



Council on American-Islamic Relations

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**STATEMENT OF
PRINCESS MASILUNGAN
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**BEFORE THE
COMMITTEES ON YOUTH SERVICES AND IMMIGRATION
NEW YORK CITY COUNCIL**

**FOR A HEARING CONCERNING INT 480 - IN RELATION TO
REQUIRING THE DEPARTMENT OF YOUTH AND COMMUNITY
DEVELOPMENT TO REVIEW STRATEGIES AND CREATE A PLAN OF
ACTION TO PROTECT CHILDREN WHO QUALIFY FOR SPECIAL
IMMIGRANT JUVENILE STATUS**

**PRESENTED
Monday, September 17, 2018**

Good morning, my name is Princess Masilungan, and I am a legal fellow at the New York Chapter of the Council on American-Islamic Relations (“CAIR-NY”). CAIR-NY is a leading civil rights organization for the Muslim community here in New York State. Today, I speak in support of INT 480, which requires the Department of Youth and Community Development to create and implement a plan to identify and provide services to runaway and homeless young people who may be deemed eligible for Special Immigrant Juvenile Status (“SIJS”). I also thank and applaud Chairs Rose and Menchaca for calling today’s hearing on this vital topic.

SIJS is crucial for immigrant children because of the Trump administration’s systematic closure of pathways to documented immigrant status, particularly for the most vulnerable groups. The Trump era continues to threaten and traumatize immigrant communities across the United States, and while the majority of Muslim Americans are not immigrants, those without legal status find themselves particularly targeted. The Trump administration enacted three separate Muslim Bans, causing widespread fear and confusion within the Muslim community and ultimately restricting immigration from numerous Muslim-majority countries.¹ The Trump administration also reduced the number of countries whose nationals are eligible for Temporary Protected Status, a crucial tool for individuals who have fled extreme violence in their home countries at the hands of their own governments.² The Trump administration then continued its tirade, attempting (but failing) to repeal DACA, the more well-known program that provides a pathway for young people to break out of immigration limbo and allows them to contribute to their families and communities, in a still ongoing court battle.³ This attack on DACA has caused some young undocumented Muslim children to feel as if they were “under a unique kind of siege,” living “under a government that can be as Islamophobic as it often is xenophobic.”⁴

Just this month, the Trump administration announced its plan to indefinitely jail immigrant children with their families, reversing twenty years of protections for immigrant children.⁵ Furthermore, leaks suggest that the Trump administration will expand public charge as a grounds for inadmissibility and block green card applicants who use *any* means-tested benefits, including those to secure food and medical care for their child, even if their child is a U.S. Citizen, which New York

¹ Lawrence Hurley, *U.S. Top Court Upholds Trump Travel Ban Targeting Muslim-Majority Nations*, REUTERS (June 26, 2018), <https://www.reuters.com/article/us-usa-court-immigration/u-s-top-court-upholds-trump-travel-ban-targeting-muslim-majority-nations-idUSKBN1JM1U9>.

² Zuzana Cepla, *Fact Sheet: Temporary Protected Status*, NAT’L IMM. FORUM (May 5, 2018), <https://immigrationforum.org/article/fact-sheet-temporary-protected-status/>.

³ Andrew Chung, *U.S. Court Orders Trump Administration to Fully Reinstate DACA Program*, REUTERS (Aug. 3, 2018), <https://www.reuters.com/article/us-usa-immigration-daca/u-s-court-orders-trump-administration-to-fully-reinstate-daca-program-idUSKBN1KP014>.

⁴ Aviva Stahl, *The End of DACA is the Latest Nightmare for Undocumented Muslims*, VICE (Sept. 5, 2018), https://www.vice.com/en_us/article/8xpx5/the-end-of-daca-is-the-latest-nightmare-for-undocumented-muslims.

⁵ Nathaniel Weixel, *Trump Administration Moves to End Limits on Detaining Migrant Children*, THE HILL (Sept. 6, 2018), <http://thehill.com/homenews/administration/405342-trump-administration-moves-to-end-limits-on-detaining-migrant>.

City officials have warned would leave the children of immigrants seeking green cards the most vulnerable.⁶

The Trump administration's repeated attacks on immigrant children and young adults make it urgent that the City Council pass INT 480. INT 480's requirement that the Department of Youth and Community Development monitor changes and create a plan of action to help support young people while applying for SIJS is more important now than ever before, with the threat still looming of Mr. Trump manipulating the immigration system further to the detriment of our communities.

INT 480's charge for the Department to identify homeless and runaway youth who qualify for SIJS would also greatly help bring SIJS back to its original purpose. The federal government created SIJS nearly thirty years ago to provide humanitarian protection for abused, neglected, or abandoned immigrant children eligible for long-term foster care, in recognition of immigration law's failure to provide such protection.⁷ Now, Mr. Trump's recent policy reversal, excluding 19-21 year olds, has moved SIJS away from its original purpose, distorting and reducing access to SIJS.

Mr. Trump's policy reversal may affect upwards of 1,000 young people in New York State.⁸ In April, less than a month after the SIJS reversal, USCIS told numerous children across New York state that their previously approved applications would be removed, and denied applications from at least 81 others just in New York City alone.⁹ This process was not just heartless, it was arbitrary, as shown when USCIS denied the application of a previously eligible young Brooklynite, while approving his younger sister's virtually identical application.¹⁰ In another case, USCIS denied the application of a young woman who has lived in the Bronx with her grandmother since about eight months old.¹¹ Both of these individuals would have qualified for SIJS prior to the policy reversal, but Mr. Trump robbed them of that opportunity in one swift action.

In light of the confusion and inconsistencies that have resulted from the reversal, INT 480 will give the Department the power and responsibility to ensure that the spirit and rationale behind SIJS live on by encouraging homeless and runaway youth to take advantage of SIJS. We're hopeful that with the passage of INT 480, this council's impact will reverberate even beyond those communities, inspiring young people generally not to exist in fear of a system that is seemingly against them but to overcome and take advantage of the pathways to documented immigrant status and protections that still exist.

⁶ Liz Robbins, *How Trump's Plan for Immigrants on Welfare Could Hurt a Million New Yorkers*, N.Y. TIMES (Aug. 13, 2018), <https://www.nytimes.com/2018/08/13/nyregion/welfare-immigrants-trump-public-charge-rule.html>.

⁷ Leslye E. Orloff and Rafaela Rodrigues, Eds., NIWAP, STATE JUST. INST., AM. U. WASH. COLLEGE OF LAW, SPECIAL IMMIGRANT JUVENILE STATUS BENCH BOOK 1 (2018), <http://library.niwap.org/wp-content/uploads/SIJS-Bench-book-complete.pdf>.

⁸ Liz Robbins, *A Rule is Changed for Young Immigrants, and Green Card Hopes Fade*, N.Y. TIMES (Apr. 18, 2018), <https://www.nytimes.com/2018/04/18/nyregion/special-immigrant-jvenile-status-trump.html>.

⁹ *Id.*

¹⁰ Complaint at 5, R.F.M. v. Nielsen, 18 Civ. 5068 (S.D.N.Y. June 7, 2018), <https://bit.ly/2wLzqkH>.

¹¹ *Id.*