refugee settlement resources to New York City. |
| **RES. NO. 381:** | By Council Member Avilés, Cabán, Louis, Ayala, Hanif and Joseph |
| **TITLE:** | Resolution condemning the human trafficking of migrants. |
| **RES. NO. 459:** | By Council Member Farías, Louis, Menin, Hudson, Restler and Richardson Jordan |
| **TITLE:** | Resolution calling upon the New York State Legislature to pass, and the Governor to sign, A.7273/S.3063 prohibiting municipalities from requiring all employers to check prospective employees' work authorization status by using the federal electronic verification system and prohibiting employers from checking the employment authorization status of an existing employee or an applicant who has not been offered employment |
| **RES. NO. 532:** | By Council Member Brooks-Powers, Ayala, Louis, Richardson Jordan, Hudson, Abreu and Riley |
| **TITLE:** | Resolution calling on Governor Hochul to declare an emergency under Section 2-B of New York State Executive Law to direct funds administrative resources and services to aid asylum seekers forcibly transported to the city by the governors of other states. |
| **RES. NO. 556** | By Council Member Hudson, the Public Advocate (Mr. Williams) and Council Members Hanif, Abreu and Richardson Jordan |
| **TITLE:** | Resolution calling on the New York State Legislature to pass and the Governor to sign A.170/S.999, also known as the Access to Representation Act, which establishes the right to legal counsel in immigration court proceedings and provides for the administration thereof. |

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| **PRECONSIDERED RES. NO.**  | By Council Member Ayala |
| **TITLE:** | Resolution calling on Congress to pass, and the President to sign, legislation updating the Cuban, Haitian, Nicaraguan, and Venezuelan parole program to allow parolees to work in the United States without waiting for their I-765 applications for employment authorization to be approved, and for the President to take executive action granting or extending temporary access to work permits to asylum seekers currently residing in the United States who are ineligible for the parole program.  |

1. **Introduction**

On April 28, 2023 the Committee on Immigration, chaired by Council Member Shahana Hanif, and the Committee on Governmental Operations, chaired by Council Member Sandra Ung, will hold a joint oversight hearing on meeting the needs of asylum seekers in New York City. The Committee on Immigration will also consider the following pieces of legislation: Introduction 909, sponsored by Council Member Hanif, in relation to enhancing the IDNYC application process; Introduction 839, sponsored by Council Member Hudson in relation to establishing an office of refugee and migrant settlement; Introduction 569-A, sponsored by Council Member Hanif in relation to an immigrant workers’ bill of rights; Resolution 307-A, sponsored by Council Member Brewer, calling on United States Citizenship and Immigration Services to quickly clear the backlog of I-765 applications for employment authorization; Resolution 364 sponsored by Council Member Brewer, calling on the United States Congress to pass and the President to sign S. 4529, the "Children's Safe Welcome Act of 2022," which would establish standards to ensure the safety and well-being of migrant children in government custody is prioritized, employing best practices in all stages of our immigration system involving unaccompanied and accompanied children who seek asylum in the United States; Resolution 365 sponsored by Council Member Brewer, calling on the United States Department of Health and Human Services to prioritize refugee settlement resources to New York City; Resolution 381, sponsored by Council Member Avilés, condemning the human trafficking of migrants; Resolution 459, sponsored by Council Member Farías, calling upon the New York State Legislature to pass, and the Governor to sign, A.7273/S.3063 prohibiting municipalities from requiring all employers to check prospective employees' work authorization status by using the federal electronic verification system and prohibiting employers from checking the employment authorization status of an existing employee or an applicant who has not been offered employment; Resolution 532, sponsored by Council Member Brooks-Powers, calling on Governor Hochul to declare an emergency under Section 2-B of New York State Executive Law to direct funds, administrative resources and services to aid asylum seekers forcibly transported to the city by the governors of other states; Resolution 556, sponsored by Council Member Hudson, calling on the New York State Legislature to pass and the Governor to sign A.170/S.999, also known as the Access to Representation Act, which establishes the right to legal counsel in immigration court proceedings and provides for the administration thereof; and Preconsidered Resolution, sponsored by Council Member Ayala, calling on Congress to pass, and the President to sign, legislation updating the Cuban, Haitian, Nicaraguan, and Venezuelan parole program to allow parolees to work in the United States without waiting for their I-765 applications for employment authorization to be approved, and for the President to take executive action granting or extending temporary access to work permits to asylum seekers currently residing in the United States who are ineligible for the parole program The Committee on Governmental Operations will consider Introduction 790-A sponsored by Council Member Brewer in relation to documentation establishing proof of identity for a New York city identity card.

Those invited to testify include the Mayor’s Office of Immigrant Affairs (MOIA), Department of Citywide Administrative Services (DCAS), immigration service providers, advocacy organizations, and other members of the public.

1. **Background**
	1. **Migrant and Asylum Crisis**
		1. *Asylum Seekers in the United States*

Individuals fleeing persecution have the right to seek asylum. This most fundamental right is guaranteed by the 1951 United Nations Convention relating to the Status of Refugees and implemented in the 1967 United Nations Protocol relating to the Status of Refugees.[[1]](#footnote-2) The United States (U.S.) codified refugee protection and the procedures for asylum in the Refugee Act of 1980, made part of the Immigration and Nationality Act (INA).[[2]](#footnote-3) Responsibility for the implementation and enforcement of most U.S. immigration law, including asylum and refugee law, is shared between the Department of Homeland Security (DHS) and the Department of Justice’s (DOJ) Executive Office for Immigration Review (EOIR).[[3]](#footnote-4) Within DHS, U.S. Citizenship and Immigration Services (USCIS) adjudicates applicants for immigration benefits, Customs and Border Protection (CBP) inspects and admits non-citizens into the U.S., and Immigration and Customs Enforcement (ICE) investigates immigration violations, as well as detains and removes violators of immigration law.[[4]](#footnote-5) EOIR conducts removal proceedings and adjudicates appeals of decisions in removal proceedings.[[5]](#footnote-6) Individuals who seek asylum may encounter any and all of these agencies during the asylum process. If an individual is applying for asylum affirmatively—meaning they have come to the U.S. and have not been placed in removal proceedings by DHS—their application is adjudicated by USCIS.[[6]](#footnote-7) If an individual is applying for asylum defensively—meaning they were arrested by ICE or CBP and placed in removal proceedings—their asylum application is transferred to the EOIR immigration court upon the filing of a Notice to Appear (NTA).[[7]](#footnote-8)

To qualify for asylum, an applicant must be physically present in the U.S.[[8]](#footnote-9) Asylum may be granted to an applicant who can establish past persecution or a “well-founded fear” of future persecution in their home country on account of race, religion, nationality, membership in a particular social group, or political opinion.[[9]](#footnote-10) Asylum is discretionary; additionally, certain bars apply which could make an applicant ineligible for asylum, such as prior fraudulent asylum claims.[[10]](#footnote-11) Upon a grant of asylum, an asylee has the right to: (1) travel and return to the U.S. with asylum status, (2) remain indefinitely in the U.S., (3) work, and (3) after one year, apply to adjust their status to lawful permanent resident (LPR).[[11]](#footnote-12) Additionally, an asylee’s spouse and unmarried children, under 21, can obtain asylee status with the asylee or follow the asylee to join them in the U.S.[[12]](#footnote-13)

Individuals who are applying for asylum are often survivors of unimaginable atrocities. Many have had family members killed in conflict or been separated from their parents or children due to violence or chaos.[[13]](#footnote-14) They have been arrested, jailed, beaten, raped, tortured, threatened with death, or otherwise persecuted because of their political or religious beliefs, or their race, nationality, or other fundamental aspects of their identity.[[14]](#footnote-15) Currently, over 787,000 U.S. asylum applications are pending—a backlog that means asylum seekers can wait over four years before their immigration legal case is resolved.[[15]](#footnote-16) Over 30,000 new cases in this backlog were added over the span of two months towards the end of 2022.[[16]](#footnote-17) Additionally, work authorization applications, which can only be filed over 150 days after an asylum application is filed, are also subject to significant backlogs resulting in months without approval to work in the United States.[[17]](#footnote-18) The delays in processing work authorization often result in asylum seekers becoming victims of wage theft and other employment abuses as they become desperate to support themselves and their families.[[18]](#footnote-19)

 While current U.S. asylum policies have become less restrictive than in the previous federal administration, asylum applicants that come to the U.S. seeking refuge are now met with extraordinary barriers at the state and local levels that put their safety and wellness at grave risk.[[19]](#footnote-20) Although the Biden administration has rolled back many of the most restrictive policies in place under its predecessor, recent proposals demonstrate their intent to continue implementing restrictive border policies absent large scale immigration reform.[[20]](#footnote-21) Under the new proposals, many people will be stopped from entering the country and could be removed more quickly.[[21]](#footnote-22) New York and other sanctuary cities have become targets of efforts by states along the U.S./Mexico border to curb the appetite for granting asylum in the U.S.[[22]](#footnote-23) With the end of Title 42 approaching, the extent to which this practice will continue or expand is unclear.

* + 1. *Asylum Seekers in New York*
			1. *Historic Trends*

 New York State’s distance from the U.S./Mexico border has not precluded it from feeling the impact of many of the changes in asylum policy effected under the Trump and Biden administrations. While the complete population of asylum-seeking New Yorkers is difficult to quantify, the Transactional Records Access Clearinghouse (‘TRAC’) at Syracuse University has reported some data collected through Freedom of Information Act requests (‘FOIA’).[[23]](#footnote-24) From 2001 to February 2023, EOIR has made 148,035 asylum determinations in New York, granting asylum in 97,161 cases.[[24]](#footnote-25) In 2021, the primary country of origin for asylum applications in New York was Burma,[[25]](#footnote-26) with over 78 percent of all refugees and special immigrant visa[[26]](#footnote-27) arrivals coming from four source countries (Democratic Republic of Congo, Syria, Afghanistan, and Burma).[[27]](#footnote-28) Notably, the majority of asylum seekers in New York since 2001 have never been detained (76 percent).[[28]](#footnote-29) However, recent data from the Trump years shows that this trend changed, with defensive asylum cases making up nine out of 10 asylum decisions, nationally.[[29]](#footnote-30)

 New York has historically reviewed a disproportionate number of asylum cases, compared to courts across the U.S. In 2019, New York’s EOIR courts decided over 20 percent of all completed defensive asylum cases.[[30]](#footnote-31) While immigration judges are making more asylum decisions per year, and the number of asylum grantees more than doubled from Fiscal Year 2014 to Fiscal Year 2019,[[31]](#footnote-32) the denial rate has increased exponentially: nationally, two-thirds of applicants were denied in 2019 as compared to half in 2014.[[32]](#footnote-33) Additionally, by compiling case-by-case EOIR court records, TRAC found New York, which has historically had one of the highest acceptance rates in the nation, has also seen a rise in denial rates: 37 percent in Fiscal Year 2019 as compared to 16 percent in fiscal year 2015.[[33]](#footnote-34) Asylum-seeking New Yorkers will face further hardship as changes to the asylum system place further strain on New York courts,—as seen in the five year backlog of legal immigration cases[[34]](#footnote-35)—necessitating more resources from local legal and social service and City agencies.

1. *Current Services and Challenges for New Arrivals*

In early June 2022, reports began circulating that the governors of Arizona and Texas were busing migrants and asylum seekers to Washington D.C.[[35]](#footnote-36) Shortly thereafter, on July 19, 2022, New York City Mayor Eric Adams expressed concerns about the increase in the number of asylum seekers in the City.[[36]](#footnote-37) In his statement, Mayor Adams addressed the City’s obligation to provide shelter to these individual and called for federal resources to support these efforts.[[37]](#footnote-38) Specifically, the Mayor acknowledged that, “By law, asylum seekers have a right to be in the United States while they seek humanitarian protection. In New York City, we are responsible for the provision of services and infrastructure for newly arrived asylum seekers and currently residing populations alike.”[[38]](#footnote-39) He claimed that at the time 2,800 individuals had entered the New York City shelter system and required services.[[39]](#footnote-40)

In August of 2022, ahead of a City Council hearing on the issue, Mayor Adams announced a declaration of emergency for asylee services and shelter.[[40]](#footnote-41) At the hearing, the Commissioner of Social Services claimed that the Mayor’s emergency declaration allows the City to more efficiently procure and for providers to deliver services before contracts are signed.[[41]](#footnote-42) Following the August hearing and the Commissioners’ testimony about their agencies efforts to aid the incoming asylum seekers, Mayor Adams alongside the Commissioners of NYCEM and the MOIA announced the opening of an Open Resource Navigation Center.[[42]](#footnote-43) According to the Mayor, the Navigation Center “will streamline city and non-profit services into a central place for families to access everything from health care to education to jobs to immigration legal services to IDNYC enrollment so that they can build a life in New York City.”[[43]](#footnote-44) The announcement about the Center detailed the resources that would be available to asylum seekers by appointment as well as emphasizing the partnership with community organizations to work with more asylum seekers.[[44]](#footnote-45) Approximately one week after the announcement of the Open Resource Navigation Center, Mayor Adams announced that the City would open Humanitarian Emergency Response and Relief Centers (HERRCs).[[45]](#footnote-46) The first of these Emergency Response Centers would be located at Orchard Beach in the Bronx (this was later moved to Randalls Island) and would provide shelter, food, medical care, casework services, settlement options and direct referrals to alternative emergency supports.[[46]](#footnote-47) Although the Randalls Island HERRC has since been deconstructed, the city currently has HERRCs in operation at hotels and office buildings across Manhattan and Brooklyn, including two recent introductions at The Candler Building on West 42nd St. in Manhattan and 455 Jefferson Street, an office building in Brooklyn’s Bushwick neighborhood.[[47]](#footnote-48) Although HERRCs are typically run by the New York City Health and Hospitals Corporation (H+H), on March 23, represetantives from the Mayoral administration handling the responses to the influx indicated that the newest HERRC at in Bushwick is currently overseen by the Department of Housing Preservation and Development.[[48]](#footnote-49)

According to updates from the Administration, as of April 5, 2023, over 53,000 asylum seekers had gone through the system and been offered a place to rest at night since last spring.[[49]](#footnote-50) Over 33,400 are currently in the city’s care. The city had opened 100 emergency shelters and 8 HERRCs to meet this need.

Migrants and asylum seekers have reported inadequate services and conditions at shelters and HERRCs. For instance, those housed at the Row Hotel reported they were served food that was variously still frozen, expired, or rotten. Hospitals report children served the food appeared malnourished.[[50]](#footnote-51) At the Brooklyn Cruise Terminal (BCT), which was adapted to serve single male arrivals, many refused to stay because of overcrowding, inadequate bathrooms, poor heat, limited food, and unreliable water.[[51]](#footnote-52)

Given the issues flagged by advocates, the press, and migrants and asylum seekers themselves, the City Council’s Oversight and Investigations Division (OID) participated in site tours at each HERRC to observe overall conditions, note services provided, and flag any potential concerns to Council leadership and the Administration. On these tours, OID noted robust services available to migrants and asylum seekers, including healthcare enrollment, transportation assistance, round-the-clock food availability, safety and security procedures, education referrals for minors, private accommodations for asylum seeker families, and legal assistance referrals. While these robust services exist at each HERRC, OID noted that the living conditions vary depending upon the type of HERRC, whether it be a hotel accommodation such as The Row Hotel or a congregate setting such as the BCT, the latter of which has since been deconstructed for cruise season.[[52]](#footnote-53) Single adult men in the congregate settings like the cruise terminal lacked private accommodation space, had limited privacy, were required to use outdoor facilities for showers, shared limited restroom space, and were required to keep all personal belongings in two small, locked storage bins. In addition, given the isolated location of the BCT (and previously Randall’s Island HERRC,) transportation was significantly more difficult for the single adult male asylum seeker population, even considering the transportation assistance and shuttles that the administration is providing at the sites. The hotel sites provide significantly higher quality of life for residents, affording them private or semi-private locked hotel rooms, private bathrooms, more-centrally located locations, and easier access to third-party assistance services. Accessing details on new congregate settings at The Candler and the Bushwick HERRC in this hearing are key to ensuring that migrants in congregate setting HERRCs receive comparable services to the existing hotel HERRCs.

As the city continues to respond to the asylum seeker crisis, the Adam’s administration prepared a blueprint with new initiatives to adjust to this influx.[[53]](#footnote-54) Within this blueprint are plans to introduce a new Office of Asylum Seeker Operations (OASO), which is tasked to oversee and coordinate city agencies involved in this crisis.[[54]](#footnote-55) This office will also be responsible for ensuring that “all newly arrived asylum seekers who need temporary shelter have access to a safe place to sleep, food, and other basic necessities.”[[55]](#footnote-56) The blueprint also revealed plans to create a new 24/7 Arrival Center to replace the Port Authority Bus Terminal which has acted as an unofficial point center for arriving asylum seekers.[[56]](#footnote-57) The new center will work with community-based partners to support access to resettlement services, shelter intake, legal services, and medical support and will “enable the OASO to obtain a complete picture of asylum-seekers’ needs.”[[57]](#footnote-58) The 24/7 Arrival Center also plans to support asylum seekers on their path to work authorization.[[58]](#footnote-59) The blueprint noted plans for coordinating a migrant workforce training pilot with The Center for Discovery and SUNY Sullivan, but details of the plan have not been confirmed.[[59]](#footnote-60)

On May 11, 2023, Title 42, the pandemic-era border policy that allows migrants seeking asylum to be expelled, is expected to expire. Although the Biden administration has introduced a parole program to mitigate this influx by allotting a limited number of spots a month for selected applicants from Cuba, Haiti, Venezuela, and Nicaragua to enter the United States, it is unclear how this program will function once Title 42 expires.[[60]](#footnote-61) New York City is aware of the possible, significant increase of asylum seekers post-Title 42 and how it could affect the current infrastructure in place for asylum seekers.[[61]](#footnote-62)

* 1. **IDNYC**
		1. *Program Creation*

The New York City Council created IDNYC, a free identification card, in the spring of 2014 to provide every New York City resident the opportunity to obtain affordable, safe, and legitimate government-issued photo identification.[[62]](#footnote-63) The program was established pursuant to Local Law 35 of 2014 (“Local Law 35.[[63]](#footnote-64) Under the IDNYC program, every New York City resident can obtain an identification card regardless of race, color, creed, age, national origin, alienage or citizenship status, gender, sexual orientation, disability, marital status, partnership status, any lawful source of income, housing status, status as a victim of domestic violence or status as a victim of sex offenses or stalking, or conviction or arrest record, as defined in title eight of the administrative code.[[64]](#footnote-65) Pursuant to Local Law 35, IDNYC is recognized by City agencies,[[65]](#footnote-66) including the New York City Police Department.[[66]](#footnote-67) The law also requires the administering agency, presently the Human Resources Administration (HRA), to work to promote acceptance of the card by banks and other public and private institutions, although many of these entities are not legally required to accept the card.[[67]](#footnote-68) Currently, 10 different financial institutions throughout the City accept the card as a valid form of identification for opening a bank or credit account.[[68]](#footnote-69) The program is also required to expand benefits associated with the card.[[69]](#footnote-70) Some private institutions have agreed to offer IDNYC cardholders a variety of discounts and benefits.[[70]](#footnote-71) Such benefits include discounts at entertainment venues, certain health and fitness facilities, and prescription drug discounts at many pharmacies throughout the City.[[71]](#footnote-72) The IDNYC program has also partnered with over 40 of the City’s leading cultural institutions to grant cardholders free one-year memberships or discounted tickets to their institutions.[[72]](#footnote-73)

The IDNYC program was created to respond to the needs of individuals and communities that were unable to obtain identification and take advantage of services and institutions in the City. One such community considered in establishing the program were the estimated 500,000 undocumented immigrants living in New York City as of 2010.[[73]](#footnote-74) Many undocumented New Yorkers lacked documents proving their identity, while others had only consular identification cards,[[74]](#footnote-75) driver’s licenses, or birth certificates issued by their countries of origin.[[75]](#footnote-76) For individuals trying to access basic services in the United States, these documents are often not acceptable forms of identification.[[76]](#footnote-77) By providing individuals who lack identification with an official form of identification accepted by City agencies, the IDNYC program sought to improve public safety, remove a barrier for contacting the NYPD, facilitate the ability of police officers to identify crime victims, witnesses, and suspects, and improve communication and understanding between the police and immigrant communities.[[77]](#footnote-78)

A second community in need of government issued identification is LGBTQ youth.[[78]](#footnote-79) Transgender youth in particular face the unique struggle of trying to obtain appropriate identification that accurately reflects their gender.[[79]](#footnote-80) In January 2019, the IDNYC program announced it would let cardholders self-designate their gender or choose not to declare a gender at all.[[80]](#footnote-81) LGBTQ youth who are rejected by their family because of their sexual orientation or gender identity may also end up homeless without any documentation to establish their identity.[[81]](#footnote-82) In New York State, the average age at which lesbian, gay, and bisexual youth become homeless is 14 and the average age that transgender youth become homeless is 13.[[82]](#footnote-83) Although the age of eligibility for IDNYC was initially 14 years of age in August 2018, the age was reduced to 10.[[83]](#footnote-84) Having official government issued identification can make it easier for homeless youth to access critical services.[[84]](#footnote-85)

In general, the homeless population encounters difficulty when trying to obtain proper identification. Many homeless individuals live in the City’s shelters and therefore lack a permanent address.[[85]](#footnote-86) The IDNYC applications allows several types of documentation to prove residency that do not require the applicant to have a permanent address.[[86]](#footnote-87) Senior citizens who are disabled or are living on a fixed income also reportedly have a difficult time maintaining identification, mainly due to the cost.[[87]](#footnote-88) IDNYC is available to all New Yorkers at no cost through at least December 31, 2023.[[88]](#footnote-89) Although the IDNYC program responds to the needs of the members of these communities, it was developed to be accessible for and usable by all residents of the city.[[89]](#footnote-90)

* + 1. *IDNYC Program Launch*

The IDNYC program was launched on January 12, 2015.[[90]](#footnote-91) IDNYC is currently managed by HRA,[[91]](#footnote-92) with the aid of MOIA and the Mayor’s Office of Operations (MOO).[[92]](#footnote-93) HRA administers the enrollment centers and the application process in addition to conducting eligibility reviews and application approvals.[[93]](#footnote-94) MOIA works with HRA to “identify and implement measures, including but not limited to staff training, community outreach, and language assistance tools, to address the needs of limited English proficient individuals in the administration of the New York [C]ity identity card program.”[[94]](#footnote-95) Lastly, MOO helps to ensure communication and coordination between the various agencies involved in the IDNYC program.[[95]](#footnote-96)

 After advocacy from the Council, the Administration allocated approximately $8 million in Fiscal Year 2015 for the implementation of the program.[[96]](#footnote-97) The initial allocation included funds for marketing and staffing, among other key components.[[97]](#footnote-98) The Council then advocated for an additional $5 million, which was included by the Administration to increase the program’s resources.[[98]](#footnote-99)

All New York City residents age 10 and older are eligible to apply for an IDNYC card, and the card can be used to enter all City buildings, such as schools, and access City services.[[99]](#footnote-100) The IDNYC card displays the cardholder’s photograph, name, date of birth, and expiration date. With several exceptions, the IDNCY will also display the cardholder‘s residential address.[[100]](#footnote-101) At the cardholder’s discretion, the card may also display the applicant’s self-identified gender, emergency contact, and organ donor status.[[101]](#footnote-102) New Yorkers can make an appointment to process their application at any of the program’s several enrollment centers or pop-up locations[[102]](#footnote-103) by accessing the IDNYC website[[103]](#footnote-104) or by calling 311.[[104]](#footnote-105)

Applicants must present sufficient documentation to prove their identity and meet residency requirements.[[105]](#footnote-106) The Administrative Code sets forth specific documents that establish proof of identity, but also allows applicants to use “any other documentation that the administering agency deems acceptable.”[[106]](#footnote-107) As the administering agency, HRA accepts a far wider range of documents than what the Administrative Code provides. This includes documentation issued by federal immigration authorities as proof of identity.[[107]](#footnote-108) In the last quarter of 2022, in response to the influx of asylum seekers into the City, HRA added six additional documents that asylum seekers could use to prove their identity.[[108]](#footnote-109) Additionally, IDNYC enrollment was made available at the Asylum Seeker Navigation Center and all 12 additional satellite sites across the five boroughs.[[109]](#footnote-110)

1. **Legislative Analysis**
	1. *Int. 569-A - A Local Law to amend the administrative code of the city of New York, in relation to an immigrant workers' bill of rights*

 Sections one and two of this bill would require the Office of Labor Standards (OLS) within the Department of Consumer and Worker Protection, in coordination with MOIA and the New York City Commission on Human Rights, to create and publish an immigrant workers’ bill of rights. The bill of rights would include the rights and protections under federal, state and local laws that apply to all workers in the City, regardless of immigration status. The bill requires employers to post the immigrant workers’ bill of rights in a conspicuous location in the workplace, and to provide a copy to employees and independent contractors upon hiring. Employers whose business operates online or through a mobile application would also be required to post the immigrant workers’ bill of rights online or on such mobile application. OLS would be required to conduct outreach to employers, employees, and independent contractors in the City to raise awareness about the immigrant workers’ bill of rights.

 Section three of this bill sets the effective date. This bill, if passed, takes effect 30 days after it becomes law.

* 1. *Int. 790-A - A Local Law to amend the administrative code of the city of New York, in relation to documentation establishing proof of identity for a New York city identity card*

 This bill would amend Local Law 35 of 2014, which sets out the eligibility requirements for the IDNYC program and the documents required to establish proof of identity. Section one of this bill would expand the list of acceptable documents for proof of identity needed to apply for an IDNYC card to include documents issued by federal immigration authorities, a street vendor’s license, a record of arrest and prosecution, identification from a jail, prison or detention center, and an identification letter from a legal services or social services organization.

 Section two of this bill sets the effective date. This bill, if passed, would take effect 120 days after it becomes law.

* 1. *Int. 839 - A Local Law to amend the New York city charter, in relation to establishing an office of refugee and migrant settlement*

 Section one of this bill would establish an Office of Refugee and Migrant Settlement. The Office would provide short and long term access to relevant resources including, housing, medical care, education and food to people from outside the U.S. who are resettled in New York City. MOIA would establish the eligibility requirements for assistance from the Office of Refugee and Migrant Settlement. This Office would have a director who is tasked with advising and assisting the mayor in coordinating an all-agency response to influxes of people resettling in New York. This would include efforts to prevent eligible people from being homeless, ensure their health and safety, place youth in schools, ensure individuals have access to appropriate nutrition, connect them with other appropriate city agencies, and assist in securing funds from city, state, federal, and other sources. The Office would be required to submit a report to the Mayor and the Speaker of the Council on its activities in the past year, including the number of people served and the programs it has undertaken.

 Section two of this bill sets the effective date. This bill, if passed, would take effect 30 days after it becomes law.

* 1. *Int. 909 - A Local Law to amend the administrative code of the city of New York, in relation to enhancing the IDNYC application process*

 Section one of this bill would amend Local Law 35 of 2014 to require the agency that administers IDNYC, which is currently the Department of Social Services, to make changes to the IDNYC application process. The agency would be required to make same day and walk-in application review appointments available. The agency, in consultation with MOIA, would also be required to perform quarterly assessments of IDNYC applicants and use that information to adjust the number of application review appointments that are available in the next quarter. The agency would also be required to provide training on the IDNYC application process to staff every two years and provide an appeals system for applicants that are denied an IDNYC card.

 Section two of this bill sets the effective date. This bill, if passed, would take effect 120 days after it becomes law.

* 1. *Res. 307-A - Resolution calling on United States Citizenship and Immigration Services to quickly clear the backlog of I-765 applications for employment authorization.*

 The proposed resolution would call on United Stated Citizenship and Immigration Services (USCIS) to meet its requirement to process employment authorization documents for asylum seekers within 30 days. The resolution would call on USCIS to clear the backlog of I-765 employment authorization applications, of which there were 1.5 million pending in April 2022.

* 1. *Res. 364 - Resolution Calling on the United States Congress to pass and the President to sign S. 4529, the "Children's Safe Welcome Act of 2022," which would establish standards to ensure the safety and well-being of migrant children in government custody is prioritized, employing best practices in all stages of our immigration system involving unaccompanied and accompanied children who seek asylum in the United States.*

 This resolution would call on the United Stated Congress to pass and the President to sign the “Children's Safe Welcome Act of 2022." The Act would establish standards to ensure the safety and well-being of immigrant children by prohibiting family separations and the use of family detention facilities. It would also phase out large congregate care facilities. The Act would also increase minimum health and safety standards for children and families in CBP facilities, create a process for keeping families together, and prioritize family-based placements for unaccompanied minors.

* 1. *Res. 365 - Resolution calling on the United States Department of Health and Human Services to prioritize refugee settlement resources to New York City.*

 This proposed resolution would call on the United States Department of Health and Human Services to prioritize allocating resources to New York City through its Resettlement Program. These resources would be used to deliver services to the anticipated surge in asylees or those who will be eligible for assistance from the Office of Refugee Resettlement. The Resettlement Program provides asylees with emergency cash and medical assistance, as well as English language classes, job readiness, and employment that will help them successfully transition to life in the United States.

* 1. *Res. 381 - Resolution condemning the human trafficking of migrants.*

 This proposed resolution would condemn the human trafficking of migrants. Over 20,000 migrants have been sent to New York City from several states including, Texas, Arizona, and Florida as part of a political strategy. Many migrants are placed on buses based on promises of social services, free food, and hotel stays. These deceptive tactics fall within the U.S. Department of Justice’s definition of human trafficking. This resolution would condemn such human trafficking.

* 1. *Res. 459 - Prohibiting municipalities from requiring all employers to check prospective employees’ work authorization status by using the federal electronic verification system. (A.7273/S.3063)*

 This proposed resolution would call on the New York State Legislature to pass and the Governor to sign a bill prohibiting municipalities from requiring all employers to check a prospective employee’s work authorization status using the federal electronic verification system (e-verify). This resolution would also prohibit employers from checking the employment authorization status of an existing employee or job applicant. The federal e-verify system is a voluntary program, except for federal agencies, their contractors and vendors. This system does not allow an employee or prospective employee to contest the findings of the e-verify system. In 2010, approximately 80,000 work eligible employees lost their position due to erroneous e-verify results. Currently, 34,000 employers in New York State participate in e-verify. The proposed resolution would prohibit municipalities from requiring the use of e-verify.

* 1. *Res. 532-A - Resolution calling on Governor Hochul to declare an emergency under Section 2-B of New York State Executive Law to direct funds, administrative resources and services to aid asylum seekers forcibly transported to the city by the governors of other states.*

 The proposed resolution would call on Governor Hochul to declare an emergency under Section 2-B of the New York State Executive Law. Under the Executive Law the Governor has the authority to direct funds and state resources to reduce man-made threats to life. Over 52,700 asylum seekers have received shelter in New York City and 31,900 are still in the City’s care. New York City’s shelter system is strained beyond capacity and the City does not have unlimited resources to continue providing such support. This resolution would call on the Governor to direct funds, administrative resources, and services to aid asylum seekers who have been forcibly transported to New York City.

* 1. *Res - Resolution calling on the New York State Legislature to pass and the Governor to sign A.170/S.999, also known as the Access to Representation Act, which establishes the right to legal counsel in immigration court proceedings and provides for the administration thereof.*

 The proposed resolution would call on the New York State Legislature to pass and the Governor to sign a bill to establish a universal right to legal counsel in immigration court proceedings. The bill would also establish a consistent funding stream for immigration legal services and codify elements of the New York Immigrant Family Unity (NYIFUP) project, which provides legal representation to indigent immigrants in removal proceedings. The State bill would also expand representation that was previously carved out of NYIFUP by including justice-involved immigrants.

* 1. *Res-* *Resolution calling on Congress to pass, and the President to sign, legislation updating the Cuban, Haitian, Nicaraguan, and Venezuelan parole program to allow parolees to work in the United States without waiting for their I-765 applications for employment authorization to be approved, and for the President to take executive action granting or extending temporary access to work permits to asylum seekers currently residing in the United States who are ineligible for the parole program*

The proposed resolution would call on Congress to pass, and the president to sign, legislation to update the Cuban, Haitian, Nicaraguan, and Venezuelan parole program to grant parolees the ability to work immediately upon entry to the United States without waiting for their employment authorization applications to be approved. Under the current parole program requirements, parolees from Cuban, Haiti, Nicaragua, and Venezuela must wait for their I-765 applications to be approved. Similar parole programs, like “Uniting for Ukraine” allows parolees to immediately begin work upon entry to the United States without waiting for I-765 application approval. Additionally, because the Cuban, Haitian, Nicaraguan, and Venezuelan parole program currently applies to Venezuelans who crossed the Mexican and Panamanian borders after October 19, 2022 and to Cubans, Nicaraguans, and Haitians who crossed after January 9, 2023, the proposed resolution also calls on the President to take executive action granting or extending temporary access to work permits for asylum seekers who entered prior to these dates and are currently in the United States awaiting work authorization approval.

Proposed Int. No. 569-A

By Council Members Hanif, Avilés, Cabán, Marte, Joseph, Nurse, Gutiérrez, Sanchez, Restler, Ossé, Richardson Jordan, De La Rosa and Riley

..Title

A Local Law to amend the administrative code of the city of New York, in relation to an immigrant workers’ bill of rights

..Body

Be it enacted by the Council as follows:

Section 1. Section 32-101 of the administrative code of the city of New York, as added by local law number 98 for the year 2016, is amended to read as follows:

§ 32-101 [Reserved.] Definitions. a. As used in this chapter, the following terms have the following meanings:

Designated citywide languages. The term “designated citywide languages” has the same meaning as set forth in section 23-1101.

Employee. The term “employee” has the same meaning as set forth in subdivision 2 of section 190 of the labor law.

Employer. The term “employer” has the same meaning as set forth in subdivision 3 of section 190 of the labor law.

Mobile application. The term “mobile application” means a type of application software designed to run on a mobile device, such as a smartphone or tablet computer.

Office. The term “office” means the office of labor standards as established pursuant to subdivision (e) of section 2203 of the charter.

§ 2. Chapter 1 of title 32 of the administrative code of the city of New York is amended by adding a new section 32-102 to read as follows:

§ 32-102 Immigrant workers’ bill of rights. a. No later than April 1, 2023, the office, in coordination with the mayor’s office of immigrant affairs and the commission on human rights, shall publish and make available a notice for employers to provide to employees and independent contractors informing employees and independent contractors of protections and rights under relevant federal, state and local laws that apply to all employees and independent contractors in the city, regardless of immigration status. Such notice shall also contain information on what to expect if immigration enforcement authorities come to an individual’s workplace, and resources and contact information for immigration legal services, the commission on human rights and the office. Such notice shall be made available in a downloadable format on the city’s website in English and the designated citywide languages. The office shall update such notice if any changes are made to the requirements of relevant federal, state or local laws.

b. An employer shall:

1. Provide to each employee and independent contractor employed by such employer, no later than September 1, 2023, and annually thereafter, a physical or electronic copy of the notice described in subdivision a of this section;

2. Provide a physical or electronic copy of the notice described in subdivision a of this section to employees and independent contractors employed by such employer upon commencement of employment; and

3. Conspicuously post the notice described in subdivision a of this section at an employer’s place of business in an area accessible and visible to employees and independent contractors employed by such employer.

c. The notices required to be provided or posted by an employer pursuant to subdivision b of this section shall be in English and any language spoken as a primary language by at least five percent of employees and independent contractors employed an employer, if the office has made the notice available in that language.

d. Any employer whose business is operated online or through a mobile application shall make available online or on such mobile application the notice described in subdivision a of this section for employees and independent contractors to view.

e. No later than June 1, 2023, the office shall conduct outreach regarding the notice described in subdivision a of this section and the requirements under this section to employers, employees and independent contractors in the city.

f. Any employer who violates any provision of this section shall be liable for a civil penalty of $250 for the first offense, and for subsequent violations that occur within two years of any previous violation of this section, a civil penalty up to $750 for the second violation and up to $2,000 for each succeeding violation. The penalties imposed pursuant to this subdivision shall be imposed on a per worker and per instance basis for each violation. A proceeding to recover any civil penalty authorized pursuant to this subdivision may be brought in any tribunal established within the office of administrative trials and hearings or within any agency of the city designated to conduct such proceedings.

§ 3. This local law takes effect 30 days after it becomes law.

JEF

LS #6794

1/6/2023 2:30pm

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Proposed Int. No. 790-A

By Council Members Brewer, Hanif, Louis, Joseph, Richardson Jordan, Ayala, Abreu, Gutiérrez, Krishnan, Hudson and Sanchez

..Title

A Local Law to amend the administrative code of the city of New York, in relation to documentation establishing proof of identity for a New York city identity card

..Body

Be it enacted by the Council as follows:

Section 1. Paragraph (1) of subdivision d of section 3-115 of the administrative code of the city of New York, as added by local law number 35 for the year 2014, is amended to read as follows:

(1) Proof of identity. In order to establish identity, an applicant shall be required to produce one or more of the following documents:

(i) a U.S. or foreign passport;

(ii) a U.S. state driver’s license;

(iii) a U.S. state identification card;

(iv) a U.S. permanent resident card;

(v) a consular identification card;

(vi) a photo identification card with name, address, date of birth, and expiration date issued by another country to its citizens or nationals as an alternative to a passport for re-entry to the issuing country;

(vii) a certified copy of U.S. or foreign birth certificate;

(viii) a Social Security card;

(ix) a national identification card with photo, name, address, date of birth, and expiration date;

(x) a foreign driver’s license;

(xi) a U.S. or foreign military identification card;

(xii) a current visa issued by a government agency;

(xiii) a U.S. individual taxpayer identification number (ITIN) authorization letter;

(xiv) an electronic benefit transfer (EBT) card; [or]

(xv) documentation issued by federal immigration authorities as provided by rule of the administering agency;

(xvi) a street vendor license;

(xvii) a record of arrest and prosecution;

(xviii) identification from a jail, prison, or detention center;

(xix) a letter from a legal services or social services provider organization attesting to the applicant’s identity; or

(xx) any other documentation that the administering agency deems acceptable.

The administering agency may by rule determine the weight to be given to each type of document provided in this paragraph, and require that an applicant produce more than one document to establish identity.

§ 2. This local law takes effect 120 days after it becomes law, except that the administering agency, as defined in section 3-115 of the administrative code of the city of New York, shall take such measures as are necessary for the implementation of this local law, including the promulgating of rules, before such date.

EH

LS # 10406

2/13/23

Int. No. 839

By Council Members Hudson, Velázquez, Hanif, Louis, Schulman, De La Rosa and Ung

..Title

A Local Law to amend the New York city charter, in relation to establishing an office of refugee and migrant settlement

..Body

Be it enacted by the Council as follows:

Section 1. The New York city charter is amended by adding a new section 18-a to read as follows:

§ 18-a Office of refugee and migrant settlement. a. For the purposes of this section, the term "director" means the director of the office of refugee and migrant settlement.

b. The mayor shall establish an office of refugee and migrant settlement. Such office may, but need not, be established in the executive office of the mayor and may be established as a separate office within any other office of the mayor. Such office shall be headed by a director who shall be appointed by the mayor.

c. The office of refugee and migrant settlement shall coordinate short and long term access to relevant resources, including housing, medical care, education, and food, to any individual who is resettled from a foreign nation, for any reason, in the city of New York, providing they meet eligibility requirements established by the Mayor’s office of Immigrant Affairs, including any individuals who:

(1) Have processing priority levels 1, 2 or 3 according to the federal department of state; or

(2) Are from a country designated for temporary protected status by the federal department of homeland security; or

(3) Are from a region for which the United Nations High Commissioner for Refugees declared a level 3 emergency.

d. The director of the office of refugee and migrant settlement shall:

1. Advise and assist the mayor in planning, developing and coordinating efforts among agencies under the jurisdiction of the mayor to coordinate an all-agency response to the arrival of refugees and migrants from anywhere under any circumstances to ensure those eligible individuals have the resources needed to resettle in the city of New York. The director shall, in collaboration with relevant departments and agencies, use a culturally-competent and holistic approach, based on socioeconomic and public health considerations, that addresses the needs of eligible individuals to safely establish themselves in the city of New York until they are able to return to their country of origin, or elsewhere, safely should they leave the city of New York. Such efforts may include the development and implementation of programs, initiatives and strategies that:

(a) Prevent eligible individuals from being homeless;

(b) Ensure the health and safety of eligible individuals;

(c) Place newcomer youth in schools where staff have training in supporting newcomer immigrants and English language learners;

(d) Ensure eligible individuals have access to culturally-competent, appropriate nutrition;

(e) Connect eligible individuals to appropriate city agencies, social services, legal services, and community-based organizations authorized and able to provide needed services and goods without fear of recrimination;

 (f) Identify, secure and allocate funds from city, state, federal and other sources.

5. No later than September 1, 2023, and September 1 of every year thereafter, the office shall provide to the mayor and speaker of the council and post on such office’s website, a report detailing the activities of the office during the previous calendar year, including the following:

(a) The number of people for whom the office coordinated access to services the office deems relevant to its mission, their countries of origin, and reasons for seeking refuge;

(b) Information regarding initiatives the office has undertaken, including initiatives conducted in partnership with other offices, agencies, and community-based organizations; and

(c) The nature and purpose of the services provided, the cost of such services, and whether the office sought and received remuneration from the state of federal government for delivery of such services.

6. Perform such other duties as the mayor may assign.

§ 2. This local law takes effect 30 days after it becomes law.

JG

LS# 10482/10601

10/19/22 1:31 PM

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Int. No. 909

By Council Members Hanif, Ayala, Brewer, Cabán, Restler, Hudson, Abreu, Richardson Jordan, Avilés, De La Rosa, Riley, Ung and Won

..Title

A Local Law to amend the administrative code of the city of New York, in relation to enhancing the IDNYC application process

..Body

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 3-115 of the administrative code of the city of New York, as added by local law number 35 for the year 2014, is amended to read as follows:

b. New York city identity card program.

(1) The mayor shall designate an agency to administer the New York city identity card program. The administering agency shall promulgate all rules necessary to effectuate the purposes of this subchapter.

(2) The administering agency shall designate access sites, including at least one site located within each of the five boroughs of the city of New York, where applications for such card shall be made available for pick-up and submission. The administering agency shall make same day and walk-in application review appointments available at such sites. The administering agency shall also make applications available online, including renewal applications.

(3) The administering agency in consultation with the mayor’s office of immigrant affairs shall:

(i) Perform a quarterly assessment of New York city identity card applicants and use such information to inform the number of on-site application review appointments made available in the next quarter; and

(ii) Provide training every two years for staff of the administering agency on the New York city identity card application process including a review of all necessary documentation.

(4) The administering agency shall make available on-site and online an appeals process for an applicant who is denied a New York city identity card.

§ 2. This local law takes effect 120 days after it becomes law.

DPM

LS #10722

1/13/23 11:45AM

Proposed Res. No.307-A

..Title

Resolution calling on United States Citizenship and Immigration Services to quickly clear the backlog of I-765 applications for employment authorization.

..Body

By Council Members Brewer, Hanif, Louis, Hudson, Ung, Sanchez, Velázquez and Gutiérrez

Whereas, Asylum seekers are arriving in sanctuary cities like New York in increasing numbers; and

Whereas, Individuals seeking asylum in the United States are required to obtain an employment authorization document (I-766) in order to work in the United States while their asylum claim is pending; and

Whereas, in order to obtain an I-766 employment authorization, asylum seekers must file an application for employment authorization (I-765); and

Whereas, Asylum seekers are ready and able to work and contribute to New York City’s economy; and

Whereas, The United States Citizen and Immigration Service, pursuant to its own rules, is required to process employment authorization documents for asylum seekers within 30 days; and

Whereas, the COVID pandemic, lack of funding, and staffing vacancies at the United States Citizenship and Immigration Service have caused processing delays for 1-765 applications; and

Whereas, According to the USCIS’s own data, processing times for I-765 applications in fiscal year 2002 took, on average, between 4.1 and 6.9 months depending on the basis for filing; and

Whereas, The extended processing times for I-765 applications have led to a large backlog of applications; and

Whereas, According to testimony given by the USCIS Director at an Congressional hearing in April 2022 there were 1.5 million pending work authorization applications; now, therefore, be it

Resolved, That the Council of the City of New York Calls on the United States Citizenship and Immigration Services quickly clear the backlog of I-765 applications for employment authorization.

LS #10483/10495

10/21/22 9:00 a.m.

EHC

Res. No. 364

..Title

Resolution Calling on the United States Congress to pass and the President to sign S. 4529, the “Children’s Safe Welcome Act of 2022,” which would establish standards to ensure the safety and well-being of migrant children in government custody is prioritized, employing best practices in all stages of our immigration system involving unaccompanied and accompanied children who seek asylum in the United States.

..Body

By Council Members Brewer, Hanif, Louis, Avilés, Joseph, Richardson Jordan and Ayala

Whereas, Due to economic and political conditions in South and Central America, thousands of people, including children and minor children, are fleeing their home countries and seeking asylum in the United States; and

Whereas, Asylum-seeking New Yorkers are facing hardship as changes to the asylum system strain New York courts, resulting in an almost four year backlog of legal immigration cases and necessitating more resources from local legal and social service and City agencies; and

Whereas, Over the last several months more than 20,000 asylum seekers have arrived in New York City; and

Whereas, Reports indicate New York City may receive tens of thousands more asylum seekers in the coming months; and

Whereas, The federal immigration system was not designed to meet the needs of families with children or unaccompanied minor children and insufficient changes have been made to this system to accommodate the special needs of children while comprehensive changes are sorely needed; and

Whereas, Children often endure significant harm as a result of the current system that separates families and places children in facilities that lack the resources they need; and

Whereas, The “Children’s Safe Welcome Act of 2022” (“the Act”) would ensure that the United States government prioritizes the safety and well-being of immigrant children by mandating, among other things, child protection professionals at children’s first point of contact with the federal immigration system; children are placed in non-adversarial settings; that children are placed in the least restrictive facilities, and unaccompanied children are provided with legal representation at every stage of removal proceedings; and

Whereas, The Act would ensure that the United States government prioritizes the safety and well-being of immigrant children by prohibiting family separations, with extremely narrow exceptions; prohibiting the use of family detention facilities and phasing out large congregate care facilities; and

Whereas, The Act would also ensure the safety and well-being of immigrant children, by increasing minimum health and safety standards for children and families in Customs and Border Protection facilities; creating a process for keeping families together; and prioritizes family-based placements for unaccompanied children; now therefore, be it

Resolved, That the Council of the City of New York Calls on the United States Congress to pass and the President to sign S. 4529, the “Children’s Safe Welcome Act of 2022,” that would establish standards to ensure that the safety and well-being of migrant children in government custody is prioritized, employing best practices in all stages of our immigration system involving unaccompanied and accompanied children who seek asylum in the United States.

LS# 10725

10/17/22

EHC

Res. No. 365

..Title

Resolution calling on the United States Department of Health and Human Services to prioritize refugee settlement resources to New York City.

..Body

By Council Members Brewer, Hanif, Louis, Avilés and Joseph

Whereas, Due to economic and political conditions in South and Central America, many thousands of people, including children and minor children, are fleeing their home countries and seeking asylum in the United States; and

Whereas, Over the last several months more than 20,000 asylum seekers, have arrived in New York City; and

Whereas, The Governor of Texas, as well as governors and mayors of cities and states on the United States southern border are sending asylum seekers to New York City; and

Whereas, a recent report contended that the federal DHS has been encouraging migrants to travel to New York City, and providing often incorrect information about where to receive services; and

Whereas, Reports indicate New York City may receive tens of thousands more asylum seekers in the coming months; and

Whereas, the United States Department of Health and Human Services Resettlement Program provides asylees with emergency cash and medical assistance, along with services such as English language classes, job readiness and employment that will help them successfully transition to life in the United States; and

Whereas, Asylum seekers only become eligible for services from the Office of Refugee Resettlement after they have been granted asylum in the United States; and

Whereas, Many of the asylum seekers arriving daily in New York City will ultimately be granted asylum in the United States and remain in New York City; and

Whereas, the Council supported the Mayor’s request that USCIS expedite processing times for their employment authorization applications; and

Whereas, New York City experiencing a surge in asylees that are or will be eligible for assistance from the Office of Refugee Resettlement and therefore there will be a surge in the need for the delivery of services that must be anticipated, planned for and provided in a timely manner; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Department of Health and Human Services to prioritize refugee settlement resources to New York City.

LS# 10724

10/17/22

EHC

Res. No. 381

..Title

Resolution condemning the human trafficking of migrants.

..Body

By Council Members Avilés, Cabán, Louis, Ayala, Hanif and Joseph

Whereas, Fleeing violence, poverty and political persecution, a record number of families and individuals are seeking asylum in the United States; and

Whereas, Many migrants are arriving at the United States southern border where they are processed by the United Sates Immigration and Customer Enforcement Agency; and

Whereas, Once migrants seeking asylum in the United States go through an initial vetting process and are released they are free to travel throughout the United States; and

Whereas, In the past few months the Governors of several states have sent more than 20,000 migrants to New York City; and

Whereas, The United States Department of Justice defines human trafficking as “a crime that involves compelling or coercing a person to provide labor or services…..[t]he coercion can be subtle or overt, physical or psychological”; and

Whereas, Many migrants have been lied to and coerced into coming to New York or other sanctuary cities; and

Whereas, Some of the migrants arriving in New York City from the southern border intended to go somewhere other than New York City; and

Whereas, Migrants are being enticed onto busses with the promise of social services, free food and even hotel stays; and

Whereas, Groups of migrants have been misled into believing they would be going to cities other than New York; and

Whereas, The Governors of Texas, Arizona and Florida have sent migrants to New York and other cities with the express purpose of embarrassing President Biden and the Democratic leadership of those cities; and

Whereas, The Governors of these states are attempting to earn political capital by transporting migrants to Democratic-led cities; and

Whereas, The Governors of the states that are sending migrants to New York City using deceptive tactics for the purposes of furthering their own political careers are engaging in a form of human trafficking; now, therefore, be it

Resolved, That the Council of the City of New York condemns the human trafficking of migrants.

LS #10794

10/17/22

EHC

Res. No. 459

..Title

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, A.7273/S.3063 prohibiting municipalities from requiring all employers to check prospective employees’ work authorization status by using the federal electronic verification system and prohibiting employers from checking the employment authorization status of an existing employee or an applicant who has not been offered employment.

..Body

By Council Members Farías, Louis, Menin, Hudson, Restler and Richardson Jordan

Whereas, The Immigration Reform and Control Act of 1986 established a prohibition on employers hiring unauthorized workers; and

Whereas, To prevent unauthorized workers from obtaining employment in the United States, Congress established the I-9 verification process, which requires prospective and current employees to submit documentation proving their work eligibility to their employers; and

Whereas, E-Verify was introduced as part of the Illegal Immigration Reform and Responsibility Act of 1996 as a pilot program that seeks to aid employers in accurately determining the work eligibility of current and prospective employees; and

Whereas, E-Verify is a federal electronic system that determines an employee’s work eligibility by comparing the information on an employee’s I-9 form to Social Security Administration (SSA) and Department of Homeland Security (DHS) records; and

Whereas, If the individual’s I-9 information does not match SSA and DHS records, E-Verify will issue a tentative non-confirmation or a final non-confirmation result, which signifies that they are not currently authorized to work; and

Whereas, According to the U.S. Government Accountability Office, in 2010, an estimated 80,000 work eligible employees lost their position as a result of erroneous E-Verify non-confirmation results; and

Whereas, According to the National Immigration Law Center (NILC), E-Verify’s errors disproportionately impact lawful permanent residents and other noncitizens working legally in the United States; and

Whereas, An employee who receives a non-confirmation result is often not given the opportunity to contest the finding since employers do not always notify employees about non-confirmation results or about the necessary procedures to rectify potential errors; and

Whereas, Challenging a non-confirmation result is a time consuming process that can require a worker to travel several hours to visit an SSA office; and

Whereas, E-Verify is currently a voluntary program at the federal level except for federal agencies and their contractors and vendors; and

Whereas, Twenty-two states have laws requiring some or all employers to use E-Verify; and

Whereas, New York State does not require employers to use E-Verify, but employers can voluntarily use the program and municipal governments can opt to require employers to use the system; and

Whereas, According to DHS, over 34,000 employers in New York State participate in E-Verify; and

Whereas, Mandating that employers join the program would likely cause the error rate for all workers to increase, given the enormous expansion of E-Verify that such a mandate would require; and

Whereas, If E-Verify becomes mandatory it could negatively affect the more than three million immigrants residing in New York City; and

 Whereas California limits the use of E-Verify by prohibiting localities from requiring employers to use the program; and

Whereas, A.7273, introduced by Assembly Member Kenny Burgos and pending in the New York State Assembly, and companion bill S.3063, introduced by State Senator Jessica Ramos and pending in the New York State Senate, would prohibit municipalities from requiring employers to use E-Verify and prohibit employers from using E-Verify to check the employment authorization status of an existing employee or an applicant who has not been offered employment; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, A.7273/S.3063 prohibiting municipalities from requiring all employers to check prospective employees’ work authorization status by using the federal electronic verification system and prohibiting employers from checking the employment authorization status of an existing employee or an applicant who has not been offered employment.

NM

LS # 11784

12/21/2022

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Proposed Res. No. 532-A

..Title

Resolution calling on Governor Hochul to declare an emergency under Section 2-B of New York State Executive Law to direct funds, administrative resources and services to aid asylum seekers forcibly transported to the city by the governors of other states.

..Body

By Council Members Brooks-Powers, Ayala, Louis, Richardson Jordan, Hudson, Abreu and Riley

Whereas, Since August 5, 2022 the governors of Arizona and Texas have put thousands of asylum-seekers recently arrived in their states from across the international border with Mexico on chartered buses sent out of state to various locations, including New York City; and

Whereas, reports indicate the asylum seekers were not told where Texas authorities were sending them nor allowed to leave the buses; and

Whereas, Texas authorities did not provide the asylum seekers any resources or information on how to secure food, housing, legal aid, education or employment upon arrival in New York City; and

Whereas, a recent report contended that the federal Department of Homeland Security has been encouraging migrants to travel to New York City, and providing often incorrect information about where to receive services; and

Whereas, as of March 19, 2023 more than 52,700 asylum seekers been provided with at least one night of shelter, and more than 31,900 are currently in the city’s care ; and

Whereas, Asylum-seeking New Yorkers are facing hardship as changes to the asylum system strain New York courts, resulting in an almost four year backlog of legal immigration cases and necessitating more resources from local legal and social service and City agencies; and

Whereas, New York City social service agencies and community based and nonprofit organizations have struggled to accommodate thousands of new arrivals who do not have families or friends in New York City to support them and are in dire need of food, clothing, housing, education, medical care and other critical resources and services; and

Whereas, New York City welcomes these asylum seekers and is ready, willing and able to support them but does not have unlimited resources and needs the assistance of the federal government to ensure their safety and well-being; and

Whereas, New York City’s homeless shelter system currently houses approximately 60,000 people, near all-time highs not seen since the Great Depression and an increase of more than ten thousand since just this past July, straining the system beyond its capacity; and

Whereas, Existing challenges to timely shelter placement include staffing issues and a complex application process that often results in placement delays; and

Whereas, a Declaration of Emergency for Asylee Services and Shelter was issued to enable the City to move quickly to procure additional service providers and create an Asylum Seeker Service Referral Center to assist asylum seekers in securing housing and other social services; and

Whereas, under Section 2-B of New York State’s Executive law, the governor has the authority to declare an emergency to direct funds and state resources to ameliorate man-made threats to life; now, therefore, be it

Resolved, That the Council of the City of New York calls on Governor Hochul to declare an emergency under Section 2-B of New York State Executive Law to direct funds, administrative resources and services to aid asylum seekers forcibly transported to the city by the governors of other states.

LS #10735

3/30/2023

AY/JG

Res. No. 556

..Title

Resolution calling on the New York State Legislature to pass and the Governor to sign A.170/S.999, also known as the Access to Representation Act, which establishes the right to legal counsel in immigration court proceedings and provides for the administration thereof.

..Body

By Council Member Hudson, the Public Advocate (Mr. Williams) and Council Members Hanif, Abreu and Richardson Jordan

Whereas, The Sixth Amendment to the United States Constitution Assistance to Counsel clause provides criminal defendants with the right to counsel even if they are unable to afford an attorney; and

Whereas, Immigrants facing removal proceedings under federal immigration law are not protected by the Sixth Amendment and are not provided a government-paid lawyer in immigration court; and

Whereas, Immigrants and their families subject to deportation are responsible for the expense of counsel, locating a non-profit for legal support, or representing themselves even though the government will be represented by a professional attorney; and

Whereas, According to a *Fordham University Law Review* study, immigrants in New York immigration court without legal representation have a three percent success rate in defending their right to remain in the United States; and

Whereas, A study by the *University of Pennsylvania Law* *School* revealed immigrants in removal proceedings are over ten times more likely to win their case to remain in the United States when represented by a lawyer; and

Whereas, Commencing with a $500,000 investment by the New York City Council in 2013, the New York Immigrant Family Unity Project (NYIFUP) provides legal representation to indigent immigrants in removal proceedings in New York City and State; and

Whereas, A.170, introduced by Assembly Member Catalina Cruz and pending in the New York State Assembly, and companion bill S.999 introduced by Senator Brad Hoylman-Sigal and pending in the New York State Senate, seeks to amend the executive law, in relation to establishing a universal right to legal counsel in immigration court proceedings; and

Whereas, In addition to establishing a universal right to counsel for indigent New Yorkers who are subject to removal proceedings under federal immigration law, A.170/S.999 establishes consistent funding streams for immigration legal services; and

Whereas, The influx of asylum seekers in New York has exacerbated the demand for legal service providers amidst a growing backlog of immigration court cases; and

Whereas, A.170/S.999 will codify elements of the New York Immigrant Family Unity Project, which provides legal representation to indigent immigrants in removal proceedings; and

Whereas, A.170/S.999 will expand representation carved out of the New York Immigrant Family Unity Project by including immigrants with criminal histories; and

Whereas, A.170/S.999 will make New York the first state in the nation to guarantee the right to counsel for immigrants subject to removal under complex immigration law; and

Whereas, A.170/S.999 will further establish New York as a defender of immigrant rights and dignity; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, A.170/S.999, also known as the Access to Representation Act, which establishes the right to legal counsel in immigration court proceedings and provides for the administration thereof.

LS #10743, 5363, 11874

03/13/2023

RLB

Res. No.

Resolution calling on Congress to pass, and the President to sign, legislation updating the Cuban, Haitian, Nicaraguan, and Venezuelan parole program to allow parolees to work in the United States without waiting for their I-765 applications for employment authorization to be approved, and for the President to take executive action granting or extending temporary access to work permits to asylum seekers currently residing in the United States who are ineligible for the parole program

By Council Member Ayala

Whereas, New York City has seen a significant influx of asylum seekers over the last year; and

Whereas, Over 53,000 asylum seekers have come to New York City as part of this influx with over 33,400 people still in the city’s care in shelters and HERRCs across the five boroughs; and

Whereas, After an asylum seeker enters the United States, they have one year from their date of entry to submit an asylum application; and

Whereas, After an asylum application is properly filed, an asylum seeker has to wait 150 days before they can submit an I-765 application for employment authorization; and

Whereas, Once an I-765 application is submitted, the applicant must wait for approval from the United States Citizenship and Immigration Services (USCIS) before they are able to legally work in the United States; and

Whereas, Asylum seekers and immigration advocates in New York City indicate the process to file an initial asylum application has become more complicated and often takes longer than the year currently allotted and delays opportunities to apply for work authorization; and

Whereas, In 2017 the I-765 application was one page long and now it is seven pages; and

Whereas, Once a work authorization application is submitted, significant processing backlogs at the federal level have resulted in delays receiving approval to work; and

Whereas, Although the USCIS has set a new goal to process I-765 applications in three months, reports show processing times average 4.3 months, with some processing times taking up to 15 months; and

Whereas, In response to the crisis in Ukraine, the Biden Administration introduced “Uniting for Ukraine,” a parole program that streamlined the process for Ukrainians entering the United States; and

Whereas, In addition to streamlining entry to the United States, Ukrainians entering under “Uniting for Ukraine” are able to immediately begin working without waiting for their I-765 applications to be approved; and

Whereas, Although the newly introduced parole program for Cubans, Haitians, Nicaraguans, and Venezuelans similarly streamlines entry by providing an opportunity for individuals to obtain advance authorization to travel to the United States, individuals entering from these countries must wait for their I-765 applications to be approved before starting work in the United States; and

Whereas, Venezuelans who crossed the Mexican or Panamanian borders after October 19, 2022 or Cubans, Nicaraguans, and Haitians who crossed after January 9, 2023 are not eligible for the parole program; and

Whereas, With the significant backlog processing employment authorization applications, the current influx of asylum seekers are often unable to access work and income, and support themselves or their families; and

Whereas, Without access to work authorization, asylum seekers in New York rely on city services, straining the city’s infrastructure, increasing costs, and requiring the city to ask for financial support from the state and federal government; and

Whereas, As more asylum seekers come to the United States even under the new Cuban, Haitian, Nicaraguan, and Venezuelan parole program, employment authorization applications will continue to increase and exacerbate the processing backlog; and

Whereas, Due to the unpredictability and delays in receiving employment authorization approval, asylum seekers often become victims of employment abuses, like wage theft, when left to seek work without work permits; and

Whereas, There is growing bipartisan support to reform immigration processes specifically related to employment authorization applications in order to diminish burdens on local and state governments, reduce the workload of USCIS, and boost the economy by increasing the workforce; and

Whereas, Employment authorization regulations for asylum seekers and parolees under the Cuban, Haitian, Nicaraguan, and Venezuelan parole program must be revised in order to address the growing backlog and prepare for future applicants; and

Whereas, Legislation must be introduced to update the Cuban, Haitian, Nicaraguan, and Venezuelan parole program, to provide employment authorization similar to “Uniting for Ukraine” so parolees can start working in the United States without waiting for approval; and

Whereas, To address the numerous asylum seekers in the United States who are not eligible under the current parole program, executive action must be taken to change administrative rules to grant or extend temporary access to work permits; and

Whereas, Employment authorization must be made more accessible to the newly arrived asylum seekers and parolees who are desperate to work; and

Whereas, Individuals entering the United States deserve opportunities for employment, and not to be stalled by bureaucratic roadblocks, in order to provide for themselves and their families; now, therefore, be it

Resolved, That the Council of the City of New York calls on Congress to pass, and the President to sign, legislation updating the Cuban, Haitian, Nicaraguan, and Venezuelan parole program to allow parolees to work in the United States without waiting for their I-765 applications for employment authorization to be approved, and for the President to take executive action granting or extending temporary access to work permits to asylum seekers currently residing in the United States who are ineligible for the parole program.

LS #11198

04/13/2023

RLB

1. *Pro Bono Asylum Representation Manual: An Overview of Asylum Law & Procedure*, The Advocates for Human Rights (2009), *available at* <https://www.theadvocatesforhumanrights.org/uploads/pro_bono_asylum_representation_manual_2009.pdf>. [↑](#footnote-ref-2)
2. *Id.* [↑](#footnote-ref-3)
3. *Id.* [↑](#footnote-ref-4)
4. *Id.* [↑](#footnote-ref-5)
5. *Id.* [↑](#footnote-ref-6)
6. *Id.* [↑](#footnote-ref-7)
7. *Id.* [↑](#footnote-ref-8)
8. *Id.* “Adjudication of refugee status takes place outside U.S. borders and is handled by the U.S. Refugee Program (USRP). Individuals approved as refugees are then resettled to the U.S. and enter the country with refugee status. They do not go through an asylum adjudication in the U.S.” *Id.* [↑](#footnote-ref-9)
9. *Id.* [↑](#footnote-ref-10)
10. *Id.* [↑](#footnote-ref-11)
11. *Id.* [↑](#footnote-ref-12)
12. *Id.* [↑](#footnote-ref-13)
13. *Fact Sheet: The Basics of U.S. Asylum Law*, Human Rights First. *Available at* <https://www.humanrightsfirst.org/wp-content/uploads/pdf/HRF_Fact_Sheet-The_Basics_of_US_Asylum_Law.pdf>. [↑](#footnote-ref-14)
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21. *Id*. [↑](#footnote-ref-22)
22. Dey, Sneha, Gabriel Poblete, and Greg B. Smith, *How Gov. Greg Abbott Texas-Sized a Crisis for NYC Mayor Eric Adams*. The City. (Aug. 12, 2022) *Available at* <https://www.thecity.nyc/immigration/2022/8/12/23302379/greg-abbott-eric-adams-asylum-crisis>. [↑](#footnote-ref-23)
23. *About TRAC*, TRAC Immigration. *Available at* <http://foiaproject.org/about/about-trac/>. [↑](#footnote-ref-24)
24. *Asylum Decisions APP*, TRAC Immigration. *Available at* <https://trac.syr.edu/phptools/immigration/asylum/>. [↑](#footnote-ref-25)
25. Office of Temporary and Disability Assistance. *Population Data for Refugee and Special Immigrant Visa Holders Resettled in New York State FFY 2021*. New York State. *Available at* <https://otda.ny.gov/programs/bria/documents/population-report.pdf>. [↑](#footnote-ref-26)
26. Special Immigrant Visas are offered through programs that allow eligible applicants to settle in the U.S. Special immigrants qualify for Green Cards (permanent residence) after meeting certain criteria. *See* *Special Immigrants*. USCIS (Oct. 22, 2020). *Available at* <https://www.uscis.gov/humanitarian/special-immigrants>. [↑](#footnote-ref-27)
27. *Population Data for Refugee and Special Immigrant Visa Holders Resettled in New York State FFY 2021 supra* note 20; For historic data *see also* Beth Fertig, *Why It’s Harder to Win Asylum, Even in New York*, WNYC (May 15, 2019). *Available at* <https://www.pri.org/stories/2019-05-15/why-its-harder-win-asylum-even-new-york>. [↑](#footnote-ref-28)
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37. *Id*. [↑](#footnote-ref-38)
38. *Id*. [↑](#footnote-ref-39)
39. *Id*. [↑](#footnote-ref-40)
40. *Id*. [↑](#footnote-ref-41)
41. *Id*. [↑](#footnote-ref-42)
42. Office of the Mayor. *Mayor Adams, NYCEM, MOIA Open Resource Navigation Center to Support Newly Arrived Individuals and Families Seeking Asylum*. NYC.Gov. (Sept. 15, 2022) *Available at* <https://www1.nyc.gov/office-of-the-mayor/news/667-22/mayor-adams-nycem-moia-open-resource-navigation-center-support-newly-arrived-individuals-and#/0>. [↑](#footnote-ref-43)
43. *Id*. [↑](#footnote-ref-44)
44. *Id*. [↑](#footnote-ref-45)
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54. *Id.* [↑](#footnote-ref-55)
55. *Id.* [↑](#footnote-ref-56)
56. *Id.*  [↑](#footnote-ref-57)
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89. [*See*](file:///C%3A%5CUsers%5Crbarilla%5CDownloads%5CSee) *Mayor Bill de Blasio and Council Speaker Melissa Mark-Viverito Launch IDNYC, The Country’s Most Ambitious Municipal Identification Program supra* note 64. [↑](#footnote-ref-90)
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96. *See* Kurshid, Samar. *$8.4M Muni ID Program Budget Includes $1.8M for Advertising*. Gotham Gazette. (Jan. 12, 2015) *Available at* <http://www.gothamgazette.com/index.php/government/5509-84m-muni-id-program-budget-includes-18m-foradvertising>. [↑](#footnote-ref-97)
97. *Id*. [↑](#footnote-ref-98)
98. *See* Morrison, Aaron. *Immigrant Identification Card: New York Adds $5 Million for Staffing in ID Application Rush*. Int’l Bus. Times. (Feb. 10, 2015) *Available at* <https://www.ibtimes.com/immigrant-identification-card-new-york-city-adds-5-million-staffing-id-application-1811768> [↑](#footnote-ref-99)
99. *See* *Frequently Asked Questions supra* note 80. [↑](#footnote-ref-100)
100. *See* *Frequently Asked Questions supra* note 80. [↑](#footnote-ref-101)
101. *See* NYC Ad. Code 3-115. [↑](#footnote-ref-102)
102. *How to Apply: Locations*. IDNYC. NYC.Gov. *Available at* <https://www.nyc.gov/site/idnyc/card/locations.page>. [↑](#footnote-ref-103)
103. *How to Apply*. IDNYC. NYC.Gov. *Available at* <https://www.nyc.gov/site/idnyc/card/how-to-apply.page> [↑](#footnote-ref-104)
104. *See* *Frequently Asked Questions supra* note 80. <https://www.nyc.gov/site/idnyc/frequently-asked-questions/frequently-asked-questions.page> [↑](#footnote-ref-105)
105. *See* NYC Ad. Code 3-115; *also see* *How to Apply* *supra* note 103. [↑](#footnote-ref-106)
106. NYC Ad. Code 3-115 [↑](#footnote-ref-107)
107. 68 RCNY 6-05 [↑](#footnote-ref-108)
108. IDNYC Quarterly Reports (December 31, 2022) <https://www.nyc.gov/assets/idnyc/downloads/pdf/idnyc-quarterly-report-20221231.pdf> [↑](#footnote-ref-109)
109. *Mayor Adams Releases "The Road Forward," New Blueprint to Handle Asylum Seeker Crisis Moving Forward*. [*supra*](file:///C%3A%5CUsers%5Crbarilla%5CDownloads%5Csupra) note 53. [↑](#footnote-ref-110)