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**TESTIMONY OF ERNIE COLLETTE AND CLAIRE R. THOMAS, MEMBERS,
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**NEW YORK CITY COUNCIL
COMMITTEE ON IMMIGRATION HEARING
“RESOURCES AVAILABLE IN NEW YORK CITY FOR
UNACCOMPANIED MINORS”**

December 9, 2015

Our names are Ernie Collette and Claire R. Thomas. We are members of the Immigration and Nationality Law Committee of the New York City Bar Association (“City Bar”), and co-chair its subcommittee on Immigrant Access to Public Benefits. We submit this testimony together on behalf of the Immigration and Nationality Law Committee of the New York City Bar Association (“Committee”).

The Committee commends the City Council for holding this hearing to address the available resources for and unmet needs of unaccompanied immigrant children in New York City. The City Bar has long supported a right to legal representation for people in removal proceedings, including vulnerable immigrant youth. Our Committee has previously encouraged the City Council to provide appointed counsel for indigent immigrants in removal proceedings, including through testimony at a 2014 City Council hearing.¹ Our Committee testified regarding the same issue before two committees of the New York State Assembly,² and the City Bar has written letters to state and federal legislators urging them to improve access to quality legal counsel for all children in removal proceedings.³ The City Bar supports the collaborative efforts

¹ Testimony of Mark Noferi, Member, Immigration & Nationality Law Committee of the New York City Bar Association before the Committee on Immigration Hearing of the New York City Council on February 25, 2014, <http://www2.nycbar.org/pdf/report/uploads/20072662-TestimonyonProvidingLegalServicesforDeportationHearings.pdf>.

² Written Testimony of the Immigration and Nationality Law Committee of the New York City Bar Association before the NYS Assembly Committee on Social Services and Committee on Children and Families on September 16, 2014, <http://www2.nycbar.org/pdf/report/uploads/FundingUnaccompaniedMinorsImmigrationAssemblyTestimonyFINAL9.16.14.pdf>.

³ E.g., New York City Bar Association, *Letter to Senate Judiciary Committee Advocating Appointed Counsel* (Apr. 24, 2013), <http://bit.ly/105sqW0>; New York City Bar Association, *Letter to Governor Cuomo in support of funding legal representation and social/educational services for unaccompanied immigrant children in the 2015-16 Executive Budget* (Dec. 17, 2014), <http://www2.nycbar.org/pdf/report/uploads/20072830-FundingforLegalRepresentationEducationalServicesforUnaccompaniedImmigrantChildren.pdf>. Moreover, the Committee issued a 2009 report encouraging appointed counsel for people in detention. New York City Bar Asso-

of the City Council, The New York Community Trust, and the Robin Hood Foundation to fund counsel in removal proceedings for unaccompanied minors residing in New York City.⁴

The Committee's members include attorneys at nonprofit organizations and private firms, sitting and retired immigration judges, and law professors. Our members have a particular depth of expertise in representing children. Over the past two years, through the leadership of nonprofit service providers and the City Bar Justice Center, many of our members have come together to provide pro bono representation for unaccompanied immigrant children. Our Committee has sponsored panels and educational programs to train attorneys, judges, immigration officials, and the broader public on the legal needs of this vulnerable population and the critical importance of appointed counsel.

The purpose of our testimony today is to highlight several unmet social services needs of unaccompanied immigrant children in New York City, based on the experiences of our members and the unaccompanied immigrant children they represent. These needs intersect with the children's immigration cases in critical ways. The significant linguistic, cultural, and socio-economic challenges that unaccompanied immigrant children face, along with their histories of trauma, can interfere with their ability to recount their experiences and otherwise participate in their immigration proceedings and related family court proceedings. Moreover, the attorney-client relationship is often key to identifying children's unmet social services needs; for example, an interview with an attorney may be the first time at which a child speaks about the traumatic experiences that caused him or her to flee to the United States.

Our Committee applauds the City Council's leadership in increasing access to legal counsel for unaccompanied immigrant children, and in taking important steps to improve the children's access to social services. The City Council and its partners wisely recognized the need for social workers to assist the legal teams representing children and refer the children to appropriate services. Nevertheless, additional funding and thoughtful interventions are needed to address the unique challenges facing unaccompanied immigrant children, who too often fall through the cracks of existing social service programs. Thus, the Committee urges the City Council to consider the specific needs of unaccompanied immigrant children and to expand services and benefits available to them, to meet their basic needs and enhance their ability to participate effectively in their legal proceedings. We respectfully ask the City Council to expand the following City Services:

CULTURALLY AND LINGUISTICALLY APPROPRIATE MENTAL HEALTH AND MEDICAL SERVICES

Many unaccompanied children are eligible to seek immigration relief in the United States through asylum or Special Immigrant Juvenile Status. Young people applying for these forms of relief have frequently survived trauma at home, in transit, and upon arrival in the United States.

ciation, *Report on the Right to Counsel for Detained Individuals in Removal Proceedings* (August 2009), available at <http://bit.ly/1mpE2AS>.

⁴ For more information, see <https://www.robinhood.org/news/nyc-council-speaker-melissa-mark-viverito-robin-hood-foundation-and-new-york-community-trust>.

These children often have endured acts of unspeakable cruelty at very young ages and have been provided with little to no therapeutic support to assist them with their mental health or development.

The Committee urges the City Council to appropriate additional resources for culturally and linguistically appropriate mental health and medical care, to address the volume and complexity of trauma experienced by these young people. Mental health and medical professionals working with this population need Spanish and indigenous language skills or interpreters, as well as training in working with child survivors of sexual violence, child abuse, gang violence, and other traumatic events.

ACCESS TO PUBLIC BENEFITS

Because unaccompanied immigrant children are almost always indigent and often lack any financial support from parents or guardians, their path to self-sufficiency requires access to basic health care, food security, and financial assistance benefits. Unfortunately, many unaccompanied immigrant children are not eligible for benefits under existing program rules.

Unaccompanied children who are granted asylum may access a range of federal, state, and City public benefits, including public assistance, food stamps, Medicaid, vocational assistance, and refugee cash assistance.⁵ Unfortunately, other unaccompanied immigrant children – even those children who have successfully petitioned for Special Immigrant Juvenile Status (SIJS), due to their parents’ abuse, abandonment, or neglect – are not eligible for most of these benefits, although they may be able to apply for health insurance through Child Health Plus or (after filing an immigration application) through Medicaid.⁶ Moreover, after adjusting status to lawful permanent residence and turning 18, a young person is ineligible for federal benefits such as food stamps or some forms of public assistance for a period of five years.⁷ This gap leaves many teenagers living on their own with no way to feed, clothe, or house themselves.

To afford all children and youth equal access to public benefits, the City should supplement existing benefit programs and provide immediate financial assistance to vulnerable and needy unaccompanied minors, regardless of which the specific immigration status they may ultimately seek or obtain.

ALTERNATIVE EDUCATIONAL PROGRAMS

The child abuse and neglect and gang violence that are driving much of the recent child migration to the United States also routinely prevent children from obtaining an education. New York City and the New York Immigration Court have played an instrumental role in ensuring

⁵ Ernie Collette, MFY Legal Services: Immigrant Eligibility for Public Benefits Qualification Charts, available at: www.safepassageproject.org/resources/; Office of Refugee Resettlement, *About the Voluntary Agencies Matching Grant Program*, available at www.acf.hhs.gov/programs/orr/programs/matching-grants/about.

⁶ *Id.*

⁷ *Id.*, see also The Professional Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 Pub. L. 104-193, 110 Stat. 2105 (enacted August 22, 1996).

access to New York City Public Schools for unaccompanied immigrant children. Nevertheless, these young people continue to face significant educational challenges, and the City Council should support further efforts to improve unaccompanied children's access to educational services. The Committee notes further that for children who speak only indigenous languages, standard English as a Second Language (ESL) programs should be supplemented by additional support.

COMMUNITY-BUILDING PROGRAMS FOR YOUTH

Unaccompanied children often resettle in New York with a parent or other caretaker with whom they have not lived for many years, or in some cases, whom they may never have met before coming to the United States. Even though such families often live in communities with large immigrant populations, children in this situation face a particular risk of dislocation and isolation. The Committee encourages the City Council to invest in community-building programs in immigrant communities, to provide unaccompanied minors with support for their athletic, artistic, and cultural development in a safe and structured environment.⁸ Such programs could also provide additional mentorship and peer support from other young people who have resettled and faced similar legal and socio-economic challenges. Community-building programs could also create and stimulate general interest and activity to improve overall neighborhood development, including increased political participation, environmental, and educational improvements.

In conclusion, the City Bar commends the important steps that City Council has taken to ensure access to legal counsel for unaccompanied minors in New York City. As a result of these tremendous efforts, many of these children are on a path to legal status, permanency, and security in the United States. We further urge the City Council to consider our suggestions to support additional social work and mental health services, access to public benefits, community-building programs, and alternative educational programs for these newest New Yorkers. New York City serves as a model for the nation in providing access to legal services for immigrant youth and should continue this leadership by undertaking progressive and sustainable programs that would further promote general welfare and support to a highly vulnerable population.

⁸ Esther Yu-Hsi Lee, *Bronx Soccer Team Helps Traumatized Teens Cope with Violent Pasts*, Think Progress (Sept. 10, 2015), at <http://thinkprogress.org/sports/2015/09/10/3699548/south-bronx-united-soccer-pope/>.