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Testimony of Lauren Quijano

On behalf of New York Lawyers for the Public Interest

Before the New York City Council's Committee on Immigration

Greetings. My name is Lauren Quijano. I am the Community Organizer for the Health Justice Program at the New York Lawyers for the Public Interest (NYLPI).

On behalf of NYLPI, I thank Councilmember Menchaca, Chair of the Committee on Immigration, for conducting this hearing.

NYLPI is a non-profit organization which advocates for civil rights using a community-lawyering model. We aim to address systemic issues communities face and emphasize the active role members of those communities play in addressing such issues. For the past 40 years, NYLPI has been a leading civil rights and legal advocate for New Yorkers marginalized by race, poverty, disability and immigration status. NYLPI's Health Justice Program brings a racial justice and immigrant rights focus to health care advocacy in New York City and State. We provide expertise through our Immigrant Health Initiative, utilizing individual and systemic advocacy to improve immigrant access to healthcare, including for those in immigration detention facilities.

Through our work at the intersection of immigrant and health justice we have witnessed firsthand the negative impact on the ability of marginalized communities to access services, including vital healthcare, that have been a direct result of the immigration policies coming out of Washington. My testimony will cover stories and patterns from our clients, community partners and medical providers with whom we work. These groups share the routine fears of immigrant New Yorkers in accessing basic healthcare, government services, and even being seen in public. They are not getting the message that their City supports them. Our leaders must do more.

Through the Immigrant Health Initiative, this Council funds our UndocuCare program that connects undocumented and uninsured New Yorkers to life-saving health insurance. However recently, we have received many calls from fearful clients worried about continuing with their life-saving care under Emergency Medicaid or pursuing access to Medicaid, both of which they are entitled to and help keep them alive. One of our Staff Attorneys provides this anecdote:

“I was consulting with a client whom I was considering filing a humanitarian deferred action application, but he had a criminal history that made him vulnerable under the Obama priorities for enforcement and now the Trump administration. He has been suffering with End Stage Renal Disease and through Emergency Medicaid enduring dialysis for over five years. After some months of working with him, I concluded that it would be too risky to file his application given his contact with the criminal legal system. During our last consultation, this client asked whether it would be safe for him to continue going to his dialysis appointments. He asked, "Will ICE just pick up me at dialysis? Can I still go?" I assured him to go and told him about how ICE

considers hospitals sensitive locations that they will not enter. But he did not seem comforted by what ICE was supposed to do, especially in this political climate. I was unable to point to anything public besides the Mayor's sanctuary statement, which has not been followed by any concrete action or coordinated effort among City agencies unlike other cities. We recommend a strong coordinated effort amongst all City agencies to convey messages of support directly to communities. New Yorkers need to hear a strong and consistent message that the City agencies will defend and protect the immigrant community. The City needs to speak directly to them, through media, through community organizers, through their local elected officials. From the communities' perspective, they hear silence and it is scary. Our communities are doing all that they can. They are learning their rights and making emergency safety plans for their families, but they want to hear from the City.

The new enforcement priorities have also kept many of our clients from accessing Medicaid, because the danger in coming out of the shadows is much more stark. Another client with End Stage Renal Disease who has been on dialysis for the past few years was arrested while we were working on his immigration application. He is now in the middle of criminal court proceedings. The immigration application that we were considering could have given him access to a transplant that he desperately needs. However, now, because of his contact with the criminal legal system, his future is uncertain. Trump's new non-priority, priorities for immigration enforcement states that even someone with an unresolved criminal case can be targeted for deportation. This client has asked us repeatedly about his chances for being picked up by ICE. He is the proud father of a college-bound son, who happens to be a permanent resident. Is

everything that he has worked for, along with his fragile health, at stake? The issue is that our clients have not seen any City agency stand up for immigrant New Yorkers with open cases like our client who are unsure about their fate in this country. We recommend that the City be more public and transparent in the steps it is taking, we would like to see a strong media presence that supports our clients and communities and demonstrates to them that the City has their back. The concerns over safety and the fear of arrest that my colleague organizations, like the defender services and other immigration service providers, testified to affect New Yorkers' health. Additionally, many families have mixed statuses and these issues have broad impact beyond those most at risk.

To provide effective systemic advocacy, we partner with organizations who directly serve our most vulnerable immigrant communities. Our community partners have given us feedback about how the uncertainty of changes to immigration policy is causing increased fear, which deters immigrants from accessing much needed services. The leaked Executive Order on public charge and sponsor liability has deterred people from accessing benefits for fear of possibly owing money to the government for helping family members access services and aid. Even without an actual change in policy, people are afraid to seek health benefits and of any future impact on their families. Advocates are reminding people of the current law and importance of accessing benefits, but again, communities would be well-served to hear those assurances publicly from the City (and State).

Clients who are lawfully present and eligible for additional benefits such as SNAP and other public assistance are deterred from applying because they feel that without citizenship status they could be deported. We are starting to hear more stories that community members fear being detained at their check-ins, and of patients who are not attending their medical appointments because of rumors of ICE presence. We in the advocacy community are trying to counter these rumors with facts and Know Your Rights trainings, but we cannot do it alone – we need the City to speak directly to communities and demonstrate that they are working to create more structures that support our immigrant neighbors. We recommend that the City develop strong and explicit policies and procedures for making all government offices and public hospitals secure spaces for immigrant New Yorkers.

In preparation for this testimony, I also reached out to partners in the medical community. Hospital and clinic staff have noticed a decrease in patients waiting in the emergency room for treatment and a decrease in number of patients seeking care at safety-net clinics. We heard one story of an elderly woman with an injury, making it difficult for her to walk to the hospital. She received help from another person to reach the emergency room, and on arrival asked with great courage “I am undocumented, can I still be seen?” The medical community at public hospitals is brainstorming around how they can more effectively convey that they remain open for everyone. We urge the City to provide strong guidance to these providers as soon as possible.

Health insurance enrollers and Navigators are worried that new patients do not want to enroll in Medicaid because they fear their information will be shared. People who have received

Medicaid for years are also holding back as they fear a negative impact from a renewal application. Emergency Medicaid and safety-net clinics are crucial services that are available regardless of status, however, the fear of deportation creates complications for those seeking care even though there is a network of providers designed to make sure every NYC resident has access healthcare.

One obstetrician-gynecologist informed us that even when staff call patients for follow-up appointments, patients immediately hang up the phone. Another physician told us they are seeing more youth come to the clinics with signs and symptoms of anxiety and depression, while others show more physical signs like stomach aches or attempts at suicide. Immigrant youth, worrying about themselves or their parents getting deported, are experiencing great trauma. The impact of these enforcement policies goes much deeper than just accessing health services, and is creating a greater need for healthcare.

Outside of healthcare, New Yorkers have the right to safe and healthy homes. However, in many immigrant communities, there is a hesitancy to file complaints with the City for serious repair issues such as no heat, black mold or peeling paint, which exacerbate serious health problems like asthma. Tenants are less likely to file complaints or litigation against neglectful landlords. With the recent snowstorm, I know that many tenants and their families are freezing due to lack of inadequate heat.

As the community organizer, I have also heard stories from local community organizers in the Bronx and in Queens, who tell me that people are avoiding going to their appointments in housing court, simply because they fear for their safety in the courts. This can lead to their eviction. Even those with green cards are refusing services because they fear being deported. Community organizers are having difficulty contacting the tenants they are helping to organize, and tenants are not opening their doors or answering phone calls. Undocumented tenants themselves have not felt safe walking in the streets of their own neighborhoods, for fear of arrest and deportation for minor everyday offenses like jay-walking. The City must recognize the damage to immigrant communities of NYPD enforcement of low-level offenses and broken windows policing. Again, we urge the City to respond directly to communities about whatever steps the City is taking to address these fears, what structures are being developed, and ensure that court is a secure space and they are not risking deportation by asserting their rights. The City must ensure that people feel safe walking the streets of their own neighborhoods, knowing they will not be arrested for it.

Our community partners, healthcare workers, legal advocates, and clients are facing challenges in this system every day. That is why I stand before you at this hearing to urge that the City do more publicly to support and protect its people by speaking to them directly and often. People should know that their right to safely access health services will be defended and protected; that they will not get arrested in a hospital or clinic. Housing must be secured as a fundamental human right and tenants need to feel that they can exercise their rights to advocate for themselves and their communities. The City must be more public about what it is doing to address the

trauma that is spreading in our communities. Our clients and communities report to us that they have not heard from the City and do not feel the City is defending them. We recommend that our City hears these statements from our clients and uses this opportunity to defend its residents and let them know it is doing so. The City needs to do more to ensure that all immigrants will feel safe to access services like healthcare and that their information will not be shared with federal officials targeting them. History, as well as all New Yorkers with voting power, will stand witness to how this city of immigrants responds to anti-immigrant actions in Washington. We join other advocates in calling for ongoing and increased pressure to hold our institutions accountable when they fail to respect these most basic human rights.