

Oral Testimony Before the New York City Council Immigration Committee on the State of Immigrant Services in New York City

May 15, 2006

Good afternoon, Chair Kendall Stewart and council members. On behalf of The Legal Aid Society I would like to thank the Immigration Committee for inviting us to present our views on the state of Immigrant services in New York City.

My name is Jojo Annobil and I am the supervising attorney of the Immigration Law Unit at The Legal Aid Society. Since the founding of the Society 130 years ago, the Society has not wavered in its commitment to serve low income immigrants of this great City. Presently, The Legal Aid Society is the only civil legal services provider with a city-wide Immigration Law Unit committed to advocacy on behalf of New York City immigrants before the United States Citizenship and Immigration Services (USCIS) as well as representation in Immigration Court proceedings. The Society is also the only legal service provider that is able to provide the full range of free civil legal services to the immigrant community without regard to lawful immigrant status, because it is the only service provider not subject to Federal Legal Services Corporation limitations on the provision of legal assistance to immigrants.

With a staff of 7 experienced attorneys, two paralegals and myself, The Legal Aid Society's Immigration Law Unit provides a full range of free immigration legal services through several service models. Since 2000, the Society's Immigration Law Unit has operated a community-based Immigration Outreach Project funded by the New York City Council and administered by

the Division of Youth and Community Development (DYCD). Under this project, an experienced paralegal case handler, working with the supervising attorney, conducts intake at community sites and provides comprehensive legal counseling and representation on complex cases involving legalizing immigration status and naturalization.

Other projects include the Community Based Immigrant Legal Services Project which provides support, training and legal back-up assistance to community based immigration counselors; the Northern Manhattan Immigrant Defense Project which provides community-based removal defense advocacy and court representation services to immigrants residing in Washington Heights and the Bronx and the city-wide Immigration Representation Project, in which the Society is the lead agency, is a collaborative program which provides direct representation to low income immigrants, including detained immigrants who are in removal proceedings. Finally, the Society's Immigrant Youth Representation Project which assists immigrant youth in foster care to apply for Special Immigrant Juvenile Status and was partly responsible for the creation of the Juvenile Docket, a special hearing session, for unaccompanied minors in immigration proceedings.

Also funded by the Council and administered by the DYCD is the Society's community-based Low-Wage Immigrant Worker Legal Services Project staffed by the Society's Employment Law Unit, where our staff provide immigrant workers counseling, assistance and legal representation for employment related issues including wage and hour violations, health and safety violations, or access to worker compensation benefits. In addition, staff conducts outreach, education and

advocacy and provides technical assistance to several partner community-based organizations to ensure that these workers can access available benefits and services.

In addition to these projects, the Legal Aid Society provides a full range of civil legal assistance to immigrants at the Society's neighborhood based offices in all five boroughs and specialized city wide units. Immigrants seeking immigration assistance can also obtain housing, public benefits, disability benefits, health, domestic violence, family law or tax representation through the Society.

Unfortunately, none of the Immigration Law Unit's projects are financially self supporting. Every year we stretch our limited resources to meet the demand for immigrant services. City funding is therefore important to us and that is why the Society is very pleased that the City Council continues to recognize the need to fund non-profit immigrant legal services. In FY'06, the Council has provided the Society with \$330,000 for immigration representation and \$150,000 for representing low-wage immigrant workers. In order to fully understand the need for funding for non profit legal services it is important to understand what is at stake.

Today, in this City, there is a tremendous demand for immigrant services, especially quality and dependable legal services. The sad reality is that despite all our efforts and the efforts of other legal service providers the demand for free competent legal services has surpassed capacity.

Over the past ten years, immigration law has become increasingly complicated. Beginning with the 1996 changes in immigration law, obtaining and maintaining legal status through the United

States Citizenship and Immigration Services (USCIS) has become a tortuous and dangerous process often leading to deportation from this country. Language barriers also make it difficult for non-citizens to navigate USCIS's unpredictable rules and procedure changes which, if not strictly adhered to, could lead to the rejection and possible denial of applications. Moreover, with the Department of Homeland Security's increased enforcement of immigration laws since September 11, 2001, immigrants have to be made aware of the immigration consequences of criminal convictions which may affect their status as green card holders, their ability to sponsor other family members and to become American citizens. In December 2005, the United States House of Representative passed H.R. 4437 a sweeping bill which includes a provision that would criminalize illegal residency in the United States and have a disastrous impact on the estimated 650,000 undocumented non-citizens who reside in New York City.

Despite the tremendous need for legal assistance for immigrants in New City only a handful of civil legal services providers serve immigrants in New York City. Every year hundreds of New York immigrants are deported from this country and are separated from their loved ones because there is no right to counsel in immigration proceedings and they cannot afford to retain competent counsel. Hundreds of undocumented children who are in foster care or in adoption or under guardianship turn 18 and become ineligible to apply for Special Immigrant Juvenile Status.

In the absence of adequate funding for immigrant legal services providers, immigrants are forced to seek assistance from unscrupulous notarios and immigration service providers who not only charge exorbitant fees but often botch a viable immigration application. Those who cannot

afford to pay the exorbitant fees simply do not file applications or try to represent themselves, often, with disastrous consequences.

Funding provided by the City Council assists non-profit service providers to support and expand services to immigrants in this City. Investing in legal services allows hardworking low income immigrant families to obtain and maintain lawful immigrant status, to access health care, housing and public benefits. Immigrants are also able to comply with complicated immigration laws and regulations and eventually apply to become citizens.

In conclusion, we urge the Mayor and the City Council to include the Immigrant Opportunities Initiative funding, part of which is used to support and expand the work of non-profit legal providers, in the final city budget. The Legal Aid Society will continue to work with NYIC and other partners to restore the 10 million dollars. Thank you again for the opportunity to testify before you on this important issue.