



Testimony of Lawyers For Children to the New York City Council  
Committees on Governmental Operations, State & Federal Legislation and Finance

*Oversight Hearing on Preparing NYC for Changes in Federal Funding*

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Thank you, Chairs Brannan and Restler, and to the members of the Committees on Governmental Operations, State & Federal Legislation, and Finance, for holding this important hearing to respond to the threats of federal funding cuts impacting the most vulnerable New Yorkers. We are deeply grateful for the City Council's initiative and funding for legal services for the Unaccompanied Minors Initiative--a critical program that has served thousands of migrant children since 2014. Because of federal funding cuts, including a recent decision by the Trump Administration to eliminate over \$300 million in funding to represent young people in their immigration cases, we urge the Council to increase funding to support the Immigrant Opportunity Initiative (IOI) Unaccompanied Minors program.

Founded in 1984, Lawyers For Children (LFC) is a not-for-profit legal corporation that represents children in voluntary foster care, abuse, neglect, termination of parental rights, adoption, custody, guardianship, paternity, and youth justice proceedings in family court. This year, we will represent children and youth in more than 3,000 court proceedings. In addition to representing children in individual cases, LFC works to effectuate child welfare reform through impact litigation and legislative advocacy.

Twenty years ago, LFC established an Immigration Rights Project to help protect the rights of our clients who were facing immigration issues. For many years, the two attorneys and staff social worker who were assigned to that project helped to screen all of our clients for immigration issues, obtain family court orders needed to regularize their status, and ensure that the clients were connected to an immigration attorney who could assist them in immigration court. Today, the number of clients we represent with immigration issues has grown so dramatically that our entire legal and social work staff is working to screen clients for immigration issues, obtain the necessary family court orders necessary and, ensure than the youth is represented by an immigration attorney.

As the Council is aware, over the last several years, New York City has experienced an influx of unaccompanied minors--children who arrive in the country alone. Over the last 5 years, the federal government has released over 30,000 unaccompanied minors to sponsors in New York State.<sup>1</sup> The City's Administration for Children's Services also has been caring for approximately 500 young people in foster care with an immigration issue at any given time<sup>2</sup>. LFC, together with dedicated immigration attorneys, helps many of these youth obtain legal status that permits them to apply for work authorization, and to obtain legal permanent residency status.

Created by Congress, Special Immigrant Juvenile Status, "SIJS," is a critical immigration protection, for undocumented immigrants under the age of 21 who have been abused, neglected or abandoned by one or both parents and for whom New York's family court has found that it would not be in their best interest to return to their country of origin. They include:

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<sup>1</sup> <https://acf.gov/orr/grant-funding/unaccompanied-children-released-sponsors-state>

<sup>2</sup> <https://citylimits.org/as-city-sees-uptick-in-unaccompanied-immigrant-youth-lawmakers-probe-gaps-in-services/>

C., whose parents regularly beat him with a stick while he slept, whose uncle beat him with a piece of tire until he bled, and whose stepmother attempted to poison him in an effort to ensure her inheritance upon his father's death. When he was just 17 years old, C's father bought him a one-way ticket to Morocco, with instructions not to return. C. made his way to the United States, where he is living in a foster home, enrolled in high school and hoping to get a job.

S., who was brought to the United States from Ecuador by her mother, who returned home, leaving S. here, to fend for herself in the care of a man who sexually abused her. S.'s father, who is abusing drugs, is not willing to care for her and there are no other family members in Ecuador or the United States who are willing to provide a safe home for her. S. now is in a foster home, where she is thriving and hopes to be adopted by her foster parent.

M., who is from Guinea, and last saw his mother when he was nine years old and she left him at his aunt's home. He has never had any contact with his father, and has no other family members who are willing or able to care for him. He has been in the United States since his aunt sent him away at age 15, making it very clear that she no longer wished to care for him. He is now living in a foster home in New York, where he attends high school, is learning English, and hopes to be either a doctor or a nurse one day.

Without having a path to legal status and the ability to obtain work authorization, all of these young people are particularly vulnerable to exploitation, trafficking, becoming homeless, and victims of crime.

For each undocumented child we represent, LFC may seek to obtain the family court orders needed to apply for SIJS relief, but the children must also have an immigration attorney who can assist with the rest of the process. Navigating the complex immigration legal system is challenging for adults, but is near impossible for young people who do not have an attorney at their side. Consequently, it is not surprising that unaccompanied minors who receive legal representation are up to 24 times more likely to obtain immigration relief and avoid deportation than those not represented by counsel<sup>3</sup>. Appropriately, an Administration for Children's Services policy requires "all youth in foster care who are found to be non-US citizens or do not have documentation of lawful permanent residence must be **referred promptly by the provider agency to immigration legal services providers.**"<sup>4</sup> While LFC represents the vast majority of these unaccompanied children in family court, several organizations in New York City do this critical work in federal immigration court, including, for example, The Door, Kids in Need of Defense, and the Safe Passages Project.

In March, the Trump Administration announced that it was cancelling contracts totaling over \$300 million to legal services providers who represent children in immigration proceedings. This funding has helped support many of the organizations we rely on to provide immigration assistance, and those organizations have announced plans to significantly reduce (if not

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<sup>3</sup> <https://sgp.fas.org/crs/homesec/R43599.pdf>

<sup>4</sup> ACS Policy, Special Immigrant Juvenile Status and Immigration Services, *Policy and Procedure 2013/05*, <https://www.nyc.gov/assets/acs/policies/init/2013/A.pdf> (emphasis in the original).

eliminate) their legal staff. Although the federal government has temporarily ordered a 6-month postponement to the funding cuts, the threat to our clients is real and the potential harm is devastating.

For over 10 years, the City Council's funding has helped screen thousands of young people for immigration issues and provided them with legal services. With funding under threat like never before, we urge the Council to bolster funding for the Unaccompanied Minors Initiative to ensure the greatest number of young people can receive legal representation in their immigration proceedings. Helping put these young people on a path to legal residency makes sound fiscal sense for New York City.