

Chair Menchaca, Council Members, and staff, good morning and thank you for the opportunity to testify today regarding Council Resolution 1290. My name is Helen Drook, and I am a Senior Staff Attorney at the Immigrant Protection Unit at the New York Legal Assistance Group. NYLAG is a nonprofit law office dedicated to providing free legal services in civil law matters to low-income New Yorkers. NYLAG serves immigrants, seniors, veterans, the homebound, families facing foreclosure, renters facing eviction, low-income consumers, those in need of government assistance, children in need of special education, domestic violence victims, persons with disabilities, patients with chronic illness or disease, low-wage workers, low-income members of the LGBTQ community, Holocaust survivors, as well as others in need of free legal services.

NYLAG strongly supports **Res 1290** calling upon the Secretary of the Department of Homeland Security to grant Haiti a new designation for Temporary Protected Status (TPS) to provide temporary immigration relief to eligible Haitian nationals in the United States, as well as to stop the detention and repatriation of Haitian nationals ineligible for immigration relief in the wake of Hurricane Matthew.

The earthquake that hit Haiti on January 12, 2010 caused incredible destruction, killing an estimated 250,000, and displacing 1.3 million people - over one-tenth of the total population. Without the infrastructure to quickly rebuild, the earthquake exacerbated many of the challenges Haiti was facing even prior to 2010: chronic poverty, environmental degradation, economic and political vulnerability. The rebuilding process has been further hampered by catastrophes such as Hurricane Matthew and a cholera epidemic.

Under Section 244(b)(1) of the Immigration and Nationality Act, the Secretary of State is authorized to designate a foreign state for TPS upon finding that such state is experiencing an ongoing conflict, an environmental disaster, or "extraordinary and temporary condition."

As a result of the devastation caused by the January 12<sup>th</sup> earthquake, on January 15<sup>th</sup>, 2010, the Secretary for the Department of Homeland Security designated Haiti for TPS. The U.S. government has renewed TPS for Haiti several times, most recently in January 2016, extending through July 2017. In re-designating and extending Haitian TPS, the federal government has clearly recognized that the situation in Haiti remains catastrophic, and that returning Haitian nationals presently residing in the U.S. to Haiti would violate the humanitarian principles upon which our country and its immigration laws were built. The designation of Haiti for TPS was designed not only to keep people from returning to the country where life-threatening conditions persist, but also to ensure economic help for the poverty-stricken country. TPS allows people not only to stay in the U. S., but also to obtain employment authorization and work. NYLAG has firsthand knowledge of the benefits of TPS. Since 2010, NYLAG has helped thousands of Haitians obtain TPS and remain in the United States. We have also provided free legal services to another 700+ Haitian nationals, helping them obtain citizenship, travel documents, and other immigration relief. NYLAG has conducted 22 large scale clinics in partnership with Council Member Mathieu Eugene, who has worked tirelessly for the many Haitian immigrants in his district. Moreover, NYLAG helped dozens of Haitian nationals obtain employment in the U.S. through our job training and placement partners. We have seen how this temporary immigration relief has helped not only those who were able to obtain TPS status, but also their families, affording them an opportunity to provide financial support to family members who remained in the devastated Haiti.

In addition to granting TPS, the United States government has created the Haitian Family Reunification Parole Act to allow certain relatives of U.S. citizens and legal permanent residents to avoid dangerous conditions in Haiti, and to wait for their adjustment of status in the U.S. This program was created prior to the time when Hurricane Matthew hit, and any ICE decision to recommence removal to Haiti would be contrary to the recognition by the U.S. government of the ongoing humanitarian crisis in Haiti.

NYLAG strongly supports **Res 1290** to ensure that Haitian nationals living in the United States are treated in a compassionate and humane manner. Once again, I would like to thank the Committee for the opportunity to speak here today, and to thank Council Member Eugene for his dedicated work on behalf of the Haitian community of New York.



Good morning. I am Brian C Ellis-Gibbs and I am the faith based community engagement coordinator for FPWA formerly the Federation of Protestant Welfare Agencies, as well as a Pastor serving in the borough of Queens. Our executive Director, Jennifer Jones-Austin, and our 200 member-based agency stands in support of resolution 1290 sponsored by Councilman Mathieu Eugene.

We thank Councilman Eugene for being courageous in drafting this resolution. A resolution that calls upon the Secretary of the Department of Homeland Security to grant Haiti a new designation for Temporary Protected Status to provide temporary immigration relief to eligible Haitian nationals in the United States, as well as to stop the detention and repatriation of Haitian nationals ineligible for immigration relief.

The resolution provides clear statistics, information and data about the devastating effects of hurricane Matthew upon the people of Haiti; and as we know, prior to the hurricane, Haiti was already in crisis due to extreme poverty, political unrest and the after effects of the earthquake that hit the country in recent years.

As an organization that fights to end poverty, and create upward mobility, working to fulfill the promise of opportunity for all people, in particular New Yorkers, we believe that to deport persons to a place that is not stabilized and secure would be a tragic mistake. As the city with the 2nd largest population of Haitian immigrants and families, it is our responsibility to have compassion and care and provide a safe space, a sanctuary for them until the circumstances within Haiti have improved. To force them to return in the present climate will only increase a population of persons who are currently suffering and struggling. Through deportation, we will only add to their trauma and not contribute to their healing and recovery.



Passing this type of legislation is not new. There was precedent set by The New York City Council when the council adopted by a vote of 51-0 passing resolution 1595 also urging Congress to pass legislation granting Temporary Protected Status (TPS) to Haitian nationals in the United States. It is understood that temporary protected status is an opportunity that can be offered under the Immigration Act of 1990 that provides temporary relief from deportation and a work permit to “aliens in the United States who are temporarily unable to safely return to their home country because of ongoing armed conflict, an environmental disaster, or other extraordinary and temporary conditions.”

In supporting this resolution, our organization, many who are faith and community based entities working within the beautiful mosaic of diversity within our city, understand that we serve and work to create and support efforts that protect the welfare of our people. In the current political climate within our own country, we hope that we act with prudence, wisdom and empathy for all who are experiencing trauma.

In conclusion, we affirm the inherent worth and value of the humanity of our Haitian brothers and sisters and the urgency of the moment by standing in support of the adoption of resolution 1290. Thank you for your time, your work, and your vote to pass this critical piece of legislation that may have a lasting impact upon our city, and our nation.

Sincerely,

Brian C. Ellis-Gibbs,

Faith-Based Community Engagement Coordinator, FPWA

# Testimony

## Introduction

Good Morning to everyone and thanks for having me. My name is Alden Nesbitt, I'm speaking with you on the behalf of The Back Institute.

In 2001 the Department of Education recruited teaches from all over the world to teach in New York City's hard to staff public schools. My family was one of many, who migrated to the United States with hope of better opportunity's. At this very moment my mother still works for the department of education. Unfortunately the teachers who came from predominately black countries in the Caribbean started having issues with their process to become permanent residents. It took my mother and other Caribbean teachers 10 plus years to get their green cards and there are teachers who are still waiting today. As a result of these delays, children of these educators began to age out. After living in this country with my family from the age of 10, when I turned 21 I got a letter in the mail stating that I had 60 days to leave. This is how hundreds of youths and myself unexpectedly ended up without status or undocumented.

I felt like my hopes and dreams was taken away from me. Soon after I became undocumented, I learned that there were many others in this identical situation. Working with The Black Institute, we gathered as many children of recruited professionals and started learning more about our situation. We organized, meet with our local representatives and other organizations who represent undocumented and disenfranchised youth. Together with these organizations and help from our representatives we took action. We started by supporting legislations that could help us and campaigned for others in our situation. Unfortunately there is only so much that can be done at city or state level. The Dream act was one of the few federal legislations that gave us hope. We fought hard but The Dream act was never passed. Instead president Obama introduced the executive order DACA.

Thanks to Deferred Action for Childhood Arrivals (DACA) 100,000s of undocumented children can work, drive and feel safe while doing so, across the country. We all knew this was a temporary solution but it was something rather than nothing, it was hope. As of January 21st, 2017 the president elect will have the power to take our hope away. No matter how we came into this country, or how we ended up undocumented, for the majority of us this is home. This is where our families and friends are, this is where we work and go to school. This country is where we dreamed of building our futures.

Right now the future is uncertain and we are all fearful of what is to come. DACA recipients have a noticeable and realistic fear. The Obama administration promised us protection from deportation. what they actually did was encourage many young scared undocumented immigrants to come out of the shadows with the hopes of a better future. Now we are all vulnerable and our hopes and dreams lie in the hands of the upcoming administration. Please do not let discrimination and prejudice take away the futures of young immigrant Dreamers. Thank you...

December 5<sup>th</sup>, 2016

Ladies and Gentlemen:

I am here this morning to support whole-heartedly Councilman Mathieu's request well detailed in his proposal that special considerations be granted to recent Haitian immigrants.

The US cannot close its eyes on the tragic circumstances that surround the Haitian people. In this era of globalization, no nation can wrap itself in indifference when a neighboring nation is in distress.

According to the estimate of international agencies, the recent hurricane Class 4 that struck Haiti in October caused damages to the tune of two billion dollars. Entire villages have been swept away by furious 120 000 miles per hour winds. A thousand torrents suddenly formed by the torrential rains on the mountains carried to the ocean all the plants like corn, peas and all sorts of berries and nuts. All banana trees, avocado, coconut, breadfruit trees lost their branches and fruits in the affected areas. Animals like horses, pigs, cows, goats, chickens perished by the thousands. City streets were flooded spoiling merchandise of every sort in stores including clinics and pharmacies.

A company that has been working on improving the ecology said that in two days they lost the efforts of thirty years of systematic efforts.

We have to realize that more than one million people will suffer a radical scarcity of food for the next five months until the next harvest.

But actually in Councilman Mathieu's proposal, there is no request for admission of new Haitians from Haiti as if hundreds of thousands were rushing to our shores as in the days of the Cuban crisis. We are pleading for those already here who are essentially peaceful, hard working individuals.

Let me bring to your attention that all this talk about massive Haitian deportations came to the forefront because of a very recent phenomenon that has erupted in California. In the course of this year some 5 000 Haitians have unexpectedly entered the US borders of San Diego CA. They were coming from Brazil.

You might like to know that after the 2010 devastating earthquake, Brazil accepted some 60 000 Haitians because in those day the economy of that nation was prosperous and a labor force was needed for field work but also for the construction of a vast aerodrome in the capital. Unfortunately, the political and economic conditions of that country have seriously deteriorated over the past six years. Foreign labor force is no longer an emergency. Haitian immigrants in Brazil have had a hard time finding jobs. They also experience discrimination.

Hence, a small portion of these unfortunate immigrants, some 5 000, have undertaken a long perilous journey through eleven countries to reach the US entry doors of California. We know that a number of them perished in the journey. Passers have charged them enormous fees.

**For some the journey mostly on foot lasted more than six months. The less than 10 000 new entrants who actually have parents here are the ones causing all that panic in official circles. There would probably be a much softer outcry if they were of a different race, but let us not go into this.**

**In this context, Councilman Mathieu is simply saying:**

**Those Haitians who benefitted from the TPS six years ago and who have proven themselves to be peaceful individuals should be allowed to stay. We should extend their permit to stay here and make it permanent as it has been the case for other groups in the past. Why make the path more arduous to a group whose distress is so acute?**

**Secondly, those who have managed to make it from Brazil through such overwhelming hardships should not be deported indiscriminately. Other measures can be devised to stop that irregular flow of new entrants. Some degree of compassion is very much called for.**

**In these days when international relationships are too frequently distorted by harshness, injustice and brutality, the US is perfectly capable of showing some degree of justice and nobility and stand tall as a promoter of humanity in its dealings with a harmless, poor and friendly neighboring nation particularly struck by natural disasters and a thousand other historical factors.**

**Let me close with a quotation from the Book of Proverbs where we hear a queen Mother's advice to her son the king:**

**"Speak up for people who cannot speak for themselves.  
Protect the rights of those who are helpless  
Protect the rights of the poor and needy." (Prov. 31, 8)**





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Good morning. On behalf of the New York Immigration Coalition, I'd like to thank the Committee and Chairman Carlos Menchaca, for convening this important hearing on immigration to discuss Res. 1290 calling upon the Secretary of the Department of Homeland Security to grant Haiti a new TPS designation and stop the detention and repatriation of Haitian nationals ineligible for immigration relief, in the wake of Hurricane Matthew. Special thanks to New York City Councilman Mathieu Eugene for introducing resolution 1290 and for his commitment to improving the lives of immigrants in New York City.

My name is Tiffany Wheatland-Disu and I serve as a Community Engagement Manager for the New York Immigration Coalition, an umbrella policy and advocacy organization with nearly 200 members across New York State. We aim to achieve a fairer and more just society that values the contributions of immigrants and extends opportunity to all.

Last September, Secretary Jeh Johnson announced the administration's intention to **fully resume deportations of Haitians**. In response, NYIC Executive Director Steve Choi lamented the policy shift stating,

"We are especially disappointed that this announcement comes at the end of a week where the U.S sought to position itself as a global leader in efforts to assist the millions of displaced persons around the globe today. During Monday's first ever United Nations summit on Refugees and Migrants, and again on Tuesday during President Obama's own convening on the issue, he asserted the US' commitment to protecting the world's most vulnerable populations who are fleeing civil strife and natural disasters. Yet his administration's actions directly contradict this rhetoric."

- *Steven Choi, Executive Director, NYIC*

I come to you today, to amplify the importance of the passage of resolution 1290—a reaffirmation that this nation ought to respond humanely to Haiti's recovery in light of a catastrophic hurricane which forced the federal government to suspend deportations just weeks ago.

Life in Haiti has been unimaginably difficult since the 2010 earthquake, despite billions of dollars spent by the international community on earthquake recovery efforts. Notably, remittances sent by Haitians from the US have been critical in preventing the complete collapse of Haitian households and the economy.

According to researchers from the Migration Policy Institute, money sent from Haitian relatives in the US amounts to over a billion dollars annually. That is equal to no less than 20% of the government's budget. That is why resolution 1290's call for a new Temporary Protected Status program is both justified and essential. A new TPS designation and a cessation of deportations will prevent the worsening of conditions in Haiti while allowing protected nationals to legally support their families back home. This is particularly important for rebuilding efforts as Haitians on the island depend heavily on remittances received by family members in the US and abroad.

The passage of resolution 1290 will also be a clear declaration of our City's prioritization of the preservation of the family unit in calling for the release of Haitian nationals currently in immigration detention. In the wake of Hurricane Matthew's destruction we can send a strong message of solidarity with all Haitians by allowing the reunification of those in detention with their families. There are obvious cost savings to American taxpayers in allowing detained immigrants to stay with their families. According to a 2011 analysis by the American Civil Liberties Union, "U.S. immigration detention centers often expose detainees to brutal and inhuman conditions of confinement at massive cost to American tax payers."

Passage of resolution 1290 will send a strong message to all that New York City has a mission to promote immigration policies that do not criminalize people for wanting to seek better lives for themselves and their families.

The position to support Haiti is not only humane, it is prudent. In this increasingly globalized world it is necessary for our government to employ immigration policies that strengthen not weaken neighbors in our region. Our government must avoid undertaking any actions that further destabilize Haiti or result in the inflow of greater numbers of refugees into the U.S.

Finally, let me just say that Haitians are a proud people who have made America their homes and contribute in all respects to our great nation. I commend Councilman Mathieu Eugene for introducing Resolution 1290 which affirms the highest ideals of humanitarianism and solidarity.

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Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. 1290

in favor  in opposition

Date: 12-5-2016

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Date: 12/5/2016

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in favor  in opposition

Date: 12/5/16

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Date: \_\_\_\_\_

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Date: \_\_\_\_\_

Name: Tiffany Whelan (PLEASE PRINT)

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I represent: New York Immigrants Center

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in favor  in opposition

Date: \_\_\_\_\_

Name: Albert Saint Jean (PLEASE PRINT)

Address: \_\_\_\_\_

I represent: Black Alliance for 1st Immigration

Address: \_\_\_\_\_

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