



Mayor's Office of
Immigrant Affairs
Bitta Mostofi
Commissioner

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

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

“Oversight – The Need for Legal Representation in Immigration Court under Trump”

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). I am joined today by Commissioner Steve Banks, who will testify about the Department of Social Services/Human Resources Administration's (DSS/HRA's) immigration legal services programs. Thank you very much for calling a hearing on this crucial issue.

The Mayor and the City Council have made historic investments to promote access to justice for immigrant residents. With these investments, and in collaboration with other City agencies, legal service providers, and community partners, MOIA and DSS/HRA's Office of Civil Justice (OCJ) have worked to address the legal needs of immigrant New Yorkers at a time of crisis. As the Trump Administration continues to attack immigrants on all fronts, New York City's investment in immigration legal services—the largest municipal investment in our country's history—stands in stark and proud contrast on the side of immigrants' rights.

While today's hearing is about legal representation in immigration court, the City recognizes that the need for immigration legal services extends beyond immigrants facing deportation. It is also critical to provide representation for immigrants filing family-based applications, applying for citizenship, or seeking affirmative humanitarian relief like asylum, Special Immigrant Juvenile Status, or a self-petition for permanent residency under the Violence Against Women Act. This is so not only because a change in status can provide an avenue to new economic and civic opportunities, but also because naturalization and regularization of immigration status can prevent deportation and protect families from being ripped apart.

In today's testimony, I will speak briefly about the need for immigration legal services in a hostile federal climate, discuss the City's response, and give an overview of the success of MOIA's immigration legal services programs.

The Need for Immigration Legal Services

In this second year of the Trump Administration, we have seen an assault on our immigrant communities and on the immigration system as a whole. Our analysis of the latest ICE data, released just last week, shows that the Trump Administration ramped up its overbroad immigration enforcement actions in 2018, with total civil immigration arrests in the New York City area 88% higher over the last federal fiscal year than in the last year of the Obama Administration. Even more shocking, arrests of individuals in the New York City area with no criminal convictions whatsoever is now 414% higher than in the last year of the Obama Administration.¹ Moreover, through a set of regulatory actions, the Trump Administration has made it more complex and risky for immigrants to apply for immigration benefits. With high processing times at U.S. Citizenship and Immigration Services and an ever-growing backlog in the immigration courts, the federal government's actions have highlighted the fact that our immigration system is broken.

¹ ICE FY2018 Enforcement Report (December 2018), available at <https://www.ice.gov/features/ERO-2018>.

Legal services are crucial for immigrants. But there is no right to appointed counsel funded by the federal government for immigrants, detained or non-detained, in immigration court. Instead, the lion's share of immigration legal services provided in New York City today is funded through the historic investments of Mayor de Blasio and the City Council. Access to high-quality, trusted immigration legal services can be the difference between becoming a citizen and languishing in detention. Immigrants who do not have access to immigration legal services are particularly vulnerable to exploitation and fraud.

The City's Response

Together, the de Blasio Administration and the City Council have invested historic amounts in immigration legal services. These investments and the hard work of our legal service providers and community-based organization (CBO) partners are what make New York City a model for other cities across the nation. Given the scope of the Trump Administration's attack on immigrants, the de Blasio Administration and City Council have focused on funding the provision of a wide spectrum of services, which allows us to respond quickly to the ever-shifting federal landscape.

The investments of the Administration and the Council work hand-in-hand in addressing some of the deep problems plaguing our immigration system. In FY 2018, the de Blasio Administration and the Council dedicated \$48 million in funding, with about \$31 million coming from the Administration, to a continuum of free legal services programs for immigrant New Yorkers, including the provision of crucial and timely information about their rights, support for affirmative applications to adjust immigration status or naturalize, and legal representation to defend against deportation. This includes City programs like ActionNYC, Immigrant Opportunities Initiative, and federal Community Services Block Grant-funded services at HRA, which provide legal representation, advice, comprehensive legal screenings, and assistance, as well as Council-funded programs like NYIFUP, the Unaccompanied Minors Initiative / Immigrant Children Advocates' Relief Effort, and others. This funding structure provides great flexibility for the City to respond to new needs. For example, and as Commissioner Banks will testify, the IOI program's contracting model allows for rapid deployment of staff and resources to address a continuum of legal needs, from brief legal counseling to full representation in removal and asylum cases.

Of course, the City and the Council are not the only funders for immigration legal services. In coordination with the Mayor's Fund to Advance New York City and other sister agencies, MOIA has engaged extensively with private funders to support additional resources for our community of providers and to help address any gaps.

MOIA's Immigration Legal Services Programs

MOIA plays a critical role in the provision of immigration legal services in New York City. MOIA engages with providers, reviews data, and monitors shifts in immigration policy to inform City investments and ensure that resources are being allocated to respond to urgent needs. It is in this role that MOIA is able to provide guidance to and work in partnership with our sister agencies as we survey the immigration legal services landscape. As an example, in the wake of the family separation crisis, MOIA worked closely with DSS/HRA's OCJ to identify further



legal services needs for separated children and their families. In response, the City announced an allocation of \$4.1 million to provide assistance for migrant children, including both unaccompanied minors and separated children in New York City.

MOIA also operates two immigration legal services programs: ActionNYC and NYCitizenship.

ActionNYC

ActionNYC is a citywide, community-based immigration legal services program that provides access to legal services for residents, as well as resources for providers to grow the immigration legal services field. Immigrant New Yorkers receive free, safe, and high-quality immigration legal services in their community and in their language. Through its citywide hotline, centralized appointment-making system, and accessible service locations at CBOs, schools, and hospitals, ActionNYC serves as the entry point for New Yorkers seeking immigration legal services. Launched in 2016, the program is operated jointly by MOIA, HRA, and the City University of New York (CUNY) and implemented in collaboration with over 30 CBOs and legal services providers.

For those who need straightforward legal help, ActionNYC provides full legal representation in straightforward immigration matters, including but not limited to citizenship applications, green card renewals, and TPS renewals. When capacity permits, they provide full representation in complex cases such as Special Immigrant Juvenile Status (SIJS) and U visas. For legal cases outside the team's scope of services or capacity, ActionNYC connects clients to other City-funded programs such as IOI. MOIA also provides connections to ActionNYC through outreach and Know-Your-Rights programming.

Responding to the need for immigration legal services among New York City's hard-to-reach immigrant populations, earlier this year ActionNYC selected six CBOs to provide additional services to underserved groups. ActionNYC has also increased local providers' ability to provide high-quality immigration legal services through a capacity-building fellowship started last year.

Demand for ActionNYC services has remained consistently high throughout the life of the program, including in FY 2018. In FY 2018, ActionNYC providers screened about 8,600 clients at community-based sites, schools, and hospitals. Of those clients, we found that the majority had straightforward cases, about a tenth of all cases were complex cases, and about a quarter of screened clients had no relief available. In FY 2018, ActionNYC opened about 5,600 cases, and filed more than 3,200 applications.

NYCitizenship

NYCitizenship provides free citizenship application assistance, including screenings and full legal representation, as well as financial empowerment services. MOIA operates NYCitizenship in partnership with the city's three library systems, DSS/HRA, New York Legal Assistance Group (NYLAG), and the Mayor's Fund to Advance NYC. The program is supported by the Mayor's Office for Economic Opportunity alongside private funders including the Carnegie Corporation of New York, Citi Community Development, the Charles H. Revson Foundation, and Robin Hood.

In FY 2018, NYCitizenship provided services at 12 public library branches across the five boroughs. Through a partnership with DSS/HRA, the program also offered services to vulnerable populations, including seniors and those facing health barriers such as disability. In total, in FY 2018, NYCitizenship provided legal screenings for about 1,700 immigrant New Yorkers.

Conclusion

As I have described, it is crucial to recognize that the need for legal representation for immigrants stretches from removal proceedings to assistance with naturalization applications. Across this entire swathe of need, MOIA has consistently provided important policy guidance and leadership for the Administration to identify needs and trends based on changes in federal law and practice, and we are committed to continuing to do so. My colleague, Commissioner Banks, will speak to the Office of Civil Justice's important work administering additional immigration legal services programs, including the Immigrant Opportunities Initiative and the Council's crucial initiatives.

I want to thank Chair Menchaca for calling this important hearing. I also want to thank the legal service providers and community-based organizations, our partners in this fight against cruel and draconian immigration policies, for the extraordinary work they do day-to-day to protect immigrant New Yorkers. Simply put, this work would be impossible without our partners in the field, many of whom are here today. The Trump Administration's continuous attacks on our immigrant communities have created a deep and enduring need for immigration legal services. Both the Council and Mayor de Blasio have stepped up to help meet this need, and we look forward to working together with our partners in the community and other stakeholders to provide further resources for immigrant New Yorkers.