



To: New York City Council Committee on Immigration
From: Ellinor Rutkey, Esq., The Door's Legal Services Center
Re: Oversight Hearing: The Experiences of Black Migrants in New York City
Date: April 16, 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 (RHY) 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.

Since the beginning of 2024, the overwhelming majority of young people seeking services for the first time at The Door are Black new New Yorkers. These young people tend to be from West Africa and speak a variety of languages, including Wolof, Fulani, Pulaar, French, and Arabic. Many of these young people are practicing Muslims and/or come from Muslim families. Practically all of the Black new New Yorkers we meet at The Door are unhoused or housing unstable. It is necessary for the City to recognize these intersectional aspects of the identities of newly arrived Black immigrants in order to meet the particular needs of this group.

I. Black New New Yorkers Lack Access to Proper Housing and Shelter

i. Insufficient Capacity Within the DYCD Youth Shelter System

Unhoused New Yorkers ages 16 through 24 – including the very many unhoused Black new New Yorkers we serve at The Door – rely on the DYCD youth shelter system for housing and other vital services. As the RHY population has increased over the last two years, demand for youth shelters has skyrocketed. However, there is a significant dearth of shelter beds within the DYCD system.¹

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.



Subsequently, very few of the unhoused Black new New Yorkers that we serve at The Door have found placement in a youth shelter. 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. 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 Black new New Yorkers 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.

ii. Young Black New New Yorkers 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 Black 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 a Black 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.

This history of trauma is not the only reason why the Black 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 Black new New Yorkers about trusted adults that they can turn to for support in New York, they 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.

iii. 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, alienating, and chaotic. 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 and lack a sense of safety and belonging.

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, Black 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 days, the young person must uproot their life and find somewhere new to live – without the

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 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, it is unclear exactly how these new policies will be implemented.



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 Black 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 Black 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 Black 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 numerous supportive services tailored to their needs. For example, youth living in a youth shelter have access to 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. In this way, 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 Black young people.

II. Black New New Yorkers Lack Access to Immigration Legal Services

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 Black immigrants seeking legal support and representation. In the month of March 2024, we received over 50 requests for immigration legal help, and we are on track to receive even more requests in April. 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 85 young people eligible for immigration relief to our waitlist and have turned countless more away. Over 100 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. In the past, the clinic saw zero to one person each week. Now, clinic staffers routinely speak with up to a dozen people over the course of an hour, nearly all of whom are Black 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 Black 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 Black immigrants have been entirely unable to find legal assistance.

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 Black young people who turned 21 years old several months after

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/>.



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 Black youth 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. For example, resources like the Red Cross Asylum Application Help Center 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 cannot 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 Black immigrants need comprehensive legal services, and it is necessary for the City to provide funding to hire more immigration lawyers.

III. Black New New Yorkers Lack Access to Services in Their Preferred Languages

The language access needs of Black new New Yorkers are not currently being met. The newly arrived Black immigrants that we see at The Door speak a variety of languages with varying levels of fluency. Most Black new New Yorkers at The Door speak Wolof, Fulani, Pulaar, or Arabic dialects as their first language. While many of these young people also speak French, only some report that French is their preferred language. Some Black youth do not speak any English or French and require services to be provided in a different language. This is particularly true for young people who have little to no formal education, which would typically be conducted in English or French in many West African countries.

The great need for improved language access presents itself even before immigrants reach New York. Notably, the Customs and Border Protection (CBP) One mobile app – the tool that immigrants now must use to register for an appointment to cross the border and begin the process



of claiming asylum – is only available in three languages: English, Spanish, and Haitian Creole.⁴ Thus, the majority of Black immigrants will not be able to use the app in a language that is familiar to them, let alone in their preferred language. The consequences of this failure to provide adequate language access are tremendous: in many cases, an immigrant who does not make an appointment using the CBP One app before crossing the border will be rendered ineligible for asylum under the Biden Administration’s asylum ban, even if they meet all other eligibility criteria.⁵ Without asylum eligibility, the probable result is that many of these Black immigrants will be ordered removed to a country where their wellbeing – and sometimes, lives – will be at risk.

Once an immigrant manages to enter the United States, the availability of services continues to depend on the individual’s proficiency in English. For French-speaking young people, there are some services available. However, French-speaking youth do not have access to the same quantity and quality of services as their English-speaking peers. For example, at The Door, we have far more staff members who speak English and Spanish than we do those who speak French. This makes it more difficult for us to provide timely services to the many French-speaking newly arrived Black immigrants because there are fewer staff members capable of providing those services. And while we offer a plethora of activities for youth at The Door, only a handful of those activities are offered in French.

It is even more difficult for young people who do not speak English or French to access services. At The Door, we have no staff members who speak Wolof, Fulani, or Pulaar, and we do not have staff members who speak every Arabic dialect. We offer no activities in Wolof, Fulani, Pulaar, or any Arabic dialect. When we speak with young people whose preferred language is an African language or certain Arabic dialects, we rely on telephonic interpretation services like Certified Languages International. The wait times for African language and Arabic dialect interpreters are often very long, and sometimes, no interpreter is available. As a result, we are not able to provide the same quality of services to the many Black young people who speak these languages.

These deficiencies are particularly concerning in the context of emergency and legal services. At The Door, staff members regularly speak with Black youth who have received legal or other important notices only in English and who do not understand the information they are being told. Young people also have a harder time accessing emergency services if information is only provided in English. For example, much of the information about access to shelter is not easily accessible in languages like Wolof, Fulani, Pulaar, certain Arabic dialects, and even French. Further, Door staff members have also been made aware of multiple instances in which non-English speaking young people were provided with only cursory pre-written information about access to necessities like food and shelter, while English-speaking young people received ongoing support from service providers to ensure that they had sustained access to food and

⁴ Leila Lorenzo et. al., *CBP One’s Obscene Language Errors Create More Barriers for Asylum Seekers*, Respond: Crisis Translation (Apr. 1, 2024), <https://respondercrisistranslation.org/en/news/cbp-ones-obscene-language-errors-create-more-barriers-for-asylum-seekers>.

⁵ Ayelet Parness, *For Asylum Seekers, CBP One App Poses Major Challenges*, HIAS (Nov. 8, 2023), <https://hias.org/news/asylum-seekers-cbp-one-app-poses-major-challenges/>.



shelter. It is crucial that the City take steps to eliminate this gap and provide the Black immigrants with full access to services regardless of the language(s) they speak.

IV. Black, Muslim New New Yorkers Experience Barriers to Practicing Their Religion

The City has not adequately responded to the religious needs of newly arrived Black immigrants. The majority of the Black new New Yorkers that we meet at The Door practice Islam and come from Muslim households. Therefore, the City must ensure that service providers are equipped to provide culturally competent services and that there are sufficient resources devoted to ensuring that these young people are able to practice their religion. For example, staff members at The Door have repurposed a private room within the building as a prayer room and have purchased prayer mats to be used by Muslim youth. Still, Muslim youth lack a full-time dedicated prayer space at The Door, and Muslim youth generally report insufficient access to dedicated prayer spaces throughout the City.

The fact that many newly arrived Black immigrants face barriers to practicing religion was particularly apparent during Ramadan. Muslim youth frequently reported that they found it very difficult to obtain enough food during their iftar (the fast-breaking meal at sundown) or during non-fasting hours. This was particularly true for young people living in HERRCs, where very many Black new New Yorkers live. Muslim young people living in HERRCs reported that they were provided only with a standard small meal at iftar, which was plainly insufficient after having fasted during daylight hours. As a result, the many Black immigrants who practice Islam found it more difficult to practice their religion. Moreover, this lack of access to sufficient food also jeopardized the physical safety and wellbeing of Muslim immigrants. The City must be attentive to the cultural needs of newly arrived Black youth and must ensure that Black immigrants are fully supported in practicing their religion.

V. Black New New Yorkers Experience Anti-Black Racism

It is well-understood that Black people in the United States experience systemic and institutional racism, and newly arrived Black immigrants are no exception. For one, Black new New Yorkers are particularly vulnerable to policing and its harms. Black youth are the most likely demographic to be stopped by police,⁶ and unhoused people have been increasingly targeted by law enforcement under the Adams Administration.⁷ Further, because many newly arrived Black youth do not speak English fluently, they are likely to experience confusion and fear during an English-language police interaction. Of course, the consequences of a police interaction for Black youth without legal status can also be extremely serious, potentially even leading to the removal of a young person from the United States.

These concerns are not just hypothetical. Over the last several weeks, The Door has seen a marked increase in the number of newly arrived Black immigrants who have attended the RHY

⁶ *A Closer Look at Stop and Frisk in NYC*, N.Y. Civil Liberties Union (last accessed Apr. 12, 2024), <https://www.nyclu.org/en/closer-look-stop-and-frisk-nyc>.

⁷ See, e.g., David Brand, *Inside NYC's Street Homeless Sweeps, Rapid Responses and Signs of Futility*, CityLimits (Apr. 11, 2022), <https://citylimits.org/2022/04/11/inside-nycs-street-homeless-sweeps-rapid-responses-and-signs-of-futility/>.



Clinic for criminal law help. Each of these young people had had an encounter with the police and/or received a ticket. Although receiving a ticket is preferable to being charged with or arrested for a crime or misdemeanor, the young people with whom we work have no money to pay any fines, resulting in a default judgment that could negatively impact the young person for years to come.

Anti-Black racism also presents a barrier for Black youth in accessing age-limited services. Door staff members have been made aware of multiple instances in which Black young people were heavily scrutinized when attempting to access services reserved for youth. For example, some Black young people were told that they looked too old or were accused of lying about their age, or fraudulently using a younger person's identification. Non-Black young people have not reported being questioned about their age. These experiences can undermine the trust that young people have in service providers and can cause young people to feel uncomfortable in attempting to access services. Even worse, some Black youth may be turned away from accessing services that they are qualified to access, solely because of the nefarious impacts of anti-Black racism. There is an urgent need for the City to ensure that Black youth have the ability to access services without being harmed by racism and discrimination.

Moreover, exposure to anti-Black racism does not start only at the point when a young person is attempting to settle in the United States; Black youth regularly encounter anti-Black racism and racist policies at the United States border. For example, the CBP One app relies on a flawed facial recognition tool that fails to recognize Black faces for required authentication.⁸ As a result, many Black immigrants are prevented from using the app and from making an appointment to cross the border.⁹ Further, and crucially, these immigrants are thereby generally prevented from retaining asylum eligibility under the terms of the Biden Administration's asylum ban. This will inevitably lead to a disproportionate number of otherwise asylum-eligible Black immigrants being ordered removed from the United States.

VI. Conclusion

The City has a responsibility to newly arrived Black youth to ensure that they have full access to the services and supports that they need to thrive as New Yorkers.

The City must recognize that the majority of Black new New Yorkers are unhoused, and that far too many young people have been unable to access the safety, stability, and services offered in youth shelters. Thus, I urge New York City to fund additional DYCD youth shelter beds.

The City must recognize that the majority of Black new New Yorkers need free immigration legal services, without which 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.

⁸ Melissa del Bosque, *Facial Recognition Bias Frustrates Black Asylum Applicants to US, Advocates Say*, The Guardian (Feb. 8, 2023), <https://www.theguardian.com/us-news/2023/feb/08/us-immigration-cbp-one-app-facial-recognition-bias>.

⁹ *Id.*



The City must recognize that many Black new New Yorkers are not fluent in English, and while many of these individuals speak French, many others do not. Thus, I urge New York City to expand services and support for speakers of languages including Wolof, Fulani, Pulaar, and African dialects of Arabic.

The City must recognize that many Black new New Yorkers are practicing Muslims and/or come from Muslim households. Therefore, I urge New York City to expand culturally relevant services and supports for these youth, particularly those living within the City's shelter systems.

Finally, the City must recognize that Black new New Yorkers are harmed by anti-Black racism. Thus, I urge New York City to take an active role in combatting systemic and institutional racism among service providers and within our city.

Thank you.

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The Door's Legal Services Center