



**BROOKLYN
DEFENDER
SERVICES**

TESTIMONY OF:

**Andrea Saenz – Supervising Attorney,
New York Immigrant Family Unity Project (NYIFUP) Team**

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**Presented before
The New York City Council
Committee on Immigration
Oversight Hearing on
Coordinating Multi-Agency Support for Immigrant Families**

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My name is Andrea Saenz. I am the Supervising Attorney of the New York Immigrant Family Unity Project (NYIFUP) team at Brooklyn Defender Services (BDS). BDS provides innovative, multi-disciplinary, and client-centered criminal, family, and immigration defense, as well as civil legal services, social work support and advocacy, for over 40,000 clients in Brooklyn every year. I thank the City Council Committee on Immigration, and in particular Chair Menchaca, for the opportunity to testify today about the critical role that City agencies play in supporting immigrant New Yorkers and to make recommendations on how to coordinate multi-agency support.

New York City is the nation's leader in supporting immigrant communities, in large part because of the advocacy and funding provided by the City Council. The New York Immigrant Family Unity Project (NYIFUP) is New York City's groundbreaking, first-in-the nation program providing quality counsel to immigrant New Yorkers who are detained and facing deportation and separation from their families and communities. BDS is proud to be a NYIFUP provider, along with The Bronx Defenders and The Legal Aid Society. In its first three years, NYIFUP has shown remarkable success and served as a model for access to justice. The following numbers were provided to us from the Vera Institute of Justice based on a preliminary and ongoing analysis of NYIFUP from earlier this year.

Record of Success

- **Outcomes:** NYIFUP has obtained relief, termination, or administrative closure for 154 clients, who may now remain in the United States. NYIFUP attorneys have won more than half of their trials.
- **Clients Released from Detention:** Counting these 154 successful outcomes, NYIFUP has secured release from custody for 452 clients. Thus, 31% of NYIFUP's clients have been released from detention thus far and have been reunited with their families.
- **Ancillary Proceedings:** NYIFUP has initiated 153 ancillary proceedings— proceedings in other courts or with USCIS that are critical to obtaining successful outcomes or release from detention in the deportation proceedings.
- **Voluntary Departures:** NYIFUP has negotiated 102 voluntary departures so that individuals could avoid the onus and legal consequences of a deportation orders.
- **Families across the City:** NYIFUP has represented clients living in 49 out of 51 City Council districts.

National Model

- **Spurring Replication Across New York State:** Inspired by New York City's leadership, the New York State Assembly provided funding in FY 2015 for a small pilot program at the Batavia Immigration Court in upstate New York, which has shown great success reuniting detained immigrants with their families. In FY 2016, the State Assembly doubled this funding, expanding the reach of NYIFUP pilot programs upstate. In FY 2017, the State Legislature tripled that funding, and the upstate pilot programs are reaching a significant number of clients who would never have had counsel without the spark that we started here in the city.
- **Inspiring Efforts Across the Country:** NYIFUP has been the subject of national press and inquiry from jurisdictions across the country. In 2015, a NYIFUP-inspired universal representation program opened its doors in New Jersey, and cities including San Francisco, Chicago, and Boston have convened formal “study groups” to issue reports on access to counsel and develop programs like NYIFUP in their jurisdictions. Currently, Los Angeles is seriously considering a city-funded pilot program to follow in New York's footsteps.

Connecting Clients to City Services

NYIFUP saves lives and strengthens immigrant communities. Critical to our success are the social workers who round out our legal teams, providing emotional support and connecting our clients and their family members with necessary services. By recognizing that social workers are a necessary component to any defense team, the City ensures that NYIFUP clients and their families are in the best position to access all of the programs and services that City and non-profits provide to New Yorkers.

I am proud to say that each of the three NYIFUP provider organizations has one or two in-house social workers on their NYIFUP team, who help us plan services a client can access upon release from ICE detention, and help support clients and family members as they complete their cases and transition to more stable and productive lives in the city they call home. As a program that is administered by the Human Resources Administration, we are proud to be able to connect clients to HRA benefits and other agency services.

This summer, when the City Council increased funding for NYIFUP - for which we are extremely grateful -- I sat down with every member of the BDS NYIFUP team and asked them what type of hiring we should do to provide better services to our clients. My staff overwhelmingly said, if we

had more social work support, we could do so much more to help stabilize our client's statuses and other factors in their lives, and ensure they don't come back to immigration trouble or to the same points of crisis in their lives. We were able to expand our social work services this year, and for that I want to sincerely thank the Council. It is making a difference.

Our clients' stories demonstrate the value of social work support and the ways that the City supports our clients through important services.

Client Stories

Daniel from Jamaica

Daniel is a gay man from Jamaica who experienced severe homophobia and violence from his own family and from ordinary citizens in Jamaica, including having stones thrown at him and being chased by police. He came to the U.S. seeking asylum, but ended up in ICE detention because of a prior fraud conviction. NYIFUP staff worked very hard presenting Daniel's case, and as a result, the immigration judge agreed that he has been persecuted in Jamaica and that he faced possible torture or death if he returned based on his sexual orientation and the rampant homophobic violence we documented there. Because his single conviction barred him from asylum, he was granted an alternate form of relief, deferral of removal under the Convention Against Torture. He was released from detention after many months and began building a new life.

However, Daniel had a lot of difficulty accessing city and other services because people did not understand the status he had been granted. He initially was turned away for Medicaid and Essential Plan eligibility, and only after our NYIFUP social worker and a health insurance navigator at another organization stepped in, he was finally enrolled in the Essential Plan and will be able to access medical care. Daniel then went to apply for Safety Net assistance, but was turned away twice by an employee who believed that a person without a Social Security number was not eligible. Again, with the assistance of our social worker and a lawyer from the Legal Aid Society, we sent Daniel back a third time armed with a cover letter and documents. Daniel asserted himself and asked for a supervisor, and the supervisor agreed he was eligible and that she would re-train her staff. Daniel is now going to be able to worry less about his day to day survival and will be pursuing jobs and education programs that will help him become a productive New Yorker.

Mr. C from Mali

Mr. C is a French-speaking asylum seeker from Mali who was persecuted by his own family and community because he is gay, including being stabbed by his own father. He fled Mali and asked for asylum at the U.S. border. He was initially released on parole and changed his residence to New York, in part because he had heard New York City is a welcoming place for gay men where he could find a supportive community.

At an immigration check-in where Mr. C was not provided an interpreter, a miscommunication led to him being re-arrested and detained without bond, which was deeply traumatizing to him. Mr. C obtained a French-speaking attorney through NYIFUP who started advocating for his release. His mental health deteriorated rapidly in detention, and he attempted suicide and was hospitalized. Scared for his safety, BDS filed a habeas corpus petition in federal court and demanded his immediate release rather than his return to ICE detention, which the hospital staff were concerned would continue to affect his mental health. After two tense weeks of negotiation, Mr. C was released.

BDS's in-house social worker connected him with New York City's unique array of services and support, including a support group at Gay Men of African Descent, a GED class, and an employment program. He has referred to his NYIFUP team as his "family." He has gotten his OSHA certificate, is eager to contribute to his new hometown, and will finish his strong asylum case with his NYIFUP team by his side.

Recommendations

As our client stories show, legal service providers are well-situated to assess our clients' needs and connect them with voluntary services that will impact both the outcome of their legal case and the quality of their life. On a regular basis we connect our clients with GED classes, OSHA certification or other professional training programs, affordable housing, educational advocacy, support groups, community groups, family and individual therapy, civil legal services advocacy, assistance with family court cases, and any other issue that may arise. We have had a number of extremely positive experiences getting our clients connected to the shelter system, benefits, education, and other services and are very grateful to New York City for its resources. While our social workers are skilled at helping our clients find programs and services, they can waste significant amounts of time trying to track down the correct contact information.

We recommend that the Council work with city agencies such as HRA and MOIA to establish an immigrant families support task force that would create a formal space for representatives from city agencies and nonprofit providers to meet and discuss challenges to coordination. It would also be useful if BDS and other service providers had the names and phone numbers of agency employees who are willing to serve as agency point-people for non-profit providers. The task force could brainstorm ways to improve agency coordination and report back to the council with legislative recommendations, if necessary.

It would be especially useful if we could communicate more easily with city agencies while clients are still detained to get as much of an idea as possible of what types of services our clients would likely be eligible to apply for if they are released from detention. Our clients' bond or merits cases are often highly dependent on convincing an immigration judge that we will be able to connect them to some resources to continue their positive path upon release.

We would also welcome the opportunity to help educate city agencies about some of the more "unusual" or lesser-understood immigration statuses that our clients have and what different court and agency paperwork means. For example, NYIFUP wins many cases where the client ends up with both a removal order and a suspension of that removal order because the client faces significant danger if deported. These clients have orders of supervision, grants of withholding of removal and protection under the Convention Against Torture, and paperwork that does not look like the paperwork of people with asylum or refugee status. In addition, clients who win their cases in immigration court have paperwork that can look different than those of clients who win status before the immigration agencies. They can thus struggle to get the benefits they are eligible for. If there is any way we can help with training or provide examples of our client's statuses, paperwork, and stories, we would love to do so.

Conclusion

New York City is doing more for immigrant families than any other city in the country. NYIFUP is the perfect testament to City Council's commitment to our immigrant communities. We believe that

increased coordination between city agencies and community-based providers would be helpful in ensuring that New Yorkers are able to access the thousands of resources that are available to them. Opportunities for dialogue and communication, and even a simpler way for providers like us to have regularly updated contact information or to have point people within HRA or within other agencies would go a long way in facilitating coordination.

Of course, we also hope that you will continue to support the legal services and wrap-around services that are provided through NYIFUP, and continue to support the inclusion of social work as an integral part of our high quality legal services. I assure you that our amazing social workers have helped ensure that our clients are able to maintain stable immigration status that we fought so hard for, and to help them access support, community, healing, and a path to economic independence and contribution to this city.

Thank you for your consideration of my comments. We are grateful to the Council for its continued attention to the needs of immigrant families. Please do not hesitate to reach out to me with any questions about these or other issues at (718) 254-0700 (ext. 434) or asaenz@bds.org.