



To: New York City Council Committee on Children and Youth
From: Ellinor Rutkey, Esq., The Door's Legal Services Center
Re: Budget Hearing: Children and Youth

Date: May 10, 2024

The Door is a comprehensive youth development organization that has been supporting vulnerable youth in New York City since 1972. Each year, we provide services to nearly 9,000 young people between the ages of 12 and 24, many of them immigrants. The services we provide include healthcare, education, supportive housing, food and nutrition, career development, arts and recreation, mental health counseling, and legal assistance — all under one roof. We are also a Department of Youth and Community Development (DYCD) Runaway and Homeless Youth drop-in center, providing food, clothing, showers, laundry, and case management services to young people who are unhoused or unstably housed. At The Door, we emphasize empowering and engaging the young people we serve, and we are committed to creating a safe, equitable, and inclusive space for young people and staff.

The Legal Services Center at The Door is an office of over 50 individuals, including attorneys, social workers, and support staff. We specialize in serving vulnerable children and young people, including many clients who are unhoused, undocumented, and/or LGBTQIA+. Our attorneys represent youth in removal proceedings before immigration courts, as well as those seeking to regularize their status through the filing of affirmative humanitarian applications. In the fiscal year 2023, we handled 3,282 immigration matters for young people. We also operate several free legal clinics, including a weekly drop-in legal clinic for runaway/homeless youth.

I. The Need for More Youth Shelter Beds

i. Benefits of Youth Shelters

In New York City, unhoused youth ages 16 through 24 rely on the DYCD youth shelter system for lifesaving services. Within the DYCD shelter system, these young people are offered both a safe place to live and wraparound services to help stabilize their lives. Youth living in a youth shelter have access to necessary supports, including mental health care, career and education support, medical care, and case management services. They also have access to a plethora of daily activities, ranging from art classes to pickup sports games. Further, but no less importantly, young people within the DYCD shelter system live among their peers. This provides a greater sense of safety and belonging than if the young person had to live among adults within the Department of Homeless Services (DHS) shelter system.

ii. Insufficient Capacity Within the DYCD Youth Shelter System

Despite the myriad of benefits offered to young people within the DYCD system, many unhoused youth ages 16 through 24 are not currently residing in youth shelters. Over the last two years, demand for youth shelters has skyrocketed. This increase in demand comes largely from the high number of recent immigrants to New York — many of whom are eligible to live in



a youth shelter. However, there is a significant dearth of shelter beds within the DYCD system.¹ On a daily basis, staff members on our legal services team at The Door speak with youth who have been unable to secure a bed in the youth shelter system. Many of these young people have tried repeatedly to find a bed without any success, constantly visiting and calling shelters in hopes that one will have a vacancy.

If a young person does manage to find a bed in a youth shelter, it is likely due to sheer luck. DYCD providers are so overwhelmed with the demand for shelter that eligible young people are not even being added to a waiting list for a bed – they are simply being turned away. As a result, no amount of patience or time will result in a young person receiving a youth shelter placement.

Given the simultaneous unprecedented demand for youth shelter beds and the extreme shortage of those beds, an alarming number of unhoused young people between the ages of 18 and 24 are being placed in Humanitarian Emergency Response and Relief Centers (HERRCs) instead of youth shelters. These young people are eligible for placement in both the DYCD youth shelter system and the HERRC system because of their age. Although youth placed in HERRCs are legal adults, the fact that they are being placed in a HERRC rather than in a youth shelter is cause for serious concern.

iii. Young People Placed in HERRCs

First, young people being placed in HERRCs are in extremely vulnerable positions. Many of them have only just arrived in the United States after a perilous, long, and often traumatic journey from their countries of origin. Even before setting out on that journey, many of these young people have already experienced significant trauma in their lives.

For example, at a recent drop-in legal clinic for runaway/homeless youth, Door staff members spoke with a 20-year-old who was unable to find a bed in a youth shelter. He had come to the United States after traveling by plane, bus, and by foot from his home country in North Africa. The young person had made the difficult decision to leave his home country after rebel forces broke into his family's home, raped his sister, and beat his brother to death before his eyes.

Other young people we meet have experienced significant trauma due to familial abuse, neglect, or abandonment. For example, at the same drop-in clinic for runaway homeless youth, Door staff members also spoke with an 18-year-old who is currently living in a HERRC. He had made a similarly arduous journey to the United States from his home country in West Africa. This young person decided to leave his home country after years of being hit, whipped, and physically abused by his father. He hopes to attend school in New York – something he had been unable to do in his home country, as his father forced him to work on a farm rather than attend school starting at age 10.

¹ See, e.g., Gwynne Hogan, *Youth Shelter System Locks Out Hundreds as Migrants Seek Entry*, The City (Mar. 12, 2024, 5:00 AM), https://www.thecity.nyc/2024/03/12/youth-shelter-system-locks-out-young-migrants/?oref=nyn_firstread_nl.



This history of trauma is not the only reason why the young people being placed in HERRCs are so vulnerable. These young people are also vulnerable because they have essentially no support – in any form – here in New York. For one, many young immigrants do not know any Americans when they arrive in the United States. When Door staff members ask these young people about trusted adults that they can turn to for support in New York, the young people almost always tell us that there is no such person in their lives. These young people are thus forced to navigate a new country and culture by themselves and to be their own advocate in the face of barriers. This – coupled with the fact that many of these young people also do not speak English proficiently, and that many have significant gaps in their formal education – makes it exceedingly difficult for young people to access the supports they need if they are placed in a HERRC. Moreover, these young people have essentially no money, and thus, no way to purchase necessary goods and services. And because the young people placed in HERRCs all recently arrived in the United States, most will not be eligible to obtain employment authorization for at least several months – and likely, much longer.

iv. HERRCs Are Inappropriate Environments for Young People

HERRCs are not appropriate environments for these vulnerable young people. While DYCD youth shelters are supportive and welcoming environments for young adults, HERRCs are inhospitable and alienating. With thousands of people staying in makeshift tent cities, HERRCs offer little to no privacy for their occupants. This lack of privacy can be especially difficult for young people who need solitude and isolation to process complex trauma. HERRCs also are open to people of all ages, meaning that young people in HERRCs often find themselves among much older adults rather than fellow teenagers and young adults. As a result, many young people say that they have not formed any sort of relationship with their fellow HERRC residents.

An additional reason why HERRCs are not appropriate environments for vulnerable young people is that HERRCs do not supply sufficient food to their occupants. Young people consistently report to Door staff members that they are given barely any food at their HERRCs. While food is a necessity for all people living in shelter, consistent access to nutritious and plentiful food is particularly important for young people whose essential organs, including their brains, are still developing.

Further, HERRCs deprive young people of the opportunity to find safety and stability in New York. For the last few months, youth living in HERRCs have been subject to the unlawful and inhumane 30- and 60-day shelter rules.² As a result of these rules and actions, every 30 to 60

² On March 15, 2024, the Legal Aid Society announced that it had reached a settlement with the City that would impact the length of time that new New Yorkers are able to remain in shelter. Under the settlement agreement, young people under the age of 23 will be forced to leave their shelter after 60 days rather than 30 days. See Mia Hollie & Annie McDonough, *City Hall and Legal Aid Society Settle Right to Shelter Case*, City & State New York (Mar. 15, 2024), <https://www.cityandstateny.com/policy/2024/03/city-hall-and-legal-aid-society-settle-right-shelter-case/394996/>. While 60-day placements are certainly preferable to 30-day placements, this settlement does not prevent vulnerable young people from being forced to leave their shelter placements. An additional change under the settlement is that HERRC residents may request to remain in their shelter placement at the end of their 30- or 60-day stay, rather than be forced to leave. Stip., ¶ 24, *Callahan v. Carey*, No. 42582/1979 (NY Sup Ct New York



days, the young person must uproot their life and find somewhere new to live – without the support of a trusted adult, without money, and usually, without proficiency in English. Moreover, some young people report being given only a few days’ notice that they will need to leave their HERRC, which has caused these young people great fear and panic.

These constant evictions, and the threat thereof, make it all but impossible for newly arrived young people to develop a sense of stability in New York. Young people living in HERRCs report that it is hard for them to make friends and form support networks. It is also hard for these young people to take advantage of community-based resources, like mutual aid groups that distribute food and clothes. By the time that a young HERRC resident learns about a resource in their community, they will only be able to make use of it for at most a few weeks before they are forced to leave that community. Moreover, the threat of constant evictions under the 30- and 60-day shelter rules makes it very difficult for young people to stay in school, which is particularly worrisome when so many of these young people have already experienced interruptions in their formal education.

Unsurprisingly, this indefensible policy has also resulted in many young people sleeping on the streets or otherwise entering dangerous living situations. At The Door, staff members regularly speak with young people who have been removed from their existing HERRC placement and have not been able to find anywhere else to stay. These young people are often forced to develop their own strategies for keeping themselves safe, such as gathering with other newly arrived immigrants and sleeping in shifts. Other young people succeed in finding a place to stay, but at the cost of their own safety. For example, when one newly arrived youth was unable to find a shelter placement, he moved into an apartment with several adults. These adults have coerced this young person into performing unpaid domestic labor, trapping him in an abusive setting. It goes without saying that the living situations that young people face after being removed from a HERRC are extremely dangerous and completely unacceptable as a matter of policy.

If these young people had instead received a bed in a DYCD youth shelter, they would not be subject to the City’s cruel 30- and 60-day rules. Rather, following their shelter stay, they would be supported in transitioning to a Transitional Independent Living (TIL) program for up to two years. Thus, for a young person, placement in a HERRC means a cycle of constant threats of eviction, whereas placement in a DYCD youth shelter means long-term services and support.

More broadly, the services offered to young people in HERRCs pale in comparison to those offered to young people in DYCD youth shelters. While young people in HERRCs receive meagre meals and a cot on which to sleep, young people in DYCD youth shelters receive

Cnty 2024),
https://iapps.courts.state.ny.us/nyscef/ViewDocument?docIndex=mMvltZfjq_PLUS_X/RU7jGZrf4Q==.
However, these requests will only be granted in the event of “extenuating circumstances,” and the person making the request has an obligation to “take all appropriate affirmative steps to resettle in housing opportunities outside of City Shelters.” *Id.* at ¶¶ 22, 24, App’x A. Particularly for young people who lack a support system and a strong grasp of English, these requirements may prove too burdensome. As a result, vulnerable young people may be disproportionately unlikely to be permitted to remain in shelter at the end of their 30- or 60-day placement. Moreover, many of the details of how exactly these new policies will be implemented are still unclear.



numerous supportive services tailored to their needs. Young people in youth shelters are equipped with the tools that they need to thrive, whereas young people in HERRCs are provided with barely enough to survive.³ It is absolutely necessary that the City provide more youth shelter beds to house and support newly arrived young people.

II. The Need for Immigration Legal Services for Newly Arrived Young People

i. Legal Services Providers Are at Capacity

Legal services providers in New York City have never been able to fully meet the demand for free immigration legal help. Though the need for these services is great, there has always been a shortage of free immigration lawyers in the City. Over the last two years, non-profit immigration legal service providers have only become more strained, as the number of individuals seeking these services has skyrocketed and organizations are still dealing with many older cases delayed by the Covid-19 pandemic court closures. Every day at the Door, staff members turn away young immigrants seeking legal support and representation. In the month of April 2024, we received over 50 requests for immigration legal help, and we are on track to receive even more requests in May. Our partners representing youth and adult immigrants in New York face this same challenge – we are nearly all at capacity.

In February 2023, The Door’s Legal Services Center formally closed immigration intake to focus on its heavy case load and a waitlist of roughly 400 young immigrants in need of legal assistance. After spending the summer working with our pro bono partners to reach all the young people on our waitlist, we reopened intake at the end of 2023. In the few short months that our intake has been open, we have already added 90 young people eligible for immigration relief to our waitlist and have turned countless more away. Over 200 are still waiting for an initial legal screening appointment.

Moreover, our weekly drop-in legal clinic for runaway/homeless youth has been busier than ever. Prior to 2023, the clinic saw zero to one person each week. Now, clinic staffers routinely speak with up to 25 people over the course of an hour and a half, nearly all of whom are new immigrants looking for immigration legal services. The need and demand for services grows every week and we do not have enough capacity to keep up.

ii. The Importance of Free Legal Services for Young Immigrants

Now more than ever, it is vital that young immigrants receive free and competent legal services. Door staff members have noticed that immigration hearings are being scheduled particularly quickly, leaving young people with even less time than usual to find a lawyer. Given these time constraints, and the overall shortage of free immigration lawyers, many young immigrants have been entirely unable to find legal assistance. In a recent survey of new immigrants, only six

³ See, e.g., Giulia McDonnell Nieto Del Rio, *NYC Shelter Evictions Keep Migrant Youth From Vital Resources*, Documented (Feb. 16, 2024), https://documentedny.com/2024/02/16/shelter-evictions-nyc-migrants-minors/?utm_source=ActiveCampaign&utm_medium=email&utm_content=Early+Arrival%3A+Shelter+evictions+keep+youth+from+resources&utm_campaign=Newsletter022124+Definitive+-+DNAInfo.



percent reported having found an immigration lawyer to represent them.⁴ This is entirely unacceptable.

Even many of the young people who have managed to meet with a lawyer have been disadvantaged due to the shortage of free legal service providers. For example, Door staff members have spoken with young people who turned 21 years old several months after arriving in the United States. If those young people had found a lawyer immediately upon arriving in the country and before turning 21, some could have successfully petitioned for Special Immigrant Juvenile Status (SIJS) – a pathway to legal status that requires that the applicant be under 21 years old. In this way, long waiting times can result in a young person missing their opportunity to apply for certain forms of relief.

Further, a great proportion of those young people have strong legal cases. Many of the young people that The Door turns away should ultimately be found eligible for legal relief, including SIJS and asylum. Without a lawyer, though, it can be difficult – or even impossible – for a young person to successfully self-petition for relief.

The risks to a young person who is not able to find a lawyer are significant. First, the majority of the young people who have requested legal help at The Door are in removal proceedings, meaning that they risk being removed to the very country that they fled to get here. As discussed, these young people are often fleeing horrific situations, and for many, being returned to their home country could be deadly.

While there are resources available to young immigrants who are unable to find lawyers, these are insufficient. Resources like the Red Cross Asylum Application Help Center do not always provide an adequate level of services to immigrants in need. Several young people have reported to Door staff members that the Asylum Application Help Center made significant errors in their asylum applications. For example, one young person reported that the asylum application he completed at the Help Center indicates in several responses that he lived in a country that he has never even visited. In addition, the Help Center has failed to identify young people who arrived as unaccompanied minors and has filed unaccompanied minors' asylum applications with the immigration court. This is a serious issue because unaccompanied minors have the right to have their asylum application first adjudicated at an asylum office, and the errors made by the Help Center deprive an especially vulnerable subset of youth of this right.

Further, for some young people, accessing asylum application assistance at the Red Cross has arguably undermined their stated goals. On a daily basis, young people tell us that their primary goal is to receive their work permit so that they can support themselves here in New York. Because an immigrant can apply for a work permit 150 days after filing an asylum application, these youth often end up submitting pro se applications at the Help Center while they continue to look for an attorney to represent them. Once the application is filed, the 150-day clock starts. But if that asylum applicant then has an immigration court appearance where they ask for an adjournment – a necessary step for immigrants still searching for lawyers – the 150-day clock

⁴ *Leaving Behind the Newest New Yorkers*, Make the Road New York et. Al., 1, 11 (May 2024), <https://maketheroadny.org/wp-content/uploads/2024/05/2024-Asylum-Survey-Report.pdf>.



stops until the applicant's next immigration court appearance. Given how busy the immigration courts have been, that next immigration court appearance could easily be more than six months away. As a result, many pro se asylum applicants will end up waiting even longer to receive their work permit than they would have had they not filed a pro se asylum application so quickly and before they could possibly find representation. Unfortunately for these applicants, neither the Red Cross nor the immigration courts are informing asylum applicants of the clock-stopping effect of adjournments.

Even when resources like the Red Cross Asylum Application Help Center do not actively undermine a young person's goals, these resources are not equipped to provide young people with the level of support they need to navigate their immigration cases. Although these resources can help young people to submit immigration applications, they are not equipped to provide support to young immigrants before or after the application is filed. And particularly for young people involved in immigration court, legal support that falls short of full representation is simply not adequate – especially when these young people are at risk of being removed from the United States. Young immigrants need comprehensive legal services, and it is necessary for the City to provide funding to hire more immigration lawyers.

III. The Need for Specialized Legal Services for Young People Living in Shelter

In addition to the immense need for the City to provide funding to hire more immigration lawyers, there is also a substantial need for funding for specialized legal services for young people living in shelter.

For one, there is a need for specialized immigration legal services for young people living in shelter. As discussed, youth living in shelter are in particularly vulnerable positions and lack crucial supports to help them navigate their new lives in New York. Yet, because there are not enough immigration lawyers to meet the great need for immigration legal services, many of these especially vulnerable young people are left without stable housing *and* without a lawyer. Further, there is reason to believe that young people living in shelters are less likely to find lawyers than their peers who are housed or who are living in youth shelters. Door staff members find that Door members living in HERRCs are disproportionately likely to still be in search of an immigration lawyer compared to all other Door members. Funding specialized immigration legal services for young people living in shelter could help bridge this gap and address some of the vulnerabilities of newly arrived New Yorkers.

Further, there is a need for specialized non-immigration legal services for young people living in shelter. The relevant law and policy around shelter access in New York is complex and ever-changing. Even since the last time this committee held a budgetary hearing (about a month and a half ago), the rules that newly arrived New Yorkers must navigate to find and maintain a shelter placement have changed significantly. The vast majority of service providers who work with people in shelter are not well-versed in these rules and are not able to competently advise shelter residents on their rights and responsibilities.

As a result, shelter residents are forced to navigate an ever-changing and confusing system on their own, without adequate legal support. This leads to the erosion of rights and protections for



shelter residents. For instance, Door members living in HERRCs have been erroneously told that they must leave their shelter and cannot return to the shelter system at all. Had a Door attorney who specializes in shelter access not become aware of this issue, impacted Door members would have left their shelter and, with nowhere else to go, would have begun sleeping on the streets.

When rights violations like these occur, it is essential to have a well-developed legal support system in place. Trained attorneys can both inform shelter residents of their rights and can advocate for shelter residents if their rights are infringed upon. This will be particularly important in the coming months, as the City begins to implement a new extension request system that requires that a shelter resident demonstrate extenuating circumstances in order to remain in their shelter placement. When residents inevitably have their requests improperly denied, they will need competent legal advice and representation to ensure that they are not forced out onto the streets. The City can help prevent this awful outcome by funding specialized non-immigration legal services for shelter residents.

IV. Conclusion

Young people experiencing homelessness need access to the safety, stability, and services offered in youth shelters. If the City does not increase funding for the DYCD shelter system, already-vulnerable youth will be left to navigate a constant cycle of evictions and the difficulties of young adulthood – all without any meaningful source of support. Thus, I urge New York City to fund additional DYCD youth shelter beds.

Young people without legal status also need access to free immigration legal services. If the City does not provide funding to remedy the current shortage of legal services providers, an unacceptable number of young people who are eligible for immigration relief will not receive necessary legal help. The probable result is that many of these young people will be ordered removed to a country where their wellbeing – and sometimes, lives – will be at risk. Therefore, I urge New York City to fund youth-specific, no-cost immigration legal services.

Finally, young people living in shelter need access to free, specialized legal services. If the City does not fund legal services for young people living in shelter, youth who already face great difficulties in vindicating their rights will continue to experience rights deprivations, including deprivations that result in street homelessness. Thus, I urge New York City to fund shelter-specific, no-cost legal services.

Thank you.

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