



Julie L. Shapiro
Executive Director

Eric Weingartner
Chief Executive Officer

To: New York City Council
From: Stephanie López, Managing Attorney of The Door's Legal Services Center
Re: City Council Immigration Committee Preliminary Budget Hearing
Date: March 12, 2020

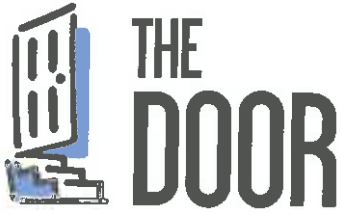
The Door is a comprehensive youth development organization that assists vulnerable young people, between the ages of twelve and twenty-four, access a variety of services such as housing, GED classes, job training and legal services. Our Legal Services Center represents many young people in New York City in their Special Immigrant Juvenile Status (SIJS) and asylum claims. Recently, we began to represent unaccompanied children who by and large are fleeing violence in their home countries. We are recipients of ICARE funding and with that funding, we are committed to representing immigrant youth in their removal proceedings to ensure that their rights are respected and that they pursue any avenue of relief they are entitled to.

Under the current administration, representing young people in Immigration Court has become much more difficult. Immigration Proceedings are housed in purview of the Executive Office of Immigration Review (EOIR), an entity within the Department of Justice (DOJ). In the administration's most recent attack on due process, Immigration Judges who are mandated to be impartial and are entrusted with ensuring that immigrants are afforded a full and fair hearing, are given directives as to when cases need to be resolved. Notably, Immigration Judges are forced to complete "Family Unit" cases within one year of filing the Notice To Appear with Immigration Court. Many immigration judges are unlikely to give adjournments for attorney preparation, even if the attorney was recently retained, when the one-year deadline is approaching. Most likely, the Immigration Judge will feel inclined to set the cases for a merits hearing a couple of months after the previous master calendar hearing. Previously, merits hearings were scheduled *at least* a year after the last master calendar hearing, giving attorneys ample time to collect evidence, witnesses and experts to present the best case possible before the Immigration Court. Representing children in Immigration Court who are on the FAMU docket has become exponentially more challenging because of the quick turnaround and strict deadlines enforced by the Immigration Judges.

Additionally, the combination of the Attorney General decisions, Board of Immigration Appeals (BIA) decisions and the Office of Chief Counsel's combative stance on most issues has changed the dynamic in Immigration Court. Specifically, in *Matter of L-A-B-R*, the Attorney General has discouraged continuances. Furthermore, on January of 2020, the BIA issued *Matter of Mayen*, bound by the decision in *Matter of L-A-B-R*. In *Matter of Mayen*, a non-citizen with a pending U-Visa application was denied a continuance. The denial of the continuance resulted in an order of removal. As such, Immigration Judges are less and less likely to give continuances for applicants

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who have pending SIJS applications or other relief pending with USCIS. Not only are continuances difficult to obtain, but Immigration Judges are no longer willing to place cases on the Status Docket, despite of the existence of EOIR's memorandum, "Use of Status Dockets." The inability to obtain continuances to allow adjudication of applications has resulted in SIJS recipients being ordered removed. As a result, legal service providers are engaging in much more litigation and appellate practice to avoid the deportation of children who have viable forms of relief before USCIS. Engaging in onerous motion and trial practice and has been more taxing on our staff working on ICARE cases and directly impacts the amount of children we are able to serve.

The Door's Legal Services Center is committed to continue representing young people in their removal proceedings in this especially difficult climate. As such, The Door requests continued funding for the UMFJ program. We request \$703, 500 as part of the overall coalition request for \$5,400,000. The ICARE coalition of providers currently supports 1,680 unaccompanied minors and adults with children through the UMFJ. We expect to maintain this caseload in FY21- adding new cases whenever we are able to close others.

Respectfully,



Stephanie F. Lopez, Esq.
Managing Attorney
The Door's Legal Services Center