



**Testimony of Commissioner Steven Banks, New York City Department of Social Services**

**Before the New York City Council's Immigration Committee**

**Oversight: The Need for Legal Representation in Immigration Court under Trump**

**December 19, 2018**

Good Morning. Thank you Chair Menchaca and members of the Immigration Committee for giving us the opportunity to testify today. My name is Steven Banks and I am the Commissioner of the New York City Department of Social Services, overseeing the Human Resources Administration (HRA) and the Department of Homeless Services (DHS).

I would like to thank my colleague Commissioner Mostofi and the Mayor's Office of Immigrant Affairs (MOIA) for her partnership in the essential work this Administration has undertaken to provide legal services for immigrant New Yorkers.

To begin, I would like restate my remarks from Monday's testimony before the General Welfare Committee to address the extremely troubling incident at one of our Brooklyn client locations which culminated in the arrest of an HRA client. What happened at the Human Resources Administration's DeKalb Center on Friday, December 7, 2018, was completely unacceptable and should never happen again in New York City. On behalf of our agency and our dedicated front-line staff in all five boroughs, I apologize to Jazmine Headley and her one-year-old son and to the people of the City of New York for the actions that were taken that day.

- As reflected in the NYPD body worn camera videos, there were multiple points at which this incident could have and should have been defused.
- Last Monday, I placed two HRA Peace Officers on modified duty with no client contact.
- Consistent with their collective bargaining agreement, on Friday I suspended these two officers without pay for the maximum period of time and DSS will file disciplinary charges against them that could result in termination.
- Going forward, unless there is an immediate safety threat, I am directing that HRA Peace Officers shall not request the intervention of the NYPD without first contacting the Center Director or Deputy Director or her/his designee to attempt to defuse the situation by addressing a client need.
- Within the next 90 days, DSS will conduct retraining sessions for all HRA Peace Officers, with an emphasis on techniques for deescalating disputes in HRA Centers. Thereafter, this enhanced training will be a mandatory annual requirement for each officer.
- I intend to attend each of these retraining sessions to speak to the HRA Peace Officers regarding the importance of deescalating disputes.

- DSS has directed the City’s contracted security services vendor to provide retraining sessions for all security guards assigned to HRA Centers, with an emphasis on techniques for deescalating disputes in HRA Centers. Thereafter, this training will be a mandatory annual requirement for any contracted security officer assigned to an HRA office.
- In addition to existing DSS customer service staff training, DSS has requested and received an OMB funding commitment to develop implicit bias training for all 17,000 DSS staff members to promote diversity in the workplace and dignity-centered client services.
- Building on its reforms through which 85% of SNAP/food stamps applications and recertifications are submitted online without the need for clients to come into an HRA Center, HRA will continue to move forward with expanding online access for cash assistance clients, subject to any necessary State approvals.
- Together with the NYPD Commissioner, we will take the following actions:
  - The NYPD and DSS will develop a protocol for determining appropriate instances in which HRA Peace Officers in HRA Centers should seek the assistance of the NYPD.
  - The NYPD and DSS will develop a protocol to deploy an NYPD supervisor to be part of the NYPD response team for such HRA assistance requests.
  - The NYPD and DSS will develop a protocol for transferring control of an incident to the NYPD when the NYPD arrives at an HRA Center.

**Our Continued Commitment to Immigrant New Yorkers**

To begin my testimony today, it is important for me, at a time when the policies of the Trump Administration have become increasingly inhumane and punitive, to unequivocally restate our commitment to ensuring all New Yorkers in need, including immigrants, have access to our agencies’ benefits and services. Each year HRA addresses the needs of more than three million low-income New Yorkers, including immigrants.

This Administration, in partnership with the City Council, has made a historic and unprecedented investment in legal services for immigrant New Yorkers, to dramatically increase access to a range of legal supports through a variety of programs. At the same time, the Administration and the Council have created and fostered the infrastructure to allow our City to respond quickly and forcefully to an immigration legal landscape that changes often and to meet emergent legal needs of immigrant families and individuals in New York City. I am happy to report that New York City is a national leader in providing access to justice for people in need. We work in close partnership with our colleagues at MOIA and with legal services providers and community-based organizations (CBOs) to understand the legal needs experienced by immigrant New Yorkers and to design and implement the most effective service to quickly respond to those needs.

One major component of this effort is HRA’s Office of Civil Justice (OCJ). The Office of Civil Justice was created in 2015 to oversee, manage and monitor the City-supported civil legal services available to low-income New Yorkers and other residents in need. The establishment of the office coincides with New York City’s unprecedented investment in civil legal services programs for New Yorkers at the start of the de Blasio Administration. This fiscal year, the Administration committed \$142 million towards civil justice programs at OCJ.

The de Blasio Administration’s investment in civil legal services in Fiscal Year 2019 includes \$31 million for legal services for immigration legal services. This represents a thirteen-fold increase in Mayoral funding for immigration legal assistance programs since Fiscal Year 2013, when it was \$2.1 million. With

this funding the Administration supports programs that address the variety of legal needs of immigrant New Yorkers by providing access to high-quality legal assistance. As you have heard from Commissioner Mostofi, the ActionNYC program provides free, safe, and high-quality immigration legal services to immigrant New Yorkers in need, including free comprehensive legal screenings for possible forms of relief at locations across the City as well as Know Your Rights forums and other outreach efforts designed to widely disseminate accurate and reliable information about the immigration legal system, to reduce fraud, misinformation and confusion in the community.

At HRA, in the Office of Civil Justice, the largest and most expansive of our immigration legal services programs is the Immigrant Opportunity Initiative (IOI). Through this program, which was first established through the award of discretionary funding by the City Council, networks of nonprofit legal providers and community-based organizations conduct outreach in immigrant communities across the city and provide legal assistance to primarily low-income immigrant New Yorkers in matters ranging from citizenship and lawful permanent residency applications, to more complex immigration matters including asylum applications and removal defense work.

Starting in Fiscal Year 2017, following an RFP and a competitive bidding process for multi-year contracts, the Administration increased our funding for immigration legal services through IOI. IOI was initially funded by the Administration at \$3.2 million annually, but in the spring of 2016, after working with the Council, including the Chair, and in recognition of the need for additional quality legal representation for immigrant New Yorkers facing more complicated legal cases, IOI providers received supplemental Mayoral funding of \$2.7 million to provide representation in 1,000 complex immigration cases, including asylum applications, Special Immigrant Juvenile Status (SIJS) proceedings, and U and T visa applications.

Baseline Mayoral funding for immigration legal services programs was dramatically increased for Fiscal Year 2018 and the outyears to include \$16.4 million in additional baseline funding to respond to the pressing need for representation in removal proceedings, support assistance with seeking alternate forms of immigration relief for Dreamers and other immigrant New Yorkers, as well as to meet the increasing challenges posed by a shifting landscape for federal immigration law and policy. With this investment the Administration has been able to continue our support for legal representation in complex cases as well as dramatically increase the availability of free legal representation in removal proceedings.

The flexibility of the IOI program has enabled the City to provide additional funding to a variety of legal services providers including community- and borough-based nonprofit law offices and groups. These partners specialize in providing legal services to vulnerable populations such as children and domestic violence survivors, as well as citywide legal provider organizations, allowing for a rapid increase in much-needed service capacity. Particularly in light of the ever-changing federal immigration policy landscape, it is more important than ever to have a nimble structure that allows us to stand up legal services where they are most needed. The contracts with the IOI service provider consortia that HRA administers through OCJ allow for rapid deployment of funding, staff and resources to assist the immigrant community across the continuum of services, from brief legal counseling to full legal representation in cases like removal and asylum matters.

In total, the City's IOI program is funded at \$22.1 million in Fiscal Year 2019, including \$19.5 million in Administration funding as well as \$2.6 million in Council discretionary grants, and funds over fifty different nonprofit organizations and legal providers serving immigrant communities across the city. This funding is expected to provide legal services in over 10,000 immigration matters this year, including

legal representation in approximately 2,500 removal cases in defense of immigrant New Yorkers ensnared in the Trump Administration's deportation machine.

The Administration's support for IOI includes a dedicated \$4.1 million in Mayoral funding this year to help address the legal needs of unaccompanied youth here in New York City facing the threat of removal, including legal help for those children separated from their parents or loved ones at the southern border by the Trump Administration. This funding was finalized this fall following the rapid response to the border crisis and it has allowed us to partner with legal services providers to:

- Further increase capacity for legal defense in deportation proceedings for over 900 separated and unaccompanied immigrant youth;
- Increase funding for social work and case management resources to address the acute needs of these children; and
- Provide resources to address legal screening and risk assessment needs of family members seeking to be sponsors of separated children in facilities in the custody of the federal Office of Refugee Resettlement (ORR) in New York City, facilitating their release from ORR facilities.

In addition to IOI, HRA manages immigration legal services programs funded through federal Community Service Block Grants totaling \$2.1 million, administered in partnership with the Department of Youth and Community Development (DYCD). With CSBG funding, legal services organizations provide a range of services such as legal assistance to help immigrant adults and youth attain citizenship and lawful immigration status, as well as services targeted at groups such as immigrant survivors of domestic violence and human trafficking, low-wage immigrant workers at risk of exploitation and violations of their employment rights, and immigrant youth in foster care.

In addition to the Administration's commitment, I want to again acknowledge the ongoing commitment of the City Council, Speaker Corey Johnson and this Committee to expanding access to justice by funding legal services. HRA also oversees immigration legal services programs funded through Council discretionary grants. This year, in addition to the Council's \$2.6 million allocation for providers through IOI, the New York Immigrant Family Unity Project (NYIFUP) is funded by a City Council discretionary grant providing legal representation for low-income detained immigrants facing removal at the Varick Street Immigration Court. This year, NYIFUP is funded at \$10 million and is expected to serve approximately 1,600 individuals in deportation proceedings.

HRA also administers the Unaccompanied Minors Initiative (UMI) / Immigrant Children Advocates Relief Effort (ICARE) which was developed by the City Council in partnership with the Robin Hood Foundation and the New York Community Trust to provide legal and social services to address the surge of immigrant children living in New York City. The program provides unaccompanied immigrant and refugee children in New York City with counsel, the opportunity to apply for relief from removal, and the opportunity to receive much-needed social, medical and mental health services. Many of these children are eligible for a range of statutory protections, including asylum, for those fleeing past and future persecution; Special Immigrant Juvenile Status (SIJS) for children who have been abused, neglected, or abandoned; U or T visas for those who have been victims of certain crimes or human trafficking and other relief. With \$2 million in City funding for FY19, the program is expected to serve approximately 550 immigrant youth facing removal.

In all, the City's total investment in legal assistance programs for immigrants exceeds \$48 million in FY19, an exponential increase from just \$7 million in FY13.

## **Moving Forward: Continued Citywide Collaboration**

As Commissioner Mostofi aptly laid out in her testimony, this City has much to be proud of regarding the accomplishments in our efforts to provide a continuum of legal services to immigrant New Yorkers, whether they need accurate and reliable legal advice on their options, help with adjusting their status, expert guidance in the naturalization process, a defender in their removal proceedings or emergency legal assistance in immigration court. Still, there is more work to be done and we remain committed to working closely with partner agencies, legal service providers, and community-based organizations to build on our progress to maximize the effectiveness and efficiency of these programs.

New York City is a proud city of immigrants and we will do everything we can to mitigate the impact of the federal government's divisive actions and rhetoric. We are committed to continue providing services that evolve with the ever-changing federal policy landscape to address the most pressing needs of immigrant New Yorkers. With the partnership of this Council, our unprecedented investments to these programs continue to place New York City as the leader in ensuring that low-income New Yorkers have access to justice. Thank you for the opportunity to testify today, and I look forward to your questions.