

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON IMMIGRATION JOINTLY  
WITH THE COMMITTEES ON GENERAL  
WELFARE AND THE COMMITTEE ON HEALTH

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July 12, 2018  
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HELD AT: Council Chambers - City Hall

B E F O R E: CARLOS MENCHACA  
Chairperson

MARK LEVINE  
Co-chair

STEPHEN T. LEVIN  
Co-chair

COUNCIL MEMBERS:

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- ADRIENNE E. ADAMS
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COUNCIL MEMBERS (CONTINUED)

KEITH POWERS

RAFAEL SALAMANCA, JR.

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KALMAN YEGER

## A P P E A R A N C E S (CONTINUED)

Damyn Kelly  
President and CEO of Lutheran Social Services of  
New York

Kevin Sullivan  
Monsignor, Executive Director of Catholic  
Charities of the Archdiocese of New York

Lorraine Sanchez  
Vice President for New York City Operations and  
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Mario Russell  
Director of Catholic Charities of New York's  
Immigrant Refugee Services

Bitta Mostofi  
Commissioner of the Mayor's Office of Immigrant  
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Civil Justice Coordinator, Office of Civil  
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Service of the Department of Child and Adolescent  
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Gary Belkin  
Executive Deputy Commissioner of Health-Mental  
Hygiene in the New York City Department of Health  
And Mental Hygiene

## A P P E A R A N C E S (CONTINUED)

Machelle Allen  
Senior Vice President and Chief Medical Officer  
Of New York City Health and Hospitals

Jo-Ann Yoo  
Executive Director of the Asian American  
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Hasan Shafiqullah  
Attorney in Charge of the Immigration Unit at  
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Karina Albistequi-Amaya  
Immigrant Health Advocate at New York Lawyers for  
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Stephanie Gendell  
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Vivian Martinez  
Member of Make the Road New York and New York  
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Melanie Weniger  
Policy Associate of the New York City Public  
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Meghan Finn  
Representing Immigrant Families Together

Denise Bell  
Representing the Immigration Nationality Law  
Committee of the New York City Bar Association

Lorilei Williams  
Immigration and LGBTQ HIV Advocacy Director for  
The Staten Island Legal Services, Secretary for  
The American Immigration Lawyers Association, the  
New York Chapter

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2 [gavel]

3 CHAIRPERSON MENCHACA: We're going to get  
4 started.

5 SERGEANT AT ARMS: Quite please.

6 CHAIRPERSON MENCHACA: My name is Carlos  
7 Menchaca, I'm the Chair of the New York City's... New  
8 York City Council's Committee on Immigration. Before  
9 going any further, I want to thank all the chairs  
10 here today; Chair Levine, Chair Levin and our Speaker  
11 of the City Council, Corey Johnson who will begin  
12 today's hearing with remarks.

13 SPEAKER JOHNSON: Thank you Chair  
14 Menchaca. Welcome everyone who is here today. I'm  
15 Council Member Corey Johnson, Speaker of the New York  
16 City Council. I want to thank Council Member Carlos  
17 Menchaca, Chair of the City Council's Immigration  
18 Committee; Council Member Steve Levin, Chair of the  
19 City Council's General Welfare Committee and Council  
20 Member Mark Levine, Chair of the City Council's  
21 Health Committee for convening this joint hearing on  
22 this urgent matter. Today's hearing is about a  
23 crisis, a completely unnecessary crisis manufactured  
24 by the Trump administration when it made the immoral  
25 decision to separate children and infants including

2 babies as young as nine months old from their  
3 parents. At least 300 of these kids were sent to our  
4 city and we are here today because we want and demand  
5 answers. In a time when our president and his  
6 government no longer values honesty and facts are  
7 hard to come by, we must demand answers and we must  
8 hold them accountable. We are here today because we  
9 will not fail these children, we will tirelessly  
10 fight for their rights and we will make sure that  
11 they are supported. We will make sure they have the  
12 services that they need while they are here in our  
13 city because unlike the federal government we know  
14 that we have a moral obligation to do so. It is the  
15 right thing to do and if the Trump administration  
16 won't step up to reunite these children with their  
17 families the least they can do is provide us with  
18 information on where these children are and what  
19 services they need and deserve. They may be too young  
20 to recognize this, but we value their lives and we as  
21 a city and as a city government will be there for  
22 them. New York City is fiercely proud to be a city of  
23 immigrants and a city that fights for human rights. I  
24 want to thank the representatives of the De Blasio  
25 administration who are joining us here today, I look

2 forward to learning more about how this city is  
3 supporting these children to ensure they're getting  
4 the best services and support the city has to offer.  
5 I want to provide a little bit of background. By  
6 April 20<sup>th</sup>, 2018 over 700 children were separated  
7 from their parents at the United States Mexico  
8 border, another 2,000 were separated in the following  
9 month and a half. Even after immense public outcry  
10 the Trump administration doubled down refusing to  
11 apologize citing the bible to defend these inhumane  
12 acts, I see Monsignor Kevin Sullivan who's here,  
13 who's been amazing on this, they finger pointed and  
14 they falsely blamed people from different political  
15 parties. After public outrage reached a fever pitch  
16 bipartisan outrage that I might add, the President  
17 issued an executive order purporting to fix the  
18 problem but that just created new harmful policies.  
19 There was no plan for reuniting families that had  
20 already been separated, there was also no plan to  
21 fairly consider their claims for asylum or other  
22 humanitarian relief affectively putting thousands of  
23 lives at risk. Needless to say, there was also no  
24 plan to provide restitution to families and children  
25 who were irrepealably harmed by the Trump

2 administration's policies. It took a federal court  
3 order to get this administration to even attempt a  
4 real effort at reunification. Well Tuesday, two days  
5 ago, was the deadline for all children under the age  
6 of five years old to be reunited with their parents  
7 and once again of course they have failed these  
8 children. Worse, the New York Times reported that  
9 records linking children to their parents have quote,  
10 "disappeared" and in some cases have quote, "been  
11 destroyed" meaning some children and I hope this  
12 doesn't happen may never be reunited with their  
13 parents. I think you would all join me in asking what  
14 the hell is going on in our country. Turning our  
15 backs on those in need is unamerican, stepping up  
16 that is truly American. By calling this joint hearing  
17 between the Immigration, General Welfare and Health  
18 Committees the New York City Council stands as a  
19 united front to support the children who have been  
20 ripped away from their parents. We are committed to  
21 providing quality, comprehensive services for these  
22 children and to the extent possible to their  
23 families. We will do our best to ease the suffering  
24 and trauma caused by the federal governments shameful  
25 policies. And for everyday New Yorkers who are

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2 appalled at the current situation and want to help in  
3 some way I want to encourage you that everyone does  
4 have a role, you can join any of the upcoming  
5 demonstrations and solidarity events being organized  
6 by advocacy groups here and across the country to  
7 make sure your voices are heard, you can donate to  
8 assist children who are here in New York City to the  
9 Mayor's fund to advance the city of New York, they  
10 are collecting money to help buy supplies and provide  
11 services for separated children currently living here  
12 in our city and you can call your congressional  
13 representatives and ask them to support the keep  
14 families together act of 2018, this bill is co-  
15 sponsored by Senators Gillibrand and Schumer and  
16 it'll prevent blanket in inhumane family separation  
17 practices and track when, where and how often family  
18 separation occurs. As a council, as a city we  
19 denounced the deplorable anti-immigrant and inhumane  
20 policies of this administration and we will never  
21 tire in fighting for what is right. I want to finish  
22 by of course again thanking all of the Chairs and the  
23 members who are here today from these three  
24 committees, I want to just say very briefly things  
25 about the chairs who are jointly chairing this

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2 hearing today. I'll start off with my good friend  
3 Steve Levin who's done an enormous amount for  
4 children throughout New York City for many, many  
5 years in his role as chairing the General Welfare  
6 Committee and I'm really proud of his work, we  
7 secured funds in this last budget to increase money  
8 for ACS to help children in New York City. Council  
9 Member Levine has been one of the most out-front  
10 leaders on this issue organizing communities across  
11 the city to participate in helping these  
12 organizations in our city that are taking care of  
13 these children and he'll probably talk about it but  
14 the response has been overwhelming to his cause for  
15 action that his office put out and so I'm grateful to  
16 him. And lastly, Council Member Menchaca I think has  
17 been one of the biggest leaders not just in our city  
18 but actually nationally on this issue. He has been  
19 working on this from the very beginning, he was  
20 recently in Texas visiting and trying to figure out  
21 ways that we can collaborate and help folks at the  
22 border and he has led on all issues related to  
23 immigration and so I am tremendously grateful that  
24 these three individuals who have a deep track record  
25 and history on fighting on these issues are going to

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2 jointly chair this hearing today and I want to thank  
3 all the other committee members for being here as  
4 well and thank the public, your voices matter, your  
5 activism matters, your advocacy matters, your  
6 compassion matters and everything we do collectively  
7 in a united fashion in this city for these children  
8 in this dark moment matters and with that I want to  
9 turn it back to Chair Carlos Menchaca.

10 CHAIRPERSON MENCHACA: Thank you Speaker  
11 Corey Johnson for your words and getting us started  
12 here to set the tone that you are in the people's  
13 house, your voices do matter and we're going to be  
14 hearing from so many different voices today. They're  
15 going to give us a better sense about what is  
16 happening and how we can move together as a city. The  
17 Committee on Immigration, Health, and General Welfare  
18 will examine the impacts of the Trump's  
19 administration family separation policy here in New  
20 York City. The committees will also hear on a... and  
21 vote on a Pre-Considered Resolution that is a direct  
22 response to this policy whether it's making IDNYC a  
23 reality or fighting for legal representation for all  
24 immigrants facing detention, the City Council is  
25 committed to protecting the rights of immigrant

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2 communities and this hearing is an opportunity for us  
3 to continue to convene and work together in calling  
4 for a more just immigration system. The committee  
5 will hear the Pre-Considered Resolution sponsored by  
6 Council Member Carlina Rivera, the Speaker, Council  
7 Member Ayala; this resolution calls on the congress  
8 to pass and the president to sign the keep families  
9 together act, S3036, the federal... the federal  
10 legislation that would immediately stop the  
11 Department of Homeland Security from taking children  
12 from their parents at the U.S. border except with  
13 expressed directive from a child welfare, welfare  
14 expert and for additional legislation that would end  
15 family detention as an unsafe and harmful  
16 alternative. Following U.S. Attorney General Jeff  
17 Sessions announcement of a zero-tolerance policy in  
18 the Trump administration's swift implementation of  
19 it's family separation policy intense public outcry  
20 prompted the president to sign an executive order on  
21 June 20<sup>th</sup>. Although this executive order ended family  
22 separation at the border it favors indefinite family  
23 detention. Not unlike family... not unlike family  
24 separation, family detention is an unsafe, inhumane  
25 practice with harmful consequences both for parents

2 and particularly for children. Moreover, little has  
3 been done to speed up the process reuniting families  
4 and as the City Council we will stand firm against  
5 the federal government's unjust immigration policies  
6 and we will do everything within our power,  
7 everything within our power to protect immigrant  
8 families against these attacks and ensure dignity for  
9 our immigrant communities. And I want to then now go  
10 over to the oversight portion of this hearing. As the  
11 chaotic events of the past few months have unfolded  
12 what is crystal clear is the utter inhumanity of  
13 Trump's and this country's immigration policies. As  
14 the Speaker has described following the announcement  
15 of the zero tolerance and family separation more than  
16 2,000 children have been forcibly removed from their  
17 parents experiencing extreme trauma at the hands of  
18 our government. With southern border shelters at  
19 capacity we soon... we soon learn that the crisis is  
20 playing out right here in the city with several  
21 facilities designated to receive children. As a  
22 fundamental principle of good government, we need all  
23 levels of government from the local to the state to  
24 the federal government to communicate, to talk to  
25 each other, to coordinate in order to protect the

2 rights and meet the needs of our most vulnerable  
3 communities, that is what is at stake here, that is  
4 what we're calling for. In response organizations and  
5 other entities have been forced to quickly respond  
6 with little support from the federal government. Soon  
7 after implementation of this policy my office  
8 convened the consulates of the Mexico, Honduras, El  
9 Salvador, Guatemala, and Costa Rica and we're really  
10 thankful for them responding so quickly to the  
11 convening who shared that they had received limited  
12 information from the federal government as they have  
13 been working to identify citizen families who have  
14 been affected and to reunify these families. We are  
15 continuing to meet regularly with the consulates to  
16 share information and identify how we can support  
17 them in these efforts. Immigration legal services,  
18 the providers for legal services including council  
19 funded eye care organizations such as Catholic  
20 charities have been screening children's legal  
21 immigration cases and connecting them to their  
22 families. And facilities such as Cayuga Center and  
23 Lutheran Social Services have been ramping up their  
24 already limited capacity to take in these children.  
25 In the face of these challenges what's clear is that

2 the consulates and providers are operating under high  
3 pressure and very sensitive conditions and it is our  
4 responsibility as a city to carefully consider how we  
5 respond to the situation and our efforts to support  
6 to reunify these families. Although President Trump  
7 signed the executive order to end the separation on,  
8 on the 20<sup>th</sup> of June, there is no designated plan for  
9 reunification, that is continually clear and the  
10 damage has been already done in so many of these  
11 cases so moreover while the events of these past few  
12 months are appalling family separation proceeds Jeff  
13 Sessions appointment as Attorney General with ICE  
14 systematically targeting private homes, house, houses  
15 of worship and schools to apprehend parents since  
16 it's inception in 2003. Trump's now rescinded family  
17 separation policy was simply one part of a larger  
18 system of family separation that is a key feature of  
19 the country's immigration policies. We need  
20 comprehensive immigration reform and abolishing ICE  
21 is a crucial piece of that step towards immigration  
22 reform. So, as a City Council in the New York City we  
23 will stand by and let these policies continue to  
24 inflict... we will not stand by and let these policies  
25 inflict devastation and tear our family, families

2 apart. While our jurisdiction as a city is limited in  
3 the light of the federal government's authority to  
4 regulation on immigration, this does not mean we are  
5 powerless, what it does mean is that we must be  
6 thoughtful and careful in how we respond particularly  
7 in the midst of this chaos and complex city to ensure  
8 that we can meaningfully protect immigrant  
9 communities and ensure reunification. This is the  
10 purpose of today's hearing, to provide more clarity  
11 on the circumstances playing out here in our city to  
12 help identify continued areas of need for these  
13 children who are separated from their families and to  
14 support the entities who are around the clock to do  
15 this work. During today's hearing we will hear from  
16 several panels including the shelters, legal service  
17 providers, health and mental health providers, the  
18 children welfare providers, advocates and we'll hear...  
19 and we'll hear from, from some of the consulates who  
20 are here today who are joining us and their integral  
21 part of this whole process. With that I'm going to  
22 hand this over to Chair Levin.

23 COUNCIL MEMBER LEVIN: Thank you very  
24 much Chair Menchaca, to my Co-chair Mark Levine of  
25 the Health Committee and to our Speaker Corey

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2 Johnson, thank you so much. I want to thank everybody  
3 who has come out in attendance today. Good afternoon,  
4 I'm Council Member Stephen Levin, Chair of the  
5 Council's Committee on General Welfare. As I said I  
6 want to thank my colleagues Chair Menchaca, Chair of  
7 the Immigration Committee, Chair Mark Levine, Chair  
8 of the Health Committee for holding this important  
9 hearing today on the impact of family separation  
10 policy on New York City. I want to thank Speaker  
11 Johnson again for, for joining us and discussing this  
12 critical issue. Reports of children separated from  
13 their families at the border being sent to foster  
14 agencies and shelters across the nation first broke  
15 the news the week of June 18<sup>th</sup> as Southern border  
16 shelters reached capacity. Facilities were chosen  
17 based on federal office of refugee resettlement  
18 contracts otherwise known as RRR... ORR however no  
19 federal agency has clearly communicated to the city  
20 or the state the number of children who have been  
21 sent to New York City nor the locations at which they  
22 are housed. The public has no clear information from  
23 their government. On June 17<sup>th</sup> of this year, DHS  
24 Secretary Nielsen tweeted, we do not have a policy of  
25 separating children... separating families at the

2 border period. In the ensuing days as it became clear  
3 that this statement was demonstrably false, the Trump  
4 administration engaged in contradiction, obfuscation,  
5 and outright lying to the American public. So, if the  
6 public today is confused about what's happening in  
7 their name, it could only be because the Trump  
8 administration is either incompetent or they have  
9 designed this chaos deliberately in order to sow  
10 confusion. Either reason ought to be cause for alarm  
11 for anyone; American or otherwise who's paying  
12 attention. The Mayor and his administration... I'm  
13 sorry, given the lack of information from the federal  
14 government we have been forced to rely on journalists  
15 and rumors, now this needs to stop, the committees  
16 here today want to use this public forum to get  
17 accurate information out there, no more rumors. Today  
18 we need to get all the information the city has out  
19 into the public sphere so that everybody can know  
20 what's going on. The New York Times estimates that  
21 about 300 children who have been separated from their  
22 parents at the border are in New York City with the  
23 majority at Cayuga Centers. Two days ago, my Co-  
24 chair, Carlos Menchaca and I visited the Cayuga  
25 Center along with staff and... staff from the City

2 Council and our committees. Cayuga Center is a not-  
3 for profit that has a long history of proudly  
4 providing foster homes for children who are involved  
5 with the city's administration for children services.  
6 While ACS has a contract with Cayuga as well as other  
7 not-for profit agencies who are reportedly caring for  
8 children separated at the border, ACS has no  
9 oversight over the separate federal contracts that  
10 these agencies have. At this hearing we would like to  
11 hear from these not-for profits how they are handling  
12 this influx and how we can support them moving  
13 forward through this process. On July 3<sup>rd</sup>, 2018, ACS  
14 along with Moya, DOHMH and H and H announced specific  
15 services New York City has begun providing the  
16 children including training for foster parents and  
17 staff at the not-for profit agencies working with  
18 children on how to work with young people who had  
19 suffered trauma from this incredible ordeal. Given  
20 the distress of being torn from their families,  
21 better equipping those who are caring for these  
22 children is not just compassionate, but it is also  
23 common sense. The Mayor and his administration have  
24 shown that they share our commitment to the hundreds  
25 of children who have ended up in our city hundreds of

2 miles from their family through no fault of their  
3 own. I look forward to hearing how we can work  
4 together to ensure that these children receive the  
5 respect, services and care that they deserve. The  
6 agencies themselves here in New York City that have  
7 the federal contracts to provide homes and services  
8 for these children have taken on an incredible  
9 challenge, they and their staffs have linked these  
10 children with foster families, done critical health  
11 and mental health counseling and screening, made the  
12 critical efforts to find the parents or extended  
13 families whether here in the United States or in  
14 their home countries that these children need to be  
15 linked up with in order for sponsorship and they've  
16 given these children some semblance of normalcy  
17 during their significant trauma. So, we really want  
18 to hear from them what they're experience is and how  
19 we in the city both in the city government and the  
20 state government can help them. One thing remains  
21 very clear, this president and his administration are  
22 committed to enacting immigration policies that are  
23 cruel and unjust whether it is zero tolerance,  
24 interment or catch and release these policies are  
25 devastating to our nation's immigrant families and

2 will leave lasting impacts on communities for years  
3 to come. There has to be a better way, a more humane  
4 way. As, as my colleague Chair Menchaca has mentioned  
5 I am proud to call for a complete overhaul of the  
6 immigration and customs enforcement agency otherwise  
7 known as ICE. We need to critically examine the  
8 agency, it's work and the multiple enforcement roles  
9 it plays in keeping our country safe. This agency was  
10 created in 2002, it's not infallible and it is  
11 clearly in need of change. Just two days ago  
12 President Trump said that anyone challenging ICE is  
13 quote, "a disgrace", well Mr. President you are dead  
14 wrong. In fact it is the actions of the Trump  
15 administration in enacting this policy of heartlessly  
16 ripping small children from their parents in the dead  
17 of the night and wanting the traumatizing children  
18 for pollical purposes, of sowing massive chaos and  
19 turmoil across the nation and having no coherent plan  
20 to reunite children with their parents so much so  
21 that our federal government is currently in violation  
22 of a federal court order to reunite children under  
23 five by two days ago, that Mr. President is the real  
24 disgrace. And before we begin I would like to thank  
25 the Committee staff who has helped put this, this

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2 hearing together today; Counsel Aminta Kilawan;  
3 Policy Analyst Tonya Cyrus and Crystal Pond; Finance  
4 Analyst Daniel Kroop and Finance Unit Head Dohini  
5 Sompura. I'd also like to thank the staff of the  
6 Immigration and Health Committees for their work as  
7 well as my Chief of Staff Jonathan Boucher;  
8 Legislative Director Elizabeth Adams, Policy Director  
9 Edward Paulino and Legislative Assistant Deidra  
10 Cheatum. I'd like to now turn it over to my Co-Chair  
11 for this hearing Council Member Mark Levine of the  
12 Health Committee, thank you.

13 COUNCIL MEMBER LEVINE: Thank you Chair  
14 Levin, thank you Chair Menchaca and thanks to our  
15 wonderful Council Speaker Corey Johnson. So, as my  
16 colleagues have mentioned we are holding this hearing  
17 because of the policy the Trump administration which  
18 can only be described as a sick nexus of cruelty and  
19 ineptitude. The cruelty of a policy which rips  
20 children, toddlers from their mothers and fathers and  
21 sends them 2,000 miles away to cities like New York  
22 and the ineptitude of an administration which at this  
23 point is pretty clear had no plan to reunify these  
24 kids and to this date does not have comprehensive  
25 data on the location and status of everyone of these

2 vulnerable children and their parents. It's a moral  
3 crime that these children were sent to this city and  
4 we are fighting tooth and nail to get them reunified  
5 immediately, everyone of them but while they are here  
6 for as long as they are in New York City, they are  
7 New Yorkers and we are going to offer them every bit  
8 of services and resources and support and love that  
9 we know this city can muster and contrary to some of  
10 the criticism you've seen perhaps on social media, no  
11 that does not make us collaborators, that makes us  
12 compassionate and as the Speaker mentioned that  
13 compassion was on spectacular display in the last  
14 couple of weeks with the flood of contributions of  
15 goods for the kids that came into my office. We have  
16 sent 22 truck loads now of goods for the kids to four  
17 different social service agencies. In contrast to  
18 that, there have been really reprehensible vitriolic  
19 attacks on these very same social service agencies,  
20 it's profoundly unfair, the staff are... they've been  
21 heroic in the most difficult of circumstances  
22 providing the best care they can to these kids and we  
23 should be supporting them, we should not be attacking  
24 them. I've had a chance to visit one of the agencies  
25 as my colleagues have as well, Cayuga and I met kids

2 who were as young as one year old who did not know  
3 what country they came from, it's, it's, it's really  
4 heartbreaking and I have to say that on top of all  
5 the other trauma that these kids are dealing with  
6 they also every time they walk in and out of one of  
7 these facilities have to duck the press and many of  
8 them are vulnerable to being identified by gangs back  
9 home if their face is seen on social media and as a  
10 result the agencies are limiting the amount that they  
11 go outside, they're limiting the amount to which the  
12 kids can go out and play and so we do need to ask our  
13 friends in the press to show some discretion and  
14 protect the identity of the kids, for god's sake at  
15 least blur out their faces, even that is not has been  
16 done incredibly. I do want to say that thank goodness  
17 by all indications the children are receiving top  
18 notch professional care as my colleagues have  
19 mentioned and I think observed as well but we should  
20 not be naïve about the impact on these children of  
21 the trauma that they have experienced. Trauma which  
22 medical science tells us can have life long, negative  
23 impacts on their mental and physical health and as  
24 painful proof of this we know that at least in one of  
25 the cases in which a separated child was brought into

2 one of our city's emergency rooms it was because of a  
3 case of attempted suicide, let that sink in. So,  
4 among other things today's hearing will help us  
5 further understand the medical conditions of these  
6 children and what role our city's Department of  
7 Health and Mental Hygiene as well as our public  
8 hospitals can play in supporting them. And I too want  
9 to thank the incredible committee staff which has  
10 helped make this hearing possible and Health  
11 Committee staff; Jeanette Merrill, Ze-Emmanuel Hailu  
12 and Emily Balkan for their great work in preparing  
13 for this hearing today. And I'll pass it back to you  
14 Chair Menchaca, thank you.

15 CHAIRPERSON MENCHACA: Thank you Chair  
16 Levine and again thank you all for, for being here.  
17 we're going to go right into our first public panel  
18 and I want to make sure that... is, is Commissioner  
19 Bitta Mostofi here? She's here? Awesome, thank you so  
20 much. I just want to say thank you to the Mayor's  
21 Office of Immigrant Affairs, they'll be testifying  
22 after the public panels, I just want to say thank you  
23 to them and the team that they've assembled, they'll  
24 be going after the public panel which I'll be calling  
25 up now. Lorraine Sanchez from Cayuga; Damyn Kelly,

2 President CEO of Lutheran Social Services of New  
3 York, please come on... up here; and then Monsignor  
4 Kevin Sullivan please come on up, Executive Director  
5 for Catholic Charities who'll join them in this first  
6 public panel. Thank you so much for the panel, we, we  
7 have a long... we have a long discussion to have today,  
8 we're going to be limiting questions to the Chairs  
9 for this public panel before we get to the  
10 administration just want to let everyone know that.  
11 We, we have five other... I think almost five other  
12 panels we're going to have other discussions and if  
13 we can start to my right, thank you.

14 DAMYN KELLY: Thank you, good afternoon.  
15 My name is Damyn Kelly and I am the President and CEO  
16 of Lutheran Social Services of New York and I wish to  
17 thank the chairs and the members of the committee and  
18 the additional Council Members in attendance for  
19 inviting me to participate in this hearing. The  
20 entire city of New York should take great pride in  
21 its responsiveness to the needs of those who arrives  
22 at it's borders. Our city is truly a melting pot and  
23 a welcoming community. For more than 135 years  
24 Lutheran Social Services of New York has provided  
25 care and comfort to those who have been considered

2 outsiders. From our founding as an orphanage for the  
3 children of German immigrants to our status today as  
4 one of the city's multifaceted social service  
5 organizations, our more than 650 professional staff  
6 have always provided a safe haven for children in an  
7 environment that is nurturing, comforting and  
8 supportive. In addition, understanding that there is  
9 a need to address adults and families who are  
10 underserved or in need we have developed programs and  
11 services that are committed, compassionate and  
12 competent. Over the past several years we have  
13 provided a variety of residential, recreational,  
14 educational, and social support programs for  
15 unaccompanied children. In this program children are  
16 provided with health care, educational services,  
17 counseling, and other support services all in an  
18 environment that is nurturing, supportive, engaging  
19 and most importantly safe. The youth are supported by  
20 our staff, the staff who are culturally competent and  
21 all of whom have received training in trauma informed  
22 case management practices. For those children who do  
23 not reside in our residential facility they are  
24 placed with foster parents who have participated in  
25 extensive training, these foster homes often

2 reflecting the ethnicity of the child who is being  
3 placed. At a minimum the foster parent must speak the  
4 native language of the child, when necessary legal  
5 assistance is provided by our staff or through other  
6 legal, legal services partners in the city. I'm also  
7 very much appreciative of the support of the De  
8 Blasio administration who has provided a multitude of  
9 resources and supports to assist those children in  
10 need. I'm especially appreciative of the support  
11 provided by the Mayor's Office of Immigrant Affairs  
12 led by Commissioner Bitta Mostofi, the Agency for  
13 Children Services led by Commissioner David Hansell  
14 and the New York City Office of Health and Mental  
15 Health led by Commissioner Doctor Mary Bassett. I'm  
16 also very much appreciative of the work of the  
17 members of the City Council and especially to members  
18 Rafael Salamanca and Vanessa Gibson who immediately  
19 upon learning of the plight of these children  
20 personally reached out to me to offer their  
21 assistance. I also want to publicly acknowledge my  
22 fellow New Yorkers who have also reached out by  
23 donating supplies, clothing, toys and volunteerism to  
24 help these children in need and comfort... and the  
25 provision of comfort for the innocent children who

2 have been impacted by this zero-tolerance policy.

3 Again, I wish to thank the committee for the

4 opportunity to appear and I'm available to answer

5 questions.

6 CHAIRPERSON MENCHACA: Thank you.

7 LORRAINE SANCHEZ: Is it possible for me

8 to retrieve my speech from my phone, it was taken...

9 [cross-talk]

10 CHAIRPERSON MENCHACA: Yes, absolutely...

11 [cross-talk]

12 LORRAINE SANCHEZ: Thank you.

13 CHAIRPERSON MENCHACA: If you want to go

14 next.

15 KEVIN SULLIVAN: Sure... [cross-talk]

16 CHAIRPERSON MENCHACA: Thank you

17 Monsignor...

18 KEVIN SULLIVAN: I do have... a couple of

19 points rather than read this, thank you. Listen, let

20 me say a word of thanks to the chairs, to the Speaker

21 and to Council Member Rivera for putting forth this

22 resolution. There's been some changes in immigration

23 policy recently, they don't do much, they alleviate a

24 little bit. So, to continue to raise up this issue is

25 critically, critically important. Let me say thanks

2 to the words that have been spoken about the good  
3 work that the child care agencies in New York are  
4 doing taking care of these, that is very much  
5 appreciative, and I speak not only for the Catholic  
6 Charity's Agencies that are providing some of this  
7 residential care but for the colleagues, many of whom  
8 I've visited. So, thank you for appreciating that but  
9 I also want to say the reason that we were able to  
10 step up to the plate immediately because as some of  
11 the infrastructure that New York continues to  
12 maintain for vulnerable New Yorkers and you deal with  
13 this all days in terms of funding but to have a  
14 robust set of human service providers who are here  
15 when a new emergency comes that's why we can be the  
16 compassionate New Yorkers that we are. You couldn't  
17 have put this up overnight if there was nothing here,  
18 so I thank you for your ongoing support and you know  
19 I'll be back to ask for more of it so that the  
20 infrastructure remains even stronger. So, thank you  
21 for that. In a particular way what this council  
22 deserves so much credit for is the immigration  
23 initiatives that you've taken over the past four or  
24 five years in which you've put millions of dollars to  
25 maintaining a strong legal representation for

2 immigrants that that was in place and Catholic  
3 Charities is privileged Mario Russell is, is here to  
4 have provided intake and a consultation to every one  
5 of those separated kids who showed up not only in  
6 Catholic Charities facilities but in other facilities  
7 here like Cayuga, like Lutheran Social Services so  
8 those kids knew their rights to the extent a four  
9 year can know their rights but we did coloring books,  
10 we did stuff like that to make sure they knew their...  
11 knew their rights so... but that's only, only because  
12 we had an infrastructure here that could do it so  
13 thank you for what you have said. Let me tell you I'm  
14 one of those disgraceful people who thinks that ICE  
15 is not doing the job that we need doing done. I also  
16 don't know my bible as well as the Attorney General  
17 of the United States and I must have forgotten my  
18 civics lesson if this is what America is supposed to  
19 be, America hasn't been perfect, we've had gross  
20 issues of injustice in the past against whole classes  
21 of people but come on, this is unamerican, it's  
22 unbiblical the way that we are treating people, and  
23 this is just unacceptable. I'm not going to waste a  
24 lot of time dealing with that you all know it, you  
25 articulate it better than me, but it is in that

2 context that we should want families reunited as  
3 quickly as possible. Let me just say one thing, in  
4 the midst of all of the negativity that is right. I  
5 show you a picture of as best I know the first family  
6 that was united in New York; a father with his four  
7 year old son working with Lutheran Social Services,  
8 we were able to provide that father and son and  
9 another father and son a safe family like residence,  
10 the first night that they were reunited after I  
11 believe it was two months and we didn't serve them in  
12 a cafeteria, a box lunch, our incredibly dedicated  
13 staff put together a family dining room so that they  
14 could have a meal with them, believe me that makes  
15 all of this worth while and it throws just a little  
16 bit of goodness into my emotions for what is an  
17 angering, frustrating, unacceptable situation. So, I  
18 want to say thank you for your raising up the issue,  
19 thank you for the infrastructure that enables us to  
20 be a caring New York and we're here to help. We don't  
21 reunite the kids, that's the feds and we need a  
22 better policy but we're here to help along with our  
23 colleagues in whatever way we can. Thank you for this  
24 opportunity.

2 SPEAKER JOHNSON: Mr. Chair I want to  
3 just comment on one thing Monsignor Sullivan said, I  
4 really want to thank you for everything you've done,  
5 you were down at the border yourself... [cross-talk]

6 KEVIN SULLIVAN: I was... [cross-talk]

7 SPEAKER JOHNSON: ...and you were calling  
8 me and texting me from the border talking about what  
9 you could do right when you got back but I also want  
10 to thank you for acknowledging the work that this  
11 council has done and I want to acknowledge the  
12 leadership of my predecessor, Speaker Mark-Vivererito  
13 who was a tremendous leader on fighting and securing  
14 legal services funding for unaccompanied minors long  
15 before this crisis ever hit... [cross-talk]

16 KEVIN SULLIVAN: Yep... [cross-talk]

17 SPEAKER JOHNSON: ...she did it years  
18 before this crisis became a big issue in the media.  
19 We saw children from Central America who were  
20 unaccompanied and fleeing gang violence who ended up  
21 in New York City and in the face of that she worked  
22 tirelessly to secure money for that and I think it's  
23 important to acknowledge her leadership on that as we  
24 have this hearing today because she set the  
25 groundwork and partnered with her in that leadership

2 was our Immigration Chair Carlos Menchaca who has  
3 been doing this work for years now and not to muddle  
4 or muddy the waters in any way but I think it's just  
5 important to say, you know so much of the work that  
6 the council does and that municipal tries to do we  
7 can't do by ourselves, we rely upon non-profit  
8 organizations, social service providers that fill the  
9 gap and step in where government can't and probably  
10 shouldn't do the work all of the time and we do that  
11 through discretionary funding, we do that because  
12 this City Council every year goes through a process  
13 allocating dollars to organizations. Sometimes people  
14 don't like that, but I think it's important today to  
15 acknowledge that part of the reason why we're able to  
16 support the work you talked about Monsignor is  
17 through the discretionary funding the council does  
18 here and I'm really proud of that, thank you very  
19 much... [cross-talk]

20 KEVIN SULLIVAN: Thank you... thank you.

21 CHAIRPERSON MENCHACA: Thank you  
22 Monsignor Sullivan and, and for lifting not just the  
23 voices of the many that you are impacting on a daily  
24 basis but also lifting the values of this city

2 through your work, thank you. We want to go to the  
3 next... Lorraine Sanchez please from Cayuga.

4 LORRAINE SANCHEZ: Thank you. Good  
5 afternoon. Thank you to the City Council, it's  
6 members and its community for inviting us here today  
7 to speak on the urgent topic of separation and  
8 reunification of immigration... immigrant children. My  
9 name is Lorraine Sanchez, VP for New York City  
10 Operations and Community Relations. I'm here today on  
11 behalf of our CEO and President Edward Myers Hayes,  
12 our Board of Trustees and the hundreds of employees  
13 at Cayuga Centers. I do not represent the Office of  
14 Refugee Resettlement, the views I express here today  
15 are not the opinions or a petition of that office.  
16 Let me begin by stating unequivocally that Cayuga  
17 Centers plays no role in the apprehension of.. and or  
18 initial detention of unaccompanied children or their  
19 family members prior to their arrival to our agency  
20 or our foster care program. Cayuga Centers is a New  
21 York non-for-profit agency that serves children and  
22 families in the states of New York, Delaware and  
23 Florida. In addition to providing programs for  
24 persons with developmental disabilities as well as  
25 trauma focused counseling services to children and

2 families, we also provide foster care programs  
3 through the contracts with state and federal  
4 agencies. Under contract with ORR, Cayuga Centers  
5 runs two foster care programs for unaccompanied  
6 children. Unaccompanied children are defined under  
7 federal law as youth with... of the age... under the age  
8 of 18 who do not have lawful immigration status and  
9 for whom there is no legal guardian available in the  
10 United States to provide care and physical custody.  
11 Since the story of these children and these programs  
12 began receiving attention, the care and concern of  
13 the New York City officials and residents has been  
14 tremendous. Mayor De Blasio's team, U.S. Congress  
15 person, person Adriano Espaillat, Carolyn Maloney;  
16 Assembly members Robert Rodriguez and Carmen De La  
17 Rosa; Governor Andrew Cuomo; State Senator Michael  
18 Gianaris; City members... City Council Member person  
19 Mark Levine; Manhattan Borough President Gale Brewer;  
20 and Public Advocate Letitia James have all been  
21 outstanding. They have provided goods and services,  
22 police protections, support for our staff, our foster  
23 parents and, and the collective voice admonishing  
24 those who have... who would be... who would seek to,  
25 sorry, retraumatize these children and invasive

2 tactics. New York... New York's citizens have stepped  
3 towards and forward with open hearts and arms to  
4 welcome these children and provide additional support  
5 for them. We are humbled and grateful. Unaccompanied  
6 children programs were established as a result of  
7 Flores versus Reno Settlement agreement. That  
8 agreement set national standards for the treatment  
9 and placement of unaccompanied children. It provides  
10 that these children be placed in the least  
11 restrictive environment, receive services that ensure  
12 their safety, health and wellbeing and be released to  
13 a parent, legal guardian or other appropriate sponsor  
14 without unnecessary delay. The requirements of the  
15 Flores are described and elaborated upon in ORR  
16 policy which is publicly available. Cayuga Centers is  
17 proud of the fact that the standards of its  
18 unaccompanied children foster care program meet or  
19 exceed or... all, all of ORR requirements. Cayuga  
20 Centers provide a continuum of services to all  
21 unaccompanied children referred to it's program. All  
22 unaccompanied children are placed with highly trained  
23 bilingual and culturally matched foster parents who  
24 have been certified in accordance with New York  
25 Office of Children and Family Services regulations.

2 Children receive full physicals including  
3 immunization and treatment for all illnesses upon  
4 their arrival at Cayuga Centers. Thereafter Cayuga  
5 Centers provides ongoing medical care through it's  
6 clinic as well as referral to outside specialists as  
7 needed. Cayuga Centers provides a day program for all  
8 unaccompanied children that includes instruction in  
9 math, English, science and social studies as well as  
10 practical life skills. The purpose of Cayuga's  
11 education program is to prepare youth to enroll in  
12 school following reunification with family members in  
13 the United States. Cayuga Centers ensures that all  
14 children have daily access to physical activities  
15 including organized sports and play utilizing the  
16 many green spaces that New York City has to offer.  
17 Children also take field trips to local attractions  
18 such as zoos, museums and historical landmarks.  
19 Cayuga Centers provides one highly trained clinician  
20 for every 12 children in it's care, these clinicians  
21 provide trauma focused counseling services to all  
22 children on a weekly basis or more frequently if  
23 needed. They also participate in weekly group  
24 therapy. Cayuga Centers makes referrals to affiliate  
25 social services agencies who provides specialized

2 mental health services for any youth in need of a  
3 higher level of care. For every eight children in  
4 it's care, Cayuga Centers provides a case manager  
5 whose sole purpose is to reunify youth with family  
6 members or other appropriate sponsors. Upon a child's  
7 placement with Cayuga Centers, case managers begin  
8 working diligently to identify a sponsor to whom the  
9 child may be released. Sponsors may be parents,  
10 siblings, grandparents, or extended family members of  
11 the child or they may... they may be non-blood  
12 relatives who have a close relationship to the child.  
13 All sponsors are thoroughly vetted via background  
14 check and some require home studies before a child  
15 may be released to their care. Should a child express  
16 the desire to repatriate to his or her country of  
17 origin, Cayuga Center staff will assist in ensuring  
18 their safe departure and return to their home  
19 country. Cayuga Center staff will assist in ensuring  
20 their safe return. For youth who desire to stay in  
21 the United States who have a potential claim for  
22 legal immigration status and for whom no sponsor can  
23 be identified, Cayuga will refer the youth to an ORR  
24 funded long term foster care program. Cayuga Centers  
25 works in partnership with Catholic Charities

2 Archdiocese of New York to provide legal screening  
3 and representation to all unaccompanied children.  
4 Catholic Charities provides education to all youth  
5 regarding their legal rights and ensures that they  
6 are adequately represented in any immigration  
7 proceeding that may take place while the child is  
8 with Cayuga Centers. Every day Cayuga Centers staff  
9 go far and beyond requirements of their jobs in  
10 ensuring the safety and comfort of all unaccompanied  
11 children referred to their program. Cayuga staff make  
12 themselves available 24 hours a day to meet youth  
13 upon their arrival to New York City. At any hour of  
14 the day staff are there to ensure that newly arrived  
15 youth are fed nutritious food, provide essentials  
16 such as clothes and toiletries, educated about their  
17 rights, seen by a medical professional to address any  
18 health concerns and quickly transfer to the comfort  
19 of a foster home in which they are treated with care  
20 and respect. Cayuga Centers is proud of it's work  
21 serving many vulnerable populations, it's commitment  
22 to providing the highest quality foster care and  
23 services to unaccompanied children is no different.  
24 We are proud of the fact that since our unaccompanied  
25 children foster care program began in 2014 we have

2 reunited more the 7,000 children with sponsors in the  
3 United States. After these children are reunited with  
4 their families they still need our help. These kids  
5 and their families, many of whom require greater,  
6 greater than the New York City area need connections  
7 to services like legal representation, translation  
8 services, health care, and many other supports. We  
9 ask that decision makers keep this in mind and work  
10 to facilitate families access to these services.  
11 These children are here because there are  
12 unprecedented levels of violence in their home  
13 countries. They are here because their families felt  
14 journeying thousands of miles with little food, water  
15 or security was safer than remaining at home. They  
16 are here because this country has historically  
17 welcomed immigrants and appreciated their  
18 contributions to the fabric of our nation. They are  
19 newborns, toddlers, and teenagers simply looking for  
20 a safe haven and an escape from trauma that most of  
21 us will never know. We feel strongly that all  
22 children should be with their families as such we  
23 will continue to work to.. diligently to ensure that  
24 all children in our care are reunited and those who  
25 love them. Thank you.

2 CHAIRPERSON MENCHACA: Thank you Miss  
3 Sanchez for those words of commitment. The Cayuga  
4 Center and our visits or... each of our individual  
5 visits have been incredible and we want to say thank  
6 you again to you and everybody and the work that you  
7 do and, and it was an incredible kind of review of  
8 the work that you're doing and it was an opportunity  
9 for us to bring this out to light so I want to say  
10 thank you for every single word that was mentioned  
11 today and the work that you do and the commitment. As  
12 Chair I'm going to be... we're going to take a quick  
13 pause from this public panel and go to the vote for  
14 the Pre-Considered Resolution and I'm going to be  
15 asking our esteemed colleague, Council Member Rivera  
16 the sponsor of the Pre-Considered Resolution here to  
17 say a few words.

18 COUNCIL MEMBER RIVERA: Thank you Chairs  
19 and fellow committee members and, and thank you  
20 members of the public for your testimony, it's... your  
21 service and your advocacy to this city is invaluable  
22 and, and I'm very humbled to be here and, and proud  
23 to be a New Yorker today in this room. So, thank you  
24 for allowing me to speak on Pre-Considered Resolution  
25 T2418-2018, calling on the US Congress to pass and

2 the President to sign the keep families together act  
3 Senate Bill 3036, which would effectively end the  
4 Department of Homeland Security's ability to separate  
5 families at the US border. Over the past few months  
6 we have witnessed as great a stain on our nation's  
7 moral authority as any in our history as children  
8 have been taken from their parents and sent thousands  
9 of miles away even here to our great city. While  
10 White House policies have changed in the past few  
11 weeks to return children to their parents, many  
12 families still remain separated and the future of our  
13 nation's immigration enforcement system remains in  
14 question. The keep families together act introduced  
15 by California Senator Dianne Feinstein is the only  
16 permanent solution to reuniting families and  
17 memorializes what should have been our policy from  
18 day one. Unless there is reason to believe that the  
19 child's welfare is in danger, experts in their field  
20 will continue to identify potential cases of abuse  
21 and human trafficking and clear examples of jeopardy,  
22 then these families must remain together as they  
23 navigate a traumatic and perilous process. While  
24 every democrat in the House and Senate currently  
25 sponsors the bill, not a single republican in either

2 chamber of Congress has signed on. It's going to  
3 require everyone demanding republican in Congress  
4 take action, own up to the failures of their  
5 president and finally pass the bill. As  
6 representatives of this diverse city, it is our duty  
7 to support our words and actions at rally's and in  
8 the media with a formal resolution in support of a  
9 just and humane policy. When the White House chooses  
10 to paint families who have fled violence, disparate  
11 poverty and other life-threatening circumstances as  
12 animals and puts children in cages, we must unite as  
13 a city and say no to these practices which quite  
14 literally have reached our back yard. This is not  
15 nor, has it ever been a political argument, this is a  
16 human rights violation plain and simple. Our work  
17 will not end when all the families are reunited, we  
18 will fight to pass additional legislation that bans  
19 inhumane family detention as an alternative to  
20 current practices on how we treat asylum seekers. We  
21 will fix our broken immigration system so that all  
22 people no matter their origin have a fair shot to  
23 join this nation and we will abolish ICE and create  
24 an immigration enforcement system that treats every  
25 person with dignity and respect. New York City has

2 been the gateway to millions of immigrants and  
3 refugees for centuries and we will not be complicit  
4 in this moral failure. I call on my colleagues to  
5 support this resolution so that members of Congress  
6 know that America's largest city does not take their  
7 silence or inaction lightly. Thank you.

8 CHAIRPERSON MENCHACA: Thank you Council  
9 Member Rivera, Council Member Ayala and the Speaker  
10 and the entire council for this opportunity to, to  
11 share our voice in this matter and on that I'm going  
12 to ask for a vote on this Pre-Considered Reso.

13 COMMITTEE CLERK DISTEFANO: Matthew  
14 Destefano, Committee Clerk, Committee on Immigration,  
15 roll call vote.. roll call vote on the Pre-Considered  
16 Resolution. Chair Menchaca?

17 CHAIRPERSON MENCHACA: Aye.

18 COMMITTEE CLERK DISTEFANO: Eugene?

19 COUNCIL MEMBER EUGENE: I vote aye.

20 COMMITTEE CLERK DISTEFANO: Dromm?

21 COUNCIL MEMBER DROMM: I proudly vote  
22 aye.

23 COMMITTEE CLERK DISTEFANO: Gjonaj?

24 COUNCIL MEMBER GJONAJ: Aye.

25 COMMITTEE CLERK DISTEFANO: Holden?

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1 COMMITTEE ON HEALTH AND GENERAL WELFARE 46

2 COUNCIL MEMBER HOLDEN: Aye.

3 COMMITTEE CLERK DISTEFANO: By a vote of  
4 five in the affirmative, zero in the negative and no  
5 abstentions the Pre-Considered Resolution has been  
6 adopted.

7 CHAIRPERSON MENCHACA: Thank you for that  
8 unanimous vote here for all the members that are  
9 present, thank you so much and we look forward to  
10 bringing this to the full council next week at our  
11 stated. Now let's go back to our public panel and if  
12 we can have our last speaker join us and... [cross-  
13 talk]

14 KEVIN SULLIVAN: Chairman Mario knows  
15 more about the legal services that have been provided  
16 but in the interest of time if there are any  
17 questions that they have about those the council  
18 should ask question rather than testimony.

19 CHAIRPERSON MENCHACA: Thank you so much  
20 for that and what we want to do now is open it up to  
21 the Chairs, I'm going to have Speaker... first to  
22 Speaker Corey Johnson for questions.

23 SPEAKER JOHNSON: Thank you Chair  
24 Menchaca, I only have a few questions and I also want  
25 to preface my questions by saying we really respect

2 and understand that there's confidentiality at stake  
3 and there's information that you all probably wish  
4 you could share but you can't share with us and we  
5 respect that, we understand that you aren't hiding  
6 anything, you are doing your best to protect these  
7 children and so if there are things that are asked by  
8 the Chairs today that for whatever reason you don't  
9 feel comfortable sharing I want you to know that,  
10 that we understand that and I wanted to preface my  
11 questions with that. So, if anyone can answer this or  
12 all of you can answer this, how has the  
13 administration's response to the court ordered  
14 reunification deadlines effected the work that you're  
15 doing, has it effected the work that you're doing and  
16 the planning on the services for the children that  
17 are under your care?

18 DAMYN KELLY: So, I, I can say that it's  
19 been haphazard, organizations are notified as parents  
20 are released. As Monsignor said the federal  
21 government is the ones who are reuniting the  
22 families, we're there to provide service to bring  
23 them together, to bring them to a safe location. As  
24 of today, there have probably been I believe seven as  
25

2 my... of my last count of children under the age of  
3 four who have been reunited with their parents.

4 SPEAKER JOHNSON: There have been seven  
5 children under the age of four who have been reunited  
6 with their parents who have been receiving services  
7 from your organization?

8 DAMYN KELLY: From all of our  
9 organizations... [cross-talk]

10 SPEAKER JOHNSON: From all of the  
11 organizations, that was the question I was going to  
12 ask so thank you for that information. Was there  
13 anyone else that wanted to respond?

14 KEVIN SULLIVAN: The only thing I would  
15 say is there is no plan, that's... there's no plan and  
16 one of the things we keep... we, we talk about and  
17 we've been saying is we want the families reunited as  
18 soon as possible but we want a plan so that it can be  
19 done... we don't want to impose new trauma by not  
20 planning for the reunification. Let's say... I'll give  
21 you one example, the other night one of our agencies  
22 was told they were going to reunite the child the  
23 next day, they got a call at eleven o'clock at night  
24 saying don't bother tomorrow because everything  
25 wasn't, wasn't set. Well what kind of disruption is

2 that in the life of a child who thinks well finally  
3 I'm going to get back to my parents and now they're  
4 told they're, they're not so they're really... one of  
5 the... [cross-talk]

6 SPEAKER JOHNSON: It's cruel... [cross-  
7 talk]

8 KEVIN SULLIVAN: Yeah, one of... [cross-  
9 talk]

10 SPEAKER JOHNSON: It's cruel... [cross-  
11 talk]

12 KEVIN SULLIVAN: One of the federal  
13 advocacy pieces is let's come up with a plan to do  
14 this, I mean it, it'd be better if a child was maybe  
15 one or two more days in care if there was a plan as  
16 to where, where... thank god for the collaboration of,  
17 of Damyn and his people because we said we're will,  
18 willing to do whatever we can once it happens but we  
19 didn't know when it was going to happen, how it was  
20 going to happen so there's need for a plan.

21 SPEAKER JOHNSON: So, the other question...  
22 there are two other questions, I believe one was  
23 answered before which was how many of the children in  
24 your care have been reunited with their parents and

2 what are their ages if you are able to share that,  
3 what is the total number of children?

4 DAMYN KELLY: So, just to be clear they  
5 aren't necessarily in the care of Lutheran Social  
6 Services as you all... [cross-talk]

7 SPEAKER JOHNSON: Yep... [cross-talk]

8 DAMYN KELLY: They're in the care of any  
9 of the foster agencies within the city. To the best  
10 of my knowledge the, the youngest child has been I  
11 believe three and the oldest has been about four and  
12 a half.

13 SPEAKER JOHNSON: And that's seven  
14 children?

15 DAMYN KELLY: Yes.

16 SPEAKER JOHNSON: Mario.

17 MARIO RUSSELL: Good afternoon and, and  
18 thank you Speaker and Council Members. My name is  
19 Mario Russell, I'm Director of Immigrant Refugee  
20 Services and I'm here to support Monsignor Sullivan  
21 in his testimony. I can add a little bit of maybe  
22 detail to, to the answer to your question, you know  
23 because of the work that we do attending to the  
24 various shelters and meeting with the children, you  
25 know we keep a fairly informal but privately created

2 census so I'll, I'll share in a sense in general  
3 terms but, but I can say that there are about, about  
4 20... about two dozen children under the ages of five  
5 who in a sense would have been eligible for  
6 reunification in the New York area and, and to be a  
7 little clearer and maybe bring us up to date about 11  
8 of those... actually 12 of those children have been  
9 reunified in the last few days so, you know about  
10 another 12 haven't. Now what's become complicated is  
11 that as you well probably know in the last, you know  
12 day or, so DHS has issued some instructions and sort  
13 of parameters for when release is, is possible and  
14 when it's not so, you know what we hear indirectly is  
15 that quite possibly, you know the balance of kids  
16 under five and by... when I say under five I mean  
17 literally under, you know four years and 364 days,  
18 you know they're in limbo because the parents have  
19 been classified either as, you know not possible to  
20 be reached so, so that's... reunification is not  
21 possible in the United States obviously or because  
22 there's a danger or safety issue but we don't have  
23 any control over that, determination over that  
24 process so this is where... what we get and, and add...  
25 and add to that, that as far as I know we don't get

2 that case by case but sort of as a generic, you know  
3 point of information. So, again I think the point is  
4 clarity is missing, process is missing, and  
5 transparency is missing.

6 SPEAKER JOHNSON: So, just one, one thing  
7 that I, I probably should have said before, I know  
8 that the reason why the age is five years old that  
9 has been part of the court order for reunification  
10 under a certain time period that age was chosen by I  
11 believe a federal judge for younger children, I'm not  
12 sure how the judge came to the decision that five  
13 years old was the right age, why not six years old,  
14 why not seven years old, why not eight years old and  
15 I think that's an important thing to talk about that  
16 are there a certain number of children who may  
17 potentially get some expedited reunification but  
18 another set of children who may be months older that  
19 don't get that same consideration which is... seems  
20 pretty arbitrary and strange to me and I don't know  
21 if you have any comments on that...

22 MARIO RUSSELL: Well I do, I mean, you  
23 know it, it is arbitrary. From our practice it does...  
24 the years... five years old is not at sort of legal  
25 determination... [cross-talk]

2 SPEAKER JOHNSON: Exactly... [cross-talk]

3 MARIO RUSSELL: ...theoretically the second  
4 group of kids five and up should be reunited right..  
5 by the end of this month as per the court order so,  
6 in, in theory, right, that should be done but I'm  
7 highly doubtful that we'll move any more quickly with  
8 this second group which is obviously much larger as  
9 well than we have with, with the first...

10 SPEAKER JOHNSON: How many children in  
11 the care of the agencies we're talking about have  
12 been unable to locate a parent after being separated  
13 from them?

14 MARIO RUSSELL: I would prefer to defer  
15 to those who, who run the facilities as a... as a first  
16 pass.

17 DAMYN KELLY: For confidential reasons  
18 I'd prefer not to answer that.

19 SPEAKER JOHNSON: Okay, if you can't  
20 give an exact number could you at least answer  
21 generally that there is a, a portion or a number of  
22 children who are in our city, who are under our care  
23 where we haven't been able to determine who their  
24 parent is without giving us a number?

2 KEVIN SULLIVAN: Let me... let me take that  
3 Corey if you... and because I can speak generically. I  
4 just checked with a subset, this was about a week and  
5 a half... or... about a week, week or so ago and it was a  
6 subset from various places of like 25 kids who were..  
7 and I was very pleased to learn, this is just  
8 anecdotal but of those 25 about 23 had been able to  
9 be in touch with their parents, I don't want to speak  
10 about the whole system because I was actually... I, I  
11 said to people well how many and because those social  
12 workers are working real hard, you know one of the  
13 things which is really fascinating, the unaccompanied  
14 minors who came for the past five or ten years when  
15 they arrived in New York many of them had phone  
16 numbers and pieces of papers sewn into their, their  
17 jackets because they knew they were going well when  
18 these kids came our same staff looked in the pockets,  
19 looked where all the other... and they basically didn't  
20 find anything because those phone numbers were with  
21 their parents so the hard work that, that our staffs  
22 have done and I can say... because they know they got  
23 to be in touch with their parents and so I think most  
24 have been, not ideal but there's at least a little

2 bit of contact we think for most of them but that's  
3 anecdotal.

4 SPEAKER JOHNSON: I think... I think that  
5 answers the question... [cross-talk]

6 KEVIN SULLIVAN: Yeah... [cross-talk]

7 SPEAKER JOHNSON: ...that I was trying to  
8 get at... [cross-talk]

9 KEVIN SULLIVAN: Yeah... [cross-talk]

10 SPEAKER JOHNSON: ...and I... and I... and I  
11 appreciate that. I don't have any further questions,  
12 I want to turn it back over and I want to end just  
13 with this statement, I don't want to get emotional  
14 saying this but I, I just... I... sitting here hearing  
15 the testimony, reading the stories, hearing the saint  
16 like and angelic like work that you all and your  
17 staffs have been doing since this crisis unfolded and  
18 came to our city I have very conflicting feelings  
19 sitting here and it's hard to actually process  
20 multiple feelings at once which is I feel really,  
21 really, really angry that this has happened and then  
22 I feel really, really, really proud and moved by the  
23 compassion and by the love and by the leadership of  
24 you all and the staff and every day New Yorkers who  
25 have tried to participate in a meaningful way to

2 combat this injustice and this cruelty that has wound  
3 up in our city and I think as you said Monsignor  
4 actually in some ways maybe it's good it ends up in  
5 our city because our city's a place that could handle  
6 this and that could handle this and that could handle  
7 this in an appropriate, compassionate, caring way  
8 because of the organizations and infrastructure we  
9 have here. So, I'm pissed that this has happened and  
10 at the same time I am unbelievably grateful to all of  
11 you for the work that you've done and very moved by  
12 that and with that I want to turn it back to Chair  
13 Menchaca.

14 CHAIRPERSON MENCHACA: Hear, hear Speaker  
15 Corey Johnson and I second all of that and say thank  
16 you to all of you. We're going to... we, we want to  
17 spend a little bit more time with the Chairs asking a  
18 few questions and follow up. One, one question that I  
19 want to throw out there is really following up on  
20 this idea of the communication with parents and has  
21 there been a... is, is there 100 percent connection  
22 that every child has made some kind of communication  
23 with parents? I understand that it's, it's been  
24 difficult but are we at a point where every child has  
25 been able to communicate in some way to the parents,

2 we knew that that was... been... has been a big issue? I  
3 know that the press has been great at creating  
4 coalition around figuring out detention center  
5 communication so... has, has every child been able to  
6 communicate with their parent?

7 MARIO RUSSELL: So, this is based on  
8 obviously the, the information and the work of our  
9 legal team and it is in coordination with the shelter  
10 staff which are amazing, our understanding at this  
11 point is that if not all almost all have made contact  
12 with the parent but again it could be the parent who  
13 crossed the border or it might be the parent who is  
14 in the home country and in some instances again to  
15 be... to be clear it might be with, you know a relative  
16 who then contacts the parent so, you know I think the  
17 majority have been in touch with a parent but to some  
18 extent there are sometimes dotted lines if you will  
19 with family members and then finally obviously some  
20 of the kids are one or two so, you know what is the  
21 communication with the parent as far as we understand  
22 there is some of some kind but I... you know I can't  
23 tell with, you know 100 percent but I think all or  
24 almost all are, are, are in contact.

2 CHAIRPERSON MENCHACA: Thank you for that  
3 and, and that kind of begs the second question and  
4 then I'm going to hand it over to Steve Levin or  
5 Chair for the General Welfare Committee. It begs the  
6 question about communication, connection and decision  
7 making about what family reunification means, is that  
8 something that the agencies have been thinking about  
9 with, with kids and, and the team that's coming  
10 around the kids to really understand what that  
11 actually means, what is it... what, what, what is the  
12 next step, what does the solution look like and, and  
13 I think that I'm pointing to a sense of what public  
14 knee jerk reaction has been, it might be... it might be  
15 singular when there are multiple options at the end  
16 of the day that have been presented about what the  
17 next step might look like and it might be a variety  
18 of things and so it'd be good to, to kind of hear  
19 from all of you about what that means, sometimes kids  
20 will be reunited with their parents, sometimes  
21 they'll stay with the sponsor, some... there will be  
22 multiple things and it'd be a good opportunity here  
23 to kind of hear from you about what those options  
24 that have been explored look like for us to have a, a  
25 larger sense, not to be specific on any case, to

2 remain confidential but to allow the public to  
3 understand the incredible complexity of the  
4 definition of family reunification and that next  
5 step?

6 KEVIN SULLIVAN: Damyn you want to take  
7 that?

8 DAMYN KELLY: So, there is... the ultimate  
9 goal is reunification for both those children who  
10 have been separated from their parents as well as  
11 unaccompanied minors. So, with those children who...  
12 unaccompanied minors these are kids who have come  
13 across the border on their own. The idea... the  
14 ultimate goal is to reunite them with a family member  
15 or a suitable adult that knows the family, that is  
16 familiar with the family. Our staff spends an awful  
17 lot of time reaching out to the family, to friends to  
18 make sure that if that child is placed with a  
19 particular family there is a relationship and that  
20 the parent understands that the child went to that  
21 particular family. For those children who have been  
22 separated the goal really is if possible to reunite  
23 them with the parent once the parent has been  
24 released from detention. As was stated before that's  
25 really the federal government who's doing that

2 because it's the federal government who is sending  
3 the parent to the city if the child is in New York  
4 City to be reunited with the family.

5 KEVIN SULLIVAN: See now... just, just say  
6 very simply, I mean when most of these agencies do  
7 deal in New York City with situations in which  
8 tragically there's some abuse and neglect in a family  
9 and they're placed with an agency but from day one  
10 there is conversation, interaction of a substantive  
11 nature with, with Administration for Children's  
12 Services and there's long term discharge planning for  
13 them so that you look at all the options you do... I  
14 mean to say there's that type of collaboration or  
15 cooperation or interaction with, with the federal  
16 government on this is just, just not true. So, you're  
17 right, there should be that type of case planning to  
18 be fair, the issue is let's get them back to the  
19 parents as soon as possible and then the parent  
20 should do their job but there's just not that  
21 collaboration, coordination as we would with our city  
22 partners when we also have a child that needs a  
23 permanency plan.

24 CHAIRPERSON MENCHACA: Thank you and I'm  
25 going to hand it over to Chair Levin.

2 COUNCIL MEMBER LEVIN: Thank you very  
3 much Chair Menchaca. So, then I, I apologize I think  
4 we've, we've kind of talked through the issue a  
5 little bit but I just want to be clear, for Cayuga  
6 and Lutheran how many children right now under the  
7 age of five that were separated under the zero-  
8 tolerance policy are in your agency's care as we  
9 speak?

10 LORRAINE SANCHEZ: For Cayuga Centers I  
11 can't... I'm not at liberty and I don't actually have  
12 the full numbers that we have at our agency right  
13 now.

14 DAMYN KELLY: Same thing, for  
15 confidential reasons we cannot reveal that.

16 COUNCIL MEMBER LEVIN: With... for both  
17 agencies can you describe a little bit... you, you both  
18 have foster care contracts with the city of New York  
19 or just Cayuga?

20 DAMYN KELLY: No, we both... we have both.

21 COUNCIL MEMBER LEVIN: How does the  
22 requirements under your federal contract differ from  
23 your city contracts in terms of training for foster  
24 families, different levels of accountability so... in  
25 terms of the requirements under the contract and then

2 in practice how do you maybe reconcile those  
3 discrepancies in actual practice?

4 LORRAINE SANCHEZ: For Cayuga Centers we  
5 follow the same model as we do for our ACS programs  
6 in terms of... [cross-talk]

7 COUNCIL MEMBER LEVIN: Uh-huh... [cross-  
8 talk]

9 LORRAINE SANCHEZ: ...certifying, training  
10 and licensing for our foster homes, the only  
11 requirement that differs from our ACS foster parent  
12 is that the foster parent for any UC program must be  
13 bilingual, we want to make sure that the children are  
14 paired with someone who speaks their language who is  
15 able to communicate and care for the child and  
16 understand some of the cultural barriers that they  
17 may face here in the United States.

18 DAMYN KELLY: At Lutheran Social Services  
19 it's the same, we, we use the model that's used for  
20 our ACS contracted parents and again our requirement...  
21 the only different requirement is that the family be  
22 bilingual because we want to make sure that the child  
23 is placed in an environment that there's a  
24 familiarity.

2 COUNCIL MEMBER LEVIN: So, at least with  
3 the children that are in your agency's care they're  
4 receiving some standardized level of care that is...  
5 that is required under city and state regulation,  
6 correct?

7 LORRAINE SANCHEZ: Correct.

8 DAMYN KELLY: Right, so when children  
9 come to us they are immediately given medical exams,  
10 they're provided with dental exams, psychological  
11 counseling, they're placed in educational programs,  
12 there's a whole process that goes on from the moment  
13 the child that... arrives to make sure that the child  
14 is healthy, is able to make proper adjustment. I... you  
15 know I... in the hyperbole of the adult community, I  
16 will put it that way there's this belief that these  
17 kids are just dumped and understand that each of our  
18 agencies have been doing this for a number of years  
19 and we're professionals and, and I appreciate the  
20 comments made earlier in support of this staff who  
21 have taken on these tasks because the staff have been  
22 put under tremendous pressure, I will say that just  
23 the recent reunifications that happened on Sunday at  
24 nine p.m. so you have staff who on their weekends are  
25 being called by me saying you got to go here at five

2 o'clock in the morning, you know there's no if ands  
3 or buts, understand that each of our agencies are  
4 professionals, we've been doing this work for a long,  
5 long time, there is no child that we want to see  
6 suffer and, and to, to echo Speaker Johnson's  
7 comments before, you know thank god that there is an  
8 infrastructure in New York City that was able to take  
9 on these children so quickly because god knows what  
10 would happen if we weren't here.

11 LORRAINE SANCHEZ: I would just like to  
12 second that. As I mentioned in my testimony our staff  
13 for all of our agencies hosting these children go  
14 above and beyond to provide the best level of care  
15 for these children and at Cayuga Centers and I'm sure  
16 that at every other agency our motto is that we will  
17 provide the care that we would for our child, we will  
18 not treat any child placed in our agency as if they  
19 were not our own and we ensure that it's the top, top  
20 care that we can provide to these children and make  
21 this process as smooth as possible, I mean of course  
22 given the situation it's, it's practically impossible  
23 but our children and our staff are beyond resilient  
24 and do take every single day as best as they possibly  
25 can.

2 COUNCIL MEMBER LEVIN: Has... do you have  
3 data about the length... the average length of stays in  
4 your unaccompanied minors contract, you know prior to  
5 the zero-tolerance policy and then whether that  
6 average like the stay has been affected at all since,  
7 since this policy has, has been introduced in April?

8 DAMYN KELLY: So, again for  
9 confidentiality reasons... [cross-talk]

10 COUNCIL MEMBER LEVIN: Okay... [cross-talk]

11 DAMYN KELLY: ...I cannot provide you with  
12 that data, but I will say anecdotally that families  
13 are afraid to step and, and when I say families,  
14 families who may or may not be undocumented  
15 themselves... [cross-talk]

16 COUNCIL MEMBER LEVIN: Uh-huh... [cross-  
17 talk]

18 DAMYN KELLY: ...and, and I'll leave it at  
19 that.

20 COUNCIL MEMBER LEVIN: Okay.

21 LORRAINE SANCHEZ: For... [cross-talk]

22 COUNCIL MEMBER LEVIN: It's okay... it's  
23 okay...

24 LORRAINE SANCHEZ: Thank you.

2 COUNCIL MEMBER LEVIN: Okay, maybe this  
3 is a question for... anyone can take this question, has  
4 there... has there been a shift in ORR policy that  
5 you've noticed that has... might have a chilling effect  
6 on potential sponsors to step up to, to, to take care  
7 of these children?

8 KEVIN SULLIVAN: There has been a  
9 chilling effect on every single immigrant in this  
10 country under this administration, people are afraid  
11 to skip. I will tell you a, a tragic story that  
12 happened with a mother's group that we're running in  
13 East Harlem. This happened probably about six, eight  
14 months ago, it has nothing to do with unaccompanied  
15 minors, but it has everything to do with the  
16 atmosphere in this country with regard to immigrants.  
17 One day this group was being run and, and the mother  
18 came in and the mother all of a sudden had blond hair  
19 and was dressed differently, and I saw her at work  
20 and I said hey, you changed your hair, what happened,  
21 and she said, you know if I don't look so Hispanic  
22 maybe they won't deport me. The atmosphere here is  
23 just awful that people are fearful and this just adds  
24 to it and one of the things that we need to be very,  
25 very careful about is this is so egregious, it

2 focuses our attention and we're all human beings so  
3 we think if we deal with this issue we've dealt with  
4 the problem, well snuck in there was the instruction  
5 to immigration judges to no longer consider domestic  
6 violence as a case for, for asylum. Now Mario tells  
7 me that arguably 25 percent of our asylum cases use  
8 that as one of the grounds so make no mistake about  
9 it that there is a whole series of things going  
10 there. This is the most egregious, we got to focus on  
11 this right now but it's the whole atmosphere which is  
12 causing people to, to be very fearful.

13 MARIO RUSSELL: Okay and.. and to pull  
14 that forward, I mean I think, you know ORR's policies  
15 may or may not have changed but the families and the  
16 sponsors who are being referred to here as potential  
17 people to whom children would be, you know any  
18 unaccompanied minor be, you know connected to or  
19 released to they now because of the environment are  
20 hesitant to come forward, they now are hesitant to be  
21 fingerprinted not only they themselves but maybe the  
22 brother who lives in the house..

23 COUNCIL MEMBER LEVIN: Extended family..

24 MARIO RUSSELL: ...or the uncle, right, so  
25 that shuts down that as a potential.. [cross-talk]

2 COUNCIL MEMBER LEVIN: As an avenue...

3 [cross-talk]

4 MARIO RUSSELL: ...for release.

5 COUNCIL MEMBER LEVIN: Okay, my last  
6 question, I wanted to ask about particularly children  
7 in the care programs here in New York City whose  
8 parents have been deported, so I'm reading an...  
9 looking at an article from June 17<sup>th</sup>, 2018 in New  
10 York Times by Mariam Jordan about a young mother from  
11 Guatemala, Elsa Johana Ortiz Enriquez who, who's  
12 eight-year-old son, Anthony ended up in, in... I'm not  
13 sure where Anthony ended up, but mother was deported  
14 back to Guatemala immediately when, when she was...  
15 when she was apprehended in, in Texas. How... are, are  
16 you encountering that as a situation among the  
17 children that you are working with and are... how are  
18 you... if the... if the mother or the parent wants the  
19 child to return to them in their home country how...  
20 what is the process, I mean has ORR given guidance on  
21 that or is there any vehicle by which that child can  
22 be reunited with that parent?

23 MARIO RUSSELL: Your, your question is a  
24 very good one. In theory any vehicle could be  
25 possible that is to say the administration could do

2 anything it wanted to get that child reunified with  
3 mom in home country. The only vehicle that exists is  
4 the deportation proceeding vehicle which is tired,  
5 slow and backed up so to be honest, you know the only  
6 way that that child could be reunified as it stands  
7 now is through voluntary departure done in front of a  
8 judge as expeditiously as possible. I can't speak for  
9 that case, but I know that our lawyers who are  
10 handling those kinds of situations are making motions  
11 to expedite hearings, but you've heard the backlogs,  
12 you've heard the dockets are clogged so it is a  
13 reality, it's a difficult reality, it's a challenging  
14 reality but I think that this could lend itself to,  
15 you know broad sweeping solutions.

16 COUNCIL MEMBER LEVIN: Does that... does  
17 this type of case represent a, a significant portion  
18 of, of the cases that you're seeing where the parents  
19 have actually been deported back to home country  
20 while a child is still here?

21 MARIO RUSSELL: You know it's, it's just  
22 a... probably a smaller percentage.

23 COUNCIL MEMBER LEVIN: Yeah, does anyone  
24 else want to speak to that or... okay, thank you very  
25 much.

COMMITTEE ON IMMIGRATION JOINTLY WITH THE

1 COMMITTEE ON HEALTH AND GENERAL WELFARE 70

2 CHAIRPERSON MENCHACA: Thank you, before  
3 we end... hand it over to Chair Levine, I'm going to  
4 hand it over to a final vote on the Immigration  
5 Committee for the Pre-Considered Resolution.

6 COMMITTEE CLERK DISTEFANO: Committee on  
7 Immigration, continuation of roll call on the Pre-  
8 Considered Resolution, Council Member Yeger?

9 COUNCIL MEMBER YEGER: Thank you Mr.  
10 Chairman, may I be briefly excused to explain my  
11 votes? Thank you. This, this resolution I'm proud to  
12 support it, I will be voting aye by my friend Council  
13 Member Rivera and Mr. Speaker and Council Member  
14 Ayala is, is a resolution that supports a wise  
15 moderate common-sense bill. Senator Feinstein's bill  
16 is joined by our own Senator Schumer and 46 other  
17 members of the Senate, not a single member of the  
18 majority supports this bill and that to me speaks  
19 more than what the contents of the bill is, it speaks  
20 to me about politicization of this question of whether  
21 or not they're actually even looking at what's going  
22 on and making a determination about whether this bill  
23 makes sense. What the bill does and the bill that our  
24 resolution asks the Congress to enact is to enact a  
25 federal presumption in favor of the best interest of

2 the child and making determinations about removal,  
3 that's the same basis on which New York State has in  
4 it's whole family court act when a child is removed  
5 from parents. We always make the decisions based on  
6 the best interest of the children, that's the way  
7 it's supposed to be and the current policy which is  
8 essentially to determine that if the family came here  
9 unlawfully then there's a presumption in favor of  
10 separation that's not just not the American way but  
11 that's not based in any law anywhere in this country  
12 period. So, I support this Resolution, I do vote aye,  
13 the sponsors are wise to have brought this; Senator  
14 Feinstein, Senator Schumer are wise to have done this  
15 and thank you Mr. Chairman for allowing me to come  
16 back and cast my vote.

17 CHAIRPERSON MENCHACA: Thank you so much  
18 Council Member Yeger. Chair Levine.

19 COUNCIL MEMBER LEVINE: Thank you Chair  
20 Menchaca. My goodness there's so much information  
21 that you all have shared with us and the public  
22 that's really good it's gotten out. Some of it is  
23 very painful to hear. I'm still processing the fact  
24 that we have a system that is reliant on children  
25 putting pieces of paper with contact information in

2 their pockets. It's, it's rank incompetence and  
3 clearly in addition to being cruel and inhumane. I've  
4 also heard and you may not be able to comment in this  
5 detail that in fact the federal government has  
6 required an expanded circle of family members be  
7 fingerprinted in the sponsor families and that even,  
8 even home inspections and that this is deterring some  
9 families to participate and that in fact some  
10 families themselves as sponsors may have undocumented  
11 members have even now been entangled with ICE as a  
12 result of their participation in this sponsorship  
13 program, are any of you able to comment on the  
14 accuracy of that? Understood. As Chair of the Health  
15 Committee I want to ask about the state of the health  
16 of the children with respect to their confidentiality  
17 at all times. I have heard that there's a  
18 preponderance of some conditions; skin conditions,  
19 respiratory conditions that presumably originate in  
20 their time in detention centers at the border, I  
21 wonder if you can make any very general comments on  
22 the state of the physical and mental health of the  
23 children in light of the trauma that they have  
24 endured so far?

2 DAMYN KELLY: I, I will say I, I can't  
3 speak specifically to illnesses that you just  
4 described but I can say for the most part physically  
5 the children are well, many receive immunizations  
6 when they're with us. Mental... the mental health, I'm  
7 not a psychologist or a psychiatrist so I can't  
8 attest to their mental behavior but, you know these  
9 are children who have under, undergone traumatic  
10 experiences and, and the literature is very clear  
11 that children who have been separated from their  
12 parents have long term emotional challenges and so  
13 if, if we stay consistent with what the research has  
14 shown we could probably anticipate these children  
15 have the same issues.

16 LORRAINE SANCHEZ: I would just have to  
17 second that.

18 KEVIN SULLIVAN: And let me just say...  
19 take this opportunity to thank this city  
20 administration because very shortly after this crisis  
21 came they visited one of our agencies Bitta was  
22 there, the Chair of Health was there, I was not there  
23 but just said what do we need to do in order to make  
24 sure that... and, and as with any bureaucracy there are  
25 backlogs in terms of making appointments and they

2 kind of cut through some of the red tape to get  
3 appointments for our kids so that we could, could do  
4 it.

5 COUNCIL MEMBER LEVINE: I presume that  
6 you do not have full medical histories on the  
7 children, perhaps you can clarify that and if that's  
8 the case how do you know whether they have required  
9 immunizations and vaccinations, I mean that can be a  
10 matter of life and death for a child of a certain age  
11 depending on the condition, how do you manage this?

12 LORRAINE SANCHEZ: I can't speak on any  
13 specifics, but I would say that our case managers,  
14 our staff are diligently working with sponsors within  
15 the United States as well as whomever is back in-home  
16 country just to make sure that we have the  
17 appropriate information to provide the best medical  
18 care for the children.

19 COUNCIL MEMBER LEVINE: So, are you  
20 confident that the children are up to date on their  
21 vaccinations?

22 LORRAINE SANCHEZ: I'm confident that  
23 we're able to provide the best care for them and  
24 vaccinations is one of the components.

2 COUNCIL MEMBER LEVINE: And medical  
3 allergies, how is that tracked?

4 LORRAINE SANCHEZ: Again, we rely on our  
5 staff to be in constant communication with their  
6 family members to provide us as much medical history  
7 as they can.

8 COUNCIL MEMBER LEVINE: And Mr. Kelly can  
9 you describe perhaps on behalf of the agencies in  
10 general, the, the nature of the medical services that  
11 you have in house, I know that you, you... I think you  
12 have physicians on staff and also mental health  
13 professionals, is that correct?

14 DAMYN KELLY: We, we have mental health  
15 professionals on staff, we also have arrangements  
16 with community health centers and other health  
17 providers to provide health coverage for those  
18 individual... for those children.

19 COUNCIL MEMBER LEVINE: To what extent  
20 have you drawn upon the resources of the city either  
21 the Department of Health and Mental Hygiene or our  
22 public hospitals?

23 DAMYN KELLY: So, as, as Monsignor just  
24 indicated immediately the, the Commissioner of the  
25 Health and Mental Health as well as the staff from

2 Health and Hospitals Corporation came to Lutheran  
3 Social Services to meet with us to offer whatever  
4 help we needed and assistance and so there have been  
5 instances where children have been referred to Health  
6 and Hospital Corporation facilities.

7 COUNCIL MEMBER LEVINE: Understood. I'm  
8 going to just end with this question. We, we know  
9 that you have had needs for donations at certain  
10 points in the last couple of weeks and, and you  
11 received a lot, do you have outstanding needs for  
12 donations; financial I would assume as an ever-ending  
13 need and, and we continue to promote that, but do you  
14 have other donation needs that we can help mobilize?

15 DAMYN KELLY: So, we probably all do so,  
16 I'll go first and let everybody else go. So, I think...  
17 you know one thing I have to say that, that, that the  
18 residents of the city of New York have been  
19 tremendously generous in terms of their time and  
20 their treasure. One of the things that we are  
21 particularly interested in is receiving gift cards to  
22 give to the families when they're reunited because  
23 for a lot of them some have clothing some don't, we  
24 buy what we can but, you know our resources are  
25 limited. One of the gentlemen that were reunited just

2 recently indicated to us that he had been in the same  
3 clothes for the past eight days, you know there... when  
4 we talk about preserving people's dignity it's, it's  
5 not just how you're treated but how you look and how...  
6 you know someone... none of us in this room right now  
7 could stay in the same clothes for eight days, we'd  
8 all go crazy, we really would so I, I... you know we,  
9 we look for gift cards, we look for books, any toys  
10 to, to give to the children, personal hygiene items  
11 for both males and females are definitely a  
12 requirement, those are the type of things we look  
13 for.

14 LORRAINE SANCHEZ: Like we've mentioned  
15 earlier, New York City residents have been such...  
16 great with our agencies with the donations and the  
17 willingness to help our agencies. For Cayuga Centers  
18 we're looking for educational materials like books,  
19 even recreational items, we received a few of those,  
20 like he mentioned gift cards to, to send off with the  
21 families upon reunification and of course as he  
22 mentioned financial as well as to just continue being  
23 able to provide those services to our children.

24 KEVIN SULLIVAN: You know I, I would... I'd  
25 be brought up on charges for malpractice if I didn't

2 say we needed more donations so we would but I would...  
3 but I would also say, I want to go back to what I  
4 said before and, and Council Member Dromm will know  
5 this because I had a very good conversation with him,  
6 funding appropriately the infrastructure of non-  
7 profit organizations in all of our contracts  
8 throughout the years provides that irreplaceable base  
9 and infrastructure that when this happens you can  
10 afford to buy an extra coat or you can... but if you  
11 don't have that infrastructure of good  
12 administration, you want information, if we're not  
13 funded to have the technology to track it then it...  
14 then you get vague answers because we don't do it.  
15 So, so I just... Damyn put in a plug for, for, for that  
16 year-round because that's the basis which is not very  
17 sexy, it's not very whatever but that's what makes  
18 New York able to, to do the compassionate work and  
19 quality work we do.

20 COUNCIL MEMBER LEVINE: Thank you again  
21 for stepping into this crisis all of you and  
22 delivering your services with such professionalism  
23 and compassion and we will continue to support you in  
24 every way we can, thank you.

25 KEVIN SULLIVAN: Thank you.

2 LORRAINE SANCHEZ: Thank you.

3 CHAIRPERSON MENCHACA: Thank you so much  
4 to this panel, thank you again and please give our  
5 incredible thank you to everyone of your staffers  
6 that is in... that is stepping up to this moment and  
7 this crisis with New York values, thank you so much.

8 LORRAINE SANCHEZ: Thank you.

9 CHAIRPERSON MENCHACA: I want to remind  
10 everyone that this... the administration will be next,  
11 if we can have Commissioner Mostofi; Dr. Gary Belkin  
12 from the Department of Health and Mental Hygiene;  
13 Jennifer Havens, New York City Health and Hospitals;  
14 Machelle Allen, Dr. Allen, New York City Health and  
15 Hospitals; Julie Farber, Deputy Commissioner for ACS;  
16 Jordan Dressler, Human... HRA; and I want to say thank  
17 you again for the agencies who came here, they did an  
18 incredible job informing us, they are right now at  
19 the helm of so much work that's happening and they  
20 took their time to come out of their agencies,  
21 outside of the crisis and we want to say thank you to  
22 them. If we could make sure we keep it quite here  
23 please, please... and as the administration settles  
24 into their seats the members that have been present  
25 here today include Council Member Grodenchik,

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2 Treyger, Levin, our Speaker, Gibson, Dromm, Barron,  
3 Ayala, Gjonaj, Rivera, Yeger, Holden, Eugene,  
4 Salamanca and Ampry-Samuel. Oh, yeah and Council  
5 Member Perkins as well, thank you so much. Okay,  
6 thank you to the administration, I want to say thank  
7 you for being here not only being here but waiting  
8 patiently. It, it is a tradition for the Immigration  
9 Committee to have a public panel but we went deeper  
10 and allowed them to speak their voices in a room with  
11 all of us in it because all of us will continue to do  
12 this work together and I want to say thank you, you  
13 have been appreciated by these organizations all of  
14 you that have been doing this work and have assembled  
15 and so just thank you for the call of duty, this is  
16 what New Yorkers do, thank you so much and  
17 Commissioner it is all yours.

18 BITTA MOSTOFI: Thank you. Thank you to  
19 the Speaker, to Chair Levine, Chair Levin and Chair  
20 Menchaca and the members of the committees. My name  
21 is Bitta Mostofi, I am the Commissioner of the  
22 Mayor's Office of Immigrant Affairs... [cross-talk]

23 CHAIRPERSON MENCHACA: And pause you  
24 right there, we're going to do a quick oath... [cross-  
25 talk]

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2 BITTA MOSTOFI: Great... [cross-talk]

3 CHAIRPERSON MENCHACA: ...that I forgot to  
4 do in all... [cross-talk]

5 BITTA MOSTOFI: Oh yeah... [cross-talk]

6 CHAIRPERSON MENCHACA: ...in all the praise  
7 and thanks that I was giving you I forgot to give you  
8 the affirmation and if you could do you affirm to  
9 tell the truth, the whole truth and nothing but the  
10 truth in your testimony before this committee and to  
11 respond honestly to council member questions?

12 BITTA MOSTOFI: I do.

13 CHAIRPERSON MENCHACA: Thank you.

14 BITTA MOSTOFI: I'll speak for them too,  
15 they do too... [cross-talk]

16 GARY BELKIN: We all do... [cross-talk]

17 BITTA MOSTOFI: Okay... [cross-talk]

18 GARY BELKIN: We all do...

19 BITTA MOSTOFI: Okay, great. I'm joined  
20 today by my colleagues from the Administration for  
21 Children Services, the Department for Health and  
22 Mental Hygiene, the New York City Health and  
23 Hospitals and the Human Resources Administration  
24 Office of Civil Justice who along with myself are  
25 happy to answer any questions. In my testimony today,

2 I will describe the effects of the cruel and inhumane  
3 separation of immigrant and families by the Trump  
4 administration on New York City, detail the steps  
5 that the city has taken to fight against this immoral  
6 policy, explain what we've done to address the needs  
7 of children in New York City who have been separated  
8 from their parents, and identify work... ways that we  
9 can work together and remain to do. I want to note at  
10 the outset how grateful I am for the many New Yorkers  
11 who responded to this crisis with donations of money,  
12 supplies, and time. This is a reflection of the  
13 spirit of New York City, the quintessential city of  
14 immigrants and I'm proud to be able to serve and work  
15 alongside such well, welcoming and generous people. I  
16 speak for this city when I say that I am appalled by  
17 the Trump administration's callous disregard for the  
18 humanity of immigrant families and children. The  
19 Trump administration has risked causing permanent  
20 harm to thousands of immigrant children including  
21 those already suffering trauma from experiences they  
22 faced in their home countries. The family separation  
23 crisis was deliberately engineered by the Trump  
24 administration. Federal officials freely admitted  
25 that they intended to separate families as an attempt

2 at deterrence to entrance into the United States.  
3 This separation has been accelerated by the zero-  
4 tolerance policy announced by the Attorney General on  
5 April 6<sup>th</sup> which directed criminal prosecution of all  
6 individuals caught crossing the border without proper  
7 documentation outside of ports of entry. The sheer  
8 injustice and cruelty of the family separation policy  
9 prompted a tremendous outcry across the country  
10 forcing the federal government to end its family  
11 separation policy. In addition, a federal court  
12 ordered the federal government to reunify immigrant  
13 parents and... with their children. The government has  
14 failed to meet the court's deadline to reunify  
15 children under the age of five by this past Tuesday  
16 but the latest update from the government is that 57  
17 of the 103 separated children under the age of five  
18 have been reunified with their parents as of seven  
19 a.m. this morning. I want to bring emphasis that that  
20 means there are a remaining 46 children who have not  
21 yet been reunified with those... with their adults and  
22 the government has indicated that they have been  
23 found ineligible for reunification due to criminal  
24 history or other concerns or because they have  
25 already been deported. We remain very concerned that

2 the federal government has failed to create an  
3 effective comprehensive and immediate reunification  
4 plan. Turning to the needs of the separated children  
5 here in the city, the effects of the Trump  
6 administration's cruel policies and practices have  
7 been most acutely felt at the Southwest border, but  
8 hundreds of separated children have been placed in  
9 temporary residential facilities and foster care  
10 arrangements in New York City. According to the best  
11 information that we have been able to gather since  
12 May there are about 300 children who were separated  
13 from their parents and are temporarily housed in New  
14 York City in federal foster care facilities at any  
15 given time. This is not the city's first effort to  
16 address the effects of a humanitarian crisis for  
17 immigrant children originating at the border.

18 Starting in 2014 this administration and this council  
19 worked together to address a rise in accompanied  
20 minors placed in New York City. We worked to provide  
21 legal services, enroll children in health insurance  
22 and public school and share information of our  
23 crucial city services. At that time the federal  
24 government assisted in some of these efforts. For  
25 example, the Office of Refugee Resettlement offered

2 regular and thorough information and distributed our  
3 resource guide to sponsors and families. The Trump  
4 administration in contrast has failed to communicate  
5 with the city about separated children placed here in  
6 our city. It is inexcusable that the federal  
7 government has failed to fully answer our questions  
8 about the scope of this crisis. By refusing to share  
9 the number and location of children the federal  
10 government posed a challenge to our city's ability to  
11 respond and help care for these kids. Extraordinarily  
12 the federal government has not been able to provide  
13 definitive numbers of how many children have in fact  
14 been separated. These failures demonstrate the  
15 government's negligence in caring for the thousands  
16 of children separated from their families. Despite  
17 the federal government's willingness to share  
18 information, unwillingly, the city has none the less  
19 been able to help children and families affected by  
20 family separation and provide additional supports. In  
21 fact, it was through one individual that the city  
22 first learned about separated children housed in our  
23 city, a relative of a nine-year-old separated from  
24 his mother at the border told us that the child was  
25 in New York City in the custody of ORR. The Mayor,

2 the Commissioners of ACS, DOHMH and I visited Cayuga  
3 Center, the non-profit provider responsible for the  
4 child's wellbeing here. The three... us three  
5 Commissioners also met with other local ORR  
6 contracted organizations and learned at that time  
7 that there were approximately 300 children who had  
8 been separated who are now housed temporarily in our  
9 city many of whom were between the ages of four and  
10 12 this included multiple preverbal toddlers and  
11 babies as small as nine months old. Once we learned  
12 that separated children were being sent to New York  
13 City we immediately launched a multiagency,  
14 multipronged response to both understand and help  
15 address the needs of these children relying on the  
16 experience and work of the federally contracted  
17 providers including Catholic Charities, Cayuga  
18 Center, Lutheran Services and others. MOYA, ACS,  
19 DOHMH learned how the city could assist in the  
20 wellbeing of the children in our city. We coordinated  
21 with the Mayors Fund to advance New York City, New  
22 York City Health and Hospitals, the NYPD, HRA's  
23 Office of Civil Justice, and the Department of Parks  
24 and Recreation to respond to these identified needs.  
25 Through this interagency coordination the support and

2 services the city agencies are providing include  
3 onsite child and adolescent psychiatric consultation  
4 services from mental health staff caring for the  
5 children, health care for children at public  
6 hospitals citywide with direct referrals, training  
7 for foster parents and staff at the non-profit  
8 agencies on serving children with trauma, parental  
9 coaching for teenage mothers who were separated from  
10 their adult mothers and have their infants with them,  
11 increased security at day facilities and during  
12 transportation from intake centers to foster homes  
13 through specialized NYPD patrols, delivery of toys,  
14 art supplies and other items that were indicated to  
15 us as needed, and weekly recreational activities and  
16 field trips to educational and cultural institutions  
17 in the city. We have also provided language access  
18 support. In one recent case for example, MOYA was  
19 alerted by a local provider about language access  
20 needs and was able to help interpretation for a six-  
21 year-old child who only spoke Chu a Native Mayan  
22 language. Additionally, the Mayor's Fund has taken  
23 the lead in soliciting donations from incredible  
24 outpouring of support from New Yorkers and I want to  
25 thank the council members for also coordinating the

2 many donations from across the city and helping  
3 fulfill the requests that were received by providers.  
4 Seeking to meet additional needs for legal  
5 representation and assistants that are unmet by  
6 federal funding through ORR, MOYA and the Office of  
7 Civil Justice are working to connect children, their  
8 parents, and their potential sponsors to free, safe,  
9 and confidential city funded legal services. The  
10 services are being funded through the  
11 administration's immigrant opportunities initiative  
12 and include representation for separated and  
13 unaccompanied children, representation for separated  
14 parents and free and confidential advice and  
15 assistance for family and loved ones applying to be  
16 sponsors for children in the custody of ORR. In  
17 addition to the terrible effects on newly arrived  
18 children and families, the recent news on family  
19 separation may also heighten fears among the city's  
20 immigrant parents who may be at risk of immigration  
21 enforcement. On... in... on this issue I am pleased to  
22 report that a recently passed state law supported by  
23 the Mayor's Office will help immigrant parents in New  
24 York plan for the future and achieve a greater peace  
25 of mind about their children's wellbeing. This new

2 law will allow immigrant parents to designate a stand  
3 by guardian for their child in the event they are  
4 detained or departed. Immigrant New Yorkers can call  
5 3-1-1 and schedule an appointment with Action NYC to  
6 get free confidential immigration legal assistance  
7 including help to appoint a stand by guardian. We are  
8 committed to ensuring that separated children who  
9 come to the city receive the services that are  
10 crucial to their wellbeing. We are thankful for the  
11 collaboration with the non-profit providers in  
12 advancing a shared goal to provide as much comfort to  
13 these children as we can. The city is providing a  
14 range of critical additional services as I noted, and  
15 we will continue to do so. MOYA and our partner  
16 agencies are working to support reunifications by  
17 providing legal services, connecting engaged  
18 community members to advocates and service providers  
19 with expertise and offering logistical support to  
20 national partners working to reconnect parents and  
21 children. In addition to providing services, the city  
22 has fought against the practice of family separation  
23 and we continue to advocate for the immediate  
24 reunification of parents and children against  
25 indefinite family detention. Mayor De Blasio has

2 publicly spoken out against the heartless policy of  
3 family separation and has called on the federal  
4 government to reunify families. In June after the  
5 president... after President Trump signed an executive  
6 order purporting to end family separation the Mayor  
7 and 20 other Mayor's traveled to a federal facility  
8 housing separated children in El Paso in order to  
9 bring awareness to the ongoing humanitarian crisis.  
10 When the federal government failed to provide  
11 information about the number of separated children in  
12 New York City the Mayor sent a letter to Health and  
13 Human Services Secretary Alex Lazar to demand  
14 transparency. We have also worked with our partners  
15 to support litigation on family separation and family  
16 detention. In early July, we joined our cities in  
17 submitting an amicus brief in Flores v. Sessions to  
18 oppose the federal government's attempts to strip  
19 protections from immigrant children. A few days ago,  
20 that court rejected the federal government's request  
21 to be allowed to indefinitely detain immigrant  
22 children. In addition, I recently filed a declaration  
23 in support of Washington versus Trump, a multistate  
24 lawsuit against family separation. We support  
25 bipartisan efforts on the federal level to address

2 family separation, we also strongly support bills  
3 that seek to reunify families including S3036 and we  
4 reject efforts by some opportunistic lawmakers to  
5 link family reunification to other anti-immigrant  
6 provisions. We similarly condemn the president's  
7 efforts to support... to purport to end family  
8 separation by indefinitely holding children including  
9 infants with their parents in detention facilities  
10 and we condemn efforts by republics in Congress to  
11 ling appropriations to the long-term detention of  
12 immigrant children. The separation of children from  
13 their parents is abhorrent and runs counter to who we  
14 are and ought to be as a city and a country. The  
15 Trump administration has not yet articulated a plan  
16 to reunify family members that have been torn apart  
17 and placed hundreds of miles away from each other.  
18 Without a concrete plan to reunify parents with their  
19 children the federal government's claim that it has  
20 ended family separation simply rings hollow. The De  
21 Blasio administration will fight in every way it can  
22 to ensure that families are reunited. In addition,  
23 the city will continue to be responsive to critical  
24 service needs identified for the separated children  
25 in this city. Even prior to this immediate crisis the

2 city council has been a crucial partner in the work  
3 to support immigrant children and families. The  
4 council's continued support for the immigrant  
5 children's advocates relief effort coalition has  
6 ensured that unaccompanied minors facing deportation  
7 receive the legal support that they need. This effort  
8 alongside the administration's historic investment  
9 and legal services for immigrants has allowed the  
10 city to effectively respond to this unique and  
11 profoundly disturbing crisis. We look forward to  
12 continuing to work with the council and our partners  
13 in the community to continue to fight on this issue  
14 and if I may take a minute as a daughter of an  
15 immigrant, as the mother of a two year old and as a  
16 US citizen it has been a hard several weeks and I  
17 just wanted to thank publicly the many myriad of  
18 people that have worked with us to be responsive here  
19 and to express my deep admiration and appreciation  
20 for the public servants that are at this desk and who  
21 have been part of our daily rapid response on this so  
22 thank you.

23 SPEAKER JOHNSON: Commissioner thank you  
24 very much for your testimony and for everything that  
25 you've done and your leadership and we've always had

2 a, a... the council's office has a great relationship  
3 working with MOYA and with you and so we look forward  
4 to continuing that and I am deeply appreciative of  
5 your advocacy and hard work not just during this  
6 crisis that the city has been deeply engaged with but  
7 all the other issues that affect immigrants because  
8 there have been many in the last year and a half that  
9 you've been dealing with on a daily basis and I, I  
10 really want to thank you for that. So, I'm going to  
11 go into a few questions and then hand it back to  
12 Chair Menchaca. I know you just mentioned towards the  
13 end of your testimony that the Mayor sent a letter to  
14 the HHS secretary demanding a level of transparency,  
15 has the administration, any of the agencies that are  
16 represented here today or other agencies whether it  
17 be MOYA, ACS, DOHMH, Health and Hospitals, the Law  
18 Department have been in direct communication not just  
19 a letter but conversations... [cross-talk]

20 BITTA MOSTOFI: Yes... yeah... [cross-talk]

21 SPEAKER JOHNSON: ...phone calls, meeting  
22 with the Department of Justice, the Department of  
23 Homeland Security or DHHS on the issue of the family  
24 separation or reunification?

2 BITTA MOSTOFI: Yes and thank you for the  
3 question. So, the most direct communication that  
4 we've been successful in having with the federal  
5 government was fairly early on as we were just  
6 learning about the situation here in the city. On  
7 June 15<sup>th</sup> Commissioner Hansell from ACS and myself  
8 were able to have a conference call with Senior  
9 leadership at HHS and we... get information about  
10 separated children, how many there were and we  
11 requested to visit the facilities to get more  
12 information to get a breakdown of those children, we  
13 were told during that call that we... that our requests  
14 would be met, it was very shortly thereafter that the  
15 news escalated around the circumstance and since then  
16 none of the correspondence has been responded to or  
17 met.

18 SPEAKER JOHNSON: Has not been responded  
19 to... [cross-talk]

20 BITTA MOSTOFI: Correct.

21 SPEAKER JOHNSON: So, that, that... the  
22 conference call with HHS was on which date?

23 BITTA MOSTOFI: June 15<sup>th</sup>.

24 SPEAKER JOHNSON: On June 15<sup>th</sup> and it was  
25 with senior leadership at HHS?

2 BITTA MOSTOFI: Yes.

3 SPEAKER JOHNSON: And when you asked  
4 about the number of children at that moment in time  
5 who were being housed in New York City through the  
6 federal contracted providers that we heard from  
7 today, what was the number that was given to you at  
8 that moment in time of the number of children who  
9 were here?

10 BITTA MOSTOFI: During the call they were  
11 unable to give us the breakdown of children who had  
12 been separated versus those who were unaccompanied  
13 children in the city... [cross-talk]

14 SPEAKER JOHNSON: But did they give you a  
15 total number?

16 BITTA MOSTOFI: So, they gave us a total  
17 number indicating that it was approximately 700  
18 children that were in the city who were unaccompanied  
19 children.

20 SPEAKER JOHNSON: Unaccompanied but they  
21 weren't giving you a breakdown between separated or  
22 unaccompanied?

23 BITTA MOSTOFI: Correct.

24 SPEAKER JOHNSON: And were we ever able  
25 to get that information?

2 BITTA MOSTOFI: We were not.

3 SPEAKER JOHNSON: And were there any  
4 other conference calls or high-level meetings that  
5 took place between the federal government the city  
6 agencies who have been involved in this?

7 BITTA MOSTOFI: No, there have not been.

8 SPEAKER JOHNSON: That was June 15<sup>th</sup>?

9 BITTA MOSTOFI: Correct.

10 SPEAKER JOHNSON: And there were I assume  
11 multiple attempts after that June 15<sup>th</sup> meeting to  
12 have further conversations and discussions and there  
13 was a level of unresponsiveness you mentioned?

14 BITTA MOSTOFI: You assume correctly,  
15 yes.

16 SPEAKER JOHNSON: That's an outrage...

17 BITTA MOSTOFI: Yes.

18 SPEAKER JOHNSON: That's despicable that  
19 the federal government are cruelly separating  
20 infants, babies and children from their families,  
21 sending them to New York City and then not  
22 communicating with the municipal government which has  
23 a lot of resources at its discretion to be able to  
24 support these children, to not provide a level of  
25

2 transparency, to not provide information makes this  
3 even more sick...

4 BITTA MOSTOFI: Yes...

5 SPEAKER JOHNSON: ...and cruel and  
6 despicable. So, the result of that communication is  
7 what, there wasn't really a result, it was a  
8 conversation and then was there any tangible helpful  
9 results that came from that one conversation?

10 BITTA MOSTOFI: No, as I noted the spirit  
11 of the call was positive with immediate next steps  
12 that were agreed upon, but it was, you know very  
13 shortly thereafter that communication ended, and the  
14 next steps were not met.

15 SPEAKER JOHNSON: How have the recent  
16 court orders on reunification deadlines affected  
17 MOYA's efforts in engaging these children who are  
18 being serviced by the agencies?

19 BITTA MOSTOFI: Yeah, so as has been  
20 noted kind of repeatedly here rightfully, you know  
21 the providers from the organizations that were just  
22 here speaking have been really tremendous in trying  
23 to forecast what this means for the children in their  
24 care and custody, they have reached out to us to  
25 discuss what reunification could potentially look

2 like once there are parents here with children who  
3 might need additional services or shelter or so  
4 forth. We have been on the ready to be responsive to  
5 those needs should they arise, but the information is  
6 sparse, it's inconsistent and as you heard from them  
7 directly it's coming at eleven o'clock at night or  
8 five in the morning with no consistency or clarity,  
9 so it's been extremely challenging to plan  
10 accordingly for reunification properly to know how  
11 best to be responsive to the needs that will arise.  
12 What I will say is apart from the formalized  
13 reunification that's happened there are parents who  
14 have been starting to make their way to New York City  
15 or the surrounding areas looking for their children  
16 many of whom have been able to get in contact with  
17 our office or others who have then connected them to  
18 us. We have been in the process of connecting  
19 individuals to if it's legal resources that they  
20 need, if it's support through transportation to come  
21 and see their children, if it's contact to the  
22 shelter facility or the service agencies and we are  
23 doing that as it's coming to us.

24 SPEAKER JOHNSON: And a thing that just  
25 came to my mind, I mean I'm very upset, I feel very

2 emotional about this but a, a thing that just came to  
3 my mind is that, you know what I believe this hearing  
4 shows and what this whole crisis shows is how  
5 government can be a force for what I would determine  
6 to be evil cruel things or government can be a force  
7 to do a lot of good and I think what MOYA and the  
8 other agencies here have shown in the face of a level  
9 of unresponsiveness, the fact that our municipal  
10 government has been able to be a force for good, for  
11 compassion, for humanity, for trying to right these  
12 very degrading serious wrongs that have been  
13 committed. I just want to go back Commissioner, so  
14 the total number of children even though we didn't  
15 have the breakdown between separated and  
16 unaccompanied was 700 exactly or it was 700 and what,  
17 what was the exact number?

18 BITTA MOSTOFI: Approximate.

19 SPEAKER JOHNSON: We weren't given an  
20 exact number?

21 BITTA MOSTOFI: No, we were not.

22 SPEAKER JOHNSON: So, we were given an  
23 around 700?

24 BITTA MOSTOFI: Yes.

2 SPEAKER JOHNSON: And was there any way  
3 through our own agency detective work... [cross-talk]

4 BITTA MOSTOFI: Yes... [cross-talk]

5 SPEAKER JOHNSON: ...for us to try to come  
6 up with a more accurate number?

7 BITTA MOSTOFI: What we do have is we  
8 have data that ORR does publish over the last five  
9 years or so, that data shows that over the last five  
10 years there's been about 7,000, 6,748 children who  
11 were unaccompanied children who have come through our  
12 city, we estimate that... as I noted in the ORR  
13 capacity that there are about 758... [cross-talk]

14 SPEAKER JOHNSON: The Office of Refugee  
15 Resettlement?

16 BITTA MOSTOFI: Correct.

17 SPEAKER JOHNSON: So... that number again,  
18 758 and... but do we have that number for the period  
19 that we're talking about for this crisis?

20 BITTA MOSTOFI: We do not.

21 SPEAKER JOHNSON: Have we been able... have  
22 we been trying to piece together what that number  
23 would be?

24

25

2 BITTA MOSTOFI: We have but largely  
3 through conversations because as I noted the federal  
4 government has been unresponsive to us.

5 SPEAKER JOHNSON: So, I want to ask this  
6 question and I don't ask this question in a... in a  
7 prejudging way I just... I really... it's important to  
8 preface what I'm about to ask and I ask it in, in the  
9 vein of I think Chair Levine's very powerful opening  
10 statement around the wonderful organizations that  
11 have stepped up to the plate, but I still have to ask  
12 the question. Does MOYA or ACS or DOHMH or H and H  
13 have any concerns with the type of care shelters like  
14 Cayuga, Lutheran Social Services, Catholic Guardian  
15 services or other organizations, are there any  
16 concerns with the level of services that have been  
17 provided to these children?

18 BITTA MOSTOFI: I will start and then  
19 turn it to my colleagues, you know what I think is  
20 striking and this came out in everything that you all  
21 have both said and I think seeing yourselves through  
22 your conversations is that clearly these are  
23 providers that care for the wellbeing of the children  
24 but part of the reason that the city with  
25 intentionality took a very multi-agency response was

2 because we knew that the expertise on the care for  
3 the children was best situated with ACS and the  
4 expertise on the health was best situated with the  
5 Department of Health and, and Health and Hospitals  
6 and so that's why they're here and they can speak  
7 more directly to what we've been able to firsthand  
8 see and understand.

9 SPEAKER JOHNSON: If folks could just  
10 introduce themselves before they speak.

11 JULIE FARBER: Sure, Julie Farber, Deputy  
12 Commissioner of Family Permanency Services at ACS.  
13 And thank you for the question, I mean first off just  
14 to, to make clear as I think everyone now understands  
15 these are two separate systems, the ORR foster care  
16 system is completely separate from the New York City  
17 foster care system but, but as was understood there  
18 are a number of providers who have contracts with ORR  
19 that also have contracts with the city for foster  
20 care services and so therefor at ACS we have  
21 familiarity with, you know obviously a number of  
22 these agencies that also have ORR contracts and, and,  
23 and what I can say is that, you know the, the  
24 providers in the ACS child welfare system are, are  
25 some of the best in the nation. They have helped make

2 New York City a national model for providing child  
3 welfare services and, and while ACS does not have  
4 oversight over the ORR programs we have every reason  
5 to believe and I think folks who have visited and,  
6 and who have experienced these agencies have seen  
7 that these children are, are receiving very, very  
8 good care.

9 SPEAKER JOHNSON: So, there are no  
10 concerns about the quality of services?

11 JULIE FARBER: We have not identified  
12 concerns... [cross-talk]

13 SPEAKER JOHNSON: That's great, I, I'm  
14 really... wonderful, you know that, that's what we've  
15 heard as well, and I think it's important for us to  
16 acknowledge that and say that and be explicit about  
17 that so I'm really grateful to hear that. I just have  
18 a couple more... maybe one more question. How many of  
19 the children and I know again we don't have an exact  
20 number of children and the breakdown, how many  
21 children have received legal assistance?

22 BITTA MOSTOFI: I can give you... give it a  
23 go, so... and Jordan please... our understanding as you  
24 heard from Catholic Charities is that every child has

2 received screening through Catholic, Catholic  
3 Charities ORR funded services... [cross-talk]

4 SPEAKER JOHNSON: That's great... [cross-  
5 talk]

6 BITTA MOSTOFI: ...that's, that's a part of  
7 the wholistic sort of wraparound services that are  
8 provided through the federal contracts. What we've  
9 been working to do and had done so in concert with  
10 the Office of Civil Justice as well as the myriad  
11 legal service providers that are funded through the  
12 council and city funding is assess is that meeting  
13 the full need here in all of the ways that are  
14 required and in this just acutely traumatic and  
15 deeply disturbing crisis our full force of response  
16 in all the ways. What we were able to identify was  
17 that there, there is additional need in taking full  
18 representation for some children and for parents,  
19 there's additional need in providing immigration  
20 legal advice I think rightly noted by some of the  
21 Council Members, through testimony of the last panel  
22 there's concern from sponsors in becoming sponsors of  
23 these children and a large part of that was they were  
24 not getting immigration legal advice so now we've  
25 contracted with our providers to open up brief legal

2 advice for sponsors that's immediately available. We  
3 do know that as of today the city has identified  
4 about 96 cases that will be taken on based on city  
5 funding.

6 SPEAKER JOHNSON: And has any of that  
7 legal assistance that we're talking about in  
8 wholistic manner in the variety of ways you just  
9 delineated has any of that legal assistance been  
10 provided by the federal government?

11 BITTA MOSTOFI: Yes, the initial  
12 screening that is done by Catholic Charities... [cross-  
13 talk]

14 SPEAKER JOHNSON: Is by... is ORR funded  
15 legal assistance?

16 BITTA MOSTOFI: Correct, yes.

17 SPEAKER JOHNSON: Great. I have one final  
18 question... [cross-talk]

19 BITTA MOSTOFI: Do you want to add to  
20 that Jordan? Sorry.

21 SPEAKER JOHNSON: Go ahead. If you could  
22 introduce yourself.

23 JORDAN DRESSLER: Jordan Dressler, Civil  
24 Justice Coordinator with HRA's Office of Civil  
25 Justice. Just to be explicit everything else; the

2 legal... [clears throat] excuse me... the legal advice  
3 for potential sponsors, the legal representation for  
4 children and families that is being supported by the  
5 city.

6 SPEAKER JOHNSON: Is there a breakdown  
7 percentage wise of, of what is ORR funded versus what  
8 is city funded? Is it 50/50, 25/75, do we have any  
9 sense of that?

10 JORDAN DRESSLER: No, no, not  
11 specifically but the work and the investment that  
12 goes into even one case involving full legal  
13 representation for a child who may have been  
14 separated or may have been unaccompanied is vast and  
15 I think far exceeds maybe the provision of  
16 information, legal information for one child by way  
17 of a screening, not undermining the, the, the  
18 importance of that work, I think we're happy to be  
19 filling what can be sometimes largely... [cross-talk]

20 SPEAKER JOHNSON: I think it would be  
21 helpful for us as a city for whatever happens in the  
22 future and for our future budgetary oversight and  
23 responsibilities to actually understand the breakdown  
24 for, for the agencies here to compile a fact sheet  
25 related to legal services provided through city

2 funding or that comes directly from city agencies and  
3 we understand the breadth of that, the need that was  
4 there and so that we can make future decisions based  
5 off of the shifting federal landscape on how we  
6 determine things moving forward on whether or not we  
7 need increases in legal funding for immigrants  
8 because that's been something this council has  
9 prioritized so I would ask you all to, to compile  
10 that for us and get us that information.

11 BITTA MOSTOFI: Uh-huh... [cross-talk]

12 SPEAKER JOHNSON: And I have a final  
13 question. The final question is and that's not a big  
14 deal I'm just wondering Commissioner you said that...  
15 you talked about the city joining Los Angeles,  
16 Chicago, and San Francisco and doing a joint Amicus  
17 brief in the Flores v. Sessions case opposing the  
18 federal government's attempts to strip protections  
19 away from separated children, immigrant children and  
20 then you testified that a few days ago the court  
21 rejected the federal government's request for the,  
22 the indefinite detainment of... [cross-talk]

23 BITTA MOSTOFI: Uh-huh... [cross-talk]

24 SPEAKER JOHNSON: ...immigrant children and  
25 then you said in addition I, Commissioner, recently

2 filed a declaration in support of Washington v.  
3 Trump, a multistate agency law... multistate lawsuit  
4 against family separation, how come that was done in  
5 your capacity as Commissioner, how come that wasn't  
6 done by the Mayor, by the Law Department, by the  
7 entire city of New York, why in one case did the  
8 city... [cross-talk]

9 BITTA MOSTOFI: Sure... [cross-talk]

10 SPEAKER JOHNSON: ...join in opposing in  
11 Flores versus Sessions... [cross-talk]

12 BITTA MOSTOFI: Yeah... [cross-talk]

13 SPEAKER JOHNSON: ...but in this case  
14 Washington versus Trump it was done by you the  
15 Commissioner and not the city of New York?

16 BITTA MOSTOFI: Yeah, so I'm going to  
17 call my, my lawyers later to make sure I got this  
18 right, but the Washington versus Trump was led by  
19 Attorney... States Attorneys General, no cities were a  
20 part of that litigation so no... there's no invitation  
21 to join in the litigation. What we provided to  
22 support that litigation in filing and the reason that  
23 it came from me because it was detailed facts based  
24 on my personal knowledge and understanding of what  
25 was happening here in New York City to support New

2 York City Attorney General's Office in their  
3 submission on... in that case.

4 SPEAKER JOHNSON: Thank you very much, I  
5 turn it back... thank, thank you all for everything, I  
6 really, really am tremendously grateful for the work  
7 that you all have done, you do every day but the work  
8 that you've done throughout the process. The  
9 council's grateful and I'm grateful for your  
10 leadership and advocacy and anything we can do to  
11 continue to support this ongoing work we stand  
12 willing and excited to do so and I turn it back to  
13 Chair Menchaca.

14 CHAIRPERSON MENCHACA: Thank you Speaker  
15 Johnson and I also want to say thank you again for  
16 your incredible work. The Van Guard that's here today  
17 is, is one that needs to be not only thanked but  
18 supported and so we want to do that, and so part of  
19 this work is really trying to understand how we can  
20 do that and understand the gaps of information, gaps  
21 of communication and collaboration. One of the things  
22 that I want to ask a little bit about was the  
23 relationship with the consulates. The consulates we  
24 found have, have some technical components of this  
25 larger understanding of the plan that doesn't exist

2 but is information in real time, each case is  
3 different, each case presents it's own challenges and  
4 we're not dealing with one consulate we're dealing  
5 with many consulates and so what is your  
6 communication Commissioner Mostofi with the... with the  
7 consulates right now or as a team and, and just tell  
8 us a little bit about that flavor of discussion that  
9 you're having with the consulates right now?

10 BITTA MOSTOFI: Sure, I will start by  
11 saying our work with the consulates certainly doesn't  
12 start with this issue, we on a regular basis meet  
13 with consulates particularly CLACNY, which is the  
14 coalition for Latin American consulates, we have  
15 briefings and conversations about myriad issues  
16 impacting immigrant New Yorkers and ways that we can  
17 collaborate together. Some ways that we have  
18 collaborated with consulates include we've done know  
19 your rights sessions and tabling for impacted TPS  
20 holders and... from El Salvador and Honduras and so on  
21 and so forth so that's an ongoing relationship and  
22 collaboration that we deeply value as an  
23 administration and certainly has an impact in, in  
24 moments like this. In terms of sort of conversations,  
25 we've touched base with all of the consulates to sort

2 of understand both what they're seeing and hearing as  
3 well as what their needs might be and ways in which  
4 they can know to rely on our city as a resource...

5 [cross-talk]

6 CHAIRPERSON MENCHACA: What have been  
7 those needs that they have articulated?

8 BITTA MOSTOFI: Well by way of example  
9 recently the consulate general of Costa Rica reached  
10 out to us for assistance on a specific case mostly  
11 regarding a mother whose child was detained in  
12 Arizona and then transferred to New York City and we  
13 were able to connect that mother with legal services.  
14 There have been some concerns expressed to us by one  
15 of the consulate generals around the speed at which  
16 the immigration process takes and, and that sort of  
17 inhibiting the reunification for the parents who are  
18 in home country at this time or have been deported.  
19 We have spoken to her about our shared concern there  
20 and, and ways in which we can continue to support  
21 each other's efforts to try to get information on  
22 that and ensure that the local immigration court is  
23 being responsive to those concerns. Those are some  
24 examples.

2 CHAIRPERSON MENCHACA: We... also... and, and  
3 is there anyone else that wants to talk about  
4 consulate communication or... okay. So, the, the next  
5 kind of category of relationship... or not relationship  
6 but category of kids that are being reunited with  
7 families today and connecting with sponsors we hear  
8 is, is really outside of the city. So, most kids who  
9 are in the process of connecting to a sponsor and  
10 going through the vetting process will, will take the  
11 kid outside of the city, outside of the state and in  
12 other parts of the country sounds like that's what  
13 you're hearing and understanding too in information,  
14 are we also being able to track or connect or support  
15 families that are in process for sponsorship of kids  
16 who will be coming here to the city from other parts  
17 of the country as, as this nonsensical system tries  
18 to address the dates for reunification?

19 BITTA MOSTOFI: I'll start and if others  
20 have anything to add in. So, it is nonsensical in a  
21 lot of ways, I think the best way to describe what  
22 would make sense would be frankly to point to what  
23 happened in 2014 when you saw the surge in  
24 unaccompanied children. There was no, as you rightly  
25 described, way for the city to... you know there's no

2 like depo where they're coming to check in and say  
3 I'm, I'm here if they come to our city nor  
4 necessarily should there be but most of these  
5 children are still... sorry, all of these children are  
6 still in deportation proceedings and so they will...  
7 they would have court dates and what we were able to  
8 set up in 2014 because we had the cooperation of the  
9 federal government was the placement of Department of  
10 Education and Department of Health staff at the  
11 courts during a set juvenile docket to provide  
12 enrollment and information on services for these  
13 young people and also of course the legal service  
14 provision was, was provided in that same way. It is  
15 actually from that effort that our office developed  
16 the first pamphlet that speaks to what young people  
17 and recent arrivals can do once they come to our city  
18 in navigating services and how they can get them, and  
19 we've now translated that into many different  
20 languages. So, there is a template that worked at one  
21 time, it worked because the federal government was  
22 willing to work with us in creating a system and a  
23 process that made sense in serving these children.

24 CHAIRPERSON MENCHACA: And that takes  
25 care of the children that are here, through courts

2 here in our city but that doesn't necessarily take  
3 care of the immigration process outside of the city  
4 for folks that... for, for children that might be  
5 coming and connecting to sponsors here, is that  
6 right?

7 BITTA MOSTOFI: Anybody... any child that  
8 ends up coming here is able to get connected to legal  
9 services here and then... you know I certainly can't  
10 speak to individual cases but my, my sense is that  
11 most of those cases would have been a request to  
12 transfer to New York City once they're placed with a  
13 sponsor here. So, as you... [cross-talk]

14 CHAIRPERSON MENCHACA: And how are we  
15 communicating in general to those families?

16 BITTA MOSTOFI: There is not  
17 unfortunately like I said a systematic way to do that  
18 because we don't have the information of these  
19 individuals or where they are and the way that we  
20 have done that and I think this is credit to sort of  
21 everybody in this room from the providers to the  
22 administration and the council is consistently making  
23 sure that the right messages and information on how  
24 to contact city providers and get city services are  
25 out there and made available to folks.

2 CHAIRPERSON MENCHACA: Got it, two more  
3 questions and then I'm going to hand it over to the  
4 Chairs and then Council Members who I know who have  
5 been waiting for questions. I, I'm curious about the,  
6 the nature of the children who are here in our  
7 agencies in the city limits, there might be other,  
8 other children that, that might be staying outside of  
9 the city limits and ensuring that everyone is getting  
10 legal representation even if they're not necessarily  
11 living in the city limits, are all kids being offered  
12 or are there any children that are being rejected for  
13 legal services for residency requirements, do we  
14 know?

15 BITTA MOSTOFI: So, what I can speak to  
16 is I know for certain that the ORR contracts so  
17 Catholic Charity contracts covers everybody, the,  
18 the... I guess the scope of... in which it covers folks  
19 outside of the state limits I can't speak to. I, I  
20 would note of course that as a city as a whole we've  
21 been looking at the, the larger population of  
22 unaccompanied children and how to ensure that those  
23 who are in the city are able to get representation,  
24 we have received from providers through many  
25 conversations additional capacity that they have to

2 take on some cases in the city limits that are not  
3 yet covered for that population and that is something  
4 that we're working through currently. So, I can't...  
5 we're, we're so focused on making sure that within  
6 the city we're kind of dotting our I's and crossing  
7 our T's in the whole population of unaccompanied  
8 children and I don't know Jordan if you want to add  
9 anything to that.

10 JORDAN DRESSLER: Yeah, the only thing I  
11 would add is it's not clear about refusals because of  
12 the other sources of funding that all of our  
13 nonprofit providers, you know engage with and receive  
14 so I think where we've been successful so far is  
15 identifying needs within the city first I think  
16 starting with a smaller core of separated children  
17 who are in the care of ORR expanding out to a  
18 somewhat larger group of unaccompanied children who  
19 are in the care of ORR and doing our best to make  
20 sure that not only do they have access to full legal  
21 representation but full legal representation that  
22 takes into account their youth and vulnerability. So,  
23 one of the conversations that has been continuing  
24 over the last several days with our providers some of  
25 whom are here is what does this work look like and

2 what are the costs associated with those work... with,  
3 with those cases, it, it will be more than a more  
4 straightforward removal defense at 26 Federal Plaza  
5 in terms of needs for social work and case management  
6 for very vulnerable respondents in removal  
7 proceedings. So, we have been essentially all ears on  
8 that and I think we are very close to a, a final  
9 resolution on, on the funding and the contracting  
10 around that that I think everybody's going to feel  
11 very confident and meets the needs of those children  
12 who are in care in New York City.

13 CHAIRPERSON MENCHACA: So, how... I  
14 understand it as you're trying to figure it out,  
15 there's multiple funding streams and you're committed  
16 to ensuring that every kid gets what they need period  
17 on legal services even if they might be in a  
18 Westchester facility for example but to ensure that  
19 while you do your investigations that every kid will  
20 have as a vulnerable population those legal services  
21 that they need in the midst of multiple funding  
22 streams. I think that's the commitment I'm wanting to  
23 hear right now that we, we don't know what the exact  
24 plan is but that there is going to be commitment at

2 the end of the day that every kid has legal  
3 representation.

4 JORDAN DRESSLER: I don't think that's a  
5 commitment we can make today. I don't think that's a  
6 commitment we can make today because of the moving  
7 target nature of this crisis, the crisis that exists  
8 within New York City and the children who are within  
9 the care of ORR facilities here in New York City that  
10 were dropped here. They came at the border and they  
11 arrived here, and I think we can't turn our back on  
12 those children who are here and so I think as we move  
13 forward the numbers matter and the numbers are ever  
14 changing and so I think what we intend to do is  
15 continue the dialogue with the providers, with other  
16 stakeholders including the council to understand the  
17 nature and scale of these problems and see what is  
18 feasible.

19 CHAIRPERSON MENCHACA: Okay, well... and  
20 again that's going to... that's going to prove to be a  
21 contentious point if we move forward and not make  
22 that... not be able to make that commitment so... but  
23 we're going to want to follow up on that very  
24 specific point that you just brought up that does not  
25 yet allow us to... and I understand that we're still

2 looking for information so we're still trying to  
3 understand but I think the commitment here that we  
4 want to make, the commitment that the council  
5 continues to make in the way that we build our, our  
6 programs and our... in partnership with all of you that  
7 every child that has... while they might be in a  
8 Westchester facility or a facility outside that they  
9 get the services that they need as they go through  
10 the multiple city agencies that they interact with  
11 her in the city and so that, that I think is an  
12 important thing to come back to quickly so that we  
13 can all reaffirm to the public that we are committed  
14 to these kids and that we can send a strong message  
15 to other cities who are trying to figure this out and  
16 don't have the infrastructure that we do so that they  
17 can continue to build upon what the city is doing at  
18 a municipal level across the country. We want to set  
19 an example and that's, that's a... that's just a, a  
20 comment that I want to make to the ever-evolving  
21 issue and crisis that's in front of us. Okay, one  
22 last question outside of this piece which is the  
23 press and I know they're all gone now but the, the  
24 conversations with organizations on the ground have  
25 provided an opportunity to train not just foster

2 families and foster parents and family members but  
3 everyone who wants to have and engage with, with  
4 these children and retraumatizing these kids becomes  
5 often... the, the consequence of our wanting to do  
6 something good for them, is there something in a plan  
7 that's in motion right now with the Mayor's Office of  
8 Immigrant Affairs and this incredible Van Guard that  
9 can show us that you're... that you're thinking about  
10 that too, how do we... how do we train the media that  
11 want to be hanging out, outside of Cayuga that, that  
12 there's sensitivity here, is that something that,  
13 that you're thinking about and can commit to working  
14 with us and anybody... every, everyone else that  
15 there's sensitivity around, around trauma impacted  
16 care?

17 BITTA MOSTOFI: I mean I would certainly  
18 say that this is something that the Mayor has  
19 emphasized especially after his first visit and just  
20 sort of understanding how keenly important it was  
21 that there not be undue additional harm onto these  
22 children, it is something that the Health and  
23 Hospitals representatives have also noted in terms of  
24 kind of what their... they've been seeing and, and the  
25 increased trauma. I think that what we heard very

2 distinctly from the provider agencies with concerns  
3 about folks outside of their facility and the impact  
4 that that might have on children that's one of the  
5 reasons that the NYPD has been a part of our working  
6 group and being responsive to what the providers have  
7 indicated to us would be helpful and, and they have  
8 noted that that has been helpful. I would simply note  
9 and emphasize that we agree with you and if there are  
10 ways to, you know ensure that that message is being  
11 properly communicated in all the right ways our ears  
12 are open.

13 CHAIRPERSON MENCHACA: Good, looking  
14 forward to working with you on that.

15 BITTA MOSTOFI: Sure.

16 CHAIRPERSON MENCHACA: Chair Levin.

17 COUNCIL MEMBER LEVIN: Thank you Chair  
18 Menchaca. So, I will direct most of my questions to  
19 Commissioner Farber as part of the... how this relates  
20 to the ACS, City Foster Care System. I just want to  
21 be clear the, the three agencies that have ORR  
22 contracts in... that provide services for children who...  
23 unaccompanied minors and therefor children who have  
24 been separated at the border under the zero-tolerance  
25 policy are Lutheran Social Services, Catholic

2 Guardians Services and Cayuga Centers within the five  
3 boroughs and then it's my understanding that also  
4 Children's Village and JCOMMITTEE CLERK DISTEFANO in  
5 Westchester, are there any others that we know of?

6 JULIE FARBER: Yes, there are. Abbott  
7 House and Rising Ground which is formerly known as  
8 Leake and Watts and Mercy First. So, there are eight  
9 agencies that are shared contractors of ACS and ORR  
10 and of those as far as we know three of them have  
11 separated children and those are Catholic Guardian,  
12 Cayuga and Lutheran.

13 COUNCIL MEMBER LEVIN: Okay. Are all of  
14 those programs providing services for children of  
15 all... children of all age ranges or is... are only a  
16 certain number of those providing services for like  
17 tender aged children?

18 JULIE FARBER: I don't have detail on, on  
19 all of the ORR programs for, for all of those  
20 agencies.

21 BITTA MOSTOFI: I can jump in a little  
22 bit here and... simply to add that we, we do understand  
23 that there were separated children at Abbott House in  
24 Westchester and in terms of the three that are in the  
25 city limits they have children both who are

2 unaccompanied as well as sort of tender aged so  
3 anywhere from zero to 18 years of age.

4 COUNCIL MEMBER LEVIN: Traditionally has  
5 ACS had any working relationship with ORR on for  
6 example unaccompanied minor's contracts like during  
7 say the Obama administration, was there any level of  
8 communication between ORR and ACS or was it seen as  
9 largely a separate operating system?

10 JULIE FARBER: I can't speak to that, I  
11 wasn't... I wasn't with ACS at that time but what I can  
12 say is that the programs are completely separate...  
13 [cross-talk]

14 COUNCIL MEMBER LEVIN: Uh-huh... [cross-  
15 talk]

16 JULIE FARBER: ...that the ORR  
17 unaccompanied minors, foster care program is  
18 completely separate from ACS foster care and ACS has  
19 no oversight of the ORR programs whatsoever.

20 BITTA MOSTOFI: Council Member the ORR  
21 however did have regular communications with our  
22 office at the Mayor's Office of Immigrant Affairs  
23 under the Obama administration and as I previously  
24 noted in particular after the surge of unaccompanied  
25 children in 2014... [cross-talk]

2 COUNCIL MEMBER LEVIN: Uh-huh... [cross-  
3 talk]

4 BITTA MOSTOFI: ...they were consistently  
5 transparent and open with us providing numbers,  
6 information of the children, where they are, how we  
7 could reach them in terms of the court dockets and so  
8 forth.

9 COUNCIL MEMBER LEVIN: So, you didn't go,  
10 you know four weeks without communication... [cross-  
11 talk]

12 BITTA MOSTOFI: Correct... [cross-talk]

13 COUNCIL MEMBER LEVIN: ...with ORR during,  
14 during that time.

15 JULIE FARBER: Right...

16 COUNCIL MEMBER LEVIN: What can ACS do  
17 now to provide other types of support systems for the  
18 agencies themselves so staff who are suffering  
19 burnout or, or trauma informed wraparound services  
20 for foster families or, or even some type of... some  
21 type of interface with the children themselves even  
22 though they're not going through the, the city's  
23 foster care system?

24 JULIE FARBER: Yeah, thank you for that  
25 question. So, so there's a, a few things that we...

2 that we are doing so first as I... you know as I said  
3 obviously we don't have oversight over these programs  
4 and these programs are, you know delivering a  
5 significant range of services but obviously this is  
6 an extraordinary and unique moment and so the, the  
7 city is, is coming forward to provide whatever  
8 additional supports and services that these agencies  
9 could benefit from that would be helpful to these  
10 children who have obviously experienced incredible  
11 trauma. So, there's a... there's a few things that  
12 we're doing one is that we have made available and  
13 are, are scheduling and there's a few scheduled  
14 trainings around trauma, we have a trauma smart model  
15 that we use at ACS and our, our trauma smart director  
16 Courtney McGinnis is here sitting over there, and we  
17 are making training available in English and Spanish  
18 to staff and foster parents from the ORR programs and  
19 those are in the process of being scheduled. The  
20 other piece is that there are some teenage parents  
21 who are children, adolescents who are in these  
22 programs with their young children, babies and  
23 toddlers and the adult mother is, you know somewhere  
24 in, in detention and so we are making available  
25 parenting coaching services for those teen moms and

2 then thirdly related to the staff and I think you,  
3 you touched on this just sort of the vicarious trauma  
4 that staff can experience in, you know meeting the  
5 needs of these kids who are so traumatized. So, those  
6 are some of the examples of the things that we're  
7 doing. Essentially, we're just responding to whatever  
8 needs that the agencies have and, and this, this team  
9 here is just really being responsive to whatever,  
10 whatever the agencies are asking for.

11 GARY BELKIN: And if I, I could just  
12 flush that out a bit, it's Gary Belkin, Deputy  
13 Commissioner of the Health Department. The Van Guard  
14 here, the parts of the Van Guard at Health and  
15 Hospitals, ACS and the Health Department have really  
16 been in, in... purposeful interlocking lock step in  
17 terms of playing to our strengths and, and offering  
18 opportunities for all three agencies in the areas of  
19 skill training to the staff, self-care to the staff,  
20 coaching to the foster parents, and then direct  
21 clinical care that the agencies are finding that  
22 they.. that that is a stretch for them to meet to the  
23 children directly and so that's been... we've been  
24 engaged in discussions with them and now providing  
25 our services over the last several weeks.

2 JENNIFER HAVENS: And Jennifer Havens  
3 from Bellevue Hospital, Chief of Child and  
4 Adolescents Psychiatry. One, one new need that these  
5 agencies, these programs in particular identified is  
6 obviously they have familiarity with working with  
7 older children and adolescents who have been  
8 traumatized and come across the border by themselves,  
9 but they really need support with particularly young  
10 children who present different kinds of challenges,  
11 so Dr. Belkin's job is, and I'll let him talk more  
12 about it but tapping into their early childhood  
13 mental health network to provide services to these  
14 programs. This is really a new area for them... the...  
15 [cross-talk]

16 COUNCIL MEMBER LEVIN: Uh-huh... [cross-  
17 talk]

18 JENNIFER HAVENS: ...they, they have not  
19 had very young children until this policy went into  
20 place.

21 COUNCIL MEMBER LEVIN: My understanding  
22 is that many of these children have suffered  
23 significant trauma even before this experience in  
24 terms of what they've seen in their young lives, a  
25 lot of these children and their families have fled

2 because of violence and, and they've seen significant  
3 things that no child should, should have to see. So,  
4 there's, there's a... we are... when the children are  
5 here in New York City they are entitled to same  
6 mental health services that any child in New York  
7 City would be entitled to? Another word, how... so, a,  
8 a five-year-old presents signs of trauma whether  
9 they're in ACS's care or you know they're... or not  
10 child is... you know through the city is entitled to  
11 some level of service, so this is... we're able to kind  
12 of use that rubric with these children as well?

13 JENNIFER HAVENS: Yes and, and let's be  
14 clear at Health and Hospitals particularly at  
15 Bellevue where we have the only child psychiatry ER  
16 in the state we've seen these kids for years when  
17 they're in psychiatric crisis... [cross-talk]

18 COUNCIL MEMBER LEVIN: Uh-huh... [cross-  
19 talk]

20 JENNIFER HAVENS: ...and just to go back to  
21 what the Monsignor said I think the city's support of  
22 child and adolescent mental health services in public  
23 hospital system have really allowed us to rise to  
24 this occasion. They have a very specific need for  
25 access to child and adolescent psychiatry because

2 that's not part of their mental health continuum and  
3 obviously all of these children are struggling, and  
4 all of these children are traumatized but there are  
5 kids who have significant disorder associated with  
6 their, their trauma experiences and not only are they  
7 traumatized at home they're traumatized coming across  
8 the border and then they get here, and we take them  
9 away from their parents. So, we are... we are seeing  
10 kids at these agencies, we do have the capacity and H  
11 and H was able to get this done very rapidly to  
12 provide bilingual child and adolescent psychiatrists  
13 who can consult to their mental health staff and help  
14 them with the children who have more complicated  
15 problems and we have established a facilitated  
16 referral system at Bellevue for all of these agencies  
17 if they want kids to be seen by child psychiatry here  
18 and we work in collaboration with their onsite mental  
19 health professionals.

20 COUNCIL MEMBER LEVIN: I think I have one  
21 more question for Commissioner Mostofi about... are  
22 there... we're hearing of, of... and there's been an  
23 amazing ground swell of organizational efforts by New  
24 Yorkers including one effort to raise bail funds and  
25 provide transportation for, for mothers to come to

2 New York to be reunited with their children, are we  
3 seeing that some of these mothers are actually not  
4 able to become the sponsors of their children for  
5 whatever reason and if, if they're not are... and say  
6 there's another sponsorship arrangement or it's a  
7 family member or, or a, a next of kin or something  
8 like that, is there... are we considering that as a  
9 reunite... a reunification or are we not considering  
10 that as a reunification?

11 BITTA MOSTOFI: Yeah thank you for that  
12 question, a couple of thoughts in response. One is  
13 we, we have been learning over the course of the last  
14 several weeks that what you're seeing is a longer  
15 period of stay for these kids in ORR custody than  
16 what has been sort of the average for unaccompanied  
17 children before being placed with sponsors and that's  
18 because there's been an expression by the children of  
19 wanting to go back to their parent and not go to a  
20 secondary sponsor... [cross-talk]

21 COUNCIL MEMBER LEVIN: Uh-huh... [cross-  
22 talk]

23 BITTA MOSTOFI: ...so, I think that's the  
24 first presented challenge. The second as I noted in  
25 my testimony is that the federal government has now

2 indicated at least with this population of children  
3 under five, the 103, that 46 of those children they  
4 will not reunify with their parents for the reasons  
5 that they have articulated. So, they are making a  
6 determination on whether or not reunification is  
7 feasible for kind of the number... they have sort of a  
8 checklist; one, parent they indicated had a  
9 communicable disease, some they said are... have been  
10 deported and therefor they're not going to reunify  
11 them in... when in fact the court order in particular  
12 for the ones who have been deported requires  
13 reunification so I think that they're... the federal  
14 government's sort of response to the reunification  
15 effort presents a lot of the challenges I think your  
16 question is, is asking... [cross-talk]

17 COUNCIL MEMBER LEVIN: Yeah... [cross-talk]

18 BITTA MOSTOFI: ...and certainly from the  
19 city's point of view going to a third-party sponsor  
20 is not reunification unless that's by consent sort  
21 of, of the child and the parent... [cross-talk]

22 COUNCIL MEMBER LEVIN: And the parent...  
23 [cross-talk]

24 BITTA MOSTOFI: Right, if the parent may  
25 have been deported and the child through legal advice

2 and counsel and support of the parent still wants to  
3 remain here to seek asylum or, or special immigrant  
4 juvenile status depending on their particular  
5 situation. So, it is extremely complex and  
6 challenging and I think from our point of view some  
7 of... some of these efforts what they've yielded is  
8 these are not people who are systemically going  
9 through the reunification process that the federal  
10 government has prescribed but rather they're own  
11 efforts to come and reunite with their children and  
12 so they're being required by ORR to go through a  
13 process that the court has mandated should be  
14 tempered unless strict vetting but nevertheless...  
15 [cross-talk]

16 COUNCIL MEMBER LEVIN: Right... [cross-  
17 talk]

18 BITTA MOSTOFI: ...a process so even though  
19 they've arrived in New York City they're not  
20 immediately allowed to be reunified with their child,  
21 they're allowed to see their child every day, but  
22 they're not immediately reunified.

23 COUNCIL MEMBER LEVIN: And that's under  
24 Judge Sabraw's decision to, to... the reunification to  
25 be less restrictive, right?

2 BITTA MOSTOFI: Yeah, the Southern  
3 district in California, yeah.

4 COUNCIL MEMBER LEVIN: Okay, that's...  
5 there was something in... there was some news to me in  
6 what you just said, which is that I thought that the  
7 47 was just that they had not had... that there were  
8 some... that they just hadn't been able to do that yet,  
9 they're saying now that the 47 children... and that's  
10 47 here in... [cross-talk]

11 BITTA MOSTOFI: 46...

12 COUNCIL MEMBER LEVIN: 46 here in New  
13 York City?

14 BITTA MOSTOFI: No... [cross-talk]

15 COUNCIL MEMBER LEVIN: Around the  
16 country... [cross-talk]

17 BITTA MOSTOFI: Around the country.

18 COUNCIL MEMBER LEVIN: ...that those 40...  
19 those 46 children are... they're now saying that they  
20 are not going to reunite those children, I thought  
21 that they were saying that they just hadn't gotten  
22 around to it yet in order to comply with the, the  
23 federal court decision.

24 BITTA MOSTOFI: Our understanding is that  
25 they are saying that the 46 is... are unreunifiable.

2 COUNCIL MEMBER LEVIN: And they haven't  
3 identified the, the reasons why they believe that  
4 they're unreunifiable.

5 BITTA MOSTOFI: They have, those are the...  
6 [cross-talk]

7 COUNCIL MEMBER LEVIN: Specifically, or...  
8 like for each... for each case or... [cross-talk]

9 BITTA MOSTOFI: Not... certainly not  
10 publicly but they have noted in a press release the  
11 different reasons that have disqualified a  
12 reunification process and of course today the DOJ is  
13 required to present again to the court, I'm sure this  
14 will be a topic of discussion as well as the  
15 remainder of the children... as well as the remainder  
16 of the children who are over the age of five and the  
17 reunification plans for them. My, my team is just  
18 handing me the press release, but I think I mostly  
19 touched on it correctly, right, yeah. Forty-six  
20 children... yes, 22 children ineligible due to safety  
21 concerns, one communicable disease, yeah...

22 COUNCIL MEMBER LEVIN: Okay. I think  
23 that's... I think that's it for me, so that's obviously  
24 very concerning... oh, does that include some of the

2 family.. the, the mothers that have been.. that have  
3 come to New York, do we know that?

4 BITTA MOSTOFI: We don't.. we don't know,  
5 we don't know sort of the breadth of inclusion,  
6 certainly what they're breaking down is the 103  
7 children that are under the age of five..

8 COUNCIL MEMBER LEVIN: Under the five so,  
9 right, so.. [cross-talk]

10 BITTA MOSTOFI: Yes.. [cross-talk]

11 COUNCIL MEMBER LEVIN: ...it could very  
12 well be.. how many children over the age of five do  
13 we.. [cross-talk]

14 BITTA MOSTOFI: The, the estimates.. so,  
15 they have not given an exact number, perhaps they  
16 will do that today, are about 3,000 total.

17 COUNCIL MEMBER LEVIN: 3,000 total and of  
18 those over 700.. or over.. no, over 600 here in New  
19 York?

20 BITTA MOSTOFI: About total.. our  
21 estimates are about 300 children in, in the New York  
22 City.. [cross-talk]

23 COUNCIL MEMBER LEVIN: Okay.. [cross-talk]

24 BITTA MOSTOFI: ...in New York City proper  
25 and I think as you heard from Catholic Charities

2 there are sort of rough census based on who they've  
3 seen are about one to two dozen of those are probably  
4 under the age of five and the remainder are over.

5 COUNCIL MEMBER LEVIN: Okay. Okay, thank  
6 you. Okay, I'll turn it back over to my colleague,  
7 thank you.

8 CHAIRPERSON MENCHACA: Thank you Chair  
9 Levin, I'll hand it over to Chair Levine.

10 COUNCIL MEMBER LEVINE: Thank you Chair  
11 Menchaca. Commissioner Farber very good to see you. I  
12 want to clarify something, you said that Rising  
13 Ground and Abbott House are city contracting agencies  
14 to... that do not have separated children, we've been  
15 in contact with both those agencies extensively  
16 through our donation program and it may just be that  
17 they... their children are located out of the five  
18 boroughs but they're certainly working with separated  
19 children, could you clarify that?

20 BITTA MOSTOFI: Yeah, I did try... [cross-  
21 talk]

22 JULIE FARBER: Yeah, she did... [cross-talk]

23 BITTA MOSTOFI: ...to clarify that... [cross-  
24 talk]

25 JULIE FARBER: Yeah... [cross-talk]

2 COUNCIL MEMBER LEVINE: Okay... [cross-  
3 talk]

4 BITTA MOSTOFI: ...which is that outside of  
5 the city that Abbott House and Rising... I believe  
6 Rising also Ground has separated children, but our  
7 focus has been the three within... [cross-talk] [cross-  
8 talk]

9 JULIE FARBER: In the city... [cross-talk]

10 BITTA MOSTOFI: ...the city.

11 COUNCIL MEMBER LEVINE: Understand just  
12 wanted to clarify that... [cross-talk]

13 BITTA MOSTOFI: Yes, yes... [cross-talk]

14 COUNCIL MEMBER LEVINE: ...and, and, and I  
15 will say for the record that all indications are that  
16 those two agencies have been doing outstanding work,  
17 they weren't here today but I want to give that  
18 credit as well.

19 BITTA MOSTOFI: Yeah.

20 COUNCIL MEMBER LEVINE: Dr. Allen very  
21 nice to see you. When Dr. Katz updated the public on  
22 this issue about three weeks ago he was able to share  
23 some of the numbers on children who have come to H  
24 and H facilities for services, can you give us more  
25

2 current information on the number of children who've  
3 come to H and H for services?

4 MACHELLE ALLEN: So, actually I cannot  
5 give you an exact number. As you may know we were  
6 seeing these children before we became aware of the  
7 situation and our general policy in practice is not  
8 to query immigration status, so it is only by self-  
9 disclosure that we... some of our providers were seeing  
10 an increased number of very young children and it was  
11 through the conversation that they learned of the  
12 situation. I have to say on an ongoing basis other  
13 than the requests that come to us through a set up  
14 hotline that we've shared with the agencies we don't  
15 really know the background of the children we're  
16 seeing. So, when we became aware of the situation,  
17 actually the day after Dr. Katz's press conference we  
18 actually visited with our colleagues, the three  
19 agencies; Cayuga, Catholic Guardian and Lutheran and  
20 asked them what they needed and in response to their  
21 needs we've actually set up a hotline for pediatric  
22 specialty services so even though medical care is  
23 provided on site it's the subspecialties that they  
24 don't have so they've called us for subspecialty  
25 services and then with the support of Child and

2 Adolescent Psychiatry we have a network and a process  
3 for seeing those children and so Dr. Havens can tell  
4 you the number of children who we are aware of that  
5 have come through our CPEP, our child CPEP but we  
6 don't know if the number is larger than that.

7 JENNIFER HAVENS: Yes, again... Jennifer  
8 Havens, Chief of Child Psychiatry, Bellevue. The only  
9 reason we figured this out and it was really  
10 connected to the media buzz was we saw a six-year-old  
11 in our CPEP who was from Cayuga and... sort of classic  
12 presentation of a very traumatized young child who  
13 less experienced mental health professionals might  
14 mistake the kid's presentation for psychotic symptoms  
15 when really what he was having was a flashback..  
16 [cross-talk]

17 COUNCIL MEMBER LEVINE: Wow... [cross-talk]

18 JENNIFER HAVENS: ...so... and, and that's,  
19 that's... we worked closely with Cayuga, Lutheran and  
20 Catholic Guardians because again we have that program  
21 and we have, have had a number of the unaccompanied  
22 minors on our inpatient service at Bellevue,  
23 adolescents of course but we're now in... with Cayuga  
24 we're now working closely with their mental health  
25 staff. We've... have a child psychiatrist who's with

2 them every weeks so we... you know we're seeing whoever  
3 they want us to see which is usually the more complex  
4 kids and also helping some of the mental health staff  
5 there understand how to think about what trauma looks  
6 like in very young children and distinguish it from  
7 other things and they do have... they, they... most of  
8 the kids amazingly are resilient but they do have a  
9 group of kids who need higher level services.

10 COUNCIL MEMBER LEVINE: And are you able  
11 to share the number of children you've seen, you  
12 mentioned the heartbreaking anecdote of the six-year-  
13 old but... [cross-talk]

14 JENNIFER HAVENS: We... [cross-talk]

15 COUNCIL MEMBER LEVINE: ...the total  
16 number... [cross-talk]

17 JENNIFER HAVENS: We've seen... we've seen  
18 about four more kids, we just started this week and  
19 we have also opened up our... some of the agencies  
20 prefer to send the kids to our clinic than to have us  
21 with them so we, we've, we've just opened that up to  
22 Lutheran and Catholic Guardians and we are tracking  
23 that information but again I think it's a... it's a...  
24 probably... it's probably a five to ten maybe 15  
25 percent of the kids that are... just like any

2 population of kids, you know 20 percent of kids have  
3 a mental health problem, ten percent is moderate to  
4 severe, maybe it's a little higher in this group but...  
5 so if there are 300 kids, there... I'm sure there are  
6 at least 30 or 40 kids that are going to need this  
7 level of care.

8 COUNCIL MEMBER LEVINE: Understood and  
9 Dr. Allen just to clarify because if I'm not mistaken  
10 at his press appearance three weeks ago Dr. Katz did  
11 report on the number of self-identified.. yes, you  
12 don't ask the immigration status but self-identified  
13 separated children..

14 MACHELLE ALLEN: Right and I don't have  
15 an update to that from his.. [cross-talk]

16 COUNCIL MEMBER LEVINE: Could you get  
17 that for us.. [cross-talk]

18 MACHELLE ALLEN: ..press conference..  
19 [cross-talk]

20 COUNCIL MEMBER LEVINE: Or even, even to  
21 share privately with the council if there's a..  
22 [cross-talk]

23 MACHELLE ALLEN: Yeah... I don't have a... an  
24 update from what Dr. Katz shared when he shared I  
25 think the number 12 at that time.

2 COUNCIL MEMBER LEVINE: But that was  
3 three weeks ago.

4 MACHELLE ALLEN: That was two weeks ago.  
5 What I do have is the requests that have come up on  
6 the hotline and it's been two in the one week that  
7 ended... actually as of this morning we've had two, one  
8 for podiatry and one for neurology sub-specialties.

9 COUNCIL MEMBER LEVINE: And are you able  
10 to confirm, I'll just use the clinical term that  
11 there was a case of, of suicidal ideation?

12 MACHELLE ALLEN: I have to defer to Jen.

13 JENNIFER HAVENS: I don't... I think that  
14 case might have been at Bronx Leb, I mean at North  
15 Central Bronx. We, we... this... we did see a kid... I mean  
16 suicidal... it wasn't a suicide attempt, it was  
17 suicidal ideation is my understanding, that's not an  
18 uncommon presentation in depressed and traumatized  
19 kids. The, the boy we saw wasn't really suicidal, the  
20 six-year-old so I don't... I... we haven't had a... we've  
21 had other cases, we haven't had a, a clear case like  
22 that but certainly you're going to find that in some  
23 subset of the kids particularly... there, there are  
24 kids who are having major depression and that's often  
25 accompanied by either suicidal ideation or attempts,

2 I mean this is... you know in America we only take  
3 children away from their parents when their parents  
4 are harming them, this is a very profound thing that  
5 this administration has done, one of the most  
6 poignant things for me is for the Times articles  
7 about parents being reunified for their kids and  
8 having their kids not recognize them or, or be  
9 confused, you know because particularly the young  
10 kids are going to attach... like say attachment is like  
11 air, you have to have it so if you can't get it from  
12 one place you're going to get it to... so they're  
13 attaching to their caregivers in these agencies who I  
14 will reinforce do lovely work and their foster  
15 families and then to have... for parents to have to go  
16 through sort of reacclimating themselves to their  
17 children is horrific.

18 COUNCIL MEMBER LEVINE: Indeed. Just to  
19 confirm your purview is Bellevue Hospital and  
20 therefore you wouldn't necessarily have knowledges of  
21 cases in other H and H facilities or... is that  
22 accurate?

23 JENNIFER HAVENS: Yes, we have... we have  
24 set up... we have done a lot of work with the agencies  
25 to try to make sure if kids are in psychiatric crisis

2 they get them to Bellevue, that's something the  
3 agency, agency... because... only because Bellevue has a  
4 child CPEP, so we have 24/7 child psychiatrists  
5 there. They, they do sometimes go to other hospitals  
6 in, in ER situations... [cross-talk]

7 COUNCIL MEMBER LEVINE: But the protocol  
8 is they should be transferred to Bellevue?

9 JENNIFER HAVENS: If... yes, that's what  
10 we're working on. They, they have to... they have to be  
11 evaluated at the other hospital, if they need  
12 admission they should come to Bellevue so we're,  
13 we're communicating among ourselves very... fairly  
14 effectively. There was a kid at MET last week who we  
15 got down to Bellevue so... the, the best thing to do is  
16 to serve the kids in the agency sites or in our  
17 clinic before they need that level of care and that's  
18 really what we're focusing on.

19 BITTA MOSTOFI: And I think just to be  
20 clear to your question, when Dr. Katz presented on  
21 the 12 or so a few weeks back that was before we had  
22 set up the process with the agencies to send the kids  
23 to Bellevue so they... and they had expressed to us  
24 that they were kind of going to the nearest five  
25 facility or hospital for services at that time.

2 JENNIFER HAVENS: For medical care,  
3 they've all... [cross-talk]

4 BITTA MOSTOFI: Yes... [cross-talk]

5 JENNIFER HAVENS: They've always used  
6 the... [cross-talk]

7 BITTA MOSTOFI: Yeah... [cross-talk]

8 JENNIFER HAVENS: ...the child CPEP or at  
9 least for the last five years when it opened so...  
10 they... we have an ongoing relationship... we've had an  
11 ongoing relationship with them.

12 COUNCIL MEMBER LEVINE: Got it, so even  
13 for non-mental health incidents... [cross-talk]

14 BITTA MOSTOFI: Yep... [cross-talk]

15 COUNCIL MEMBER LEVINE: ...they're now  
16 being sent to Bellevue?

17 JENNIFER HAVENS: No, they're being sent  
18 to... [cross-talk]

19 COUNCIL MEMBER LEVINE: Only for mental  
20 health... [cross-talk]

21 JENNIFER HAVENS: Yeah, they're being  
22 sent to... they... the, the eight kids that were  
23 identified in Dr. Katz's press conference had gone to  
24 the pediatric emergency room at North Center Bronx...  
25 [cross-talk]

2 COUNCIL MEMBER LEVINE: Right... [cross-  
3 talk]

4 JENNIFER HAVENS: ...because that... these  
5 kids are in foster care in the Bronx... [cross-talk]

6 COUNCIL MEMBER LEVINE: Right... [cross-  
7 talk]

8 JENNIFER HAVENS: So...

9 COUNCIL MEMBER LEVINE: Understood. I was  
10 quite alarmed in our panel discussion with the  
11 agencies to learn that there are not complete medical  
12 records for the kids when they arrive which to me for  
13 questions of vaccination is, is quite a serious  
14 concern, if, if someone is missing a vaccination that  
15 could be life threatening and if someone gets a  
16 repeat on the vaccination they already had actually  
17 that can be a big... very serious health problem not to  
18 mention medical allergies and other things. Dr. Allen  
19 were you going to speak to this topic?

20 MACHELLE ALLEN: So, I can't speak for  
21 what's going in the foster agencies but I have to say  
22 having visited them they're doing the best they can  
23 with what they have and if you see many of our  
24 patients often arrive without their pass medical  
25 histories and we have to make a phone call to a

2 doctor in another country or do that kind of outreach  
3 so that's not unusual for our patient population, the  
4 immigrant population and you start with what you  
5 have.

6 JENNIFER HAVENS: And, and that's  
7 certainly true on the mental health side also and one  
8 of the reasons in the largest program we chose to put  
9 the child psychiatrist in the program is the sources  
10 of information about the kids functionality are going  
11 to be the agency staff and the foster care staff, you  
12 know the challenge is you don't know what was the  
13 child's baseline and we're dealing with some kids who  
14 maybe have developed mental issues, maybe have  
15 language issues. We have no background, of course the  
16 agencies can help us try to have contact with the  
17 biological family members and, and that's part of  
18 what we do when we're working with them, so we get  
19 some backhand history, but you know we have a fair  
20 amount of... I'm looking at Commissioner Farber, we  
21 have a fair amount of experienced kids come into our  
22 psych emergency room on the ACS side where we have  
23 very minimal information, it's easier to find their  
24 parents sometimes but it's, it's not uncommon.

2 MACHELLE ALLEN: And I, I agree with you  
3 it's a disservice not to be able to talk to a parent  
4 and ask the questions, the basic questions; does your  
5 child... is your child allergic to tomatoes, does your  
6 child have asthma, does your child need to carry an  
7 epi pen, certainly understand the concern and that's  
8 the unfortunate thing of separating a child from the  
9 parent who has that history.

10 COUNCIL MEMBER LEVINE: Do we establish a  
11 medical history for them that they travel with the  
12 child to their next stop?

13 MACHELLE ALLEN: Absolutely.

14 COUNCIL MEMBER LEVINE: Is that... is that  
15 an electronic medical record or is that... [cross-  
16 talk]]

17 MACHELLE ALLEN: So, we're establishing..  
18 we're in the process of switching to all electronic  
19 medical records but absolutely it would be an  
20 electronic medical record. When a child comes to us  
21 or anybody comes to us we start the medical record,  
22 we document in the electronic medical record, it  
23 becomes a permanent record, when a person leaves we  
24 print out a summary of the visit that they can carry  
25 with them and I... with... I'm not a pediatrician but a

2 mother and you get the little orange passport with  
3 all the vaccinations documented..

4 JENNIFER HAVENS: And, and the agency..  
5 the agencies when they're... when they're placing kids  
6 say with sponsors or with parents they do create a  
7 packet that contains all their health and mental  
8 health information that goes with them, I mean I  
9 think one challenge is we're starting to treat some  
10 of these kids as they're going to other parts of the  
11 country that don't have the same kind of mental  
12 health infrastructure that New York City does so  
13 that's going to be... that's going to be a piece of  
14 work for us to help them with.

15 COUNCIL MEMBER LEVINE: And Dr. Belkin  
16 can you explain the extent to which DOHMH staff have  
17 directly interfaced with either the children or the  
18 staff working with the children, have you been on  
19 site at the agencies.. [cross-talk]

20 GARY BELKIN: Yeah, so we've, we've been  
21 on site working with the leaderships of, of the three  
22 agencies and you know you're... you have at the table  
23 a lot of people who've known each other for a long  
24 time and we started to compare notes very quickly and  
25 as I mentioned just briefly as sort of a division of

2 labor broke out where we with ACS really bringing  
3 into the buildings supports to the staff and supports  
4 to the foster parents; what skills do they need, what  
5 self-care supports do they need and H and H bringing  
6 in either directly or by referral more intensive  
7 child specific clinical consultation or treatment and  
8 so we have in, in, in process all the above as the  
9 agencies requested they had needs for in terms of  
10 staff supports, staff trainings, staff self-care and,  
11 and foster parent support. You heard about trauma  
12 smart as one method that we use across our ACS  
13 learning... early learn locations, the early childhood  
14 mental health network that we were able to, you know  
15 call together in a day, you know 15 Spanish native  
16 speaking consultants who every day are consulting to  
17 staff who are dealing with unfortunately traumatized..  
18 thousands of traumatized New York children in, in our  
19 day care and other settings who we were able to  
20 deploy to be available to these agencies. It  
21 underscores I think again the infrastructure issue  
22 and to thank and acknowledge the council, I know  
23 Chairman Ayala had to leave but all the assets I just  
24 mentioned and I'm just realizing this early childhood  
25 mental health network, trauma smart, our Thrive NYC

2 investments, these are now part of the fabric of our  
3 resiliency as a city to be able to have a safety net  
4 of smart community mental health capabilities to  
5 respond not just to the needs that they were  
6 originally designed for but for any needs that come  
7 our way so we were able to act quickly and really  
8 bring these things to bear as we can bring them  
9 elsewhere and I, I also want to acknowledge the  
10 agencies again, they've been transparent, they've  
11 been clear about what they need, what they don't  
12 need, very cooperative, very collaborative, available  
13 seven days a week for planning and most of the mental  
14 health care happens by them, with them in their  
15 buildings from their teachers down to their line  
16 staff, the foster parents and we are really kind of  
17 their support system and filling in, in the skills  
18 and support they need with this heightened level of  
19 difficult and challenging work that they have really  
20 risen to the occasion to own and to... and to lead on.

21 COUNCIL MEMBER LEVINE: Thank you very  
22 much. Thank you to all of you for your service during  
23 this very, very difficult period, thank you.

24 GARY BELKIN: Thank you.

2 COUNCIL MEMBER LEVINE: Thank you Mr.  
3 Chair.

4 CHAIRPERSON MENCHACA: Thank you Chair.  
5 Before you all leave though I want to ask a question  
6 that... really jumping off of what has been discussed,  
7 the three... the three different committees focusing on  
8 health, mental health or kind of immigration  
9 component and legal services, ACS, etcetera, leave us  
10 with a city talking about speaking to, connecting  
11 with these agencies, Governor Cuomo has promised a  
12 lot in his recent testimony and public speeches about  
13 bringing more services of different kinds, what has  
14 you're your connection, relationship, facilitation,  
15 collaboration, communication, etcetera with the state  
16 agencies and can... just give us a breakdown of what,  
17 what, what's happening right now in terms of your  
18 communication with OCF... OCFS, the State Department of  
19 Health, etcetera?

20 JULIE FARBER: So, OCFS obviously is  
21 ACS's oversight and, and regulatory agency and so  
22 we've been in regular communication with OCFS as we  
23 are, you know on, on all such matters and are, are  
24 regularly in... you know connecting and communicating  
25 about these issues.

2 CHAIRPERSON MENCHACA: Where, where are  
3 we having communication I guess, where, where are the  
4 lines open with the state? So, OCFS, great, where  
5 else are things open?

6 BITTA MOSTOFI: The Attorney General's  
7 Office we've been in communication... [cross-talk]

8 CHAIRPERSON MENCHACA: Okay... [cross-talk]

9 BITTA MOSTOFI: ...with around the  
10 litigation and how we could support hence the  
11 declaration that I submitted in support of that  
12 litigation.

13 GARY BELKIN: And the State Office of  
14 Mental Health, we always have had good communication  
15 with around issues in the city. State, State Office  
16 of Mental Health.

17 CHAIRPERSON MENCHACA: Anywhere else?  
18 And, and I guess the, the next question is really  
19 thinking about how we can elevate efforts and if  
20 there's anything that we could... we could help you  
21 with elevating efforts and coordination, the, the  
22 promise of resources is, is not something to, to  
23 leave on the table and so how do we... how do we kind  
24 of get a sense from you all about what those  
25 resources might be so that we can put the pressure as

2 a legislative body for the city council to ensure  
3 that those things materialize, connect and bring,  
4 bring those services and where we've had some  
5 discussions about some possible gaps in legal  
6 services we want to make sure that, that we kind of  
7 fill every gap, how can we help you do that?

8 BITTA MOSTOFI: So, from the public  
9 hospital perspectives this is the work that we do  
10 every day, I would like to ask for time to assess the  
11 needs that present themselves to us and would be  
12 quite happy to come back to you and tell you what  
13 needs have been requested that we do not have the  
14 resources to meet but as a public hospital system in  
15 a city full of immigrants this is our daily work.

16 CHAIRPERSON MENCHACA: I think that's  
17 fair, absolutely. We have two final questions from  
18 the Chairs, I'm going to go with Levine first and  
19 then... and then with... to Levin.

20 COUNCIL MEMBER LEVINE: Thank you Mr.  
21 Chair. Just very quickly I know there are a number of  
22 pregnant adolescent girls certainly amongst the  
23 separate... amongst the unaccompanied minors, perhaps  
24 amongst the separated children as well I'm not sure,  
25 could, could you comment on the number to the extent

2 we know that and the kind of care that's available to  
3 them that's pregnancy related?

4 BITTA MOSTOFI: We do know that there are  
5 these children in these shelters... or with these  
6 social service agencies, our understanding is that  
7 some have been separated, we don't have a direct... or  
8 a discreet number, we are delivering services, ACS  
9 and H and H are leading I think on those services. Do  
10 you want to speak to the, the parental training and  
11 so forth?

12 JULIE FARBER: So, so I just say for the  
13 medical care when we talked to the agencies they're  
14 actually working with one of the other hospitals,  
15 they're not actually working with H and H so they  
16 actually referred... if I remember correctly St.  
17 Barnabas in the Bronx is where they're sending  
18 pregnant girls.

19 COUNCIL MEMBER LEVINE: Have any given  
20 birth, do we know since... [cross-talk]

21 BITTA MOSTOFI: There are infants.

22 COUNCIL MEMBER LEVINE: Excuse me?

23 BITTA MOSTOFI: There are infants, yes.

24 COUNCIL MEMBER LEVINE: There are infants  
25 so, so... that, that were born here in New York?

2 BITTA MOSTOFI: I don't know the answer  
3 to that question... [cross-talk]

4 COUNCIL MEMBER LEVINE: Okay... [cross-  
5 talk]

6 BITTA MOSTOFI: Yeah but we are  
7 providing, providing them with parental training and  
8 skills through ACS.

9 JULIE FARBER: Right, as I mentioned  
10 earlier we are providing a parenting coaching  
11 supports for the teenage mothers who are with their  
12 infants in the group of separated children who've  
13 been separated from the adult mother.

14 COUNCIL MEMBER LEVINE: Right, so am I  
15 correct that even if the young woman is say 17 years  
16 old and now is a mother herself that she would still  
17 be a foster child that... so there would be essentially  
18 two generations of foster children in that home, is  
19 that right?

20 JULIE FARBER: Yes, that's my  
21 understanding.

22 COUNCIL MEMBER LEVINE: That must be a  
23 very challenging arrangement for the... for the foster  
24 parents, you must have to have specialized training  
25 to prepare for that?

2 JULIE FARBER: For sure, I mean again  
3 those are ORR programs and they're not supervised by  
4 ACS... [cross-talk]

5 COUNCIL MEMBER LEVINE: Right... [cross-  
6 talk]

7 JULIE FARBER: ...but yes, those foster  
8 parents, you know need to receive training because  
9 they have both the teenager and then the baby as...  
10 [cross-talk]

11 COUNCIL MEMBER LEVINE: Right... [cross-  
12 talk]

13 JULIE FARBER: ...well.

14 COUNCIL MEMBER LEVINE: Right, okay.  
15 Thank you.

16 COUNCIL MEMBER LEVIN: Thank you very  
17 much Mr. Chairman. A couple more questions for you.  
18 Sorry, following up on this issue... I'm sorry, the,  
19 the 46 children that they've announced, that, that  
20 ORR has announced that they're not going to be  
21 reuniting with their parents do any of those... I mean  
22 they're not family court... they... who, who's making  
23 that decision in, in... I'm sorry, in, in New York City  
24 or in any jurisdiction, local jurisdiction we have  
25 family court... we have family court system or family

2 court judges and consultation with social workers  
3 with their local social services agency make a, a, a  
4 lengthy determination, I mean the determination of... a  
5 termination of parental rights is a at minimum an 18  
6 month process and often goes much longer than that  
7 with multiple court hearings, representation for  
8 everyone involved, legal representation, are any of  
9 these things that they've cited the types of grounds  
10 for like... does it... does that... is, is this a cause of  
11 concern for a local service... social, social services  
12 agency seeing this?

13 BITTA MOSTOFI: I mean I guess I'll just  
14 start in terms of the, the larger sort of backdrop  
15 and context of this. I think certainly all of this is  
16 a cause for alarm and concern. The, the, you know  
17 indication by DOJ and HHS, HHS is largely leading in  
18 terms of the reunification sort of parental rights  
19 determination, you know what they were saying was  
20 that the sort of heightened level of scrutiny that is  
21 typically required under the law for them to do  
22 sponsors is what was taking a very long time, the  
23 court rightly NYACLU rightly argued that that's not  
24 what we're talking about really in this circumstance  
25 they then spoke to the need to be reliant on DNA

2 testing in order to facilitate the reunification,  
3 there's been a back and forth on when the use of the  
4 DNA testing is appropriate and what you do with the..  
5 that information and that data and then sort of what  
6 the results mean, all of this is ongoing part of the  
7 litigation... [cross-talk]

8 COUNCIL MEMBER LEVIN: Right... [cross-  
9 talk]

10 BITTA MOSTOFI: Imagine this will  
11 continue to be an ongoing... [cross-talk]

12 COUNCIL MEMBER LEVIN: Right, since we  
13 have... [cross-talk]

14 BITTA MOSTOFI: ...part of the position..  
15 [cross-talk]

16 COUNCIL MEMBER LEVIN: ...due process  
17 questions.

18 BITTA MOSTOFI: Correct.

19 JORDAN DRESSLER: May I just add, I think  
20 this points up how unpredictable the nature and scale  
21 of the legal work may turn out to be on behalf of  
22 children and parents. In any given... in any given case  
23 it may be as far from a straightforward process in  
24 terms of reunification and the legal advocacy needed  
25 as you could imagine in multiple venues, so we

2 consider ourselves fortunate that we work with legal  
3 providers who bring to the table such a breadth of  
4 experience and expertise... [cross-talk]

5 COUNCIL MEMBER LEVIN: Uh-huh... [cross-  
6 talk]

7 JORDAN DRESSLER: We are afraid that much  
8 of that experience and expertise may be brought to  
9 bear here in some of these very challenging cases, we  
10 certainly encourage it, we certainly want our  
11 providers to be using every arrow in the quiver and  
12 what we're going to have to do is continue to work  
13 extremely closely to monitor and track frankly what's  
14 going on and what's needed.

15 COUNCIL MEMBER LEVIN: Is anyone here  
16 aware of any children who were separated from their  
17 parents as a result of zero tolerance who have been  
18 deported from New York?

19 BITTA MOSTOFI: Children who were  
20 separated... [cross-talk]

21 COUNCIL MEMBER LEVIN: Children, yeah.

22 BITTA MOSTOFI: Not to my knowledge, no.

23 COUNCIL MEMBER LEVIN: Okay and my final  
24 question is and this might have been asked, I  
25 apologize if it was that, that... the after care

2 services for families who are sponsoring children  
3 either through unaccompanied program or who were  
4 separated as a result of the zero tolerance who were  
5 then being reunited or being, being sponsored by a  
6 family in New York City, may not have... may not have  
7 been here with Cayuga or Lutheran or, or, or Catholic  
8 Guardian but... might have been somewhere else in the  
9 country but are... then being sponsored here, how are  
10 we affirmatively reaching out to those sponsors and  
11 what type of services are we offering them?

12 BITTA MOSTOFI: Yeah, so thanks for this  
13 question and I think, you know I don't... I tried to  
14 address this earlier which is to say that it, it is  
15 completely an imperfect challenge for us as an  
16 administration because of the lack of transparency  
17 and cooperation of the federal government. Under the  
18 previous administration because we had cooperation we  
19 actually had a direct line of communication about how  
20 to deliver services to the children once they were  
21 placed with sponsors to the extent in which ORR  
22 actually started to distribute a manual on how to  
23 access services that our office developed alongside  
24 providers, so it is a very different day and time and  
25 sort of what is possible in reaching the sponsors. We

2 will continue to work with the providers, we will  
3 continue to explore with the federal government what  
4 is feasible and with the local court system in trying  
5 to in some sort of systematic way reach as many  
6 people as we possibly can but it will remain a  
7 challenge, I mean other... one other thing I will note  
8 to that is that even as people are being reunified  
9 just in the last couple of days our understanding of  
10 what that looks like is they're not really  
11 technically free to go if you will, right, the  
12 parents are, are being in many cases or I think  
13 nearly all fitted for ankle bracelets, they're being  
14 required to report to ICE on a consistent basis sort  
15 of the where they're reporting versus where they're  
16 sponsors are, it's a bit chaotic as we've understood  
17 it in just a few cases so there's a lot that is still  
18 unknown, there's a lot of chaos that is still  
19 necessitated by the way the federal government is  
20 going about this very haphazard lack of reunification  
21 plan.

22 COUNCIL MEMBER LEVIN: And are... do you  
23 know if anyone's being denied being reunified with  
24 their children because they don't have a fixed  
25 address because they're... you know that's one of the

2 criteria's that you have a job and you have a fixed  
3 address, is, is that... are those any of the reasons  
4 why people are getting then denied reunification with  
5 their children?

6 BITTA MOSTOFI: That's not one of the  
7 stated reasons through the, the DHS release though as  
8 I noted one of the stated reasons is that the parent  
9 was deported.

10 COUNCIL MEMBER LEVIN: Right.

11 JULIE FARBER: One of the things... [cross-  
12 talk]

13 COUNCIL MEMBER LEVIN: And then... and  
14 then... [cross-talk]

15 JULIE FARBER: Sorry... [cross-talk]

16 COUNCIL MEMBER LEVIN: ...oh, go ahead.

17 JULIE FARBER: I was just going to say  
18 one of the things that I would add sort of in line  
19 with what the Commissioner said and, and in  
20 coordination with MOYA, ACS has been working with the  
21 Children's Defense Fund and the Faith Community and  
22 we have 11 community based partnerships and have  
23 developed materials in, in coordination with our  
24 partners around all of the services that are  
25

2 available and of course all of our services are  
3 available to anyone... [cross-talk]

4 COUNCIL MEMBER LEVIN: Right... [cross-  
5 talk]

6 JULIE FARBER: ...and so like the  
7 Commissioner said it is hard to do it in a targeted  
8 way because we don't have information about each  
9 exact family but we're working on ensuring that that  
10 information is out there through community-based  
11 entities.

12 COUNCIL MEMBER LEVIN: So, if you are to  
13 find somebody that would like services what type of  
14 services are we talking about that you could provide?

15 JULIE FARBER: Well so, I mean ACS of  
16 course has its preventive services which are  
17 available and, and voluntary... [cross-talk]

18 COUNCIL MEMBER LEVIN: Can be elective,  
19 right.

20 JULIE FARBER: Can be elective, we also  
21 have the new family enrichment centers which are, you  
22 know pure primary prevention, and anyone can walk in  
23 and utilize those services and doesn't have to give  
24 information about themselves and, and, and so that  
25 whole range of primary prevention and prevention

2 services at ACS is available and obviously we would  
3 also make linkages to other services, you know that  
4 are available through other city partners and, and  
5 community-based agencies.

6 COUNCIL MEMBER LEVIN: Right..

7 JENNIFER HAVENS: And you know many of  
8 the people that we serve at Health and Hospitals have  
9 no documentation and no health insurance so any,  
10 anyone living in the city in that circumstance can  
11 get mental health or health services regardless of  
12 their immigration status and.. [cross-talk]

13 COUNCIL MEMBER LEVIN: At any H and H  
14 facility?

15 JENNIFER HAVENS: At any H and H  
16 facility.

17 COUNCIL MEMBER LEVIN: Yeah, okay..  
18 [cross-talk]

19 BITTA MOSTOFI: I'll add of course  
20 education, any child is able to enroll in the public-  
21 school system, IDNYC, Legal Services, right, we have  
22 developed for this very reason the city's resource  
23 and referral guide which we were handing to sponsors,  
24 it is still available and it's something that we

2 print and share with all community partners and is  
3 available in many languages.

4 COUNCIL MEMBER LEVIN: Have you thought  
5 about doing advertisements in Spanish speaking media?

6 BITTA MOSTOFI: On services that are  
7 available?

8 COUNCIL MEMBER LEVIN: Uh-huh.

9 BITTA MOSTOFI: You know we, we regularly  
10 talk about services available, we do advertise in,  
11 in... for different programs and needs but certainly I  
12 think as we're monitoring and trying to understand  
13 what the best way is to make sure we're reaching  
14 these kids we'll use every tool at our disposal to do  
15 that... [cross-talk]

16 GARY BELKIN: I think all our agencies  
17 do.

18 JENNIFER HAVENS: Frankly what I worry  
19 about is kids going to other parts of the country  
20 where they're much less robust... [cross-talk]

21 COUNCIL MEMBER LEVIN: Right, right...  
22 [cross-talk]

23 JENNIFER HAVENS: ...services.

24 COUNCIL MEMBER LEVIN: Yeah.

2 MACHELLE ALLEN: Just asking my colleague  
3 are you familiar with NYLAG?

4 COUNCIL MEMBER LEVIN: Sorry?

5 MACHELLE ALLEN: NYLAG.

6 COUNCIL MEMBER LEVIN: NYLAG, yes.

7 MACHELLE ALLEN: Yeah, they're in our... in  
8 all of our hospitals.

9 COUNCIL MEMBER LEVIN: Right, right, they  
10 do a very good job.

11 BITTA MOSTOFI: That's through the Action  
12 NYC program as well that we have hospital based legal  
13 services programs through NYLAG.

14 COUNCIL MEMBER LEVIN: Yep. Thank you  
15 very much, thank you.

16 CHAIRPERSON MENCHACA: And as, as we let  
17 you go I just want to say again thank you for your  
18 time, your efforts, your coordination, your, your,  
19 your testimony today and the continued commitment  
20 that was shown through the work that you're each  
21 doing shows what I think was very present in the  
22 first panel which is that we have been doing this for  
23 a while together, council and the city agencies and  
24 all the work that the community has been pushing us  
25 to do to ensure that there's a fabric and a

2 foundation of support for our immigrant communities  
3 at whatever crisis is hitting us. We get... we get to  
4 go back and look at our service providers and, and,  
5 and really rely on them to do the work and so this is  
6 a telltale sign for us to continue to support that  
7 work as, as a city and ensure that they have what  
8 they need as the storms that are coming from  
9 Washington continue and that's just the reality and  
10 so I feel so hopeful as we move forward and each of  
11 your commitments today showed that we are... we are in  
12 good hands and so thank you so much for that work.  
13 This is not going to stop, and this is heavy in our...  
14 on our hearts but I think we are lifting the voices  
15 of our community, those who have just arrived in New  
16 York City and those who are here already watching us,  
17 listening to us today and knowing that this is New  
18 York City, and this is what we do and this is how we  
19 do what we do. So, thank you. Thank you for, for your  
20 public service. This has been a long hearing and I  
21 really want to be thankful to everyone who's been  
22 here, we have three panels, we know that some of you  
23 have already left and have submitted your testimony  
24 for record, but we want to make sure that everyone  
25 who wants to testify before this committee testifies

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2 before this committee both Chair Levin and I are here  
3 to ensure that we listen to everyone of you. The next  
4 panel if we could get you up here as quickly as  
5 possible from the Legal Aid Society Hasan  
6 Shafiqullah; Karina Albistequi-Amaya, New York  
7 Lawyers for the Public Interest; Julia Davis,  
8 Children's Defense Fund; Stephanie Gendell, Citizens  
9 Committee for Children; Vivian Martinez, a member of  
10 the public. I will also remind you if you have not  
11 filled out a slip to fill one out if you want to  
12 speak at... on the panel, I want to make sure you do  
13 that, and you can fill that out right here. I want to  
14 make sure that we have a good panel here. Julia had  
15 to leave, okay, yeah, she submitted her... okay, is  
16 this the three? Yes, we want to make sure that we say  
17 thank you for... to Johannes Jacome for the Mexican  
18 Consulate who is here today and is heading the  
19 Department of Protection for the Mexican, Mexican  
20 community abroad and has been a good, incredible  
21 partner with us as we understand everything to help  
22 us understand what's happening at the consulate, so I  
23 just want to say thank you to them. We have three..  
24 okay, Jo-Ann Yoo, are you here, can you come and join  
25 this panel as well?

2 [off mic dialogue]

3 CHAIRPERSON MENCHACA: Thank you, you  
4 were about to leave, weren't you?

5 JO-ANN YOO: Yeah.

6 CHAIRPERSON MENCHACA: I'm really happy I  
7 caught you. Okay and I think that'll round us out  
8 here for this panel.

9 [off mic dialogue]

10 CHAIRPERSON MENCHACA: Raise your hand if  
11 you're waiting to testify; one, two, three, four,  
12 five... okay, I think we can... we can do another panel,  
13 one more panel. We're going to put a clock on for  
14 three minutes each, if you need the three minutes  
15 take them, we know you have testimony so we'll have  
16 that testimony, we want you to concentrate on  
17 anything that has been discussed that you want to  
18 respond to, that you want to focus on, that you want  
19 to under... want us to understand as the gap of  
20 services for these kids, thank you so much and we can  
21 start, we'll start with you Jo-Ann.

22 JO-ANN YOO: Thank you so much Council  
23 Member Menchaca, happy to be here with my own Council  
24 Member, Council Member Levin. My name is Jo-Ann Yoo  
25 and I'm the Executive Director of the Asian American

2 Federation. I am here... I was actually leaving to go  
3 to a fundraiser to support some of the work that's  
4 being done in the Southern border so I'll make this  
5 quick and get out of here and go do good work  
6 elsewhere but I am here on behalf of the Pan-Asian  
7 New Yorkers who make up over 15 percent of the city's  
8 population, 70 percent of the Asian New Yorkers are  
9 immigrants and 90 percent of Asian children live in  
10 poverty and have, have at least one immigrant parent.  
11 So, this immigration obviously is of utmost  
12 importance to our community and we have... and we also  
13 remember that the very first anti-immigration law  
14 that was enacted in this country was geared towards  
15 the Asian Americans to, to exclude Chinese from  
16 bringing their families here so obviously when we  
17 look at what's happening in the Southern border it is  
18 incredibly painful and frustrating that here we are  
19 in 2018 having our country implement horrendous laws  
20 and so we want to be able to... we want... we support the  
21 city council, we salute all the work that you are  
22 doing and we're very grateful. We heard that... I know  
23 that this issue really hasn't hit the Asian American  
24 community right now, but we've heard that there are  
25 folks who are being detained in Oregon and then we

2 got... we work with... closely with the Governor's Office  
3 and they told us that there are folks being held in  
4 detention in Albany and they, they need folks who can  
5 do the... do translations so we're coordinating with  
6 them. We... you know because we have seen this before,  
7 I mean I feel like in every, you know every  
8 horrendous law that, you know targeted immigrants our  
9 community has felt that, you know with the Japanese  
10 interment, the Chinese exclusion act, with the Muslim  
11 ban so obviously we want to lend our support for... to  
12 the city council to ask you to continue to be vocal  
13 and to continue to be a leader. Family separation  
14 will have obviously lasting impacts for generations  
15 to come with kids suffering trauma and, you know  
16 we're seeing the, the conditions of those, those  
17 detentions and it's just horrific. The couple of  
18 things I want to ask if I can make a suggestion is  
19 that I think a lot of the nonprofit workers, you know  
20 I think, you know in New York City everybody serves  
21 an immigrant community and a lot of the folks who  
22 work in... work with the population there's tremendous  
23 anxiety and, you know we have in the Asian American  
24 communities so many of the nonprofit leaders and  
25 workers are leaving because of stress and so if

2 there's an opportunity for us to create... for city  
3 council to create a program that, you know we can  
4 really do some mental health support for the  
5 frontline folks I think that would be really helpful  
6 but overall I just want to thank the council for  
7 taking action and leading the... leading our nation in  
8 upholding sanctuary city values and working  
9 tirelessly to protect our immigrant community.  
10 Thanks.

11 HASAN SHAFIQULLAH: I'll make my remarks  
12 brief because I know we're late in the day. My name  
13 is Hasan Shafiqullah, I'm the Attorney in Charge of  
14 the Immigration Unit at Legal Aid Society and thank  
15 you to Chair Menchaca and the other Council Members  
16 for holding this hearing. So, we did provide written  
17 testimony which I'll mostly stand on. Just a couple  
18 of things to, to point out, it is as a result of the  
19 legal services community that the city council and  
20 the Mayor's Office helped to build up that we have  
21 been able to meet the needs so far on an emergency  
22 basis, various providers have been screening  
23 potential sponsors, we've been meeting with the  
24 children, determining their wishes, reuniting where  
25 possible and representing the children in their

2 independent claims for relief where possible as well.  
3 The things that we need now are actual new resources  
4 to do this work. Our staff have stepped away from  
5 their current caseloads in order to meet this need  
6 that we need attorneys and social workers, these are  
7 a lot of traumatized children and paralegals to meet  
8 the need that's there. Some of these cases will  
9 resolve fairly quickly as people reunite but to the  
10 extent that folks are staying here and fighting their  
11 cases in New York these cases may go on for several  
12 years as these do in removal cases. So, we'll need to  
13 be able to reenroll these cases and so that's one of  
14 the issues that we have with city contracts to be  
15 able to continue the work more than two years and  
16 really be able to see this through to completion.  
17 Given that some of the shelters where the kids are  
18 being held are outside the five boroughs there's a  
19 concern about resources to, to help those children  
20 and we're speaking with the... with the city about that  
21 and we look forward to brainstorming ways in which we  
22 can find the resources to help the kids not just  
23 within the five boroughs but also outside. Thank you.

24 KARINA ALBISTEQUI: Good afternoon, my  
25 name is Karina Albistegui-Amaya, I'm an Immigrant

2 Health Advocate at New York Lawyers for the Public  
3 Interest. I want to thank you for the invitation to  
4 present testimony today. I'm going to read a very  
5 brief statement. So, the forced separation of  
6 families at our country's border cannot be viewed  
7 separate and apart from the deplorable conditions of  
8 the jails used to incarcerate immigrants detained by  
9 ICE. Much like the punitive incarceration that  
10 undocumented New Yorkers live in fear every day, the  
11 separation of families and the mistreatment of our  
12 youngest immigrants is heart wrenching. As you know  
13 many New York City residents are currently detained  
14 in ICE jails, they are not charged with criminal  
15 violations but are denied freedom under the guise of  
16 ensuring that they attend administrative hearings.  
17 Taking immigrant children from their parents is but  
18 another manner of dehumanizing undocumented people  
19 living in the country and those seeking asylum. On  
20 this continuum we have seen our friends and our  
21 neighbors labeled racist... rapists, drug dealers and  
22 animals, their presence has been described as an  
23 infestation and this hateful rhetoric simply seeks to  
24 normalize abhorrent conditions that both adults and  
25 children face inside detention centers as well as the

2 continued denial of vital medical care of... to the  
3 people held there. Through our work we have witnessed  
4 how a policy of dehumanizing non-citizens plays out  
5 within the walls of detention facilities in New York...  
6 here in New York. The most sovereign cases of course  
7 are of deaths of immigrants in detention, we have  
8 also documented instances of ICE and the facilities  
9 with which it contracts denying and delaying critical  
10 medical treatment including adequate care for cancer,  
11 medication for diabetes and in one case an emergency  
12 surgery for a ruptured eyeball. These are but a few  
13 examples in a long history of ICE's disregard for the  
14 humanity and dignity of people in their custody. We  
15 have seen over and over the grave impact that  
16 detention has on the families separated, separated  
17 with our adult, adult clients but it's difficult to  
18 imagine the extent of the trauma that has been  
19 inflicted on the children who are being shuffled  
20 unilaterally through the system far away from their  
21 parents. Of course, history will judge the  
22 administration's separation of families harshly,  
23 we're glad to see that our city's taking action  
24 against this quo policy and we support the council's  
25 resolution for the keep families together act. We do

2 encourage the city council to continue to take  
3 actions to improve the treatment of people in ICE  
4 custody and to promote alternatives to civil  
5 detention for undocumented people. Thank you.

6 STEPHANIE GENDELL: Good afternoon, my  
7 name is Stephanie Gendell, I'm the Associate  
8 Executive Director for Policy and Advocacy at  
9 Citizens' Committee for Children. COMMITTEE CLERK  
10 DISTEFANOC is deeply opposed to separation of  
11 children from their parents from family detention and  
12 from the zero-tolerance policy. We are incredibly  
13 grateful to the City Council for your long-standing  
14 commitment to these families that started long before  
15 this crisis as well as to the administration, to the  
16 agencies that were here today, the providers, the  
17 hardworking staff, we thank you all for all you're  
18 doing for these children in an incredibly terrible  
19 situation that was created by the federal government.  
20 As most people by this point know trauma caused by  
21 this separation will have both short term and long-  
22 term implications for these children that will haunt  
23 them for the rest of their lives and this child abuse  
24 being inflicted upon them is created by the, the  
25 United States government. The fact that the

2 government also has no plan or, or feels like there's  
3 no plan anyway or tracking system to reunify children  
4 with their parents is almost incomprehensible  
5 although at this point anything seems possible. I  
6 feel like it goes without saying that there should  
7 have always been a tracking system, literally Chucky  
8 Cheese has a system to ensure children leave with the  
9 parents they came with, the federal government should  
10 have also been able to do so. We do thank really  
11 everybody; my testimony goes on and on thanking  
12 everybody, but I do have a couple of recommendations  
13 that we wanted to make. The first is starting off  
14 with a thank you for the funding for the ICARE  
15 program, we supported that this past session as well  
16 as others, we were... had been asking to increase it to  
17 four million at that point in June thinking that  
18 anything could happen but really knowing what could  
19 have happened so we're still asking to increase the  
20 funding ICARE and that that model also be funded to  
21 include social workers given the children and youth  
22 that the attorneys are now working with through  
23 ICARE. In terms of the reunification when they do  
24 happen, we've been hearing that the federal  
25 government is not paying any of the funding for

1 flights or any of the transportation costs for  
2 reunification that parents who are in detention can't  
3 afford the bail or the bond and so if the city could  
4 set up a fund to help with the travel costs and the  
5 bail and bond that could help with the reunification  
6 process. We obviously support the resolution and we  
7 ask that we continue to reassess this situation  
8 continuously as the... every day is something new and  
9 different and so... lastly, we ask that you remember  
10 that there are other systems in New York and New York  
11 City that separate children from their families and  
12 that as this hopefully crisis ends at some point we  
13 make sure those same providers who work in foster  
14 care, juvenile justice and corrections have the  
15 resources they need for those families. Thank you.

17 VIVIAN MARTINEZ: So, first of all good  
18 afternoon. My name is Vivian Martinez, I'm a member  
19 of Make the Road New York and New York City resident.  
20 As a mother of a four-month-old and a two-year-old  
21 I'm horrified by what is happening at our border.  
22 Children as young as mine are being taken from their  
23 mother's arms. To any mother, to any human being that  
24 is unjust and inhumane. No child or no baby should be  
25 separated by their parents especially as young... at a

2 young age when the face of their mother or father is  
3 all they know. Unfortunately, this crisis is not just  
4 happening at the border, I know, and I have seen  
5 firsthand the nightmare of family separation. My  
6 husband, my partner for the last 14 years was  
7 detained by ICE when we went to our marriage-based  
8 interview at 26 Federal Plaza just a few blocks away,  
9 I'm sorry.. an interview that is part of a process to  
10 get a lawful permanent residency, this happened two  
11 months ago and today he is.. he still remains under  
12 ICE custody. Two months has passed since my husband  
13 has not been able to be at home with our children,  
14 two months since my children have not been able to  
15 play around and bond with their father. My two-year-  
16 old as a young.. my two-year-old as young as she is  
17 she still asks for her dad. I've had.. I have had a  
18 hard markup.. I have had marked calendar.. the calendar  
19 for my child to see that she could probably  
20 understand that on Saturdays is the only day that we  
21 could go and actually see her father, is the only day  
22 that she could actually bond with him or see him at a  
23 detention center for the last two months. Today I  
24 stand in front of you to tell you to stand up against  
25 ICE tearing apart.. families apart and arguing.. and

2 I'm, I'm urging you to call upon congress to pass the  
3 keep families together act, ICE is separating  
4 families and separating children from their parents.  
5 Every day and this is not just happening at the  
6 border and we ask New York City.. we ask New York City  
7 to do everything in its power to protect immigrant  
8 families. Separate, separation of children from their  
9 parents is happening everywhere from Queens, New York  
10 to U.S.. to the U.S. Mexican border, we must fight to  
11 end family separations at the border and our.. and at  
12 our communities.

13 CHAIRPERSON MENCHACA: Thank you Vivian  
14 you're your testimony today and for reminding us that  
15 as we talk about the work that we're doing to support  
16 our families the ones that are coming here separated  
17 at the border and those like your family who is  
18 experiencing a separation that all these families  
19 need support, they need advocacy and you should feel  
20 loved and supported by this council and the.. and the  
21 resolution that we just passed today will show that  
22 the council is committed to ensuring that congress  
23 hears our voice as the largest city and that we know  
24 that these moments don't always change the things  
25 immediately but that you have all the resources and

2 so maybe afterwards I want to make sure that you have  
3 everything that you need for your case, I'm assuming  
4 that you have all the legal services that you need  
5 and these battles are not easy right now as we call  
6 for abolishing ICE as the tool that this  
7 administration is using to rip our families apart and  
8 so know that that call is being made as well and we  
9 stand with you and we stand with you... [cross-talk]

10 VIVIAN MARTINEZ: Thank you.

11 COUNCIL MEMBER LEVIN: And thank you so  
12 much for, for, for making us fully acknowledge what  
13 is happening right here in our city every day and I  
14 want to thank you for your courage and determination  
15 in testifying here and I, I wish that your family be  
16 reunited as quickly as possible.

17 VIVIAN MARTINEZ: Thank you.

18 CHAIRPERSON MENCHACA: I have one  
19 question... a, a few questions really quick for... or on  
20 the topic of legal services and the, the  
21 unaccompanied minors work that we've been doing  
22 together as service providers and the city council  
23 and, and the city of New York gave us a lot of  
24 understanding about unaccompanied minors in the... in  
25 the... in the first place, understanding that these,

2 these are cases that'll take a long time and that the  
3 social... so, I'm hearing social work is needed to  
4 supplement and the other piece to this is really  
5 understanding what I was probing the, the, the  
6 administration on which is ensuring that every kid  
7 that comes through gets representation and so do you  
8 have a sense about what that is, there wasn't a  
9 commitment and I think that the, the, the lack of  
10 commitment was really around this idea that this is a  
11 changing infrastructure... or a changing crisis, the  
12 crisis is... but we, we know the world of the  
13 unaccompanied minor, do we have a sense about what  
14 that need is and are you already seeing kind of gaps  
15 in ensuring that every child gets representation that  
16 comes through the courts here in the city?

17 HASAN SHAFIQULLAH: So, there's never  
18 been universal representation for children, there's  
19 not currently a 26 Federal Plaza for unaccompanied  
20 minor children or kids on the juvenile docket  
21 otherwise and there's... we're hoping to meet the need  
22 for all the forcibly separated children with this  
23 manufactured crisis. Right now, we actually just  
24 found out this week that there's another wave of  
25 almost 400 kids who are now arriving, and legal aid

2 just got another group of those children that we'll  
3 be meeting with over the next couple of days and so  
4 it's, it's continuing. The needs are within the city  
5 and in the surrounding communities and one of the  
6 things that I've heard from the city and, and I  
7 under, understand this is that the city with its city  
8 tax dollars has to prioritize people within the city  
9 and I... and I get that and if we go outside the city  
10 how far do we go and so our question for, for the  
11 council and for the Mayor's Office is can we work  
12 together to figure out how do we draw down resources  
13 for kids not only in shelters within the five  
14 boroughs but in the neighboring communities who are  
15 all going through the same horrific experience.

16 CHAIRPERSON MENCHACA: Thank you for that  
17 and that's an ongoing conversation. I think this is  
18 an ongoing conversation across multiple streams of  
19 funding and I think what, what we need to... we need to  
20 determine is how... what, what are the values here,  
21 what values are we... are we upholding and ensuring  
22 that, that we set the model across the entire country  
23 for the kind of representation that every city should  
24 be creating and there's been cracks in that here,  
25 we're fighting some other things right now about what

2 the city is willing to do and, and not hide behind  
3 this idea that there's a gap in funding as, as a... as  
4 a reason, if we are the richest city in this entire  
5 country then we should be able to fund and really  
6 show the commitment to these kids who in this  
7 manufactured crisis deserve every single opportunity  
8 that we can as New Yorkers, as Americans, as people  
9 with, with values and compassion... [cross-talk]

10 STEPHANIE GENDELL: Can I add one more  
11 thing on the complexity of I think even costing out  
12 the legal services, aside... [cross-talk]

13 CHAIRPERSON MENCHACA: Sure... [cross-talk]

14 STEPHANIE GENDELL: ...from not knowing how  
15 many children we're talking about and will continue  
16 to have come through is the legal service  
17 organizations have experience now working with the  
18 unaccompanied minors and the court process the  
19 separated children issue is a whole new area and so  
20 in some ways it's unclear how long that process will  
21 take, will those be quick, will those families go  
22 back to their home country quickly, will children and  
23 parents have different positions about what they want  
24 to do, will it be a complicated court proceeding, I  
25 think those are still unknowns and makes it hard to

2 cost out but certainly agree that we should ensure  
3 that everyone of these children have representation  
4 and we figure out how to pay for it including, you  
5 know in our neighboring... you know some of these  
6 Westchester facilities have New York City children  
7 side by side with these children and no ensuring they  
8 all have legal representation.

9 HASAN SHAFIQULLAH: Just one point on  
10 that if I may. So, in terms of the parents with the  
11 children both the City Council and the Mayor's Office  
12 have been funding on what's called the adults with  
13 children population where often it's an asylum claim  
14 for the parent and the child is a derivative, maybe a  
15 separate asylum case for the child so it's, it's not  
16 something entirely new but they're incredibly complex  
17 cases.

18 CHAIRPERSON MENCHACA: Okay, thank you.  
19 Thank you to this panel and we want to bring up our,  
20 I think our final panel and we have Melanie Weniger  
21 from the Public Advocate's Office, are you here?  
22 Meghan Finn, Immigrant Families Together; Miss Hickey  
23 from the Brooklyn Defender Services, you might have  
24 left already; Children's Defense Fund, Julia Davis,  
25 oh we... I think we already mentioned her name, we have

2 two so far? Okay, we're going to keep going, I think  
3 we're going to go for the last panel, we're getting a  
4 big panel... actually... yeah, I'm going to read your  
5 name; Lorilei Williams, AILA; Denise Bell, City Bar  
6 of New York City; Chelsea Sahai, Sahi, Sahai, Legal  
7 Services; Albert Kahn, I think he already left;  
8 Council American Islamic Relations; Stephanie Gomez  
9 and Alejandra Sorto, Hispanic Federation. Who else,  
10 did I miss anyone here that wanted to testify that  
11 has not testified... or not been called? Okay, so we  
12 are... we are here with our final panel. I want to say  
13 thank you all for being here today and making your  
14 voices heard but we'll start here on our right.

15 MELANIE WENIGER: Thank you. Good  
16 afternoon Chairs Levin, Menchaca, Levine and other  
17 Committee Members. My name is Melanie Weniger and I  
18 work in the Office of Public Advocate Letitia James.  
19 Thank you for convening this very important hearing  
20 and allowing me to speak on behalf of Public Advocate  
21 James today. At this very moment our country is  
22 witnessing a human rights crisis, one that we have  
23 not seen in the likes of this country in generations.  
24 Last month the new policy established by President  
25 Trump and Attorney General Sessions caused the

2 separation of more than 2,300 children from their  
3 parents at the Mexican border. Here in New York State  
4 Governor Cuomo estimates that 700 children who have  
5 been separated from their parents as part of this  
6 inhumane policy have been brought to our state. These  
7 children many of whom are babies have been ripped  
8 away from everyone and everything they know to be  
9 used as bargaining chips for a pointless wall who's  
10 only purpose is to demonstrate the blind xenophobia  
11 of our President and his supporters. The City of New  
12 York must find a way to resist this historical  
13 injustice and do everything in our power to provide  
14 comfort and safety for the families impacted by it.  
15 public Advocate James wants to thank Mayor De Blasio  
16 and the city agencies who are providing a range of  
17 services to help the estimated 300 children that were  
18 separated from their parents at the border and  
19 brought here to New York City. Most of the separated  
20 children are living in foster homes around the city  
21 and thanks to our city government they are now  
22 receiving education, recreation and health care  
23 services in the daytime at nonprofit agencies. Public  
24 Advocate James joined City Council Speaker Corey  
25 Johnson and State Senator Brian Benjamin at a meeting

2 with Edward Hays, the President and CEO of the Cayuga  
3 Center for Children to offer our support and ensure  
4 that these children are safe, healthy and well cared  
5 for. As city elected officials we must continue to  
6 push the federal government to reunite these children  
7 with their families, that is why our office sent a  
8 letter to Attorney General Sessions demanding the  
9 Trump administration release a plan that ensures  
10 these families are reunited immediately but as of now  
11 all we have is chaos. We cannot and must not tolerate  
12 the incompetence of this administration and their  
13 inability to clean up a humanitarian mess of their  
14 own making. On behalf of the Public Advocate I want  
15 to state our office is strong resolved to do anything  
16 we can to help this body or this city to make the  
17 lives of these children and their families better and  
18 to ensure that they are reunited as quickly as  
19 possible. Thank you again for inviting me to speak  
20 today and for your time and attention on this  
21 important issue.

22 MEGHAN FINN: Good afternoon. My name is  
23 Meghan Finn and I'm here representing a new group  
24 called Immigrant Families Together. We are founded by  
25 Julie Collazo and just three weeks ago we organized

2 this group of New York moms brought together by our  
3 mutual disgust for the abhorrent practice of family  
4 separations at the border that resulted from  
5 President Trump's zero tolerance policy. In that  
6 time, we've mobilized a couple of thousand at least  
7 Americans to participate in direct action to reunify  
8 migrant families. Our strategy has been crowd funding  
9 for the increasingly insane bond, to date we have  
10 raised nearly 150,000 dollars to pay for bonds and  
11 relocated moms separated from their children and  
12 families, transporting the mothers to the  
13 destinations where their children are and laying the  
14 groundwork for reunification and proceedings through  
15 immigration courts. We've quickly established  
16 partnerships with local and national immigrant  
17 advocacy and legal organizations as well as local  
18 elected officials here in New York all of whom have  
19 been key to our work. As of yesterday, we have bonded  
20 out six moms, transported them to their final  
21 destinations securing medical, legal and other  
22 support services for them working with the local  
23 communities. In listening to the stories of the women  
24 we have bonded out we have heard abuses that are  
25 unimaginable, women who were told their children...

2 excuse me, women who were told their children would  
3 be taken for a shower and returned to them, this is  
4 verifiable, we have heard this from their own mouths  
5 but who were removed and sent to, to the care of  
6 other people in faraway states, women who were put in  
7 the icebox for periods of up to 19 days where they  
8 were interrogated mercilessly for weeks at a time,  
9 women who were fed spoiled food and were thus forced  
10 to buy their own food from commissary, they... some of  
11 them don't have money in their account so one women  
12 will buy it for the group, women who were not allowed  
13 to hug or touch one another and begged for a hug by a  
14 volunteer as soon as being released because they were  
15 so sad to lose their children, women who have come  
16 out of ICE with medical conditions, this is going to  
17 be something that we will hear more and more about  
18 that they've never had raw peeling skin conditions  
19 such as hair loss and excessive weight loss. New York  
20 City has risen to the challenges that the Trump  
21 administration has posed the near daily changes in  
22 policy impacting ICE detention and family  
23 reunification but we do have much more work to do and  
24 we are all bracing here and around the country  
25 frantically trying to assess what the looming

2 reunification deadline will mean, how the currently  
3 detained will end up in the cities where their  
4 children are and we ask, which I'm, I'm very hopeful  
5 listening today to all the testimony as we see these  
6 families come that we work together to make sure that  
7 reunification in New York City happens as quickly as  
8 possible beyond the... getting through these barriers  
9 that these court cases are, are getting rid of on the  
10 daily, we need to just keep pushing to try to make it  
11 easier because as these women come and get to see  
12 their kids and then at the end of the day have to say  
13 goodbye it's, it's mutually deeply painful for the  
14 children and the mothers.

15 DENISE BELL: Hello, my name is Denise  
16 Bell and I am here to testify on behalf of the  
17 Immigration and Nationality Law Committee of the New  
18 York City Bar Association. I'd like to thank the City  
19 Council for this invitation to appear and testify on  
20 the urgent humanitarian crisis before us one that as  
21 we've all commented is a manufactured unnecessary  
22 crisis. The Immigration and Nationality Law Committee  
23 has previously provided recommendations to the Mayor  
24 and City Council on ways in which New York City can  
25 ensure immigrant New Yorkers have equal access to

2 justice and services during this time of increased  
3 federal immigration enforcement. Recently our  
4 committee joined with six other city bar committees  
5 in issuing a letter to the U.S. Attorney General Jeff  
6 Sessions and Secretary of the Department of Homeland  
7 Security Kirstjen Nielsen regarding their  
8 departments... their department's policies and  
9 Practices on mandatory criminal prosecution, the  
10 zero-tolerance policy, the forceable separation of  
11 families, the detention of families seeking asylum.  
12 On behalf of the city we have submitted written  
13 testimony and here I'd just like to briefly outline  
14 what is in that testimony, describing how the Trump  
15 administration's zero tolerance policy of criminally  
16 prosecuting migrants entering or attempting to enter  
17 the U.S. between ports of entry has led to forceable  
18 family separation, the specter of mass and indefinite  
19 family detention which would return us to 2014 and  
20 those due dark years, how it has violated the  
21 violated the United States obligations under  
22 international human rights and refugee law as well as  
23 U.S. law, inflicted toxic trauma and long lasting  
24 harm on children and families and betrayed our long  
25 standing bipartisan tradition of providing refuge to

2 those seeking safety. It's a long list, the letter is  
3 long and it's a stain on this country's legacy of  
4 offering refuge to people seeking safety. I would  
5 just like to say briefly that the city bar believes  
6 that families separation and family detention  
7 undermine the fundamental right to seek asylum and  
8 other forms of humanitarian protection. The only  
9 effective way to address increased number of families  
10 and children seeking safety in the U.S. is to provide  
11 full access to the U.S. asylum system to determine  
12 who meets the legal standard for such protection.  
13 Family detention is not a solution for family  
14 separation, both policies tearing children away from  
15 their parents and holding children in jail like  
16 conditions with their parents are repugnant to  
17 American values and contrary to U.S. and  
18 international human rights law. As everyone has noted  
19 both will have lasting psychological and physical  
20 impacts on vulnerable children and families fleeing  
21 for their lives and afraid to return to their  
22 countries of origin. Parents and children should not  
23 be separated in the absence of good calls and due  
24 process and members of families apprehended while  
25 fleeing harm should be released together whenever

2 feasible in order to peruse claims for asylum or  
3 another humanitarian relief. We thank the City  
4 Council for their leadership on this, for our  
5 colleagues for providing direct services and for the  
6 advocacy at the federal and local levels to prevent a  
7 return to mass family detention and to stop family  
8 separation.

9 LORILEI WILLIAMS: Good afternoon, thank  
10 you. My name is Lorilei Williams, I'm the Immigration  
11 and LGBTQ HIV Advocacy Director for Staten Island  
12 Legal Services which is part of Legal Services NYC. I  
13 am here today in my capacity as Secretary for the  
14 American Immigration Lawyers Association, the New  
15 York Chapter. I just want to point out that our  
16 testimony is very technical about some of the  
17 language that the keep families together act has  
18 because I think there's some... potentially ambiguous  
19 and dangerous language there. So, should the City  
20 Council choose to provide specific commentary to  
21 congress about this act I would ask that you refer to  
22 my written testimony. Right now, I want to comment a  
23 little bit about on things that were discussed in the  
24 first two panels. First, I used to be an attorney  
25 with Catholic Charities New York and also with

2 Catholic Charities Houston providing services to  
3 detained unaccompanied minors. The biggest issue I  
4 see is the right of access to counsel, the children  
5 right now only have access really to legal service  
6 providers who are funded by ORR and I can say that in  
7 my personal capacity as an attorney who was funded by  
8 ORR my hands were tied, I could not zealously  
9 advocate for my children. When I had US citizen  
10 children who were detained, when I had children who  
11 were detained for prolonged periods the right thing  
12 would have been to do Hiatus petition or at least  
13 refer it out and my hands were tied I couldn't do  
14 that. When abuse allegations come up among shelters  
15 sometimes those were not open and were not  
16 transparent, there were no repercussions, there was  
17 no clear investigation again my hands were tied,  
18 there wasn't much that I could do. I would like to  
19 also point out I found this citation subsequent to  
20 writing my testimony so if you go to documented NY  
21 dot com and this is a website, a news agency that is  
22 focusing on immigrant's issues in New York City,  
23 there's an article that was published on June 28<sup>th</sup>,  
24 2018, it's called Lawsuits Alleged Misconduct at  
25 Agencies Taking in Unaccompanied Minors. This article

2 specifically addresses abuse allegations at Abbott  
3 House, Mercy First, and Children's Village and I  
4 could just remind the council that agencies who  
5 receive ORR funding are going to greatly limit or  
6 possibly change some of the things that they say  
7 publicly because their funding could be at risk. The  
8 other thing that I want to point out as you work with  
9 HRA and other services to provide services to  
10 children the issue of confidentiality, children are  
11 not given any true confidentiality with their medical  
12 providers in shelters. In fact, I used to find  
13 information that they thought was being  
14 confidentially told to psychological professional  
15 show up in ICE records in court and that was hugely  
16 problematic and weighed heavily against the children.  
17 On top of that this is mentioned briefly in my  
18 testimony some shelters are medicating children  
19 without their consent and without the informed  
20 consent of their parents, this is most notable in a  
21 lawsuit against the Shiloh Residential Treatment  
22 Center in Houston, Texas... well the shelter's actually  
23 in Manville, Texas but I was an attorney who  
24 represented a lot of these kids as an ORR funded  
25 attorney, I couldn't do anything to raise these

2 issues to light so if there are opportunities for the  
3 City Council to help bring those issues to light so  
4 that way this system is not so opaque that is the  
5 first thing that needs to happen to help all  
6 unaccompanied minors. Thank you.

7 CHAIRPERSON MENCHACA: Thank you for that  
8 review, each of you brought a I think critical  
9 component as a last panel about the multiple levels  
10 of work be it advocacy at a bully pulpit or folks on  
11 the ground who are organizing right now to fill the  
12 gaps from medication and volunteers and travel,  
13 travel to these gaps in the bill itself that can  
14 allow us to actually advocate to solve some of those  
15 issues and the.. and the idea that lawyers who are..  
16 who are currently being funded to support the legal..  
17 the legal needs of these kids that it's falling short  
18 is, is incredibly important for us to hear right now  
19 as we think about how this city can come up and..  
20 with, with a right to counsel so that every kid has  
21 that opportunity to have the best legal counsel,  
22 that's a commitment that this council has been making  
23 over and over again and we want a partner in the  
24 administration to make that happen and, and ensure  
25 that if anyone gets in our way that we call it out

2 and remind them of the values that make New York New  
3 York, New York City, New York City and just humanity...  
4 return humanity to what has been removed through  
5 these policies both at the border and in our own  
6 homes as ICE removes our, our loved ones from, from  
7 our homes, from our jobs, from our schools and so we...  
8 I'm going to end.. I'm going to end the, the hearing  
9 here and say that what has been incredibly important  
10 here as a thread is that the people are rising and  
11 that we as public servants, we as people on the  
12 ground are filling those gaps and as we understand  
13 this to be a no-plan response from this  
14 administration and that the damage and the trauma  
15 that they've caused to these kids to us as a country,  
16 to this world is real and it's impacting us and I  
17 want to thank you for, for bringing not only your,  
18 your minds and your thoughts but your hearts to this  
19 discussion and let us remain connected to those  
20 things, our hearts and our minds as we move forward  
21 in our advocacy to demand that the city fill in the  
22 gap that the state fill the gap as we see it but that  
23 there's a strong foundation here of incredible folks  
24 that have done so much work already with  
25 unaccompanied minors, the work that the council has

2 done and that we remain committed to that to build  
3 upon that because these storms are going to come and  
4 they're going to continue to come and what we've seen  
5 right now and the courts that have stepped up and  
6 said no, are slow but they're good and they're not  
7 the solution and that I hope that people who are  
8 listening right now can stand with us as we ask for a  
9 right to counsel for all immigrants period; children,  
10 families, etcetera, that we give access to health  
11 care, that we give access to mental health, that we  
12 give access to housing, that we give access to people  
13 and resources because this is the richest city that..  
14 we are the richest city in the.. in the country and we  
15 deserve to be able to set the tone across the entire  
16 country for what we believe is, is true that all  
17 people are created equal and have the opportunity to,  
18 to live a good life. And so, we're going to call on  
19 you to come back to us to, to inform us of this work  
20 and to keep us accountable and that the city council  
21 is with you and that the three, three chairs today  
22 are committed to continuing this conversation, we've  
23 agreed to meet next week and continue this  
24 conversation with our consulates, with our Office of  
25 their different agencies and continue to set the tone

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2 as we move forward on this.. on this bigger topic.

3 Thank you to Council Member Levin, Chair Levin, Chair

4 Levine, Elizabeth Kronk, Indiana Porta.. yes, well you

5 can do your.. you want to do thank, thank yous, go

6 ahead.

7 COUNCIL MEMBER LEVIN: Aminta Kilawan and

8 the General Welfare Committee staff.

9 CHAIRPERSON MENCHACA: Cesar Vargas, Sam,

10 Sam Manuel..

11 [off mic dialogue]

12 CHAIRPERSON MENCHACA: No.. yeah, who

13 else.. we have Tony Charito, we have incredible staff

14 that have been working with you.. with us in this.. in

15 this work and so we just want to say thank you to all

16 the staff here, we're going to remain committed,

17 thank you so much for being here today and let's keep

18 working. Thank you. And this hearing is now ended.

19 [gavel]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date

July 29, 2018