



Office of
Immigrant Affairs
Nisha Agarwal
Commissioner

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Testimony of Commissioner Nisha Agarwal,
NYC Mayor's Office of Immigrant Affairs

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Committee on Immigration, Committee on Higher Education, Committee on Community
Development, and Committee on Youth Services:

“Oversight — How is New York City Educating its Adult Immigrant Community?”

Introduction

Thank you to Committee Chair Menchaca and the members of the Committee on Immigration, Committee Chair Barron and the members of the Committee on Higher Education, Committee Chair Arroyo and the members of the Committee on Community Development, and Committee Chair Eugene and the members of the Committee on Youth Services.

As Commissioner of the Mayor's Office of Immigrant Affairs, I work on policies and programs that promote the well-being of immigrants in New York City and facilitate their successful economic, social, and civic integration. Towards these ends, my office works on programs that support English language learning and educational opportunities for immigrants. I thank the Council for this opportunity to discuss this work.

We are New York

The first program I want to discuss is the We are New York program (known as "WANY"). The Mayor's Office of Immigrant Affairs is the home of WANY, an Emmy-Award winning educational television series that is based on true-to-life stories of immigrants making their way in New York City. Each episode teaches English and highlights different aspects of civic engagement, so that individuals learn English as well as useful information about essential City services and how people working across different communities can access resources and solve common problems. To complement the WANY episodes, MOIA has also developed a robust 10-week curriculum with a study guide and a facilitator's guide. WANY has been used widely throughout the City's adult education system to help tens of thousands of New Yorkers improve their English.

In addition to offering videos and a conversational English curriculum, WANY also supports grassroots organizations within immigrant communities. Community-based organizations, cultural institutions, labor unions, and many other organizations have hosted WANY classes. Such a community-based approach to education and information sharing is consistent with the de Blasio administration's overall approach to outreach and engagement.

Executive Action

I am also happy for the opportunity to discuss the second program I want to cover in my testimony today: MOIA's DACA Education Initiative, which is part of our larger local program to implement the President's executive action on immigration. MOIA is designing the model for this program in partnership with the Human Resources Administration (HRA), who is helping to administer it by assisting with the procurement process. One of MOIA's key priorities is to support legal and community services for immigrants at scale so that the maximum number of New York City residents can obtain safe, high-quality information and assistance about their immigration options. In MOIA's work on executive action, we are designing and implementing models for connecting with immigrants who may be eligible for immigration relief under the current Deferred Action for Childhood Arrivals (DACA) program, as well as immigrants who may be eligible for expanded DACA which was announced by the White House last year, or the DAPA program for the parents of US citizens and permanent residents, also announced by the White House last year – as well as other forms of immigration relief.

The DACA Education Initiative will be focused on immigrant New Yorkers who may be eligible for DACA and expanded DACA but cannot establish eligibility because they do not yet meet the educational requirement. Through this program, the City has an opportunity to improve access to educational and vocational programming and immigration legal services for some of the City's most vulnerable communities. In New York City – as is the case in other municipalities across the country – the demographic reality is such that this initiative will not only help qualify individuals for relief, but also has the potential to support their economic advancement in the local workforce.

Mayor de Blasio and the entire Administration are firmly committed to helping the thousands of youth and young adults who may be eligible for DACA but for their need to enroll in educational programming as we implement our broader administrative relief program. We have learned from the City Council-funded program that was developed in 2012 with the start of the DACA program, and now are looking forward to working together to help more DACA-eligible New Yorkers participate more fully in the City's social and economic life.

Background on Executive Action and Citywide Response

On June 15, 2012, President Obama announced the Deferred Action for Childhood Arrivals Program (or “DACA”). The program offers an opportunity for certain undocumented young people who meet the program’s residence and education requirements to obtain a work permit and to gain relief from deportation. New York City was estimated to have a large number of individuals who would be eligible for DACA. However, New York saw lower rates of DACA applications than initially anticipated. In fact, according to the Migration Policy Institute, as of March 2014, New York State had a total application rate of 49% compared to the national total of 55% among the immediately DACA-eligible population.¹ If we were to include both potentially eligible and immediately eligible populations – meaning individuals that would qualify for DACA short of the educational requirement in addition to individuals who already met all criteria including the education requirement – then the application rate falls to 37% in New York State. This rate – 37% – is also the same rate of uptake across the country for potentially eligible and immediately eligible individuals, a fact which reinforces the observation made by practitioners nationwide that educational attainment is among the barriers that have contributed most to low applications rates.

In November 2014, President Obama took new steps to address our broken immigration system and announced that he would use his executive authority to expand DACA and create another program to provide relief for the parents of U.S. citizens and lawful permanent residents. The expanded DACA program will increase access to the program by eliminating the age cap and reducing the period for which this population must provide proof of residency. The President’s executive action is projected to offer relief to millions of undocumented immigrants nationwide. We estimate that in our City alone, administrative relief would positively impact approximately 200-000-230,000 undocumented New Yorkers.²

Despite the entry of a temporary preliminary injunction on implementation of expanded DACA and DAPA, it remains a priority for the Mayor to prepare the city’s coordinated response. MOIA is moving forward to pull together a large-scale citywide response involving city agencies, legal service providers, and community-based organizations. The model will include a public education campaign, coordinated legal services delivery, mass outreach efforts in targeted communities, screenings for eligibility, legal service referrals, and linkages to ancillary benefits,

¹ Migration Policy Institute, DACA At the Two-Year Mark, August 2014
http://migrationpolicy.org/sites/default/files/publications/DACAyouth_EstimatesRangesACS2012-SEC.xlsx

² 2011-13 American Community Survey Public Use Micro Sample as augmented by NYC’s Center for Economic Opportunity

such as IDNYC. As part of these efforts, we will incorporate the DACA Education Initiative into this broader model for executive action.

It is important to note that the federal ruling does not affect the existing DACA program. Individuals may continue to come forward and request initial grant of DACA or renewal of DACA pursuant to the guidelines established in 2012. As such, it is even more critical that we continue to move forward with our plans to connect immigrants with legal services and access to educational and vocational training opportunities through our service delivery model, including the DACA Education Initiative. Through this model, we seek to offer tailored educational and vocational training services directly to otherwise DACA-eligible populations that need them.

Scope of the Challenge

Our approach to the DACA Education Initiative is informed by new research and data about the key challenges that face this hard-to-reach population. Since DACA was announced over three years ago, MOIA has been able to better study the program and understand the low application rates among New Yorkers. In coordination with the Poverty Research Unit at the Mayor's Office of Operations and ongoing conversations with community-based organizations and other partners in the field, we have found that the needs of the DACA population that have already applied are very different from the needs of individuals that have not yet applied for DACA but are potentially eligible.

For purposes of today's discussion, when I refer to potentially DACA-eligible individuals, I am describing those that meet the age and residence requirements of the 2012 DACA program or expanded DACA, but do not currently meet the educational requirement. We estimate that in addition to the 75,000 to 85,000 potential DACA recipients in New York City, there are approximately 24,100 total New Yorkers who may be eligible for original and expanded DACA but for their ability to meet the education requirement.³

According to American Community Survey data as further analyzed by the Center for Economic Opportunity, we have found that potentially DACA-eligible individuals are among the most vulnerable and isolated immigrant residents in our City. Notably, these individuals are much older than most DACA applicants, between the ages of 25 and 34. According to a 2014 report published by the Brookings Policy Program, more than half (54%) of all DACA applicants that filed

³ 2011-13 American Community Survey Public Use Micro Sample as augmented by the New York City Center for Economic Opportunity

were under the age of 21.⁴ This is important because researchers have found that the older the individual; the more likely they are to feel unsafe by submitting an application for DACA.⁵ Moreover, compared to the immediately DACA-eligible profile, this population is more likely to lack English proficiency, have less than an 8th grade education, and already be in the workforce. In fact, 82% of the potentially DACA-eligible population is limited English proficient, compared to the 43% of the DACA-eligible total. And 72% of the potentially DACA-eligible population is already employed in the workforce. This number is remarkably high compared to the 57% of the working age population that is employed citywide. In terms of geography throughout the five boroughs, the vast majority – over 65% – lives in either Brooklyn or Queens, and nearly a quarter resides in the Bronx.⁶

Among the challenges facing legal services and education providers, it has been incredibly difficult to engage these harder-to-reach individuals who may be eligible for DACA but are older and have significant gaps in their education. Through ongoing conversations with community leaders, we have been able to learn even more about this group's specific hurdles. For example, after their arrival to the United States, many arrived with an enormous amount of debt from the migration trip and subsequently went straight into the workforce. Many entered into survival jobs such as delivery work, house cleaning, low-wage restaurant and construction work, and other occupations characterized by low pay and long hours that make it extremely difficult for workers to find time to attend classes. This in turn forces them to weigh the incentive of getting a two-year work permit through DACA against the fact that they are already working.⁷

Finally, other than factors such as employment, parenting, and other responsibilities that pose high hurdles to returning to education and training programs, many individuals who are potentially eligible for DACA simply do not know that they may qualify for immigration relief. Given their lack of educational attainment and older age, this population may not readily identify with the common "DREAMer" profile and as a result may not self-identify as potentially eligible

⁴ Metropolitan Policy Program at Brookings, Local insights from DACA for implementing future programs for unauthorized immigrants, June 2015 <http://www.brookings.edu/research/reports/2013/08/14-daca-immigration-singer>

⁵ Migration Policy Institute, Diploma Please: promoting educational attainment for DACA and potential DREAM Act eligible youth, September 2014 <http://www.migrationpolicy.org/research/diploma-please-promoting-educational-attainment-daca-and-potential-dream-act-eligible-youth>

⁶ 2011-13 American Community Survey Public Use Micro Sample as augmented by the New York City Center for Economic Opportunity

⁷ Metropolitan Policy Program at Brookings, Local insights from DACA for implementing future programs for unauthorized immigrants, June 2015 http://www.brookings.edu/~media/Research/Files/Reports/2015/06/04-daca/BMPP_Srvy_DACAImmigration_June3b.pdf?la=en

for DACA.⁸ When all these factors are coupled together, it results in a population that is extraordinarily and uniquely difficult to reach.

Addressing the Challenge

To address this challenge, MOIA will update the program design utilized by DYCD under the Council's 2012 DACA program and tailor it to the new research and data about this population. We are committed to fitting educational and vocational programming into the context of our broader executive action model. Through this approach, we plan to connect literacy and other qualifying educational and/or vocational training directly to potentially eligible DACA individuals instead of funding general literacy seats with the hopes that DACA clients will come forward. Within this new model, in addition to legal help, we will provide more tailored outreach, workforce and support services navigation, and case management to assist individuals overcome barriers to educational and career advancement.

For outreach, we will leverage the connections that the dedicated team of community organizers for IDNYC and Executive Action have established and are continuing to strengthen with trusted community groups, faith-based institutions, and other leaders in immigrant neighborhoods. Through these connections, as well as the larger outreach plan we are planning with community partners across the city, we can develop a targeted outreach strategy to reach individuals who may otherwise be very hard to reach. We will also conduct a public education campaign that will incorporate messaging about the benefits of DACA, such as access to a work permit, a Social Security Number, eligibility for the Earned Income Tax Credit (EITC), a driver's license, and Workforce 1 services, among other benefits. These outreach and marketing efforts can help direct individuals to education and legal services.

Additionally, the educational programming must be specifically crafted to the potentially DACA-eligible populations so that they not only receive the English or other educational or vocational programming that is necessary for DACA eligibility, but that they also receive the training and support that they need to ultimately succeed in their integration and career pathways. To help individuals find and make time for educational courses, which may take months, while juggling work and personal responsibilities, our proposed service model will feature a stronger link

⁸ Metropolitan Policy Program at Brookings, Local insights from DACA for implementing future programs for unauthorized immigrants, June 2015. http://www.brookings.edu/~media/Research/Files/Reports/2015/06/04-daca/BMPP_Srvy_DACAImmigration_June3b.pdf?la=en

to wraparound services, such as case management, navigation support to help immigrants address barriers and get on a path to success, as well as potentially using more flexible means of delivering instruction than traditional classroom bound programs.

With New York City at the forefront of national immigration reform and inclusion, we believe that the City can spearhead this model for educational programming that will be positively transformative for potentially DACA-eligible immigrants. Bringing individuals out of the shadows and providing access to work authorization, better jobs, health insurance and other social benefits will help address many facets of inequality faced by this population.

Conclusion

MOIA looks forward to working with the Council, partners in community-based organizations and the advocacy community to continue learning about the needs of potentially DACA-eligible New Yorkers and how the City can better reach and serve this population. We agree on the critical importance of this work and the City's role in lifting up this program. MOIA and the de Blasio Administration remain committed to enhancing the educational opportunities of immigrants and empowering them to succeed. Thank you for the opportunity to address these Committees.