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**Testimony before the New York City Council
Committee on Immigration Regarding Oversight: Implementation of
IDNYC - New York City's Municipal Identification Program**

May 1, 2015

My name is Gina DelChiaro and I am a staff attorney on the Refugee Representation team at Human Rights First. My comments today are on behalf of my organization, which thanks the New York City Council and the members of the Committee on Immigration for the opportunity to provide input.

Human Rights First applauds the de Blasio Administration and, particularly, this Committee for implementing New York City's Municipal Identification Program ("IDNYC"). The program has helped many refugees who are applying for asylum in the United States by giving them a resource that will help them surmount obstacles to obtaining the asylum status that they are eligible for and deserve. The IDNYC not only has provided thousands of New Yorkers with services and benefits, but is helping to integrate immigrants, including those without a permanent address, into this great city.

Every month, our staff at Human Rights First interacts with large numbers of immigrants, some of whom have immigration status, some of whom have none, and many of whom are in the process of obtaining asylum. Human Rights First is a non-profit, nonpartisan international human rights organization that challenges America to live up to its ideals. We run one of the largest *pro bono* legal representation programs in the United States for asylum seekers and other immigrants in need of protection. We bring volunteer lawyers together with indigent refugees to protect their human rights by representing them in their asylum proceedings. Our approach—which combines helping asylum seekers and other immigrants gain protection and legal status, while also pressing for fair and humane national asylum and immigration laws and policies—protects those living in fear and leads to sustained, positive change in refugee protection and human rights.

While Human Rights First has offices in Washington, D.C. and Houston, our largest refugee representation team is here in New York City, where we have been serving the needs of asylum seekers and other immigrants for over thirty years. Our New York office represents immigrants who have applied, or will apply, for asylum affirmatively before one of the local asylum offices. We also represent individuals who are currently held in immigration detention centers in New Jersey, as well as those who were previously detained, but who have been released from detention while they await a hearing in immigration court. For most of our clients, asylum is only the first step toward permanent residence in the United States and eventual U.S. citizenship.

Through our work, Human Rights First is acutely aware of how a lack of identification



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documentation impacts refugees seeking asylum in the United States. Survivors of torture and other refugees who have fled persecution in their countries face daily hardships in New York City, of which only one is the need for a valid form of identification. Many of our clients have endured severe physical and/or emotional harm, and fled to the United States with very little. Some are homeless. And many fight every day to survive while they wait for their case to be heard by an immigration judge or an asylum officer. During that wait, our clients often struggle to find basic necessities such as safe housing, food, and transportation. Although New York City generously provides many resources for immigrants, the struggle is often greatest for those without identification documents.

We have seen our clients obtain the IDNYC card, and we have seen the difference it can make in easing some of the challenges inherent in New York City life. For example, just gaining access to the building of a pro bono attorney can be impossible without an acceptable form of identification. This can create practical challenges for both the asylum seeker and the volunteer lawyer, which can delay or prevent access to justice.

We commend this Committee for the tremendous work that went into passing this legislation, including gathering feedback from the many organizations that provided testimony on this issue in 2014. For example, the City's commitment to confidentiality is crucial in allowing our clients to feel comfortable coming forward and applying for the IDNYC. Also, the acceptance of a letter from qualifying organizations that can confirm an individual's residence in New York City, even though he or she is homeless or lacks a stable address, is extremely important to many of our clients. Without the hard work of this Committee to build these solutions into the program, many individuals would not be able to apply for the IDNYC. We echo the positive feedback that has been received on the program and thank you for your fantastic work and commitment to the City's immigrants.

One group of New York City residents would benefit greatly from the IDNYC program, but they are prevented from doing so. These are refugees who fled their countries in search of safety and protection, entered the United States at the U.S.-Mexico border or other border crossing, and then were placed in immigration detention. At the time they entered the United States, many of them were traveling with their own valid identification documents, including passports, national identification cards, birth certificates, and driver's licenses, among others.

After these immigrants are apprehended by Customs and Border Protection or other U.S. immigration agents, and placed in immigration detention, a standard part of the process involves the confiscation of their identification documents. The Department of Homeland Security ("DHS") holds these documents until that individual's immigration proceedings conclude. And that may not be for years. There is currently a backlog in the immigration courts, which handle many of these proceedings. That backlog means that individuals in this circumstance are without the documents that they have long used

to establish who they are.

Because many of these asylum seekers have no way to show that they are who they say they are, this often impedes their ability to go to their own consulate in New York and request a form of identification. And, as is often the case for asylum seekers, it is frequently inadvisable to request assistance from the very government from which the person has already been persecuted or fears persecution in the future.

This situation leaves many individuals in a sort of limbo or “catch-22,” because they need identification documents to get an identification document. Yet their identification documents were taken by the DHS and getting them returned is outside of the individual’s control.

Often, our clients possess documentation that they receive from DHS while they are in immigration detention. But, that documentation carries no weight when it comes to securing an IDNYC card because it is not accepted among the documentation on IDNYC’s point-based list. This further perpetuates the catch-22 cycle.

For example, one such document, known as the “I-94,” is issued in certain cases to immigrants who are paroled into the United States for humanitarian reasons. This document not only contains the individual’s name, date of birth, country of origin, and photo, but it also contains their fingerprint. Yet this version of the I-94 receives zero points in IDNYC’s “U.S. Federal Government issued photo ID” category. The I-94 is only one example of federally-issued documentation given to immigrants whose own valid identification documents have been confiscated by DHS. There are other examples that the Committee could consider.

I recently accompanied a client to an IDNYC enrollment center, where the I-94 was not accepted because it is not on the list of qualifying documents. The agent who handled the application was very pleasant and the process ran very smoothly that day. At the end of the procedure, however, our client walked away without being able to submit his application. “But the U.S. government gave it to me,” he said, referring to his I-94, “and it has my picture and fingerprint, and they have my passport.” I apologized and told him that we would keep trying. We talked about where he might be able to borrow \$50 to buy a New York City Parks and Recreation Center Membership ID Card, which would get him one point toward the three that he needs to prove his identity.

To increase access to the IDNYC card, we initially recommend that the Committee accept DHS documentation, such as the I-94, in addition to the other items that the City currently accepts.

Accepting DHS documentation would also ensure greater access to the many asylum seekers who are unable to secure an employment authorization card, which the IDNYC program accepts as proof of identity. Many of our clients would be eligible for work

authorization but for a provision in the immigration law that prevents obtaining that authorization if the client appeared before an immigration judge and asked for an adjournment to seek more time to find a lawyer. Once granted, the court will set a hearing date—sometimes quite far into the future. The client that I spoke of earlier, for example, currently has an immigration hearing scheduled for 2019. Often, the asylum seeker cannot secure that much-needed work authorization until the hearing takes place.

Without that authorization, our clients are not only unable to work, they are also deprived of another valid form of identification—one that would account for all three identity points on the IDNYC document calculator. It is in situations like this that the IDNYC becomes that much more important to asylum seekers.

We know that the IDNYC program cannot be all things to all New Yorkers, which means that there will necessarily be groups of people who cannot qualify. The population of asylum seekers, however, have already been traumatized before arriving in our city, and would benefit greatly from the Committee's consideration of adding DHS-issued documents to the list of acceptable forms of proof of identity.

Second, we encourage the Committee to continue its support for the program and if possible, to expand the locations where New York City residents can go to submit applications. We know that the IDNYC program has been so popular that there have been periods of time since its launch when appointments have been difficult to obtain. The recently added Pop-Up Enrollment Centers, for example, are a helpful step toward meeting the demand. We support the addition of even more locations to serve specific populations, such as students aged 14 years or older, who would benefit from enrollment centers at or near certain New York City schools.

Finally, we also support the continued ability of City residents to apply for an appointment in any enrollment center, regardless of where that resident happens to live at the time the appointment is scheduled. This flexibility has made it possible for many to receive their IDNYC cards much sooner than they otherwise would if they were restricted to locations within a certain distance of their home zip code, for example.

In summary, we make three recommendations to the Committee. First, we hope that you will continue to support the IDNYC program, which has been hugely beneficial to thousands of New York City residents. Second, we recommend that the list of acceptable proof-of-identity documents be expanded to include documentation from the DHS. Finally, we support the addition of enrollment centers to the extent possible.

Human Rights First congratulates the New York City Council and this Committee on the successful implementation of the IDNYC program. It is fitting that the greatest city in the world, with such a strong commitment to providing a welcoming and safe place for immigrant families, should join the short list of leading cities that provide this resource.



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And it is equally fitting that in only a few months, New York City's program has already enrolled a larger percentage of the City's population than any of the other cities with similar programs did in an entire year. So far, my colleagues at Human Rights First have focused on using the available application appointments for our clients who desperately need them. But we will be proud to carry our own IDNYC cards very soon as well.

Thank you.