



**BROOKLYN
DEFENDER
SERVICES**

TESTIMONY OF:

**Kathrine Russell - Immigrant Youth and Community Project Team Leader
&
Amy Albert – Adolescent Representation Team Coordinator**

BROOKLYN DEFENDER SERVICES

Presented before

The New York City Council Committee on Immigration

Oversight Hearing on

Resources Available in New York City for Unaccompanied Minors

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My name is Kathrine Russell. I am a practicing immigration attorney and the Immigrant Youth and Communities Project Team Leader at Brooklyn Defender Services (BDS). I testify today along with my colleague Amy Albert, a criminal defense attorney at BDS and the Brooklyn Adolescent Representation Team Coordinator. 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 40,000 clients in Brooklyn every year. We thank the City Council Committee on Immigration for the opportunity to testify about resources available to immigrant youth in New York City.

Since 2009, BDS has counseled, advised or represented more than 6,500 immigrant clients. In 2014 alone, we handled 1,273 immigration matters across a full spectrum of services. We defend detained clients facing deportation, funded by the New York Immigrant Family Unity Project (NYIFUP), clients identified through our criminal and

family defense dockets, and clients referred from our community partners or who connected with us through community outreach clinics. Since its launch in 2012, with generous funding support from City Council, our Immigrant Youth and Communities Project has represented more than 450 young clients in their pursuit of Special Immigrant Juvenile Status (SIJS), Deferred Action for Childhood Arrivals (DACA), U visas, employment authorization, and other immigration benefits or removal defense.

Our Immigrant Youth and Communities Project clients take advantage of BDS's multi-disciplinary defense services, including our Adolescent Representation Team, our civil justice project, our education advocacy team, youth social workers and youth advocates.

BDS's integrated Brooklyn Adolescent Representation Team (BART) is comprised of criminal defense and immigration attorneys and other advocates working together to understand the myriad issues unique to adolescents (21 years of age and under) and provide services that meet their needs. BART clients may take advantage of education advocacy services provided by our two dedicated education attorneys and education social worker. We also have youth advocates who serve as mentors to our young clients, escorting them to court and to appointments and checking up on them regarding school and program attendance. Our specialized BART social work team is dedicated to the issues facing young people who are arrested, including mental health issues, trauma, and addiction. BART clients with immigration issues may also take advantage of our civil justice project and access housing, benefit and other civil legal services.

BDS is grateful to City Council for its generous support of youth and immigrant families in New York City. Our experience shows that defender offices are in a unique position to connect clients from criminal, immigration, and family court cases to ensure better outcomes for our clients and their communities. However, we believe there is still more work to be done that requires the assistance of City Council.

The following true story of a BDS client is illustrative of the challenges that our young clients face:

"Anabel" is a 16-year-old young woman from Trinidad who has lived in the United States off and on since she was seven years old. Most recently, in 2014, Anabel came to the U.S. as an unaccompanied child, seeking to escape severe violence in the community where she and her mother had been living in Trinidad. Unfortunately, the visa that Anabel used at the airport was expired, and Anabel was apprehended, detained, and placed into immigration removal proceedings. She was eventually released from custody to the care of her aunt and uncle in Canarsie, and BDS assumed representation of Anabel in her removal proceedings following a referral from Kids in Need of Defense ("KIND"). BDS identified Anabel as eligible for Special Immigrant Juvenile Status due to abandonment and neglect by her father in Trinidad. When Anabel's relationship with her aunt later deteriorated, BDS met with Anabel who expressed a desire to move in with a friend of her mother's in Flatbush. Unfortunately, that relationship also deteriorated quickly after a dispute over photos that Anabel posted on Facebook. In fact, it deteriorated so quickly that I, as Anabel's attorney, was put in the position of trying to find an immediate home for Anabel, who was then still just 15 years

old. Fortunately Anabel had another family member in Brooklyn who was willing to take her in, but Anabel had no one willing to help her move. At 8 p.m. on a Wednesday night, I accompanied Anabel to the home of her former caretaker, loaded and paid for a van to help her transport her belongings, and helped her move into the home where she is now staying. I am now planning to represent Anabel in family court so that this other family member may seek guardianship of Anabel, but I am very concerned that Anabel may experience homelessness again very soon. Additionally, when Anabel started having problems at school following two assaults by her classmates that resulted in a concussion, BDS arranged for one of its own education attorneys to speak with Anabel about her options regarding school safety transfers. BDS also submitted a request to the Kings County District Attorney's Office for certification for a U-visa based on the assault. Further, because of the instability that Anabel has experienced in the U.S., BDS referred Anabel to the Young Center for Immigrant Children's Rights, which recently appointed a "child advocate" to meet regularly with Anabel to assess her best interests. BDS will continue to represent Anabel throughout her immigration removal proceedings and until she receives lawful status in the U.S. and to make referrals for services as necessary.

Anabel's story is not atypical for our clients. Perhaps what is most troubling about her story is that it highlights a reoccurring issue for our youth clients: persistent homelessness.

1. Fully fund Runaway and Homeless Youth crisis shelter beds in every borough, particularly in Brooklyn

Homelessness is one of the greatest challenges that our young immigration clients face.ⁱ Immigrant youth are particularly vulnerable to homelessness after cultural clashes with their families, as illustrated in Anabel's case in the repeated disputes with family members about facebook posts. When youth are kicked out of the home they have very few options because many are unprepared to live independently, have limited education and no social support. These realities are particularly salient for recent immigrants.

There is a severe need for shelter options for adolescents in New York City. The New York City Department of Youth and Community Development (DYCD) runs a range of services for Runaway and Homeless Youth (RHY), including short-term crisis shelters which house youth for up to 30 days, with the opportunity to extend for an additional 30 days. DYCD also funds Transitional Independent Living (TIL) housing. TILs provide housing for up to 18 months to RHY ages 16 to 20 and any dependent children, with a possible 6-months extension granted by DYCD. The City fails to provide either sufficient crisis shelter beds or TIL housing.

Brooklyn currently has zero crisis shelter beds for teens like Anabel. DYCD funds only two crisis shelters that serve all youth under 21, Covenant House and Safe Horizon Streetworks Overnight, both in Manhattan. Covenant House, near Times Square, is the largest and has about 200 shelter beds and another 140 spots for longer-term residential stays. The shelter serves youth age 16-21 and turns away about 75

people a month.ⁱⁱ Safe Horizon, located in Harlem, offers only 24 beds. *There are other limited crisis shelter options for LGBTQ youth, victims of sex trafficking, and pregnant and parenting young mothers.¹ Unfortunately, the majority of our immigrant youth clients do not meet these criteria.*

Instead, too many of BDS's young clients live in the streets, "couch surf" or sleep on the floors or couches of friends, neighbors or even strangers. Indeed, homeless youth are more likely to be arrested, engage in criminal activity to meet their survival needs, or engage in unsafe sexual relationships or the commercial sex trade because they need a place to sleep. A 2013 study by Covenant House and Fordham University found that 1 in 4 of the surveyed homeless youth became a victim of sex trafficking or was forced to provide sex for survival needs, such as food or a place to sleep. Of these young people, about half reported that the number one reason they had been drawn into commercial sexual activity was because they did not have a safe place to sleep. The City must do better to provide safe shelter space for youth in the communities that they live in so that they do not end up in these situations.

We urge the members of the Committee on Immigration to work with your colleagues at City Council to address the youth homeless crisis by establishing and funding crisis beds in all of the five boroughs, especially Brooklyn.

2. Eliminate barriers to the use of the Destitute Child Act

In 2012, New York State passed the Destitute Child Act, which amended the Family Court Act and Social Services Law to define a destitute child as:

- A child who is under the age of 18 years and absent from his or her legal residence without the consent of his or her parent(s), legal guardian(s) or custodian(s); or
- A child under the age of 18 who is without a place of shelter where supervision and care are available, who is not otherwise covered under §371(3)(a) of SSL; or
- A person who is a former foster care youth under the age of 21 who was previously placed in the care and custody or custody and guardianship of a local commissioner of social services or other entity authorized to receive children as public charges, and who was discharged from foster care due to a failure to consent to the continuation in placement, who has returned to foster care pursuant to §1091 of the FCA

The Destitute Child Act is a critical tool in supporting our homeless youth clients, making them eligible for funding and foster care services without a finding of neglect or abuse. Indeed, the Office of Children and Family Services indicates that unaccompanied

¹ Ali Forney has 32 crisis shelter beds for youth who identify as LGBTQ in Brooklyn, Covenant House has 22 mother and child beds at West 52nd St in Manhattan, and Inwood House in the Bronx has 8 beds for young women.

minors fall within the definition of a destitute child and local departments of social services are directed to serve such children accordingly.ⁱⁱⁱ

The Destitute Child Act is a new law that has yet to reach its potential because of a lack of understanding about the law and how it can be useful in supporting destitute youth. *City Council should convene a hearing to assess what the barriers to use of the Destitute Child Act are by bringing together stakeholders including ACS, family court judges, attorneys and service providers.*

3. Increase funding for RHY Drop-in Centers

RHY drop-in centers are an invaluable resource for our young immigrant clients. We send many of our clients to these centers to access mental health counseling, health care, GED and ESL classes, and creative arts activities. Drop-in centers are also a way for youth to begin the intake process for the RHY shelter system.

Young people and their families are invaluable served when a youth has a safe place to stay while both sides take time to cool off after a disagreement. Many of these youth need never become homeless in the first instance if they can take time off away from one another in a safe environment, access services and find a supportive environment. Our City's drop-in centers already do this work extremely well despite insufficient funding from the City and State.

We urge the members of the Committee on Immigration to work with your colleagues at City Council, the State legislature, Runaway and Homeless Youth (RHY) service providers, DYCD and other stakeholders like BDS to fully fund drop-in centers in all of the five boroughs so that they may be open 24 hours a day, seven days a week.

4. Continue funding social workers in cases involving immigrant youth

BDS immigration clients are fortunate in that they are able to take advantage of in-house social work services from our criminal, family, adolescent and civil practice areas. BDS's social work team place our immigrant and non-immigrant clients alike in a wide variety of programs in the local area, endeavoring to identify the best services for each client, taking into account his or her specific background and needs.^{iv}

We hope that City Council will continue to fund social work positions and will consider expanding funding to ensure that every immigrant youth in the City can access the services that will ensure a successful transition to life in this country.

Conclusion

BDS is grateful to City Council for the important steps that it has taken to support immigrant youth and families. However, there are more areas where City Council can take action.

To that end, BDS recommends that City Council:

1. Fully fund Runaway and Homeless Youth crisis shelter beds in every borough, particularly in Brooklyn
2. Explore how to eliminate barriers to the use of the Destitute Child Act
3. Increase funding for RHY drop-in centers
4. Continue funding in-house social workers at legal services and defender offices to connect immigrant youth with existing community and city services.

Thank you for your time and consideration of these important issues.

ⁱ See, e.g., Meribah Knight, *Far From Family, Alone, Homeless and Still Just 18*, N.Y. TIMES, Feb. 25, 2012, available at <http://www.nytimes.com/2012/02/26/us/of-young-immigrants-who-arrive-alone-many-end-up-homeless-in-chicago.html>.

ⁱⁱ Mireya Navarro, “Housing homeless youth poses challenge for Mayor Bill de Blasio,” NY Times, March 27, 2015, available at <http://www.nytimes.com/2015/03/28/nyregion/housing-homeless-youth-poses-challenge-for-mayor-de-blasio.html>.

ⁱⁱⁱ New York State Office of Children and Family Services, *Administrative Directive: Destitute Child Placement Procedures and Guidelines*, Sept. 19, 2012, available at http://ocfs.ny.gov/main/policies/external/OCFS_2012/ADMs/12-OCFS-ADM-08%20Destitute%20Child%20Placement%20Procedures%20and%20Guidelines.pdf.

^{iv} An indicative list of partners who have recently provided services—health care, mental health services, child care, housing, education assistance, and more—to our clients is presented below:

Substance Abuse and Mental Health	Family and Children Services	Housing, Counseling, Education & Multi-Service Organizations
<p>New Directions PAC ARTC Realization Center Paul J. Cooper Center Bowery Residence Committee Post-Graduate Center for Mental Health NY State Office of Alcoholism & Substance Abuse Services Dynamic Youth Community Conifer Park Bridge Back to Life Brooklyn Treatment Court Canarsie Aware Daytop Village Crossroads Queens Outreach House Dynamic Youth Community Inc Arms Acres DA's Alcohol Treatment Program Treatment Alternative for Dually Diagnosed The Osborne Association The Fortune Society La Casita</p>	<p>Little Flower Family & Children Services LIFT Edwin Gould CAMBA Safe Space Center for Community Alternatives Interboro Development & Consult Center Project Bridge Jewish Board of Family & Child Services Covenant House Women's Prison Association Young New Yorkers La Unión Shorefront YM-YWHA of Brighton Beach</p>	<p>Center for Family Life Brooklyn Developmental Disability Service Office Ali Forney Center FEGS Make the Road New York Haitian Family Resource Center Mary Lyons House Jamaica Community Adolescent Program Judge Rottenberg Center Fortune Society CASES Teens Challenge The Door Lutheran Family Support Center Haitian Centers Council Diaspora Service Center Safe Horizon SOBRO BronxWorks The Center for Employment Opportunities Part of the Solution (POTS) New Settlement Houses The Point Youth Ministries for Peace and Justice Picture the Homeless Mercy Center Sauti Yetu Turning Point Ridgewood Bushwick Senior Citizens Council</p>