



Mayor's Office of
Immigrant Affairs
Bitta Mostofi
Commissioner

September 17, 2020

**Testimony of Commissioner Bitta Mostofi
NYC Mayor's Office of Immigrant Affairs**

Before a hearing of the New York City Council Committees on Immigration:

“Oversight - Immigrant Exclusion in COVID-19 Response”

Thank you to Chair Menchaca and the members of the Committee on Immigration. My name is Bitta Mostofi, and I am the Commissioner of the Mayor's Office of Immigrant Affairs ("MOIA").

The last six months have been filled with hardship and anguish for immigrant communities. The COVID-19 crisis has pushed City government to its limits as we work with our many partners to provide the necessary services that New Yorkers need to survive. Despite these challenges, it is imperative for the City to continue to work to close gaps and specifically focus on serving excluded and marginalized communities. In this context, I am deeply grateful that the Council and the Committee on Immigration is focusing on this very important topic.

In today's testimony, I will touch upon the heavy impact that the COVID-19 pandemic and federal failures have had on immigrants in New York City, address how the City has worked to close the gaps in services for immigrants, and discuss our long-term recovery plans.

Federal Failures Have Exacerbated the Crisis

Coronavirus has laid bare long-standing racial disparities. We know that black and Latinx New Yorkers have disproportionately suffered the harms of the pandemic, due to the effects of structural and institutional racism. We have also seen how an atmosphere of hate perpetuated by federal leadership has negatively affected our Asian-American communities, who are facing bias-motivated attacks and economic devastation. Immigrants have also been disproportionately affected. Our internal analysis has found that, the higher the make-up of immigrants or non-citizens there are per ZIP code, the higher the COVID-19 case and death rates are in that area.¹ In addition, immigrant workers in the City, particularly undocumented workers, have been disproportionately affected by the economic turmoil brought on by the pandemic. We estimate that 60% of undocumented workers have already lost their job or are at risk of losing their job during the pandemic, compared to 36% of all workers.²

Even as our immigrant communities have been devastated with the pain of losing their jobs, friends, and family members to this pandemic, the federal government failed to address their urgent need for support and resources. Undocumented immigrants and mixed status families were excluded from the direct stimulus payments, and the unemployment insurance programs, including federal subsidies, are limited to those who are work-authorized. Moreover, because of legal restrictions on the public benefits and programs that immigrants can access, immigrants have been unable to access many services on the state and local level that would have provided support during this unprecedented crisis.

If that were not enough, the Trump Administration has chosen this moment to push calumnious lies about immigrants and expand an anti-immigrant agenda. ICE has refused to completely halt immigration enforcement activities during the pandemic, contributing to the spread of COVID-

¹ NYC Mayor's Office of Immigrant Affairs, Mayor's Office for Economic Opportunity, Consumer and Worker Protection, *Fact Sheet: COVID-19 Health and Economic Impacts on Immigrant Communities 2* (July 2020), available at <https://www1.nyc.gov/assets/immigrants/downloads/pdf/covid-immigrant-fact-sheet-20200731.pdf>.

² *Id.* at 4.

19 within immigration detention centers and globally. The Trump Administration has relentlessly attacked working-class immigrants through a variety of proposed policy changes over the past few months. The most obvious example of this are the public charge rule changes, which have led to the deep confusion among our immigrant communities, who continue to fear seeking the help they need and are eligible for during this pandemic. The Trump Administration has pushed out a host of additional policy changes during this crisis, including fee changes, restrictions on asylum eligibility, and more.

MOIA and the City Have Taken Steps to Close the Gaps

Given the failure of the federal government to meet the needs of all New Yorkers, the City has worked to start to close the gap and provide much needed services to help alleviate the harms of this pandemic.

MOIA's work to share information and support access to justice

Language and other barriers make it particularly difficult for immigrants to access the information they need. MOIA was conscious of the need to connect with hard-to-reach populations, and from the beginning of this pandemic, our first focus was to communicate necessary information to all New Yorkers so that they could access City services. The office has redoubled its outreach efforts during this crisis, moving to digital outreach and other strategies to communicate complicated content more effectively. MOIA also worked to create and distribute a COVID-19 immigrant resource guide, which is available both online in top 10 languages and in hard copies that were translated into 25 languages. Our staff distributed this information widely through townhalls, e-blasts, as well as social media outreach, and hard copies were also available for pick up at the City's Meal Hubs. MOIA also supplemented the resource guide with an FAQ document that is available online. The document was developed based on the actual questions we received from our immigrant communities. Both are frequently updated.

In addition, MOIA remains open and continues to provide services, with modification in our operation to ensure the staff and clients both remain safe during COVID-19. While IDNYC enrollment sites are temporarily closed, online renewals continue to be processed, and we are in process of a limited re-opening of physical sites. Our community services team remains more active than ever in fielding constituent questions and concerns. Call volume has dramatically increased from just 209 calls in the first three months of this year to 3,961 calls between April and August.

Our legal services providers have adjusted their focus—with supplemental funding—to address the additional complications of a COVID-19 world. Specifically, MOIA was able to allocate additional funds to the Rapid Response Legal Collaborative (RRLC) to specifically assist and represent immigrants detained during the pandemic to advocate for their release through requests to ICE, broader advocacy, and court filings. Similarly, considering the particularly severe effects of COVID-19 on low-income immigrants, the City provided approximately \$200,000 to cover application fees for those who are unable to pay for filing fees or qualify for fee waivers. The City also provided funding to cover the DACA renewal fee (\$495) for approximately 300 DACA renewal applicants.

Language access supports

In addition to the work we have done with our City partners on outreach, MOIA has led the City's thinking on how to incorporate language access into every part of the COVID-19 response.

At the start of the pandemic, the City activated its Language Access Taskforce to assess the challenges of this unprecedented crisis. MOIA provided guidance and technical assistance to the members of the taskforce on best practices and hosted two convenings with agency Language Access Coordinators (LACs) to address specific agency challenges. Our language access team continued to share information with agency LACs as the pandemic continued, including by sharing guidance as to how to select a high-quality translation vendor. MOIA also expanded our language access budget to assist agencies with quick and accurate translations. We were also able to secure pro bono translation services from two vendors, which was used by both MOIA and City agencies.

This is in addition to the work MOIA did internally. The demand for rapid, accurate, and sensitive translations surged during this pandemic. MOIA's language access team delivered an almost 6-fold increase in translations in FY2020 compared to FY2019. This was achieved during the time when about 80% of translation requests required rapid turnaround. MOIA was able to do this by working with our MWBE vendor at the beginning of the COVID-19 outbreak to complete urgent translations of fewer than 500 words in the top 10 languages within 3 to 24 hours. MOIA also worked to ensure translation service was available in the top 25 languages, including during weeknights and weekends.

We also focused on shifting how we shared information. Given the new realities of the pandemic, MOIA had to turn to non-traditional channels to push out messages that our outreach team would otherwise have delivered in person. Our team used social media platforms and messenger apps popular among immigrant communities like WhatsApp, WeChat, KakaoTalk, and Facebook groups and messenger to deliver multilingual messages, and also provided weekly digests for community and ethnic media. MOIA also increased the number of virtual community and ethnic media roundtables we hosted, livestreaming on Facebook, and usually including remarks in Spanish and Mandarin. This reflected a broader, administration-wide focus on these outlets, which was reflected in the outlets that were invited to ask questions during the Mayor's daily press conferences as well.

Working to address gaps in relief

Despite the constraints of the City budgets, MOIA has worked closely with our City partners to find innovative solutions to help provide much needed emergency assistance.

In June, MOIA worked with DOHMH to launch an ad campaign that emphasized that it was safe to seek COVID-19 testing and care, emergency Medicaid, food assistance, tenant protection, and legal help, regardless of immigration status or ability to pay. The campaign, "Seek Care without Fear," also encouraged New Yorkers to call ActionNYC if they were concerned about how those benefits would interact with their immigration status. The campaign was designed to reach

harder-to-reach New Yorkers in low-income immigrant neighborhoods and neighborhoods that were disproportionately affected by the COVID-19 pandemic, and included short videos, voiceovers, and print and digital ads in five languages: English, Spanish, Cantonese, Mandarin, and Bengali. In addition, campaign messaging was included in other outreach and social media graphics and translated into 25 languages.

The City also partnered with the Open Society Foundation (OSF) to create the NYC COVID-19 Immigrant Emergency Relief Program. OSF's \$20 million grant allowed us to provide direct payments of between \$400 and \$1,000 for individuals or their families, in partnership with community-based providers across the city. This funding has provided a critical infusion of funds for immigrant families but addresses only a fraction of the need in New York City. We hope to use the learnings from this initial project to build on this collaboration and have used interest in the program to connect immigrant families to other City resources and programs.

MOIA has supported the Mayor's Fund and HRA to secure private funding to help New Yorkers, regardless of immigration status, receive assistance to pay for the funeral expenses for a loved one. Established with \$1.5 million in funding from Amalgamated Bank, SOMOS Community Care, Robin Hood, and Trinity Wall Street, the Immigrant COVID-19 Burial Assistance Program helped address the exclusion of some immigrant families from the State and City's existing burial assistance program. Some IDNYC staff were reassigned to the program to help with intake, given their extensive experience working with and for immigrant communities.

Health access is more important than ever during this global pandemic, and MOIA has consistently engaged with NYC Health + Hospitals on a variety of health access initiatives, including the Test and Trace program. As part of our work in that area, MOIA has advised on the scripts used by Test and Trace staff to insure that they were culturally competent, trained staff engaging with community partners, and did our own outreach to raise awareness about the Test and Trace program. This is in addition to MOIA's collaboration with NYC Health + Hospitals on the expansion of NYC Care, which has provided urgently needed access to health care to all New Yorkers, regardless of immigration status or ability to pay.

Finally, MOIA has worked closely with a variety of City partners to reach out to immigrant communities about the COVID-19 specific guidance and programming that the City has created in response to the pandemic. This includes work with the tenant protection team to distribute information about the tenant helpline and rental assistance program, coordinating outreach for the NYC Health + Hospitals hotel housing program, hosting a town hall on the Small Business Services small business loans program, sharing information about reopening guidance, and our ongoing work with the Department for Consumer and Worker Protection to combat immigrant-related fraud. MOIA outreach staff have also been deeply involved in connecting immigrant New Yorkers to the food they need. Many MOIA outreach staff members have signed up as the delivery program enrollers and solicited community feedback on the City's emergency food programs.

Federal and state advocacy

MOIA and the City have successfully implemented numerous emergency response efforts to address the needs that we are seeing in New York City, but ultimately federal and state support is needed to fully address this crisis.

We are thankful that the governor and state legislature have taken the challenges of this pandemic seriously. As we consider the needs of the next few months, we are particularly cognizant of the continuing necessity of immigrant inclusive rent relief and other support for basic needs. Without such relief, our communities will face a crushing economic burden that will increase the strain on every aspect of our recovery as a city.

In addition, the federal government must step in and provide broad access to relief programs, and also end the harmful policies that are hurting our immigrant communities. We have worked with our partners to push back against these policies on the federal level. MOIA has closely monitored ICE activities during the pandemic and urged ICE to suspend immigration enforcement during this time to ensure immigrants could seek care and help without fear. The City has also written letters advocating for the release of medically vulnerable immigrants in detention, and also sought to ensure that access to bail remains available to detainees.

We have also redoubled our efforts to push back on disastrous, anti-immigrant policies that would devastate our communities during a time of critical vulnerability. We continue to fight against the public charge rule change and family separation practices and have sent a series of letters and comments to DHS and USCIS calling for them to end these harmful policies.

Long-term Recovery Plan

Thankfully, the spread of COVID-19 has slowed in New York City. As the City looks toward our long-term reopening and recovery, it is crucial that we address racial and economic disparities that have been laid bare. The reality is that it is not enough to go back to the way things were before the pandemic. In order to move forward, we must demand more: access to insurance for all, safety and labor protections for all workers, housing for all New Yorkers, and supports for all businesses are not just noble-sounding goals. They are the reality we need to create in order to survive the challenges we are facing now.

We know that COVID-19 will not magically disappear. The city will be grappling with the effects of this pandemic for years to come. Given this truth, the City is committed to dismantling the barriers facing immigrants and other vulnerable communities. As one example, the City announced the Community Hiring Economic Justice plan, which will prioritize the referral of workers from neighborhoods with high rates of poverty. The hope is that this program will address economic disparities exacerbated by COVID-19 by connecting low-income New Yorkers and those in economically disadvantaged communities to good jobs and apprenticeship opportunities.

Moreover, MOIA and the City are thinking through how programs that were created as an emergency measure can be continued in some form as the crisis continues. This includes

thinking about what food access looks like moving forward, exploring how we can continue providing direct emergency relief, and assessing the possibility of rental assistance. I look forward to sharing more information about these ideas as they are further developed.

Finally, I want to reiterate MOIA's commitment to strengthening and expanding our already robust language access work. Working together with our agency partners, MOIA will continue to ensure that New Yorkers with limited English proficiency are able to access the help that they need.

Conclusion

I want to take a moment here and recognize the crucial, backbreaking work that community-based organizations have taken on during this time, both on their own and in partnership with the City. Without their help, much of the work that we have done to serve immigrant populations left out by federal relief would not be possible. They too, have been pushed to the breaking point in the wake of the COVID-19 emergency. It is the fundamental responsibility of government to ensure that our communities needs are met. For this reason, MOIA will continue to work with our community-based organizational partners to push for real relief that addresses the needs of all New Yorkers without leaving anyone behind.

Thank you again for calling this hearing. I look forward to answering any questions you may have.



Asian Americans for Equality

2 Allen Street, 7th Floor • New York, NY 10002

Tel: 212-964-2288 • Fax: 212-964-6003 • www.aafe.org

Written Testimony: Committee on Immigration

Immigrant Exclusion in COVID-19 Response (Hearing Date: September 18, 2020)

Testimony Submitted Online: September 21, 2020

Dear Speaker Johnson, Chairman Menchaca and Members of the Committee on Immigration:

Thank you for providing the opportunity for public input on the issue of immigrant exclusion during the COVID-19 crisis. We know that inequities at all levels of government did not begin with the pandemic; our communities have been advocating for resources and access to critical public support for many years. We are hopeful, however, that COVID-19 will be a catalyst to create a more equitable city and to implement meaningful change.

Asian Americans for Equality (AAFE) is a 46-year-old nonprofit organization which advances racial, social and economic justice for Asian Americans and other systematically disadvantaged communities. AAFE develops and manages affordable housing across New York City, empowers immigrant entrepreneurs and provides an array of community services for 20,000 New Yorkers each year.

During the past six months, the immigrant communities AAFE serves in Manhattan, Queens and Brooklyn have been devastated by the health and economic impacts of the pandemic. Long before statewide shutdown orders were issued, small business owners in Asian American enclaves were feeling the effects of COVID-19. Restaurants and shops across Chinatown and in Flushing and Sunset Park were on the verge of collapse as foot traffic in these neighborhoods dwindled. Physical and verbal racist and xenophobic attacks added to an atmosphere of fear. As the crisis deepened and New York shuttered, many community members lost income and were pushed to the brink of homelessness.

During this time, AAFE stepped in as a community “first responder,” a role our organization has played repeatedly over the years. We created an emergency fund to help small businesses get by until government help arrived. We helped people apply for unemployment benefits. We connected members of our community with medical assistance and food.

This pandemic has challenged our city and state governments in ways we could not have possibly imagined just a few months ago. Some efforts, such as the COVID-19 Immigrant Emergency Relief Program made possible through the Mayor's Fund, have made a real difference. Unfortunately, however, many government programs have failed to deliver for our immigrant communities, leaving them more vulnerable than ever before. As a community service provider, working on the front lines to address local needs in some of the city's hardest hit neighborhoods, we have seen the shortcomings first hand. We would like to share some of the challenges that we have faced during this difficult time.

In the spring, the Department of Small Business Services (SBS) launched loan and grant programs to help small businesses throughout the city. These underfunded programs were quickly overwhelmed and largely inaccessible to immigrant entrepreneurs, especially those with limited English-language capacity. Later, the federal government's Paycheck Protection Program (PPP) came online, offering more robust funding, but once again, immigrant-run small businesses lacking relationships with big banks were largely shut out of the early versions of PPP.

AAFE's affiliate, Renaissance Economic Development Corporation, has a long history of working with government agencies to disperse emergency small business funding in immigrant communities. While Renaissance and other CDFIs serving diverse communities were consulted when SBS was designing its COVID-19 programs, it was surprising that none of these grassroots groups was selected to administer the programs. As a result, there was no meaningful multilingual outreach in immigrant neighborhoods.

AAFE and Renaissance administered our own funds, utilizing grants from private funders and redirecting donations from our annual Lunar New Year Banquet (cancelled due to the pandemic). We made applications available in English, Chinese, Korean and Spanish. To date, we have closed more than 140 loans totaling over \$1.6 million through REDC's Emergency Loan Fund and have facilitated and closed about 80 loans for \$1.5 million through the Small Business Administration's PPP Program.

We encourage the Department of Small Business Services to continue delivering capital to the city's imperiled small businesses, but we urge the city to prioritize multi-lingual outreach to immigrant small businesses that are the backbone of our most vibrant neighborhoods. At the same time, we believe government at every level must do a better job of assessing the unique needs of New York's Asian American community. During the pandemic, city and state programs were rightly tailored for Black and Latinx entrepreneurs ([example: the Mayor's July 28 executive order](#)), while overlooking Asian-run businesses. This occurred in spite of the fact that New York's Asian enclaves felt the effects of the pandemic long before the city as a whole and the unemployment rate among Asian residents spiked 10,210% at the height of the pandemic (compared with the same period in 2019), higher than any other racial group.

Beyond small business aid, we have other concerns about inclusive community outreach. Soon after the federal CARES Act was enacted, our staff began hearing from community members unable to complete applications for unemployment insurance. The New York State Department of Labor was overwhelmed with applications, and its website repeatedly crashed. While applications were eventually made available in multiple languages, it was virtually impossible for many members of our community to navigate the English-only online system. Beginning in April, our staff began offering telephone assistance in Chinese and Spanish to help overcome some of the challenges people were facing. Similar problems were experienced with New York State's COVID-19 Rental Assistance Program. It was launched over the summer with no advance notice to local housing nonprofits normally involved in assisting with community outreach. The online application was inaccessible to Chinese speakers and a large swath of our community lacking a home computer. AAFE temporarily reopened its Chinatown office to help low-income tenants complete the application in person; however, they were largely shut out of the program, one of the few lifelines for low-income New Yorkers at risk of displacement.

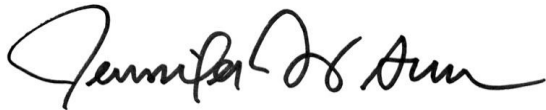
Finally, we would like to highlight our concerns about the city's readiness to address the needs of the Asian homeless population. In the months ahead, there is no doubt that the homelessness crisis in New York City will worsen. AAFE has been in discussion with the Department of Homeless Services (DHS) about creating a Families with Children facility, the first of its kind in New York with the capacity to serve community members in Asian languages, including Chinese and Korean. DHS has stated that it doesn't see the need for this type of facility.

We believe this is another case in which current data collection and community assessment tools employed by city agencies fail to reflect the realities faced by Asian immigrants. Simply because homeless individuals and families of Asian descent are not in the DHS system, does not mean they don't exist. Oftentimes, they are reluctant to go to existing city shelters and instead end up in illegal boarding houses (such as Flushing's Nanoom House) or living in basement and boiler rooms. The data DHS is relying on is dated and does not reflect 2020 conditions. The agency does not survey in Asian languages, or track locations where Asians at risk of homelessness are likely to be found. The truth is that Asian homelessness is rising. Food banks in Asian American enclaves have been overwhelmed. Many members of our community are facing eviction. It is imperative that we act now to create linguistically and culturally appropriate facilities to meet their needs.

Our city will be coping with the impacts of the pandemic for years to come. But there are already important lessons we can learn from New York's initial response to COVID-19. It is critically important that future relief programs are accessible to all New Yorkers, especially immigrant communities that bear the brunt of large-scale disasters and economic downturns. This means a real commitment to multilingual outreach and engagement with community-based organizations who know our immigrant communities best. We at AAFE are grateful to the City Council for championing the work of grassroots nonprofit organizations in an incredibly

challenging budgetary environment. We look forward to working collaboratively with you in the months ahead to ensure that our immigrant communities receive the resources they so desperately need to emerge from COVID-19 stronger and safer.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Sun". The signature is fluid and cursive, with the first name being the most prominent.

Jennifer Sun
Co-Executive Director
Asian Americans for Equality

A handwritten signature in black ink, appearing to read "Thomas Yu". The signature is cursive and somewhat stylized, with the first name being the most prominent.

Thomas Yu
Co-Executive Director
Asian Americans for Equality

Testimony: Susanna Saul, Managing Attorney
Hearing: Immigrant Exclusion in COVID-19 Response
Cohosted: Committee on Immigration
Date: Thursday, September 17, 2020

Good afternoon.

I want to thank the City Council and the Committee on Immigration for the opportunity to testify today. My name is Susanna Saul and I am the Director of the Immigration Practice at Her Justice. We are a nonprofit organization that takes a pro bono first approach to provide free legal services to women living in poverty in New York City by leveraging the pro bono power of New York City's law firms. We practice in the areas of family, matrimonial and immigration law.

I am testifying today to describe the devastating impact that COVID-19 has had on our clients who are undocumented immigrant survivors of intimate partner violence. I am here to advocate for the urgent deployment of funding and services for the undocumented New Yorkers who have been excluded from all other forms of government response including the federal stimulus benefits designed to address the crisis facing many workers.

Our clients come from all five boroughs of New York City. Approximately 80% of our clients are domestic violence survivors and around 75% of our clients are single mothers. 70% of our clients were born abroad. We call them "survivors" for a reason; they have experienced unspeakable trauma and violence and have come through it because they are resilient, resourceful and focused on creating better futures for themselves and their children. However, the current crisis is creating a situation that is sending many over the edge of poverty and health—both mental and physical.

The situations that exist right now speak for themselves in terms of the great needs that our clients are facing. I will describe to you just three of the many client stories from undocumented survivors that we have heard in the past few months. Every day, we hear of new situations where people are at extreme risk of some combination of starvation, homelessness, extreme depression, anxiety and the like.

- Emilia experienced abuse by her husband for 29 years. She separated from him last year and now lives with her 19 year old daughter. Emilia is diabetic and was infected with COVID-19 but recovered. She does not have health insurance and has to pay out of pocket for her medications. Her daughter is recovering from cancer and cannot work. Emilia worked part-time for a dry-cleaner but lost her job when the owner of the business died from COVID-19 in April of 2020. Since then, she and her daughter are subsisting on her daughter's SSI payments, which do not cover her rent. She relies on friends in her community to bring her food. Her aunt brings her supplies like soap and detergent. She will likely be facing eviction as soon as the moratorium ends.

- Anna lives with her four children. Her abusive partner was arrested after a domestic violence incident and was removed from the household. Anna can no longer pay the rent without him. She is unable to work because she is undocumented and because she must stay home and take care of her children. She is unable to receive child support because the Family Court is not hearing new child support petitions. She applied for public assistance on behalf of her US Citizen children and is waiting for the approval. In the meantime, she is getting free breakfasts from a nearby school and other food from a church. She has run out of diapers for her toddler. She fears eviction and is looking for an affordable place to live. Even when her public assistance grant is approved, she will likely be forced into an overcrowded housing arrangement with her children.
- Terry was living with her abusive husband and their ten year old son. She stayed with her husband because she did not want to disrupt her son's life. Recently, the abuse escalated and Terry called the police because she felt unsafe. She left the household and went to stay with a friend. She called the City's domestic violence hotline but was told there was no space. Days later, she is still waiting. Her husband is trying to get her to come back home.

I would like to note that all of the above survivors are eligible for immigration relief but due to the backlog in the immigration system, they will not obtain any lawful status or work permit for at least four years. Without a work permit or social security number, many of our clients are unable to find work. Other clients are working off the books—many are actually providing essential services liking caring for children, the elderly and the disabled in the “informal” economy. It is cruelly absurd that in our current crisis these workers are considered both “essential” and “illegal”.

As demonstrated by the above examples, the systems that were set up to serve our undocumented clients are failing. Undocumented survivors are now forced to rely on whatever social safety net they have in their communities. For people who have experienced abuse and isolation, those safety nets are thin or non-existent. With Fall and Winter coming, the needs of these survivors are going to grow exponentially. The eviction moratorium is a solace to many but that is a temporary and precarious solution. There is another increasingly vital need that undocumented New Yorkers can't pay for: access to technology. Many social services systems are still virtual or remote only and many of our clients have no access to computers. Paying for cell phones, often their only way to access the internet, is increasingly difficult. Without access to the internet or phone, and with libraries closed (where they previously used free computers) our clients will not be able to access food assistance, legal assistance, mental health support and health care. The health and safety of these individuals and their children are at risk. The City Council must infuse additional resources into the existing systems and call for the accountability of these systems to make sure that nobody falls through the cracks. COVID-19 has taught us that when we neglect human life in this City, all of our lives are put at risk.

Thank you



**Testimony of Hallie Yee, MPH, Policy Coordinator
Coalition for Asian American Children and Families (CACF)**

**Committee on Immigration Remote Hearing
September 17, 2020 at 12:00PM**

Good afternoon. My name is Hallie Yee, and I am a Policy Coordinator at the Coalition for Asian American Children and Families (CACF). Thank you, Chair Menchaca and members of the Committee on Immigration for giving us this opportunity to testify.

Since 1986, CACF is the nation's only pan-Asian children and families' advocacy organization and leads the fight for improved and equitable policies, systems, funding, and services to support those in need. The Asian Pacific American (APA) population comprises over 15% of New York City, over 1.3 million people. Many in our diverse communities face high levels of poverty, overcrowding, uninsurance, and linguistic isolation. Yet, the needs of the APA community are consistently overlooked, misunderstood, and uncared for. We are constantly fighting the harmful impacts of the model minority myth, which prevents our needs from being recognized and understood. Our communities, as well as the organizations that serve the community, too often lack the resources to provide critical services to the most marginalized APAs. Working with over 70 member and partner organizations across the City to identify and speak out on the many common challenges our community faces, CACF is building a community too powerful to ignore.

CACF speaks on behalf of our highly immigrant APA communities today who have been left behind in the City's COVID response and must be centered in the discussion of revitalization as they face greater challenges and loss due to this pandemic. Especially with the public charge rule's chilling effect that has already been a reason for disenrollment and general lack of enrollment in public benefits, our immigrant New Yorkers need access to State and City benefits regardless of their status to ensure a healthy and safe New York for all.

- Nearly a quarter of APAs live in poverty, the highest of all racial groups in NYC.¹
- Almost 40% of APAs in NYC receive Medicaid.²
- Asian Americans have the highest rate of linguistic isolation of any group in the City at 42%, meaning that no one over the age of 14 in the household speaks English well.³
- 78% of APAs in NYC are foreign-born.⁴

¹ New York City Government Poverty Measure 2005-2016 (April 2018).

² 2015 New York City Community Health Survey, DOHMH.

³ U.S. Census Bureau, 2016 American Community Survey.

⁴ 2013-2017 American Community Survey 5-Year Estimates



Because of this, on behalf of our 70+ organizational members and partners serving the diverse Asian Pacific American, or APA, communities across New York City, we support the following resolutions being proposed today:

- **Res 1399-2020:** Resolution calling on the New York State Legislature to pass, and the Governor to sign, A10433/S5167, which would allow for state agencies, municipalities, and authorities to provide state or local public benefits regardless of immigration status.
- **Res 1404-2020:** Resolution calling on the United States Department of Justice to issue guidance that establishes protocols for the Executive Office of Immigration Review in times of public health crises, such as the SARS-CoV-2 outbreak.
- **T2020-6386:** Resolution calling on the United States Department of Homeland Security to halt all deportation proceedings for the length of the COVID-19 pandemic, as a means of restricting the global spread of this disease.
- **T2020-6535:** Resolution calling on the United States Congress to pass, the President to sign, legislation that would permit employment-based status holders to retain lawful status, after loss of employment, if such loss was related to the COVID-19 pandemic.
- **T2020-6518:** Resolution calling on the United States Department of Homeland Security to place a moratorium on all removal proceedings for employment-based status holders that suffered a loss of employment during or due to the COVID-19 pandemic.
- **T2020-6534:** Resolution calling on the United States Congress to pass, and the President to sign legislation that would provide immigration relief for family members who derive lawful immigration status from a frontline worker who passed away due to COVID.

Immigrant New Yorkers have been at the forefront of the state's fight against COVID-19, representing one-third of the state's essential workers and playing a key role in all sectors of our battle against the pandemic, from food production and delivery to construction and frontline health care provision. This ongoing exposure has contributed to the disparate outcomes in COVID-19 infection and death, which have disproportionately afflicted immigrant communities of color.

The connection is clear – by failing to provide meaningful ongoing access to affordable health services through coverage, the state is exacerbating the COVID-19 crisis. The pandemic presents a grim opportunity to see the life-and-death consequences of this inaction. The resolutions presented here offer an opportunity for New York State to seize the moment and take a step toward equity in health care access for the communities suffering most acutely from this crisis by temporarily ensuring access to affordable health insurance coverage.

Furthermore, for our City to continue phases of reopening, we must think about more than the 3% Citywide AVERAGE transmission rate threshold that the City is focused on. We are asking City Council today to hold our public health systems accountable to our communities' needs.



- **First, we demand the City provide accurate data collection & disaggregation of data on infection rates, hospitalizations, and deaths in the APA community.** In order to best respond to this pandemic and reopen safely, we must at least be able to track race/ethnicity and languages spoken for those who are tested, so we can appropriately trace and take care of families. We are not doing this now, and our APA communities and our struggles are being erased.
- **Second, we demand that schools, in partnership with the City's health system, can ensure that critical information gets to families in the language they need.** It is only recently that the Health+ Hospitals was able to translate health outreach documents into the City's top 11 languages required by local law. This was too late, and still not enough. We MUST be prepared to reach and support students and families who are limited English proficient.
- **And third, we demand that the City address the mental health needs of children and families, especially those who are East-Asian presenting who have been targeted during this pandemic.** There needs to be a system in place that can be prepared to help our communities—who have faced loss, isolation, discrimination, xenophobia, and more—as they return to daily life.

Our community members are understandably frightened of sending their children back to school and a deep mistrust of the City's government is spreading throughout communities of color and immigrant communities.

This pandemic has exacerbated long-standing and interconnected crises in socioeconomically disadvantaged communities. While unfortunate and heartbreaking, this was not entirely unexpected. Our APA communities are historically overlooked and our needs misunderstood or entirely uncounted. We are constantly fighting the harmful impacts of the model minority myth, which prevents the community's needs from being acknowledged and understood. This means our communities often lack the resources to provide critical services for those in need. Never has this been more apparent than right now.

While the City has touted the advancements that have been made in testing capacity recently, there is still inadequate testing in low income neighborhoods, which have been hit especially hard by the pandemic.

We've heard from community members and organizations that severe shortages of testing resources remain in their neighborhoods, with results taking anywhere from 2 days to 2 weeks to be reported back to them. We have also heard unfortunate testimony from our communities that testing centers and resources have been pulled out or heavily reduced in some of the most hard hit areas--such as Elmhurst and Corona, both heavily APA community populations. We need to bring the testing sites into these neighborhoods, and we need to increase rapid on-site testing and local outreach to make sure these communities are no longer left behind.



Ensuring best practices around COVID-19 testing is key to NYC's recovery. It's critical in making it safe for our children to learn in person and for our communities' revitalization efforts.

To do so, the City must address the following.

Accurate Data Collection & Disaggregation of infection rates, hospitalizations, and deaths in the APA community: Our communities' stories are being erased by the lack of data on race and ethnicity. Neighborhood level data only gives us the where, not the how or who. There's this overwhelming narrative in the media that Asian communities are better off with COVID-19 because they are following guidelines and are more compliant than others. As we've heard through our community partners and anecdotal evidence, this isn't the full picture. A number of communities have family members who choose to not leave the comfort and safety of their multigenerational family units. Fear of going to the hospital and not being able to hold the rituals and rites that are so critical to their communities' mourning process as well as fear of being separated from their family and work means fewer are being tested; people are dying at home (may not be counted accurately); fewer are going to hospitals--all markers of a community's perceived success now.

- **Track disproportionality.** The City and State use seven measures to reopen. We need a key 8th measure that tracks disproportionality. Not all neighborhoods or communities are improving at the same rate, and averaged or aggregated data creates a false sense of recovery and security.
- **Specific and granular disaggregated data on infection rates, hospitalizations, and deaths:** Disaggregate existing data collection around race/ethnicity, sex, and age. Expand data to include collecting information on primary written and spoken language, disability status, sexual orientation, gender identity, and socioeconomic status of participants. Data collection should also be carried out in nursing homes, residential facilities, homeless shelters and detention centers. Deaths at home or in the streets must be counted.
 - As of May 13, 2020—which is unfortunately the most recent publicly reported data on race/ethnicity—there were 1,532 deaths from COVID-19 associated with individuals identifying as Asian American. At the same time, some 1,951 COVID-19-related deaths were relegated to the “other” or “unknown” race categories, which represents about 10% of the nearly 20,406 city deaths that had been logged by the NYC Department of Health and Mental Hygiene through that date. The City relies on lab reports and medical records to identify the race or ethnicity of those who died of the virus. When the information is missing, victims are categorized as “unknown.” Additionally, when it comes to data of those not hospitalized for COVID, 64% of racial demographic data is incomplete. And while



the information regarding COVID-related deaths are available each day, the breakdown by race is sporadic and by ethnicity non-existent. Before anything can properly be addressed, that data is crucial in determining which zip codes and neighborhoods receive the resources they need.

Language Access: The COVID-19 has highlighted the barriers the most marginalized APAs face to language access. The mere availability of languages is not enough without effective outreach and implementation of language access policies, preventing vital communication about school decisions and the pandemic from reaching the community.

- The delay of disseminating and general lack of in-language information about the pandemic, including the social distancing guidelines has led to a higher risk of exposure to the virus for the most vulnerable in the APA community.
- This egregious gap in language access has led to our communities to rely once again upon the community-based organizations (CBOs) who serve them in the absence of proper resources by the City as CBOs act as interpreters and crowdsource translated materials regarding even the most basic of information on the pandemic.
- **Outreach to the most marginalized pockets of the community must be prioritized--without it, their health and very lives are endangered if they are unable to communicate with their schools and healthcare providers.**

The Impact of COVID-19 Related Anti-Asian Discrimination: The pandemic has fostered an environment of fear and uncertainty that are resulting in targeted acts of racism towards APAs. In NY, APAs, specifically East-Asian presenting individuals have been subjected to violent racist attacks and xenophobic representations of the virus in the media. The City needs to **ensure support of targeted communities of color during this crisis and moving forward.**

- We all know communities of color and immigrant communities are often scapegoated in times of crisis-- for the APA community, due to the stigmatizing nature of the virus compounded by the anti-Asian racism, this means that individuals are less likely to seek treatment and when they do, they may be afraid to even identify as 'Asian,' potentially leading to negative health outcomes and an underrepresentation of the pandemic's impact on the community.
- This pandemic has fostered an environment of fear and uncertainty that are resulting in targeted acts of racism towards APAs. Specifically, East-Asian presenting individuals, have been subjected to violent racist attacks and xenophobic representations of the virus by political leaders and in the media. We demand an investment in community-led efforts towards data collection on incidents, inter-community healing, and positive mental health.



Our communities are consistently overlooked in the distribution of resources, which is harmful to us as well as other communities of color who are denied the same resources due to the perceived “success” of APAs. This pandemic has highlighted a myriad of holes in our City’s safety net systems, and the City’s response must address root problems in addition to immediate needs. Our community will continue to suffer every day we allow these flaws in the system to exist. As always, CACF will continue to be available as a resource and partner to address these concerns and look forward to working with the City to better address the inequities we see day in and day out within our community.



**Chinese-American Planning Council, Inc.
Testimony at the New York City Council
Immigration Committee Hearing on the Resolution for Coverage4All
Honorable Carlos Menchaca, Chair
September 17th, 2020**

Thank you Chair Menchaca and the Members of the City Council for the opportunity to testify today. The mission of the Chinese-American Planning Council, Inc. (CPC) is to promote social and economic empowerment of Chinese American, immigrant, and low-income communities. CPC was founded in 1965 as a grassroots, community based- organization in response to the end of the Chinese Exclusion years and the passing of the Immigration Reform Act of 1965. Our services have expanded since our founding to include three key program areas: education, family support, and community and economic empowerment.

CPC is the largest Asian American social service organization in the U.S., providing vital resources to more than 60,000 people per year through more than 50 programs at over 30 sites across Manhattan, Brooklyn, and Queens. CPC employs over 700 staff whose comprehensive services are linguistically accessible, culturally sensitive, and highly effective in reaching low-income and immigrant individuals and families. With the firm belief that social service can incite social change, CPC strives to empower our constituents as agents of social justice, with the overarching goal of advancing and transforming communities. To that end, we are grateful to testify about issues that impact the individuals and families we serve, and we are grateful to the Council for their leadership on these issues.

CPC's testimony addresses the following concerns: Lack of Quality and In-Language Healthcare Options for Uninsured and Undocumented Immigrants, COVID-19 Specific Healthcare Concerns, and Community Based Support and Interpretation

Lack of Quality and In-Language Healthcare Options for Uninsured and Undocumented Immigrants

Quality healthcare is inaccessible and expensive for immigrants in the U.S. While Medicaid and Medicare provide an avenue of affordability, only those who fall under an income limit and have documentation status are eligible. Access to private health insurance coverage depends on one's workplace, and assumes steady employment. Immigrants working gig, informal or part time jobs are unable to access insurance through their employer. Even among recent immigrants that are insured privately or through the Essential Plans, lack of culturally competent and in-language medical services provide additional barriers to quality treatment.

The inequities in New York's healthcare system disproportionately impact uninsured and undocumented individuals. AAPIs make up 15% of NYC's population, yet receive less than 4% of city funding. This lack of funding leads to a severe dearth in tailored, in-language social services that our communities need. In the healthcare system, the lack of funding translates to a lack of medical staff that represent and understand our communities, a lack of training to support recent immigrants as they navigate through the healthcare system, and a lack of cultural humility in every level of the medical infrastructure. Even with some efforts to collect disaggregated health data in NYC, these efforts are not enough to cover the significant gaps in funding for tailored AAPI services. Working-class AAPIs are therefore left with very little options for affordable and culturally-accessible care, and the available options

are crowded and out of capacity. The city needs to not only treat healthcare as a right, but to also intentionally allocate money to build more comprehensive infrastructure for healthcare that funds immigrant and AAPI healthcare services equitably. The lack of disaggregated data also ends up obscuring the different health outcomes and needs experienced by different Asian groups in New York. Health and financial data vary across different ethnic groups, and suggest different approaches for healthcare services. For example, up to 17% Koreans in New York are uninsured, compared to 11% Chinese, while South Asian New Yorkers are at a higher risk for diabetes and hypertension compared to Chinese New Yorkers.

Undocumented immigrants are even more likely to be uninsured. Around 500,000 undocumented immigrants live in NYC, and around half of those immigrants (250,000) are uninsured. The limited safety nets of the current healthcare system indicate that those who are currently uninsured will likely remain uninsured, as there are very little pathways for undocumented and uninsured individuals to attain health insurance that covers quality healthcare. The only type of Medicaid eligible for undocumented immigrants is Emergency Medicaid, and the Federal Administration's recent attempts of expanding the Public Charge rule to include Emergency Medicaid has left a chilling effect that discourages immigrants from utilizing this benefit. NYC's other two safety net systems - New York City Health and Hospitals Corporation (HHC), and Federally Qualified Health Centers (FQHCs, also known as community health centers) - all rely on Medicaid and Medicare reimbursements. Both safety net systems include special provisions for those who are uninsured and low-income, and healthcare workers generally assume that low-income individuals who seek out these services instead of Medicaid are undocumented. Without careful measures to hold these assumptions accountable, undocumented individuals who seek healthcare through these avenues risk revealing their immigration statuses to public officials. CPC has also heard cases of H+H workers asking our community members to apply for Medicaid first regardless of immigration status, which deters undocumented community members from applying to Medicaid or returning to H + H due to Public Charge concerns. In addition, these safety net systems do not cover most specialists, leaving undocumented and uninsured immigrants who have chronic conditions in need of specialty care out of affordable treatment options.

In addition to the expansion of the Public Charge rule, the ongoing threats of the Federal Administration to limit naturalization processes exacerbates the chronic stress experienced by working-class immigrants. Adding on the fact that the majority of undocumented and recent immigrants work under the table jobs that may not provide any health insurance in order to sustain their families, the accumulated stress of survival result in long term health impacts that are expensive to treat. The constant demands placed on working-class immigrants also limit their capacity to navigate and seek out quality healthcare in an already-confusing healthcare system. In addition, most health insurance plans do not cover undocumented individuals, and this factor eliminates many affordable healthcare options for those without status. **Therefore, CPC strongly urges the Immigration Committee to support Coverage4All as a critical stopgap measure that will provide immediate healthcare coverage for all New Yorkers regardless of immigration status and income. CPC also strongly urges for Coverage4All to cover interpretation needs, as stated in New York State Code of Rules and Regulations Section 405.7. CPC also recognizes that Coverage4All is only the beginning towards achieving comprehensive and universal healthcare in New York. CPC continues to fight for the New York Health Act to provide true universal and comprehensive healthcare for all New Yorkers regardless of financial status, documentation status, and employment.**

COVID-19 Specific Healthcare Concerns

COVID-19 has exacerbated this situation, leaving many immigrants to choose between their health and paying for rent and food. 69% of essential workers are made up of immigrants (74% of them undocumented), who risk their health daily to put food on the table through COVID-19. As of July 2020, 1.1 million individuals in NYC have lost their jobs and filed for unemployment benefits, and 30% of New Yorkers were unable to pay their rent. Undocumented individuals are unable to receive these stimulus packages, as most relief packages passed through the Federal and State Administrations require documentation for eligibility. This means that the undocumented individuals who remain employed face additional pressure to continue working at their jobs, even if they display COVID-19 symptoms.

Accessing COVID-19 tests has also been a confusing and inconsistent process. The number of COVID-19 testing sites vary by neighborhood, by cost, and by efficiency. Working-class neighborhoods are more likely to have fewer testing sites, longer lines, and longer wait times for results. Some test sites reportedly do not provide any interpretation assistance as required by **New York State Code of Rules and Regulations Section 405.7**, and as many as 60% of test sites are not collecting any data on race and ethnicity that would inform culturally competent treatment. Lastly, some sites do not take any form of health insurance, and testing remains an expensive procedure that may be inaccessible to working-class immigrants.

The above reasons present barriers for undocumented and working-class immigrants to access COVID-19 testing and treatment, and illustrate why Coverage4All is a necessary initiative especially during this time. Coverage4All will not only make it easier for immigrants to get tested for COVID-19, but it will also make necessary treatments for COVID-19 and other health conditions more accessible. Coverage4All will alleviate one worry out of the many systemic problems that COVID-19 exacerbated for working class immigrants, and aid in New York's recovery after the COVID-19 pandemic. **Therefore, CPC urges the Immigration Committee to pass the Coverage4All resolution as part of an effort to facilitate speedier COVID-19 recovery. CPC also recognizes that while necessary, Coverage4All is only the first step to making healthcare accessible to working class and undocumented immigrants.** In order to make quality healthcare fully comprehensive, there needs to be intentional efforts to treat healthcare as a human right. There also needs to be better integration of anti-bias trainings for all medical staff and interpreters to ensure for more transparency and accountability in the healthcare system.

Community Based Support and Interpretation

In an overwhelming healthcare system without adequate language assistance, medical interpretation falls on CBO case workers who are underpaid and over-capacity. CBO case workers and may not have the full medical knowledge necessary, and risk providing misinformation without proper training and support. At CPC, the same case workers that assist individuals with HIV treatment navigation also end up as interpreters for their clients for affordable housing and Social Security payment applications. CPC case workers are trusted resources in comparison to the medical interpreters provided through the Language Line, and end up being the counselors, interpreters, and cultural navigators for their clients. Language Line interpreters are not required to undergo medical training or trainings around cultural humility, and risk further harming immigrants from seeking out their services again. **Therefore, CPC urges that the Coverage4All resolution to cover necessary trainings, resources, and support for CBO staff to assist immigrants through the application process.**

Closing

Due to the reasons above, CPC pushes for the passing of Coverage4All as an initiative that will alleviate immigrant stress and facilitate COVID-19 recovery. CPC also urges the Immigration Committee



to provide necessary trainings, resources, and support for CBO staff to assist immigrants through the application process. CPC appreciates the opportunity to testify on these issues that so greatly impact the communities we serve, and look forward to working with you on them.

If you have any questions, please contact Frances Huang at fhuang2@cpc-nyc.org

Testimony re: Immigrant Exclusion in COVID-19 Response

Submitted to

NYC Council Committee on Immigration

Submitted by

Andrew Ochoa

Program Coordinator for Immigration Initiatives

Hispanic Federation

September 17, 2020

Good afternoon. My name is Andrew Ochoa and I am the Program Coordinator for Immigration Initiatives with Hispanic Federation. I would like to thank Chairman Menchaca, and all committee members for bringing us together today to discuss the COVID-19 response and how it pertains to our New York immigrants.

In the face of the unprecedented challenges presented by the COVID-19 pandemic Hispanic Federation has provided an unprecedented response investing millions in emergency assistance to address inequities in COVID-19 response amongst the Latino immigrant community. Our COVID-19 Relief Fund has committed over \$6 million dollars to provide vital food, health, housing, immigration, and employment services supporting 250 frontline Latino, Black, and immigrant-led organizations. These efforts have also provided direct relief to support struggling families and 711 small businesses with grants totaling \$5.1 million dollars in addition to committing another \$2.5 million dollars to address the growing concerns of food insecurity in communities of color by restocking food pantries.

When discussing response efforts to the COVID-19 pandemic, we must acknowledge the devastating and disproportionate impact COVID-19 has had on the immigrant community who have been fundamental to New York City's recovery while serving on the front line as essential workers yet who remain the most vulnerable and least protected to the effects of this global health crisis.

Federal initiatives in the form of the Cares Act largely excluded the immigrants, particularly the undocumented community, from receiving much-needed aid such as higher education relief. Undocumented immigrants and their families were denied stimulus support, unemployment benefits, and the expansion of social benefits such as non-emergency Medicaid, SNAP, SSI, TANF, and most housing assistance programs. While local efforts, including the New York City COVID-19 Immigrant Emergency Relief program and the Chancellor's Emergency Relief Grant Program, are a positive step to beginning to address inequities in immigrant COVID-19 response much,

work is needed to adequately meet the unprecedented and overwhelming challenges faced by our immigrant community in New York City.

Barriers to Healthcare Access

Recent data from the New York City Department of Health highlights the extent to which communities of color are afflicted by the virus as the death rate amongst Blacks and Latinos is twice the rate that it is killing Whites. However, in spite of this stark reality widespread fear and a lack of bilingual information regarding the effects of the recent Public Charge rule change for New Yorkers, reports of increasing ICE raids across the State and uncertainty regarding eligibility to low-cost healthcare services for the uninsured has largely discouraged immigrants from seeking necessary healthcare services, only further exasperating the effects of this pandemic on New York City's immigrant community. Nearly half of immigrant New Yorkers have reported to be unaware of where to seek necessary services and approximately two-thirds of this community have dealt with mental health challenges as a result of the far-reaching impacts of the COVID-19 pandemic¹.

Loss of Employment & Income

Immigrant essential workers are risking their lives on the front lines to keep New York afloat. In addition to being the most exposed group of essential workers immigrants are also the most vulnerable to experience job loss accounting for more than half of the jobs lost as a result of this pandemic². Undocumented immigrants ineligible to apply for and receive unemployment benefits are therefore left with the near-impossible challenge of feeding their families and paying rent without a reliable source of income. Furthermore, even those immigrants eligible for unemployment services are challenged by the lack of bilingual information of how and more importantly where to apply as most offices continue to remain closed. Lack of computer and internet access only further compounds the ways in which immigrants are excluded from equitable access to necessary services and information.

Food Insecurity

As a result of this disproportionate economic impact the immigrant community continues to face widespread challenges to both affording and accessing food to feed our families. Amongst the non-profit community in New York City reports indicate that as many as 75% of immigrants are facing hunger and food insecurity months after the initial impact of the virus³. This is unacceptable. Existing food distribution efforts across the city simply cannot meet the overwhelming needs in the community. The minimal number of available food pantry distributions also results in long lines of individuals desperately trying to feed their families, many

¹ Center for an Urban Future, *UNDER THREAT & LEFT OUT: NYC'S IMMIGRANTS AND THE CORONAVIRUS CRISIS*, (June 2020); <https://nycfuture.org/research/under-threat-and-left-out>

² Make the Road New York, *Excluded in the Epicenter*, 16 (May 2020); https://maketheroadny.org/wp-content/uploads/2020/05/MRNY_SurveyReport_small.pdf

³ Make the Road New York, *Excluded in the Epicenter*, 12 (May 2020); https://maketheroadny.org/wp-content/uploads/2020/05/MRNY_SurveyReport_small.pdf

of whom are exposing themselves to the virus and may not be served due to the limited quantities of food relief available throughout the five boroughs. Lack of readily available Spanish language information and continued internet and computer access limitations directly impacts New York's immigrant community from being informed of eligibility, schedules and protocols for accessing available food relief services.

Housing & Threat of Eviction

In spite of Governor Cuomo's Executive order signed to extend eviction protections in New York State, our immigrant community continues to struggle with the risk of eviction. Although eviction protections have been extended to October 1st,⁴ immigrants who have experienced job loss and health issues have no means to cover rent expenses potentially dating back to April of this year. Additionally, as tenants moving forward will now have to prove financial hardship directly tied to COVID-19 landlords are more likely to take vulnerable immigrants to court seeking rent payments. These are fees, time and energy that New York's immigrant community does not have the luxury to address during these pressing times. Furthermore, throughout this pandemic immigrants have been the largest target of illegal eviction attempts by landlords exploiting immigration status and widespread fear of contacting the police to address such threats. A lack of culturally and linguistically competent information regarding the many updates to eviction protocols and rights of New York tenants has meant that immigrants have inordinately been excluded from city protections increasing their exposure and vulnerability during this public health crisis.

Recommendations

New York City must acknowledge and address the inequities of COVID-19 responsiveness towards immigrants by immediately implementing and prioritizing services that address the varied challenges disproportionately affecting our community by:

- Expanding the commitment of City funding towards emergency cash assistance programs to continue addressing the unprecedented economic challenges still faced by immigrant New Yorkers.
- Strengthening culturally and linguistically responsive contact tracing to prevent and identify the spread of the virus and work with CBOs who are trusted in our Latino and immigrant communities.
- Increasing multilingual advertising and outreach, ensuring that immigrants throughout the five boroughs are aware of and empowered to access free coronavirus testing, including immigrants without health insurance.
- Ensuring the promotion of mental health services to all New Yorkers, regardless of immigration status, and where possible culturally relevant and in their home languages.
- Prioritizing cultural competence training to help mitigate the increased mortality rate of immigrants and people of color in hospitals and health care systems due to discrimination and systemic oppression.

⁴ QNS, *New York Court System extends eviction moratorium until Oct. 1*, (August 14, 2020); <https://qns.com/story/2020/08/14/new-york-court-system-extends-eviction-moratorium-until-oct-1/>

- Emphasizing the distribution of bilingual community updates pertaining to the ever-changing status of eviction protections and current NYC tenant rights.
- We support continued expansion of food pantries, all City feeding programs, and increasing food allowances for all emergency housing programs.

Thank you for your time. Hispanic Federation is here to serve and is happy to work with the New York City Council to protect immigrant New Yorkers during the COVID-19 pandemic.



**Make the Road New York
Immigration Committee Hearing Testimony
Immigrant Exclusion in COVID-19 Response
September 17, 2020**

My name is Yaritza Mendez and I am the Associate Director of Organizing at Make the Road New York (MRNY). We thank the Committee for the opportunity to submit this testimony on behalf of MRNY and our 24,000+ members and staff during this current pandemic. Our fight to build dignity and justice for New York’s immigrant and low-income communities of color is more challenging than ever they have been some of the hardest hit by COVID-19. Despite unprecedented obstacles, our organization has continued to provide essential health, legal, education and survival services, while also continuing to organize our communities around the policies that will improve their lives, especially during this challenging moment.

As an organization, MRNY has done everything in its power to leverage resources to support excluded immigrants during this time. For example, we began newly distributing food in our Staten Island office, in addition to our existing food pantries in Brooklyn and Queens -- serving a total of 1,000+ families every week. We launched a cash aid program for those who primarily lost income due to the COVID crisis and were ineligible for government support. To date, we’ve distributed over \$4 million dollars, with more to go.

But our efforts, while ambitious, cannot be the only solution to support the needs of excluded immigrants.

The government response to provide tangible support to our communities has been wholly inadequate. By and large, the immigrant communities we serve have been absolutely left out of all government relief options until now, and we implore the Council to use all of the tools at its disposal to ensure that immigrants are provided relief as we move deeper into this crisis.

In NYC, immigrants make up a majority of the essential workforce and one-third of the essential workers statewide. The places where they live and where MRNY works -- including Elmhurst, Queens, -- have been home to extreme concentrations of COVID cases.

BROOKLYN 301 GROVE STREET BROOKLYN, NY 11237 718 418 7690	QUEENS 92-10 ROOSEVELT AVENUE JACKSON HEIGHTS, NY 11372 718 565 8500	STATEN ISLAND 161 PORT RICHMOND AVENUE STATEN ISLAND, NY 10302 718 727 1222	LONG ISLAND 1090 SUFFOLK AVENUE BRENTWOOD, NY 11717 631 231 2220	WESTCHESTER 46 WALLER AVENUE WHITE PLAINS, NY 10605 914 948 8466
---	--	---	--	--

We are acutely aware of what our excluded immigrant communities need. In late April, in order to understand more about the impact of this crisis on our communities, we surveyed nearly 250 working-class immigrant, Black, and Brown New Yorkers, one third of whom are undocumented. Published in May and entitled *Excluded in the Epicenter*, we learned that:

- In 92% of households surveyed, 84% of respondents themselves are currently unemployed and 88% lost their jobs due to the pandemic.
- Only 5% of respondents at the time received unemployment benefits in the prior month.
- The report revealed particular industries were hard hit. For example, 90% of household cleaners had lost their jobs. Those that were working had fewer clients than usual and had lost income.
- More than half (53%) of respondents couldn't pay their April rent at the time, and 89% were worried about being able to pay the May rent. The majority of respondents were sheltering in place in overcrowded (63%) and unsafe conditions (58%) in their homes. These results were devastating, and revealed just how close to the brink so many of our respondents were.

At the end of July, we followed up to our report with another, 12-question survey directed at the 246 community members who had completed our survey in April. The answers we received provided the basis for our subsequent report, entitled *150 Days Later: Unemployed & Excluded*, and demonstrated that workers were overwhelmingly still without jobs and struggling to feed their families, often mapping out complicated routines of scouring local food pantries while trying to stay healthy. Most of these workers and tenants cannot afford rent, a crisis that is deepening with each passing month. Importantly, the majority had not received a dime in support from the federal and state governments.

As the Trump administration and Congress continue to fail to deliver urgently needed relief, these communities need the state government to take action to deliver a recovery for all. While many things can be done, the two most important immediate policy solutions for the economic devastation and exclusion revealed in our survey are to 1) provide immediate monetary relief to immigrant workers excluded from the Cares Act and 2) cancel the rent and mortgage obligations of struggling tenants and homeowners.

In addition to those solutions, we support a number of the specific immigration relief proposals/resolutions that the Council has put forth and that were the focus of the hearing. In particular, we support Councilmember Eugene and Kallos' Resolution 1416-2020 calling on the United States Department of Homeland Security to place a moratorium on all removal proceedings for employment-based status holders who have suffered a loss of employment during or due to the COVID-19 pandemic. It is unthinkable that this administration could continue to tear families apart while our nation grapples with the biggest crisis in a generation, and while families are desperate to provide for their basic necessities. A moratorium on removal proceedings for this category of immigrants will provide much needed stability for families who undoubtedly rely on the familial support of those potentially at risk.

As well, we support the Councilmembers Resolution 1418-2020 calling on the United States Congress to pass, and the President to sign, legislation that would permit employment-based status holders to retain lawful status, after loss of employment, if such loss was related to the COVID-19

pandemic. We know that immigrants are frontline workers and are working jobs that will help our economy get back on its feet -- they would be in an unnecessarily vulnerable position if stripped of their lawful status, destabilizing families who are already struggling to manage amidst new conditions under COVID.

Finally, we support Councilmember Moya's Resolution 1419-2020 calling on the United States Congress to pass, and the President to sign, legislation that would provide immigration relief for family members who derive lawful immigration status from a frontline worker who passed away due to COVID-19.

We lost over 80 of our member leaders of our organization to COVID-19, and supported many community members who have lost a family member as a result of this virus. We supported almost 50 families through our *Memoriam* fund, providing them financial aid because they couldn't afford burial and cremation costs for their loved ones lost to COVID-19. Ensuring that these family members, who would have been eligible to adjust their status through a now departed family member, do not suffer in limbo or become subject to deportation as a result of this tragic pandemic, is a critical priority.

We must be bold in creating solutions for those immigrants who have been excluded from the collective governmental response to this pandemic. We look forward to continuing the conversation with the Council on these important solutions.

Best regards,

/ym/

Yaritza Mendez
Associate Director, Organizing Team



Commitment to Improve Quality of Life

Thursday, September 17, 2020

To: New York City Council Committee on Immigration
From: India Home, Inc.
Re: Immigrant Exclusion in COVID-19 Response

We thank Chair Menchaca and the Committee on Immigration for helping India Home provide for the South Asian community during such difficult times.

The mission of India Home is to improve the quality of life for older adults by providing culturally appropriate social services. India Home has grown tremendously in the last year to fulfill our mission to serve South Asian older adults with culturally appropriate social services. Our largest center in Jamaica has attracted more than 100 seniors on average. At our three centers throughout Queens, including Sunnyside and Kew Gardens, we have served on average 250 seniors a week. Despite circumstances regarding COVID-19, we are reaching more seniors now than ever before with a number of targeted services.

100% of the seniors India Home serves are foreign born and nearly 80% of them have Limited English Proficiency (LEP), which limits their access to mainstream services. Our clients come to us from the heavily South Asian neighborhoods of Jamaica, Sunnyside, Jackson Heights, Elmhurst, Briarwood, Richmond Hill, and Queens Village. They also live in growing communities found in the Bronx, Brooklyn, and beyond.

India Home addresses the growing needs of Senior center services which include congregate meal programs, case management, health and wellness programs, creative aging programs and various one-on-one services. During this pandemic, India Home quickly responded to the needs of the South Asian senior community and has continued to serve an even higher number of clients than ever before. We have been tirelessly working to make sure the immigrant community gets accurate information and resources in-language through our individual wellness check-up calls. We have prioritized food security and quickly started a culturally competent home-delivered meal and grocery program which serves meals to 111 seniors three days a week and has served groceries to over 800 seniors. Our dedication to reducing social isolation and promoting health & wellness continues, as we have transitioned to virtual senior programs, including informational lectures, yoga, meditation and creative aging. We have also continued to provide case management, telephone reassurance, counseling, ESL & citizenship classes, among other programs.

178-36 Wexford Terrace Suite 2C Jamaica, NY 11432 ▪ Phone: (917) 288 7600 ▪ Fax: (718) 425 0891 ▪
www.indiahome.org ▪ info@indiahome.org ▪ Tax ID: 20-8747291

Board of Director Officers
Mr. Mukund Mehta, President
Dr. Amit Sood, Treasurer
Mr. Ali Najmi, Secretary

Board of Director Members
Ms. Jaya Bahadkar
Ms. Neetu Jain
Dr. Ankineedu Prasad



Commitment to Improve Quality of Life

Despite dire circumstances and robust budget cuts, we have worked hard to provide these services to the South Asian community during the pandemic. As a result, we have seen a lot of the struggles our community has faced. Our seniors are low-to-no income, low English proficient, and faced dire food security during this pandemic, which increased their vulnerability during the pandemic. Many of our clients have expressed that they are worried and fearful about their immigration status, and reluctant to get tested for COVID-19 given their statuses. Many of our seniors depend on family members who lost their jobs at overwhelmingly high rates. Due to their immigration status they are not eligible for government benefits, unemployment insurance benefits, and were not eligible for the federal stimulus check either. Even for those who were applying for citizenship and who could have become eligible, the pandemic put their citizenship application process on halt. Furthermore, despite these dire circumstances, the ICE raids continued to happen and inhumane deportation continued to take place which resulted in complete disruptions of family units and upheavals of our community.

Given these vulnerabilities that the immigrant community is currently facing, we need the City's help to protect and include immigrants in its COVID-19 Response.

India Home makes the following recommendations:

1. Pass Resolution 1399-2020, Resolution 1404-2020, Resolution T2020-6386, Resolution T2020-6535, Resolution T2020-6518, and Resolution T2020-6534 to protect the immigrant community
2. Halt all deportation proceedings for the length of the COVID-19 pandemic
3. Provide relief for those in the immigrant community on employment-based status who lost their jobs, and their dependent family members
4. Support immigrant-serving grassroots organizations such as India Home with expense funding to better serve the vulnerable immigrant aging community with access to crucial resources

We request your support to help stabilize the vulnerable South Asian senior community.

Sincerely,

Mukund Mehta, President

Dr. Vasundhara Kalasapudi, Executive Director

178-36 Wexford Terrace Suite 2C Jamaica, NY 11432 ▪ Phone: (917) 288 7600 ▪ Fax: (718) 425 0891 ▪
www.indiahome.org ▪ info@indiahome.org ▪ Tax ID: 20-8747291

Board of Director Officers
Mr. Mukund Mehta, President
Dr. Amit Sood, Treasurer
Mr. Ali Najmi, Secretary

Board of Director Members
Ms. Jaya Bahadkar
Ms. Neetu Jain
Dr. Ankineedu Prasad



September 16, 2020

Thank you for the opportunity to submit testimony. The mission of The Korean American Family Service Center (KAFSC) is to support and empower adults, youth, and children to lead safe and healthy lives based on dignity, compassion, and mutual respect. We are committed to preventing and ending domestic violence, sexual assault, and relationship abuse, and creating a violence-free society.

Asian Pacific Americans are by percentage the fastest growing group in New York City. Over 1.23 million Asian Pacific Americans make New York City their home, with Korean New Yorkers making up the third largest Asian ethnic group. As the population has increased, so have the needs of the Korean community as more struggle with poverty, linguistic isolation, educational challenges, and limited job prospects. KAFSC is the only organization serving Korean immigrant families who are affected by domestic violence (DV), sexual assault (SA), trafficking, and child abuse in the Tri-State area with an emphasis on the highest Korean populated areas in the borough of Queens and Manhattan, New York City. 90% of our DV/SA clients are Asian immigrants, 95% are women, and 98% have limited English proficiency. 98% of our clients live below the poverty line. Our population is disproportionately at-risk and left without a safety net in the wake of this global pandemic. Our Mayor and City Council must proactively address the challenges facing the Korean community as well as the diverse Asian Pacific American community. KAFSC presents the following recommendations as a platform for the next administration to address our community's concerns.

As a direct service organization serving the vulnerable immigrant community, **we are an essential human service provider that can not cease operating.** At the height of the COVID-19 pandemic in New York City, KAFSC was the only Asian domestic violence/sexual assault direct service provider that stayed fully open to the community, and we stepped into the role of providing a myriad of services that have not normally been our target area. KAFSC continues to provide crisis intervention and COVID-19 related services to our community for small business loans, emergency fund applications, public benefits, health insurance enrollment, and more through both in-person and virtual appointments.

Our survivors are faced with inconceivable challenges during this unprecedented time — many are undocumented and work hourly at local restaurants, nail salons, and supermarkets, living paycheck to paycheck. Enforcement of social distancing and other safety measures such as shutting down schools and businesses mean that our survivors and their children are trapped at home and face additional violence and challenges. Financial difficulties compounded with social isolation exacerbates existing abusive relationships. **In fact, we are experiencing a 300% increase in calls at our bilingual 24-hr hotline in the last five weeks with 80% related to domestic violence, sexual assault, and child abuse.** The essential direct services we



provide to an already marginalized and vulnerable community are critical for the survival of Korean American New Yorkers and will be even more so in the aftermath.

Last year in FY 2020 alone, KAFSC responded to a total of 4,064 hotline calls, an 85% of whom were related to DV, SA, child abuse or trafficking cases. Our Rainbow House emergency shelter provided 1450 bednights. Sixteen families (28 adults, & 19 children) were served through our Transitional Housing Program with rent and child care subsidies. Four families successfully graduated from the program and obtained/sustained employment and found a secure permanent housing at their exit. Our Hodori After-School program at two school sites in Flushing served 375 students mostly from low income families, immigrant households. A total of 52 high school students were trained as community advocates in Asian immigrant youth community. Since its inception, we understand the Korean/Asian immigrant families without a safety net needed a surrogate “home” for help and support; KAFSC continues to be that safe haven for underserved Korean Americans and look for ways to address the gaps in the American support system that are so easy for immigrant families to fall through. We provide trauma-informed care and holistic support for domestic violence victims and families. Our continuum of care- from crisis help, counseling, case management, housing, to survivor support – help them achieve a sense of safety, while empowering them as they journey through healthy, violence-free lives.

Intervention services include the following:

- New York City’s only 24 hours-per-day, 7 days-per-week bilingual (English/Korean) DV hotline. In 2019-2020 the hotline staff responded to more than 8,864 calls by furnishing crisis intervention, safety planning, referrals to shelters (including KAFSC’s own 24/7 staffed emergency shelter), and referrals to law enforcement and legal service agencies.
- At the height of the COVID-19 pandemic in New York City, between April - June 2020, KAFSC responded to a total of 1,283 hotline calls, an 88% of whom were related to DV, SA, child abuse or trafficking cases.
- Since April 2020 in response to the public health crisis and economic shutdown, with support from donors and emergency COVID relief funds, KAFSC distributed more than \$120,000 in emergency cash relief, 500 boxes of fresh produce, groceries, and water, thousands of personal protective equipment (PPE) and other household items to our survivors and their children.
- KAFSC raised \$90,000 to launch our first ever Food Giving Initiative providing 5,700 ethnically familiar meals to our immigrant survivors and their children in partnership with 7 local Asian restaurants, Atoboy, Danji, Handsome Rice, Jua, Kochi, and Soogil.
- KAFSC actively partnered with local Asian media to disseminate COVID-19 related information and promote our 24-hr bilingual hotline, especially as the domestic violence and child abuse incidences have risen during the pandemic, and participated in 24 radio interviews (20 - 60 minute segments), featured in 22 news articles, and created a week long television public service announcement campaign.



- Professional, holistic, bilingual, and culturally informed individual and group counseling for DV victims of all ages.
- Rainbow House Emergency Shelter, focused on serving Asian American DV & SA victims. In 2020, 25 women and 2 children benefited from safe housing, on-site therapy, assistance in accessing public benefits, monthly legal clinics, one-on-one legal counseling, advocacy in court, medical services, emergency cash, free transportation, and translation services.
- Transitional housing and childcare subsidies for families who are recovering from DV and making strides toward physical, emotional, and economic independence. All participants who graduated from this component last year had already secured safe, permanent housing and remunerative jobs promising career advancement.
- Diverse services that equip DV survivors to progress toward economic self-sufficiency: basic and advanced English courses, computer classes, job readiness education, job skills training, one-on-one job counseling, and financial literacy workshops.

Impact of COVID-19

Our survivors are faced with inconceivable challenges during this unprecedented time — many are undocumented and working hourly at local restaurants, nail salons, and supermarkets, living paycheck to paycheck. Enforcement of social distancing and other safety measures such as shutting down schools and businesses mean that our survivors and their children are trapped at home and face additional violence and challenges. Financial difficulties compounded with social isolation exacerbates existing abusive relationships. In fact, we are experiencing heightened call volume at our bilingual 24-hr hotline in the last several months and expect this number to continue to grow.

The needs we are hearing directly from our serving population are:

- Basic necessities such as ethnic food, groceries, cleaning/disinfectant supplies and medicine/medication for our survivors and their children including those clients who are staying in our shelter and long-term housing programs
- Cash assistance for medical expenses, or rent/bill subsidies to our existing survivors
- Dissemination and education around the latest Covid-19 virus information: most of our clients rely on local ethnic media outlets or word of mouth for information which means they may receive false information. Our clients have been reaching out to KAFSC to confirm the information they have received.
- Information on public benefits such as unemployment/medicare/small loan opportunities and accessing health care as most of our clients are uninsured. Interpretation and translations of official documents to navigate the healthcare system.
- Inquiries of counseling sessions with various family violence issues. As mentioned above, many of our clients and their children are trapped at home with abusers or hidden family issues that have surfaced as all members of the family are clustered in a small space.



KAFSC Response

KAFSC is the only organization on the East Coast that operates a 24 hour bilingual Korean/English hotline. Annually, KAFSC responds to over 2,500 hotline calls which mostly relate to domestic violence, sexual assault, and child abuse. As a direct service organization serving the vulnerable immigrant community, we are an essential human service provider that can not cease operating. Throughout the COVID-19 pandemic and economic shutdown, KAFSC was the only Asian community based organization open to the public and we stepped into the role of providing a myriad of services that have not normally been our target area. KAFSC continues to provide crisis intervention and COVID-19 related services to our community for small business loans, emergency fund applications, public benefits, health insurance enrollment, and more through both in-person and virtual appointments.

Research has shown that in times of crisis domestic violence incidents increase and abusers will use this situation to their advantage further isolating their victims or using threats or intimidation of exposure to the virus as a method of control and power. At the height of the COVID-19 pandemic in New York City, between April - June 2020, KAFSC responded to a total of 1,283 hotline calls, an 88% of whom were related to DV, SA, child abuse or trafficking cases. Many of our clients are digitally illiterate and limited English proficient therefore, although we are encouraging clients to engage over the phone or virtually, in many cases it is not possible. With schools and businesses closed and families forced to be physically together, our clients are having difficulty finding a safe place at home to speak with our counselors. There is no privacy or confidential place, method, or option to seek help while socially isolated. Therefore, it is critical that KAFSC is physically open for appointments to invite our clients to be vulnerable in a safe, confidential location within a culturally competent and linguistically appropriate setting.

On March 17, 2020 KAFSC announced the following changes to our programs and service offerings:

- Our 24 hour bilingual hotline will continue as will our crisis intervention and counseling services.
- Our 24/7 emergency shelter, and our long-term transitional housing program will operate without any interruption.
- Case management services will continue to provide free, culturally competent, and linguistically appropriate legal, medical, and social service advocacy.
- Our economic empowerment program has shifted to be able to provide classes virtually for both large groups as well as one-on-one individual job counseling services.
- Starting Monday, Mar 23, Hodori “Little Tigers” After-school program has shifted to virtual classrooms.
- Youth programs have shifted to virtual meetings immediately.



While crisis intervention and counseling services remain available for in-person appointments many other programs and services have shifted to virtual platforms in order to comply with safety guidelines and protect both staff and clients' health and wellbeing. Our Hodori after-school program, youth program, and job training classes continue as scheduled through online classes and meetings. However, as mentioned above, many of our families are digitally illiterate and limited English proficient thus our teachers and program coordinators for our children and youth programs have been working additional hours to provide technical support for remote learning in a linguistically appropriate way. For our immigrant families with school-aged children, the shift to virtual school is overwhelming. Lack of access to digital devices or linguistically appropriate information to properly acquire them and/or internet access, compounded with learning how to use the virtual platforms for classwork with limited English abilities and understanding of web based software and platforms are challenging enough but are multiplied if there is more than one child in the home. KAFSC teachers are also providing virtual tutoring sessions to assist with assigned homework. Case management services have also increased as the need to support clients have increased as they navigate public benefits, emergency relief, health insurance, medical care, and legal consultations. KAFSC's monthly legal clinics have continued on schedule via phone consultations.

In order to maintain a safe and hygienic working environment, KAFSC purchased and provided masks, gloves, and disinfectant supplies for both our office/staff and clients. Our surfaces, doors, and open areas are disinfected throughout the day and protective masks and gloves are worn by both staff and clients while also maintaining a safe distance of six feet from each other. At the height of the COVID-19 pandemic in New York City, between April - June 2020, KAFSC responded to a total of 1,283 hotline calls, an 88% of whom were related to DV, SA, child abuse or trafficking cases.

Since April 2020 in response to the public health crisis and economic shutdown, with support from donors and emergency COVID relief funds, KAFSC distributed more than \$120,000 in emergency cash relief, 500 boxes of fresh produce, groceries, and water, thousands of personal protective equipment (PPE) and other household items to our survivors and their children. KAFSC raised \$90,000 to launch our first ever Food Giving Initiative providing 5,700 ethnically familiar meals to our immigrant survivors and their children in partnership with 7 local Asian restaurants, Atoboy, Danji, Handsome Rice, Jua, Kochi, and Soogil.

KAFSC actively partnered with local Asian media to disseminate COVID-19 related information and promote our 24-hr bilingual hotline, especially as the domestic violence and child abuse incidences have risen during the pandemic, and participated in 24 radio interviews (20 - 60 minute segments), featured in 22 news articles, and created a week long television public service announcement campaign.



Exclusion in COVID-19 Response for Immigrant Survivors

During New York State on PAUSE and throughout the COVID-19 public health and economic crisis, KAFSC responded to a 300% increase in calls to our 24 hour bilingual hotline. Our frontline essential workers met the increased need and provided in-person crisis intervention, counseling, case management, and other supportive services - all in a culturally and linguistically appropriate setting.

Our immigrant survivors were disproportionately impacted and further traumatized by policies and responses that excluded them from emergency relief efforts. Many of our survivors are undocumented and are excluded from accessing Unemployment Insurance and all other income supports. They lost financial means, some temporarily, others permanently, resulting in loss of livelihood and unable to support themselves and their children. These consequences are exacerbated as they are ineligible for unemployment benefits and other labor protections by law from which they are excluded. Many in our community and their loved ones have contracted the virus and died. Without financial means our immigrant survivors can't afford food, rent, basic necessities, personal protective equipment and supplies, medical care, or basic living expenses - phone, internet, utility bills, etc.

Current policies do not account for immigrant workers who lost their legal-employment status as a result of the COVID-19 pandemic. These gaps result in uncertainty and fear of deportation as another hurdle to overcome in an already overwhelming and desperate situation. Furthermore, the sharp rise in Anti-Asian bias and hate crimes caused additional layers of fear and trauma for the Asian American immigrant community who had to face both a deadly virus and risk of a racist attack anytime they left their home.

KAFSC conducted a needs assessment in July of 150 households that received direct support from us between March and June and found that only 32% of the respondents had long-term employment. Of those that participated in KAFSC's Food Giving Initiative, 40% were also enrolled in other food pantry/delivery programs. 100% of the participants who are enrolled in other food giving programs want ethnically familiar food, which KAFSC provides. 95% of the participants expressed a desire to continue participating in KAFSC's Food Giving Initiative.

We urgently ask our Council Members on Committee on Immigration to take urgent and proactive measures to support the immigrant community and make immediate changes to ensure that the immigrant New Yorkers that are the heartbeat of this City are fully included in COVID-19 response efforts.

Thank you and the Committees for your consideration of this testimony. I can be reached at jeehae.fischer@kafsc.org or (917) 885-6590.

Libertas Center for Human Rights, NYC Health + Hospitals/Elmhurst
The New York City Council
Committee on Immigration - September 17, 2020
Written Testimony NYC Council Committee on Immigration

Thank you Chairperson Menchaca and Distinguished Council Members for the opportunity to provide this written testimony to the Committee on Immigration.

The Needs of Immigrants in New York City served by the Libertas Center

The Libertas Center for Human Rights helps address the multifaceted needs of immigrants who have survived torture and persecution in their home countries. We provide holistic medical, mental health, legal, and social services to hundreds of clients and their families via thousands of client encounters annually.

Nearly 90% of Libertas clients are asylum seekers, who have endured multiple forms of physical and psychological torture such as beatings, threats, and sexual violence. Asylum seekers arrive with few resources and live with the on-going effects of trauma. The Libertas Center helps clients cope with and heal from high levels of PTSD, anxiety, depression, and trauma to overcome challenging health, social, and immigration situations.

In 2017, the New York City Immigration Court saw over 7,000 cases for asylum.¹ Asylum cases in 2018 were granted at a rate 50% lower than in 2013.² Asylum seekers are not eligible for the same benefits and protections that other immigrants, including refugees, are afforded in the U.S., making them a particularly vulnerable population. Without permanent legal status, often without family, and largely ineligible for any services, asylum seekers have a compounded struggle. Combined with the labyrinthine legal process and the evidentiary burden that asylum seekers face, winning their safety is an uphill battle.

The Impact of the COVID-19 Pandemic on Asylum Seekers

During the COVID-19 pandemic, Libertas clients were especially vulnerable as asylum seekers, a majority of whom live in the areas most affected by COVID in New York City, including Elmhurst, Corona, and Jackson Heights. The Libertas Center's needs assessments conducted in August on the effects of the COVID-19 pandemic on our clients revealed that 87% of clients had their income affected, 72% experienced feelings of depression and anxiety, 44% reported immigration issues, and 30% experienced food insecurity. Seventy-eight percent of Libertas clients did not receive unemployment insurance. Further, clients without status are fearful to access public benefits to seek essential medical care and basic human needs, including food and baby supplies.

With immigration courts and government services being closed and overwhelmed during the pandemic, Libertas clients reported significant delays in their immigration cases, including receiving work authorization, social security numbers, interviews, green cards, citizenship and family reunification. Examples include:

1. A Libertas client who applied for asylum in 2019 received their work permit in March after waiting the required 180 days. This work permit was critical in pursuing legal work to support their family. However, the client is still unable to work as almost six months later, they still have not received their social security number.
2. Another Libertas client has had their asylum case delayed until 2023. This delay will likely result in economic consequences for the client as well as increased fear in seeking resources that are available to them in New York City.
3. A client has been awaiting her green card to see her sons in Bangladesh whom she has not seen in 21 years. She has not heard back and has been unable to get in touch with immigration services during the course of the pandemic.

¹ *Statistics Yearbook: Fiscal Year 2017*. U.S. Department of Justice: Executive Office for Immigration Review. <<https://www.justice.gov/eoir/page/file/1107056/download>>

² Siegelbaum, M., 2018. *Fewer People Are Being Granted Asylum In New York*. Documented. <<https://documentedny.com/2018/11/21/fewer-people-are-being-granted-asylum-in-new-york/>>

Additional client feedback on these issues include:

- "March 4th, I received political asylum, but for now I am not able to renew social security or my ID because all of those places are closed. They told me to wait when they figured out when they can bring me into to get my fingerprints done."
- "My working papers are on hold! I can't receive social security number to get financial aid in school I got in!"
- A client's court case was on March 4th and was supposed to get an interview within two months. They expressed "nobody knows anything, delays might be a month or a year". Without a work permit, they are trying to decide between going back to Russia "and getting killed" or living on the street.
- "Yes I went to the court on the 5th of March. The judge told me she was going to give me the information of whether or not I was receiving asylum or not, but because of the pandemic, I wasn't able to get any information. The attorney told me that I had to wait. I also received the bad news from my lawyers, 16th April. The attorney told me we were going to halt this and wait for an answer. I have been a bit nervous about everything, but my lawyer said not to give up hope."
- "I am applying to do the citizenship test, but they cancelled it and did not tell me why. I was originally supposed to have the test on February, 11th, 2020. There has been no follow-up email on this."

The long delays between applying for asylum and a final hearing have created precarious situations for Libertas clients during an already challenging time in New York. In July 2020, the city's immigration courts completed only 12% of the cases they had completed the year prior, and while courts were closed or delayed, ICE continued to file new cases for over 100,000 immigrants.³ It is crucial that immigrants with pending asylum cases are not put into further danger due to deportation or arrest, even as their cases are going through the proper legal channels.

In the Libertas Center's experience, clients' immigration status is closely intertwined with their medical and mental health. Furthermore, there is evidence that anti-immigration policies are directly associated with impeding access to healthcare, highlighting the critical need to support the vulnerable population of asylum seekers in our city.⁴

Support Advancing Resolutions

The Libertas Center would like to thank the City Council for the continued funding of the Immigrant Health Initiative for supporting our work and the work of other crucial service providers in New York City.

The Libertas Center for Human Rights would like to express support for the passing of all the resolutions provided in today's agenda, including Res 1399-2020, Res 1404-2020, Res 1416-2020, Res 1418-2020, Res 1417-2020, and Res 1419-2020.

³ Kocher, A., 2020. *ICE Filed Over 100,000 New Cases and Clogged the Courts at the Peak of the Pandemic*. Documented. <<https://documentedny.com/2020/09/16/ice-filed-over-100000-new-cases-and-clogged-the-courts-in-the-peak-of-the-pandemic/>>

⁴ Martinez, Omar et al. "Evaluating the impact of immigration policies on health status among undocumented immigrants: a systematic review." *Journal of immigrant and minority health* vol. 17,3 (2015): 947-70.

Libertas Center for Human Rights
NYC Health + Hospitals/Elmhurst
79-01 Broadway, Elmhurst, NY 11373
718.334.6209 - guttmanm2@nychhc.org
www.libertascenter.net



September 17, 2020

Committee on Immigration
New York City Council
City Hall
New York, NY

Re: Immigration Committee Hearing Noon on Thursday, September 17, 2020

Dear Immigration Committee:

My name is Rex Chen and I am the Director of Immigration at Legal Services NYC (LSNYC). We are the largest civil legal services provider in the country. We fight poverty and have been dedicated to fighting for racial, social and economic justice for low-income New Yorkers for over 50 years. In 2018, we gave immigration assistance to households in which over 23,000 people lived.

Resolution 1399-2020

Resolution 1399 seeks to let people apply for a range of state or local public benefits regardless of immigration status. The impact of expanding access to public benefits would be to help many immigrants. For example, it would help abused or abandoned children with Special Immigrant Juvenile Status, people applying for green cards and have an approved visa petition, people applying for Cancellation of Removal, people with Temporary Protected Status, people with an approved family-based petition, people applying for Deferred Action for Childhood Arrivals (DACA), people who are

requesting deferred action, people residing in the United States with the permission of ICE, people who enter without inspection, and people who overstay a visa.

Our organization with our social workers mobilized quickly and creatively as early as March to raise money and help people who have major needs and did not qualify for public benefits. We started getting funds to them as early as April. We have not been anywhere close to meeting the need. Despite the great efforts of many, such as how we run our program and how the Mayor's Office of Immigrant Affairs (MOIA) is running its program, the need still exists and it is a very large problem.

Resolution 1404-2020

Resolution 1404 would support efforts by immigration advocates to obtain information from the federal government about protocols of how they will operate during public health crises. One impact would be that immigrants, the general public, and immigration advocates might finally learn what health measures the federal government will implement for court hearings and how they decide whether to hold court hearings for people who are not detained. Another impact would be to increase New Yorkers' ability to participate in their immigration hearings because more people would get information in a timely way in a language they can understand.

Resolution 1404 says in its preamble that EOIR delegated to each local office the power to decide whether to hold hearings. This assertion might not be accurate. One of the court administrators told us this week that the decision comes from EOIR Headquarters. Legal Services NYC sued EOIR in April but we did not find out during that lawsuit who is making the decision. We point this out to help the resolution be as accurate

as possible, even though it would not change how the resolution would have a positive impact.

Resolution 1404 would probably have a positive impact for immigrants and immigration lawyers because calling on EOIR to establish protocols encourages EOIR to use a thoughtful, science-based approach to deciding whether to hold hearings.

Resolution 1404 does not include any demand that EOIR produce information, data, or statistics about the health measures it will implement; how well it is implementing them; or how many staff and visitors have tested positive for Covid. Adding those demands would probably help keep EOIR accountable.

Resolution 1416-2020

Resolution 1416, which calls on the U.S. Department of Homeland Security (DHS) to stop deportation proceedings during the COVID-19 pandemic, may have an unintended impact depending on how “deportation proceedings” is defined in the Resolution. If the Resolution limits its definition to the act of physically deporting people from the United States, then there should be little or no negative impact. But if “deportation proceedings” is so broadly defined that it could include having the Justice Department’s EOIR halt all immigration court hearings, it would have a negative impact on some immigrants who are eager to have an immigration court hearing because some immigrants need to get a ruling soon on their request for immigration courts to grant legal protections. One example is for someone seeking non-Legal Permanent Resident (non-LPR) cancellation of removal, which is a protection for some people who do not have legal status in the United States. Only an immigration judge can grant this. Applicants for non-LPR cancellation of removal must show that their deportation would

cause exceptional hardship to a qualifying relative. Congress passed laws that only consider the hardship to an applicant's child if the child is under 21 years old and a United States citizen or a Legal Permanent Resident. Delaying the hearing could cause applicants to lose their chance at being granted non-LPR cancellation of removal if the claim relies on the hardship of a child who turns 21 years old before the judge can decide the case. For people facing that circumstance, halting all immigration court hearings would have the impact of denying them a chance to obtain a legal protection that they qualify for. The resolution could avoid this by leaving open the opportunity for a particular immigrant to get an immigration court hearing if he or she wants it.

Sincerely,

Rex Chen
Director of Immigration
Legal Services NYC
40 Worth Street, Suite 606
New York, NY 10013
(646) 442-3552

**NORTHERN MANHATTAN
IMPROVEMENT CORPORATION
(NMIC)**

TESTIMONY

ON

Immigrant Exclusion in COVID-19 Response

PRESENTED BY:

ALEIDA SAINZ
SUPERVISING IMMIGRATION ATTORNEY
NORTHERN MANHATTAN IMPROVEMENT CORPORATION
September 17, 2020

Good afternoon. On behalf of Northern Manhattan Improvement Corporation (hereafter, “NMIC”), I thank you for inviting us to present our views on the Immigrant Community’s exclusion from COVID-19 Relief measures.

NMIC is a community-based, not-for-profit organization founded in 1979 that has grown into a leading multi-service agency with a staff of over 100 serving New York City with a focus on upper Manhattan and the Bronx. *Our legal and social services programs include immigration, housing, financial, counseling and health services. Our education and career services provide the community with the additional tools necessary to build secure and prosperous futures.*

STIMULUS EXCLUDED IMMIGRANT AND MIXED STATUS FAMILIES

The Federal CARES Act which provided automatic stimulus payments to individuals and households below a certain income was specifically tailored to exclude working immigrants and mixed status families. Although eligibility was largely predicated on filing of tax returns, the relief bill discriminated against working immigrants by excluding payments to those who had filed taxes with an ITIN number. An ITIN number is used when the taxpayer does not have a valid Social Security number and is largely used by undocumented workers filing taxes. Moreover, if a mixed status couple filed a tax return, listing both the documented spouse’s Social Security number and the undocumented spouse’s ITIN, the household was excluded from a stimulus payment under the CARES Act. The Cares Act therefore left behind both undocumented persons and punished their spouses and family members by association. This neglect came at time when lockdowns in New York and across the country

caused businesses to close, leaving undocumented people working in restaurant and other service economy sectors without a source of income and unable to pay for food, rent, and other necessities.

IMMIGRANTS DID NOT BENEFIT FROM UNEMPLOYMENT EXTENSION

Extensions of Unemployment Insurance granted by the Federal Government in response to COVID-19 were not accessible to undocumented workers, including those who had status but temporarily lost it. Generally, in order to qualify for unemployment insurance, the immigrant needs work authorization both during the time they worked and at the time they file for unemployment benefits. Many immigrant New Yorkers may have worked legally for years but were unable to file for unemployment or benefit from the Federal extensions simply because their status expired or they were unable to renew during Spring of 2020. Temporary and permanent layoffs during COVID-19 disproportionately hit low wage earners, and undocumented workers are among those hardest hit by business closures. The lack of access to unemployment benefits, combined with lack of any consideration for stimulus relief to the immigrant community, has left many immigrant New Yorkers with few options for providing for their families. In efforts to mitigate the disastrous human and economic toll this neglect has caused to immigrant New Yorkers, the burden has fallen on municipalities and nonprofit agencies to provide some form of relief, putting additional strain on resources already subject to local and state funding shortfalls during the pandemic.

IMMIGRANTS HAVE LACK OF ACCESS TO PUBLIC BENEFITS

Undocumented Immigrants are ineligible to receive most Federal Public Benefits, including means-tested benefits such as Medicaid, Supplemental Nutrition Assistance Program (SNAP), Supplemental Security Income (SSI) and Temporary Assistance for Needy Families (TANF). They are also ineligible for most Cash Assistance and Rent Subsidies, making it much tougher to combat evictions arising out of the COVID-19 pandemic. In the limited cases where they are eligible, receipt of such benefits may trigger a public charge issue. The lack of access to public benefits leaves undocumented immigrants and their families in peril and without a safety net to combat health, food, and shelter needs during the pandemic.

RECOMMENDATION

NMIC, on behalf of the New York Immigrant Community, demands that the Federal government acknowledge immigrants' role as our neighbors and as essential workers in our economy, and ensure their inclusion and access to any further COVID-19 stimulus relief.



**NEW YORK CITY COUNCIL
COMMITTEE ON IMMIGRATION**

IMMIGRANT EXCLUSION IN COVID-19 RESPONSE

**TESTIMONY BY MARYANN THARAPPEL,
DIRECTOR OF SPECIAL PROJECTS,
CATHOLIC CHARITIES COMMUNITY SERVICES,
ARCHDIOCESE OF NEW YORK**

SEPTEMBER 17, 2020

I. INTRODUCTION AND OVERVIEW

Good afternoon, Honorable Chairperson and committee members. My name is Maryann Tharappel and I am the director of Special Projects for Immigrant and Refugee Services at Catholic Charities Community Services, Archdiocese of New York. For more than four decades, Catholic Charities Community Services (Catholic Charities) has been committed to welcoming New York's immigrants—be they families seeking to reunify, children, refugees, the undocumented, or day laborers. This commitment is rooted in respect for the human dignity of each person and for the value each individual brings to our communities of work, of family, and of faith. We are grateful for today's hearing on the effects and recommendations for exclusions of immigrants in the COVID-19 response both at the State and Federal levels.

On a daily basis—through our immigration legal services, the Immigration Court Helpdesk, community-driven *pro bono* programming, work with unaccompanied immigrant children, and statewide and citywide immigration hotlines—members of our legal staff encounter immigrants throughout our community who are struggling due to the impact that COVID-19 has on them, their families and their community. Immigrant families are struggling to understand next steps in their immigration cases, losing jobs, facing eviction, navigating access to educational resources for their children, in many cases caring for elderly family members, and confronting rising fears of leaving their homes for basic necessities as enforcement actions targeting Brown and Black communities continue to rise. This moment of enduring strife yet again highlights the disparity in

access to justice and life subsisting resources for Black, Indigenous, and People of Color immigrants. All undocumented immigrants and mixed status families are excluded from many relief packages, but these particular communities also face additional obstacles because of rare language needs and often heightened risk of unwarranted interactions with law enforcement in today's political climate.

II. THE WORK OF CATHOLIC CHARITIES

Catholic Charities serves all individuals in need residing in all five New York City boroughs and seven counties of the Lower Hudson Valley. Two-thirds of those we provide immigration legal services to are New York City residents, including unaccompanied minors, young mothers with children, and asylum seekers from all over the world, but particularly from Central America and Mexico.

The work of Catholic Charities in New York City is broad, diverse, and focused on responding to individual crises as well as addressing core needs that can cause crises. Catholic Charities provides a comprehensive range of professional human services to immigrants, including: eviction prevention; case management to help people access benefits and resolve financial and family issues; emergency food; specialized assistance for the blind and visually impaired; after-school, drop-out prevention and employment programs for low-income, at-risk and/or court-involved youth; sports and recreational programs for children and youth; and supportive housing programs for adults with mental illness. Our services are provided in our community centers, parishes, regional offices, New York City public schools, NYCHA housing developments, HRA offices, and partnering community-based agencies. Each year, Catholic Charities works with thousands of households to manage crises and to help families achieve long term stability in immigration status, income, housing, and nutrition. The issues our clients face are often multi-faceted and complex, and it frequently takes the cooperation of several agencies to arrive at lasting solutions.

Catholic Charities' Immigrant and Refugee Services responds to the needs of thousands of immigrants and refugees each year, through services in five principal areas: immigration legal services, including innovative and community driven models, unaccompanied minors programming, English as a Second Language (ESL/ESOL) and cultural learning at our International Center, refugee resettlement services, and general informational and referral services through the New York State New Americans Hotline and the ActionNYC Hotline.

III. CATHOLIC CHARITIES SUPPORTS EXPANSION OF PUBLIC BENEFITS TO THOSE IN NEED, REGARDLESS OF IMMIGRATION STATUS

In its 2019-2020 legislative session, the New York State Legislature is contemplating legislation (A10433/S05167), currently sponsored by Assembly Member Catalina Cruz and State Senator Roxanne Persaud that would allow for state agencies, municipalities, and authorities to provide state or local public benefits regardless of immigration status. This bill would extend qualification for state and local benefits to vulnerable foreign-born communities largely excluded from public benefits since 1996. Passage of A10433/S5167 would extend the right to localities,

specifically New York City, to extend city-funded public benefits programs such as cash assistance to all residents, regardless of immigration status.

In the wake of the coronavirus pandemic, and in anticipation of future crises, this legislation could have far-reaching impact by allowing the City to provide directly for the needs of its most vulnerable, and heretofore excluded, immigrant communities.

Our various programs serve thousands of immigrants every year, so we know first-hand how hard they work to improve their own lives and those of their families, contribute to and invigorate our communities, and enrich the fabric and the economy of our cities, states and nation. Those we serve are in different immigration status categories, each with its own particular challenges. Take, for instance, how important the financial assistance initiatives for immigrants excluded from the CARES Act were—holding families together in their homes and providing basic human assistance. Catholic Charities was fortunate to be able to provide support to thousands of immigrants who did not qualify for the CARES Act assistance, or unemployment insurance. Here are just two examples:

Rosa came to the US as a young child to escape brutal gang violence in Honduras. Now age 20, she had been supporting her mother and other relatives through her job as a server at catered parties, which she lost due to the corona closures. She had hoped to save some of her earnings for when college, which she started this fall. With the help of Catholic Charities and the non-government dollars provided, Rosa was able to pay for rent for their apartment in Brooklyn and for groceries.

Catholic Charities was able to make home deliveries of direct assistance for exceptionally vulnerable clients, prioritizing clients who were ill with COVID-19 or were quarantined due to a sick household member. Honoria a mother of two children ages 3 and 6, who lives in the Bronx received funds to help her with emergency food and rent. Her mother-in-law worked at a nursing home as a medication aide and came down sick with COVID-19.

Each day our hotlines and our legal staff hear from concerned New Yorkers who have been affected by COVID-19, either through job loss, illness, or the death of a family member. Many do not qualify for assistance and were excluded from the federal stimulus money. Additionally, callers and clients are concerned about receiving benefits they qualify for, such as emergency medical care, due to fear that it will affect their immigration status in light of the new public charge rules. Even clients who do qualify for benefits are struggling to access them many times due to the Social Security Administration remaining closed.

Therefore, Catholic Charities supports Resolution No. 1399 (Menchaca) to call on the New York State Legislature to pass, and the Governor to sign into law, A10433/S5167, which would allow for state agencies and municipalities to provide state or local public benefits to New Yorkers in need regardless of immigration status. In tandem with this resolution, Catholic Charities would recommend continued efforts to halt changes to the public charge rule because otherwise fear that benefit usage will negatively impact immigration status will continue to have a chilling effect on the most vulnerable New Yorkers, dissuading them from accessing much needed benefits. Throughout the spring and summer, Catholic Charities provided over \$4,400,00 in

direct relief assistance to 28,000 people living in 8,000 households. This is mere fraction of the overall need. Following media attention regarding the assistance, Catholic Charities Helpline received hundreds of calls daily from people who would qualify however there were not sufficient funds to meet the need. According to a 2007 report by the Fiscal Policy Institute there are 535,000 undocumented immigrants residing in New York City.

IV. CATHOLIC CHARITIES SUPPORTS REQUIRING THE UNITED STATES DEPARTMENT OF JUSTICE ISSUE GUIDANCE TO ESTABLISH PROTOCOLS FOR OPERATION OF IMMIGRATION COURTS DURING A PUBLIC HEALTH CRISIS.

In March, by the Governor's executive order, State and City government agencies were to work remotely, where possible, and State courts either offered remote hearing options or postponed cases. However, the U.S. Department of Justice' Executive Office of Immigration Review (EOIR) did not immediately issue a blanket policy on immigration court proceedings but rather delegated authority to each immigration court throughout the U.S., which led to judges making their own decisions about in-person hearings. Communications were delayed and provided only in English and were combined with a lack of clear instructions and often without options for filing documentation electronically. This meant that immigrants in removal proceedings, and the representatives for those who have counsel, in addition to EOIR's own staff, put themselves at risk of contracting COVID-19 by continuing to attend in-person proceedings. This lack of public health driven protocols particularly affects recently arrived, unrepresented, and often monolingual, increasingly indigenous, immigrants.

Before the immigration courts closed for non-detained cases in New York, our attorneys were forced to file briefs and motions in person due to a lack of clarity regarding future court hearing postponement and e-filing allowance. Further, because our attorneys represent detained individuals, they were forced to appear in person for hearings as they were not given an option for attending these hearings remotely. Despite detained hearings now moving forward with telephonic appearances, non-detained dockets at the New York Immigration Court continue to be reset on a weekly basis, creating confusion for immigrants and their representatives who are forced to meet previously set evidence deadlines only to be informed the next week that their impending case has been reset due to COVID-19 closures.

Through our hotlines we heard from concerned immigrants with court hearings coming up who were unsure whether to attend because the automated system they called to verify the hearing dates reflected that the hearings were still on, while the EOIR website indicated that the hearings had been cancelled. Out of an abundance of caution some of these callers expressed that they were going to go to court – even if it meant taking public transportation – in order to appear in court rather than risk an order of deportation. This is also a pervasive concern raised by immigrants we assist through our Immigration Court Helpdesk, programming that assists thousands of unrepresented immigrants to navigate their court proceedings as well as provide information regarding potential relief, and assist with preparation of hundreds of *pro se* applications before the New York Immigration Court. Given the confusion and concerns of legal representatives on behalf of their clients, imagine the complete lack of clarity facing an immigrant without counsel forced to navigate this uncertain time alone.

Court protocols that are informed by public health experts are critical to ensure due process for immigrants while lowering the health risk posed to everyone who participates in the immigration court system. Additionally, these protocols need to be communicated in multiple languages and broadly disseminated to both immigration attorneys and unrepresented immigrants.

Therefore, Catholic Charities supports resolution No. 1404 (Public Advocate) to call on the U.S. Department of Justice to issue guidance that establishes protocols for the EOIR in times of public health crises.

V. CATHOLIC CHARITIES SUPPORTS HALTING ALL DEPORTATION PROCEEDINGS DURING THE COVID-19 PANDEMIC.

The process of detention and deportation poses a risk to the U.S. and to the countries receiving deported immigrants. In the case of detained individuals, U.S. Immigration and Customs Enforcement (ICE) facilities have been rife with COVID-19 clusters, raising the risk that if detained individuals are deported, they could infect individuals in other countries. In fact, deportation is in direct conflict with the U.S. Center for Disease Control (CDC) advice that transfers should be restricted unless absolutely necessary, as transfers of detained individuals risk spreading the virus.

Furthermore, individuals exposed to COVID-19 while in ICE detention are often removed to countries that do not have adequate ventilators or medical care, thus effectively putting these individuals at greater risk of complications and death. This is an unnecessarily dangerous practice during a worldwide pandemic. Catholic Charities receives numerous requests for assistance from family members of detained immigrants, and that need has only increased as fears of COVID-19 spreading through detention facilities, as well as improper safety protocols, continue to come to light. Catholic Charities has been at the frontline of advocating for the release of high-risk immigrant detainees, and we share James's story:

James is a Jamaican national who came to the United States as a young child over 30 years ago. James has spent nearly his entire life in the US, creating a family with his US citizen wife, Ruth, with whom he has 2 daughters. Beginning in 2015, Ruth began to experience a number of health problems, including epilepsy and blindness, severely impeding her ability to carry out her day to day life. James also began to suffer a number of health problems, including obesity, diabetes, and hypertension. The stress of his wife's illnesses and being the sole caretaker for his family was too much for James, who thereafter had some run ins with the law. After his arrest, James was transferred to ICE custody, where he was detained for nearly 8 months. During his detention, the global COVID-19 pandemic began.

Catholic Charities learned of James through the New York Civil Liberties Union and immediately filed motions for release on an immigration bond, parole requests with ICE, and a writ of habeas corpus and motion for temporary restraining order to fight for James's release. Relying on medical evidence and CDC guidance, Catholic Charities demonstrated that James's particular medical problems put him at a heightened risk of contracting COVID-19 and suffering fatal consequences once contracted. Catholic Charities also gathered expert medical testimony that asserted that James faced a higher risk of contracting COVID-19 in a carceral setting than he

would at home. Catholic Charities also argued that James warranted discretionary release from jail given his strong ties to the community and length of residence in the United States. After several weeks of constant advocacy, Catholic Charities won James's release from ICE detention.

James is now safe at home with his family, where he is able to practice social distancing and obtain the medical care he needs given his immunocompromising vulnerabilities. Now released, James will also be able to access resources to prepare for his immigration court case, which he otherwise would not have been able to do from the confines of ICE detention.

Therefore, Catholic Charities supports Resolution T2020-6386 (Eugene) to call on the U.S. Department of Homeland Security to halt all deportations for the length of the COVID-19 pandemic, as a means of restricting the global spread of this disease.

VI. CATHOLIC CHARITIES SUPPORTS LEGISLATION THAT WOULD PROTECT EMPLOYMENT BASED STATUS HOLDERS AND THEIR FAMILIES WHO HAVE SUFFERED JOB LOSS AND/OR DEATH DUE TO COVID-19.

Many immigrants whose employment or employment of their family member is the basis for their status have either lost their job or lost their family member to the disease. This leaves these vulnerable individuals out of status and at risk of deportation.

Therefore, Catholic Charities supports the following resolutions:

- Resolution T2020-6535 (Eugene), calling on the U.S. Congress to pass, the President to sign, legislation that would permit employment-based status holders to retain lawful status, after loss of employment, if such loss was related to the COVID-19 pandemic.
- Resolution T2020-6518 (Eugene), calling on the Department of Homeland Security to place a moratorium on all removal proceedings for employment-based status holders that suffered a loss of employment during or due to the COVID-19 pandemic.
- Resolution T2020-6534 (Moya), calling on the U.S. Congress to pass, and the President to sign, legislation that would provide immigration relief for family members who derive lawful immigration status from a frontline worker who passed away due to COVID-19.

We thank the New York City Council for its vision, leadership and interest in protecting New York's immigrant community excluded from both state and federal recovery efforts and to ensure that support is provided for all who call America home.

Thank you for your time and attention.



New York City Council Committee on Immigration
Re: Immigrant Exclusion in COVID-19 Response
September 17, 2020

Testimony of José Chapa, Senior Policy Associate, Immigrant Defense Project

Good afternoon,

Thank you to Councilmember Menchaca and the Committee on Immigration on holding this public hearing to address the urgent need to ensure that our response to COVID-19 includes everyone, especially those who have been significantly impacted.

My name is Jose Chapa and I am the Senior Policy Associate at the Immigrant Defense Project. IDP is an organization that works to secure fairness and justice for immigrants across the United States. We help lay the groundwork for a day when the criminal and immigration laws of the United States respect and uphold the human rights of everyone.

We speak today in support of the resolutions that seek to address the harms of the exclusionary immigration policies and ICE policing and deportation practices that have further marginalized immigrant community members during a global pandemic. We also wanted to bring attention to two state bills that are related to immigrant communities and COVID-19 that both passed the NYS legislature this session and are awaiting the Governor's signature: the Protect Our Courts Act (A.02176/S.00425) and the Contact Tracing Confidentiality Act (S.8450-C/A.10500-C).

In April 2019, the Immigration Committee passed Res. No. 828 in calling for the NYS Legislature to pass, and the Governor to sign the Protect Our Courts Act. Given that courts have begun to reopen, it is critical that the Governor sign this bill into law to ensure that everyone has equal access and protections from the courts. Not only have undocumented immigrants been excluded from economic relief, they are further marginalized from accessing rights and remedies—such as due process rights, orders of protection, and fighting eviction—available through the court system, where ICE targets people for arrest. ICE's practices during the pandemic—continuing raids while COVID-19 was ravaging communities across the state, refusing to release people in detention, and deporting people with COVID—makes crystal clear that ICE has little regard for human health and safety.

On September 1, ICE announced that it conducted a national operation arresting more than 2,000 people, 83 of them in New York City. New York has been in ICE's crosshairs for years, and its targeting of our state increased dramatically in the months leading up to the current

shutdown: notably, ICE operations increased 400% in New York in the first 11 weeks of 2020, as compared to the last four weeks of the previous year, only to be slowed down by COVID-19.

ICE's aggressive targeting of New Yorkers also heightens the urgency for the Governor to sign the Contact Tracing Confidentiality bill. States of emergency have historically provided a ripe opportunity for governments and police to expand their surveillance powers over whoever is considered to be a threat—most recently Black and brown communities, including immigrants—and it is critical that New York State does not allow management of the pandemic to expand the surveillance state. By passing this law, the Governor will ensure that information provided through contact tracing cannot be weaponized by NYPD, ICE or other policing agencies.

We bear witness to the devastation immigrant communities have endured because of the COVID-19 pandemic. Immigrant neighborhoods have been at the epicenter of the outbreak and experienced massive loss of life and stability. Brooklyn, along with Queens and the Bronx—and in particular, the immigrant neighborhoods in these boroughs—have been among those hit the hardest by COVID-19 in the country. We will never forget that there were freezer trucks lined up in parking lots, including in Sunset Park, serving as makeshift morgues. Many of your constituents reached out to you asking for help getting care for sick loved ones or because they are trying to put food on the table. Immigrant New Yorkers play a critical role as essential workers, putting themselves at risk in service of other New Yorkers. At the same time, there are desperate families afraid to seek help, due to fears of being deported.

New York State has a critical opportunity to make immigrant communities feel more safe during this pandemic, so they can access state and local services. The considerable health, economic and social strain we have seen from this global health crisis and quarantine means that all New Yorkers need to access our courts for orders of protection, to fight eviction, to seek child support, to file employment claims, and more. New Yorkers should not fear contract tracing, as if conducted properly, could be one of the key tools to stop the spread of COVID. We must send a strong message to all New Yorkers that participating will not expose them or their loved ones to deportation or criminalization.

Thankfully, the legislature has been presented with a clear solution. We urge you to call on the Governor to sign the Protect Our Courts Act and the Contract Tracing Confidentiality bill. New York has the opportunity to offer immigrant communities vital relief as we emerge from this pandemic. We urge New York City, New York State and the US Congress to do all in its power to ensure that regardless of immigration status, New Yorkers can have a little more justice and a little more peace.

Thank you for your time.



Legislative Affairs
One Whitehall Street
New York, NY 10004
212-607-3300
www.nyclu.org

**Testimony of the New York Civil Liberties Union to
The New York City Council Committee on Immigration regarding
Immigrant Exclusion from the Government’s COVID-19 Response**

September 17, 2020

The New York Civil Liberties Union (NYCLU) respectfully submits the following testimony with respect to the New York City Council Committee on Immigration hearing on multiple resolutions concerning immigrant exclusion from the government’s response to the COVID-19 pandemic.

I. Introduction.

The NYCLU, an affiliate of the American Civil Liberties Union (ACLU), is a not-for-profit, non-partisan organization with eight offices throughout New York State and more than 180,000 members and supporters. The NYCLU’s mission is to promote and protect the fundamental rights, principles, and values embodied in the Bill of Rights of the U.S. Constitution and the New York Constitution. The deplorable manner in which immigrants have been left out of the government’s response to the COVID-19 crisis while simultaneously being targeted for arrest and deportation implicates issues of equal protection under the law, due process, racial justice, and economic justice, and we thank the City Council for its attention to these issues.

The federal government’s response to the COVID-19 public health crisis has demonstrated a failure of leadership in many ways. In particular, the exclusion of immigrants from critical government relief, combined with the Trump administration’s cruel efforts to arrest and detain immigrants during a public health crisis, is an acute moral travesty. Immigrants are overrepresented among so-called “essential workers,” comprising roughly 6 million of the workers in front-line industries.¹ At the same time, immigrant workers have been among the

¹ Migration Policy Institute, *Immigrant Workers: Vital to the COVID-19 Response, Disproportionately Vulnerable*, March 2020, <https://www.migrationpolicy.org/research/immigrant-workers-covid-19-response#:~:text=March%202020-.Immigrant%20Workers%3A%20Vital%20to%20the,COVID%2D19%20Response%2C%20Disproportionately%20Vulnerable&text=They%20also%20represent%20significant%20shares.grocery%20stores%2C%20and%20producing%20food.>

hardest hit by job losses related to the ongoing pandemic.² Meanwhile, the Trump administration has pushed forward with its cruel anti-immigrant agenda, continuing to cram people in U.S. Immigration and Customs Enforcement (ICE) detention centers and transfer people between facilities, despite the risk of spreading the coronavirus.³ And immigrants are among the most likely to be left out of government relief packages, which have largely been inaccessible to millions of immigrants.⁴ In a city of 3.1 million immigrant residents, these effects are especially palpable.

We welcome the City Council in using its influence to urge action on these matters, and to seek greater authority from the state to take action itself. To that end, we support the resolutions under consideration at today's hearing. Yet we also believe that the measures outlined in these resolutions, if enacted, would address only a piece of the enormous need that COVID-19 has created within the immigrant community. The City Council should urge Congress to go farther in expanding aid to immigrant communities and reign in the abuses of the current administration, and for the City Council to use its own resources to fill these gaps.

II. Resolution 1399-2020: Concerning state legislation to allow state agencies, municipalities, and authorities to provide state or local benefits regardless of immigration status.

In light of the federal government's failure to lead on the COVID-19 response, it is incumbent on state and local officials to do everything in their power to fill that void. In doing so, local governments must ensure that all their residents' needs are met without exclusions based on immigration status. Though the federal Professional Responsibility and Work Reconciliation Act (PRWORA) restricts the eligibility of some immigrants for certain types of state and local benefits, federal law also expressly permits states and cities to extend such benefits to those who aren't otherwise eligible through the enactment of state law.⁵

State legislation A.10433/S.5167 would remove any such barrier that exists to New York City's ability to meet the needs of immigrant communities by broadly authorizing municipalities to provide public benefits to people who are deemed ineligible under the federal statute.⁶ Importantly, PRWORA does not act as a blanket restriction on the provision of any local

² Rakesh Kocchar, *Hispanic women, immigrants, young adults, those with less education hit hardest by COVID-19 job losses*, Pew Research Center (June 9, 2020), <https://www.pewresearch.org/fact-tank/2020/06/09/hispanic-women-immigrants-young-adults-those-with-less-education-hit-hardest-by-covid-19-job-losses/>.

³ See, e.g., Rafael Bernal, *Report: ICE flew detainees to Virginia so agents could quell DC protests*, The Hill (Sep. 11, 2020), <https://thehill.com/latino/516035-report-ice-flew-detainees-to-virginia-so-agents-could-quell-dc-protests>.

⁴ See Nicole Narea, *For immigrants without legal status, federal coronavirus relief is out of reach*, Vox (May 5, 2020), <https://www.vox.com/2020/5/5/21244630/undocumented-immigrants-coronavirus-relief-cares-act>.

⁵ See 8 U.S.C. § 1621. For purposes of the federal restriction on eligibility, "state and local public benefits" include grants, contracts, loans, professional licenses, or commercial licenses, and any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit, or any other similar benefit for which payments or assistance are provided.

⁶ A.10433 (Cruz) / S.5167 (Persaud) (2019-2020), available at <https://legislation.nysenate.gov/pdf/bills/2019/S5167>.

government services to immigrants, and authorization to provide certain public benefits need not always be in the form of state legislation.⁷ However, A.10433/S.5167 would erase any doubt about the city’s legal authority to provide benefits equally to residents regardless of immigration status. We join the City Council in urging the state legislature to pass the bill forthwith – and we expect that the Council will put its expanded authority to use.

III. Resolutions 1416-2020, 1417-2020, 1418-2020, and 1419-2020: Concerning actions by the federal government to address the burdens on immigrants impacted by COVID-19.

While state and local governments must not wait to act on their own, we know such action will not be sufficient without relief at the federal level, and the Trump administration and Congress must not escape accountability for their neglect of immigrant communities. The U.S. Department of Homeland Security (DHS) has compounded the anxiety felt by immigrant communities by continuing to deport people from the United States and ramp up enforcement actions as more public institutions reopen.⁸ The combined effect of this inaction by Congress and aggressive targeting by immigration authorities has cruelly left many immigrants with the dual fear of being unable to care for their families and having their families torn apart by arrest and detention. ICE’s enforcement actions also cause fear among immigrant communities and create a chilling effect that prevents many from seeking COVID-related care, compounding public health risks. Moreover, by detaining people in county jails and transferring people across the country, DHS is facilitating the spread of COVID-19.

The actions called for in this package of resolutions would partially address these fears for some. Halting deportations throughout the COVID-19 pandemic would both help stem a public health catastrophe and temporarily ease one source of anxiety for many noncitizens and their families. Halting removal proceedings for employment-based status holders and ensuring that they can retain status tied to their employment would provide meaningful relief to many workers. Similarly, providing immigration relief to those who derive lawful status from frontline workers who have died from COVID-19 would undoubtedly make a huge difference in the lives of many.

While we join the Council in calling for these limited measures, we also recognize how much more the federal government can and should do for immigrant communities in the current moment. While halting deportations would be a critical measure, DHS must also put a stop to immigration enforcement and detention while the pandemic persists and release as many people

⁷ See *In re Vargas*, 131 A.D.3d 4 (N.Y. App. Div. 2015) (holding a judicial order can establish eligibility for undocumented immigrants for law licenses).

⁸ Miriam Jordan, *After a Pandemic Pause, ICE Resumes Deportation Arrests*, N.Y. Times (Sep. 12, 2020), <https://www.nytimes.com/2020/09/12/us/ice-immigration-sweeps-deportation.html>.

as possible who are detained currently in order to prevent this virus from continuing to rapidly spread.

Congress must also pass legislation to provide cash rebates to all taxpayers, including those with Individual Taxpayer Identification Numbers, and ensure that COVID-19 testing and treatment are covered by emergency Medicaid so that millions of people are not excluded. This is critical to slowing the spread of this virus, as health experts have repeatedly stated. And Congress must pass legislation automatically extending work authorization for visa holders and DACA and TPS recipients, as numerous government offices are closed during this pandemic, backlogs are increasing, and there are repeated announcement about furloughs at U.S. Citizenship and Immigration Services (USCIS). It is critical that people are able to extend their lawful status and employment authorization during this crisis.

IV. Conclusion.

The simultaneous actions by the federal government to deny many immigrants access to critical relief and target immigrant communities for enforcement is shameful, and we welcome the City Council's efforts to push back against these failures and expand its own authority to provide immigrant New Yorkers with necessary relief. We look forward to working with the Council on these and other related issues going forward.

Thank you to the Council for convening this hearing and inviting the public to speak this afternoon. My name is Alexandra Rizio and I am a Managing Attorney at the Safe Passage Project, a non-profit legal services organization that provides free representation to immigrant children facing deportation. We serve children who live in the five boroughs of New York City and in the two counties of Long Island.

No immigrant, not even a child, is appointed a lawyer in immigration court. If a child cannot afford to hire a lawyer, they will be forced to defend themselves alone, against a trained government prosecutor and a judge, with deportation back to dangerous conditions as the likely outcome. Safe Passage Project helps correct this injustice by providing free attorneys to kids. Beyond legal services, our social work team addresses the broader needs of clients, such as school enrollment, homelessness, access to health care, psychological services, and public benefits.

The New York City Council is instrumental in our work: you fund our work through the Unaccompanied Minors Initiative and the IOI grant stream. Without your unwavering support, which we've had since 2014, we would not be able to serve the over 1,200 clients that Safe Passage serves. In fact, the City Council's support for the ICARE collaborative is groundbreaking on a national level, and has shown that local initiatives that support universal representation for immigrants –essentially filling a gap where the federal government refuses to act – is not only possible, but successful. Thank you.

It goes without saying that the coronavirus pandemic has wreaked havoc on our city, but I think it is important to emphasize the specific ways it has affected immigrant communities like the ones Safe Passage services, as well as the challenges Safe Passage itself faces.

- Many clients and their family members have lost jobs. They are struggling to afford food for their families and are at risk of illegal evictions. At the same time, undocumented immigrants have been purposely excluded from state and federal economic relief programs.

- Some of our older adolescent clients serve in essential roles in society, working on the front lines at restaurants, retail stores, and hotels. They do work that makes our lives easier and safer. They are suffering greater exposure to unhealthy environments due to COVID-19. At the same time, our clients are the ones who are most often left behind when it comes to education, housing, and unemployment.
- Our clients live in the neighborhoods and communities at the very epicenter of the epidemic. Many live in close quarters with multigenerational families who are especially at risk.
- Despite this, our clients have a more difficult time accessing health care and other necessary services. Our clients are the ones who are most often left behind when it comes to education, housing, and unemployment.
- Immigration and family courts are closed, for the most part, which means that cases that already took years to complete will now take even longer.
- Safe Passage's existing funding sources did not contemplate additional years of representation.
- Safe Passage's own staff and family members have struggled due to illness. Family members of our staff have lost jobs.
- We are unsure if previously promised private and government funding will come through. Some funders have told us that they are re-directing their efforts towards coronavirus-specific projects. At the same time, our costs have not been reduced, and our clients rely on us now more than ever.

Despite these serious challenges, Safe Passage's work has not been interrupted, even for a single day. Even though our organization faces our own fiscal challenges, we funded an emergency cash assistance program for our clients out of our limited reserves. Safe Passage Project staff are doing their utmost to ensure that our clients are safe and healthy. We are focused not just on their legal case, but on their wellbeing as a whole. Safe Passage has shifted to an entirely remote operation, and we have retained all of our staff. Though our work looks different now, we are operating at nearly-full capacity, and have since the beginning of the

pandemic. Our dedicated team supports our clients however it can, including through cash grants to help them buy food, and making referrals to food banks and mutual aid collaboratives. Our staff connect clients to emergency cash and food support, provide advice on housing issues, help clients fill out unemployment insurance requests, and analyze whether they are eligible for federal stimulus funds. Understandably, volume of client needs has increased several-fold over the last few months.

Our clients have relied immensely on City supports: free food at Department of Education sites, COVID-19 testing, and emergency medical care. Clients with mental health problems have been able to access high-level care through NYC Well. I am extremely grateful that, just last week, NYC Well and NYC EMTs were able to help a client navigate a mental health crisis. Thank you to the Council for your support for these essential programs.

Safe Passage Project offers our sincere thanks to the City Council for being a leader on the issues of legal representation in immigration court, especially for children, and for caring for all New Yorkers, regardless of immigration status. Thank you again.

TESTIMONY BEFORE NEW YORK CITY COUNCIL'S COMMITTEE ON IMMIGRATION

Presented on September 17, 2020

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

ILU, founded in the 1980s, provides legal representation to vulnerable New Yorkers seeking relief for themselves and their families. We assist those in detention and fighting unlawful deportations, and represent low-income individuals in gaining and maintaining lawful status. Combining this representation with affirmative litigation work, we strive to ensure that families are able to stay together and stabilize their living situations. Over the most recent year, ILU assisted in over 4,400 individual legal matters benefiting more than 10,500 New Yorkers citywide.

We are pleased to have the opportunity to present testimony on the impact of the pandemic on noncitizen New Yorkers and their exclusion from the government response. During this period of perhaps unparalleled need, the support of the City Council for our noncitizen communities is more vital than ever and we are proud to stand together as we work together to support our city's recovery from the pandemic.

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

The impact of the COVID-19 pandemic on noncitizen communities in New York City cannot be overstated. The neighborhoods most impacted by the pandemic in our city since March - in terms of transmission, number of cases, and fatalities - have been areas that are home to large noncitizen communities. As identified by the City Comptroller, there is a sizeable correlation between neighborhoods with high concentrations of immigrants and residential overcrowding – a key driver of COVID-19 transmission.¹ At the same time, noncitizen communities in New York disproportionately experience barriers to accessing health services and are often less likely to have health insurance, which create further difficulties in individuals being able to receive the care they need to successfully recover from and prevent further spread of the virus.²

Simultaneously, noncitizen New Yorkers have also been disproportionately affected by the economic impacts of the virus stemming from the mass closures of ‘non-essential’ businesses and associated economic slow-down. According to one report from The New School, during the early stages of the pandemic 54% of lost private jobs in New York City were held by foreign-born workers³. Undocumented New Yorkers - a population that is already at greater risk of experiencing workplace exploitation or wage theft - were particularly hard hit, with nearly one in six New York City jobs lost due to the pandemic held by an undocumented worker. Moreover, the job displacement rate among undocumented workers has been twice that of the overall private sector displacement rate: 54% versus 27% respectively.

¹ New York City Comptroller, Scott M. Stringer. Protecting NYC’s Most Vulnerable Populations During COVID-19 See: https://comptroller.nyc.gov/reports/protecting-nycs-most-vulnerable-populations-during-covid-19/#_ftn6

² Documented NY. *New York Immigrant Communities Hit Hardest by the COVID-19 Pandemic, Data Shows*. See: <https://documentedny.com/2020/04/02/new-york-immigrant-communities-hit-hardest-by-the-covid-19-pandemic-data-shows/>

³ The New School - Center for New York City Affairs. *The New Strain of Inequality: The Economic Impact of Covid-19 in New York City*. See:

https://static1.squarespace.com/static/53ee4f0be4b015b9c3690d84/t/5e974be17687ca34b7517c08/1586973668757/NNewStrainofInequality_April152020.pdf

Despite this, noncitizen communities, and in particular undocumented individuals, have often not been included in a meaningful way in governmental COVID-19 responses and have been actively excluded from a range of flagship federal pandemic relief programs. Dislocated undocumented workers were not eligible for the federally-funded Pandemic Unemployment Assistance (PUA) created by Congress through The Coronavirus Aid, Relief, and Economic Security (CARES) Act. PUA was a significant expansion of the unemployment benefits system and temporarily expanded eligibility for unemployment insurance to any individual out of work due to the pandemic – including formerly self-employed, contract, and gig workers. Many noncitizens were similarly excluded from the CARES ACT Economic Impact Payments (EIP), a central component of the federal government's efforts to provide direct support to individuals at the height of the initial stages of the pandemic. This has included needlessly punitive measures such as the disqualification of individuals otherwise eligible to receive a stimulus payment if they happened to jointly file taxes with a family member who did not have a social security number. The end result of such measures has been to prevent certain mixed-immigration status families (families where one or more members is a U.S. Citizen while others are not) from being able to access these vital benefits. In addition to the payment of up to \$1,200 per adult, individuals shut out of EIPs were also unable to receive the additional payment of \$500 per child under 17 years old – leading to wider impacts on family members (even if they are U.S. Citizens) beyond the individual or individuals concerned. As one further example, the federal Department of Education has placed limits on the students eligible to receive emergency grant aid provided to higher education institutions for distribution to students through the CARES act – excluding, among others, Deferred Actions for Childhood Arrivals (DACA) program enrollees

It is a matter of fundamental fairness that noncitizen New Yorkers receive access to the same relief programs and governmental support as all other New Yorkers. Our client communities are already overwhelmingly vulnerable populations with limited incomes: excluding them from vital government relief

programs during this unprecedented public health crisis is simply unconscionable. Beyond moral discussions and potential public health concerns, however, it is also a matter of central importance for New York's long-term recovery. Our noncitizen communities have been integral to New York's ability to continue functioning during the pandemic, with noncitizen New Yorkers comprising 44% of the city's workforce and half of its one million designated essential workers.⁴ In a city that is home to 3.1 million immigrants, the degree to which New York is able to build a successful and long-lasting recovery following the pandemic is ultimately dependent on the extent that our noncitizen communities are supported and able to thrive.

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

B. The Legal Aid Society Immigration Law Unit's Response to COVID-19

The COVID-19 pandemic has posed unprecedented challenges for noncitizen New Yorkers across the city - communities that have already been under sustained attack from an overtly anti-immigrant federal administration over the last four years. We have continued to be on the front lines of efforts to defend New York's immigrant communities during the COVID-19 pandemic, which has had a significant impact on our work to support noncitizen clients and immigrant communities across the city. Detained immigration court operations have continued throughout the pandemic, and we are still representing New Yorkers in detention through the New York Immigrant Family Unification Project (NYIFUP). After much advocacy, we have been able to appear telephonically for detained hearings scheduled at Varick Street Immigration Court. However, our inability to safely and confidentially meet with our detained clients has limited our ability to prepare cases for trial and we have

⁴ New York City. *Mayor de Blasio Announces New York City COVID-19 Immigrant Emergency Relief Program with Open Society Foundations*. See: <https://www1.nyc.gov/office-of-the-mayor/news/262-20/mayor-de-blasio-new-york-city-covid-19-immigrant-emergency-relief-program-open#:~:text=New%20York%20City%20is%20home,and%2048%2C000%20undocumented%20business%20owners>.

been forced to seek continuances as a result. While these are generally being granted, they are necessarily creating a backlog of cases that will all need to have hearings eventually. And some judges have started to deny continuances, forcing us to proceed even though we are unable to safely and confidentially meet with our detained clients.

During the crisis, we have advocated strongly to ensure the safety of our clients held in detention after the rapid spread of infection through many facilities. Following ICE's refusal to engage with our advocacy efforts, we have been forced to file litigation to secure our clients' release as the jails have proven incapable of safeguarding them from infection. In late March, together with the Bronx Defenders we filed a lawsuit in federal court seeking the immediate release of 7 clients in U.S. Immigration and Customs and Enforcement (ICE) custody who were at imminent risk of serious illness or death in the event of a COVID-19 infection because of their underlying health conditions. We filed the emergency lawsuit following mounting reports of egregious conditions at local ICE jails that exacerbated the risk of infection and spread of the novel coronavirus within these facilities. The petitioners included individuals who are immunocomprised or who have underlying health issues like asthma, lung disease, heart conditions, diabetes, chronic kidney disease, and liver disease. For instance, the Bergen and Hudson County Facilities, where most of our clients are detained, report multiple detainees, inmates, and corrections officers testing positive or being suspected of having contracted the virus. At the same time, the precautions taken at these facilities to prevent further spread of the virus were inadequate – petitioners complained they had no access to basic medical, hygiene, or cleaning supplies and that the facilities were not subject to regular cleaning or sanitization. As a result of our litigation, the court issued a Temporary Restraining Order (TRO) and we succeeded in securing the release of our clients. Working closely with partner organizations, we continue to file separate group and individual petitions for writs of habeas corpus and, through a combination of litigation and advocacy, have obtained the release of 18 vulnerable ICE detainees who are at increased risk of

experiencing serious illness or death, with decisions on 5 additional clients currently pending. We continue to advocate strongly for the release of our clients during the pandemic and to ensure that all measures are taken to safeguard their health and wellbeing. Since the beginning of the crisis in mid-March, we have successfully secured the release of over 50 individuals held in Immigration and Customs Enforcement (ICE) detention through individual and group habeas petitions, winning bond hearings, and advocating with ICE. Our litigation in this instance is just one example highlighting the importance of creating dedicated federal representation services for our immigrant communities. By getting medically at-risk individuals out of ICE detention where COVID is rampant, we are literally saving lives.

While United States Citizenship and Immigration Services (USCIS) had suspended all interviews, hearings, and biometric appointments until June 15, 2020, it did not toll filing deadlines. The agency provided limited relief for deadlines related to notices or decisions that were dated between March 1, 2020 and May 1, 2020, later extending to July 1, 2020, then September 11, 2020, and now to January 1, 2021, but it has been unrelenting regarding deadlines for which the notice was issued before March 1, 2020, as is the case with many appeals and Requests For Evidence (RFE) to which we are currently responding. Further, the incremental extension of deadlines and lack of clear guidance has meant that we must prepare our cases under pandemic conditions as if no such emergency exists. Several of our clients, as well as our own staff and their families, have themselves become sick themselves with COVID-19 or symptoms consistent with COVID-19 infection however, despite requests for extensions or postponements, USCIS has insisted on compliance with pre-existing deadlines. This has meant, for instance, that clients with RFEs for medical examinations are having to appear in doctor's offices to complete their exams, even though medical offices are necessarily risky places to be, in terms of possible COVID-19 spread and infection. Further, to the extent we need to obtain criminal court records or

documentation from other agencies, those agencies' closures make it impossible for us to timely obtain the necessary documents.

Non-detained immigration court hearings are currently suspended through October 3, 2020, although deadlines have not been tolled, including deadlines for appeals to the Board of Immigration Appeals (BIA). As with USCIS, this has proven challenging, given the limitations on our ability to obtain necessary documents and to meet with our clients.

We have also used impact litigation in coordination with our Civil Practice Law Reform Unit to protect clients from the Department of Homeland Security (DHS) and Department of State (DOS) public charge rules which are particularly lethal during the pandemic, as they encourage non-citizen clients not to seek health care and other benefits they need to get through the crisis. *See Make the Road NY et al. v. Cuccinelli et al.; Make the Road NY et al. v. Pompeo et al.* After our nationwide injunction blocking the DHS public charge rule was stayed by the U.S. Supreme Court, we were successful in obtaining a new nationwide injunction blocking it during the pendency of the COVID pandemic. That injunction remained in place for about 45 days before the defendants successfully had it stayed by the Court of Appeals. In the meantime, we also obtained a preliminary injunction of the DOS public charge rule as well as the President's healthcare proclamation which at this time remains in effect to protect our clients from these nefarious policies. We continue to litigate both the DHS rule and the U.S. Department of State's public charge rule.

C. LAS supports the various resolutions under consideration today

We wholeheartedly endorse all resolutions under discussion during today's hearing. These resolutions would do much to mitigate the significant impact of the pandemic on New York's noncitizen communities while also providing for greater equity in the immigration system during the current crisis.

LAS supports **Resolution Number 1399**, which calls upon the New York State legislature to pass and the Governor to sign A10433/S5167, <https://www.nyasembly.gov/leg/?term=2019&bn=A10433>, an amendment to State Social Services Law that would affirm State and local agency discretion to ensure that all New York residents, regardless of immigration status, are eligible for any given state or local benefit. Currently, there are self-imposed restrictions on non-citizen eligibility for various government benefits needed by low-income New Yorkers, including health benefits and cash assistance. Although those restrictions are not as extreme as the restrictions on eligibility for federal benefits imposed by the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), they still mean that many New Yorkers -- even those considered "lawfully present" for benefits like federal Social Security -- remain ineligible for State and local benefits. Enabling State and local government to expand access to such benefits is especially important during the COVID-19 public health and economic crisis, where the pandemic and resulting unemployment has hit non-citizen workers particularly hard, and those same workers are often ineligible for the very relief designated to assist families get through the crisis, including certain forms of federal stimulus relief. For New York to take care of its needy residents and fill in the huge gaps in stimulus relief to date, state and local government must take steps to extend eligibility to everyone who needs it. The legislation supported by the resolution is an important step in the right direction and would provide policy-makers with a critical tool to helping LAS's low-income, immigrant clients.

LAS also supports each of the following resolutions:

- **Resolution No. 1404 (Public Advocate)**, calling on the United States Department of Justice to issue guidance that establishes protocols for the Executive Office of Immigration Review in times of public health crises, such as the SARS-CoV-2 outbreak. EOIR has refused to operate in a transparent fashion during this pandemic. Immigrants, their counsel, Immigration and Customs Enforcement counsel, and immigration judges themselves have all been kept in the dark regarding health and safety protocols during the pandemic and in anticipation of the reopening of the courts. EOIR has failed to even provide adequate notice of when courts would be closed and when they will reopen. The lack of transparency and information is prejudicial to all stakeholders, but especially to pro se litigants.

- **Resolution No. ____ | T2020-6386 (Eugene)**, calling on the United States Department of Homeland Security to halt all deportation proceedings for the length of the COVID-19 pandemic, as a means of restricting the global spread of this disease. Deportees pose a risk to both the U.S. and the countries receiving them, many of which are ill-equipped to handle large-scale COVID-19 outbreaks. In the case of detained individuals, ICE facilities have been rife with COVID-19 clusters, raising the risk that if detained individuals are deported, they could infect individuals in their countries of origin. Against CDC standards, DHS has transferred and deported thousands of people in its custody to their countries of origin since the onset of the pandemic. As part of its removal procedure, ICE conducts a “visual screening consistent with its own guidance,” and checks body temperatures prior to boarding airplanes, which are insufficient protocols for determining if a person is infected with SAR-CoV-2. ICE continues to deport individuals contravening expert guidance, putting immigrant New Yorkers at risk of infection, and risking further transmissions internationally.
- **Resolution No. ____ | T2020-6535 (Eugene)**, calling on the United States Congress to pass, the President to sign, legislation that would permit employment-based status holders to retain lawful status, after loss of employment, if such loss was related to the COVID-19 pandemic. The City’s economic recovery will not be possible without full participation of all New Yorkers, and most especially its foreign-born workforce. In order to maintain the strength of the City’s foreign-born workforce, the federal government must create a solution to provide temporary work and residency authorization for foreign-born individuals who have been laid off or furloughed due to the COVID-19 pandemic.
- **Resolution No. ____ | T2020-6518 (Eugene)**, calling on the Department of Homeland Security to place a moratorium on all removal proceedings for employment-based status holders that suffered a loss of employment during or due to the COVID-19 pandemic. With widespread layoffs and staff furloughs, hundreds of thousands of foreign-born individuals who were formerly active members of the U.S. workforce, could find themselves losing lawful work authorization and resident status. Although the Trump Administration has already issued two different actions to limit access to employment-based visas during the pandemic and has continued to prioritize the deportation of foreign-born nationals, the foreign-born workforce is critical to the U.S.’s economic recovery, especially in the New York City, where most of the City’s foreign-born residents participate in the labor force. It is imperative that a moratorium on removal proceedings be put into effect for individuals who retained lawful status tied to their employer up until the start of COVID-19 pandemic.
- **Resolution No. ____ | T2020-6534 (Moya)**, calling on the United States Congress to pass, and the President to sign, legislation that would provide immigration relief for family members who derive lawful immigration status from a frontline worker who passed away due to COVID-19. Certain nuclear family members may derive visas from a primary nonimmigrant visa-holder, but if this primary visa-holder passes away then all family members on derived visas must return to their countries of origin. In many cases, families on such visas have established lives in the U.S., with employment, schooling, and connections to local communities that make it very difficult to uproot and return to their countries of origin. This is additionally difficult for children who may no memory of their birthplace or may be U.S.-born citizens themselves. The deaths of visa-sponsoring individuals is likely to put many immigrant New Yorkers at risk of losing their own immigration statuses and subjecting them to removal

proceedings solely because their family members sacrificed their lives to help others during an unprecedented global pandemic.

Respectfully submitted,

Elizabeth Oh
Program Coordinator
New York Immigrant Family Unity Project
Immigration Law Unit

Written Testimony

My name is Ravi Reddi, and I am the Associate Director of Advocacy and Policy at the Asian American Federation (AAF).

Today, I am here on behalf of the Asian immigrants of New York City. Overall, Asians make up 16 percent of the City's population. Of this group, approximately 7 in 10 were born abroad, making immigration issues particularly salient for our community. Put another way, the 2018 American Community Survey showed that 95 percent of Asian children in the City have at least one immigrant parent.

There are also over half a million undocumented immigrants in New York City, and based on the Migration Policy Institute's estimates, about one in five Asian immigrants may be undocumented in New York City. Comptroller Stringer's 2019 report, *The Demographics of Detention*, revealed that 21% of immigrants in deportation proceedings in New York City are Chinese; 10% are Indian; and 8% are Bangladeshi. In conjunction with increasing instances of anti-Asian racism and bias incidents in the COVID-19 era, there is also no shortage of cases in which Asian immigrants are arrested, detained, and separated from their families.

The COVID-19 pandemic has created an unprecedented crisis for all Asian New Yorkers as the loss of loved ones has swept the community amidst a [35% increase in deaths compared to the five-year average](#) (second only to Hispanic Americans), unemployment claims have increased by over 6,000% compared to this time last year - the highest of all racial groups - and social isolation has created a real mental health crisis among our seniors.

And in a context dictated by an unprecedented global pandemic and catastrophic collateral economic damage, our immigrant population is amongst the most vulnerable and we need our City Council to help us provide a robust defense for our community's immigrants on several fronts.

Public Charge

The pandemic and its economic damage haven't slowed down this Administration's efforts to hurt our most vulnerable populations at the exact moment when they 1) need access to government services and 2) are working on the frontline, themselves. In July, AAF successfully won an injunction against the Trump Administration's cruel public charge rule during the COVID-19 pandemic, which was unfortunately stayed just days ago. Our lawsuit, argued along with Make the Road New York, Legal Aid NYC, Catholic Charities of New York, Center for Constitutional Rights, African Services Committee and the New York State Attorney General's Office, successfully showed that the "public Charge" rule was life-threatening to immigrant communities because it made them afraid to use critical health care benefits like Medicaid, and public benefits like SNAP during a global pandemic that has already killed 180,000 Americans.

And the statistics bear out this fact, even before the pandemic. As of January 2019, Asian non-citizens, according to the NYC Human Resources Administration/Department of Social Services (HRA/DSS) and the Mayor's Office of Immigrant Affairs (MOIA), were dis-enrolling from SNAP benefits at a rate eight times greater than Asian citizens.

Let's call this rule what it is: an attempt to erode the family-based immigration system that has brought generations of Asian families to the United States. By spreading fear and confusion, this administration is forcing poor immigrant families to choose between getting a green card and their next health check-up or their next home. And in the context of this crisis, their next meal.

Language Access

What our City Council does in defense and support of our immigrant community is only as powerful as what our people can access. Amidst this crisis, citywide language access efforts must be a priority as good policy means nothing if cultural and logistical considerations aren't accounted for.

When it comes to helping our immigrants, language access is front and center. Two years ago, the Office for New Americans made a \$600,000 investment in Asian-led organizations to provide basic immigration services, including "know your rights" training and referrals to legal services. Since then, our member organizations continue to see a clear need for additional investment to build more in-house, language accessible immigrant legal services that target underserved Asian immigrants. Organizations need increased funding to adequately meet this need.

The pandemic has also exacerbated systemic access issues at the worst possible time for the most vulnerable members of our community. Many Asian small businesses were unable to apply for government assistance because in-language assistance and coherent instructions never materialized. With every passing day during this pandemic, Asian small business owners, 88% of whom are immigrants, are facing immediate and difficult decisions of whether to close their stores permanently and cannot afford to wait for the slow and inadequate translations from city agencies to learn of COVID guidelines or assistance they are entitled to. The fate of our immigrant communities is intimately intertwined with the fate of our immigrant-owned small businesses, and again, access is the critical factor.

Also, throughout this crisis, our member and partner organizations have confirmed what all of us already knew about some of our most vulnerable and isolated populations: Asian seniors, like most immigrants, will utilize services that reflect their values and ethnic identities. In so many ways, our community-based organizations are leveraging the goodwill they have earned in our communities to provide culturally-competent services. And especially now, more recently arrived seniors are less likely to know what services and programs are available to help them acclimate to life in New York and to address life events as they occur. Again, no matter the quality of the city program or policy, if the question of access hasn't been answered with significant dedicated resources, we will continue to leave our most vulnerable populations to struggle for themselves.

Immigrant Legal Services

In 2017, the Center for Migration Studies estimated that over 190,000 Asian immigrants would be eligible for naturalization in New York City, representing more than half of Asian non-citizens. They remain vulnerable as detainments by ICE continue to be conducted during COVID-19 and will likely pick up once New York City reopens. Even prior to the crisis, the Chinese and South Asian undocumented communities had the highest rates of detention in the city compared to their share of the population, Chinese, Indian and Bangladeshi immigrants made up 40% of pre-COVID-19 detention proceedings. Their contribution and labor, which have been deemed essential in order to protect all New Yorkers, must be protected and valued in the new normal - which includes access to quality, in-language legal services so they and their families receive the counsel they need to pursue all available options to remain in the country.

Recommendations

Public Charge

- The city must make sure our immigrants, regardless of citizenship status, feel safe in securing government benefits that they are entitled to.
- Any and all initiatives by the City to provide a secure wellbeing to our most vulnerable populations must include effective community outreach and cooperation with the community-based organizations who these populations already trust, with concomitant funding that acknowledges the importance of these community relationships.

Language Access

As several Councilmembers acknowledged, the City must also better address the desperate need for timely language access by New Yorkers seeking services from their government. This can be done by:

- Providing better funding and support for CBOs who are already familiar with the matter, have strong relationships within our communities and are asked to provide translations; or
- Creating a mechanism for central uniform translation by the city agencies.

For the past 3 years, we have been working with the NYIC, MASA and ACT to create a language bank to expand translation services for as many immigrant communities as possible. We continue to believe in this work and ask the Council to find ways to support our efforts.

Underfunded CBOs need to focus on delivering services rather than creating translations unless better funding can allow them to do both. Regardless, in-language materials and legal service should be provided with active outreach, to facilitate our immigrant population's access resources to overcome the COVID-19 pandemic. To include immigrant small business owners who are not part of the current SBS network, the scope of outreach should be expanded to utilize CBO networks and their pre-existing communication lines with small businesses.

Immigrant Legal Services

- We must continue to build up immigration legal services capacity in the pan-Asian community that can protect workers. In a recent AAF member survey, 95% of respondents rated immigration legal services as "Very Important", "Fairly Important", or "Important". Aside from sanctuary policies to curb excessive ICE enforcement, additional investment is needed to help grow capacity for immigrant-serving community organizations to provide in-language legal services to help families navigate the immigration system and Know Your Rights and immigration emergency response training for frontline workers who work with immigrant communities.

On behalf of the AAF, I want to thank you for engaging us on the important immigration work before the City Council. The Asian American Federation will always stand with our immigrant community and we look forward to engaging individual Councilmembers and this Committee on how we can address the needs of immigrants in every district and across the City.



TESTIMONY OF:

Nyasa Hickey – Director of Immigration Initiatives

BROOKLYN DEFENDER SERVICES

Presented before

The New York City Council Committee on Immigration

**New York City Council Oversight Hearing on
Immigrant Exclusion in COVID-19 Response**

September 17, 2020

I. Introduction

My name is Nyasa Hickey. I am the Director of Immigration Initiatives at Brooklyn Defender Services (BDS). BDS provides multi-disciplinary and client-centered criminal, family, and immigration defense, as well as civil legal services, social work support and advocacy, for nearly 30,000 clients in Brooklyn every year.

BDS' immigration practice represents people in applications for immigration relief, including asylum, before U.S. Citizenship and Immigration Services ("USCIS"), and in removal proceedings in New York's immigration courts. In addition, BDS is one of three New York Immigrant Family Unity Project ("NYIFUP") providers and has represented more than 1,500 people in detained deportation proceedings since the inception of the program in 2013.

Since 2009, BDS has counseled, advised, or represented more than 15,000 clients in immigration matters including deportation defense, affirmative applications, advisals, and immigration consequence consultations in Brooklyn's criminal court system. About a quarter of BDS's criminal defense clients are foreign-born, roughly half of whom are not naturalized citizens and therefore at risk of losing the opportunity to obtain lawful immigration status as a result of criminal or

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

I thank the New York City Council and the Committee on Immigration and Chair Menchaca for the opportunity to testify about the exclusion of immigrant in COVID-19 response and the proposed resolutions.

II. **Brooklyn Defender Services Supports the Proposed Resolutions**

Brooklyn Defender Services supports all of the proposed resolutions.

***Resolution 1399** calling on the New York State Legislature to pass, and the Governor to sign, A10433/S5167, which would allow for state agencies, municipalities, and authorities to provide state or local public benefits regardless of immigration status.*

Brooklyn Defender Services supports this resolution. State and local public benefits should be provided to all people regardless of their immigration status. Especially during a public health crisis, such as the one we are undergoing right now, public benefits must be made available to all of those in need. This resolution is an important step toward accomplishing some of the recommendations listed in this testimony.

***Resolution 1404** calling on the United States Department of Justice to issue guidance that establishes protocols for the Executive Office of Immigration Review in times of public health crises, such as the SARS-CoV-2 outbreak.*

Brooklyn Defender Services supports this resolution. In particular, the Executive Office of Immigration Review (EOIR) should release clear public criteria for reopening the courts. The public criteria should be based on the local health conditions under COVID-19 and necessary changes in protocol in each court to ensure health and safety of the staff, attorneys, and individuals in courts.

In addition, EOIR should release a nationwide standing order on filing evidence, telephonic hearings, and allow for the waiver of Respondent's presence at their request, adopt a functioning e-filing system, and hold regular stake-holder meetings to discuss protocol needs and the appropriate functioning of the court.

***Resolution T2020-6386** calling on the United States Department of Homeland Security to halt all deportation proceedings for the length of the COVID-19 pandemic, as a means of restricting the global spread of this disease.*

Brooklyn Defender Services supports this resolution. All people currently in immigration detention should be released on their own recognizance (ROR), and the U.S. should immediately end their shameful practice of exporting COVID worldwide due to ICE's deportation of people they exposed to the virus while in U.S. immigration detention centers.

In addition, all current ICE enforcement actions should be halted and the Governor of New York State should sign the Protect Our Courts Act S425/A2176 immediately to codify the illegal use of New York State Courts as stalking grounds for ICE enforcement actions.

***Resolution T2020-6535** calling on the United States Congress to pass, the President to sign, legislation that would permit employment-based status holders to retain lawful status, after loss of employment, if such loss was related to the COVID-19 pandemic.*

Brooklyn Defender Services supports this resolution.

***Resolution T2020-6518** calling on the United States Department of Homeland Security to place a moratorium on all removal proceedings for employment-based status holders that suffered a loss of employment during or due to the COVID-19 pandemic.*

Brooklyn Defender Services supports this resolution.

***Resolution T2020-6534** calling on the United States Congress to pass, and the President to sign, legislation that would provide immigration relief for family members who derive lawful immigration status from a frontline worker who passed away due to COVID-19.*

Brooklyn Defender Services supports this resolution.

III. Importance of NYIFUP at the Height of COVID-19

After four months with limited ICE operations in the New York area during COVID-19, at the end of July 2020 BDS started to again receive calls from terrified families whose homes have been violently raided and loved ones kidnapped by federal agents in the early hours of the morning. ICE enforcement and detention is inhumane, and a danger to us all, especially in the middle of this deadly pandemic. A plethora of reports and evidence show that jail staff and immigrants in ICE jails alike have been exposed to, and died from, COVID-19. The immigration jails are once again accepting newly detained immigrants with a complete disregard for the health and safety of the individuals and the community. As we have been throughout the pandemic, NYIFUP staff will continue to fight this unjust and dangerous practice before EOIR and in the federal courts.

Despite the drop in the detention of new individuals from April to July 2020, the BDS NYIFUP team experienced *no* slow-down in work whatsoever, as the pandemic posed (and continues to pose) a life-threatening danger to our clients locked in ICE detention facilities, and also caused incredible chaos and instability in our non-detained removal cases and in the lives and livelihoods of our non-detained clients. The BDS NYIFUP team came together to file an enormous number of ground-breaking habeas corpus petitions, documenting in great detail that ICE was holding vulnerable people in conditions that threatened their lives and health. Separately, we also

filed a large number of Second Circuit appeals of deportation orders (Petitions for Review), as a result of the poor and often politicized decision-making at the Board of Immigration Appeals.

On March 26, BDS won a precedential victory ordering release for 10 clients in *Basank v. Decker*, the first decision in the United States to find that ICE was showing “deliberate indifference” to the health of detained people. While continuing to file case after case under this theory, the BDS NYIFUP staff distributed our court filings to hundreds of practitioners, conducted local and national habeas trainings, and collaborated with the Legal Aid Society and the Bronx Defenders on litigation, press, and advocacy strategies to get as many clients released safely as possible.

BDS staff ultimately filed over thirty habeas petitions in a matter of months, some for large groups of clients, and filed administrative release requests for *every* detained client we represented – over 105 clients at the beginning of March. From March 16 to June 30, BDS won the release of 81 of our clients, through a combination of habeas corpus work, release requests to ICE, immigration court bond hearings, and winning removal cases on the merits. We are extremely proud of our staff’s work during this time of crisis, including the contributions of social workers and support staff who supported our clients even while working remotely.

Client Story: Lisa is an example of a BDS client who was released as a result of our advocacy during COVID-19. Lisa is a Brooklyn mother and pillar of her community. She was represented by BDS’ NYIFUP team, as well as our Criminal Defense Practice and Family Defense Practice.

Lisa has been a New York City resident for over 14 years and is the mother of a U.S. citizen daughter. She works full time as a home healthcare aide. Lisa’s passion is designing costumes for the West Indian Day Parade – she has a small business designing and selling elaborate and colorful costumes. She is also very active in her church in Flatbush, where she likes to sing in the choir and help at food pantries.

As a result of a single misdemeanor charge stemming from a family misunderstanding, Lisa was arrested by ICE at her home in front of her daughter. She was taken to ICE detention, where she was terrified for her safety during the COVID-19 pandemic as someone who has asthma and panic attacks. Extremely concerned for her health, the BDS NYIFUP team rushed to file litigation demanding her release. A federal judge ordered Lisa’s release in the landmark *Basank* ruling, and she was released that night. Lisa was so concerned about any possible COVID-19 exposure at the Bergen County Jail that she self-quarantined for two weeks at a relative’s home before finally and emotionally hugging her daughter and reuniting.

IV. Needs and Challenges Faced by BDS Immigrant Clients under COVID-19

Job loss, housing insecurity, food and financial insecurity, difficulty accessing medical care and COVID testing, as well as language access and technology barriers are some of the major challenges and predominant concerns among the immigrant clients that BDS represents. While some

of these challenges existed before COVID-19, they have been greatly exacerbated under the current global pandemic. In many cases, immediate pressing concerns about how to pay rent, the threat of eviction, whether they will be able to feed their families or seek medical care are more pressing even than the threat of deportation.

JOB LOSS

Under COVID-19, an estimated 40% to 90% of the clients lost their jobs. In many cases, people who have lost their jobs or are seeking employment include those who have valid work authorization. Due to the delays in application processing at U.S. Citizenship and Immigration Services (USCIS) even before COVID, many of these clients have waited six or more months for their work authorization application to be processed. After many months of waiting, their authorization finally arrived, but due to COVID they are now unable to secure any employment.

HOUSING INSECURITY

We estimate that 100% of the people we represent in the Immigration Practice are facing housing insecurity. In fact, many clients have told our social workers that their inability to pay rent is their number one concern. While there is currently an eviction moratorium in place, it is scheduled to expire in two weeks with no rental assistance planned and employment options have not been restored.

Many of the people we represent have been threatened with eviction—a few of our social workers even report that an estimated 100% of the clients they work with have been threatened with eviction. We know of instances of clients leaving their homes and moving elsewhere due to the threat and stress of eviction by their landlords, and we know of numerous clients who have chosen to remain in their apartments because of the moratorium on evictions but are subjected to ongoing verbal abuse and threatening behavior by their landlords. For example, a person represented by BDS fell behind on rental payments due to COVID circumstances. His landlord told him he had one week to pay or he had to leave the building. The BDS Civil Practice informed the client of his rights and called the landlord to inform him about the law. The landlord illegally threatened the client that he had already called the police and they were on their way. However, despite being informed of his rights and the fact that the client had done nothing wrong, the client was so fearful of having police interaction that he left the apartment and was forced into a homeless shelter.

Moreover, even though there is currently a moratorium on evictions, clients are apprehensive to call the police and clients have relied on BDS staff to inform them of their rights and to advocate for their rights. For example, a 19-year old immigrant client of BDS fell behind on his rent due during COVID. The landlord threatened to lock him out of his apartment. Civil Practice at BDS spoke to the landlord and informed client of his rights to prevent a lock out. As a result he was able to stay in his apartment. This is just one of the many cases in which our Civil team has provided critical support and information to clients who are being harassed by landlords and have helped them understand the protections afforded to them under the eviction moratorium.

In another case, a BDS client lost her job in March due to COVID circumstances. The client was planning to move herself and her two children into shelter because she couldn't afford to pay for her April rent. The BDS Civil Practice advised her not to take the health risk of moving herself and her children to a shelter. They informed her that her U.S. citizen children were eligible for benefits and helped her apply so she could get assistance contributing to her rent during the pandemic.

Without access to benefits or programs aimed at financial assistance or canceling rent, clients in already unstable or informal living situations will face self-help evictions or be evicted in holdover proceedings when landlords realize they can't pay. To minimize these evictions, access to financial assistance and housing subsidies is necessary for all New Yorkers, regardless of their immigration status.

FOOD AND FINANCIAL INSECURITY

Almost all of the people represented by the Immigration Practice have expressed the need for assistance to buy groceries and necessary daily household items. An estimated 50% to 95% of the people we represent have less than \$500 in cash savings. Of the clients who are exceptions, they are generally people who live with larger extended families with multiple sources of income and live within a family where some family members are receiving COVID financial assistance from the government.

The majority of the people we represent are ineligible for federal aid and food assistance due to their immigration status, however our social workers have been able to help many clients access free school lunches through the Department of Education (DOE) in New York City, food from food pantries or mutual aid assistance within their communities. For example, many of the people we represent were able to access food through the City's successful food distribution program. The structure of the program was important to avoid some of the barriers that our immigrant clients face such as identification, language, and technology. The DOE food distribution allowed clients to receive food with no questions asked and without requiring kids to be present. We encourage the City to continue and expand on this model of food distribution.

Even for those who are eligible for federal stimulus assistance, there are barriers such as access to technology and language access needed to apply for and process the payments. Even for those who have been able to apply for the federal aid, there have been significant delays in processing and receiving the payments.

Similarly, while many of the immigrant people we represent are ineligible for unemployment insurance, an estimated 5%-10% of the people we represent are eligible for either Unemployment Insurance (UI) or Pandemic Unemployment Assistance (PUA). However, our immigrant clients who could claim these benefits, suffered around three months of delays in accessing their earned claims because of internal screening procedures at the Department of Labor (DOL) that flagged work authorization for review by overburdened staff, and language accessibility failures that made filing and claiming UI or PUA especially burdensome for non-English speakers. Many forms were not translated into other languages, so the only way a non-English speaker could get help was by phone. However, the phone system was completely overburdened, and clients were

waiting on the phone for hours. Even those clients who were able to connect to a representative often received inadequate interpretation. DOL policies prevent advocates from submitting secure messages on behalf of clients unless they are physically together and the DOL did not create a pandemic exception to this rule.

PROBLEMS ACCESSING MEDICAL CARE AND TESTING

Multiple clients, including clients with severe COVID-19 symptoms, have had difficulty accessing COVID-19 testing or medical care. Of the clients who have received medical care, language access has been a major barrier to the successful transmission of information. Among the problems for clients who are trying to access COVID-19 testing, the primary issues have been lack of access to technology, language barriers, denied testing even when exhibiting serious symptoms, difficulty reaching places of testing—thus necessitating private car service.

Even before the pandemic communicating with healthcare professionals or accessing medical for clients whose primary language is not English was challenging. Under the pandemic conditions, clients have had difficulty understanding COVID-19 diagnosis by a doctor due to language barriers, including clients who speak Spanish, a language widely spoken in New York City. As a result, our social work team has had to fill out online surveys, call emergency rooms and doctor's offices in order to help clients try to get testing and in order to understand whether advice from a doctor means positive or negative COVID diagnosis, in large part due to language barriers.

For non-COVID-19 medical needs, a lot of doctor offices were closed for the first few months of the pandemic and are only now starting to reopen with some limited capacity. Many offices were only doing televisit appointments which does not allow for the specialty care needed by some of our clients and televise appoints are often unavailable for clients without health insurance. The lack of non-COVID medical care has resulted in at least two documented instances of the client being admitted to the emergency room as a result in order to have her appendix was removed and for another client in order to receive an emergency 14-day refill for epilepsy medication. Another example is a client suffering from severe stomach pain whose visit to a City MD was not sufficient to resolve the issue. The client was told to go a specialist's office but they were all closed or did not accept the client's health insurance.

TECHNOLOGY BARRIERS AND LANGUAGE ACCESS

The social work team reported that technology barriers and difficulty receiving information in the client's first language are problems in many aspects of COVID-19 relief. Both of these barriers have prevented clients from accessing online COVID-19 screenings, understanding advice given to them by doctors, accessing appoints for non-COVID-19 medical needs, applying for unemployment insurance and federal stimulus relief, as well as signing up and receiving benefits that they are eligible for.

Some people we represent lack access to a computer or smart phone and do not have sufficient computer or reading literacy. Online and phone application processes (such as SNAP and unemployment insurance) leave people out who are unable to read or do not have computer access

without access to benefits. As a result some clients lack access to information about the limited resources that are available to them.

Even when the client's own technology or language is not the barrier to accessing these services, many of the online portals are filled with glitches that prevent successful transmission of information or applications. In some cases, even when a client is eligible for benefits, they are erroneously denied access through an automated system and a misinformed employee. For example, our social workers have reported that clients have been denied health insurance or access to emergency shelter because they aren't "citizens or residents," when a social security number or other documentation is what is actually required to access those resources.

V. **Recommendations:**

NYIFUP has continued to fight for the health, safety, and dignity of immigrants under the Trump Administration and duration of COVID-19. Given this essential role and a crisis with no end in sight, the unnecessary and heightened risk of immigrants in detention, and the fact that ICE has restarted raids and is continuing to detain people, including those medically vulnerable, the Council and City's ongoing support of our immigration programs and universal access to counsel is more important than ever before.

In addition, we have the following recommendations:

- Establish an emergency cash assistance for excluded workers fund to provide urgently needed financial relief to the hundreds of thousands of undocumented workers who have been disproportionately impacted by the crisis and excluded from almost all state and federal relief efforts.
- Expand food provision and distribution in ways that ensure accessibility to immigrant New Yorkers who may face barriers such as access to identification, language access, transportation access and technology. For example, the food distribution program through NYC schools is an example a successful effort to make food access accessible to the immigrant community.
- Cancel rent in New York City for the duration of the crisis. If rent is owed after the eviction moratorium is lifted, landlord harassment and evictions will skyrocket, with immigrant communities the most vulnerable to these harms.
- Ensure that everyone in New York City has access to comprehensive health care, regardless of immigration status.
- Accommodate for technology and language barriers. Increase the capacity of government workers to help people understand their benefits and rights over the phone in multiple languages in order to accommodate for people who are unable to read, do not have access to a computer and those who do not speak English.

VI. **Conclusion**

We thank the New York City Council for your continued support of serve low-income immigrants by funding universal representation through NYIFUP and applaud the City for life-saving

successful food distribution efforts through schools. However, as the devastating consequences of the pandemic continue to disproportionately affect low-income immigrant New Yorkers, we urge the City to consider the recommendations outlined above. Immigrants are woven into the fabric of New York City and need equal access to the essential safety net services in order to survive this pandemic and to continue to contribute to the economic and cultural vibrancy of the City as we begin to move toward a collective reopening and recovering of New York City.

If you have any questions, please feel free to reach out to me at nhickey@bds.org.