



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

Date: March 22, 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, young people living in HERRCs have been subject to the unlawful and inhumane 30-day shelter rule.² As a result of these rules and actions, every 30

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 last week's 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==.



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 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, constant evictions under the 30-day shelter rule make 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 becoming unsheltered. 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. It goes without saying that this is extremely dangerous for impacted young people 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-day rule. 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 evictions, 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. 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

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 when or how these new policies will be implemented.

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.



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 February 2024, we received over 50 requests for immigration legal help, and we are on track to receive even more requests in March. 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 71 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 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.

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. 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 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. 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.

Thank you.

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