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**Testimony of McGregor Smyth, Executive Director of New York Lawyers for the Public Interest to the New York City Council Committee on General Welfare  
March 13, 2023, regarding the New York City FY24 Budget**

My name is McGregor Smyth, and I am the Executive Director of New York Lawyers for the Public Interest (NYLPI). We appreciate the City Council's leadership in expanding access to critical legal services. NYLPI is privileged to be a part of the City Council's Immigrant Health Initiative, and we thank you for that support.

In this budget process, we call on the Council to continue defending vital city services and investments from budget cuts and flatlining. With the Council's forecast of FY23 and FY24 revenue totaling \$5.2 billion more than Office of Management and Budget predictions, and Independent Budget Office's announcement of a \$4.9 billion surplus this year, now is not the time to retreat from our City's sustainability and equity goals.

Today, I am here to ask the Council to continue their support by restoring and enhancing funding for the Immigrant Health Initiative, which has saved lives and improved health across the city. The recent migrant crisis has only increased the need for initiatives that champion immigrant rights and facilitate access to services, including healthcare and legal assistance. The funding provided by the Immigrant Health Initiative (IHI) supported NYLPI's programs aimed at improving the health and well-being of immigrant New Yorkers and their families through direct services, health education, and outreach. Through holistic immigration and wraparound services, NYLPI improves health outcomes, increases access to healthcare, and educates the community, healthcare providers, and legal service advocates.

We also stand in partnership with the legal services community in full support of funding fairness and reasonable funding increases each year to cover salary adjustments, inflation, and new technology costs. We call on the City to establish new contract protocols that allow automatic payments without arduous vouchering procedures and faster contract registration once the City budget is approved.

**Improving Access to Healthcare for NYC Residents Through the Immigrant Health Initiative**

Over 400,000 New Yorkers are undocumented and uninsured. Access to healthcare is scarce, and the most marginalized and sick often go without medical care altogether. Your support has led to

increased enrollment by eligible immigrants in state-funded comprehensive health insurance via Medicaid and the Essential Plan. This access to health insurance has had life-changing and often life-saving effects on the lives of our clients, and often results in cost savings for the City, the State, and our safety net health care system when people are able to resume work and productive lives. In 2022, we were able to provide immigration and health screenings to 134 seriously ill people in the community and in detention. With that, we obtained state-funded healthcare for more than 21 previously uninsured immigrants. IHI funding also allowed NYLPI to advocate on behalf of 18 clients who, even following support in becoming eligible for state-funded healthcare, required further advocacy with healthcare administration entities to complete their enrollment.

For example, Christina, a 37-year-old undocumented Latinx woman living in New York City, needed urgent medical care: her kidneys were failing, and she needed a transplant. Despite being a recipient of state Medicaid, she was informed by a local hospital that because she did not have a social security number, she was ineligible to be listed. She turned to NYLPI for help, and we explained to the hospital that Christina was “permanently residing under color of law,” or PRUCOL, a category used for public benefits eligibility, and she would continue to have access to state funded health insurance despite not having a social security number. Our advocacy provided the hospital with the necessary information to successfully have her listed for a transplant, and she has now received a life-saving kidney transplant.

Informed by our client experiences, NYLPI has been working to advance Transplant Justice since 2015 for immigrant New Yorkers. Based on misinformation, healthcare inaccessibility, and mistreatment of immigrant patients, many people in need of surgeries such as kidney transplants are denied necessary, lifesaving, healthcare – furthering racial/ethnic disparities in healthcare. With the support of IHI funding, NYLPI has been advancing this work through direct representation, advocacy, legislative efforts, training for health providers and the public, and research. In 2021, we launched a pilot Transplant Pipeline with the kidney transplant program SUNY Downstate Medical Center. In 2022, this program trained hundreds of health care and legal services providers, including health providers at Montefiore Medical Center, the Bronx Health Collective, Bellevue, and Kings County Dialysis Centers, and caseworkers at the AIDS Center of Queens County and Hispanic AIDS Forum. NYLPI referred five people to kidney transplant centers and advocated on behalf of one client who was wrongfully denied a transplant evaluation at a local private transplant center because she lacked a social security number.

NYLPI staff also created a new resource in the form of an FAQ for healthcare providers. The “Health Insurance and Immigration Status in New York FAQ” was created in response to noncitizen and immigrant New Yorkers facing barriers to medical care they need, including those with health insurance.<sup>1</sup> Unfortunately, even after obtaining health insurance, many noncitizen and immigrant New Yorkers are still denied medical care based on misinformation and misunderstanding about immigration status and insurance eligibility. NYLPI’s clients have faced unnecessary barriers to care based on their immigration status alone. We have supported clients in navigating these complicated systems and advocated for them to receive the life-saving care to which they are entitled. This resource has provided guidance around insurance

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<sup>1</sup> New York Lawyers for the Public Interest. “FAQ: Health Insurance and Immigration Status,” NYLPI, <https://www.nylpi.org/wp-content/uploads/2022/12/FAQ-Health-Insurance-and-Immigration-Status-in-New-York.pdf>

eligibility and the right to access care. With increased funding, NYLPI can further our commitment to advancing immigrant justice and access to health coverage for all New Yorkers.

### **Services for TGNCI New Yorkers**

In October 2020, with the support of IHI Funding, we expanded our reach and launched the UndocuCare TGNCI+ program. This program provides direct legal services to transgender, gender-nonconforming, intersex (TGNCI) immigrants and undocumented people living with HIV by filing for viable immigration relief.

In 2022, IHI Funding was integral to the development of the UndocuCare TGNCI+ program's initiatives. Informed by client experiences in the TGNCI+ program, NYLPI supported the launch of a new resource "Healthcare is for You!" in both Spanish and English. In a joint effort with the Center for Urban Pedagogy (CUP), who generously provided funding to this initiative, NYLPI employees created a foldout poster and digital guide about access to healthcare for immigrant and/or transgender gender-nonconforming, or non-binary (TGNC/NB) New Yorkers.<sup>2</sup> The resource breaks down the complex intersection of public benefits and immigration for individuals who are engaging with health insurance enrollment and the adjudication of other benefits. It includes a roadmap on how to advocate for one's rights in a system that is so often fraught with wrongful denials, discrimination, and other barriers that divert eligible community members away from the healthcare and benefits they need to survive.

City Council funding made it possible for the TGNCI+ program to continue providing direct services via immigration representation, consults, referrals, and benefits advocacy throughout 2022. In the last year, the TGNCI+ project served 22 trans, gender non-conforming, intersex, or HIV-positive immigrant New Yorkers in their defensive asylum proceedings to help prevent their deportation. Furthermore, NYLPI staff represented several more people in their affirmative immigration cases with the goal of sustaining access to vital healthcare. We're thrilled to share some of the highlights from 2022: four transgender women were granted a pathway to permanent security and access to gender affirming healthcare in the U.S. through immigration legal advocacy; two community members represented by the TGNCI+ program were granted green cards; and two of our clients won their asylum cases. Additionally, the TGNCI+ program supported four immigrant New Yorkers in becoming "permanently residing under color of law" (PRUCOL), and thus eligible for state Medicaid and housing through the HIV/AIDS Services administration (HASA). TGNCI+ continues to work with community-based orgs such as the Queer Detainee Empowerment Project, and transitional housing programs such as the AIDS Center Queens County (ACQC) to conduct immigration screenings and PRUCOL advocacy with city benefits agencies.

### **NYLPI's Medical-Legal-Community Partnership in Detention**

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<sup>2</sup> Center for Urban Pedagogy. "Healthcare is for You." Center for Urban Pedagogy, <https://welcometocup.org/projects/healthcare-is-for-you>.

The IHI funding has also supported NYLPI's work seeking to improve access to healthcare in immigration detention facilities. Despite the dire health risks posed by the spread of COVID-19, Immigration and Customs Enforcement officials continue to arrest and confine people in immigration detention facilities and jails. For NYC residents held in detention, NYLPI provides crucial and urgent advocacy to improve health care and advocate for release. Every day, people in the U.S. immigration detention system experience health and human rights violations, including inadequate medical care. The facilities currently used to detain immigrants in New York state include Orange County Correctional Facility, Clinton Correctional Facility, Rensselaer County Correctional Facility, and Chautauqua County Jail, in addition to the Buffalo Federal Detention Center. NYLPI has published two reports documenting the serious, often life-threatening deficiencies in the medical care provided to New Yorkers in immigration detention facilities. NYLPI has released complaints against the Department for Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL), further documenting persistent human rights abuses at Orange County Correctional Facility (OCCF) in Goshen, New York.

Through the funding provided by the Immigrant Health Initiative, we have built and continue to expand a robust, all-volunteer Medical Providers Network (MPN), now with over 260 medical professionals, available to support advocacy efforts for people in detention. Through our work, we have connected the majority of requests received to a medical provider with experience relevant to their needs. Furthermore, we work with City Council-funded New York Immigrant Family Unity Project (NYIFUP) attorneys, through medical advocacy, to help secure the release of their clients from immigration detention. In 2022, the MPN has been able to support and will continue to support 76% of all case referrals sent to us. With that, we connected more than 70 people in detention to volunteer doctors, and our Network was instrumental in securing the release of three individuals from IC custody.

City council funding also supported the re-issue of our popular Health Care Rights Calendar in English and Spanish for people in immigration detention.<sup>3</sup> Since its launch last year, this resource has proven to be a valuable tool that helps detained individuals and advocates understand legal rights and document health care needs and rights violations. NYLPI, in partnership with Justice for Migrant Families and other NY-based organizations, distributed the calendar to people in detention, helping them keep track of their healthcare needs, medications, and requests for medical care. The calendar provides information about people's healthcare rights while detained, as well as contact information for support services. We hope this resource will continue to advance our work to combat the human rights crisis in immigration detention.

## **Conclusion**

Thank you, Chairperson Ayala and the Committee, for giving us the opportunity to present testimony today and for this tremendous assistance, and we ask that the Immigrant Health Initiative funding is restored and enhanced in FY 2024 for both NYLPI and our partners. We

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<sup>3</sup> New York Lawyers for the Public Interest. "2023 Medical and Healthcare Rights Calendar for People Detained in Immigration Detention Centers and Jails in NY." NYLPI, <https://www.nylpi.org/2023-medical-and-healthcare-rights-calendar-for-people-detained-in-immigration-detention-centers-and-jails-in-ny/>.

look forward to continuing our work to improve immigrant New Yorkers' access to healthcare for new arrivals and long-time New Yorkers alike. **Health is a human right.**

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*NYLPI has fought for more than 40 years to protect civil rights and achieve lived equality for communities in need. Led by community priorities, we pursue health, immigrant, disability, and environmental justice. NYLPI combines the power of law, organizing, and the private bar to make lasting change where it's needed most.*

*NYLPI's Health Justice Program brings a racial equity and immigrant justice focus to health care advocacy, including ongoing work addressing the human rights crisis in immigration detention and advocating for healthcare for all New Yorkers.*