

NEW YORK STATE 2024 LEGISLATIVE SESSION

TESTIMONY ON IMMIGRATION JUSTICE ISSUES

Introduction:

My name is the Reverend Paul Fleck and I serve as the Executive Director at Immigration Law & Justice New York, a legal services ministry of the United Methodist Church. As Methodists we are concerned with offering the Gospel through social action to change societal structures which perpetuate poverty, racism and discrimination against immigrants. In this spirit, we partner with many groups who represent a cross section of faith and secular leaders, lay activists, and many other organizations and individuals who are deeply committed to ensuring that immigrants who come to seek refuge and opportunity in New York State are recognized and treated with the same respect and care as all other New Yorkers.

We are actively working to support people in need, including the more than 170,000 immigrants and asylum seekers who have come to New York over this past year or so. Many of secular grassroots organization leaders and volunteers are motivated to do this work by their own personal experiences; others by their personal conviction to respect the humanity of each person and seek to provide help where it is needed.

Our faith leaders remember, and are motivated by their shared understanding of the value of each person regardless of their nation of origin. Hebrew Scriptures commands the community “to love the stranger, for you were strangers in the land of Egypt” (Deuteronomy 10:19). Christians remember the Samaritan and the teaching of Jesus that we will be judged by how we welcome the stranger. Muslims recall that Mohammed described himself as an immigrant and they, as other faiths, teach the centrality of compassion, hospitality and justice for all.

We all speak with great pride about New York being the State of immigrants. Other than those who are indigenous Native American and the many whose ancestors were brought here in chains, the rest of us are often only a generation or two removed from ancestors who fled to this country to escape severe poverty, political oppression, and genocide. And yet, we seem to be at a point in our history, when the dehumanizing voices of xenophobia – voices of fear, anger and dismissal of persons who were not born here – try to deafen us with their noise. Those negative forces create such havoc and self-doubt, that we begin to “buy-in” to the idea of an intractable immigrant crisis that is, somehow, taking something away from the rest of us. The fact of the matter is, that immigrants – whether they came yesterday, or 5, or 100 years ago - are New Yorkers. They are not asking to take away anything from other New Yorkers. Rather they are seeking the chance to live peaceful and productive lives, like everyone else. On their paths to self-sufficiency, immigrants are faced with the same systemic barriers that do violence toward other struggling communities, especially Black, brown and indigenous New Yorkers. These, often life-threatening, hardships include lack of affordable housing, food instability, barriers to finding employment that will provide a living wage, affordable access to health services, lack of legal services and quality education.

For all these reasons, we challenge you, and ourselves, to arrive at a new paradigm that finally puts an end to existing systemic barriers that make life so difficult for the millions of New Yorkers who continue to struggle at the economic margins, and who live under the shadow of being one step away from catastrophe.

1. Strengthening the Social Safety Net which Benefits all New Yorkers

This new paradigm of unity demands that our laws and our governmental funds do not pit one group of disadvantaged people against another. The fact is, that justice and support for struggling immigrants is a subset of justice and support for *all* struggling New Yorkers. In most cases, it is simply a question of ensuring that when safety nets are established, or more just laws are passed, immigrants, whatever their legal status

are included as part of the populations that will benefit from this support. More specifically, as we strengthen the safety net for all we offer the following recommendations:

Affordable Housing

- Affordable housing laws will go a long way to lift the tremendous rent burdens on economically strapped New Yorkers. Let us just ensure that any such affordable housing legislation and policy also includes undocumented immigrants.

Food Insecurity

- One in four adult New Yorkers face food insecurity. Support for food relief programs, including food pantries, will stave off hunger for these New Yorkers, including immigrant families.

Work

- Expanded work opportunities, protections against wage theft, an unemployment insurance program that provides temporary wage replacement for those who have been historically excluded from NYS Unemployment Insurance is the road to a more robust New York workforce. Let us ensure that such economic justice laws also include the current and potential immigrant workers.

Health Care

New Yorkers need to have access to affordable health services including mental health services is a fundamental life necessity. Let's make sure that any health justice legislation, such as health coverage through New York State's Essential Plan, also includes all immigrants, no matter their legal status.

With just some forethought and inclusion of immigrants into the crafting and passage of human service needs legislation and policy, we will insure that immigrant families, along with their neighbors, will be protected against life-threatening disasters, and will have

the needed support towards self-sufficiency and contribution to New York's economy and quality of life.

2. Immigrant Specific Legislation

There are some more limited instances in which there are basic needs that are immigrant specific. We recommend the following:

- Permission for asylum seekers to legally work in New York State.
- Additional funding and support of immigrant legal services, including the right of immigrants to have access to representation in immigration courts.
- A continued and expanded effort to provide the most efficient process possible for asylum applications and other such legal services.
- Expanded language access in all arenas, especially in the medical and legal fields.
- A cohesive unified State plan regarding current and future asylum seekers being brought to New York State.

Especially for these immigrant-specific issues, we ask that, under the leadership of the Governor, all governmental levels come together to develop and implement a statewide plan that not only addresses the humanitarian issues of arriving asylum seekers from the Southern border, but creates a more just approach for providing support and justice for all immigrants, no matter their status.

A Cohesive Statewide Plan to Support Specific Immigrant Needs including the Needs of Recently Arrived Asylum Seekers to New York State:

First we fully understand that the roots of much of the current 'immigration problem' starts at the Federal level. The list of failures is long. In addition to the years of inability to provide fair and just immigration reform, the inaction on the Federal level to provide a

nationwide systematic approach to settling new arrivals is deeply disturbing. The Federal government has not done nearly enough to address the most basic critical needs including streamlining the current asylum application process; adding more immigration courts; and shortening and providing a more efficient system for people to get their work permits. We commend both Governor Hochul and Mayor Adams for their strong advocacy at the Federal level.

Second,, we appreciate the major efforts that have been made by the State and New York City leadership to accommodate the thousands of immigrants who were, and continue to be bused to New York without warning from Texas. We also understand that major funds continue to be spent at the New York City and New York State levels to shelter and otherwise try to support the arriving immigrants. We take particular note of the \$2.4 billion that the Governor has included in the current 224-25 Executive Budget to support arrivals.

However, there is much more that can be done at the State level to welcome and support asylum seekers. While New York City historically has been, and will continue to be, the first point of entry for immigrant arrivals, we must fully embrace this as a *State* issue that continues to need immediate attention, even as we wait for a more responsive Federal approach.

We call on the Governor and the State Legislature to take the leading role in setting new and creative strategies to welcome, resettle and provide needed initial support for immigrants arriving into New York. Specifically, we ask State leadership to take the following steps:

- Gather the major stakeholders for input and agreement on a state-wide approach for current and arriving immigrants. Top decision-makers in these discussions should include every level of government (NYC, counties, other major municipalities); the public non-for-profit and education sectors (immigrant focused cbo's; school districts; higher education institutions); faith communities across the

theological and religious spectrum and the private sector (businesses that need workers; law firms)

· Develop a cohesive state-wide plan and agreement among the major stakeholders (especially at each government level) as to how to move forward to:

(1) Provide immediate welcome and temporary settlement of asylum seekers. Agreement should be reached that there be temporary sheltering sites throughout the State.

(2) Establish a streamlined approach to provide immigration legal services for asylum seekers and TPS (Temporary Protective Services) candidates to have their cases resolved in a reasonable amount of time.

(3) In lieu of Federal government inaction, identify a way of providing legal permission to work for asylum seekers and other immigrants as soon as possible.

(4) Develop approaches/systems that move people towards full self-sufficiency for themselves and their families. As noted above, these approaches should include integrating the needs of immigrants as part of – not in opposition to – the needs of all New Yorkers.

To be successful, such a statewide plan must include:

(1) Transparency regarding where and how funding is used. We ask that the City and State provide a public report on how Federal, State, city and county funding had been allocated and for what purposes in the current fiscal year (2023-24).

(2) A clear plan that is publicly released regarding the use of the \$2.4 billion proposed by the Governor, including a consideration of using a portion of that funding to support other more general needs of undocumented immigrants such as additional major funding for immigrant legal services.

(3) All contracts for implementing resettlement of asylum seekers be awarded according to State regulations, and that these contracts abide by all regulatory reporting and auditing requirements.

(4) Clear and consistent communication among all partners (especially among different sectors of government). All partners that agree to resettle immigrants must know what to expect (including when people will arrive; what kinds of funding resources are available; what services are expected to be provided and by whom).

(5) The effort and expertise of the whole surrounding community. (This is not just a government effort). We have extraordinarily experienced religious and other not-for-profit organizations as well as an army of volunteers who are totally committed to providing needed support and welcome to our new neighbors. We should work to eliminate barriers which prevent volunteers from offering assistance while helping them to access state funds to do this work.

6. Taxes should be increased for highest earning New Yorkers in order to provide these basic services to middle and lower income individuals and families.

Specific Recommendations to be Addressed in the 2024-24 State Legislative Session:

As you consider our recommendations we wish to emphasize that the state to pay for strengthen the safety net for New Yorkers and to pay for services specific to the immigrant community will require the state to raise incomes taxes on the highest earners and reinvest that money to benefit all low and middle income New Yorkers.

1. Strengthening the Safety Net for All New Yorkers Including Immigrants

As noted above, most of the support for immigrants of various legal statuses, can easily be incorporated in legislation to support all vulnerable New Yorkers including immigrants.

Highlighted below are more details on some of the particular legislative proposals that we support.

Sheltering and Affordable Housing for All, including Undocumented Immigrants:

Right to Shelter – is a human right and should be continued. We strongly object to the effort to deny right to shelter to immigrants after 30 or 60 days in New York City.

As the state allocates money for temporary shelter, we believe some of the 2.4 billion allocated for temporary shelter for asylum seekers would better be allocated to a Housing Access Voucher program which would make permanent housing available for all. Less priority should be placed on temporary housing which is less stable and much more expensive.

We are concerned about the process of reticketing immigrants after they reach 30 to 60 deadline which includes paying people to move somewhere else outside New York City

with no effort to find out whether the place they are going will be able to offer housing and other services. The state should allocate resources to other parts of the state who would welcome asylum seekers who are reticketed and be able to render better services like housing at less cost.

With regard to temporary shelter, we should rely more on faith based institutions use their space to offer that shelter and offer subsidy to faith communities in different parts of the state to permit congregations to offer this shelter and not just for congregations in New York City,

We also ask the legislature to pass the Faith Based Affordable Housing Act which makes it easier for congregations to repurpose their property to build affordable housing.

We support many initiatives to dramatically expand the supply of affordable housing to meet the needs of 50% of New Yorkers who currently spend more than 30% or more of their income on housing More investment in housing we also reverse population loss and strengthen the economy.

Food Access:

Food insecurity has increased in New York state while we are seeing cut in the state HIPNAP program. We call for not but significantly increasing in HPNAP funding.

This increase in state aid should benefit all people including immigrants many of whom rely heavily on food assistance but can't access Federal food assistance programs.

We support expansion of free breakfast and lunch for all students Pre-K through 12.

Wages, Employment and Working Conditions

- Stop wage theft. It is estimated that New Yorkers at least experience 1 billion dollars a year in lost wages. We need to strengthen laws to protect people from wage theft and support strong legislation which have a reasonable chance of passing. Senator Ramos has introduced three wage theft bills which we call on the legislature to consider.
- We support an increase in wages and improvement of working conditions for workers in professions populated by immigrant workers including: home health care, domestic services, restaurant work, farm work, and other entry level jobs. We should increase the ability for people to obtain legal work permits that lessen the need to work under the table.
- Pass the Unemployment Bridge Program. We strongly support the Unemployment Bridge Program which will benefit all self employed New Yorkers, immigrant workers who cannot access traditional unemployment, and those who are formerly incarcerated.

Affordable Quality Health Care:

- **Coverage for All** - undocumented immigrants ages 19 to 64 still do not have access to affordable, quality health insurance through NYS's Essential Plan
- Mental health coverage and services (The crisis in lack of mental health services continues to grow. Immigrants are part of the population that desperately need these services – especially services for PTSD and other trauma-related mental and emotional crises.)

- Language access to health care continues to be a major problem. While they are required to provide language access for non-English speaking patients, doctors must foot the bill for interpretation services. Due to the cost, many doctors and dentists often will refuse to see non-English speaking patients.

State Child Tax Credit

We support the expansion of the state child tax credit which is the single most important step we can take to lift children out of poverty.

Education:

Thousands of newly arrived immigrant children and youth are going to our schools. Need additional state aid for school districts that are providing ENL (English as a New Language) educational services, as well as more community wrap-around services for students who have been through war and other traumas)

NYS does not have enough ENL teachers. We need ways of encouraging more training programs and/or recertifying/retraining experienced teachers in ENL. (Not sure anyone has come up with a legislative proposal on this yet.)

All state education funding formulas should be sensitive to schools experiencing population loss while investing in all schools to strengthen them and place less pressure on an inequitable and costly and property tax system.

Proposals which are Specific to the Needs of Immigrant Populations

What follows are areas where state funding and regulation is required specifically to help immigrant communities.

Immigrant Legal Services:

All faith traditions, from the Hebrew and Christian Testaments to the Quran are replete with admonitions and examples of the imperative to walk alongside our immigrant siblings. Nowhere is that need more acute than in the provision of immigration legal services. The Transactional Records Access Clearinghouse at Syracuse University now estimates that over half of the docket of individuals—or over 170,000 cases—in immigration court proceedings are unrepresented. As you would expect, the threat of deportation and deportation jeopardizes family unity and the considerable economic contributions of immigrants. However, when immigrants are represented, they win their cases over ten times as often as those unrepresented.

New York must invest in immigration legal services capacity and advance universal representation. We join with the New York Immigration Coalition, the Vera Institute, and the Immigrant Advocates Response Collaborative in calling for passage of the Access to Representation Act along with a necessary investment of \$150 million in immigration legal services.

Employment/Work Permits:

Must find a better approach for getting work permits into the hands of immigrants. Federal laws need to be changed but the state must find “work arounds” and work with employers to develop alternative paths for immigrants to obtain work permits

Language Access

Expanded language access in all arenas, especially in the medical and legal fields. We support state language access legislation.