

**CONTACT**

POLICY DEPARTMENT

MARIA CILENTI

212.382.6655 | [mcilenti@nycbar.org](mailto:mcilenti@nycbar.org)

ELIZABETH KOCIENDA

212.382.4788 | [ekocienda@nycbar.org](mailto:ekocienda@nycbar.org)

**WRITTEN TESTIMONY OF  
THE IMMIGRATION AND NATIONALITY LAW COMMITTEE  
OF THE NEW YORK CITY BAR ASSOCIATION**

**NEW YORK CITY COUNCIL COMMITTEE ON IMMIGRATION HEARING  
“OVERSIGHT – BEST PRACTICES FOR NYC AGENCIES, COURTS,  
AND LAW ENFORCEMENT AUTHORIZED TO CERTIFY  
IMMIGRANT VICTIMS FOR U AND T VISAS”**

**September 13, 2017**

My name is Deborah Lee. I am a member of the Immigration and Nationality Law Committee (“Committee”) of the New York City Bar Association (“City Bar”). I am also a Senior Staff Attorney with Sanctuary for Families’ Immigration Intervention Project and work at the New York City Family Justice Center in Brooklyn. With over 24,000 members, the City Bar has a longstanding mission to equip and mobilize the legal profession to practice with excellence, promote reform of the law, and advocate for access to justice in support of a fair society. Our Committee represents a cross-section of the immigration legal community, and we base this testimony on our expertise and experience counseling our immigrant clients who have been victims of crimes and trafficking.

The City Bar and its Committee have long advocated to increase access to quality counsel for anyone in need, including immigrants who have been impacted by crimes, domestic violence, and labor and sex trafficking. Our Committee hosts Continuing Legal Education trainings on critical issues impacting immigrants, conducts legal clinics, publishes policy statements, and testifies before the City Council in order to highlight the need for quality legal assistance for vulnerable immigrants in our community. Most recently, we called for increased enforcement against “notarios” who seek to defraud immigrants<sup>1</sup> and publicly applauded the City’s refusal to cooperate with requests by federal immigration officials seeking to detain and deport individuals who pose no threat to public safety.<sup>2</sup>

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<sup>1</sup> Testimony on the Unauthorized Practice of Immigration Law in New York City, Nov. 17, 2016, [http://s3.amazonaws.com/documents.nycbar.org/files/UnauthorizedPracticeImmigrationLaw\\_Immigration\\_Testimony\\_FINAL\\_11.17.16.pdf](http://s3.amazonaws.com/documents.nycbar.org/files/UnauthorizedPracticeImmigrationLaw_Immigration_Testimony_FINAL_11.17.16.pdf).

<sup>2</sup> Testimony regarding the Impact of New Immigration Enforcement Tactics on Access to Justice and Services, March 15, 2017, [http://s3.amazonaws.com/documents.nycbar.org/files/201792-NewImmigrationEnforcementEffects\\_Testimony\\_FINAL\\_3.15.17.pdf](http://s3.amazonaws.com/documents.nycbar.org/files/201792-NewImmigrationEnforcementEffects_Testimony_FINAL_3.15.17.pdf).

The City Bar and its Committee commend the City Council for holding this hearing today to examine best practices for New York City agencies, courts, and law enforcement to certify immigrant victims to apply for U and T nonimmigrant status (“U and T visas”) with federal immigration authorities. U and T visas provide critical protection and legal status to immigrant victims of serious crimes and trafficking, so that they can continue to be available to assist law enforcement, hold perpetrators of crimes accountable, and heal from the devastation of the crimes they have suffered.

We support statements made by the City Council highlighting the importance of protecting immigrants in our community and providing them with safety. We congratulate the City Council on its passage of legislation last week to expand the duties of the Mayor’s Office of Immigrant Affairs and to create an interagency task force on immigrant affairs. We also endorse the testimony that is being given today by the Immigrant Justice Project of the City Bar Justice Center, the non-profit, legal services arm of the City Bar.

Immigrant victims of crimes and trafficking often are reluctant to cooperate with New York City agencies, courts, and law enforcement in their investigations and prosecutions, for fear that local government entities would assist federal immigration authorities in having the immigrant victim herself deported. However, these crime and trafficking victims provide critical information to agencies seeking to investigate and prosecute criminals and traffickers in our community. It is in the interest of our entire community’s public safety, as well as in the interest of justice, to do whatever we can to ensure the cooperation of any victim of crime or trafficking, regardless of their immigration status.

In response, this City has taken bold steps to protect immigrant crime victims. In 2003, the City signed into local law Executive Order 41, which allows for all victims of crimes in New York City to seek police protection without fear that the New York Police Department will turn that crime victim or witness over to federal immigration authorities. Innovative pilot diversion court programs in Queens and Midtown Manhattan laid the groundwork for the 2013 creation of Human Trafficking Intervention Courts throughout this state, creating life-saving counseling, social services, and immigration legal services interventions for sex trafficking victims. And, over the past ten years, New York City agencies, courts, and law enforcement have independently created their own procedures to protect immigrant crime and trafficking victims by certifying them as victims eligible to apply for U and T visas.

In our current political climate, immigrants are more vulnerable than ever. Last week’s decision by the Trump Administration to rescind Deferred Action for Childhood Arrivals (DACA) early next year highlights how vulnerable non-citizens’ rights and protections are to political whims. With so few avenues to permanent status available under federal immigration law, it is imperative that local and state governments do everything in their power to assist individuals who are eligible for relief in obtaining the evidence they need to submit an application. U and T visa applications, while adjudicated by USCIS, require a law enforcement certification which most frequently is completed by local or state police, district attorneys, courts or agency personnel. We hope that the City Council will take an active role in ensuring that law enforcement personnel coordinate their efforts, streamline the law enforcement certification

process, and publicize the agencies and courts that are empowered to complete U and T certifications.

Given this, we encourage the City to re-double its support of immigrants by providing more accessibility to U and T visa certifications for immigrant victims of crimes and trafficking. First, the City should encourage more public awareness about immigrant victims' eligibility for U and T visa certifications. Additionally, it should help develop more transparent procedures citywide for New York City agencies, courts, and law enforcement. We are hopeful that the new inter-agency task force headed by MOIA will coordinate U and T visa certifications and establish standard processes across agencies.

Knowledge empowers immigrants and those advocating on their behalf. Immigrant victims of crimes and trafficking need to know what U and T visas are, so they can learn if they are eligible to receive certifications from local NYC government agencies and law enforcement, and they need to know how to apply for these certifications. Attorneys, both those in the non-profit legal services community as well as those in the private sector, need to know how to advocate for their clients' eligibility for U and T visa certifications. There needs to be clear procedures - including appeal procedures and standards - that are publicly available for all members of our community by each NYC government agency, court, and law enforcement entity capable of certifying immigrant crime and trafficking victims on how to apply for U and T visas.

For our City to continue its tremendous commitment to immigrants and immigrant victims of crimes and trafficking, it must provide them with real and effective access to U and T visa certifications so that they have greater access to permanent immigration relief options.