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# Recommended Government Actions to Address the Joint Homelessness and Immigration Crises in NYC

By Chris Mann and Hannah Tager

**win**

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# Background

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**A**s the largest provider of transitional and supportive housing to families with children, Win has always welcomed immigrants to our shelters. We are committed to ensuring a safe place to rest, heal, and recover for all New Yorkers in need, regardless of their immigration status. In trying to level the playing field for all our families, we have devoted extra resources and care this past year to assure that the asylum-seeking clients in our care are set up for success in this City. Amid significant budget cuts and without receiving additional reimbursement, Win has provided food and clothing, legal services, orientation for newcomers, childcare and recreation programming for immigrant youth, income building and employment services when possible, and referrals to physical and mental healthcare. Overall, Win has spent well over \$1 million on unanticipated emergency services and supplies for our migrant families.

History has shown time and again that migration bolsters the economy and the community, and we urge the City to remember this reality.<sup>i</sup> However, the current response from all levels of government to the influx of asylum seekers is unsustainably expensive. Sheltering migrants families can cost nearly \$400 a night, and current expenditures in New York City have exceeded \$2 billion.<sup>ii</sup> As

an alternative response to this unsustainable spending, Win recommends a coordinated, humane, and fiscally responsible approach from the city, state, and federal governments. To outline our recommendations, we have detailed steps at each level of government that will save money and move more families out of shelter and into permanent housing.

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# New York City



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## Implementation of the CityFHEPS Bill Package

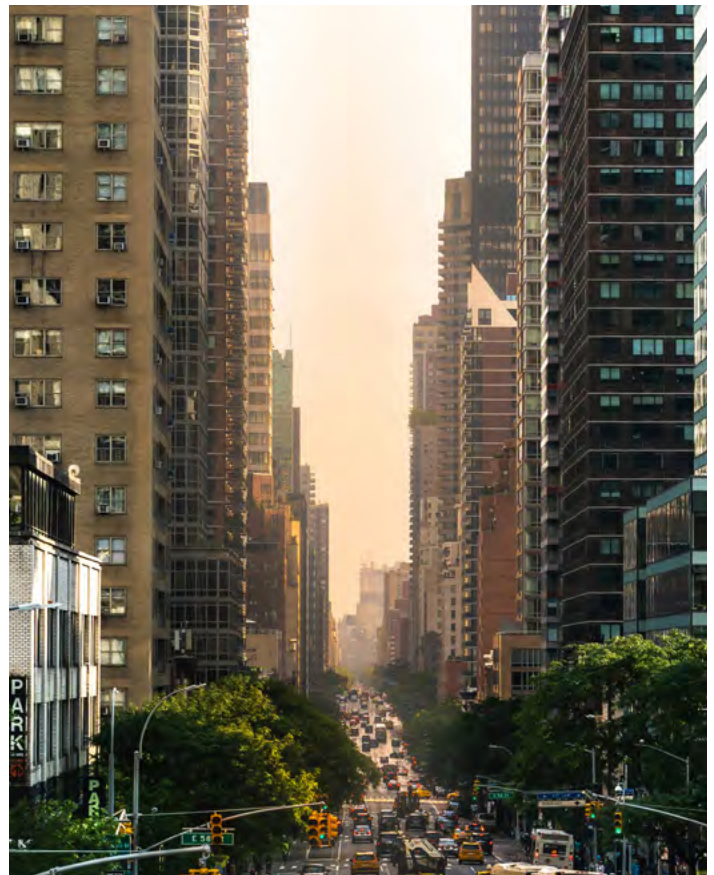
➤ City Hall should implement Local Laws 99, 100, 101 and 102 of 2023 as they would help more than 92,000 New Yorkers gain and maintain housing, save over \$730 million, and relieve the current strain on the shelter system.

On July 13th, the New York City Council overrode the Mayor's veto of legislation that would greatly reform and expand the CityFHEPS rental assistance voucher program. If implemented, these bills will not only help families in shelter move out to permanent housing but also keep families at-risk of eviction in their homes. This bill package would also result in huge savings for the City, and a Win analysis revealed that the expansion could save over \$730 million if the legislation is implemented.<sup>iii</sup>

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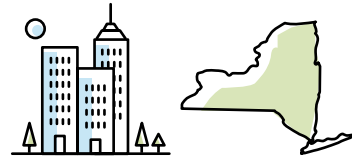
*City Hall should implement Local Laws 99, 100, 101 and 102 of 2023 as they would help more than 92,000 New Yorkers gain and maintain housing, save over \$730 million, and relieve the current strain on the shelter system.*

While noncitizen households remain ineligible for the CityFHEPS voucher, these bills would still slow the shelter census and open safe and quality beds for migrant families who need emergency shelter by moving eligible households into permanent housing. Additionally, the shelter census shows that the expansion of housing vouchers is correlated with a decline in the homeless population and associated costs.<sup>iv</sup> Implementation of these bills could coincide with a drop in homelessness and help more than 92,000 New Yorkers stay and become housed.



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# New York City & State



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## Extend Housing Voucher Eligibility to Households Regardless of Their Immigration Status

➤ New York City and State should expand access to housing vouchers for all families in need, regardless of their immigration status, which could end homelessness for tens of thousands of households and save billions of dollars annually.

Housing vouchers are a proven tool for ending homelessness; nevertheless, migrant families are systemically excluded from accessing them.<sup>v</sup> As a result, these families often become long-term stayers in the shelter system, incurring excessive and unnecessary trauma and costs.

If the City and State were to expand housing subsidies to households regardless of immigration status, more families would be afforded a pathway to permanent housing and shelter capacity would increase. Additionally, the use of housing vouchers instead of emergency shelter for migrant families can result in significant immediate savings—overall, just considering the difference between the cost of emergency hotels and the CityFHEPS voucher, offering migrant households subsidies could produce savings of \$2.9 billion per year.

Noncitizen households, rather than becoming long-term stayers in the shelter system, should have access to long-term solutions that will relieve the shelter system and allow families to truly thrive.

## Uphold the Right to Shelter

➤ New York City and the State should fully comply with the right to shelter for all New Yorkers, which saves money and lives.

The Mayor and Governor recently attempted to roll back the right to shelter, presenting the elimination of this right as a necessary solution to the migrant crisis. Contrary to their claims, eliminating the right to shelter would have no impact on the global forces that are driving migration to New York City, which has and always will attract waves of immigrants. After months of court ordered mediation and strong advocacy against the attempted roll back, a settlement was reached that protects the fundamental right to shelter in New York City.

Although the settlement preserves the right to shelter, the stipulation allows New York City to continue enforcing cruel shelter limits of 30 days for single adults and 60 days for families or youth. Because of these 30- and 60-day shelter limits, thousands of migrants and New Yorkers experiencing homelessness have been forced to leave their shelter placement during the coldest months of the year, displaced from school districts, and removed from their resources. Additionally, these policies are undermining the integrity of our immigration system, as shelter evictions make it effectively impossible for asylum seekers to have a stable address at which they can receive their work authorization and legal papers.<sup>vi</sup>

The stipulation protecting the right to shelter is intended to allow anyone that needs shelter to be able to reapply after the 30 and 60 day limits; however, the city has yet to come into compliance with the settlement. To ensure that every New Yorker has the shelter they need and to which they are legally entitled, the City must comply with the agreed-upon settlement and work together with the State to ensure that arbitrary shelter limits are eliminated.

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# New York State



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## **Issue New York Work Permits for Asylum Seekers**

➤ [New York State legislators should pass legislation to allow the State to issue its own work permits.](#)

There are 460,000 unfulfilled jobs in New York State, 39,674 of which have been specifically identified by 1,029 companies as being open to asylum-seekers with work authorization.<sup>vii</sup> However, less than 10% of the over 150,000 immigrants who have arrived in New York State in the past year have applied for asylum.<sup>vii</sup> Even fewer have been granted work authorization, as applicants must wait at least six months before they can apply for work authorization and then even longer for a determination.

In response, state legislators should pass the Asylum Seeker Work Permit Act, which would grant two-year state work permits for migrants who have applied for asylum. This legislation represents a creative state-level solution to the inaction from the federal government to expedite work authorization. In addition to potentially paving a path forward to work authorization for asylum seekers, passing legislation for state work permits would also apply pressure on the federal government to fix the lengthy federal process of securing work permits.

## **Pass the Housing Access Voucher Program (HAVP)**

➤ [The State Legislature should pass and fund HAVP to end and prevent homelessness for Up to 30,000 New Yorkers.](#)

There are over 150,000 New Yorkers without a home and more than 175,000 households at risk of eviction and potentially homelessness.<sup>ix, x</sup> Additionally, federal vouchers only serve about a quarter of all eligible households. In response, a state level voucher is necessary to address the present need and also expand the reach of subsidies for families who are currently ineligible for housing subsidies because of their immigration or criminal justice status.

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HAVP would direct \$250 million in the state budget to create a flexible, statewide Section 8 like voucher to subsidize housing for the lowest income New Yorkers, both for those currently experiencing homelessness and for those at risk of eviction. HAVP is estimated to provide up to 13,000 vouchers and help as many as 30,000 New Yorkers avoid the trauma of homelessness. Cities and towns across the state will be able to use these vouchers to help people experiencing homelessness find permanent homes or issue them to low-income New Yorkers at risk of becoming homeless.

## **Establish the Right to Legal Counsel in Immigration Court Proceedings**

➤ The New York State Legislature should pass and fund the Access to Representation Act A.170/S.999, which establishes the right to legal counsel in immigration court proceedings and provides for the administration thereof.

There are nearly 200,000 pending cases in immigration court, representing future citizens and earning taxpayers.<sup>xi</sup> However, only a fraction of immigrants—37% nationally—have legal representation in their removal cases.<sup>xii</sup> The majority of defendants in deportation cases, who may have strong and valid claims for an immigration status, are left to navigate detention and deportation while effectively disenfranchised.

Legal representation for deportation cases ensures fair proceedings and upholds the integrity of the law, as studies show that immigrants in detention with legal representation are 10 times more likely to win their right to remain in the United States.<sup>xiii</sup> Money spent upfront on legal services will significantly reduce the City’s long-term costs, as investments in legal services are essential to creating pathways to self-sufficiency for New Arrivals. New York State should provide the right to counsel in deportation proceedings to strengthen the immigration system and allow asylum seekers to contribute legally and safely to the economy.

## **Resettle Families Throughout the State by Investing More Resources in the Migrant Relocation Assistance Program (MRAP)**

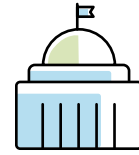
New York City should not be left to care for all newly arriving migrants by itself. MRAP, a program

designed to help relocate up to 1,250 families outside of New York City, has the potential to significantly reduce the burden on NYC.<sup>xiv</sup> The program is designed to connect asylum seeking and TPS eligible households with rental assistance and social services such as case management to help them establish roots and find jobs in areas that tend to have a lower cost of living than NYC. Yet, the State has failed to invest the necessary resources into the program, having moved fewer than 200 families since it was approved in May 2023. The State must make MRAP a priority and invest the necessary monetary and programmatic resources to get MRAP moving and resettle all 1,250 families and more.



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# U.S. Federal Government



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## Redesignate Temporary Protected Status (TPS) for Colombia, Honduras, Ecuador, Nicaragua, and El Salvador

➤ The Department of Homeland Security should redesignate TPS for additional countries, providing financial and humanitarian benefits for hundreds of thousands of immigrants.

Currently, TPS applicants from Central America are required to have lived in the United States for more than two decades to be eligible, and newly arrived asylum seekers from TPS designated countries are left with no status or ability to work legally once they arrive to the United States. The Department of Homeland Security should redesignate TPS for Colombia, Honduras, Ecuador, Nicaragua, and El Salvador, since the federal government continues to acknowledge the continuing threat of returning to these countries by renewing their TPS eligibility status but has not allowed new TPS registrations since 2018.

TPS provides immediate humanitarian relief by awarding legal status and a sanctuary for individuals fleeing violence, political persecution, natural disaster, or other extraordinary conditions. In return, immigrants who are granted TPS contribute significantly to the economy and workforce. TPS holders have contributed over \$2 billion in taxes and have a higher rate of entrepreneurship (14.5%) than U.S. born individuals (9.3%).<sup>xv</sup> Studies show that expanding TPS to additional countries would allow undocumented immigrants living in the United States to get better jobs, earn higher incomes, and contribute nearly twice as much to taxes as their undocumented counterparts.<sup>xvi</sup>

## Extend Humanitarian Parole

➤ U.S. Customs and Border Protections should extend the ability to access humanitarian or significant public benefit parole to those within the United States.

To achieve employment and economic autonomy, immigrant families need to receive work authorization as soon as possible once they've submitted their asylum claim. For immigrants who are granted parole, this change would mean that individuals could immediately apply for employment authorization documents without having to take the step of applying for asylum before becoming eligible. The power to grant parole is extremely flexible and has been used for the existing parole programs from Ukraine, Cubans, Haitians, Nicaraguans, and Venezuelans who are outside of the United States.

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Parole can also be used for those granted entry from the border, and U.S. Customs and Border Protections should grant at least one year of parole to those within the United States. Parole will provide all the economic benefits of allowing immigrants to work legally and safely, sooner. Not only would this potentially reduce the number of asylum applications that might be filed, extending parole would also generate money for USCIS as an EAD under the parole category ©(11), requires a fee, unlike an EAD filed as an applicant for asylum.

### **Amend the Required and Arbitrary Wait Time (EAD Clock) for Asylum Seekers to Access Work Authorization**

➤ **Congress and the President should shorten the required and arbitrary wait time (EAD clock) for asylum seekers to access work authorization from 180 to 30 days.**

At present, asylum applicants must wait 180 days after they apply for asylum to apply for work authorization. In addition to this mandated waiting period, applicants often must wait even longer to receive their determination and begin work, as the administrative backlog for work authorization is causing an average waiting period of seven months.<sup>xvii</sup> This period for asylum seekers, especially those in shelter, can be devastating, as employment is critical for families to move out on their own or qualify for housing subsidies.

President Biden and Congress should therefore amend the required and arbitrary wait time for asylum seekers to access work authorization from 180 to 30 days. Our clients constantly emphasize their eagerness to work legally and safely, and a stable and safe job will allow families to move out of shelter on their own or qualify for housing subsidies.

### **Provide Additional Financial Resources to New York State**

➤ **The Federal Government should send funding to support New York City and the State's response to the migrant crisis.**

In the absence of adequate federal humanitarian aid, New York City has had to shoulder the high cost of the influx of asylum seekers almost entirely on its own. Without additional federal resources, the City has not been able to increase funding to organizations like Win that are providing services to asylum seekers, leaving New York City and front-line organizations with major budget deficits.

The federal government should immediately allocate and send significant funding for New York City to use for food, shelter, and resources for migrant families. The federal government should commit to paying at least one third of expenses incurred by New York city and state both retroactively and moving forward so that the City and State can continue to provide services to the growing number of New Yorkers arriving.



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# All Levels of Government



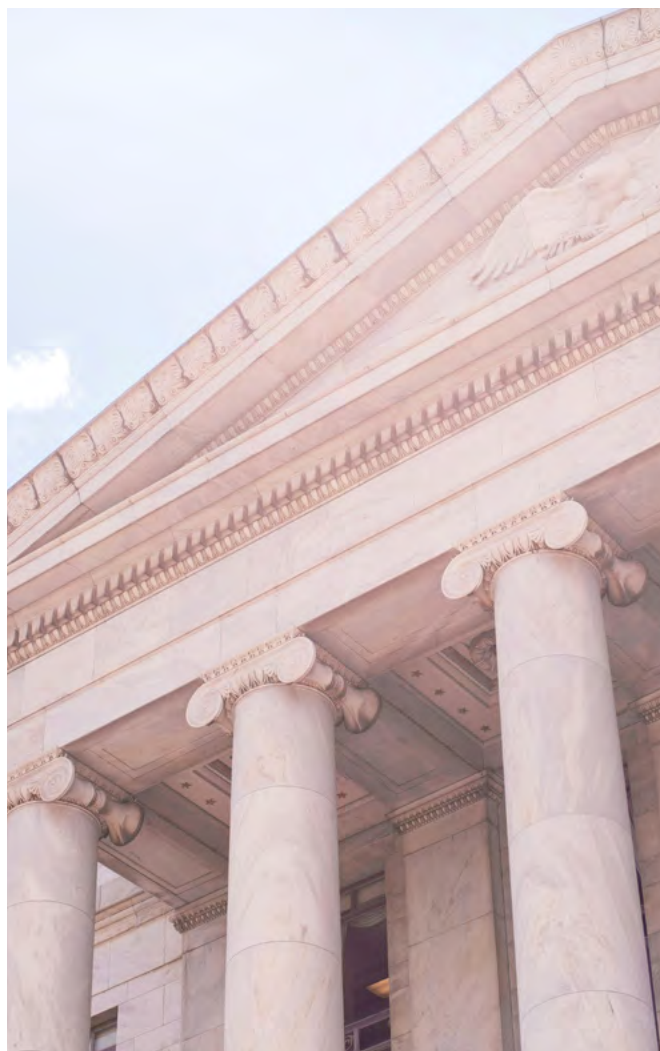
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## Invest in Legal Assistance

➤ Fund legal aid to safely and sustainably allow migrants to work and exit shelter.

There is a one-year window to apply for asylum, but the majority of the asylum seekers in the care of New York City have still not applied. For those that don't apply in time, the likelihood of remaining in the country legally diminishes almost entirely. Without additional investments in legal aid, thousands of asylum seekers will lose their one opportunity to attain legal status and will instead be relegated to living in the US illegally with no ability to legally work, pay taxes, or support themselves and their families.

It is therefore critical that all three levels of government prioritize legal assistance for asylum seekers to help them complete the initial asylum application and then work authorization. An upfront investment in legal services will significantly reduce the long-term costs of asylum seekers to the city. Legal aid is essential for asylum seekers to be able to work legally and pay taxes and puts new arrivals on the path to self-sufficiency.



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# Appendix

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- i <https://comptroller.nyc.gov/newsroom/mythbusting-amid-rising-anti-immigrant-rhetoric-comptroller-lander-unveils-fact-sheet-on-how-immigrants-benefit-new-york-city/>
- ii <https://ny1.com/nyc/all-boroughs/politics/2023/10/23/city-officials-provide-little-details-on-daily-migrant-spending>
- iii <https://winnyc.org/wp-content/uploads/2023/07/CityFHEPS-Bill-Packagev5.pdf>
- iv <https://winnyc.org/wp-content/uploads/2023/08/Housing-Instead-of-Emergency-Shelter-for-Asylum-Seekersbriefv4.pdf>
- v <https://comptroller.nyc.gov/reports/review-of-the-new-york-city-department-of-homeless-services-programs-and-services/>
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- vii <https://citylimits.org/2024/01/11/state-initiative-identifies-nearly-40k-jobs-open-to-immigrants-with-work-permits/#:~:text=Since%20the%20initiative%20launched%2C%20the,been%20filled%20is%20less%20clear>
- viii <https://nypost.com/2023/11/10/metro/2-of-the-140k-migrants-who-came-to-nyc-have-applied-for-work-permits/>
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- xi [https://trac.syr.edu/phptools/immigration/court\\_backlog/](https://trac.syr.edu/phptools/immigration/court_backlog/)
- xii <https://nylag.org/the-fair-proceedings-act-a-powerful-step-towards-securing-legal-aid-for-the-most-vulnerable-immigrants/#:~:text=According%20to%20an%20American%20Immigration,their%20case%20without%20legal%20representation>
- xiii <https://www.vera.org/advancing-universal-representation-toolkit/the-case-for-universal-representation-1#:~:text=Research%20has%20consistently%20demonstrated%20a,studies%20have%20found%20similar%20results>
- xiv <https://nysfocus.com/2023/08/29/new-york-migrant-crisis-relocation-program>
- xv [https://www.americanimmigrationcouncil.org/sites/default/files/research/contributiontemporaryprotectedstatus\\_0923.pdf](https://www.americanimmigrationcouncil.org/sites/default/files/research/contributiontemporaryprotectedstatus_0923.pdf)
- xvi <https://www.americanimmigrationcouncil.org/research/adding-billions-tax-dollars-paid-undocumented-immigrants#:~:text=Legal%20status%20enables%20immigrants%20to,at%20all%20levels%20of%20government>
- xvii <https://www.federalregister.gov/documents/2022/05/04/2022-09539/temporary-increase-of-the-automatic-extension-period-of-employment-authorization-and-documentation>

# About Win

Since its founding to provide emergency shelter to four homeless women and their children, Win has grown into the largest provider of family shelter and supportive housing in New York City and the country. Win offers transitional housing and permanent supportive housing that's coupled with programs and services developed to support long-term housing stability. All of Win's services are guided by its mission—to transform the lives of New York City homeless families with children by providing the safe housing, critical services, and the ground-breaking programs they need to succeed on their own—so families can regain their independence and children can look forward to a brighter future.





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