



Mayor's Office of
Immigrant Affairs
Bitta Mostofi
Commissioner

July 12, 2018

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

Before a hearing of the New York City Council Committees on General Welfare, Health, and
Immigration:

**“Oversight – The Impacts of Trump Administration Family Separation Policy
on New York City”**

Thank you to Speaker Johnson, Chair Levin, Chair Levine, and Chair Menchaca, and the members of the Committees on General Welfare, Health, and 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 my colleagues from the Administration for Children's Services (ACS), the Department of Health and Mental Hygiene (DOHMH), NYC Health + Hospitals, and the Human Resources Administration's Office of Civil Justice (OCJ), who along with myself are happy to answer questions.

In my testimony today, I will describe the effects of the cruel and inhumane separation of immigrant families by the Trump Administration on New York City, detail the steps the City has taken to fight against this immoral policy, explain what we've done to address the needs of children in New York City who have been separated from their parents, and identify what work remains to be done.

I want to note at the outset how grateful I am for the many New Yorkers who responded to this crisis with donations of money, supplies, and time. This is a reflection of the spirit of New York City, the quintessential city of immigrants, and I am proud to be able to serve and work alongside such welcoming and generous people.

Background

I speak for the City when I say that I am appalled by the Trump Administration's callous disregard for the humanity of immigrant families and children.

The Trump Administration has risked causing permanent harm to thousands of immigrant children, including those already suffering trauma from experiences they faced in their home countries. Studies have shown that even short-term family separation negatively affects the long-term health of children.

The family separation crisis was deliberately engineered by the Trump Administration. Federal officials freely admitted that they intended to separate families as an attempt at deterrence of entry in to the United States. The separation has been accelerated by the Trump Administration's "zero tolerance" policy, announced by the Attorney General on April 6, which directed criminal prosecution of all individuals caught crossing the border without proper documentation outside ports of entry. In many cases, the people being prosecuted by the Trump Administration are immigrants seeking asylum.

The sheer injustice and cruelty of the family separation policy prompted a tremendous outcry across the country, forcing the federal government to end its family separation policy. In addition, a federal court ordered the federal government to reunify immigrant parents with their children. The federal government failed to meet the court's deadline to reunify children under age five by this past Tuesday, but the latest update from the federal government is that 57 of the 103 separated children under age five have been reunified with their parents as of 7 a.m. this morning, but the remaining 46 are not being reunified because the adults have been found ineligible due to criminal history or other concerns, or because they have already been deported.

We remain very concerned that the federal government has failed to create an effective, comprehensive, and immediate reunification plan.

Addressing the needs of separated immigrant children

The effects of the Trump Administration's cruel policies and practices have been most acutely felt at the southwest border. But the children separated from their parents at the border have been sent all over the U.S., and hundreds of separated children have been placed in temporary residential facilities and foster care arrangements in New York City. According to the best information we have, since May there are about 300 children who were separated from their parents and are being temporarily housed or in foster care in New York City at a given time.

This is not the City's first effort to address the effects of a humanitarian crisis for immigrant children originating at the border. Starting in 2014, this Administration and the City Council worked together to address a rise in unaccompanied minors placed in New York City. We worked to provide legal services, enroll children in health insurance and public school, and share information about crucial city services available to all. At that time, the federal government assisted in some of those efforts: the Office of Refugee Resettlement (ORR) offered regular and thorough information and distributed our resource guide, for example. The Trump Administration, in contrast, has failed to communicate with the City about immigrant children separated from their parents who have been placed with federal providers in New York City.

It is inexcusable that the federal government has failed to fully answer our questions about the scope of this current crisis. By refusing to share the number and location of children, the federal government posed a challenge to the City's ability to respond and help care for these children. Extraordinarily, the federal government has not been able to provide definitive numbers on how many children have been separated from their families. These failures demonstrate the federal government's negligence in caring for the thousands of children separated from their families.

Despite the federal government's unwillingness to share information, the City has nonetheless been able to help children and families affected by family separation and provide additional supports.

In fact, it was through one individual that the City first learned about separated children housed here in the city. A relative of a nine-year-old child separated from his mother at the border told us that the child was in New York City in the custody of ORR. Through MOIA's work with the child and his loved ones, we were able to learn more about his situation and the challenges he faced due to his separation from his mother.

The Mayor, the Commissioners of ACS and DOHMH, and I visited Cayuga Centers, the nonprofit provider responsible for the child's well-being here. The three commissioners also met with the other local ORR-contracted organizations and learned that at that time there were about 300 children separated from their families housed or in temporary foster care in New York City, many of whom are between ages four and twelve. This includes multiple preverbal toddlers and babies as small as nine months.

Once we learned that separated children were being sent to New York City, we immediately launched a multi-agency, multi-pronged response to both understand and help address the needs of these children. Relying on the experience and work of the federally contracted providers, including Catholic Charities, Cayuga Centers, and others, MOIA, ACS, and DOHMH learned how the City could assist in the care and well-being of the children in our city. We coordinated with the Mayor's Fund to Advance New York City, NYC Health + Hospitals, the NYPD, the Human Resources Administration's Office of Civil Justice, and the Department of Parks & Recreation to respond to identified needs.

Through this interagency coordination, the support and services that City agencies are providing include:

- On-site child and adolescent psychiatric consultation services to mental health staff caring for the children;
- Health care for children at public hospitals citywide, through expedited referrals and a 24-hour hotline;
- Training for foster parents and staff at the nonprofit agencies on how to work with young people who have been through severe trauma;
- Parenting coaching for teenage mothers who were separated from their adult mothers and are with infants;
- Increased security at day facilities and during transportation from intake centers to foster homes, through specialized NYPD patrols;
- Delivery of toys and art supplies, including teddy bears, soccer balls, children's books, and paint; and
- Weekly recreational activities, and field trips to educational and cultural institutions in the city, including museums and zoos.

We have also provided language access support in some instances. In one recent case, for example, MOIA was alerted by a local provider about language access needs and was able to help secure interpretation for a six-year-old child who spoke only Chuj, a native Mayan language.

Additionally, the Mayor's Fund has taken the lead in soliciting donations of supplies as well as financial support from the incredible outpouring of support from New Yorkers. I want to thank the Council Members for also coordinating many generous donations from across the City, helping to fulfill the requests we received from providers.

Seeking to meet additional needs for legal representation and assistance that are unmet by federal funding through ORR, MOIA and the Office of Civil Justice are working to connect children, their parents, and their potential sponsors to free, safe, and confidential City-funded legal services. The services are being funded through the Administration's Immigrant Opportunities Initiative and include representation for separated and unaccompanied children, representation for separated parents, and free and confidential advice and assistance for family and loved ones applying to be sponsors for children in the custody of ORR.

In addition to the terrible effects on newly arriving children and families, the recent news on family separation may also heighten fears among New York City's immigrant parents who may be at risk of immigration enforcement. On this issue, I am pleased to report that a recently passed state law, supported by the Mayor's Office, will help immigrant parents in New York plan for the future and achieve a greater peace of mind about their children's well-being, by allowing them to designate a "standby guardian" for their child if they are detained or deported. Immigrant New Yorkers can call 311 and schedule an appointment with ActionNYC to get free, confidential immigration legal assistance, including help to appoint a standby guardian.

The City is committed to ensuring that the children brought to our city receive the services that are crucial to their well-being. We are thankful for the collaboration with the nonprofit providers in advancing a shared goal to provide as much comfort to these children as we can.

The City is providing a range of critical additional services and will continue to do so. The reality of family separation is not over despite the recent court orders, and the federal government has offered no clear path towards reunification in many cases. MOIA and our partner agencies are working to support reunification efforts by providing legal services, connecting engaged community members to advocates and service providers with expertise, and offering logistical support to national partners working to reconnect parents and their children.

Advocacy

In addition to providing services, the City has fought against the practice of family separation, and we continue to advocate for immediate reunification of parents and children and against indefinite family detention.

Mayor de Blasio has publicly spoken out against the policy of family separation, condemning the policy as heartless and called on the federal government to reunify families. In June, after President Trump signed an Executive Order purporting to end family separation, the Mayor and 20 other mayors traveled to a federal facility housing separated children in El Paso in order to bring awareness to the ongoing humanitarian crisis. When the federal government failed to provide information about the number of separated children in New York City, the Mayor sent a letter to Department of Health and Human Services Secretary Alex Azar to demand transparency.

We have also worked with our partners to support litigation on family separation and family detention. In early July, the City joined Los Angeles, Chicago, and San Francisco in submitting an amicus brief in *Flores v. Sessions* to oppose the federal government's attempts to strip protections from immigrant children. A few days ago, the court rejected the federal government's request to be allowed to indefinitely detain immigrant children. In addition, I recently filed a declaration in support of *Washington v. Trump*, a multi-state lawsuit against family separation.

We support bipartisan efforts on the federal level to require Secretary Azar to provide a detailed reunification plan to Congress. This is one of several pending measures in Congress addressing family separation. We strongly support efforts to reunify families, including S. 3036, and we reject efforts by some opportunistic lawmakers to link family reunification to other anti-immigrant provisions. We similarly condemn the President's executive order purporting to end family separation by indefinitely holding children, including infants, with their parents in detention facilities, and we condemn efforts by Republicans in Congress to link appropriations to the long-term detention of immigrant children.

Conclusion

The separation of children from their parents is abhorrent and runs counter to who we are and ought to be as a city and country. The Trump Administration has not yet articulated a plan to reunify family members that have been torn apart and placed hundreds of miles away from each other. Without a concrete plan to reunite parents with their children, the federal government's claim that it has "ended" family separation rings hollow.

The de Blasio Administration will fight in every way it can to ensure that families are reunited. In addition, the City will continue to be responsive to critical service needs identified for the separated children in New York City.

Even prior to this immediate crisis, the City Council has been a crucial partner in the work to support immigrant children and families. The City Council's continuing support for the Immigrant Children Advocates' Relief Effort (ICARE) Coalition has ensured that unaccompanied minors facing deportation receive the legal support that they need. This effort, alongside the Administration's historic investment in legal services for immigrants, has allowed the City to effectively respond to this unique and profoundly disturbing crisis.

We look forward to working with the Council and our partners in the community to continue to fight on this issue.