



**NEW YORK STATE LEGISLATURE
2020 JOINT LEGISLATIVE HEARING ON THE BUDGET**

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I. INTRODUCTION AND OVERVIEW

For more than four decades, Catholic Charities Community Services (Catholic Charities) has been committed to welcoming New York's immigrants—be they families seeking to reunify, children, refugees, the undocumented, or day laborers. This commitment is rooted in respect for the human dignity of each person and for the value each individual brings to our communities of work, of family, and of faith. We therefore welcome the opportunity to offer written testimony concerning New York State budget priorities in the area of services to the newest New Yorkers, the immigrants and refugees that we serve.

This year, we ask that you pay special attention to the needs of this state's newest citizens and residents. The relentless rollout of cynical federal policies that have—and continue to—hurt immigrants, refugees, families, workers, and children is unequivocal in intent and design: the exclusion of minorities and vulnerable immigrants, the division of families, the undermining and threatening of diverse communities, the dismantling of due process, legal, and asylum protections, and the turning back of fundamental principles of human rights and policies of refugee protection and integration that are core to our identity. On a daily basis, through our immigration legal services, refugee resettlement and English learning programs, our immigration court helpdesk, community-driven *pro bono* programming, work with unaccompanied immigrant children, and statewide and citywide immigration hotlines, the dedicated members of our legal staff confront the tragic unraveling of substantive and procedural protection for our immigrant neighbors and their exclusion from integration opportunities. In the face of this, our state government stands as a beacon of hope for immigrant New Yorkers, and nothing is more critical to the fulfillment of that role than the provision of legal services to ensure that their legal rights are fully protected so that together we may continue to seek every opportunity to expand those rights through vigorous advocacy and litigation.

II. THE WORK OF CATHOLIC CHARITIES

Catholic Charities serves all individuals in need residing in all five New York City boroughs and seven counties of the Lower Hudson Valley – Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster and Westchester. Two-thirds of those we provide immigration legal services to are New York City residents,

including unaccompanied minors, young mothers with children, and asylum seekers from all over the world, but particularly from Central America and Mexico.

The work of Catholic Charities is broad, diverse, and focused on responding to individual crises as well as addressing core needs that can cause crises. Catholic Charities provides a comprehensive range of human services to immigrants, including: eviction prevention; case management to help people access benefits and resolve financial and family issues; emergency food; specialized assistance for the blind and visually impaired; after-school, drop-out prevention and employment programs for low-income, at-risk and/or court-involved youth; sports and recreational programs for children and youth; and supportive housing programs for adults with mental illness. Our services are provided in our community centers, parishes, regional offices and partnering schools and community-based agencies. Each year, CCCS works with thousands of households to manage crises and to help families achieve long term stability in immigration status, income, housing and nutrition. The issues our clients face are multi-faceted and complex, so we offer holistic services aimed at fostering lasting solutions.

Catholic Charities' Immigrant and Refugee Services Division responds to the needs of thousands of immigrants and refugees each year, through services in five principal areas: immigration legal services, including innovative and community driven models; unaccompanied minors programming; English for Speakers of Other Language (ESOL) and cultural learning at our International Center; refugee resettlement services; and general informational and referral services through the New York State New Americans Hotline and the ActionNYC Hotline.

III. THE IMPORTANCE OF FULLY FUNDING IMMIGRATION LEGAL SERVICES

Catholic Charities urges the New York State Assembly and the New York State Senate not only to renew current funding levels, but to significantly increase funding for immigration legal services in this year's budget. New York State should create a statutory right to counsel for New Yorkers facing deportation. Passing such a law would guarantee sustainable funding from year-to-year. By becoming the first state to enact a right to counsel for immigrants, and in the meantime, by renewing and adding to its funding commitment this year, New York can continue to lead the way toward opportunity, rejecting the policies of exclusion, division, and discrimination currently imposed at the federal level.

Never has the need to fund immigration legal services been greater. Immigration and Customs Enforcement (ICE) is ramping up aggressive enforcement, and the Administration recently announced a focus on our state, particularly New York City. Families are living in fear. Even those with a clear right to relief face more and more obstacles in the path to justice. Federal immigration agencies are deliberately slowing access to justice, issuing requests for additional evidence or notices of intent to deny, meaning that each case now takes much longer than before, and often requires much more paperwork on issues that would not previously have triggered significant scrutiny. On top of all of this, onerous fee increases and elimination of most fee waivers now loom, further limiting our clients' access to relief.

For low income individuals facing deportation proceedings, whether in detention or living in the community, access to high-quality counsel is crucial. Having an attorney impacts the collection of relevant evidence, the identification of errors and misrepresentations in the government's case and the preparation of the client for testimony, all of which is critical to the chances of success in a system of long odds. Moreover, while more needs to be done to ensure that those who are detained or in removal proceedings can access free, high-quality legal services, there are nearly a million (estimated) undocumented immigrants in our state who do not yet face deportation proceedings, but desperately need access to lawyers to determine if/how they may qualify for immigration benefits. Just as

importantly, access to legal counsel is the only way to ensure that these vulnerable immigrants are protected from notario fraud, falling victim to unscrupulous, unqualified practitioners who take their hard-earned funds and submit questionable applications that not only will not yield immigration relief, but increasingly, will put these families and individuals at great risk of deportation proceedings. Catholic Charities works aggressively, through our Know Your Rights workshops and community clinics throughout the Lower Hudson Valley and New York City, to reach these vulnerable individuals and help them better understand their options, prepare for harsh immigration enforcement and avoid being defrauded. Our experience shows that over 25% of those we meet in these clinics are eligible for some kind of protection or stabilized status. Considering the population of the undocumented in New York State, that could account for almost 250,000 immigrants with a pathway to greater security and stability.

Over the course of the past two fiscal years, New York State has made an extraordinary investment in immigration legal services. This investment, while impactful and much appreciated, has not kept pace with the growing need. From FY 2018 to FY 2020, the State budget commitment to immigration legal services dipped slightly from \$17.7M to \$16.9M. In addition to the need to increase the overall funding level, we urge your consideration of a number of issues around how State funding for immigration legal services can best be structured to better meet the legal representation challenges of today.

For example, Catholic Charities received funding close to \$1.2M from July 2017 through March 2019 under the Liberty Defense Project (LDP), only to have our funding discontinued in March 2019, despite the fact that many of the cases we had accepted with that funding were still active and our representation obligation was ongoing. With New York City's expansion of its support for immigration services, and by relying on access to limited private funds, we were able to find resources for continued representation of LDP clients even after the funding stream ended. But this loss impacted our capacity to accept new cases as we transitioned the LDP cases to other programs. Immigration cases can take several years to resolve, and these adjudication timeframes are lengthening as a result of the federal administration's deliberate efforts to obstruct justice. Any funding that is awarded going forward should be structured to ensure that immigration legal services providers can sustain representation of clients whose cases they accept over the entire pendency of these cases, without having to risk losing the capacity to finish working on these cases, or the ability to accept new cases because state funding suddenly ceases in the middle of representation.

We have a critical shortage of capacity. Access to counsel, particularly in rural areas such as the Lower Hudson Valley, remains scarce. The number of immigration legal services providers in the State fell by nearly 11% from 2017 to 2019, as did the number of organizations recognized by the US Department of Justice (DOJ) to provide legal services through accredited representatives. NYC alone lost 26% of its accredited organizations.

In NYC and other urban areas, many of the remaining immigration legal services organizations must frequently close intake and/or to schedule new case appointments months down the road, as they lack the capacity to accept new cases or respond to very urgent needs. According to the New York Immigration Coalition, nearly half of the organizations in the State are requiring clients to wait 2-6 weeks for an initial appointment, and fewer organizations today are even able to keep wait lists for services (only 25%), as the unmet need is so great that it has become too burdensome to maintain a list.

Catholic Charities is virtually unique: we continue to offer an "open intake" service for walk-in clients, by affording 60-120 open legal screenings at our Downtown Manhattan offices once a week. On Thursdays, our staff carefully prioritizes the walk-in cases and tries to efficiently address the most emergent ones. Our triage system ensures that, even if we cannot offer a full screening on a given morning and even if appointment slots for upcoming weeks are full, everyone who arrives at our office

in the morning at least receives a brief information and referral screening to begin to address their immigration needs. During triage, individuals are referred both internally – e.g., to our Immigration Court Helpdesk¹ or to our immigration hotline, as well as to any external providers who we understand to have capacity.

As you consider a major increase in the State’s commitment to immigration legal services, we urge you to build into any new funding authorization the appropriate structural requirements to ensure that providers can sustain this work. As the New York Immigration Coalition has documented, most immigration legal services providers cannot afford to hire or retain experienced attorneys, and many have few (or no) paralegals and/or administrative support. Attorneys and other legal services staff are burning out, not only because of the high-stress environment of this work and the high caseloads, but also because agencies cannot afford to provide them with mentoring and supervision, and cannot offer them even modest salary growth to support their own family budgets.

Compounding the problem is the fact that in almost every instance, immigration legal services funding is siloed, without building in such obviously-needed support services as English for Speakers of Other Languages (ESOL) classes, mental health professionals for evaluations and support, case managers or social workers. But frankly, too often, the contracts for immigration legal services fail to cover even the basics. Contract funding levels fall short of the actual cost of the attorneys’ salaries and benefits, fail to cover any of the time of program supervisors (or support staff) and fail to cover such basic organizational needs as the rent for the program office or access to language lines or translation services. While most organizations are equipped in-house to provide culturally competent access for Spanish-speaking clients, and at least for larger organizations, for several other commonly-spoken languages, external resources are critical, for example, in representing Central American speakers of indigenous languages. All of these structural flaws in program funding are then compounded by inflexible contract deliverable mandates that prevent the providers from addressing the ever-changing needs in front of us.

IV. THE NEED FOR INCREASED FUNDING FOR REFUGEE SERVICES

We further urge you to include renewed and increased funding for the New York State Enhanced Services to Refugees Program in next year’s budget. Through this program, our State responded to the federal government’s open hostility to refugee resettlement by providing \$2M in state funds to support the work of resettlement agencies, helping us reframe our work to support full community integration of asylees and other refugees. This year, we join with our many partners, including RASP, NYIC, and the Fiscal Policy Institute, in requesting an increase to \$5 million for this critical program in FY 2021.

¹ The Immigration Court Helpdesk (ICH) program is a non-detained deportation counterpart to the screening process that exists for NYIFUP. It was initially created to assist immigrants in removal proceedings in understanding their rights and learning to navigate the immigration system effectively. ICH leverages staff expertise with volunteer lawyers and law students to orient unrepresented immigrant respondents to the deportation hearing process, inform them about possible relief from removal, provide targeted referrals, and hold self-help workshops. The self-help workshops expand access to justice for those who face deportation proceedings without representation. Under current law, asylum applicants must submit their applications within one year after arriving in the US. Given ever-growing backlogs in immigration court, where hearings are scheduled years out, meeting this deadline has become nearly impossible for those who are unrepresented and thus unaware of the requirement, how to complete the application in an unfamiliar language, or filing procedures. Catholic Charities began operation of the Helpdesk at the NYC Immigration Court in August 2016, where for a minimum of ten days per month, it provides group presentations, individual screenings, pro se assistance, and legal referrals for those without legal representation. To leverage staff resources, CCCS established strong collaborative partnerships with several law firms and law schools, training hundreds of volunteer lawyers, law students, and interpreters to provide effective services in court under the supervision of several of our staff attorneys. ICH serves as an intake channel providing consultation support for numerous legal service providers to refer individuals who are in removal as well as a placement referral program to send viable cases to providers who have in-house expertise and capacity for particular facets of removal defense representation.

Last year, the Enhanced Services program provided nearly 8,000 unique services to refugees, including almost 5,000 case management services, over 1,000 employment training services and over 600 connections to English language support. With a focus on long-term integration and individualized services, the program's flexible funding and extended case management approach allows Catholic Charities and our fellow refugee-serving agencies to provide truly meaningful support. This program is a national model. It is a testament to our State's history and to New Yorkers' welcoming support of refugees seeking to join our communities. As you know, nationwide some 50 refugee serving organizations have closed permanently, and many more have ceased resettling refugees since 2017. As this Administration continues to dismantle a national refugee program that for decades has led the community of nations by example, it is critical, now, that New York State stay true to its commitment and history of welcoming the refugee and the migrant – true to its long-held vision and understanding that these are the people that make us strong and great.

Refugee resettlement is helping New York to stem the impact of population decline and aging. The Enhanced Services program is also helping to attract secondary migrants to New York State. Because of the state's support, New York's resettlement agencies and communities welcome people to our State from Bhutan, Somalia, Burma, Afghanistan, Congo and other countries who are already in the United States. In turn, our refugee and immigrant communities continue to attract young people who want to live in vibrant and diverse areas. A strong network of services that support the success of secondary migrants is critical to positive outcomes for the communities they choose to live in.

We stand at a critical juncture. The federal government has put the refugee resettlement program under even further strain this year, setting the Presidential Determination governing the maximum number of refugees to be resettled at an unconscionable, forty-year-low level of just 18,000 arrivals. Because this represents another devastating cut to agency sustainability, Catholic Charities joins the New York for Refugees coalition in asking the governor and the legislature to increase support in the coming year's budget to \$5M, so that this vibrant program may continue to expand its impact across the state.