



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

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**Testimony of Deputy Commissioner and General Counsel Sonia Lin
NYC Mayor's Office of Immigrant Affairs**

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

“Oversight - The Dismantling of the U.S. Asylum System and the Impact on Immigrant New Yorkers.”

Thank you to Chair Menchaca, and the members of the Committee on Immigration. My name is Sonia Lin, and I am the Deputy Commissioner and General Counsel of the Mayor's Office of Immigrant Affairs (MOIA).

My testimony today discusses this federal administration's systemic dismantling of the asylum system and how the many barriers that have been erected to prevent those fleeing persecution – including those fleeing gang and domestic violence – from accessing humanitarian relief have harmed not only asylum seekers but also communities in the U.S., including here in New York City. I will highlight the City's response to these attacks, and share how MOIA has worked with City agencies and partners to support New Yorkers affected by the Trump Administration's damaging policies and actions.

Introduction

New York City is home to a large and diverse immigrant population. Immigrants enrich our communities and culture, drive our economy, and are instrumental in all aspects of city life. As the ultimate city of immigrants, we recognize how much immigrants contribute, and we know that a thriving city is closely connected to our immigrant communities' inclusion and participation in civic life.

It is thus in the City's best interest to welcome immigrants and support them as they make this city their home. As we all know, immigrants come to New York from many places, for many different reasons. Unfortunately, for some people, migration is necessitated because of violence and persecution in their home countries. We recognize the vulnerability of those seeking humanitarian protection and are committed to supporting asylum seekers and other humanitarian migrants in connecting to resources and services that will assist them as they build a new life.

Barriers to Asylum Access

Our country has a proud history of welcoming those fleeing violence and persecution and of protecting those who face danger in their home country. Indeed, under federal and international law, immigrants with a well-founded fear of persecution have a right to seek protection by applying for asylum in the U.S. To qualify for asylum, an individual must show that they have a well-founded fear of persecution in their home country based on at least one of the enumerated, protected grounds: race, religion, nationality, political opinion, or membership in a particular social group. This last category is critical because it provides relief to those who fear imminent persecution for a particular reason specific to their experience, but who do not neatly fall into the other four categories. In evaluating whether a petitioner has established their membership in a "particular social group," courts have determined that membership in a "particular social group" recognizes those fleeing from domestic violence as well as those fleeing gang violence.

Through a slew of new policies, proposed rules, and legal interpretations, however, the Trump Administration has systemically undermined our legal and moral commitment to asylum seekers. Those seeking protection now face enormous barriers to even requesting asylum and accessing due process rights in the course of making their applications. Newly arrived asylum seekers also

face the prospect of dehumanizing detention under deplorable conditions at the border or – even more dangerous – a lengthy, uncertain wait in Mexico as their cases are processed in the U.S.

In addition, asylum seekers at the border and in immigration courts throughout the U.S. must navigate a system with enormous backlogs and strict case completion quotas for immigration judges that affect individuals' ability to access counsel and prepare their cases. Furthermore, through the interventions of Attorney General Sessions and Attorney General Barr, asylum seekers have also had to contend with legal changes to asylum eligibility, specifically the narrowing of what constitutes “membership in a particular social group” to exclude domestic violence survivors and those fleeing gang violence, disrupting legal precedent.

As relief through the asylum system becomes harder and harder to access, the stakes for individuals could not be higher. Central America, and particularly the North Triangle – El Salvador, Honduras, and Guatemala – continues to struggle with high levels of gang violence. El Salvador is commonly referenced as a country with some of the most gang violence in the world. In light of these conditions, those who are turned back or deported from the U.S. face serious danger. A recent Human Rights Watch report found that in recent years, at least 138 people deported to El Salvador were subsequently killed, with the majority of these deaths taking place less than a year after those deported returned to El Salvador. Human Rights Watch also confirmed at least 70 cases of sexual assault or other violence perpetrated against those deported. These reports were confirmed through official records, interviews with families, and media accounts, but Human Rights Watch believes that the actual toll is much higher due to underreporting.

Impact on New York City & City Response

The Trump Administration's attacks on asylum seekers exacerbate human suffering by preventing individuals with claims for asylum from pursuing and obtaining relief. They also prevent individuals from achieving more stable lives in the U.S., creating negative repercussions for cities like New York that are home to many asylum seekers and their families.

As local government, we are on the frontlines of connecting our most vulnerable residents to services and resources. We know the importance of supporting immigrant families and how it benefits our city and our work supporting public safety, public health, and the well-being of our communities. By contrast, the Trump Administration's efforts to create a hostile environment for immigrants negatively impact these goals and instead promote fear, confusion, and a lack of trust.

As such, the City has a strong interest in the fairness of the U.S. asylum system, and in supporting asylum seekers in accessing humanitarian relief. Toward that end, we are proud to have worked with the City Council in making historic levels of investment, together \$58 million, in immigration legal services, funding a continuum of services and a wide range of excellent providers, so that immigrant communities, including asylum seekers, can access free, high-quality legal help.

We recognize that these investments are jeopardized by the ways in which the Trump Administration has undermined the asylum system. We have thus engaged in advocacy opposing the attacks on asylum seekers and the asylum system. This advocacy has included the submission of regulatory comments in opposition to various proposed and final rules impacting asylum seekers. Most recently, we submitted a comment in January strongly opposing a proposed rule that would expand bars to asylum. This Proposed Rule would rob individuals of due process and further exacerbate the issue of the United States applying bars to asylum that are far more broad than was ever intended for asylum. Our office has also commented in opposition to Proposed Rules that attack work authorization for asylum seekers, which would compromise the ability of asylum seeking New Yorkers to earn a living.

The City in December also submitted a comment expressing grave concern about U.S. Citizenship and Immigration Services' proposed fee schedule that would, among other things, impose for the first time a fee for asylum applications. Mayor de Blasio co-led a sign-on letter of over 50 mayors opposing this proposed fee schedule. If the change goes into effect, the U.S. would join only three other countries (Australia, Fiji, and Iran) in the world that charge a fee for asylum applications.

Last, we conduct consistent outreach and engagement of immigrant communities about services and resources available to them, and recently partnered with the State and non-profit service providers to make informational materials available to New Yorkers recently granted asylum. In collaboration with the State Office of New Americans and Office of Temporary Disability Assistance and together with the refugee resettlement organizations CAMBA, HIAS, International Rescue Committee, and Catholic Charities, we worked with the Immigration Court and the New York and New Jersey Asylum Offices – both of which serve New York City residents – to make available palm cards about resources dedicated to those granted asylum. Services include: cash assistance and access to benefits, employment help, referrals to educational supports, and additional resources. Asylees in New York can call the Office of New Americans hotline at 1-800-566-7636 to be connected to local agencies for benefits that can play a crucial role in their integration and empowerment.

Thank you for the opportunity to testify before the Committee.