

Written Testimony of Congressman Joseph Crowley (NY-14)  
U.S. House of Representatives Judiciary Committee  
Subcommittee on Immigration and Border Security  
Hearing: The Impact on Local Communities of the Release of Unaccompanied Alien Minors and  
the Need for Consultation and Notification

December 10, 2014

Good afternoon. My name is Congressman Joseph Crowley, and I represent the 14<sup>th</sup> District of New York, which includes the Bronx and Queens in New York City.

My district has been called the “most ethnically diverse congressional district in the nation,” and for generations, it’s been home to new immigrants.

New York City has always been proud to welcome immigrants, whether through Ellis Island, JFK Airport, or the Port Authority bus terminal. We welcome immigrants who are coming here to make a better life for themselves and their children, but we also welcome those who are fleeing danger and violence.

In recent months, we’ve seen a lot of attention turned to children from Central America who are coming here in desperation. Despite what you might hear from cynics about why these children came here, these children have endured unimaginable struggle and danger to come here for the chance at not just a better life, but a chance at life at all.

That’s what this is about – it’s a life or death situation for these children.

At home they face a constant barrage of violence and murders. And gang activity becomes not just a possibility, but a near certainty. These gangs are increasingly targeting children – who are put in harm’s way not just if they join, but even if they resist.

So like refugees all around the world always have, they take the only imaginable step – the desperate step of a dangerous journey to a place where they can be safe.

Oftentimes the journey itself puts them in great danger from smugglers and traffickers, but they are willing to take on these risks to escape the greater ones at home.

The United States has long stood with those who are fleeing persecution and violence.

We’ve stood alongside them, so they know they’re not alone. We’ve stood behind them, to give them the ability to make a new life here. And we’ve stood up for them, to make it clear that there is no place in this world for the atrocities that drive people to leave their homes.

That's who we are and what we do.

And it's what we need to continue to do, with not just words, but resources.

I was disappointed that this summer we didn't see that same commitment from my colleagues on the other side of the aisle, and an important opportunity was missed to help meet the needs of these children.

Fortunately, communities like my home in New York City have been stepping up to welcome these children.

The New York City region has been one of the areas receiving the largest numbers of child migrants in the country. In New York City, about 2,000 child migrants were placed with family members or other sponsors in Fiscal Year 2014. More than 3,000 children were placed in the surrounding areas of Long Island, and hundreds more in other counties just outside New York City.

But instead of looking for any avenues to block these children, or to withhold needed resources out of spite and anger, New York City has looked and said, "what can we do to help smooth the way for these children?"

I know that my colleagues here with me on this panel today have raised concerns about the impact of these children on their own communities – that's understandable. It impacts us all when a humanitarian crisis like this happens.

But more specifically, there is an impact on logistics, resources, community engagement.

There have been a number of bills introduced that focus on notifying state and community officials when the federal government looks to house or place children in locations within that state.

Let me say that I certainly don't think any of us would argue against greater communication between federal and local authorities. But it has to be done in a smart and reasonable way that makes sense. It has to give enough flexibility to actually meet the needs of the situation. And it has to ensure that there's adequate confidentiality for not just the children themselves, but also their sponsors and family members when they are released.

If notification and information sharing becomes a way to target innocent children, or the family members that are taking them in while they wait for resolution to their case, then we've done everyone a disservice. And it shouldn't be used a way to block needed response efforts, leaving children out in the cold to score political points.

That's not what we need, and it's not what's helpful.

These children have real needs. Yes, there was an immediate need of identifying facilities that could house them during initial screenings. But their needs continue, and their needs shift in a way that would benefit from a well-planned effort.

To be clear, these children aren't just placed in communities indiscriminately. Under the law, they must be “promptly placed in the least restrictive setting that is in the best interest of the child.” They are then transferred to family members or approved sponsors while they wait for their day in immigration court.

When children leave the federal government’s custody to stay with sponsors, their needs don’t just end there. The legal process alone is an example of the need these children have and how cities are doing their best to meet it.

In New York City, nonprofit legal service provider organizations have worked with the city to determine their capacity to perform legal screening and representation for all the child migrants, and the immigration courts have developed "surge dockets" to move these cases through in a more timely manner. As they go through the court process, there is a critical need for these children to have legal representation.

Nearly \$2 million over the next year in funding for legal screening and representation has been provided by a combination of the city and private funders, including the Robin Hood Foundation and New York Community Trust. I and many of my congressional colleagues welcomed this announcement.

While we've worked at the federal level to extend these protections, it's local areas that are on the front lines. Cities like New York, states like California, and others have looked to take this mission on and be willing to commit funds to help defend the children.

But it shows how much more of an effort is needed.

Past experience has shown that over half of these children may be eligible for relief to permit them to remain in the United States, such as being granted asylum or visas for victims of trafficking.

Clearly, many of these children will have legitimate claims - yet without lawyers, their chances of making this argument successfully drops significantly.

It pains me to think of children being put at risk of being sent back to the very danger and fear that drove them to come here, just because the civil immigration system doesn’t offer them the same guaranteed protection of legal representation as the criminal justice system.

I applaud the legal professionals who have offered their assistance with these efforts, and the city and private entities that have made it possible.

Being responsive to the needs of these children goes beyond just the courthouse.

New York City has formed an inter-agency task force that includes representatives from a wide variety of agencies that play roles in helping these children.

The task force includes representatives of the Department of Education, Department of Youth and Community Development, Administration for Children's Services, Department of Health and Mental Hygiene, Department of Homeless Services, Human Resources Administration, Department of Probation, as well as the Mayor's Office of Immigrant Affairs, the Office of the Deputy Mayor for Health and Human Services, and the Mayor's Office of Criminal Justice.

The task force has sought to assess the children's needs, identifying target neighborhoods and schools for outreach, and working with city agencies to coordinate their responses to children and families they serve.

What New York City has recognized is that everything works better if they can identify and provide needed services early on.

That's why they worked with the Department of Education, Department of Health and Mental Hygiene, and Administration for Children's Services to place city representatives at the immigration courts, so that while the children's cases work their way through the legal system, they can enroll in school or Head Start programs and get health care.

Local immigrant groups have welcomed this level of involvement. It also makes sure that children are aware of the services available to them and their rights.

Education and health care are services that children have a legal right to under state and city law, as well as under legal decisions made over the years. What we absolutely have to recognize is that our communities are best served when the children living here are in school and are healthy. It does us no good to drive them further into the shadows and deny them access to these services.

So New York City has decided to be proactive and use the opportunities they have to improve the situation.

They've also aimed to pair with social service providers on the ground in the community, who form the other critical piece of this effort.

The City has sought to make their resources more easily available, such as by producing a comprehensive guide of New York City resources and referral information on legal, medical, mental health, and social services, for City agencies and service providers to use. They've made it available online and in print in multiple languages.

I believe this kind of partnership helps the service providers in our community to do more and do it well.

I've heard from numerous local providers in my community, such as Lutheran Social Services of New York, that are taking on these cases, providing services like legal help or support with family reunification and releasing the children to sponsors and relatives in a safe and productive way.

As another example, the New York Immigration Coalition, a coalition of 200 member organizations, worked with the City to hold Youth Assistance Fairs that pair legal screening clinics with information tables from city agencies and other social service and community groups.

These community-based clinics are held throughout the city, and provide direct services to recently-arrived immigrant children and families, to bring services to the communities where these children live. The clinics have been held regularly since the summer, including as recently as this past weekend, and will continue into next year.

It might be easy for some to pretend that the urgency of this issue has somehow diminished, as the number of children arriving in recent months has decreased. But there's more that has to be done.

In many ways, this is a microcosm of the broader debate on immigration reform.

For everyone who would prefer to just militarize our border and pretends that solves the problem, I would remind you that immigrants are living and working in our communities, and going to our schools and relying on our health care facilities.

To think we somehow can't or shouldn't look at this side of the issue is a fallacy. It's a matter of responsibility. We have a responsibility to address these issues in a way that makes sense and doesn't cause even more harm. And that's true in this situation as well.

Yes, it may be a challenge, and it may not be easy. But it is a challenge that is best served by addressing it head on, as New York City has done.

Let's not shy away from challenges. Let's rise to them.