

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON IMMIGRATION

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February 10, 2020

Start: 1:04 p.m.

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HELD AT: Committee Room - City Hall

B E F O R E: Carlos Menchaca  
Chairperson

COUNCIL MEMBERS: Carlos Menchaca  
Alicka Ampry-Samuel  
Fernando Cabrera  
Margaret S. Chin  
Danny Dromm  
Mathieu Eugene  
Robert Holden  
Francisco Moya  
Jimmy Van Bramer

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

Melissa Chandler  
New Sanctuary Coalition

Sonia Lin  
Deputy Commissioner  
Mayor's Office of Immigrant Affairs

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Managing Attorney for the Immigration  
Unit at Catholic Migration Services

Brianna Krong  
Communications and Advocacy Coordinator  
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Andrea Bowen  
Bowen Public Affairs Consulting  
New York City Anti-Violence Project

Jojo Edibal  
Immigration Justice Corps

Uchechu Kuawu Onwa

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2 PEDRO LUGO: Check, check. This is the  
3 soundcheck for the Committee on Immigration. Today's  
4 date is February 10, 2020, located in the committee  
5 room. Recording done by Pedro Lugo.

6 CHAIRPERSON MENCHACA: We'll get started  
7 in about three minutes. Thank you all for being here  
8 today.

9 UNIDENTIFIED: [inaudible] we're starting  
10 up now.

11 CHAIRPERSON MENCHACA: OK, just let me  
12 know when. [gavel] Buenas tardes. My name is Carlos  
13 Menchaca and I'm the chair of the New York City  
14 Council's Committee on Immigration. Today the  
15 Committee on Immigration will be conducting an  
16 oversight hearing on the dismantling of the US asylum  
17 system and the impact all of these changes have had  
18 on immigrant New Yorkers. We will also be hearing  
19 Resolution 1173, sponsored by myself in support of  
20 the amicus brief submitted by 19 states and D.C.,  
21 including New York, calling on the US Court of  
22 Appeals for the D.C. district to preserve asylum  
23 protections for individuals and families who have  
24 fled their home countries because of domestic or  
25 gang-related violence. Asylum is a human right,

1 internationally guard through United Nations treaties  
2 over 50 years ago. The US further committed to  
3 protect the rights of asylum seekers through the  
4 Refugee Act of 1980. Under this act, an asylum  
5 applicant must apply from within the US and be able  
6 to prove, and be able to prove past persecution or a  
7 well-founded fear of future persecution in their  
8 country of origin because of their race, their  
9 religion, nationality, membership in a particular  
10 social group, or political opinion. Today we will  
11 hear first- and secondhand accounts of some of the  
12 many atrocities asylum seekers have survived before  
13 seeking refugee in the United States. Many were  
14 tortured, have lost family members, and suffered  
15 aggressive intimidation in countries where such acts  
16 of violence are perpetrated with impunity. For a  
17 long time the US was a stronghold of hope for such  
18 vulnerable individuals and the application process  
19 was strenuous and long. But there was at least the  
20 expectation of due process. Unfortunately, this can  
21 no longer be said. Piece by piece, the Trump  
22 administration has, has used every available tool of  
23 executive discretion to erect an invisible wall,  
24 barring entry into the United States, regardless of  
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1 historical or international precedent, or the  
2 necessity for human, humanitarian relief. Today's  
3 asylum system is virtually unrecognizable as a  
4 result. And by intercountry agreements,  
5 administrative rules, legal adjudication and more, we  
6 have seen the following: Asylum seekers barred from  
7 asylum benefits for failing to apply for asylum in  
8 countries neighboring, ah, their home countries;  
9 asylum seekers physically returned to countries they  
10 passed through on their way to the US; threats of  
11 tariffs should Central American countries, including  
12 Mexico, refuse to play a role in immigration  
13 enforcement as an asylum-deterrence tactic; US Border  
14 Patrol limiting the number of asylum seekers  
15 processed each day at ports of entry; migrant  
16 protection protocols allowing the US to send asylum  
17 applicants at the southern border back to Mexico  
18 while they await a final decision; a massive  
19 expansion of the detention of asylum seekers,  
20 including children and pregnant women; an attempt to  
21 expand expedited removal; policy changes affecting  
22 immigration courts, such as completion quotas for  
23 immigration judges; and the stripping of previously  
24 established protections, such as asylum protections  
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1  
2 for victims of gang and domestic violence, LGBTQ  
3 individuals, and those whose family members have been  
4 persecuted. In New York we are seeing this as a  
5 particular way. Prior to 2016, New York had one of  
6 the most lenient immigration courts in the nation.  
7 And while New York's immigration courts continue to  
8 review 20% of all asylum cases in the United States,  
9 denial rates, denial rates are rising, from 16% in  
10 2015 to 37% in 2019. Individuals facing unimaginable  
11 harm should be welcomed here. Instead, they are made  
12 to suffer even more, risking their lives on their  
13 journeys to the United States and then once more when  
14 they arrive here in the United States. And I look  
15 forward to hearing from my colleagues at the Mayor's  
16 Office of Immigrant Affairs about the work that they  
17 are doing to identify and meet the needs of asylum-  
18 seeking New Yorkers. And I'm also very pleased that  
19 many of our champions in the field, and many of you  
20 spoke at the press conference we just had, are here  
21 as well, from our legal and social service providers.  
22 And you're here to speak on behalf of the New Yorkers  
23 that you know intimately and their stories. And that  
24 is what's gonna change hearts and minds, not just  
25 here in the city but across the country. So we thank



2 you for your work. You inspire us every single day.  
3 And with that, I want to thank the staff here on the  
4 committee. You know, this was a very intricate, ah,  
5 briefing process for me, ah, and the staff and it  
6 took a while for us to really connect the dots and  
7 all the pieces, and I want to thank everybody who  
8 made that happen, my chief of staff, Lorena Lucero,  
9 legislative director Cesar Vargas, my communications  
10 director, Tony Churito, and the committee staff and  
11 immigration staff, ah, committee counsel Hirani Oja,  
12 community policy analyst Elizabeth Cronk. Thank you  
13 all. And we are going to be with the first panel,  
14 a public panel. Melissa Chandler from the New  
15 Sanctuary Coalition. You can just come on up and  
16 we'll have, we'll have you speak, I'll give you about  
17 three minutes just to kind of lay, lay the foundation  
18 out. Come on up, and make sure that the [pause] and  
19 make sure the mic is on as well. Thank you. We want  
20 to recognize Council Member Moya from Queens and a  
21 member of the Committee on Immigration. Thank you  
22 for being here. [pause]

23 MELISSA CHANDLER: Good afternoon. My  
24 name is Melissa Chandler and I'm here on behalf on  
25 the New Sanctuary Coalition. We want to thank all

1 the council members and the Committee on Immigration  
2 for holding this hearing. Um, the New Sanctuary  
3 Coalition is a multifaith immigrant-led organization  
4 that creates system of support and empowers those  
5 navigating the immigration system by bringing  
6 together citizen volunteers and affected community  
7 members, which we refer to as friends. We do this to  
8 achieve two primary goals. One is equip those  
9 friends with the knowledge they need to navigate the  
10 violence and injustice within, within the immigration  
11 system by advocating for themselves and ultimately  
12 leave the movement. And two, train and mobilize  
13 citizens and faith leaders to support and fight  
14 alongside our friends, providing public witnesses  
15 against the injustice in bureaucracy and advocating  
16 for urgently needed changes to the system. We  
17 ultimately believe that no human being is illegal and  
18 that everyone has the right to live free of violence  
19 and oppression, even including that imposed by  
20 humane, inhumane and arbitrary policies, such as, but  
21 not limited to the Matter of A-B-, the Matter of L-E-  
22 A-, and the fast tracking of asylum cases under the  
23 family unit dockets. These policies do not just deny  
24 asylum to woman but to thousands like here who endure  
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1 and bravely escape the brutality at the hands of  
2 their husbands, as well as those fleeing persecution  
3 on account of their family ties. Such policies also  
4 are designed to further punish and rush thousands of  
5 families through the already confusing and terrifying  
6 immigration system, with the intention of deporting  
7 these families as quick as possible and hopefully  
8 deter others from seeking protection in this country.  
9 All these policies are nothing but proof that the, of  
10 the systematic and cruel attempts of this  
11 administration to attack asylum seekers and strip  
12 them from any vestige of due process. Week after  
13 week, New Sanctuary Coalition continues to stand in  
14 solidarity with [inaudible] affected community  
15 members who must face the challenges in the form of  
16 new judges, who with no independence from the  
17 attorney general and who are instructed to satisfy  
18 performance, performance quotas by fast tracking  
19 family unit cases with no regards for due process,  
20 unduly burdening, burdening asylum seekers by  
21 imposing draconian deadlines, threatening immigrants  
22 with moving forward with the cases and talking about  
23 voluntary departure and deportation orders,  
24 jeopardizing their ability to produce evidence to  
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1 support their claims, find adequate counsel, and  
2 almost guaranteed that deportation. In addition to  
3 that, we witnessed video teleconference [inaudible]  
4 with one or more parties different, in different  
5 locations, as well as interpreters who were asked by  
6 immigration judges to translate all at the same time  
7 for several pro se respondents who often speak  
8 different languages.

9  
10 CHAIRPERSON MENCHACHA: Yeah, go ahead  
11 and finish.

12 MELISSA CHANDLER: Thank you.

13 COUNCIL MEMBER MENCHACA: Yep.

14 MELISSA CHANDLER: What we definitely  
15 desperately must understand is that the meaning of,  
16 that our affected community members find in these  
17 policies is that all the violence that they endured  
18 and the sacrifices they made are not enough, that  
19 they withstood, managed to survive, and escape all  
20 the abuse and [inaudible] was not enough, that it was  
21 not enough for them to have the courage to file a  
22 police report against the man or an international  
23 gang and then be told by these authorities that they  
24 don't, they don't get against, sorry, that they don't  
25 get involved in problems between couples, or that

1 there is nothing to do. Nothing but continued to be  
2 raped, threatened, or killed as a consequence of  
3 their need to seek protection for themselves and  
4 their families, nor is enough to make the decision to  
5 leave behind everything you know and have for the  
6 hope of safety, and it's certainly not enough to  
7 endure all the hardship of their journey in order to  
8 save their children for extreme violence. Not  
9 enough. None of this has been enough to secure life  
10 and safety. Rather, it is only, it has only let them  
11 to face more violence and discrimination here in the  
12 this country. In light of the above because we ask  
13 the courts to overturn the Matter of A-B- and the  
14 Matter of L-E-A- rulings and affirm the United  
15 States' commitment to protect asylum seekers who have  
16 survived and the gender-based violence and other  
17 harms. Our leaders in Congress must advance, must  
18 restore the justice to our asylum system. Our local  
19 governments must stand with asylum seekers and demand  
20 policies that they protect their rights while  
21 ensuring access to free or low counsel and  
22 representation for indigents and those with limited  
23 means. Our communities must stand with affect asylum  
24  
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1  
2 seekers and uphold their rights to seek protection.  
3 Thank you very much.

4           COUNCIL MEMBER MENCHACA: Thank you for  
5 coming and, and speaking on behalf of not just the,  
6 the incredible organizing that you're doing on the  
7 ground, but of all the friends that you see, ah, on a  
8 constant and daily basis that are coming to you for  
9 support and thank you for speaking in favor of the  
10 resolution to support the amicus brief. And I think  
11 one question before you, you leave, and we're gonna  
12 hear from the administration next, ah, to talk a lot  
13 about what they're working on right now to support  
14 our immigration communities, but I, I want to get a  
15 sense from you about how the client-based  
16 interactions you've been having in the clinic that  
17 you have on a weekly basis has changed because of  
18 these asylum changes and the erosion of that promise  
19 that has been built for a long time before. Can you  
20 give us a little bit about that texture and how  
21 that's changing, how people are coming in, and how  
22 you're responding to that with your legal, the legal  
23 clinic?

24           MELISSA CHANDLER: Yes, um, I think, I  
25 believe my colleague, Judith Sanchez, spoke a little

1 bit about this at the rally, um, by mentioning that  
2 we often see between 50 and sometimes 80 new friends  
3 every week, um, who have come to us seeking  
4 protection and assistance. Most of them are  
5 struggling to find legal representation and in the  
6 last, in the past six months we had 842 new friends,  
7 new affected community members, and we, um, with the  
8 help of our volunteers filed 140 asylum applications  
9 only in the last six months.

11 CHAIRPERSON MENCHACHA: 140 applications  
12 in the last six months?

13 MELISSA CHANDLER: Yes.

14 CHAIRPERSON MENCHACHA: OK.

15 MELISSA CHANDLER: All these with, um,  
16 friends with struggling with finding legal  
17 representation because they are often told we are at  
18 capacity, we cannot take that case, that case is  
19 weak, ah, we cannot represent domestic violence  
20 cases, we cannot represent family ties, um, cases,  
21 and they're often are leaving, left without hope.

22 CHAIRPERSON MENCHACHA: And, and, and to  
23 understand the, the changes you're saying that there,  
24 there's an increase in number of cases that are  
25 connected to no, no representation, and is there

1 anything else that, that you can kind of give us in  
2 terms of the texture, the origin of country, um, the  
3 types of persecution. Is there anything else that's  
4 changing that, or that you can share with us that can  
5 tell us a little bit more about what you're seeing on  
6 the ground?

8 MELISSA CHANDLER: Yes, ah, we have  
9 definitely seen an increase mostly of asylum seekers  
10 coming from Honduras. Most of them belong to this  
11 um, native community, which is Garifuna, ah, Garifuna  
12 community, um, most of them are fleeing from hate  
13 crimes, um, their lands are being stolen, um, and  
14 often police are doing nothing just because police  
15 are not, the police force is not, um, like it's not  
16 conformed. By Garifuna, um, can be, like anyone  
17 coming from a Garifuna community and often these  
18 human beings are being seen as they are worth  
19 nothing. Um, we often have heard about them talking  
20 about all the struggling that they, they have to go  
21 through on their journey to come here. Um, often  
22 they speak about these train where they have to  
23 basically jump in and they hear how people fell off  
24 and how the train basically runs over all these  
25 people and some of them refer as you can hear how



1 it's basically hearing, ah, ground up beef grounder.  
2 Um, and then you hear mothers saying, you know,  
3 these, I could hear someone screaming for help  
4 because a child was being taken by the force of the  
5 river, by the force of water, but I could do nothing  
6 because I had one child on my shoulders. I was  
7 holding to one in my arms. And then the other one  
8 had my hands tied. Just so the water cannot take  
9 them. So to me I struggle with the idea of a  
10 president of an administration saying these people  
11 are criminal. These people are coming to take what  
12 is our. These people are coming just to commit  
13 violence, when the only thing that they are looking  
14 for is safety and a future for their sons and  
15 childrens. Most of the time they speak about like  
16 they don't care what happens to them, they just want  
17 to feel that their, the children are being safe and  
18 will be safe.

20 CHAIRPERSON MENCHACHA: Thank you for  
21 that, that texture and I think there are gonna be  
22 other, there are gonna be other organizations that  
23 are gonna talk a little about their, ah, the changes  
24 that they're seeing with asylum, um, the asylum  
25 changes, but, and before I, I let you go, Council

1  
2 Member Moya, do you have any questions? No? The  
3 last question is what do you feel the City of New  
4 York can do to support this mission to protect and  
5 keep our, our promise to the sanctuary movement here  
6 in the City of New York? I know it's a challenge  
7 every single day. The, the word sanctuary city for  
8 us is, is a promise and every day we try to meet  
9 that, um, but we know it's a moving target as well.  
10 This administration is using ever lever of government  
11 power to be able to dismantle, ah, the justice that  
12 was left in the immigration, the broken immigration  
13 system. But they're getting smarter and that's why  
14 the amicus brief is so important, and that's where  
15 we're gonna be a part of that. But if there's  
16 anything that you think we can do in the city, ah,  
17 I'd like to hear it now or, ah, tell us later, but I  
18 think it's important that we make that clear, that we  
19 want to know what we could do to support.

20 MELISSA CHANDLER: Yes. I would, um, I  
21 think we would, we would think that the best thing  
22 that the city could do for asylum seekers is to  
23 continue to build and empower these communities  
24 because they have a voice and they're really strong.  
25 They're great families and they're great human

1 beings. They just need to be heard. I believe that  
2 New York is doing what they can and what is humanly  
3 possible to assist, um, asylum seekers [inaudible]  
4 balance, especially when it comes to gender-based  
5 violence and gang violence, um, but unfortunately it  
6 seems to be not enough. Um, I believe that New  
7 Sanctuary Coalition as, I mean as many other  
8 organizations present here today, as [inaudible] in  
9 her justice and so many others are doing what they,  
10 the best they can to, um, to assist this, this asylum  
11 seekers, these human beings, but we must continue to  
12 grow, we must continue to build and empower these  
13 human beings. Because they can do whatever it's  
14 being asked of them. And we see every day in our  
15 volunteers how we, every time that we ask for them to  
16 show up, to show their support, to do something, they  
17 show up and they do whatever is being asked because  
18 they have in their minds that these people are human  
19 beings and nothing else. These are parents, these  
20 are childrens, sisters, and brothers.

22 CHAIRPERSON MENCHACHA: And we're with  
23 you and our friends, and thank you so much for being  
24 here today.

25 MELISSA CHANDLER: Thank you.

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2                   CHAIRPERSON MENCHACHA: Thank you. I'm  
3 gonna call up the administration now. Ms. Sonia Lin,  
4 deputy commissioner and general counsel for the  
5 Mayor's Office of Immigrant Affairs. And as she  
6 comes and gets settled in, I also want to say thank  
7 you for Danny Dromm, our Council Member from Queens,  
8 for joining us today. Oh, yes, and before we begin,  
9 ah, Deputy Commissioner, you and your team and I and  
10 our team were together this last weekend and I just  
11 want to same thank you. It was the New Sanctuary  
12 Coalition actually that reached out to both of us and  
13 we were both there, um, early in the scene after the  
14 Brooklyn shooting and this hearing is not about that  
15 at all, but I just want to say how important it is  
16 that we acknowledge that work that we do together and  
17 we were there together the whole day, the next day  
18 after that, and there are a lot of questions people  
19 are gonna be asking and, and I just couldn't find a  
20 better partner to, to do that with, and so thank you  
21 for that work. That work is gonna continue and the  
22 family, I think, just felt so loved, the City of New  
23 York was there by, um, by their side and, ah, it's  
24 just an honor to do that work with you. Thank you.

2 DEPUTY COMMISSIONER LIN: I agree, and  
3 thank you for your leadership, Chair Menchaca and,  
4 um, you know the leadership of all the community  
5 partners that were out there.

6 CHAIRPERSON MENCHACHA: And there were  
7 many, and there were many.

8 DEPUTY COMMISSIONER LIN: Yeah.

9 CHAIRPERSON MENCHACHA: We're gonna swear  
10 you in and then we can begin with your testimony.

11 DEPUTY COMMISSIONER LIN: Great.

12 COMMITTEE COUNSEL: Please raise your  
13 right hand. Do you affirm to tell the truth, the  
14 whole truth, and nothing but the truth in your  
15 testimony before this committee and to respond  
16 honestly to council member questions?

17 DEPUTY COMMISSIONER LIN: Yes.

18 COMMITTEE COUNSEL: Thank you.

19 DEPUTY COMMISSIONER LIN: Thank you to  
20 Chair Menchaca and the members of the Committee on  
21 Immigration. My name is Sonia Lin and I'm the deputy  
22 commissioner and general counsel of the Mayor's  
23 Office of Immigrant Affairs. My testimony today  
24 discusses this federal administration's systemic  
25 dismantling of the asylum system and how the many

1 barriers that have been erected to prevent those  
2 fleeing persecution, including those fleeing gang and  
3 domestic violence, from accessing humanitarian relief  
4 have harmed not only asylum seekers but also  
5 communities in the United States, including here in  
6 New York City. I will highlight the city's response  
7 to these attacks and share how MOOIA has worked with  
8 city agencies and partners to support New Yorkers  
9 affected by the Trump administration's damaging  
10 policies and actions. New York City is home to a  
11 large and diverse immigrant population. Immigrants  
12 enrich our communities and culture, drive our economy  
13 and are instrumental in all aspects of city life. As  
14 the ultimate city of immigrants, we recognize how  
15 much immigrants contribute and we know that a  
16 thriving city is closely connected to our immigration  
17 communities' inclusion and participation in civic  
18 life. It is thus in the city's best interest to  
19 welcome immigrants and support them as they make the  
20 city their home. As we all know, immigrants come to  
21 New York from many places, for many different  
22 reasons. Unfortunately for some people migration is  
23 necessitated because of violence and persecution in  
24 their home countries. We recognize the vulnerability  
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1 of those seeking humanitarian protection and are  
2 committed to supporting asylum seekers and other  
3 humanitarian migrants in connecting to resources and  
4 services that will assist them as they build a new  
5 life. Our country has a proud history of welcoming  
6 those fleeing violence and persecution and of  
7 protecting those who face danger in their home  
8 country. Indeed, under federal and international law  
9 immigrants with a well-founded fear of persecution  
10 have a right to seek protection by applying for  
11 asylum in the United States. To qualify for asylum  
12 an individual must show that they have a well-founded  
13 fear of persecution in their home country, based on  
14 at least one of the enumerated protected grounds,  
15 race, religion, nationality, political opinion, or  
16 membership in a particular social group. This last  
17 category is critical because it provides relief  
18 though those who fear imminent persecution for a  
19 particular reason specific to their experience, but  
20 who do not neatly fall into the four categories. In  
21 evaluating whether a petitioner has established their  
22 membership in a particular social group, courts have  
23 determined that membership recognizes those fleeing  
24 from domestic violence, for example, as well as those  
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1 fleeing gang violence. Through a slew of new  
2 policies, proposed rules, and legal interpretations,  
3 however, the Trump administration has systemically  
4 undermined our legal and moral commitment to asylum  
5 seekers. Those seeking protection now face enormous  
6 barriers to even requesting asylum and accessing due  
7 process rights in the course of making their  
8 applications. Newly arrived asylum seekers also face  
9 the prospect of dehumanizing detention under  
10 deplorable conditions at the border or, even more  
11 dangerous, a lengthy uncertain wait in Mexico as  
12 their cases are processed in the United States. In  
13 addition, asylum seekers at the border and in  
14 immigration courts throughout the US must navigate a  
15 system with enormous backlogs and strict case  
16 completion quotas for immigration judges that affect  
17 individuals' ability to access counsel and prepare  
18 their cases. Furthermore, through the interventions  
19 of Attorney General Sessions and Attorney General  
20 Barr, asylum seekers have also had to contend with  
21 legal changes to asylum eligibility, specifically the  
22 narrowing of what constitutes membership in a  
23 particular social group, to exclude domestic violence  
24 survivors and those fleeing gang violence, disrupting  
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1 legal precedent. As relief through the asylum system  
2 becomes harder and harder to access, the stakes for  
3 individuals could not be higher. Central America and  
4 particularly the northern triangle countries, El  
5 Salvador, Honduras, and Guatemala, continue to  
6 struggle with high levels of gang violence. El  
7 Salvador is commonly referenced as a country with  
8 some of the most gang violence in the world. In  
9 light of these conditions, those who are turned back  
10 or deported from the United States face serious  
11 danger. A recent Human Rights Watch report found  
12 that in recent years at least 138 people deported to  
13 El Salvador were subsequently killed, with the  
14 majority of these deaths taking place less than a  
15 year after those deported returned to El Salvador.  
16 Human Rights Watch also confirmed at least 70 cases  
17 of sexual assault or other violence perpetrated  
18 against those deported. These reports were confirmed  
19 through official records, interviews with families,  
20 and media accounts. But Human Rights Watch believes  
21 that the actual toll is much higher due to under-  
22 reporting. The Trump administration's attacks on  
23 asylum seekers exacerbates human suffering by  
24 preventing individuals with claims for asylum from  
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1 pursuing and obtaining relief. They also prevent  
2 individuals from achieving more stable lives in the  
3 United States, creating negative repercussions for  
4 cities like New York that are home to many asylum  
5 seekers and their families. As local government we  
6 are on the front lines of connecting our most  
7 vulnerable residents to services and resources. We  
8 know the importance of supporting immigrant families  
9 and how it benefits our city and our work supporting  
10 public safety, public health, and the well-being of  
11 our communities. By contrast, the Trump  
12 administration's efforts to create a hostile  
13 environment for immigrants negatively impact these  
14 goals and instead promote fear, confusion, and a lack  
15 of trust. As such, the city has a strong interest in  
16 the fairness of the US asylum system and is  
17 supporting asylum seekers in accessing humanitarian  
18 relief. Towards that end, we are proud to have  
19 worked with the City Council in making historic  
20 levels of investment, together about 58 million  
21 dollars, in immigrant legal services, funding a  
22 continuum of services and a wide range of excellent  
23 providers so that immigrant communities, including  
24 asylum seekers, can access free high-quality legal  
25

1 help. We recognize that these investments are  
2 jeopardized by the ways in which the Trump  
3 administration has undermined the asylum system. We  
4 have thus engaged in advocacy opposing the attacks on  
5 asylum seekers and the asylum system. This advocacy  
6 has included the submission of regulatory comments in  
7 opposition to various proposed and final rules  
8 impacting asylum seekers. Most recently, we  
9 submitted a comment in January strongly opposing a  
10 proposed rule that would expand bars to asylum. This  
11 proposed rule would rob individuals of due process  
12 and further exacerbate the issue of the United States  
13 applying bars to asylum that are far more broad than  
14 was ever attended under the law. Our also, our  
15 office has also commented in opposition to proposed  
16 rules that attack work authorization for asylum  
17 seekers, which would compromise the ability of  
18 asylum-seeking New Yorkers to earn a living while  
19 their cases are pending. The city in December also  
20 submitted a comment expressing grave concern about US  
21 citizenship and immigration services proposed fee  
22 schedule that would, among other things, impose for  
23 the first time a fee for asylum applications. Mayor  
24 de Blasio co-led a sign-on letter of over 50 mayor's  
25

1 opposing this proposed fee schedule. If the change  
2 does go into effect, the US would join only three  
3 other countries, Australia, Fiji, and Iran, in the  
4 world that charge a fee for asylum applications.  
5 Last, we conduct consistent outreach and engagement  
6 of immigration communities about services and  
7 resources available to them and recently partnered  
8 with the state and nonprofit service providers to  
9 make informational materials available to New Yorkers  
10 recently granted asylum. In collaboration with the  
11 State Office of New Americans and Office of Temporary  
12 Disability Assistance, and together with the refugee  
13 resettlement organizations, CAMBA, HIAS,  
14 International Rescue Committee, and Catholic  
15 Charities, we worked with the immigration court in  
16 the New York and New Jersey asylum offices, both of  
17 which serve New York City residents, to make  
18 available palm card about resources dedicated to  
19 those granted asylum. These services include cash  
20 assistance and access to benefits, employment help,  
21 referral to educational supports and additional  
22 resources. Those granted asylum in New York can call  
23 the office of New Americans hotline at 1-800-566-  
24 7636, to be connected to local agencies for benefits  
25

1 that can play a crucial role in their integration and  
2 empowerment. Thank you for the opportunity to  
3 testify today.

4  
5 CHAIRPERSON MENCHACHA: Thank you, and I  
6 just want to say an actual thank-you on behalf of the  
7 50, Mayor de Blasio and the other 50 mayors opposing  
8 the proposed fee schedule. Ah, I think that's  
9 another piece that is part of this larger construct  
10 for barriers. And so, um, I have a few questions and  
11 I just want to ask to see if my, ah, committee  
12 members have any questions. OK. And Council Member  
13 Chin, any questions right now? No? OK. Um, so is  
14 there data on the number of asylum seekers in the  
15 city that, that you hold today [inaudible] that?

16 DEPUTY COMMISSIONER LIN: Um, so I think  
17 there are a couple challenges to answering that  
18 question so, um, forgive me if it's a bit long-  
19 winded. I think the first challenge is to finding,  
20 um, who are asylum seekers in the city, um, so, um,  
21 you know, there's no sort of technical definition.

22 CHAIRPERSON MENCHACHA: Right.

23 DEPUTY COMMISSIONER LIN: Um, you know,  
24 we could look to those who have actually submitted  
25 the I589 form, um, to apply for asylum, but I think

1  
2 that doesn't really capture the full range of those  
3 who may fear persecution in their home countries, um,  
4 so that I think is a more broad definition and we  
5 don't have, um, numbers for either of these groups.  
6 I think the challenge is really a data issue when it  
7 comes down to it. Um, the New York Immigration Court  
8 covers a jurisdiction that's bigger than New York  
9 City. It covers many counties outside of New York  
10 City. Similarly, the asylum offices, um, in New  
11 Jersey and in New York cover, um, sort of many  
12 counties outside of the city. Um, so we don't have,  
13 you know, good data. That's a challenge for us, um,  
14 in the city. What I can share, um, in the New York  
15 Immigrant Court for federal fiscal year 2019 asylum  
16 was granted to about 6000 people. Um, so again,  
17 that, um, it's just one...

18 CHAIRPERSON MENCHACHA: And it's just  
19 through the court?

20 DEPUTY COMMISSIONER LIN: ...one piece of  
21 data. It's just the court.

22 CHAIRPERSON MENCHACHA: Yeah.

23 DEPUTY COMMISSIONER LIN: It doesn't  
24 count, ah, the asylum office. Um, and then similarly  
25 I think for our own program data in terms of legal

1 services, um, and legal services provision, um, you  
2 know, again, um, you know, because if you really  
3 think about the population of those who fear return,  
4 um, to their home countries, um, you know, I don't  
5 think our data totally captures it. We do capture  
6 the number of people for whom, um, our providers have  
7 supported in asylum applications, but I think the  
8 broader population of asylum seekers will be much  
9 larger, you know, for various reasons. They may not  
10 actually follow through on an asylum applicant. Um,  
11 last year, um, or in the last year that we have data  
12 for, um, ah, city fiscal year 2018, um, you know, ah,  
13 our city programs assisted in about 25,000 cases, um,  
14 for the administration-funded programs, those 18,000  
15 cases.

17 CHAIRPERSON MENCHACHA: Do [inaudible]  
18 list those programs?

19 DEPUTY COMMISSIONER LIN: And that's a  
20 range of, um, you know, different kinds of cases.  
21 Um, the programs?

22 CHAIRPERSON MENCHACHA: Yeah, just remind  
23 us again. This is ActionNYC, IOI?

24 DEPUTY COMMISSIONER LIN: Exactly. It's  
25 ActionNYC, IOI, um, it also includes, um, CSBG, um,

1  
2 the New York Immigrant Family Unity Project for those  
3 who are detained and in removal procedures, the I  
4 Care Program for Immigrant Youth, um, Counsel IOI,  
5 um, and, um, ah, immigration, ah, work, ah, in  
6 partnership with domestic violence, um, ah,  
7 organizations.

8 CHAIRPERSON MENCHACHA: Got it. And that  
9 was the 25,000 cases that, that comprised...

10 DEPUTY COMMISSIONER LIN: That's right.

11 CHAIRPERSON MENCHACHA: ...those totals.

12 DEPUTY COMMISSIONER LIN: In, um, fiscal  
13 year 18.

14 CHAIRPERSON MENCHACHA: And then on the  
15 federal, federal 6000 cases, do you have a sense of  
16 country of origin on that? Is that something that's  
17 available?

18 DEPUTY COMMISSIONER LIN: Unfortunately,  
19 I don't have that information with me. Um, I can  
20 share with you a sort of where, um, people who come  
21 to city-funded programs are coming from.

22 CHAIRPERSON MENCHACHA: OK, that'd be  
23 great.

24

25



2 DEPUTY COMMISSIONER LIN: Um, but I don't  
3 have the, the breakdown from the immigrant court with  
4 me today. Um...

5 CHAIRPERSON MENCHACHA: Well, actually,  
6 let's hold on that 'cause if, if it's just the,  
7 you're talking about the 25,000 cases in general?

8 DEPUTY COMMISSIONER LIN: Yes.

9 CHAIRPERSON MENCHACHA: So let's hold,  
10 then we can, we can follow up on, in data, the data  
11 piece.

12 DEPUTY COMMISSIONER LIN: OK.

13 CHAIRPERSON MENCHACHA: Um, ah, the, what  
14 specific needs of asylum-seeking New Yorkers has  
15 MOOIA identified?

16 DEPUTY COMMISSIONER LIN: So I think  
17 that, um, I think that for, um, New Yorkers, ah, who  
18 are, um, humanitarian migrants who have a fear of  
19 return, um, these needs include, um, access to legal  
20 services, um, access to city services generally, um,  
21 ah, and, you know, our approach has been to, um,  
22 conduct outreach to all immigrant New Yorkers, um,  
23 the significant number of New Yorkers who are non-  
24 citizens, who may be undocumented, to make sure that  
25 they know about immigration legal services that are

1 available to them and that they can be connected to a  
2 wide range of city services and resources that are  
3 available to all.

4  
5 CHAIRPERSON MENCHACHA: And, and there, I  
6 just want to, um, kind of get a sense of the, the  
7 profile of an asylum seeker and 'cause I think what  
8 you're saying is, is right on in terms of the breadth  
9 of services that are needed are pretty much and  
10 potentially the same for anyone that is seeking  
11 service.

12 DEPUTY COMMISSIONER LIN: That's right.

13 CHAIRPERSON MENCHACHA: So I just want to  
14 make sure that that's what you were saying, and that  
15 ultimately there's a, there is a broader scope of  
16 services that we're building and over time we've been  
17 making that more robust, um, not just legal services,  
18 education, health, and then the council's recent  
19 bail, bail program as well, the immigrant defense  
20 fund...

21 DEPUTY COMMISSIONER LIN: Right.

22 CHAIRPERSON MENCHACHA: ...that allows  
23 for, ah, bail to be, ah, to be available for, for  
24 folks. So that's what you're saying, right?  
25 There's, there's just [inaudible] marker.

1  
2                   DEPUTY COMMISSIONER LIN: Yes,  
3 absolutely, yeah, I think that our perspective, um,  
4 you know, I think we don't really, um, I mean,  
5 obviously I think we recognize the particular  
6 challenges that those who have a fear of return may  
7 face, but our approach has been to connect our  
8 immigrant communities, including our undocumented  
9 communities, with services, a range of services, um,  
10 that we recognize are important, um, for their, ah,  
11 family well-being and for their ability to integrate  
12 and thrive in this city, and so that includes legal  
13 services, it includes social services, um, to make  
14 sure that people know about the availability of, um,  
15 help, um, medical help, um, health care, um,  
16 education, public safety resources, emergency food  
17 and shelter, um, and we design our outreach  
18 accordingly.

19                   CHAIRPERSON MENCHACHA: Got it. I'm  
20 gonna take a pause here and had it over to Council  
21 Member Dromm for questions.

22                   COUNCIL MEMBER DROMM: Just on the data  
23 collections again, I'm not sure if I missed it, but,  
24 um, is there any way to determine the number of cases  
25

1  
2 for asylum, um, as it relates to sexual orientation  
3 and gender identity?

4 DEPUTY COMMISSIONER LIN: Um, to my  
5 knowledge, I don't believe that either the federal  
6 data or our program data, um, sort of gets into that  
7 level of specificity. I think for us, um, as far as  
8 city-funded programs, there are concerns about  
9 confidentially, um, that, um, inform, um, kind of  
10 what we ask providers to report on so we don't get to  
11 that level of, um, ah, specificity as far as case  
12 types.

13 COUNCIL MEMBER DROMM: Do they ask for  
14 their nationality?

15 DEPUTY COMMISSIONER LIN: Um, we do have  
16 nationality information for, um, individuals who are  
17 served through our programs, um, and, you know, I  
18 think it, again, from fiscal year 18 our legal  
19 service providers assisted immigrants from over 176  
20 countries, um, with the largest, ah, sort of groups  
21 coming from Mexico and the Dominican Republic. Ah,  
22 we are seeing an increase, um, in clients coming from  
23 other areas of the world as well, um, from the  
24 Caribbean, um, and from Central America. We saw a  
25 growth, um, in the number of clients, um, served from

1 those areas as well as cases for immigrants from  
2 Africa.  
3

4 COUNCIL MEMBER DROMM: So regarding the  
5 confidentiality issue for LGBT and gender identity,  
6 what are those issues?

7 DEPUTY COMMISSIONER LIN: I think that  
8 there's a concern about, um, ah, sort of data  
9 reporting from the providers, um, with respect to how  
10 many clients they've seen, um, who have a fear of  
11 return based on sexual orientation, gender identity,  
12 um, or similar. I'm happy to follow up and we can  
13 definitely follow up and have conversations, um, with  
14 our providers about the frequency, um, with which  
15 they are seeing this kind of work. It's something  
16 that we know comes up from our conversations with the  
17 providers, um, and we've actually worked with, um,  
18 the Anti-Violence Project and the Office of Civil  
19 Justice to make sure that there's additional training  
20 and capacity building in the provider community so  
21 that there's greater awareness and sensitivity and  
22 working specifically with trans and gender  
23 nonconforming clients, um, since, um, that is a  
24 population that is vulnerable and that we, um, sort  
25

1 of all providers could use additional training in  
2 working with them.

3  
4 COUNCIL MEMBER DROMM: No, it's a little  
5 concerning to me that, ah, we don't know those  
6 numbers because, um, oftentimes what I found is that,  
7 um, some of the organizations, even the organizations  
8 that we fund, um, do not screen for LGBT or gender  
9 identity, when in fact that is a great way to, ah,  
10 get asylum. So, I mean, at least in New York, right?  
11 Um, and so you know, I've been trying to push this  
12 for a while that we do have those numbers and that we  
13 do have screening mechanisms within the organizations  
14 that receive the money.

15 DEPUTY COMMISSIONER LIN: Um-hmm.

16 COUNCIL MEMBER DROMM: So do you know how  
17 they're screened?

18 DEPUTY COMMISSIONER LIN: Um, I don't  
19 know offhand, but I'm happy to, um, inquire and  
20 follow up.

21 COUNCIL MEMBER DROMM: My concern here,  
22 again, is that they'll miss it.

23 DEPUTY COMMISSIONER LIN: I'm sorry?

24 COUNCIL MEMBER DROMM: They'll miss it if  
25 they don't bring it up, right? If they don't say

2 there is a possibility that if you're LGBTQ or gender  
3 identity issue...

4 DEPUTY COMMISSIONER LIN: Right.

5 COUNCIL MEMBER DROMM: ...they'll miss it  
6 and then they'll miss the opportunity to get  
7 asylum...

8 DEPUTY COMMISSIONER LIN: Right.

9 COUNCIL MEMBER DROMM: ...and it's fear  
10 because of maybe with the situation that they came  
11 from and the country in which they lived that they  
12 may not themselves bring it up.

13 DEPUTY COMMISSIONER LIN: Right.

14 COUNCIL MEMBER DROMM: But there should  
15 be a screening mechanism by which these things can be  
16 asked of the clients coming in for any type of, um...

17 DEPUTY COMMISSIONER LIN: Right.

18 COUNCIL MEMBER DROMM: ...immigration  
19 relief.

20 DEPUTY COMMISSIONER LIN: Right.

21 COUNCIL MEMBER DROMM: So it should be  
22 part of any screening, I think for any immigration  
23 relief, whether it's DACA or whatever, 'cause then  
24 other ways of, you know, getting it, one of them  
25

2 being, um, sexual orientation and asylum, you know,  
3 really high up on the list.

4 DEPUTY COMMISSIONER LIN: Um, I, I will  
5 definitely follow up. It's not, I don't know  
6 offhand, um, whether that's sort of a routine part of  
7 screening by the providers, um, that we work with.  
8 Um, I definitely know that providers routinely  
9 inquire about whether there's any fear or concern  
10 about return. But I don't know kind of, again, um,  
11 in the various intake, um, forms, um, kind of what,  
12 what kind of questioning, that's something we can  
13 definitely look into and follow up with your office  
14 about.

15 COUNCIL MEMBER DROMM: I think it also  
16 should be done in a sensitive way...

17 DEPUTY COMMISSIONER LIN: Of course.

18 COUNCIL MEMBER DROMM: ...um, you know,  
19 but I definitely think that it's something that  
20 should be brought up.

21 DEPUTY COMMISSIONER LIN: Um-hmm.

22 COUNCIL MEMBER DROMM: OK, thank you.

23 DEPUTY COMMISSIONER LIN: Thank you.

24 CHAIRPERSON MENCHACHA: Thank you,  
25 Council Member Dromm and, and, and we're gonna want



1  
2 to follow up on that with you and we know that even  
3 cases that come in as well, ah, have created a, um,  
4 not just an opportunity but an urgency to solve this,  
5 this piece. So thank you for that advocacy. Ah, I  
6 just want to also make sure that, that we  
7 acknowledged Council Member Chin and Council Member  
8 Mathieu Eugene, who were here today. Um, any  
9 questions, for either of you? Yes, Council Member  
10 Chin. And Council Member Mathieu Eugene, if you have  
11 any questions let me know. Otherwise, I'm gonna keep  
12 going. OK.

13 COUNCIL MEMBER CHIN: I guess, my  
14 question I wanted to focus on in terms of outreach,  
15 um, I don't want to make the assumption, but like if  
16 somebody is, you know, seeking asylum who, um,  
17 [inaudible] all the safety measure got here to the  
18 United State and oftentimes they might have family  
19 members who are here or friends or relatives. So in  
20 terms of like letting people know what resources are  
21 available, ah, to help these individuals who are  
22 seeking, um, seeking asylum, like how do we do  
23 general, um, outreach in terms of to the ethnic  
24 media, um, local organization, churches...

25 DEPUTY COMMISSIONER LIN: OK, yes.

1 COMMITTEE ON IMMIGRATION 42  
2 COUNCIL MEMBER CHIN: ...so that people  
3 know that this research is available and also if they  
4 have, you know, family members, you know, back home  
5 that are in danger and they are lucky enough to get  
6 here.

7 DEPUTY COMMISSIONER LIN: Um-hmm. Um,  
8 thank you for that question. I think that, um, all  
9 of the above in terms of outreach tactics and  
10 techniques, um, that we engage in, um, you know, we  
11 have a very robust outreach and organizing team as  
12 well as a community services team that fields  
13 inquires from, um, individual constituents, um, and  
14 our team members are out in the fields all the time,  
15 um, working with community groups, community leaders,  
16 working with many of your offices, um, to put on  
17 events, to table and provide information, um, and to  
18 disseminate, um, materials, um, both short and long  
19 in, um, sort of a wide range of languages, um, to  
20 make sure that immigrant New Yorkers know about the  
21 services, um, that are available to them, um,  
22 particularly immigration legal services, um, and our  
23 immigration legal service providers, we're so blessed  
24 to work, um, in a city with just excellent providers.  
25 Um, you know, they are also experts in, um, working

1  
2 with clients who may have families back home, um,  
3 that may be eligible for, um, ah, relief as, um, sort  
4 of derivative beneficiaries of an asylum claim and to  
5 work, um, with individuals on that level, um, but,  
6 you know, we are happy to work with your office on  
7 specific tailored outreach to communities, um, that  
8 you have in mind but, you know, making community  
9 members aware of free, safe, immigration legal  
10 services is absolutely central to all the outreach  
11 that we do.

12 COUNCIL MEMBER CHIN: Do you have any  
13 data in terms of how many successful cases, um, was  
14 accomplished in the last couple years?

15 DEPUTY COMMISSIONER LIN: Um, you know,  
16 let me see if, I do have a lot of data but I'm not  
17 sure if I have that part statistic with me. Um, you  
18 know, as I mentioned, um, through the administration-  
19 funded programs, um, in fiscal 18, um, there were  
20 about 18,000 cases served. About 80% of those cases,  
21 um, ah, lawyers provided full legal representation.  
22 Um, success rates, we do have data and I apologize,  
23 I'm not sure that I have them with me, um, but I  
24 think through programs like ActionNYC and, um,  
25 mayoral IOI, um, the, oh, I do have some of this

1 data. Um, the, um, the grant rates are, are quite  
2 high, um, and so I think we see that having, um,  
3 high-quality immigration legal service, um,  
4 assistance and representation makes a really big  
5 difference for, um, our community members. So in  
6 2018, um, through the, um, sort of administration's  
7 immigration programs, um, ah, providers files, well,  
8 this is from, for USCIS, about 6400 applications with  
9 USCIS, um, about 2400 of those cases were decided and  
10 about, um, ah, 2500 applications were decided by  
11 USCIS and about 2400 were granted, um, so, again,  
12 that's just for applications, affirmative relief  
13 applications filed with US citizenship and  
14 immigration services, but I think those numbers give  
15 you, um, a sense of the success rate for applications  
16 filed.

17  
18 COUNCIL MEMBER CHIN: That's good, I  
19 mean, but I think that needs to, you need to  
20 publicize those.

21 DEPUTY COMMISSIONER LIN: I'm sorry?

22 COUNCIL MEMBER CHIN: You need to  
23 publicize the victories...

24 DEPUTY COMMISSIONER LIN: Yes.

25

2 COUNCIL MEMBER CHIN: ...so that people,  
3 um, in the community knows that's its possible, ah,  
4 that if they take a chance they might be able to, to  
5 win.

6 DEPUTY COMMISSIONER LIN: Yes.

7 COUNCIL MEMBER CHIN: Ah, I think that's  
8 why I think in terms of outreach and education

9 DEPUTY COMMISSIONER LIN: Yes.

10 COUNCIL MEMBER CHIN: ...to really let  
11 people know that there are successes

12 DEPUTY COMMISSIONER LIN: Yeah.

13 COUNCIL MEMBER CHIN: ...and people should  
14 not give up hope. So I'd be utilizing ethnic  
15 media...

16 DEPUTY COMMISSIONER LIN: Hmm, yeah.

17 COUNCIL MEMBER CHIN: ...organization,  
18 churches, it will be good to really highlight some of  
19 the victories.

20 DEPUTY COMMISSIONER LIN: That makes a  
21 lot of sense.

22 COUNCIL MEMBER CHIN: Thank you.

23 DEPUTY COMMISSIONER LIN: Thank you.

24 COUNCIL MEMBER CHIN: Thank you, Chair.  
25

1  
2                   CHAIRPERSON MENCHACHA: Thank you, and  
3 Council Member Dromm has another question. But I  
4 want to just in and ask a little bit about the, the  
5 kind of wrap-around services that we talked about  
6 earlier that are, ah, both asylum seeker-related and  
7 just anyone that is seeking services. How are in, in  
8 your work have you identified the increase in number  
9 of cases and the changes and trends that may have,  
10 well, actually, I want to ask to see if there has,  
11 been any changes in trends in terms of asylum seekers  
12 over time and whether or not you've seen an increase?

13                   DEPUTY COMMISSIONER LIN: Um, I don't  
14 think, we, we don't have data that speaks  
15 specifically to that point. I think an engagement  
16 with our program providers, um, um, with whom we, um,  
17 work with constantly, um, we understand that, um, you  
18 know, this environment has made it more difficult  
19 than ever, um, in kind of delivering immigration  
20 legal services just with the level of change that  
21 we're seeing from the federal government, um, you  
22 know, I think providers are really challenged now,  
23 um, to, um, you know, ah, keep up with changes in the  
24 law, um, and then, um, to work with clients, um, and,  
25 ah, kind of consult with them and make decisions with

1  
2 them about the best course to take in their cases,  
3 and so what we were hearing from our providers is how  
4 difficult and challenging it is, um, in this  
5 environment right now and how, um, you know, it's,  
6 um, sort of all the more resource intensive, um, to  
7 um, conduct this work, um, and you know, and, and  
8 frankly just how draining it is from a sustainability  
9 perspective.

10 CHAIRPERSON MENCHACHA: Yup.

11 DEPUTY COMMISSIONER LIN: So I think it's  
12 a tremendous challenge for the field, um, and one  
13 that we seek to support, um, through mechanisms like  
14 the technical assistance we provide, um, through the  
15 expertise of clinic, um, and, um, the New York  
16 Immigration Coalition, as well as, um, you know, sort  
17 of other means to support the capacity of providers  
18 at this, um, at this very difficult time for  
19 communities.

20 CHAIRPERSON MENCHACHA: We're in the  
21 middle, well, actually, we're in the beginning of the  
22 budget process. Do you feel like there's already a,  
23 um, a gap of services that will require more funding  
24 in the near future?  
25

2 DEPUTY COMMISSIONER LIN: I think  
3 there's, there's always ways that we can do more and  
4 I think we're, um, you know, happy to continue those  
5 conversations as we go through the budget process.  
6 Um, you know, I think that, um, together the city and  
7 the City Council, um, have invested just historic  
8 levels, um, into, um, supporting immigration legal  
9 services, um, we should all be very proud of that,  
10 um, but of course gaps remain and I think that's  
11 something that, um, you know we look forward to  
12 continuing to discuss with you.

13 CHAIRPERSON MENCHACHA: Well, and I'd  
14 like to, ah, or actually say I'm anticipating that  
15 MOOIA, MOOIA comes at the budget hearing with a kind  
16 of a package, if you will, of kind of provider-  
17 driven, across the board of services, not just legal,  
18 but everything that we just were discussing, ah, with  
19 an understanding that there are more needs and  
20 therefore requests that can come directly from MOOIA,  
21 that, that would help the process move forward, um,  
22 and on that note, Council Member Dromm.

23 COUNCIL MEMBER DROMM: OK, just to follow  
24 up again, I have just some concerns about, um, I'm  
25 wondering if you know, um, do you know the breakdown



2 of, um, the ethnic or national breakdown, nationality  
3 breakdown, of who's, who's, um, applying for asylum?

4 DEPUTY COMMISSIONER LIN: Um, I don't  
5 have that information with me. I'm sort of thinking  
6 to see if that information is available and I don't  
7 recall, um, sort of all of the data points that, um,  
8 you know, the federal government does make available,  
9 but I'm happy to double check and get back to you on  
10 that.

11 COUNCIL MEMBER DROMM: OK. One of my  
12 concerns regards the funding, um...

13 DEPUTY COMMISSIONER LIN: I'm sorry?

14 COUNCIL MEMBER DROMM: ...and support of  
15 the funding, but with NYIFUP um, I'm understanding is  
16 that an awful lot of Asian and Pacific, um, folks,  
17 they're the highest number of deportations, I think.

18 DEPUTY COMMISSIONER LIN: Um-hmm.

19 COUNCIL MEMBER DROMM: And the lowest  
20 number of people who are accessing, ah, these  
21 services provided by NYIFUP and/or other programs.

22 DEPUTY COMMISSIONER LIN: Um-hmm.

23 COUNCIL MEMBER DROMM: So I'm wondering  
24 if the same thing isn't true for asylum cases.

25 DEPUTY COMMISSIONER LIN: Um-hmm.

1  
2 COUNCIL MEMBER DROMM: And that's why I  
3 wanted to get those numbers, to look at that, to see  
4 if there's a comparison there and what more we can do  
5 to do outreach, along what Council Member Chin was  
6 saying, um, to those communities in particular.

7 DEPUTY COMMISSIONER LIN: Yep. Um, thank  
8 you for the question. I think we definitely are  
9 aware that, um, you know, kind of outreach to  
10 specific communities is very important across all of  
11 the immigration legal services that are, um, funded  
12 by the city, um, and I know from my office's  
13 perspective, um, you know, we've really dedicated a  
14 lot of resources to expanding our ability, um, to  
15 work with small- and medium-size organizations that  
16 work with Asian and Pacific Islander, um,  
17 communities, um, and to support them as they build  
18 their immigration, um, practices, um, so that they  
19 can continue to do this really important work for a  
20 community that's too often underserved. Um, but I'm  
21 happy to look into sort of further data that we have  
22 about asylum cases, um, and, um, sort of by  
23 nationality, um, and, ah, you know, I think we would  
24 be, ah, very honored to work with you, um, to see how  
25 we can do better.

2 COUNCIL MEMBER DROMM: We'll just dial  
3 that number that correlates with the spending that  
4 we're doing in terms of the programs also.

5 DEPUTY COMMISSIONER LIN: Um-hmm, yes.

6 COUNCIL MEMBER DROMM: Thank you.

7 CHAIRPERSON MENCHACHA: Thank you,  
8 Council Member Dromm, and I'm curious, the, the New  
9 York Sanctuary Coalition in the public panel  
10 mentioned a rise in Garifuna asylees and we know  
11 MOOIA recently held a Garifuna town hall and is this  
12 related to those claims and is there any relationship  
13 to that?

14 DEPUTY COMMISSIONER LIN: Um, I think  
15 that, um, you know, I think, ah, our approach to  
16 holding events and conducting, um, outreach with  
17 different communities across the city, um, sort of  
18 stems from our desire to make sure that, um, sort of  
19 new communities of immigrants or immigrants who might  
20 have been, um, sort of historically underserved um,  
21 um, know, ah, who their city government is, um, and  
22 have, ah, relationships, ah, with our office, um, and  
23 that we're bringing information about city services  
24 and resources to these communities, um, so they could  
25 access help, um, and so you're absolutely right, we,

1  
2 um, recently held a town hall with our Garifuna  
3 community. We worked closely, um, with several  
4 organizations that, um, work in this community and  
5 have, um, you know, deep ties, um, with this  
6 community and, um, you know, ah, um, you know, I  
7 think thanks to the nurturing of these relationships  
8 do get, um, sort of, ah, have a good, um,  
9 communication flow, um, with members of the committee  
10 about various constituent requests and community  
11 needs, um, which we endeavor to make sure that people  
12 are connected to legal services, connected to, um,  
13 you know, information about how, um, they can access  
14 help. Legal services are certainly a high priority.

15 CHAIRPERSON MENCHACHA: Yeah, and, I  
16 guess, ah, this is my last kind of, ah, question  
17 bucket, because I think what I want to end it with  
18 here is, is something that Council Member Dromm spoke  
19 to in terms of, of the LGBT community and a screening  
20 process that works for everybody and I think this is  
21 the, um, the kind of tricky in terms of how, how do  
22 you really build the best opportunities for people to  
23 come forward so that asylum could be triggered and  
24 other, other benefits, ah, in kind of legal, legal  
25 casework and, and some of that is legal, but before

1  
2 you get to the legal you have to, you have to create  
3 comfort and trust, and so many of these, these  
4 services that we're paying for from, you know, the  
5 city tax dollars and are going to nonprofits are  
6 going to, to nonprofits that are doing the good work,  
7 that have the confidence, and we're learning about  
8 this doing the census that we're doing. They're the  
9 ones that are the trusted organizations, not us in  
10 government, and they're not gonna listen to us,  
11 they're gonna listen to the people that they're  
12 defending. But so much has to happen so folks can  
13 open up, so there could be discovery, and, and part  
14 of that work is really understanding the, and for  
15 this, OK, so now that was a big statement. But for  
16 the federal asylum changes, are there are any shifts  
17 in tracking through ActionNYC, for example, and the  
18 hotline, or the immigration info desks, are you  
19 seeing things pop up and that's, that's, we're just  
20 gonna kind of keep pushing on that. Are, are you  
21 seeing new bits of information from those places that  
22 people are contacting?

23                   DEPUTY COMMISSIONER LIN: I think we're  
24 definitely seeing increased volume coming through the  
25 ActionNYC hotline. Again, you know, the hotline, um,

1 operators don't go into each caller's sort of history  
2 and intake, um, they provide information, they  
3 provide appointments, they connect people to the  
4 services that they need. Um, so we have some sense  
5 of why people might be calling 'cause it might be  
6 connected to a particular event. For example, last  
7 summer when there was the threat of raids coming from  
8 the president and from the administration we saw the  
9 numbers to the hotline go way up, right, and we knew  
10 that people were very concerned about the raids. So  
11 we have that kind of sensitivity, we have an  
12 understanding of what people are concerned about.  
13 But generally I think what we can say is that there's  
14 just tremendous concern and that's what we're sort of  
15 getting from, um, the programs that we run, the, um,  
16 the outreach that we do, a tremendous level of  
17 concern and fear, um, that goes beyond just asylum  
18 seekers, right, who, um, you know, ah, you know, as I  
19 noted, sort of a broad group. Um, there may be many  
20 people who have deep ties, may be eligible for family  
21 immigration, but also are afraid of return, um, to  
22 their home countries for various reasons. So I think  
23 it's, it's complex. Um, it's hard to say, um, you  
24 know, that asylum seekers in particular are  
25

1 specifically afraid especially when, um, you know,  
2 for, um, you know, a New Yorker they may be all of  
3 these things, right? Um, and so you know, I think  
4 what we track is, um, the ways in which, um, you  
5 know, the, the various assaults on our communities,  
6 um, on immigration communities, um, have corresponded  
7 to increased need and demand, um, for services, um,  
8 here in New York and we have seen that.

10 CHAIRPERSON MENCHACHA: Well, again,  
11 thank you for, for joining us this morning and I  
12 think what, what the committee is, is not only ready  
13 to do, and we're gonna listen to other testimony  
14 through the, ah, the afternoon and hope your staff  
15 can stay to jot notes. This might have an impact in  
16 our budget in terms of how we think about doing this  
17 better and how we can really respond with a kind of  
18 New York response, which is a sanctuary kind of style  
19 response, that in our struggle for our sanctuary city  
20 we respond, ah, in the best kind of way. But I also  
21 want to say how important this committee is to the  
22 work that, that happens in the City of New York. Ah,  
23 the state doesn't have an immigration committee at  
24 all. So these kind of deep level conversations  
25 about, about budget interacting and all the legal

1  
2 services and, and, and the kind of work the LGBT  
3 community needs to do with us to, to make sure that  
4 there's a screening process that can work. These are  
5 all things that can happen in, in government work.

6 DEPUTY COMMISSIONER LIN: Right.

7 CHAIRPERSON MENCHACHA: And then finally  
8 with the passing of the resolution, ah, which you are  
9 in support of, ah, this is part of the work that,  
10 that we can do here so that the voice of the  
11 community of New York can join the effort.

12 DEPUTY COMMISSIONER LIN: Agreed. Thank  
13 you very much.

14 CHAIRPERSON MENCHACHA: Thank you, thank  
15 you. Thank you all for, um, for being here for this  
16 piece, and now we're gonna call up the next panel and  
17 first we'll have Brianna Krong for the Center for  
18 Gender and Refugee Studies, Alexandra Pena from the  
19 Catholic Migration Services, Amy Pont from the Legal  
20 Aid Society, Agithu Podmanamhan from the Legal Aid  
21 Society, and then Puma Asnani from the Sanctuary for  
22 Families. So that's, one, two, three, four, five.  
23 If you can have a seat. We'll need another chair.  
24 Oh, there's five. I didn't see that. OK. Hi  
25 everyone. Thank you for being here today, and I hope



2 you can stay for some questions after your testimony.  
3 We'll put three minutes on the clock for testimony,  
4 so if you can kind of get through it and at the end  
5 I'll just ask you to summarize and then we'll have  
6 questions from, from the committee. Who would like  
7 to start?

8 ALEXANDRA GONCALVES-PENA: OK, your  
9 honor, um, I will start, only because I have to be in  
10 family court in about 40 minutes, so, OK, thank you.

11 CHAIRPERSON MENCHACHA: OK, awesome,  
12 thank you, please.

13 ALEXANDRA GONCALVES-PENA: Um, thank you,  
14 Council Member Menchaca as well as committee members  
15 for this convening and for inviting me to  
16 participate, um, in this event today.

17 CHAIRPERSON MENCHACHA: Can you bring the  
18 mic closer to you?

19 ALEXANDRA GONCALVES-PENA: Absolutely.  
20 My name is...

21 CHAIRPERSON MENCHACHA: Just pull, pull  
22 it closer. There you go, there you go.

23 ALEXANDRA GONCALVES-PENA: Absolutely,  
24 how's that?

1 COMMITTEE ON IMMIGRATION 58  
2 CHAIRPERSON MENCHACHA: Thank you,  
3 perfect.

4 ALEXANDRA GONCALVES-PENA: All right, OK.  
5 My name is Alexandra Goncalves-Pena. I'm managing  
6 attorney for the immigration unit at Catholic  
7 Migration Services, a faith-based organization that  
8 has for over 40 years provided civil legal services  
9 to immigrant community members in Brooklyn and in  
10 Queens. Every year hundreds of asylum seekers hoping  
11 to navigate our nation's notoriously complex seek  
12 assistance from our office. For these asylum seekers  
13 making it to the United States and eventually to New  
14 York City and to all of our offices means that they  
15 have found safety from persecution, from torture, and  
16 from many times death. However, under the Trump  
17 administration they now face a new odyssey of not  
18 only navigating a historically complex immigration  
19 system, but an increasingly restrictive and hate-  
20 filled environment that bars many bona fide asylum  
21 seekers from securing the protection that they need.  
22 As the Council Member said, for many years, for over  
23 70 years, the United States through legislation,  
24 court precedent, international agreements, and  
25 administrative rule-making has created and expanded

1 protection for asylum seekers, all of which the Trump  
2 administration in the span of three years has  
3 repudiated through wide-reaching, insidious policy  
4 changes and the rewriting of long-standing legal  
5 precedent. Once such change is, as we know, the  
6 attorney general's shameful rulings in Matter of A-B-  
7 and Matter of L-E-A-. This administration's action  
8 are nothing other than the rejection of this  
9 country's best vision of itself, that it would "never  
10 again become a country that turned away people  
11 literally running from their lives." By capitalizing  
12 off of this country's legacy of racism and  
13 oppression, the Trump administration's anti-  
14 immigration policies have wrecked havoc on our  
15 communities, I'm sorry, our cities, our nation and  
16 has made it abundantly clear that we have once again  
17 become that country. Since the attorney general's  
18 decision in Matter of A-B- and LEA asylum seekers,  
19 particularly those from Central America, have faced  
20 an incredible uphill battle and the number of  
21 individuals impacted is significant. For example, of  
22 the nearly 200 asylum cases currently pending with  
23 our office an estimated, and this is a rough  
24 estimation, 75 to 80 have been negatively impacted in  
25

1 some way by these decisions. One of this cases is  
2 that of my client, Paola, who fled her country with  
3 her 8-year-old daughter, Mariana, in order to save  
4 Mariana's life after criminal gangs hired by her  
5 former partner threatened to rape and murder Mariana.  
6 For 10 years Paola suffered horrific abuse at the  
7 hands of her partner. When Paola bravely decided to  
8 seek help from the authorities and her country's  
9 legal system, not only reporting his abuse but taking  
10 the exceptional step of suing her partner for custody  
11 of their daughter, the threats against her daughter's  
12 life began. And responding the only way I know many  
13 mothers would, including myself, Paola did the only  
14 thing she thought would guarantee her daughter's  
15 safety and she fled to the one place she thought she  
16 would be able to seek refuge, the United States.  
17 Because financially Paola could only afford passage  
18 for herself and one child, Paola was forced to make a  
19 choice that no parent should ever have to make. In  
20 order to save the life of Mariana she was forced to  
21 leave another child behind. One month after the  
22 attorney general issued Matter of A-B- Paola's case  
23 was heard before an immigration judge. The judge,  
24 even before testimony began, informed Paola that even  
25

1  
2 though he was sympathetic to what she had went  
3 through and although he had considered our legal  
4 arguments, he was inclined to deny her asylum  
5 petition, finding that he was legally required to do  
6 so based on the dictates of the attorney general. At  
7 the conclusion of the hearing the Department of  
8 Homeland Security offered Paola and her daughter a  
9 lesser form of protection as relief under the  
10 convention against torture under the condition that  
11 she not appeal the judge's denial of her case. This  
12 form of relief, although one would which allow Paola  
13 and her daughter to remain in the United States,  
14 unlike a grant of asylum, would not afford either of  
15 them a path to citizenship nor Paola with the  
16 opportunity to reunite with the child she was forced  
17 to leave behind. Paola accepted the department's  
18 offer and did not fight her denial because she was  
19 terrified that she would lose, even at an appeal, and  
20 lose risk undoing all that she had done to save the  
21 life of Mariana. It is for Paola and for Mariana and  
22 for each of our agencies' clients, for all of the  
23 thousands of asylum seekers, brothers and sisters,  
24 that live here in our city, that I join my colleagues  
25 in urging this council to reaffirm its commitment to

1  
2 our city's and our nation's asylum seekers, and we  
3 demand that the United States continue to uphold its  
4 legal, if not moral, obligations and provide people  
5 fleeing violence safety in the United States. Thank  
6 you for your time today. And I would like to ask,  
7 and by asking the City Council to keep your hearts  
8 open and your will unbending in continuing to do all  
9 that you can for our friends who need your protection  
10 from the incredibly insidious reach of this  
11 administration. Thank you.

12 CHAIRPERSON MENCHACHA: Thank you. And  
13 you have that. You have my commitment and the  
14 commitment of this committee and the City Council to  
15 do that work. Thank you for your testimony today.  
16 And we're gonna hear from, ah, your, your colleagues  
17 as well and I hope you can stay for some questions  
18 unless you have to go now. OK, you have to go.  
19 Thank you so much. Can we follow up later?

20 ALEXANDRA GONCALVES-PENA: Absolutely.

21 CHAIRPERSON MENCHACHA: All right. Thank  
22 you so much.

23 BRIANNA KRONG: Thank you so much, Alex.

24 Ah, thank you so much, Council Member Menchaca, ah,  
25 for the opportunity to appear before the committee on

1       behalf of the Center for Gender and Refugee Studies.

2       My name is Brianna and I'm our communications and

3       advocacy coordinator. Um, as counsel in both Matter

4       of A-B- and the Grace v. Barr lawsuit, um, which is

5       the suit that Council Member Menchaca is urging the,

6       the, ah, the, ah, the council to join an amicus brief

7       in. We are so grateful to the committee for their

8       consultation of the resolution before them today.

9       Um, I, I'd like to focus my testimony this afternoon

10       on Matter of A-B- and another recent administrative

11       decision known as Matter of L-E-A-, which has

12       undermined the silent protections for families. So

13       in Matter of A-B-, former Attorney General Jeff

14       Sessions wiped out binding precedent that had clearly

15       recognized that women fleeing domestic violence and

16       other gendered harms could be eligible for asylum.

17       In the decisions, Sessions not only denied asylum to

18       CJRS' client, Ms. AB, El Salvador domestic violence

19       survivor, but also made the broad sweeping

20       pronouncement that generally claims involving

21       domestic violence or gang violence perpetrated by

22       non-governmental actors would, should no longer

23       qualify for asylum. In December 2018 CJRS, CJRS and

24       the ACLU won a nationwide injunction in our lawsuit,

25

1 Grace v. Barr, which, which now prohibits asylum  
2 officers from applying Matter of A-B- in credible  
3 fear proceedings, which is the initial, ah, screening  
4 process for asylum seekers arriving at the border.  
5 The government has appealed this decision and the  
6 case remains pending at the D.C. circuit. For now  
7 the injunction remains in effect. But although the  
8 use of Matter of A-B- remains enjoined in credible  
9 fear screenings it continues to be applied in asylum  
10 decisions on the merits, um, like that of Alexandra's  
11 client. Um, many adjudicators are summarily and  
12 categorically foreclosing protections in cases as, as  
13 a matter of law simply because they involve domestic  
14 violence or gang brutality. The prejudgement and  
15 lack of individualized determination has led to a  
16 complete failure of due process for asylum seekers,  
17 in particular those from Central America, many of  
18 whom are fleeing domestic violence and gang  
19 brutality. In fact, following the issuance of Matter  
20 of A-B- asylum grant rates for individuals from El  
21 Salvador, Guatemala, and Honduras declined by 38%.  
22 The New York City Immigrant Court saw a particularly  
23 dramatic shift with grant rates dropping nearly 15  
24 percentage points in the year following issuance of  
25



1  
2 Matter of A-B-. Um, I will now just touch briefly on  
3 the Matter of L-E-A- decision. Um, Attorney General  
4 William Barr's sweeping July 2019 ruling L-E-A-, um,  
5 aims to categorically deny protections to individuals  
6 fleeing persecution on access of their familial ties,  
7 which is a common basis for fear of gang asylum  
8 claims raised by Central American asylum seekers.  
9 Um, this decision contradicts over 30 years of  
10 unanimous precedent, as well as the basic fundamental  
11 understanding that family units are the  
12 quintessential group by which societies organize  
13 themselves. Like A-B-, the impact of the L-E-A-  
14 decision has been far-reaching. Just days after the  
15 decision was issued an immigration judge reportedly  
16 said that in their view after L-E-A- an asylum  
17 seekers fleeing family-related persecution would have  
18 to be in a family as well known as the Kennedys in  
19 the United States in order to be granted protection  
20 on that ground. Um, as my colleagues on this panel  
21 will discussion in further detail, the A-B- and L-E-  
22 A- decisions have created enormous challenges for  
23 advocates for representing asylum seekers in New York  
24 City and we thank Council Member Menchaca and the,

1  
2 ah, and, ah, and the committee for considering this  
3 resolution.

4 CHAIRPERSON MENCHACHA: Thank you. And,  
5 and as we, as we continue we can kind of build on, on  
6 the case and what, what I like to hear is kind of  
7 testimonies about the impact of it's having to many  
8 of your clients, and then, and then I have some more  
9 questions about that. But let's see if we can kind  
10 of keep building the, the, the kind of groundwork  
11 that the, ah, the changes have, are, are causing and  
12 the impact it's having on our community, if you want  
13 to continue.

14 POOJA ASANI: Good afternoon. My name is  
15 Pooja Asani. I'm the co-director of the Immigration  
16 Intervention Project and Sanctuary for Families, the  
17 nation's largest immigration legal practice for  
18 domestic violence and trafficking victims. We are so  
19 grateful for City Council Member Menchaca and the  
20 Committee on Immigration for the opportunity to  
21 transfer today. We are also immensely grateful for  
22 all the support that you provide immigration legal  
23 service providers like ourselves, ah, to do the work  
24 that we do. Today we are proud to be here in support  
25 of this committee's proposed resolution to condemn

1 the Trump administration's methodical attempt to  
2 dismantle asylum protections and its resulting impact  
3 on immigrant New Yorkers. At Sanctuary for Families  
4 we represent and advocate on behalf of thousands of  
5 survivors of domestic violence, trafficking, and  
6 other forms of gender-based violence in a range of  
7 immigration cases, including U visas, T visas, VAWA,  
8 and also asylum. Asylum, you know, is a crucial  
9 protection created under the international law and  
10 enshrined in our Immigration and Nationality Act.  
11 From Sanctuary's work representing hundreds of asylum  
12 seekers over the years, we have learned first-hand  
13 how they leave behind their homes, their loved ones,  
14 and everything they know to flee life-threatening  
15 violence. After enduring unimaginable hardship in  
16 their home countries and on the dangerous journey to  
17 the United States they look to America for safety,  
18 protection, and justice. But the US government,  
19 through a series of executive actions and sweeping  
20 regulatory changes has done everything in its power  
21 to shut down access to asylum for these vulnerable  
22 immigrants. Former Attorney General Sessions' 2018  
23 ruling in Matter of A-B-, as many of us have already  
24 discussed, has been one of the administrations, most  
25

1 devastating attacks on asylum seekers who turn to the  
2 United States for protection from gender-based  
3 violence. As a result of this decision numerous  
4 asylum seekers fleeing domestic violence and gang  
5 violence, including many Sanctuary clients, face an  
6 incredible uphill battle and have in fact to this  
7 date been impacted by this decision. For those  
8 seeking from the northern triangle countries of El  
9 Salvador, Guatemala, and Honduras, where those forms  
10 of violence are highly prevalent, asylum approval  
11 rates have plummeted by 38%. I think of our client,  
12 Silvia, a young woman from Honduras, who testified  
13 last summer before an immigration judge in an asylum  
14 hearing. She spoke compelling under oath about the  
15 years of domestic violence and sexual abuse she  
16 endured at the hands of the father of her two  
17 children. She explained how her former partner  
18 threatened to kill her with a machete, how he  
19 constantly reminded her that she was his woman, and  
20 how he would find her and kill her if she ever were  
21 to leave him. Against all odds Silvia managed to  
22 flee Honduras, a country with one of the highest  
23 rates of femicide in the world, finding safety in New  
24 York City. And yet last summer, after months of  
25

1 preparing her case with the help of her immigration  
2 attorney, Silvia was told by the judge that she was  
3 not eligible for asylum protection. The immigration  
4 judge made a point to note that Silvia's story was  
5 credible and that he believed her, but said that due  
6 to Matter of A-B- she could not be granted asylum.  
7 Silvia is now fighting for her right to stay here on  
8 appeal. More recently, as you know, the Trump  
9 administration has created a number of other  
10 policies, including the Family Unit Docket, to fast  
11 track the asylum cases of newly arrived families,  
12 often giving them just a few months to find legal  
13 counsel, collect evidence, prepare witnesses and  
14 testimony, and present legal arguments. For most  
15 asylum seekers impacted by this policy, this  
16 represents an outright denial of due process. I want  
17 to speak to you about one of our clients, Maribel.  
18 Last fall Maribel came to our office two days before  
19 the merits hearing on her asylum case. She had fled  
20 to the United States from Guatemala with a small  
21 child in her arms, having suffered years of physical  
22 and sexual violence at the hands of her former  
23 partner. Upon arrival in the United States Maribel  
24 was fast tracked, given just seven months to find a  
25

1 lawyer and prepare her case for asylum because her  
2 case was designed FAMU. Barely fluent in Spanish,  
3 let alone in English, Maribel had immense difficulty  
4 finding legal representation. Although we at  
5 Sanctuary immediately took on her case, the  
6 immigration judge refused our request for more time  
7 to prepare her asylum claim, instead adjourning the  
8 hearing for just a month later. My colleague and I  
9 worked with Maribel late into the night on weekends  
10 and during our vacations to prepare her affidavit and  
11 legal arguments, gather and assemble the evidence,  
12 and prepare her for trial. On the hearing date  
13 Maribel testified credibly and compelling. Five  
14 months later, despite the court's haste in scheduling  
15 Maribel's hearing, it has yet to issue a decision on  
16 her asylum claim. Fortunately for Maribel  
17 Sanctuary's intervention most likely spared her from  
18 receiving an order of deportation on the date of her  
19 first merits hearing. But the reality is that few  
20 asylum seekers are able file, find legal  
21 representation and prepare their case under such time  
22 constraints. To expect that is to deny the asylum  
23 seeker the right to due process. The US government  
24 must, must uphold its moral and legal obligations and  
25

1  
2 provide every asylum seeker with a fair opportunity  
3 to present their case before a judge. We therefore  
4 call on the City Council to stand with the most  
5 vulnerable New Yorkers in supporting this resolution  
6 and condemning these destructive actions by the Trump  
7 administration. Thank you very much for your time  
8 today.

9           CHAIRPERSON MENCHACHA: Thank you, ah,  
10 for your, ah, for the testimony. And then if we can  
11 come over here on this side, and, and if we could,  
12 if, if you're helping to kind of walk through the  
13 Matter of A-B- and, let's just skip that since we've  
14 kind of, anything that we want, in your testimony  
15 that's repeated let's, let's skip that and really  
16 kind of get to some of the casework that really kind  
17 of shows the texture of what we're talking about.

18 Thank you. Ah, just make sure that the light is on.

19           AMY PONT: Oh, it's not on. There we go.

20           CHAIRPERSON MENCHACHA: There you go.

21           AMY PONT: Good afternoon. My name is  
22 Amy Pont and I'm a staff attorney at the Legal Aid  
23 Society's immigrant law unit, and I'm joined by my  
24 colleague Aadhithi Padmanabhan, to discuss the  
25 harmful impact of the Trump administration's action

1  
2 against asylum seekers and the Legal Aid Society's  
3 plan to fight back. Just a quick background on the  
4 Legal Aid Society. Um, we handle approximately  
5 300,000 cases through our different divisions, a  
6 civil division, the public, um, defense, as well as  
7 the juvenile rights practice. And the immigration  
8 law unit is within the civil division. Um, we'd  
9 first like to thank Council Member Menchaca for  
10 leading the charge in sponsoring this resolution to  
11 support the rights of asylum seekers. Um, as you  
12 all are well aware, the Trump administration's anti-  
13 immigrant, discriminatory agenda has had a profound  
14 impact on our New York City community and, without  
15 going into detail, Matter of A-B- has been part of  
16 that, ah, profound impact. Um, and compounding this  
17 harm as, um, as my colleagues here today have  
18 discussed, the expediting of family unit, um, cases  
19 in the immigration court has made it very difficult  
20 for folks to be able to prepare their cases for  
21 attorneys to be able to prepare cases, intake  
22 clients, and have them discuss the harms that they  
23 suffered when they have, um, are in need of social  
24 services, mental health treatment, um, for the  
25 suffering that they've, um, had in their home



1 countries. So in addition to creating fear and  
2 uncertainty in our communities, these changes have  
3 had a profound impact on individual cases. And  
4 similar to the, to the other brave women that, um,  
5 you know my colleagues at other organizations have  
6 discussed, um, we've seen first-hand different, um,  
7 individuals who have, who've had their cases denied  
8 as well in the immigration court. For instance, one  
9 woman, one brave woman fled Honduras and she was  
10 fleeing her abuser after many years of physical and  
11 emotional abuse with no help from the police and an  
12 abuser who was also, had ties to the gang. The  
13 immigration judge denied her case pursuant to Matter  
14 of A-B-. Now she is appealing her case and has filed  
15 a notice of appeal at the Board of Immigration  
16 Appeals, and she's just one of many. For instance,  
17 another woman who had her case, um, heard before,  
18 before Matter of A-B- came down and an immigration  
19 judge had stated an intent to grant her case, and  
20 then Matter of A-B- came down and denied, and that  
21 judge denied her case. Her cases is also on appeal.  
22 Um, and these cases are not unique. Unfortunately,  
23 we're seeing a greater number of cases that need to  
24 be appealed to the Board of Immigration Appeals and  
25

1  
2 then eventually to the Second Circuit Court of  
3 Appeals. Um, specifically in December of 2019  
4 according to track immigration reports the denial  
5 rate for asylum at the New York Immigration Court was  
6 49%.

7           AADHITHI PADMANABHAN: Thank you so much  
8 for this opportunity. You know, the phenomenon that  
9 my colleague, Amy Pont, and others on this panel have  
10 been describing, it's not unsurprising, right? Ah,  
11 because under the Trump administration the immigrant  
12 agencies have become increasingly politicized, such  
13 that what they're doing now is further the  
14 administration's xenophobic and nativist agenda  
15 rather than upholding than rule of law. So for  
16 instance the attorney general, who you've heard about  
17 so much, he's using his power to certify immigration  
18 appeals to himself to really change the face of  
19 immigration law and chip away slowly at the rights,  
20 or in some cases significantly, at the rights of  
21 asylum seekers and other immigrants. Um, both Matter  
22 of A-B- and Matter of L-E-A- were issued pursuant to  
23 this certification authority of the attorney general.  
24 In the three years of the Trump administration the AG  
25 has used his certification authority nine times at

1 least, by my count. Under the eight years of the  
2 Obama administration the AG used that authority only  
3 four times, to give you a sense of the scope of the  
4 problem and the way in which change is being made  
5 through executive fiat. Because of the  
6 politicization of the agency level Legal Aid's  
7 clients are increasingly unable to access justice  
8 before the agencies. So to ensure that they get a  
9 fair day in court the Legal Aid Society is at the  
10 forefront of litigation in the federal courts, all  
11 the way from the district courts to the United States  
12 Supreme Court. I'm one of four attorneys in the  
13 immigration law unit at Legal Aid whose docket  
14 consists almost entirely of cases pending before the  
15 federal district courts and the circuit courts.  
16 Amongst our many cases we're litigating appeals that  
17 challenge or that touch on, ah, Matter of A-B- and  
18 Matter of L-E-A-. In our practice we also regularly  
19 file habeas corpus challenges, ah, challenging our  
20 clients' arbitrary and prolonged often, ah, often  
21 prolonged incarceration, ah, while they litigate their  
22 immigration cases. Ah, as of course you are aware,  
23 asylum seekers who are fleeing trauma are often  
24 retraumatized through the process of applying for  
25

1  
2 asylum and through the process of prolonged  
3 incarceration. Now more than ever it's necessary to  
4 take the Trump administration to court to ensure that  
5 justice is served. My colleagues and I are doing  
6 just that and we're very grateful to New York City  
7 for joining our efforts and for continuing to provide  
8 the resources to do this work. Thank you.

9           CHAIRPERSON MENCHACHA: Thank you for  
10 that, and really kind of laying out the ground for  
11 the, the, um, not just the lawsuit but reasons for  
12 that and the impacts that it's having on case work.  
13 I think I want to start with just how you ended in  
14 terms of the, the kind of trauma that already, ah,  
15 essentially enters the room when there is a case to  
16 start and the kind of support services. The lawsuit  
17 large o through its process to hopefully bring  
18 justice in the courts, and the city is asking itself  
19 and I'm asking the question about what the city can  
20 do to ensure that you have what you need and that the  
21 kind of robust services are available so that the  
22 best case can be made for the asylum, um, for the  
23 application for the success of, of an asylum  
24 application. And can anyone kind of talk about that?  
25 Because we, we're a city, we're a city government and

1  
2 we don't have the kind of federal powers, powers to  
3 change, to change laws, but we do have a lot ability  
4 to ensure that, that the best possible case gets puts  
5 got and mental health services just keep coming up in  
6 my mind in terms of what, what needs to happen, ah,  
7 to, to ensure that someone is telling everything  
8 that, that's happening, and New Sanctuary Coalition  
9 and the clinic, ah, and I need to go back again, ah,  
10 just to, to see the changes 'cause I know that those  
11 are changing as well, but, ah, those are the kinds of  
12 the things that kind of pop up that are not legal  
13 services, ah legal services that need to get provided  
14 but are a part of this holistic approach. Is there  
15 anyone that wants to talk a little bit about that and  
16 what, what we can do to support you all?

17           POOJA ASANI: Maybe I'll speak from our  
18 experience, Sanctuary for Families. So we pride  
19 ourselves on having a holistic model of service  
20 provision in that typically in our legal teams we  
21 also have case managers, ah, that are assigned to...

22           CHAIRPERSON MENCHACHA: Case managers.

23           POOJA ASANI: Case managers who...

24           CHAIRPERSON MENCHACHA: OK.

25

1  
2           POOJA ASANI: Who can support on some of  
3 the, ah, needed social services or referrals to  
4 counselors and therapists and within our organization  
5 we also have a clinical department, um, my point  
6 being that, ah, we, ah, really appreciate the city's  
7 support in funding these types of holistic services.  
8 They are absolutely essential to our ability to, ah,  
9 zealously advocate in the court, um, to advocate in a  
10 legal fashion on behalf of our clients. It's, it  
11 really cannot be done in vacuum and, ah, our ability  
12 to provide these, um, ah, mental health services,  
13 case management services, you know, as an  
14 organization that works with survivors of domestic  
15 violence I cannot tell you how many times a client  
16 has come into a legal meeting where we're supposed to  
17 talk about their affidavit or, um, for me to advise  
18 them on an issue of the law, and we end up talking  
19 about where they're living and the fact that they're  
20 homeless and have no place to stay. There's no way  
21 we can really get to the, the heart of the legal  
22 matter if our clients are not able to be supported in  
23 these others ways. And so, ah, we, ah, we are  
24 thankful to the city for supporting these types of,  
25 um, ah, holistic services and funding these types of

1 programs and we, ah, and we, we, we'd love to have  
2 more of this type. Um, there's never enough, ah,  
3 there's never enough time for our case managers to  
4 help all of our clients meet their, um, their  
5 nonlegal needs, and so, ah, it's certainly something  
6 specifically for folks who are fleeing, um, ah,  
7 gender-based violence and other types of violence  
8 have been traumatized, that it is direly needed that  
9 they are able to get this type of support as well.

11 CHAIRPERSON MENCHACHA: Got it. And I  
12 think that, so that's, that's another supportive  
13 services and I, I think we should, we should talk  
14 offline about what that looks like as we build into  
15 the budget process that we have here and the budget  
16 hearings and we'll come back to that. I also heard  
17 in the testimony that the case, the kind of rapid  
18 request for information, judge asking you to come  
19 back quicker, what, what else in that kind of  
20 category of stuff is, is changing in terms of the,  
21 um, the constituent needs for the case as a result to  
22 the changes in the federal asylum policy? Is there  
23 anything else that we can, I think that, that kind of  
24 stood out as the, the biggest one, the kind of  
25 family, ah, the family unit and the kind of rapid,

1 rapid, is there anything else that we kind of take  
2 from you all today in terms of the, the changes?

3  
4 AADHITHI PADMANABHAN: Ah, yes. I think  
5 that there's a couple of things that fall within that  
6 category of, of, ah, you know, pushing through cases  
7 at the expense of due process. Of course, the family  
8 docket is one of them. I also want to make sure to  
9 mention the detained docket, um, a lot of which is,  
10 is funded, of course, through the NYIFUP program. I  
11 mean, that docket has radically transformed, I think,  
12 um, the last couple of years, consistent with the  
13 change in administration, ah, and I think one thing  
14 that we're seeing is that when cases hit the Board of  
15 Immigration Appeals, which is the, um, is the, ah,  
16 agency appellate body, ah, that was supposed to be, I  
17 think, sort of a quality control check, but we're not  
18 seeing that anymore, right? We're starting to see, or  
19 we're seeing now, for some time now, um, BIA  
20 decisions that, um, ah, sort of border on nonsensical  
21 at times and I think for further management my  
22 practice, from my vantage point, where I'm often  
23 seeing cases that are coming up, you know, after the  
24 BIA, where we're making a decision of whether to  
25 appeal the BIA's decision to the Second Circuit Court



1  
2 of Appeals, um, we're seeing this sort of, the, the,  
3 um, not just the sort of draconian changes in the  
4 substance of the law that's reflected in those, in  
5 that BIA decision-making, but we're also just seeing,  
6 you know, mistakes that come about when things are  
7 getting pushed through the system when due, um, due  
8 process is sort of being sacrificed at the altar of  
9 administrative efficiency and just pushing through  
10 cases as fast as possible.

11 CHAIRPERSON MENCHACHA: Please.

12 POOJA ASANI: Sorry, something that I just  
13 wanted to add in addition to, I'm a hundred percent  
14 on what others have said about the additional needs.  
15 Another thing is that for cases, in order to present  
16 the best possible case we also, um, reach out to, um,  
17 country conditions experts, mental health experts, to  
18 provide affidavits and expert testimony in cases, and  
19 when the cases are expedited it is increasingly  
20 difficult to find, um, pro bono services, like  
21 country conditions experts or mental health  
22 evaluations in time for those hearings. So many  
23 times the organizations are, we're reaching, um, from  
24 different types of donations, um, to pay for these

1  
2 services for our clients because they're so  
3 increasingly needed in these cases, um.

4                   CHAIRPERSON MENCHACHA: And, and I'm, um,  
5 kind of just thinking about some of the data you  
6 might be collecting. We asked the administration for  
7 some data about, about clients within the, the kind  
8 of city-funded projects, but just kind of speak to  
9 the EOIR culture and policy changes that have  
10 impacted your work and what is the current average  
11 timeline of an asylum case from filling to decision,  
12 um, how is this different from the prior  
13 administrations, and what does this mean for the  
14 number of cases your organization takes on? What  
15 does this mean for your organization's resources?  
16 Can you estimate how many cases are not able to  
17 access representation? This is the kind of work, and  
18 you might not have it now, but it'd be great to,  
19 after this hearing is, is done, this is part of  
20 building the case, or the, building the ask of the  
21 council to the budget to respond to, and we'll make  
22 sure that you get these questions, but there is  
23 anything that you can kind of speak to on that front?  
24 Timeline, or?

1  
2           POOJA ASANI: Ah, so if I understand  
3 correctly the ask is how, ah, the question is how  
4 these types of administrative policies are impacting  
5 the way in which we do our work...

6           CHAIRPERSON MENCHACHA: That's right.

7           POOJA ASANI: ...in an adverse right.

8           CHAIRPERSON MENCHACHA: That's right.

9           POOJA ASANI: It is absolutely impacting  
10 our work in a huge way. Um, as I, ah, alluded to  
11 earlier in my testimony we are having, given the sort  
12 of, um, ah, the rushed nature of, um, asylum  
13 proceedings and how quickly, how short of a turn-  
14 around we have to get, present these, ah, cases to  
15 court, all of us are burdened with a very high case  
16 load, are having to drop sometimes other things,  
17 other important matters, to immediately attend to  
18 very urgent cases. Sometimes we're not able to do  
19 that and the reality is that as many of us, you know,  
20 I'm looking around the room, there's so many of us  
21 that are doing this work and doing an incredible job  
22 doing this work, they're just, there don't seem to be  
23 enough people, ah, to handle the immediacy of, ah,  
24 folks getting individual hearings, um, in court, just  
25 to give you in court, just to give you an example,

1  
2 just one that I've, anecdotally as a supervisor of my  
3 project, I've seen, we have gotten referrals for  
4 around 10 or so folks who within, within months of  
5 now that I'm speaking, so within a few months ago,  
6 who have individual hearings, meaning final merits  
7 hearing, hearings, coming up in March, April, and  
8 May. That is 10 new merits hearings that, that we  
9 need to consider whether or not we can take on as a  
10 project. It is simply impossible for us to do so  
11 given the numbers that we're already representing,  
12 and so what we all end up doing, it's sort of this  
13 game of who else can take it, knowing that everyone  
14 else is already overburdened, and sometimes we just  
15 do it, um, and, um, you know, necessarily it's going  
16 to impact other things that we can or cannot do, ah,  
17 but we're certainly seeing the impact of these, um,  
18 procedural changes that have come through the courts.

19           AMY PONT: Right, absolutely, and I would  
20 say it's hard to come up with an exact timeline for,  
21 um, the different cases. But the FAMU cases must be  
22 completed within one year of docketing, and docketing  
23 doesn't, you know, immediately, cases aren't put on  
24 for a master calendar hearing immediately after  
25 docketing. So sometimes that timeline, um, of year

1 is very expedited from someone when they find out  
2 when they have an immigration court case to when they  
3 have their individual hearing. So we're getting a  
4 lot of folks who come through our intake procedures  
5 who already have final merits hearings and then  
6 there's always the question of when we'll, if we'll  
7 be able to get that merits hearing pushed back in  
8 order to be able to represent them, and it's  
9 increasingly difficult because for family units we  
10 also need to go to family court, and there's  
11 sometimes family court could take six months, up to a  
12 year, even more sometimes, and so to be able to  
13 complete that and have the child's form of relief  
14 adequately represented before the court also becomes  
15 difference. Um, and so it's really, and our  
16 attorneys who have been, especially the attorneys who  
17 have been working for longer periods of time, already  
18 have full dockets and so it's very difficult to add  
19 an expedited case to a docket that's already full out  
20 for several years. And this has also been compounded  
21 by the fact that the New York Immigration Court has  
22 added new judges and so when folks have their cases  
23 moved to a new judge, um, an individual hearing could  
24 be scheduled very quickly, within two months. You  
25

1 know, I've heard new judges even scheduling an  
2 individual hearing within a money. And so it's very  
3 difficult to prepare an entire case to have someone  
4 share their story and, of course, you know, as  
5 attorney trust develops over time, attorney-client  
6 trust develops over time, then that enables someone  
7 to share their story. But it's very difficult for  
8 someone to, you know, share with a complete stranger  
9 all that they've been through, in addition to trying  
10 to find a shelter, try to, you know, access mental  
11 health resources, get their children enrolled in  
12 school.

14 CHAIRPERSON MENCHACHA: Yeah, and what  
15 we're seeing here directly in the face, we're in  
16 front of the deportation machine that's removed any  
17 source of humanity to a system that was not built for  
18 this, and I just, it just reminds me that that's,  
19 that's what we're fighting here and, and I know that  
20 testimony has been really strong in that, that vein.  
21 But we have to respond and the question is how and  
22 what do we need, and that's what I'm going to keep  
23 coming to you all on. So I want to hear from other  
24 folks. I just want to also if, if you're here, um,  
25 are representing our friends in the courts, just

1 raise your hand if you're doing that work, ah, court  
2 representation, raise your hands. Awesome. Thank  
3 you. Thank you all for, for that work. If you're  
4 here and not doing legal case but are doing kind of  
5 social service or advocacy raise your hand. Awesome,  
6 thank you, thank you for that. Um, so, good, thank  
7 you. And, and I think what, 'cause I wanna make sure  
8 that everybody testifies. Ah, I'll let you go now,  
9 but let's keep talking about the needs. NYIFUP  
10 presented some very particular needs around, ah, just  
11 more lawyers to do the docket, ah, to respond to the  
12 new and expanded docket, and, and so we just need to  
13 hear this, and the more that we can hear this the  
14 more we can fight for it. Otherwise, we won't be  
15 able to do that. So keep sounding the alarm. Thank  
16 you so much.

17  
18 UNIDENTIFIED: Thank you.

19 CHAIRPERSON MENCHACHA: We're gonna call  
20 the next panel. And, ah, Rebecca Press, ah, Somal  
21 Magana Say from the African Services Committee,  
22 Aprataba Desai, Her Justice, Neena Dutta, ah, AILA  
23 New York, the American Immigration Lawyers  
24 Association, Rebecca Gendleman, from Human Rights  
25 First. And the next panels, ah, we're gonna want to,

1  
2 you know, want to hear obviously that you're  
3 supportive of the resolution, but I also want to make  
4 sure that we can get to you. Some new data that can  
5 help us move the conversation forward, and I know  
6 that we have I think two more panels, three more?  
7 Three more panels. And I've been taking some sweet  
8 time with, with panels and I'm sorry about that.  
9 But, um, bear with us. Who would like to start?  
10 Start on your side?

11 NEENA DUTTA: Let me.

12 CHAIRPERSON MENCHACHA: OK, thank you.

13 NEENA DUTTA: Hello, my name is Neena  
14 Dutta. I'm representing AILA, um, and on behalf of  
15 Silvia Ayass Livits, ah, chair, and Moumita Rahman,  
16 who wrote this testimony. Um, first of all, you  
17 asked for some statistics before. The top 10  
18 countries are Venezuela, China, ah, Guatemala, El  
19 Salvador, Honduras, um, and Colombia. We've also got  
20 India, Haiti, and, and Nigeria. The top is 25%, the  
21 bottom is 3%. Um, since...

22 CHAIRPERSON MENCHACHA: And those are  
23 just for your, your cases, for your organization or  
24 just, that's the, that's OK.

25 NEENA DUTTA: This is on [inaudible].



CHAIRPERSON MENCHACHA: Thank you.

NEENA DUTTA: It's public statistics, yes. These are for affirmative cases, though, not, um, people who are in deportation. We'd like to take the opportunity to emphasize the need for an independent Article 1 immigration court system. As we have seen, um, asylum is under attack. The abysmal decline in asylum [inaudible] resulting in the attorney general's decision in the Matter of A-B- reveals the chilling case of which our asylum protections have been dismantled by political motivations and anti-immigrant stances. Now more than ever Matter of A-B- and other certified cases reveals, um, the ease in which due process can be denied to immigrants. The only way to guarantee judicial independence and allow immigration judges to act as neutral arbiters of fact and law is to remove the immigration courts from the Department of Justice's control and we urge the council to take a stance on this matter. Matter of A-B-, the attorney general's attempts to overturn this well-settled federal protection allowing the grant of asylum to individuals suffering fleeing, suffering and fleeing domestic and gang-related violence on account of

1  
2 their membership to a particular social group. In  
3 fact, the instruction given by the attorney general  
4 in the Matter of A-B- urges immigration judges to  
5 find, it will be nearly impossible to establish the  
6 eligibility for asylum if the persecution is on  
7 account of membership in a PSG and the violence is  
8 domestic or gang-related. This decision improperly  
9 heightens the standard by which asylum is granted and  
10 effectively bars asylum claims in a nearly  
11 categorical basis for individuals fleeing domestic  
12 and gang-related violence in the northern triangle,  
13 comprised of El Salvador, Guatemala, and Honduras.  
14 The decision creates a new standard that is  
15 politically motivated and designed to illegally  
16 prevent persons from applying for asylum and  
17 obtaining a grant. To deny asylum protection on a  
18 wholesale basis in the incorrect and illegal belief  
19 that it cannot be granted if the person is suffering  
20 domestic violence or gang-related violence, not only  
21 forecloses an immigrant's legal rights but also  
22 deprives the United States of economic and financial  
23 gain.

24 CHAIRPERSON MENCHACHA: So I just want to  
25 say, we have all your testimonies as well, so that's

1  
2 all gonna go on the record. Is there anything that  
3 you want to just end with right now that you can kind  
4 of push not just the conversation forward but  
5 anything that, that you've kind of seen and witnessed  
6 directly?

7                   NEENA DUTTA: I think mainly, you know,  
8 what's different I think for us is really pushing the  
9 independent courts. Um, you know, I realize that  
10 we're here in a local council, but I think there's  
11 definitely a role that the council can support in  
12 removing DOJ from this, because this is, Attorney  
13 Barr has, has, um, demonstrated that you know, how  
14 this can be, um, corrupt.

15                   CHAIRPERSON MENCHACHA: Yep. And I  
16 encourage that as well. We know, we talk about  
17 movements like Abolish ICE and what that means, that  
18 has to start somewhere and that should start in a  
19 space like this where we're asking for testimony from  
20 our on-the-ground folks, so yes, how that looks like  
21 and what we can do to propose, ah, infrastructure  
22 changes and structure changes. This, these  
23 governments, OK, and I'll get off the soap box, but,  
24 you know, our governments are, are designed by people  
25 and the people can redesign them as well. And that's

1  
2 where we need to hear it and that's where we can  
3 speak on one voice when we pass resolutions from the  
4 City Council from the millions of people, on behalf  
5 of the millions of people who live here, ah, who  
6 believe in the things that we believe. So thank you  
7 for that. Please.

8                   SAMA MAGONA SESAY: Good afternoon, Chair  
9 Menchaca, and thank you to the Committee on  
10 Immigration for the opportunity to testify today. My  
11 name is Sama Magona Sesay and I'm an immigration  
12 staff attorney and equal justice works fellow at  
13 African Services Committee, where I lead the black  
14 immigrant gender justice initiative, which is  
15 sponsored by DNY Mellon and Sullivan and Cromwell  
16 LLP. African Services Committee is a nonprofit  
17 organization based in West Harlem that was found in  
18 1981 by Ethiopian refugees and today is dedicated to  
19 assisting immigrants from across the African  
20 diaspora. We provide health, housing, legal,  
21 educational, and social services to 10,000 immigrant  
22 New Yorkers each year. African Services Committee's  
23 black immigrant gender justice initiative  
24 specifically provides free legal services to African  
25 and Caribbean immigrant women, including cis gender

1 women, transgender women, and gender nonconforming  
2 fems who have faced various forms of gender-based  
3 violence. A majority of the people receiving legal  
4 services in this program are women who have fled  
5 their home countries after experiencing extreme  
6 domestic and intimate partner violence and not being  
7 able to rely on their countries of origin for  
8 protection. The United States and specifically New  
9 York has become a place where many of these women are  
10 able to experience safety and independence for the  
11 first time. African Services Committee joins the  
12 other organizations here today in emphasizing the  
13 need to maintain the availability of asylum  
14 protections for individuals and families with a well-  
15 founded fear of persecution due to domestic or gang-  
16 related violence. Through our work we have witnessed  
17 the increasing need for asylum access for survivors  
18 of domestic and intimate partner violence and the  
19 impact of former US Attorney General Sessions' in  
20 Matter of A-B- on our immigration services we are  
21 able to provide and on our clients who we serve. Our  
22 office has had to spend more resources and time on  
23 asylum claims related to domestic and intimate  
24 partner violence, limiting the number of immigrant  
25

1  
2 New Yorkers we're able to serve each year. But most  
3 importantly, our community is afraid. Um, we have  
4 received an increase of fearful calls from  
5 immigration women within our community, um, who  
6 either have pending asylum cases or want to come in  
7 for intakes, um, and are afraid that they will not be  
8 protected and are afraid to come to our doors and  
9 seek services. I spoke to one woman from Burkina  
10 Faso who declared that sending her back to her  
11 country of origin would be like sending her to her  
12 death because her husband, who she was forced to  
13 marry, would eventually kill her and her government  
14 would do nothing to protect her. In conclusion, the  
15 attempt by Matter of A-B- to characterize domestic  
16 violence as a private matter that our government does  
17 not have a responsibility to address is legally  
18 inaccurate and harmful to immigrant New Yorkers. We  
19 strongly encourage the city to pass a resolution  
20 affirming its support of asylum protection for  
21 individuals and families fleeing domestic and gang-  
22 related violence, um, and I'm open to answer any  
23 questions that you have about more specifics.

24 CHAIRPERSON MENCHACHA: Thank you for  
25 your testimony.

1                   SAMA MAGONA SESAY: Yeah.

2                   REBECCA PRESS: Good afternoon. Is this  
3 OK? Yes, ah, my name is Rebecca Press and I am here  
4 to speak on behalf of UnLocal, where I am the legal  
5 director, as well as Central American Legal  
6 Assistance, [clears throat] excuse me, as we are both  
7 small nonprofit organizations ligating a large number  
8 of asylum claims before the three New York  
9 immigration courts that are currently hearing non-  
10 detained cases. I'm not going to read my testimony  
11 to you today. You've heard from my incredibly  
12 eloquent colleagues about all of the changes and how  
13 devastating they truly have been. I'm gonna speak  
14 immediately to the issue of FAMU because I want you  
15 to truly understand how devastating that is in the  
16 ability to obtain legal counsel. I would like to  
17 give you a couple of examples. Ah, I first appeared  
18 on a case in February of 2019 and was informed on  
19 that very day that my client had already been  
20 scheduled for a trial to be held in April, two months  
21 later. We were expected to provide all evidence by  
22 March. Now, as my colleague Amy from Legal Aid had,  
23 had spoken about, I have been practicing for quite  
24 some time. I have a very large docket. It literally  
25

1  
2 would have been malpractice to add another trial to  
3 my docket. I was therefore forced to request to  
4 withdraw from the case, so my client was not going to  
5 have free, pretty decent legal representation if I  
6 was not allowed to, if I wasn't allowed to remain on  
7 the case. The court did request my, ah, grant my  
8 request for adjournment, but only two weeks before  
9 the trial. So I was, I continued to have to prepare  
10 as if I was going to appear in April. This is truly  
11 devastating. We, as nonprofit and private  
12 practitioners, carry very, very big caseloads. We  
13 cannot absorb, ah, the number of cases in the time  
14 needed. CALA recently had a case which was  
15 rescheduled literally eight times in the period, in a  
16 period of three months and was testified to four  
17 different immigration judges in a period of three  
18 months. They were not informed. They appeared at  
19 court. I think they were never informed with more  
20 than one week's notice. Ah, a rescheduling eight  
21 times is just outrageous. Nobody can practice that  
22 way. This is typical. This is not a unique example.  
23 This is what's happening every single day at court,  
24 and it is truly prejudicial because people cannot  
25 find representation when these are the, um,



1 conditions under which we're working. The other  
2 point that's truly important is to recognize how  
3 hostile the litigation has become. Pre A-B- and  
4 frankly in a different, under a different  
5 administration you could expect to litigate a gender-  
6 based violence claim fairly quickly. That doesn't  
7 mean it didn't take any work, right? But you, you  
8 showed up and you anticipated your trial being  
9 anywhere from an hour to an hour and a half. These  
10 trials are now literally all-day affairs. Literally.  
11 You can start at 8:30 in the morning and not leave  
12 until 6:00 p.m. That, the amount of work has  
13 quadrupled, if not more, and so when you talk about  
14 what can City Council do, what, what do we need,  
15 absolutely we need more attorneys, but we also need  
16 more support, as you were talking about before,  
17 social workers, case managers, who can help us help  
18 our clients by talking about the other needs, the  
19 non-legal needs that truly do impact their legal  
20 case. Thank you.

22 CHAIRPERSON MENCHACHA: Thank you. Thank  
23 you very much.

24 PRATHIBA DESAI: Hi, my name is Prathiba  
25 Desai and I'm a staff attorney at Her Justice. I

1 want to thank, thank you, Chair Menchaca and the  
2 other members for this opportunity today to speak in  
3 support of Resolution 1173 on behalf of Her Justice.  
4 Her Justice is a New York City-based nonprofit  
5 organization that uses a unique pro bono first  
6 approach to train and mentor volunteer attorneys from  
7 top firms across the city to provide free legal  
8 services to women living in poverty in the areas of  
9 family, matrimonial, and immigrant law. Our clients  
10 come from all five boroughs of New York City.  
11 Approximately 75% of our clients are domestic  
12 violence survivors, and almost three-quarters of our  
13 clients are mothers. More than half of our clients  
14 were born abroad. Our immigration practices focuses  
15 on the substantial needs of immigrant survivors of  
16 intimate and gender-based violence to access  
17 immigration relief for stability and security for  
18 themselves and their families. As an attorney at Her  
19 Justice, I represented individuals who've applied for  
20 various forms of immigration relief, including  
21 asylum, based on having survived some form of  
22 violence, including domestic violence, intimate  
23 partner violence, sexual assault, and human  
24 trafficking. I've traveled to the United States  
25

1 border to assist mothers with their children who are  
2 seeking asylum and being held at South Texas Family  
3 Residential Center in Dilley, Texas. Through my work  
4 representing survivors and asylum seekers in New York  
5 and at the border I've witnessed first-hand how the  
6 recent changes to immigration law implemented by our  
7 federal administration have impacted those women. We  
8 know first-hand how harmful these policy changes are  
9 to immigrants survivors. Her Justice conducts  
10 immigration consultations at several of the family  
11 justice centers, um, in New York City. At these  
12 consultations we screen victims of domestic violence,  
13 many of whom would be clearly eligible for asylum  
14 under prior asylum policies. Now we must advise  
15 these clients that although they fled domestic  
16 violence and they are afraid for their lives should  
17 have they have to return to their home countries, the  
18 robust immigration policies that once would have  
19 protected them may no longer be available. These  
20 changes in policy have stoked fear and panic in our  
21 immigrant and survivor communities. The United  
22 States is seen by many around the world as a place  
23 that is safe and values protection and justice. Many  
24 have fled to the United States for those reasons, um,  
25

1  
2 and instead have been met with the threat of being  
3 locked up in detention centers, being separated from  
4 their children, or being forced to wait in unsafe  
5 countries while awaiting a hearing on their asylum  
6 claims. Today we are here to stand with asylum  
7 seekers and immigrant survivors of violence, and we  
8 thank the City Council for recognizing the needs of  
9 these vulnerable New Yorkers.

10 CHAIRPERSON MENCHACHA: Thank you, thank  
11 you for that and the work that you do at Her Justice.

12 REBECCA GENDELMAN: Good afternoon. My  
13 name is Rebecca Gendelman and I'm a legal fellow at  
14 Human Rights First, a nonprofit human rights  
15 organization that advocates for US adherence to human  
16 rights law and provides pro bono legal representation  
17 to asylum seekers in partnership with volunteer  
18 lawyers and many of the nation's and New York City's  
19 leading law firms. I will be speaking about the  
20 migrant protection protocols, or MPP, one of the  
21 Trump administration's many policies that endanger the  
22 lives of asylum seekers and make it all but  
23 impossible for them to receive asylum. Rather than  
24 allowing people to apply for asylum in safety in the  
25 United States, as required under US refugee law, MPP

1 requires them to prepare and present their asylum  
2 cases while living in dangerous regions in Mexico for  
3 months, where hundreds have been kidnapped, raped,  
4 and even killed. Along the Texas-Mexico border  
5 asylum seekers are returned to regions designated by  
6 the US State Department as a Level 4 threat, the same  
7 threat assessment assigned to Syria. They are then  
8 left to attempt to prepare their asylum cases with  
9 extremely limited access to counsel, safe shelter, or  
10 adequate medical cares. Hearings for some asylum  
11 seekers returned to Mexico from Texas are conducted  
12 in secretive tent courts. More than 95% of them are  
13 unrepresented. Since the implementation of this  
14 program, Human Rights First has tracked reports of  
15 violent attacks on people in MPP, represented and  
16 interviewed asylum seekers trapped in Mexico, and  
17 witnessed MPP court hearings. We've published five  
18 reports on the horrors of MPP and I've provided our  
19 two most recent reports in the form of written  
20 testimony. In our research we have tracked over 832  
21 public reports of kidnapping, rape, and other attacks  
22 against asylum seekers in MPP, including 201 reported  
23 cases of kidnapping or attempted kidnapping of  
24 children. These numbers are only the tip of the  
25

1 iceberg, as the vast majority of asylum seekers  
2 returned under MPP have not spoken with the press or  
3 human rights organizations. These cases include a  
4 woman who was raped in front of her 3-year-old son  
5 and children who have been raped. While observing  
6 MPP hearings I saw sobbing children beg the judge not  
7 to send them back to Mexico because they had been  
8 kidnapped. Having survived the wait in Mexico,  
9 asylum seekers in MPP are now almost all  
10 categorically barred from receiving asylum due to the  
11 third-country transit bar and can only win lesser  
12 forms of protection that do not allow them to reunite  
13 with spouses or children back home and do not provide  
14 a path to more stable and permanent immigration  
15 status or a path to citizenship. As a result, even  
16 refugees who do win protection will have to live in  
17 uncertainty and with no permanent status, including  
18 in the New York City community. Only 0.6% of asylum  
19 seekers in MPP have been granted protection as of  
20 December 2019. Asylum seekers are often survivors of  
21 severe violence and trauma, including domestic  
22 violence. In the United States they can access legal  
23 and social resources that can allow them to rebuild  
24 their lives. Many have family here, including in New  
25

1  
2 York City, who can help them and give them a place to  
3 live while they apply for asylum. Instead, MPP is  
4 designed to keep them in danger and make it so  
5 difficult and dangerous to win asylum that they give  
6 up and with nowhere safe to go return to the  
7 nightmare they fled from. Thank you.

8 CHAIRPERSON MENCHACHA: Thank you for  
9 that and for this panel, and it just reminds me that  
10 I think it's really important that we remain  
11 committed to self-care as we move through this. This  
12 work is not, it's not easy. Ah, I mean, I wish the  
13 rest of the members were here to listen to this  
14 testimony. Ah, it's, it's the kind of thing that's  
15 gonna move us forward, to action and, and I will compel  
16 the rest of the City Council to ensure that not only  
17 do we pass an amicus brief, 'cause that's not gonna  
18 be the hard part, it's gonna be ensuring that the  
19 budget that we pass this year is reflective of the  
20 need that we have to some of our most vulnerable, ah,  
21 New Yorkers and, ah, but this is hard stuff. So I  
22 hope you can carry it, but also, um, take care of  
23 yourself in this work. Thank you.

24 UNIDENTIFIED: Thank you.  
25

2 CHAIRPERSON MENCHACHA: I'm gonna call my  
3 next, the next panel. Sanctuary for Families, Tiana  
4 Marisol Cherboska, Catholic Charities, ah, Reluka  
5 Onshowi, Chewy?

6 UNIDENTIFIED: [inaudible]

7 CHAIRPERSON MENCHACHA: The Catholic, ah,  
8 Charity, Charities Community Immigrant Legal  
9 Services, Dan Schmulia.

10 DAN SCHMULIAN: Schmulian.

11 CHAIRPERSON MENCHACHA: Schmulian?

12 DAN SCHMULIAN: Yes.

13 CHAIRPERSON MENCHACHA: Sorry. Um,  
14 UNIDENTIFIED, Bronx Legal Services, and UNIDENTIFIED,  
15 from Bronx Legal Services. Dan, if we can start with  
16 you on this side, on the left? Go ahead.

17 DAN SCHMULIAN: All right.

18 CHAIRPERSON MENCHACHA: Yeah.

19 UNIDENTIFIED: We're gonna start, yeah?

20 Hi, good afternoon. Thank you. Um, I  
21 am, so we presented a nine-page testimony which is a  
22 laundry list of all of the different ways the system  
23 has either been dismantled or stacked against asylum  
24 seekers and I just want to touch, um, my colleague  
25 and I will touch on a couple of points that haven't



1  
2 been mentioned yet. Um, OK. So I'm just gonna  
3 mention them first and then I'll belabor a couple of  
4 them. First of all, um, another crisis that's facing  
5 asylum seekers and any kind of respondents in  
6 immigrant court is the limited availability of  
7 interpreters. Um, one of the things the court has  
8 done has got rid of interpreters at the first master  
9 calendar hearing and substituted that with a video.  
10 That's only available in English and in Spanish.  
11 It's replete with legalese that almost no one can  
12 understand and, um, so the respondents actually end  
13 up listening to the video, um, and then are handed  
14 notices from the judge for the next hearing that  
15 they're supposed to go to. They don't have an  
16 opportunity to talk to the judge or ask any questions  
17 or really understand what's going on. That's one.  
18 Um, related to that is the fact that when there is an  
19 interpreter for subsequent hearings and the  
20 individual hearing, the quality of the interpretation  
21 is, um, sometimes questionable. Even in when it  
22 comes to languages as common as Spanish, but more so  
23 when it comes to indigenous languages, which  
24 increasingly, um, are need in court for, ah, people  
25 coming from Central America and that's compounded by

1 the fact that there's an assumption that if  
2 somebody's from Guatemala, El Salvador, or Honduras  
3 they speak Spanish. Ah, even the way the question is  
4 phrased by the judge or actually is stated, um,  
5 they're basically told is Spanish your best language  
6 as opposed to what is your best language. So there's  
7 probably a push for them to actually say that Spanish  
8 is their language. The other issue is that's been  
9 touched on is imposing metrics on immigration judges,  
10 such as case completion quotas and, um, how fast  
11 they, ah, adjudicate the cases. This has created  
12 huge due process problems. More recently we, our  
13 attorneys are being asked to stipulate to, ah, the  
14 records, ah, basically to forego having a direct  
15 examination of their clients. This is robbing  
16 clients of their chance to tell their story in  
17 immigration court. It's hard, especially for newer  
18 attorneys, to, um, contradict the judge and try to  
19 say no, we don't want to do that and we want to go  
20 forward. There's also I think for a while, I think  
21 we're quickly realizing that when the judge says  
22 let's stipulate to the record they don't mean to say  
23 that they will grant, um, the case. So stipulating  
24 to the record is actually very detrimental to the  
25

1 client. Um, then there's another huge problem which  
2 I'll speak about, um, at length. This is the failure  
3 to file notices to appear with the immigrant court.  
4 This causes all sorts of issues and I'll touch on  
5 that in a second. The other thing that was touched  
6 on is the rescheduling or advancing court hearings  
7 with little lead time or notice. This is making  
8 practicing immigration court impossible. We're  
9 preparing clients, taking time out to put a case  
10 together only to find out the day of the hearing that  
11 the hearing has been rescheduled. Some of the  
12 reasons for rescheduling that we heard lately have  
13 been, um, no Spanish interpreter available, um,  
14 double booking the hearing and not having time for  
15 the second hearing that was double booked, and in one  
16 of the cases the immigration judge never received our  
17 300-plus page submission that had been filed in  
18 person at the court window, um, and rescheduled so  
19 that we could refile it with them.

21 CHAIRPERSON MENCHACHA: Can I pause you  
22 here. Ah, we're gonna, we're gonna keep going  
23 through but I want to ask about the interpreters  
24 really quick.

25 UNIDENTIFIED: Yah.

1 COMMITTEE ON IMMIGRATION 108  
2 CHAIRPERSON MENCHACHA: The interpreters,  
3 you're saying, is this a change that's happened...

4 UNIDENTIFIED: Yes.

5 CHAIRPERSON MENCHACHA: And the change  
6 went from interpreters to, you said a video?

7 UNIDENTIFIED: Yes.

8 CHAIRPERSON MENCHACHA: And the video is  
9 the kind of explainer video?

10 UNIDENTIFIED: Yes. The video explains  
11 immigration court proceedings. Um, my, you can  
12 actually watch it if you want, if you'd like to, um,  
13 and there's, it's, there's an emphasis, there's  
14 really not much of an explanation of the different  
15 ways that somebody, the different, um, paths to  
16 relief and, you know, asylum, U visas, etc. There's  
17 an emphasis on voluntary departure instead of that.  
18 So it's, it's a terrible video, really.

19 CHAIRPERSON MENCHACHA: And so my, my, I  
20 guess my question here because this is, this is  
21 something that we keep, language access, in general,  
22 the City of New York, we have a duty and a legal  
23 mandate actually by the City Council to, to meet that  
24 and I know the city is failing on so many levels on  
25 our city stuff. This is a federal court. And do you

1 believe that the city should be in that space to, to,  
2 ah...

3  
4 UNIDENTIFIED: I don't know to what extent  
5 the city can be in that space. It would be amazing  
6 [inaudible].

7 CHAIRPERSON MENCHACHA: Well, there's two  
8 question, right? Can is one thing and should is  
9 another.

10 UNIDENTIFIED: Well, I...

11 CHAIRPERSON MENCHACHA: And, and that's,  
12 I'm asking you, I have a, I feel like I have an  
13 answer for that but I wanna, I wanna really hear from  
14 all of you.

15 UNIDENTIFIED: Yes, I do.

16 CHAIRPERSON MENCHACHA: OK.

17 UNIDENTIFIED: I also think that there's,  
18 um, you asked what the city can do and if the, you  
19 know, if respondents, if immigrants applying for  
20 asylum or for any kind of relief in immigration  
21 court, if they can get that kind of, um, access in  
22 court then they better have it somewhere else. So if  
23 there could be funding for the nonprofits that, that  
24 serve immigrants for them to get interpretation and  
25 translation that would be amazing. Um, because...

2 CHAIRPERSON MENCHACHA: Got it. There's  
3 an idea...

4 UNIDENTIFIED: ...we are doing that right  
5 now but we're paying for it, um, and that's, that  
6 just increases the financial burden and the types of  
7 how many cases we can do.

8 CHAIRPERSON MENCHACHA: Have you heard  
9 about the Language Bank, where interpreters, there's  
10 a kind of essentially a group of language  
11 interpreters in a cooperative that would essentially  
12 be available for legal, for lawyers who are  
13 representing immigrants that need transition, they  
14 would be trained to understand the legal definitions  
15 and understand how it works so that they can, because  
16 it's not just the ability to translate something.

17 UNIDENTIFIED: Right.

18 CHAIRPERSON MENCHACHA: It's really  
19 understand it and make sure that people get what's  
20 happening in the court system and, um, there are a  
21 few organizations that are pushing us to do that and  
22 we weren't able to get that funded.

23 UNIDENTIFIED: That would be amazing.

24 CHAIRPERSON MENCHACHA: OK, so let's talk  
25 more about that later. But thank you for bringing up

1 the interpretation piece. That's, that's very, very  
2 critical.

3 UNIDENTIFIED: All right. I have...

4 CHAIRPERSON MENCHACHA: You have one  
5 more, one more, two more, one more?

6 UNIDENTIFIED: Well, no. I have...

7 CHAIRPERSON MENCHACHA: It's all, it's  
8 all in there.

9 UNIDENTIFIED: I'm just gonna, yes, I want  
10 to just mention the other things but I do want to  
11 talk about one thing that's huge.

12 CHAIRPERSON MENCHACHA: OK, go for it.

13 UNIDENTIFIED: Um, OK. So, ah, when it  
14 comes to, um, when it comes to affirmative asylum  
15 we're talking mostly now about removal proceedings,  
16 but when it comes to affirmative asylum, as you may  
17 know, interviews now are scheduled within three weeks  
18 of filing application and it's very hard to get  
19 another continuance for the asylum hearing and so  
20 that also places a huge burden on the attorneys  
21 preparing the case because you're not just taking an  
22 asylum case. You have to program it so that you can  
23 have everything ready within three weeks of filing.  
24 So that, that makes it harder to take asylum,  
25

1 affirmative asylum applications in addition to the  
2 defensive asylum applications. Then, um, a new trend  
3 that we can observe is that USCIS, or the asylum  
4 office, is rejecting asylum applications if any of  
5 the fields are left blank, even fields that are not  
6 important, for example middle name, if somebody  
7 doesn't have a middle name and they just leave the  
8 space blank that's, those applications are being  
9 rejected. Ah, you're supposed to apparently know  
10 that you're supposed to put none or NA in every field  
11 that doesn't. So if you've never been married you  
12 have to go through all those spaces and put NA in  
13 every field that asks you about your spouse. Not  
14 everybody knows that, so you know, there's more  
15 rejected applications. And then, I think this has  
16 been touched on, there's now a proposal to have \$50  
17 application fee for submitting an affirmative asylum  
18 application and also to allow USCIS more time to  
19 process applications for the initial work  
20 authorization that's granted to asylum seekers. This  
21 is a huge, you know, again, a war on having poor  
22 people apply for asylum. They have to come with \$50  
23 in the first place and then they can't work to  
24 support themselves and their families for a very long  
25



1  
2 time because Immigration is just gonna sit on their  
3 application. So the last point, and I apologize to  
4 my colleagues, that I want to make, um, is this  
5 failure for ICE to file the notices to appear with  
6 the court. This is creating chaos. What this means  
7 basically is when somebody is putting deportation  
8 proceedings at the border or anywhere else, this  
9 document that puts them in proceeding, the notice to  
10 appear, is created and given to them. At the same  
11 time that document has to be filed with the  
12 immigration court that has jurisdiction over the  
13 individual. Um, in very many cases that we see that  
14 second step hasn't been taken. This leaves the  
15 individual completely in limbo. If they want to file  
16 an asylum application there really isn't a place to  
17 file because we don't where they go to immigration  
18 court. Moreover, since a lot of these notices to  
19 appear are issued at the border, people don't stay at  
20 the border where the notice is issued. They actually  
21 move somewhere else in the country. They come to New  
22 York. And so that person, Immigration, all they know  
23 about this person is that they were caught in Texas.  
24 Um, they don't have an address for them in New York.  
25 They actually having ICE checking somewhere in Texas

1  
2 or in Arizona, and they don't know on any day, that  
3 notice to appear can be filed with a court in New  
4 York, the court in New York will schedule them for a  
5 hearing, but they won't be able to mail them the  
6 hearing notice because they don't know where they  
7 live. Even when they come to us as attorneys we  
8 cannot help them file a change of address with the  
9 court or a change of venue from Texas to New York  
10 because we don't know, because the court here in New  
11 York doesn't know who they are. So they will not  
12 accept it from us. This is, it's just a ridiculous,  
13 ridiculous system. People are so confused, they  
14 don't know. You ask them if they have court, they  
15 say yes, but it's an ICE check-in, it's not court.  
16 They don't believe you when you tell them, or you try  
17 to explain the difference. Um, it's just incredible  
18 and what it's going to lead to is a lot of people  
19 being ordered deported in abstentia because they  
20 never learn about their, um, um, that they have  
21 court. And...

22 CHAIRPERSON MENCHACHA: And these are the  
23 tactics.

24 UNIDENTIFIED: And when the, when the  
25 notice is finally filed, so there is something that

1  
2 you can do, you can tell all of these people to call  
3 a certain number, which is the court number, and  
4 through that, by calling that number they can find  
5 out if they are scheduled for court, but when it  
6 happens they may not have enough time, right? They  
7 may be scheduled for court a week later. They may  
8 not have enough time to file the change of address.  
9 They may not have enough to file the change of venue.  
10 Nor will the court have enough time to make a ruling  
11 on that change of venue. And so those people will  
12 have to, will be forced to fly all the way to Texas,  
13 which obviously they don't the resources to do, in  
14 order to avoid an in absentia odor.

15 CHAIRPERSON MENCHACHA: Yeah.

16 UNIDENTIFIED: So I'm done. Thank you.

17 CHAIRPERSON MENCHACHA: Thank you for all  
18 that, from the interpretation to the tactics that are  
19 removing any sense of due process or justice to a  
20 system that is within the justice system. So thank  
21 you for that. And I'm, I'm looking forward to  
22 reviewing the entire, ah, entire package of, of  
23 recommendations and issues that you have seen. Thank  
24 you. And have you come on over, and just make sure  
25 that the light is, oh, wait.

2 UNIDENTIFIED: As I'm from the same  
3 agency I'm going to cede to those.

4 CHAIRPERSON MENCHACHA: OK.

5 UNIDENTIFIED: If there are other  
6 questions to answer I'll do so.

7 CHAIRPERSON MENCHACHA: Sorry  
8 [inaudible]. OK. Thank you. We'll come back to  
9 questions if we get there. Thank you.

10 TIANA MARISOL CHERBOSQUE: Can you hear  
11 me?

12 CHAIRPERSON MENCHACHA: Yes.

13 TIANA MARISOL CHERBOSQUE: OK. Good  
14 afternoon. My name is Tiana Marisol Cherbosque and I  
15 am the family reunification coordinator at Sanctuary  
16 for Families, one of New York City's leading  
17 providers of comprehensive services for survivors of  
18 gender-based violence. Our thanks to Council Member  
19 Menchaca and the Committee on Immigration for the  
20 opportunity to testify today. As a family  
21 reunification coordinator I help reunify our clients  
22 with their children, many of whom are in imminent  
23 danger in their home countries. In my time working  
24 with immigrant survivors of gender-based violence  
25 there has never been a more difficult time for their

1 children to exercise their right to seek asylum at  
2 the border. This is a direct result of the current  
3 administration's anti-asylum policies that further  
4 endanger those who flee violence and persecution and  
5 seek safety in the United States. In past years our  
6 clients' children fleeing violence and persecution  
7 were able to travel to the border port of entry,  
8 legally undergo a credible fear interview, and enter  
9 the United States to reunify with their parents or  
10 family members in New York City while they petitioned  
11 for asylum. However, under this administration's  
12 remain in Mexico policy these same vulnerable  
13 children seeking the US government's protection are  
14 forced to wait in Mexico for months on end in  
15 extremely dangerous encampments, often without  
16 adequate access to food and shelter and further  
17 exposed to heightened risk of violence, abuse, and  
18 human trafficking. The chilling effect of today's  
19 anti-asylum policies harm any individual seeking  
20 asylum at the border, but, as I have personally seen,  
21 the effect on families of domestic violence and  
22 trafficking survivors is particularly devastating.  
23 Last week I received a call from my client, who I  
24 will refer to as Claudia, a victim of domestic  
25

1 violence who suffered abuse in Mexico and the United  
2 States. Claudia has a pending U visa application,  
3 which will likely take another five to ten years to  
4 be adjudicated. Meanwhile, her children are in  
5 danger of being kidnapped and tortured by their  
6 abusive father in Mexico for the second time.  
7 Claudia has made several attempts to bring her  
8 children to the US legally so that they, too, may  
9 live in safety. Facing one denial after another, the  
10 family is desperate and the children might have no  
11 other choice but to seek asylum at a US port of  
12 entry. Claudia's children would endure a perilous  
13 26-hour journey to the southern border. Once they  
14 arrive at the border it would likely be months before  
15 they would even be called for an interview regarding  
16 their fear of returning to Mexico. During this  
17 period of waiting the children would not be provided  
18 with safe shelter or support. Her children would  
19 need to remain in Mexico despite their actual fear of  
20 staying in Mexico. Claudia's children would likely  
21 need to sleep on the streets, given the lack of  
22 vacancies at nearby migrant shelters. In the absence  
23 of shelter the children would be at increased risk of  
24 human trafficking, cartel kidnappings, and violence.  
25

1 Claudia must make a decision no parent should ever  
2 have to make. Fully aware of these amplified dangers  
3 that her children will face at the US border, Claudia  
4 must decide whether they should endure this journey  
5 in search of safety in the US or continue to suffer  
6 the abuses and threats to their lives should they  
7 remain in Mexico. We call on you to stand with  
8 Claudia and her children by supporting this  
9 resolution and affirming your commitment to  
10 protecting the rights of both survivors and asylum  
11 seekers, particularly those experiencing gender-based  
12 violence in New York City and beyond. Thank you for  
13 the opportunity to testify today.

14  
15 CHAIRPERSON MENCHACHA: Thank you.

16 UNIDENTIFIED: Good afternoon. I'm the  
17 [inaudible] immigration director at LSNYC. Here are  
18 two of my Bronx colleagues.

19 LUIS ROSARIO RODRIGUEZ: Good afternoon.  
20 Our names are Carolina Guiral and Luis Rosario  
21 Rodriguez. And we are staff attorneys at Bronx Legal  
22 Services and Office of Legal Services of New York  
23 City. Legal Services of New York City fights poverty  
24 and seeks racial and social and economic justice for  
25 low-income New Yorkers. We work within the family

1 and immigration unit providing legal immigration  
2 services to immigration communities in the Bronx. We  
3 are here to highlight our clients' stories, um, which  
4 illustrate the impact that the change in asylum laws  
5 have had on their cases. Um, Jessica, a woman from  
6 El Salvador, operated an ice cream parlor with her  
7 husband in [inaudible]. In El Salvador Jessica  
8 suffered extortion payments and death threats from  
9 the [inaudible] for many years when she didn't pay  
10 them promptly. In 2014 Jessica and her children fled  
11 El Salvador. Soon after arriving in the United  
12 States they applied for asylum. Cases like Jessica's  
13 were never certain to succeed, but at the time asylum  
14 law in the US favored her arguments. There were  
15 protections for victims of gang violence if they were  
16 members of a particular social group that faces  
17 persecution in their home country. Due to changes in  
18 law that appear to directly, ah, target Central  
19 Americans like Jessica the threshold for qualifying  
20 for asylum based on persecution due to gang violence  
21 and family ties is very high, and in some cases  
22 seemingly impossible.

24 CAROLINA GUIRAL: Um, another, ah, one of  
25 our clients' story that illustrate the impact of, um,



1 these changes in asylum law is, um, our client  
2 Jessica, a woman, I mean, our client Carol, I  
3 apologize, our client Carol, who is a Honduran woman,  
4 mother of four children, two of who are US citizens.  
5 Carol fled Honduras after she endured years of abuse  
6 at the hands of her ex-partner, a violent man  
7 belonging to a drug cartel. After fleeing Honduras  
8 to the United States in 2012 she began a relationship  
9 with a US citizen, who turned into an abusive  
10 partner. Carol reported the abuse to the police and  
11 obtained an order of protection in New York. Because  
12 of the domestic violence that Carol experienced in  
13 Honduras and in the United States she is eligible for  
14 asylum and a U visa for victims of crime. However,  
15 recent changes in our immigration laws limited  
16 asylum-related protections for people like Carol, who  
17 have a well-founded fear of persecution due to  
18 domestic or gang-related violence. Now the future of  
19 her immigration case remains uncertain and this  
20 uncertainty is like a dark shadow in her life,  
21 keeping her from moving forward and causing her  
22 constant anxiety about how she might be deported to  
23 Honduras, where she will probably be killed. The  
24 recent changes, um, in asylum law severely limit  
25

1  
2 protections under international law and send a  
3 discouraging message to our clients seeking safety in  
4 the United States. Under this resolution to match US  
5 asylum will awards with international law standards,  
6 clients like Carol and Jessica would have a better  
7 sense of the strength of their cases and would have  
8 confidence that immigration courts would apply the  
9 law in a fair and consistent way.

10 UNIDENTIFIED: And if, um, I just wanted  
11 to address a question about what are we seeing in,  
12 um, in New York immigration courts. Um, there's an  
13 organization, TRAC, T-R-A-C, that gathers information  
14 of what's being filed in all the courts. For the  
15 fiscal year 2019, looking at all the cases, whether  
16 they won or lost in New York immigration court, you  
17 could say 30% were from the combination of three  
18 Central American countries, El Salvador, Honduras,  
19 and Guatemala, while 30% were from China. And then  
20 from the first quarter of the current fiscal year  
21 that they have stats for, um, it's really gone up for  
22 the Central American countries. It's now from 30%,  
23 it went up to 42%, if you add up those three  
24 countries, of cases decided. And for China it went  
25 down a bit. They went down from 30% down to 23%. So

1  
2 those, the three Central American countries and China  
3 are definitely the big four, and it's more so now in  
4 the first three months of the year, ah, fiscal year,  
5 from Central America.

6 CHAIRPERSON MENCHACHA: Can I ask you all  
7 if you've also seen interpretation issues as well, in  
8 terms of interpreters at the courts?

9 UNIDENTIFIED: Yes, um, similar to what,  
10 ah, [Roulka] had mentioned earlier. Um, I've seen  
11 that many times, ah, while attending my clients', um,  
12 master calendar hearings, as they're called.

13 CHAIRPERSON MENCHACHA: Um-hmm.

14 UNIDENTIFIED: Um, where the, they'll just  
15 play a video for the remaining, ah, respondents in  
16 the room.

17 CHAIRPERSON MENCHACHA: Got it.

18 UNIDENTIFIED: And, um, additionally, um,  
19 for some of our clients who, um, again, like there's  
20 an assumption that they all speak Spanish if, you  
21 know, they say I'm from Honduras. So for some of our  
22 colleagues I know that they've delayed their hearings  
23 for lack of, like, for example, a Garifuna  
24 interpreter. So they [inaudible] it, it could be  
25

1  
2 like years from the date that the case was continued  
3 just because there's a lack of interpreter.

4 CHAIRPERSON MENCHACHA: Got it, got it.

5 And do you want to add something, Dan?

6 DAN: I wanted to add one, one issue. I  
7 mean, not only are you hearing sort of both  
8 lengthening of cases and shortening of cases and the  
9 general chaos, but there's also been a concerted  
10 effort, in fact, to, um, with stripping of, of rights  
11 like the ability of, ah, people who are fleeing  
12 domestic violence to win their cases and families,  
13 people who are seeking PSGs based on families to win  
14 their cases. There's also been a concerted effort to  
15 undermine the ability of people to find other forms  
16 of relief in court by reducing the amount of time  
17 that the courts, or the ability of courts to grant  
18 continuances. So, for example, if a family gets, has  
19 a possibility of having a special juvenile petition  
20 or a U visa or another type of relief that requires  
21 other agencies' decisions, the courts are being  
22 steadily told, the judges are being told, that they  
23 are not allowed to continue cases to do that. So  
24 whilst the law may provide many forms of relief the  
25 judges are not able to actually wait long enough for

1 those forms of relief to be put into force, and so  
2 it's a very cynical way of shutting down all ability,  
3 ah, of people to get safety in this country, ability  
4 that Congress has in fact provided, and, um, and, ah,  
5 has, should empower the judges to give, but their  
6 case law and, um, procedure is undercutting that  
7 ability.  
8

9 CHAIRPERSON MENCHACHA: And this is why  
10 it's important that we join the amicus brief, ah,  
11 support on that and I'm gonna be on the next panel, but I  
12 want to say two things. One is so many of the  
13 stories that I'm hearing are of families, of mothers,  
14 and we just can't, we can't ignore that reality, that  
15 we're talking about the impact of young children and,  
16 and these cases are impacting multiple people and  
17 it's one family and a mother trying to do their best.  
18 And the second thing is that we have to ask a  
19 question about the multiple layers of commitment that  
20 are being asked up here, the, the kind of deterrent,  
21 the deterring or the, um, the lack of federal  
22 commitment from the White House, but also the  
23 question about what our commitment is as the City of  
24 New York and where we step in. There's a question  
25 about whether or not we should be putting any money

1  
2 into federal, federal cases, right? But we answered  
3 that question. We're putting lawyers into federal  
4 proceedings. That should be universal representation  
5 at the federal level. But we're not waiting for that  
6 to happen. We're gonna do it. And I think this is  
7 the same question that we need to ask to some of the  
8 other places, like interpretation and saying is that,  
9 is that our business, is that what we should be  
10 doing, and I hope that you all can organize and on  
11 that and many other ask and demand that of the City  
12 of New York. So thank you for this panel.

13 UNIDENTIFIED: Thank you.

14 CHAIRPERSON MENCHACHA: Thank you. OK,  
15 next panel, Jessie Pimental, New York City Anti-  
16 Violence Project, we have Andrea Bowen from the Anti-  
17 Violence Project, Maritza Suarez from New York City  
18 Anti-Violence Project, and then Jojo Edibal from the  
19 Immigration Justice Corps. Come on up. And we have  
20 one more panel after this. Can I read, I'm gonna  
21 read the names for the last panel, but you're not  
22 gonna come up, I just want you to know that I see  
23 you. Ah, and we have Alistern Sutter, and, ah,  
24 Uchechu Kuba Onwa, for the last and seventh panel.  
25 And if you have not been called then make sure that

1  
2 you fill out a testimony form with the Sergeant at  
3 Arms. Who would like to start? Would you like to  
4 start? Go for it. Good afternoon. And make sure  
5 that you have the, oh, yeah, just so we can hear it  
6 on record. Yeah, the light's on and then you speak.

7 JESSIE PIMENTAL: Yes, hi.

8 CHAIRPERSON MENCHACHA: Hi.

9 JESSIE PIMENTAL: Hi good afternoon,  
10 Councilman. My name is Jessie Pimental. I'm a  
11 senior paralegal at the New York City Anti-Violence  
12 Project. And today we bring to you our client who  
13 has been, um, on the other side of our colleagues who  
14 has, she's already undergone her own individual  
15 hearing and was successful, um, but I'd really like  
16 you to hear from her perspective as somebody who  
17 applied for asylum and all of the work that went into  
18 that.

19 UNIDENTIFIED: [speaking in Spanish]

20 CHAIRPERSON MENCHACHA: [speaking in  
21 Spanish]

22 UNIDENTIFIED: [speaking in Spanish]

23 CHAIRPERSON MENCHACHA: OK, mucho  
24 gracias. Um, Annie:

1                   ANDREA BOWEN: Thank you so much, ah,  
2  
3 Chair Menchaca. I am Andrea Bowen. I'm with Bowen  
4 Public Affairs Consulting, but I also represent New  
5 York City Anti-Violence Project and, ah, as you know,  
6 work with the TGNCNB Solutions Coalition. Um, there  
7 is really nothing you can say that I think is quite  
8 as poignant as what Martiza noted. Um, I'd just like  
9 to give a sense of some of the work that I'm seeing  
10 across a bunch of different providers, including AVP.  
11 Um, as you and I have discussed before, over the last  
12 several years providers of immigration services have  
13 noted, um, a deep need especially for TGNCNB focused  
14 legal services due to the complexity of the cases  
15 they're in, um, as one provider said TGNCNB New  
16 Yorkers experience homeless and staying engaged in  
17 their case isn't always the most pressing survival  
18 need, um, which makes cases take longer and cost  
19 more. AVP itself has experienced an increase in the  
20 number of TGNCNB focused immigration cases over the  
21 last year. Ah, I've just been in touch with several  
22 legal services providers and, um, you know, two of  
23 the defender services that I've been in conversation  
24 with have noted that that over the last year they  
25 have also, ah, experienced, this is not in my



1 testimony, but just noting it, um, have experienced  
2 increased need, especially even over the last year.  
3 One of them noted an unusually high number of  
4 requests for assistance with their TGNCNB clients'  
5 cases. And so I just wanted to note, um, as you're  
6 aware, um, for the record, um, in the upcoming FY21  
7 budget I'll be working with six organizations,  
8 including AVP, um, to, um, push for greater funding  
9 of TGNCNB legal services, um, \$800,000 worth, to be  
10 spread, um, I'm currently working among six different  
11 organizations, um, to try and both, ah, increase the  
12 number of lawyers in the system and staff in the  
13 system, but also backfill positions that haven't  
14 actually really adequately been funded so that, um,  
15 across the system of people providing TGNCNB legal  
16 services there's just greater capacity overall. Um,  
17 there aren't that many providers who do these  
18 services well, um, but those that do do them well  
19 need all that they can get and, um, it seems as  
20 though they've been operating on shoestrings. So,  
21 um, I look forward to working with you and your staff  
22 as the budget season proceeds to provide more detail  
23 to these asks and I really appreciate the opportunity  
24  
25

1  
2 to go on the record presently and outline the issue  
3 and request in addition to my colleagues.

4           CHAIRPERSON MENCHACHA: Thank you, thank  
5 you for that. And for working with your  
6 organizations to pull together the package for  
7 requests for the budget. I look forward to working  
8 with you on that. And, and it maybe my question to  
9 the whole panel and, and I know I'm in the middle of  
10 it but I'm gonna ask the question 'cause you know,  
11 Council Member Dromm and I have been thinking a lot  
12 about how, how we build in a point in which someone  
13 can be, um, feel comfortable to talk about their  
14 LGBTQ, ah TGNC identity. And it's hard conversation  
15 to have in almost every respect and that is something  
16 that we don't want to shy away from, to kind of build  
17 opportunities for kicking in asylum as a, as an  
18 opportunity. And so that's something that we just  
19 want to work through 'cause it hasn't moved forward  
20 and I want to understand how to move that  
21 conversation forward. [speaking in Spanish] So I'll  
22 just leave that open question. Jojo?

23           JOJO EDIBAL: Yeah, last but not least.

24           CHAIRPERSON MENCHACHA: Unless you want  
25 to hit that right away.

1                   JOJO EDIBAL: I'll hit that one shortly.  
2  
3 Last but not least. Immigration Justice Corps. So  
4 I'm Jojo Edibal. I'm the executive director. With  
5 me is Harold Solis.

6                   CHAIRPERSON MENCHACHA: Awesome.

7                   JOJO EDIBAL: So we sat hear, listened to  
8 a lot of testimony, and so we...

9                   CHAIRPERSON MENCHACHA: All of it,  
10 actually [laughs].

11                   JOJO EDIBAL: All of it, so we are not  
12 going to belabor the point. Um, what we are seeing,  
13 I will start off by saying what a difference six  
14 years makes. Six years ago we're talking about  
15 unaccompanied children. We brought to light this  
16 whole idea about parents with children who were  
17 coming. The council saw what we're seeing and put  
18 some money into helping to provide representation. I  
19 don't know where that funding is right now, but when  
20 we are talking about competent lawyers in court, just  
21 look at the statistic that in 2016 the denial rate at  
22 the New York Immigration Court on asylum was 15%.  
23 2019 it's 44%. Really in New York, denial rate at  
24 44%? It means, it only means that the government has  
25 weaponized the immigration system, making it more and

1  
2 more difficult for immigrants to be able to get  
3 asylum. But the cases are winnable. Lawyers in New  
4 York are winning some of these cases. It's a matter  
5 of staffing. And so since 2015, when Council put  
6 money into this, other organizations have sprung up,  
7 UnLocal, others who are also doing this work. But  
8 they don't have the kind of funding that has been put  
9 in. It's up to this council to consider new blood,  
10 new people who have come in, new organizations. You  
11 also touched on something which was very important to  
12 one of the panels. You said take off yourself in  
13 this work. We are not putting money into the pot to  
14 take care of providers, advocates who are doing this  
15 work. It's trauma upon trauma. How long would we  
16 subject our advocates to hearing day in, day out  
17 trauma suffered by their clients and looking for  
18 services for the clients, but not looking for  
19 services for the advocates who do this work? People  
20 are, people are taking therapy these days because of  
21 what is happening. When you're in court you have 50  
22 cases and suddenly a case that's scheduled for 2021  
23 is brought in to 2020. It's a big, you know, like  
24 you're working weekends, right? Ah, it's 24/7 on  
25 these smart phones, right? So you're on the clock

1 every time. We should be thinking about that. What  
2 are we doing for the advocates who are in the field  
3 and doing this work? There's a need for mental  
4 services for them as well. There's a need for us to  
5 think about how we help advocates build blocks or a  
6 wall between the work and their life, right? What is  
7 about giving someone a month or six months off after  
8 they've done this work to go off and do something at  
9 the border. They're, I think this council has been  
10 very progressive in finding ways to meet, ah, the  
11 needs on the ground and we should, once we are  
12 talking about mental health services for clients,  
13 because that's also important, let's think of the  
14 advocates. Because the other thing I'll point out,  
15 the more laws you put on the, on the, in the system,  
16 the better it is for us to be able to advocate  
17 certain things. Some of our clients now are not  
18 ready to step up in court and testify, because of  
19 trauma, right? But they are being forced to. Why  
20 can't we ligate those cases? You hear from Legal Aid  
21 talking about one in four of their lawyers are able  
22 to do post-conviction. Many of our organizations  
23 [can] do post-conviction because we are drinking out  
24 of a fire hose, trying to get into immigration court,  
25

1  
2 can't do appeals. So as we are thinking of all those  
3 things, those are also things to think about. I, I  
4 think, I commend this, ah, committee for what it's  
5 done over the past [inaudible] 2014 when this issue  
6 of Central America came up. But I think the  
7 committee and the council also needs to meet up with  
8 the hierarchy, with the bosses at immigration court.  
9 If you're putting 58 million dollars in the pot and  
10 the federal government is putting in zero, you have a  
11 stake in this. Yes, it's federal, but you also have  
12 people who live here, who speak different languages.  
13 If we are going to court and we are not getting  
14 interpreters, yes, you're concerned and you want to  
15 bring it up to them to say we are concerned and we  
16 are watching you, and we are going to hold you  
17 accountable, and would like to meet with you  
18 regularly because you are addressing cases that  
19 involves our residents. So, my three minutes is like  
20 10 minutes [inaudible].

21 CHAIRPERSON MENCHACHA: Thank you for  
22 that. I think what, what I want to do is ask,  
23 because we have one more panel, but so much of what  
24 built the last six years of response, the council  
25 response to the work, has been a real clear

1 definition about what that work is and now we're  
2 moving from a spike in unaccompanied minors, for  
3 example, and now we're beyond that. We're in a whole  
4 new territory of work that is jeopardizing the system  
5 itself, and part of that is not just taking into  
6 consideration the output of that system in supporting  
7 clients, but it's the system itself. The system is  
8 crumbling because of kind of the capacity. Is there  
9 something that we can do to get advocates to build a  
10 system we could fund, I guess. If you leave it to us  
11 to figure out how to bring self-care and to build out  
12 capacity it's, we're gonna probably get it wrong. In  
13 fact, I think that we're already getting it wrong as  
14 we take those contracts and the mayor's office puts  
15 together these piece, I think there's been a lot of  
16 issues in how these contracts have gone out and, so  
17 don't leave it to us. I guess I'm asking you all to  
18 really think about this, and especially in this next  
19 budget come up with a clear way that we can review  
20 and build upon a kind of on the ground support system  
21 that takes into consideration more lawyers, but also  
22 how do we keep the lawyers that we have right now  
23 that are winning the cases, that are becoming  
24 incredibly intelligent about how to navigate the  
25

1  
2 system that we support them. And I'd rather support  
3 a project that comes from you all rather than me  
4 designing support. Does that make sense?

5 JOJO EDIBAL: It makes sense, and I just  
6 [inaudible] the issue because we, because we work  
7 with young lawyers who recently graduated we  
8 [inaudible] we've been working on this whole thing  
9 about self-care...

10 CHAIRPERSON MENCHACHA: Good.

11 JOJO EDIBAL: And how the foundation that  
12 we've been working with, when we send our fellows  
13 down to Tijuana we have a debrief before they go,  
14 looking at the issues that they may face when they're  
15 in Tijuana, we have a hotline that makes sure that if  
16 they face certain situations they can call in. When  
17 they come back there's a debrief, right? And so  
18 we've started working on some of these things. As we  
19 work with partners in New York we've also started  
20 talking to them about some of these things and how we  
21 can bring it to the fore. So we've started  
22 discussions and I'm sure that we can put something  
23 together and present to the council at some point.

24 CHAIRPERSON MENCHACHA: Wonderful.

25 That's what we need. I think that's what we're gonna



1  
2 need, and really bringing the mayor's office to be a  
3 part of that conversation is gonna be important for,  
4 so that we can work with them to build something out  
5 and we'll get to the point where we're gonna, we're  
6 we gonna do the negotiations. But as someone who's  
7 on the budget negotiating team, and there's a small  
8 group of us in the council, that's what I want to  
9 fight for. But I want to fight for something that  
10 you all create and not wait for us to do that. It's  
11 just not gonna work that way.

12 JOJO EDIBAL: Sure.

13 CHAIRPERSON MENCHACHA: OK. Thank you  
14 all for being here today. We have two more, ah, in  
15 a final panel. And if I called your name, come on  
16 up. You are, ah, Alistern Sutter, please come on up,  
17 and, ah, Uchechu Kuawu Onwa. If you're here.  
18 Awesome. Come on up. Thank you. How ya doing? Is  
19 that it? No one else? Alistern Sutter is not here?  
20 Anybody else want to testify? OK. You're gonna close  
21 us off today. Thank you.

22 UCHECHU KUAWU ONWA: Thank you.

23 CHAIRPERSON MENCHACHA: I saw you at the  
24 press conference as well, so thank you for staying.

25

1                   UCHECHU KUAWU ONWA: Um, thank you so  
2  
3 much, Council Member Carlos Menchaca, for this great  
4 opportunity for us to continue challenge the Trump  
5 administration, house immigration policies. My name  
6 is Uchechu Kuawu Onwa and I'm a co-director at  
7 [inaudible] Project. So [inaudible] in aggregation  
8 we support LGBTQ immigrants that are currently in  
9 immigration detention and those that have recently  
10 released or risk of being detained or deported by  
11 Immigration and we provide services like there is  
12 service support for those in detention and those out  
13 of detention and also with the community organizing,  
14 ah, organizing around the structure of barriers that,  
15 um, prevent LGBTQ folks from, um, actualizing their  
16 goals. Um, women and children and families seeking  
17 asylum experiencing unimaginable violence in their  
18 countries and on the dangerous journey to the US  
19 border. They come to the United States to find  
20 safety, but instead they are being met with more  
21 violence and cruelty, punished for assisting their  
22 rights, for asserting their right to seek asylum. We  
23 are here to, um, to testify and defend asylum for  
24 immigrant survivors of gender-based violence and to  
25 challenge the Trump administration anti-asylum

1 policies. The former general, Attorney General Jeff  
2 made a shameful decision in 2018 in the matter of Ms.  
3 A-B- case, an asylum seeker who bravely sought  
4 protection in the United States after enduring over a  
5 decade of extreme physical, sexual, and emotional  
6 abuse from her ex-husband in El Salvador. Ms. A-B-  
7 was found eligible for asylum but was instead issued  
8 a decision that not only denied asylum to Ms. A-B-  
9 but also making the sweeping pronouncement that  
10 generally women like here should no longer be granted  
11 asylum. This decision denies human rights of women,  
12 characterized domestic violence and sexual activity  
13 as private matters. The Trump administration also in  
14 January 2020 expanded their travel ban, targeting  
15 Muslim majority countries, to include six nations.  
16 This ban is another racist attack from the Trump  
17 administration against black migrants and this  
18 administration continues to use their power and  
19 privilege to push white supremacists and exclusionary  
20 policies that discriminates on the basis of faith,  
21 national origin, immigration status, and race. The  
22 Trump administration has repeatedly attacks black  
23 migrants. The migrant protection protocols, MPP,  
24 have endangered the lives of black migrants at the  
25

1 southern border, who face anti-black racism every  
2 step of their journey in the pursuit of safety in the  
3 United States. Additionally, the refugee camp and  
4 attack on temporary protected status, TPS, have shown  
5 how black migrants aren't a new target for the Trump  
6 administration. This ban will create real impact on  
7 families and LGBTQ communities members who will no  
8 longer be able to obtain the US visa, leaving them  
9 with the options to continue living double lives in  
10 their home country or risk being killed. And this  
11 ban will open doors to other polices that  
12 discriminates on the basis of faith, national origin,  
13 immigration status, race, and in particular  
14 eliminating DACA and increasing deportation. I am a  
15 gay man from Nigeria fleeing persecution because of  
16 my sexuality and because of my activism work  
17 advocating for LGBTQ rights in my home country.  
18 Nigeria, for many [inaudible] is a country with, ah,  
19 a punitive law that [inaudible] to anybody that is  
20 [inaudible] a member of the LGBTQ community, and when  
21 the work I did back when I was constantly persecuted,  
22 I was tortured physically and I was abused. I had to  
23 run for my life. I had to come to the US to seek  
24 protection and refuge. But instead I was being  
25

1 shackled and I was chained and taken into immigration  
2 detention, where I spent horrible months, like in  
3 every other, a lot of immigrants have. I was  
4 isolated in immigration detention. I spent  
5 [inaudible] even when I was sick I was chained in my  
6 hospital bed. That's a treatment that I never  
7 received in my home country. We are here to demand,  
8 we are here to demand that the leaders in Congress  
9 announce laws that address the issues created by  
10 Matter of A-B- and restore justice and fairness to  
11 our asylum system. We want the US government to  
12 reform the Trump administration policies that ban  
13 countries from migrating to the US, preventing them  
14 from seeking asylum, because migration and seeking  
15 asylum are human rights. We call the US government  
16 to listen to everyone and make reforms that do not  
17 increase funding, staffing, or [inaudible] to prison  
18 that works to us freeing everyone. And I want to end  
19 by saying that immigrant rights are human rights and  
20 we are not going anywhere. We are here to stay.  
21 Thank you.

22  
23 CHAIRPERSON MENCHACHA: Thank you. Thank  
24 you for testimony. Ah, this was testimony that was  
25 not only in favor of many other families and

1 individuals, but this is also your personal story and  
2 so I want to say thank you for that courage to be in  
3 front of the council and the council's Committee on  
4 Immigration. I hope that you feel that there's a  
5 sense of trust that we can build, continue to, ah,  
6 not just understand the issues but actually force the  
7 city to do more work on this and so if you have any  
8 specific ideas about how we can do that, we talked a  
9 lot in here about interpretation, questions around  
10 the LGBTQ community and how we can really understand  
11 the, any barriers that someone might to be able to  
12 come out to a person they don't even know, like a  
13 lawyer, and if they only knew that you were from the  
14 LGBTQ community they can build a better case. And  
15 those are all things that are not easy to solve, but  
16 you being at the table will help us solve those  
17 problems faster. And so I hope that we can work  
18 more, ah, closely together and with the committee and  
19 ensure that you can bring more, more folks to the  
20 table that can help change the system. We don't have  
21 federal power, but we do have government municipal  
22 power and we've done a lot, and we want to keep doing  
23 that work on your behalf.

24  
25 UCHECHU KUAWU ONWA: Thank you.

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CHAIRPERSON MENCHACHA: Thank you.

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UCHECHU KUAWU ONWA: I also want to say

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that, um, I again want to thank you for this

5

opportunity, but I also feel like most times the

6

LGBTQ voices are not being heard, we're not

7

represented, and when you talk about immigration the

8

[inaudible] are always sent out towards families that

9

are, um, that identify the heteronormative words and

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silencing the LGBTQ voice and when one, I think that

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we need to start focusing more attention to the LGBTQ

12

community because especially the transgender

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communities are faced with a lot of discrimination

14

while they're in the detention. They're being

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isolated, right? So we cannot leave this community

16

behind when we talk about immigrant and when we talk

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about detention.

18

CHAIRPERSON MENCHACHA: Right. Yeah, and

19

if there's anything you want to do organize a group

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that wants to talk to us, that wants to talk to me, I

21

will sit down and if you want to organize it I will,

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I will not just understand the issue, but if there

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are any specific requests that you might be making of

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the city I want to hear them, and so let's just not

25

hesitate to do that work and the committee will be

1  
2 there to listen to that work. These public hearings  
3 are good because we can get to invite the whole city.  
4 But if you're saying that there are real issues and  
5 you've been going to communities, or we're not going  
6 to certain communities or certain spaces let's solve  
7 that, and we can do that with you and anywhere else  
8 you want us to be at.

9 UCHECHU KUAWU ONWA: Thank you.

10 CHAIRPERSON MENCHACHA: Thank you. And  
11 is there anyone else that wants to testify today?  
12 Then that concludes our hearing and I just want to  
13 again thank the committee staff, Harmoni Oja,  
14 Elizabeth Cronk, my chief of staff, Lorena Lucero,  
15 and Cesar Vargas, and you know we started the hearing  
16 with a real question about what do we know about the  
17 impacts to the asylum cases and what we can do to  
18 make things better and we, I think, have created a  
19 really great package of stuff that is both budget and  
20 policy oriented, but the very kind of clear thing is  
21 we have to make this public, we have to talk about,  
22 and the way we talk about it is by inviting all of  
23 you here to the City Council and so I'm just thankful  
24 as your chair of the Immigration Committee to keep  
25 doing its work, and if you have any ideas for



hearings that we need to do please let me know.

We'll be working and coming back to you with more

updates on what happened in Brooklyn and terms of the

shooting involving an ICE agent and a Mexican tourist

and all that work is through the City Council and I'm

proud to be working with you on all that. This

hearing is now adjourned. [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 February 15, 2020