

**Testimony of Administrator Grace Bonilla, New York City Human Resources Administration**

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

**September 3, 2019**

Good Afternoon. Thank you Chair Menchaca and members of the Immigration Committee for giving us the opportunity to testify today. My name is Grace Bonilla and I am the Administrator of the New York City Human Resources Administration.

I want to thank Commissioner Mostofi and the partnership we have with MOIA to ensure immigrant New Yorkers are getting up to date and accurate information concerning public charge. Since the leak of the public charge rule, we have been working to ensure that all New Yorkers in need have access to our agencies' benefits and services. And it is important for me, as the Administrator of the nation's largest social service agency, particularly given the current punitive executive policy climate in Washington D.C, to unequivocally restate our commitment to addressing the social and economic barriers that all New Yorkers face.

**Our Continued Commitment to Immigrant New Yorkers**

Each year HRA addresses the needs of more than three million low-income New Yorkers, including immigrants. To provide context for this hearing, I would like to briefly touch on the services HRA provides, both independently and in partnership with partner agencies, to improve the lives of immigrant New Yorkers.

**Office of Advocacy and Outreach (OAO)**

- In 2014, HRA established the Office of Advocacy and Outreach (OAO) to ensure all New Yorkers have equal access to benefits and services. Following the integration at DSS, this office has been working to ensure equal access to benefits and services at both HRA and DHS. OAO includes the Office of Refugee and Immigrant Affairs (ORIA), which is a unit exclusively dedicated to clients with limited English proficiency (LEP) and immigrants. OAO also houses two additional teams: LGBTQI Affairs, and Disability Affairs. On the outreach side, OAO also works to ensure all eligible New Yorkers, including immigrants, have access to HRA services by conducting ongoing outreach to vulnerable communities across the City.

**Legal Services Programs through the Office of Civil Justice (OCJ)**

- This Administration has made an extraordinary investment in legal services to level the playing field for low-income New Yorkers facing potentially life-changing legal challenges related to housing and immigration through the following programs:
  - **Immigrant Opportunity Initiative (IOI):** Since Fiscal Year 2017, the Administration has funded the IOI program, through which networks of nonprofit legal providers and community-based organizations conduct outreach in immigrant communities across the city and provide legal assistance to low-income immigrant New Yorkers in matters

ranging from citizenship and lawful permanent residency application, to more complex immigration matters, including asylum applications and removal defense work.

- **ActionNYC:** Operated jointly by the Mayor's Office of Immigrant Affairs (MOIA), HRA, and the City University of New York (CUNY) and implemented in collaboration with over 20 community-based organizations and legal services providers across the five boroughs, ActionNYC provides immigrant New Yorkers with free, safe, and high-quality immigration legal services in their community and in their language.
- **Community Service Block Grant (CSBG) Programs:** OCJ oversees immigration legal services programs funded through federal grants, 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.
- **New York Immigrant Family Unity Project (NYIFUP):** Through Council discretionary grants, this program provides legal representation to detained immigrants facing removal proceedings, primarily at the immigration court at Varick Street.
- **The Immigrant Child Advocates' Relief Effort (ICARE)/Unaccompanied Minors and Families Initiative (UMFI):** Established in 2014 through a public-private partnership of the City Council, the New York Community Trust, and the Robin Hood Foundation, ICARE/UMFI provides legal and social services to unaccompanied immigrant children entering and living in New York City.
- **Anti-Eviction Legal Services:** Through this program, HRA contracts with a dozen providers, including both large citywide providers and smaller community-based organizations, to provide free legal representation and advice to low-income tenants facing eviction.
- **Anti-Harassment and Tenant Protection:** This program was launched at HRA by the de Blasio Administration in January of 2015. Whereas the anti-eviction legal services programs target tenants who are already involved in housing court proceedings, this program also provides resources for tenant outreach and pre-litigation services with the goal of preventing eviction and displacement. AHTP legal services providers offer community education, landlord-tenant mediation, and counsel on cooperative tenant actions and building-wide lawsuits.
- **Universal Access to Counsel Program:** In 2017, Local Law 136 set in motion programs that will provide access to eviction defense legal services for all tenants in Housing Court and in New York City Housing Authority (NYCHA) administrative termination of tenancy proceedings.

#### IDNYC

- IDNYC, the largest municipal identification program in the country, is directly operated by DSS through a joint initiative with the MOIA and the Mayor's Office of Operations. Since its launch, more than 1.24 million New Yorkers have obtained their IDNYC and we operate 19 permanent locations with four or five additional pop-up enrollment sites, at any given time, across the five boroughs. We also operate an IDNYC command center which serves as a mobile enrollment center.

## NYCitizenship

- NYCitizenship is a collaboration between HRA, MOIA, and the New York public libraries to provide free naturalization application assistance to all New York City residents. Since the March 2016 launch of the program, HRA has conducted outreach to over 11,500 immigrant clients who are potentially eligible to become U.S. Citizens. As a result, over 700 HRA clients have applied for citizenship with the assistance of this program.
- The program is open to any New Yorker free of charge. HRA specifically works with certain populations that may face additional barriers or hurdles in applying for naturalization, which has been linked to higher pay, enhanced job opportunities, and additional benefits.

## **Final Rule on Public Charge**

I thank my colleague for providing a succinct overview of the final rule and the current state of affairs on this issue. As she mentioned, “public charge” is a term in U.S immigration law currently used to refer to a person who is likely to become primarily dependent on the government for subsistence via receipt of cash assistance and/or government-funded institutionalization for long-term care. Currently, the public charge analysis comes into play when a person applies for admission into the United States, or when someone applies for Lawful Permanent Resident Status. Before the new iteration of the public charge rule that could go into effect on October 15<sup>th</sup>, the only benefits considered in a public charge determination are cash assistance for income maintenance, which includes Temporary Assistance for Needy Families (TANF), Safety Net Cash Assistance, and Social Security Income (SSI), and institutionalization for long-term care at government expense. As the local agency that administers cash assistance benefits among many other services, even under the current rule, it has been and continues to be our ongoing recommendation that people who are applying for Lawful Permanent Resident status for the first time speak with an accredited immigration attorney to understand the benefits and risks of applying for and accepting cash assistance benefits.

The final rule now includes SNAP, Medicaid (with some exceptions), and housing assistance (Section 8 tenant-based and project-based vouchers and project-based rental assistance, and public housing) in the determination of public charge. The rule still only applies in limited circumstances: when a person applies for lawful permanent resident status, when extending or changing their non-immigrant status, or when applying for admission into the United States.

I would like to take this opportunity to again reiterate my statements and those of my colleagues that there will be no changes until the final rule goes into effect on October 15, 2019. Further, the final rule is not retroactive for the newly included benefits – meaning that if you are in receipt of some Medicaid or SNAP benefits, for example, before this rule is finalized, those benefits will not be considered in a determination of public charge. Finally, it is important to note that benefits received by family members will not be considered in that person’s determination of public charge unless the person is a listed beneficiary as well.

This policy is complex, and it may or may not apply to someone based on their particular immigration status and circumstances. For example, Refugees, Asylees, VAWA self-petitioners, special immigrant juveniles, U and T visa holders are generally exempt from the public charge test or they can apply for a

waiver. Lawful Permanent Residents are generally exempt from the public charge test, except in certain and limited circumstances, and public charge does not apply to anyone applying for citizenship. And much discretion is left to the federal Department of Homeland Security to evaluate the totality of circumstances in each individual case. To that end, we recommend that anyone who is thinking about not applying for or withdrawing from participation in benefits programs – because of uncertainty as to how the final public charge rule may impact them – should speak to an accredited immigration attorney before deciding on a course of action.

The new rule expands the list of public benefits considered under public charge. Under the final rule, the determination of whether an individual is likely to become a public charge would also require a more stringent totality of the circumstances test, even for those immigrants who have not used a covered benefit. This may change how closely the federal government scrutinizes factors such as an individual’s age, education, employment history, income, assets, and health conditions, among other factors, when determining whether an immigrant is likely to become a “public charge” in the future. Because of this, we are urging any New Yorker who has questions about how the final rule might affect them, to seek legal assistance.

HRA and DHS frontline staff have been made aware of the rule through an official communication from Commissioner Banks and training has been conducted to ensure staff refers clients to the informative flyer created by our colleagues at the Mayor’s Office of Immigrant Affairs, which provides information on how to contact ActionNYC. The flyer is being made available at all HRA and DHS client-facing locations. All staff have been told to refer any clients with questions about the impact of the receipt of benefits to ActionNYC. Through these referrals to ActionNYC, clients can speak with trained professionals and ask questions about how accessing public benefits may or may not impact their immigration status. There continues to be information on our internal website about legal service referrals for immigrants so that the entirety of our staff may easily access the information and make appropriate referrals to these free and anonymous legal resources. Lastly, the AccessHRA continues to provide information on immigration legal services for anyone who has questions, which will reach those New Yorkers who are conducting business with us online and not coming into our centers or are seeking information about applying for benefits for the first time.

### **The Chilling Effect**

As of June 2019, SNAP is helping 1.5 million New Yorkers—or nearly 20 percent of the City’s population—put food on the table and feed their families. This includes approximately 200,000 eligible non-citizens. To understand the impacts of the federal government’s proposed rule HRA conducted an analysis of SNAP enrollment earlier this year. The analysis looked at year-to-year changes between eligible U.S. citizen and non-citizens. In the last two years, since news and media outlets first began reporting of potential changes to the public charge rule, non-citizens who are eligible for and *lawfully* receiving SNAP benefits have either left the SNAP caseload or have decided not to enroll in the program at a higher rate than U.S. citizens. This is particularly concerning as each of these New Yorkers are lawfully receiving SNAP Benefits.

## **Proposed Legislation**

We look forward to working with the sponsors of the two bills that impact HRA. We stand in a position of great responsibility to provide real time, factual information about what public charge is and what it is not as well as who it will impact.

HRA supports providing all our clients with information about the assistance available to them. This legislation would require DSS to share a notice, by mail or email, about the availability of emergency food programs to all SNAP recipients whose case closed on or after January 1, 2016 and to those currently receiving SNAP when they recertify.

We welcome the proposal from the Council, but we want to make it clear that this information would be provided to all SNAP recipients irrespective of public charge, and receipt of such information is not being provided because the recipient is impacted by public charge to prevent any targeting of such clients. This notice would be sent to all recipients who do not recertify, who have income making them ineligible for the benefit and a more exhaustive universe of clients. This approach will enable us to reach a broader group of clients and protect those who may believe they are impacted by public charge.

Again, we remind all New Yorkers who have questions about public charge to consult with an accredited, trusted legal provider to discuss their individual circumstances. We support the intent of the bill and would like to continue working with the Council to ensure that its implementation will not contribute to the chilling effect we have seen.

On Councilman Cabrera's preconsidered bill 2019-4982, as I stated, we are working to ensure our staff and clients have timely, factual information about public charge. We look forward to working with the Council to achieve that end including the use of ActionNYC – one hotline for concerned individuals to obtain accurate information and to limit confusion.

## **Our Doors Are Open**

All this said, our doors are open and we encourage any and all New Yorkers in need to come seek help. There has been no change in our long-standing policy that permits any family or individual to apply for assistance, and there has been no change in current law regarding what benefits immigrants are eligible to receive. We will continue doing what we do best, which is providing critical services to everyone who is eligible.

Since the release of the proposed rule, we have been partnering with our colleague agencies, advocates, and stakeholders to better understand how the recent federal actions are playing out in the community. We will continue working with our partners to keep our ears to the ground and to provide accurate, useful information to New Yorkers on this topic.

While the final rule has not gone into effect yet, this policy direction will harm New Yorkers, including not only those who may be directly impacted by the rule, but also through the chilling effect among those to whom the rule does not apply, but who change their behavior in fear of adverse immigration consequences.

New York City is a proud city of immigrants and we will do everything we can to prevent the Trump administration's proposed harmful actions on public charge from going into effect. We are committed to ensuring that all New Yorkers, including immigrants, have access to the services they need and we will continue taking action against this rule.

Thank you again for the opportunity to testify before the Council today and I look forward to your questions.