



**Office of
Immigrant Affairs**
Nisha Agarwal
Commissioner

December 13, 2017

**Testimony of Acting Commissioner Bitta Mostofi
NYC Mayor's Office of Immigrant Affairs**

Before a hearing of the Assembly Committee on Health, Puerto Rican/Hispanic Taskforce, and
the Taskforce on New Americans:
“Immigrant Access to Healthcare”



Thank you to Chair Gottfried, Chair Crespo, Chair Solages, and the members of the Committee on Health, the Puerto Rican/Hispanic Task Force, and the Task Force on New Americans. My name is Bitta Mostofi and I am the Acting Commissioner of the NYC Mayor's Office of Immigrant Affairs (MOIA).

In my testimony today on behalf of the de Blasio Administration, I will describe the work the City has done to connect immigrants to the health care system, how the City has responded to changes in federal law and policy, and areas where the City and State can work together to address new challenges.

We are grateful to be able to work with the State as a partner in connecting immigrants to health care. Health care is a right that should be available to all, regardless of their immigration status or ability to pay, and we are happy to work with the State to move toward this ideal.

NYC successfully connects immigrants to health care and health insurance

New York City is a leader when it comes to access to health care for our residents, including immigrants. Our health care system, including NYC Health + Hospitals and services through the NYC Department of Health and Mental Hygiene (DOHMH), is a remarkable resource: open to all, regardless of immigration status or ability to pay, with strong language access and cultural competency efforts. NYC Health + Hospitals is the largest municipal health care system in the country, and is by far the largest provider of care to the uninsured and underinsured in New York State. In fact, NYC Health + Hospitals serves a disproportionate share of the uninsured and underinsured population.

Given the broad array of health services available to immigrants in NYS, perhaps the biggest area of need is to provide information and connect uninsured immigrants who are unaware of their options or afraid to access this remarkable health care system.

We continue to identify and address the barriers to access in our health care system. In 2014 and 2015, over thirty City agencies, community-based organizations, health care providers, and advocacy organizations participated in the Mayor's Task Force on Immigrant Health Care Access to identify barriers to access and develop recommendations.

The Task Force identified the need to provide public education and outreach on health care and coverage options for immigrants. In response, the de Blasio Administration has invested in a year-round, multi-agency campaign, GetCoveredNYC, to connect immigrants and others to the health insurance options available to them. The City has also published resource guides in multiple languages on health care and health insurance resources.

In response to the Task Force's call for a "direct access" program, the City launched a privately-funded demonstration project in 2016 called ActionHealthNYC, which served low-income immigrants who were not eligible for health insurance through the New York State of Health Marketplace. ActionHealthNYC helped coordinate care for uninsured immigrants, including primary and specialty care. The City will review the results of the program's evaluation, which is



underway and will be completed soon, for findings related to improving access to care for uninsured immigrants.

Another way we have connected immigrants to this health care system is by making it easier for IDNYC cardholders to access and interact with the health care system, including through prescription drug discounts, integration with NYC Health + Hospitals systems, accessing vaccine records, and the ability to register as an organ donor. We are also grateful that the State accepts IDNYC as proof of identity on the New York State of Health Marketplace.

The City has also worked to connect immigrants to health insurance that is available because of hard-won State laws and policies, which are some of the most inclusive laws and policies in the country. Child Health Plus is available to all children under 19 years of age, regardless of immigration status, and many immigrants with a variety of permanent and temporary statuses are eligible for the Essential Plan, Medicaid, or assistance through the New York State of Health Marketplace. The City has trained City outreach specialists and City health insurance enrollers on these laws and policies. This helps the City connect immigrants to the insurance options available to them.

We have also conducted special insurance outreach efforts for specific populations in need—in particular, children and young adults.

As part of the response to the surge in unaccompanied minors arrivals in 2014, DOHMH provided bilingual health insurance enrollment services at the federal immigration court to help inform and enroll unaccompanied minors and their families in public health insurance. From September 2014 through August 2017, DOHMH staff screened over 7,700 adults and children, nearly 35 percent of whom did not have insurance.

We have encouraged those eligible to apply for Deferred Action for Childhood Arrivals (DACA), and connected DACA recipients to Medicaid. In 2016, MOIA launched a \$300,000 campaign funded by a grant from the New York State Health Foundation that helped create an almost five-fold increase in the number of DACA applications in New York State. The campaign was possible because DACA recipients in New York State are eligible for Medicaid, something that is not true in many states across the U.S.

The City also recently baselined over \$1.5 million in an innovative medical/legal partnership, ActionNYC in NYC Health + Hospitals. This program is the largest ever municipal investment in the country in an immigrant-focused medical-legal partnership. ActionNYC brings free and safe immigration legal services to patients and community members, which in turn can help these clients qualify for public health insurance. The program has had a tangible effect on our clients' lives. For example, we connected one politically-active client who was fleeing persecution to housing and financial support. That client now is a hospital patient receiving medical and psychiatric care as our legal team prepares his asylum case.

City responses to recent changes in federal law and policy



Mayor de Blasio has made it clear that the City cares about the health of all its residents, including immigrants. The City is connecting and will continue to connect immigrants to health care, despite changes in federal law and policy.

The threat of increased immigration enforcement has inflamed fears and anxiety in immigrant communities. For example, immediately after the election we heard that immigrant New Yorkers were voicing fears about using public health services. The de Blasio Administration took immediate steps to reassure immigrants that health care services were still available to them and safe to access. MOIA and NYC Health + Hospitals issued an open letter to immigrant New Yorkers in December 2016 in 14 languages, reiterating the right to get medical care in NYC regardless of immigration status or ability to pay. We worked with NYC Health + Hospitals to post signs in welcome areas to say “We care about your health – not your immigration status.” DOHMH has placed similar signs in their health centers. The City and community-based organizations also held a series of forums at NYC Health + Hospitals facilities to inform patients of their rights and to reiterate NYC Health + Hospitals’ commitment to protecting patient privacy and not inquiring about immigration status. Both DOHMH and NYC Health + Hospitals have strong policies that prohibit law enforcement officials from entering without legal authority.

We believe that our message has been heard by the community, and we believe that similar messages would be effective throughout the State. While we remain deeply concerned about the chilling effect of the federal government’s cruel and xenophobic immigration policies, the data do not show a measurable overall chilling effect on uninsured patients’ utilization of services at NYC Health + Hospitals facilities.

In addition, we have recognized a need for additional mental health supports for immigrant New Yorkers. The Trump Administration’s xenophobic and toxic rhetoric and policies have directly affected many immigrant New Yorkers. In response, the City is doing outreach to immigrants in need to connect them to NYC Well, a cornerstone of the City’s ThriveNYC plan. NYC Well provides a suite of mental health services, including crisis counseling, short-term counseling, follow-up services, and referrals, 24 hours a day, 7 days a week, and 365 days a year, and is available in more than 200 languages.

New challenges and City and State responses

We anticipate additional challenges moving forward. As the federal government continues its attacks on immigrants and on health care, the City and State must work together to protect and expand health care services for immigrants.

The end of DACA and the upcoming expiration of Temporary Protected Status (TPS) for several countries threaten many immigrants with the loss of their State Medicaid coverage. Currently, DACA and TPS recipients can receive Medicaid because of the State’s interpretation of certain laws about which immigrants are eligible for public insurance. But most undocumented immigrants are ineligible for public insurance. Thus, there is a risk that DACA and TPS recipients will lose their Medicaid when their immigration status expires. The City is deeply concerned about the impact of ending policies that have helped so many New Yorkers, and continues to advocate for permanent protections for DACA and TPS recipients on the federal



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level. We look forward to working with the State to make sure that these young immigrants do not lose their health insurance when their immigration status expires.

The Trump Administration and Republicans in Congress have continued to attack the Affordable Care Act, which provides health insurance to millions of Americans, including many immigrant New Yorkers. The Mayor has been a vocal advocate for the Affordable Care Act, and we will continue to fight alongside State leaders against efforts to repeal or undermine it.

Immigrant parents have expressed concerns about what will happen to their children if they are targeted for immigration enforcement. There is a State bill, S6217/A7899, currently before the Senate that would address some of their concerns, especially in the context of their child's health. The bill would expand the situations when families can designate a standby guardian. Standby guardians are trusted individuals that are allowed to make important childcare decisions if the parent is seriously ill or incapacitated. Currently, immigrant parents cannot appoint a standby guardian in the case of their detention and deportation. They can designate a person to be in a "parental relation" to their child.¹ But persons in a "parental relation" to a child do not have the rights of a guardian, and may not consent to a "major medical treatment" for that child.² Allowing immigrant parents to designate a stand-by guardian will help them ensure that their child remains safe and healthy, even if they face deportation or detention.

Conclusion

We thank the chairs and committees here today for being a crucial partner in the work to increase immigrant access to health care. We are dedicated to continuing to connect immigrants to the health care they need, and we look forward to working with the State on these issues.

Thank you for allowing us to provide testimony on this important topic.

¹ NY General Obligations § 5-1551.

² NY Public Health § 2504(2).