

Testimony of the Children’s Defense Fund – New York

“Crisis of Unaccompanied Immigrant Children: What is New York City Doing?”

Before the Committees on Immigration, and Courts and
Legal Services

New York City Council
September 29, 2014

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Good Afternoon. My name is Lorraine Gonzalez-Camastra. I am the Director of Health Policy at the Children's Defense Fund – New York (CDF-NY). Thank you to Councilmember Menchaca, Councilmember Lancman, and to the other members of the Committees on Immigration and Courts and Legal Services, for the opportunity to share testimony regarding unaccompanied immigrant children who have arrived in New York City.

The Children's Defense Fund (CDF) Leave No Child Behind® mission is to ensure every child a *healthy start, a head start, a fair start, a safe start and a moral start* in life, and successful passage to adulthood with the help of caring families and communities. It is with this mission in mind that CDF-NY brings a holistic approach to advocating for children at each stage of their youth. Across New York State, we act as a resource and partner for children, families and organizations, and are recognized as an authority in the endeavor to protect children and strengthen families. Our unique approach to improving conditions for children combines research, public education, policy development, community organizing and advocacy activities, making us an innovative leader for New York's children in the areas of health, education, juvenile justice and early childhood development.

As requested, my testimony today will address current circumstances for unaccompanied immigrant children in New York City, as well as provide recommendations for supporting this population in our city moving forward.

As of now, regardless of immigration status, all children in New York City are eligible for:

- free or low-cost health insurance;
- free or low-cost access to primary care and specialty care via the City's HHC Options program;
- public school enrollment; and
- participation in City-funded after-school and literacy programs

CDF-NY applauds City Council and its partners for launching the "Unaccompanied Minor Children Initiative" last week to fund free legal representation for unaccompanied minors in NYC. We acknowledge that these children and youth deserve quality representation at immigration hearings from specialized counsel who can adequately represent their legal needs and secure a safe and hopeful future for them and their families.

Additionally, CDF-NY acknowledges and thanks Mayor Bill de Blasio and Commissioner of Immigrant Affairs, Nisha Agarwal, for recently stationing City representatives at 26 Federal Plaza, the federal immigration court, to directly address the needs of unaccompanied children undergoing deportation proceedings, and in schools to facilitate school and health care enrollment for unaccompanied children.

It is at this moment, in which two initiatives on behalf of unaccompanied children debut that CDF-NY offers recommendations in the following areas to maximize the potential of New York City to support these children and youth. City Council, and the Committees on Immigration and Courts and Legal Services in particular, have an incredible opportunity to exercise their oversight

and funding capacities to support efforts to connect unaccompanied minors to existing social service supports. We, at CDF-NY, are motivated to support your work.

RECOMMENDATIONS:

The following are specific recommendations for ensuring optimal support for unaccompanied children and youth in New York City.

The Mayor's Office of Immigrant Affairs has announced that it will conduct targeted outreach in neighborhoods and schools, as well as at the Federal Immigration Court, to support unaccompanied children's enrollment in available health insurance programs. It is our understanding that through legal assistance provided by City Council's "Unaccompanied Minor Children Initiative," unaccompanied children may also receive counseling related to health insurance enrollment.

We, at CDF-NY, believe federal immigration court to be an effective gateway for educating unaccompanied minors and their family members and/or sponsors on eligibility and qualification for health insurance. Through our experience as a state-wide leader in developing effective methods for enrolling children in health coverage, we urge the Committee on Immigration to:

- ensure a coordinated pathway for all of children and youth at the federal court, involving an intake process that merges assessments for legal service needs with coordinated education and health insurance enrollment services;
- guarantee that culturally and linguistically-competent health insurance counselors are able to educate youth and their guardians about health coverage options and, in turn, provide enrollment support; and
- warrant that these health insurance counselors appropriately connect unaccompanied children to community liaisons stationed in neighborhoods for follow up on enrollment and health care access.

Beyond the acquisition of health insurance coverage, unaccompanied minors need to become aware of health care providers in their respective communities that offer pediatric care. While it is well-documented that unaccompanied minors benefit from post-release services that can connect them to health and educational supports, it is not guaranteed that such services are awarded to all children and sponsors by agencies funded via the Health and Human Service Administration and Office of Refugee and Resettlement.¹ Without such support, many families sponsoring unaccompanied minors are left with the daunting task of navigating a complex healthcare system.

Therefore, in keeping with the use of federal court as a gateway for connecting unaccompanied minors to social service supports, a list of New York City community health care access points – at a minimum, consisting of culturally and linguistically-competent primary care and behavioral health care providers - should be given to all families arriving to court for hearings. This step should be integrated in the coordinate intake process recommended earlier. Incorporated in this list should be Article 28 and 31 sites located in City public schools.

Also, since children may also engage in health insurance enrollment and system navigation with the support of legal counsel provided through the Unaccompanied Minor Child Initiative, resources and training should be provided to all City-contracted legal representatives on how to connect unaccompanied children to culturally and linguistically-competent health care.

In addition to ensuring that every child in New York is enrolled in health insurance, CDF-NY prioritizes ensuring that the care they receive is comprehensive, of optimal quality, and child-specific. Reaching these goals is complicated for unaccompanied children. We encourage members of both committees here today to prioritize these goals, and work towards reaching them. More specifically, we ask City Council to:

- support the development of a mechanism to assess the needs of unaccompanied children/youth in terms of health-related and social service supports so that baseline data can inform future development of resources for this population;
- finance trauma-informed approaches to care via trainings for existing City-sponsored providers in communities and schools; and
- prioritize and support pipeline programs for racial/ethnic minority children/youth to enter health and legal service professions that would enhance cultural and linguistic competence in these fields.

Finally, CDF-NY is committed to addressing policies and practices that unlawfully discriminate against children based on poor socioeconomic status, ethnicity, and race; in turn, funneling them to pathways of school truancy, which lead to arrest, conviction, or incarceration. Through our national Cradle to Prison Pipeline® Campaign, CDF-NY works to replace school discipline policies and practices that push children out of schools with social and emotional supports that encourage a positive school climate and improve educational and social outcomes for children. In addition, we call for age-appropriate responses to youth who become court-involved and seek to limit criminal penalties.

This work in mind, we are concerned about increased pressures on unaccompanied immigrant youth that may force them out of school and into the criminal justice system. Especially given the heavy collateral consequences associated with criminal justice involvement for immigrants seeking legal status, we ask City Council to supply all City-contracted service providers assisting unaccompanied children with training and/or resource materials on:

- schools and community-based organizations that specialize in supporting the academic progress of immigrant children;
- the collateral consequences of criminal justice involvement for unaccompanied youth;
- available Safe Harbor protections and services for trafficked youth charged with sex-related offenses; and
- a list of community organizations and agencies that can provide school suspension and criminal justice representation.

In summary, CDF-NY is hopeful that members of City Council exercise their authorities to:

- ensure a coordinated pathway for all unaccompanied children to enroll in the education and health insurance programs available to them;
- guarantee that culturally and linguistically-competent health insurance counselors are available to unaccompanied children;
- develop a mechanism for assessing the health and social needs of unaccompanied children/youth, so that those needs are appropriately met;
- support pipeline programs for racial/ethnic minority children/youth to enter health and legal service professions to enhance cultural and linguistic competence in these fields;
- finance trauma-informed approaches to care via trainings for existing City-sponsored providers in communities and schools; and
- provide training and key resources to all legal and other City-sponsored service providers working directly with unaccompanied children to ensure that they stay in school and out of the criminal justice system.

CDF-NY looks forward to working with the NY City Council to reach these goals, and we are grateful for the work this Committee will do to protect and support unaccompanied children in our City. Thank you for the opportunity to testify.

ⁱ <http://www.usccb.org/about/children-and-migration/upload/LIRS-and-USCCB-Post-Release-Services-FAQs-Final.pdf>