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NYS Assembly Hearing on Unaccompanied Minors
Testimony of the New York Immigration Coalition
September 16, 2014

Dear Assembly Members Titus, Lupardo, Crespo, and the rest of the New York State Assembly,

Thank you for the opportunity to testify before you today. The New York Immigration Coalition is an umbrella advocacy organization that represents nearly 200 members and partners. Since early this summer, when numbers released by the Federal Government highlighted the sudden spike in children's arrivals from El Salvador, Honduras, and Guatemala, the NYIC has worked to convene stakeholders across the state to identify and respond to the needs of not only these children, but the communities that receive them. To date, New York has received the second highest number of children in the country – nearly 5,000 for calendar year 2014. Almost all of these children have been resettled in the New York City metropolitan area, including all of Long Island and the lower Hudson Valley.

Since convening our first working group meeting, the NYIC has hosted regular meetings of providers who serve one or more of the four broad categories of needs identified by our working group: legal, health, educational, and social services. We have also advocated at the city, state, and federal level for better resources to be allocated to these children. Finally, in partnership with community based organizations, city and state agencies, and legal service providers, we have begun holding bi-monthly Youth Assistance Fairs. These events, which take place in the communities with the largest amount of unaccompanied children, offer legal screenings along with representatives from schools, health care providers – including mental health – and a wealth of social services such as English classes, recreational opportunities, guidance and support for victims of trauma, etc. They are designed to complement the legal screenings occurring in courts and make available to the children and their families information and services they would otherwise be unaware exist.

Throughout this work, the NYIC has identified several key areas where New York State could and should respond.

First and foremost, these children need lawyers. The current legal capacity is nowhere close to being able to adequately respond to the legal needs. Moreover, the children have been placed on accelerated dockets within the immigration court and are being treated as priority for deportations. This notwithstanding the fact that under our current laws, up to eighty percent of children may be able to remain in the United States and obtain lawful status, if they are able to find qualified legal representation to see their applications and court proceedings through.

Unrestricted, civil defense services for immigrants have been historically underfunded, leaving the most vulnerable immigrants who come to our state – refugee children – defenseless against an archaic, overly-complicated deportation system. The

immigration reform bill that passed the Senate in 2013 included mandatory representation for children in deportation proceedings. Attorney General Eric Holder has himself come out in support of mandated representation of youth in removal proceedings. Faced with the lack of action by Washington, New York must take the lead and fulfill that broken promise.

Second, the State must assure that funding is provided to schools and other services to integrate these children into their communities. Without additional funding, a small number of New York State's communities will be disproportionately impacted, and individual school districts must not shoulder alone the cost of responding to a crisis of this magnitude. This issue is particularly acute in Long Island, where more than 2,000 children – more than half of the total number in New York - have been resettled in two counties. Additional funds from the New York State Legislature will provide essential support for these children's education, and also to help schools connect children with mental health and other social services. The New York State Education Department is doing the right thing by reaching out to districts to remind them of their obligation to serve these students – set under *Plyler v. Doe* – and is providing important instructional guidance. The New York State Education Department also needs to make sure that schools that enroll and serve these children aren't punished from an accountability standpoint.

Third, in addition to education, it is critical to meet these children's physical, mental, and oral health needs. Pediatricians can play a key role in serving as a medical home that will coordinate various types of physician and behavioral health services. They should receive guidance in identifying and referring minors to appropriate services. Most children are immunized while in the custody of the Office for Refugee Resettlement. However, there have been reports of immunization records getting lost or not being attached to release documents, making it hard for children to enroll in school.

Moreover, most children and their families are not aware of the different resources available to them for health services and coverage. Thus, an aggressive outreach campaign is necessary to ensure that children take advantage of their ability to enroll in Child Health Plus. In order to facilitate streamlined enrollment, it is important to note that the CHP enrollment form (Form DOH 5088) incorrectly states that identity attestation is permitted only for applicants 16 and under. In fact, identity attestation (via Form DOH 5090) is permitted for applicants 18 and under. In addition, access to behavioral health services addressing trauma will be especially important for this population, who maybe more likely to have post-traumatic stress disorder.

Finally, social support for both the children and their families will be critical. Though most children are reunited with family members, this often does not mean a happy ending. The children are sometimes unexpected additions to overburdened, struggling households. Even when the reuniting guardian is a parent, there can be feelings of resentment, abandonment, and other issues. There are increasing reports of children

being pushed out of homes or running away, of being held out of school to work and bring in a supplemental income, and of suicidal ideations or other signs of deep depression. The State must create networks designed to promote the welfare of these children and families so that they do not become a lost generation, but instead grow from their difficult beginnings to contributing members of our communities.

The NYIC believes that the State Legislature can play a key role in this effort. With sufficient resources, we can make sure that these children will not be wards of the state, but instead become the dynamic, thriving immigrant achievers that have enriched New York State from its birth – and the Legislature can play a signal role in ensuring that these resources are there. And just as importantly, the State Legislature can also make a public statement that New York is a welcoming state, that opens its arms to newcomers and is not afraid of welcoming the stranger, and that the promise that Lady Liberty extends to the world remains alive and well today for these children.

Respectfully,

Camille Mackler
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New York Immigration Coalition